

Wednesday, November 6, 2024, 7:00 P.M.

A quorum of Planning Commission will be in attendance at
Tracy City Hall Chambers, 333 Civic Center Plaza, Tracy
Web Site: www.cityoftracy.org

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

MEMBERS OF THE PUBLIC MAY PARTICIPATE REMOTELY IN THE MEETING VIA THE FOLLOWING METHOD:

As always, the public may view the Planning Commission meetings live on the City of Tracy's website at CityofTracy.org or on Comcast Channel 26/AT&T U-verse Channel 99. To view from the City's website, open the "Government" menu at the top of the City's homepage and select "Planning Commission", then select "[Planning Commission Meeting Videos](#)" under the "Boards and Commissions" section.

If you only wish to watch the meeting and do not wish to address the Planning Commission, the City requests that you stream the meeting through the City's website or watch on Channel 26.

Remote Public Comment:

During the upcoming Planning Commission meeting public comment will be accepted via the options listed below. If you would like to comment remotely, please follow the protocols below:

- *Comments via:*
 - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following
 - **Event Number: 2554 750 1728** and **Event Password:** Planning
 - ***If you would like to participate in the public comment anonymously***, you may submit your comment in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting Anonymous@example.com when prompted to provide an email address.
 - Join by phone by dialing +1-408-418-9388, 2554 750 1728, #75266464# Press *3 to raise the hand icon to speak on an item.

- *Protocols for commenting via WebEx:*
 - *If you wish to comment on the "New Business" or "Items from the Audience" portions of the agenda:*
 - *Listen for the Chair to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
 - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
 - *Comments for the "New Business" or "Items from the Audience" portions of the agenda will be accepted until the public comment for that item is closed.*

Comments received on Webex outside of the comment periods outlined above will not be included in the record.

Americans With Disabilities Act – The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Planning Commission meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6105) 24 hours prior to the meeting.

Addressing the Planning Commission on Items on the Agenda – The Brown Act provides that every regular Planning Commission meeting shall provide an opportunity for the public to address the Planning Commission on any item within its jurisdiction before or during the Planning Commission’s consideration of the item, provided no action shall be taken on any item not on the agenda. To facilitate the orderly process of public comment and to assist the Planning Commission to conduct its business as efficiently as possible, members of the public wishing to address the Planning Commission are requested to, but not required to, hand a speaker card, which includes the speaker’s name or other identifying designation and address to the City Clerk prior to the agenda item being called. Generally, once the Planning Commission begins its consideration of an item, no more speaker cards will be accepted. An individual’s failure to present a speaker card or state their name shall not preclude the individual from addressing the Planning Commission. Each citizen will be allowed a maximum of five minutes for input or testimony. In the event there are 15 or more individuals wishing to speak regarding any agenda item including the “Items from the Audience/Public Comment” portion of the agenda and regular items, the maximum amount of time allowed per speaker will be three minutes. When speaking under a specific agenda item, each speaker should avoid repetition of the remarks of the prior speakers. To promote time efficiency and an orderly meeting, the Presiding Officer may request that a spokesperson be designated to represent similar views. A designated spokesperson shall have 10 minutes to speak. At the Presiding Officer’s discretion, additional time may be granted. The City Clerk shall be the timekeeper.

Addressing the Planning Commission on Items not on the Agenda – The Brown Act prohibits discussion or action on items not on the posted agenda. The City Council’s Meeting Protocols and Rules of Procedure provide that in the interest of allowing Planning Commission to have adequate time to address the agenda items of business, “Items from the Audience/Public Comment” following the Consent Calendar will be limited to 15-minutes maximum period. “Items from the Audience/Public Comment” listed near the end of the agenda will not have a maximum time limit. A five-minute maximum time limit per speaker will apply to all individuals speaking during “Items from the Audience/Public Comment”. For non-agendized items, Planning Commissioners may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to Planning Commission. When members of the public address the Planning Commission, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

Notice – A 90-day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a Planning Commission action in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the Planning Commission prior to or at the public hearing.

Full copies of the agenda are available on the City’s website: www.cityoftracy.org.

MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ACTIONS, BY MOTION, OF PLANNING COMMISSION PURSUANT TO AB 2449, IF ANY

ROLL CALL

MINUTES – 10.09.2024

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Council Meeting Protocols and Rules of Procedure, adopted by Resolution No. 2019-240, a five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Planning Commissioners may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to the Planning Commission.*

1. NEW BUSINESS

1.A STAFF RECOMMENDS THAT THE PLANNING COMMISSION: ADOPT A RESOLUTION APPROVING A ONE-YEAR EXTENSION OF THE 226-LOT ROCKING HORSE VESTING TENTATIVE SUBDIVISION MAP, TO OCTOBER 5, 2025.

2. ITEMS FROM THE AUDIENCE

3. DIRECTOR'S REPORT

4. ITEMS FROM THE COMMISSION

5. ADJOURNMENT

Posted: October 31, 2024

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection via the City of Tracy website at www.cityoftracy.org.

**MINUTES
TRACY CITY PLANNING COMMISSION
REGULAR MEETING
OCTOBER 9, 2024, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Chair Orcutt led the pledge of allegiance.

ROLL CALL

Roll Call found, Commissioner Penning, Vice Chair Atwal, Commissioner Boakye-Boateng and Chair Orcutt present. Commissioner English absent. Also present were Scott Claar, Acting Planning Manager; Miranda Aguilar, Planning Technician and Lorena Rivera, Administrative Assistant. Bijal M. Patel, City Attorney, was present via WebEx.

MINUTES

Chair Orcutt introduced the Regular Meeting Minutes from the August 14, 2024 and August 28, 2024, Planning Commission Regular Meeting.

ACTION: It was moved by Commissioner Atwal and seconded by Vice Chair Penning to approve the August 14, 2024 and August 28, 2024 Planning Commission Regular Meeting Minutes. A voice vote found Chair Orcutt, Vice Chair Atwal, Commissioner Boakye-Boateng, and Commissioner Penning in favor. Commissioner English absent. Passed and so ordered; 4-0-1-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

None.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

- A. STAFF RECOMMENDS THAT THE PLANNING COMMISSION CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE SCHULTE ROAD WAREHOUSE PROJECT.**

Scott Claar, Acting Planning Manager, introduced Elise Laws, Consultant.

Elise Laws, consultant, gave a presentation and addressed the Commissioners questions.

Chair Orcutt opened the Public Hearing at 7:03 p.m.

Liz Sutton, resident and contractor of Tracy, in favor of the project.

Seeing as no one else came forward, Chair Orcutt closed the Public Hearing at 7:29 p.m.

Additional discussion continued.

ACTION: No Planning Commission action is necessary for this agenda item.

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

None.

4. ITEMS FROM THE COMMISSION

None.

5. ADJOURNMENT

ACTION: It was moved by Chair Orcutt and seconded by Commissioner Atwal to adjourn.

Time: 7:29 p.m.

CHAIR

STAFF LIAISON



PLANNING COMMISSION STAFF REPORT

Item No. 1.A

DATE	November 6, 2024
TITLE	Rocking Horse Extension of Vesting Tentative Subdivision Map
LOCATION	East side of Lammers Road, north of Redbridge Road (APNs 240-060-26 and 240-060-27)
APPLICATION TYPE	Extension (EXT24-0002)
APPLICANT(S)	Calandev, LLC and Jennifer Chen
PROPERTY OWNER(S)	Calandev LLC and Jennifer Chen
CEQA STATUS	Consistent with the 2016 Mitigated Negative Declaration

RECOMMENDATION

Staff recommends that the Planning Commission:

- a) Adopt a resolution approving a one-year extension of the 226-lot Rocking Horse Vesting Tentative Subdivision Map, to October 5, 2025.

PROJECT DESCRIPTION

Project Site

The project site is 58 acres, rectangular in shape, flat, and bordered on the south and east by single-family homes (the Redbridge subdivision). The adjacent lands to the north and west are row crops outside of the City limits (Attachment 1, Vicinity Map).

Site History

The parcel was annexed into the City in 1998. On April 5, 2016, City Council approved a Vesting Tentative Subdivision Map and PUD rezoning for a 226-lot single-family home project (Attachment 2). On December 4, 2018, a three-year extension was granted, pursuant to Government Code Section 66452.6(a)(1), causing a new expiration date of April 5, 2021. The map was again extended for 18 months in 2021, via Assembly Bill 1561, which automatically extended subdivision maps that had been approved prior to March 4, 2020, and were set to expire prior to December 31, 2021, due to the effects of the Coronavirus pandemic. That caused a new expiration date of October 5, 2022. An additional two-year extension was granted by the Planning Commission in 2022. and prior to that expiration, the applicant submitted a request to extend the life of the approval by an additional year (To October 5, 2025), the last remaining discretionary extension currently available under the provisions of the Subdivision Map Act. City staff is recommending that the Planning Commission grant the one-year time

extension (to October 5, 2025) and determine that the project is consistent with the Mitigated Negative Declaration dated April 5, 2016.

Next Steps

The extension of the Vesting Tentative Subdivision Map would allow for the subdivision of the property into 226 lots and facilitate the construction of single-family homes. The new lots comply with the standards established in the Planned Unit Development Zone in which they are located, and will be consistent in size and layout with the surrounding lots to the east and south that were developed in the early 2000's.

Initially, construction was anticipated shortly after the map's approval in 2016, however, the developer at the time, as they worked toward their first final map, ultimately determined not to move forward with construction at that time. The property owners now have a builder interested in completing the subdivision and building the project as approved, but need more time to complete the necessary steps to begin construction before the Vesting Tentative Subdivision Map expires, hence the request for an extension. They have been working diligently with the City's Engineering Division to understand the requirements and timing for the final map(s) and construction.

CEQA DETERMINATION

During the evaluation of the original project, a Mitigate Negative Declaration (MND) was completed and circulated for public review. On April 5, 2016, Council concurrently approved the MND, as well as the Vesting Tentative Subdivision Map and rezoning of the property for future development. There are no proposed changes to the approved project, therefore, this map extension is consistent with that MND and no further environmental review is necessary.

STATUTORY REFERENCE AND PROCESS

The approval of an extension of a Vesting Tentative Subdivision Map requires approval by the Planning Commission per TMC Chapter 12.16.

A Public Hearing is required for Planning Commission consideration of this extension request. A Public Hearing Notice was mailed to all owners of property within 300 feet of the project site, posted on the City website, and published in the Tracy Press.

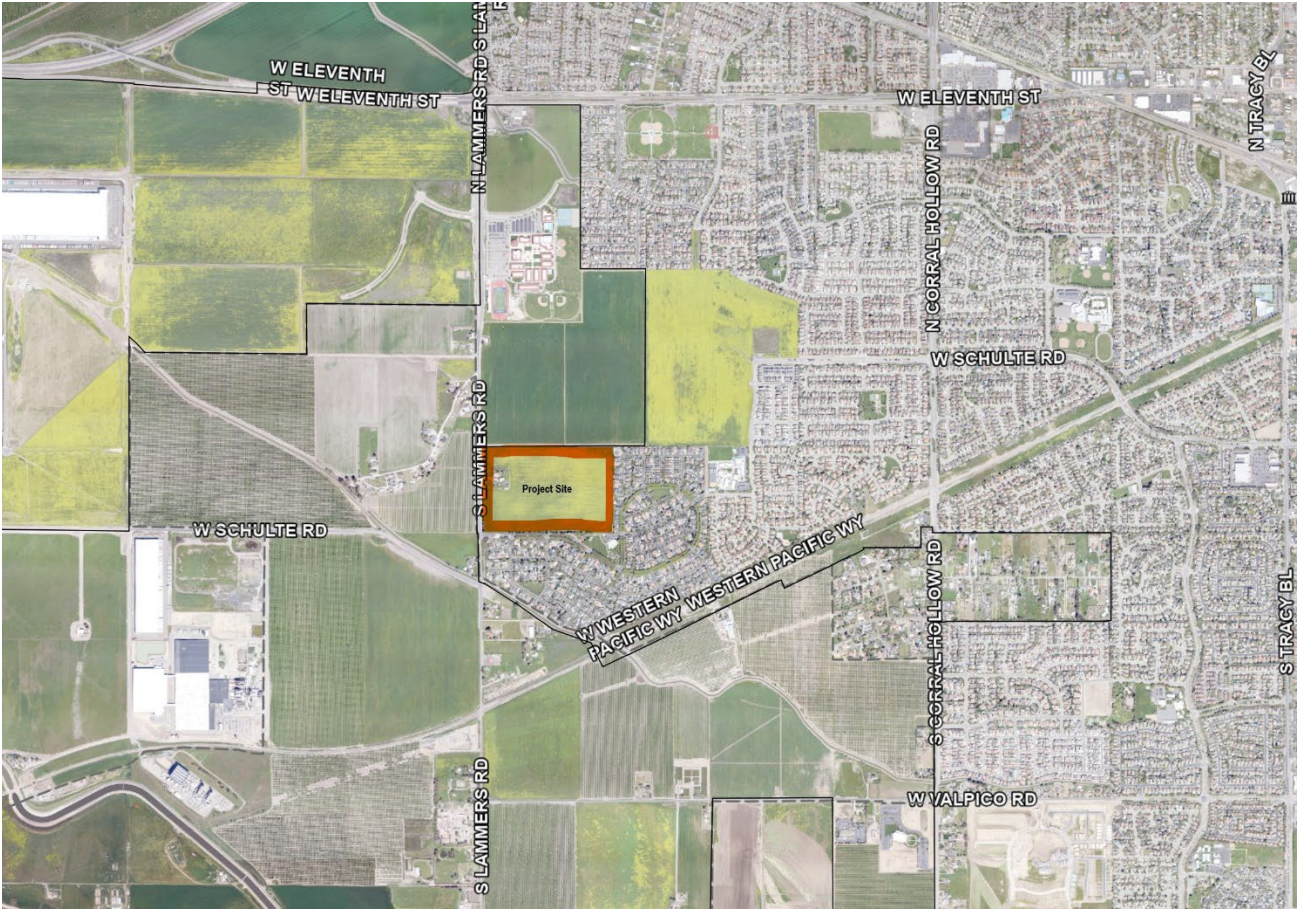
SUMMARY

In summary, the applicant requests approval of a one-year extension of the Rocking Horse Vesting Tentative Subdivision Map, to October 5, 2025.

ATTACHMENTS

1. Vicinity Map
2. Approved Vesting Tentative Subdivision Map
3. Resolution

Vicinity Map



APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION NO. 2024-_____

RESOLUTION APPROVING A ONE-YEAR TIME EXTENSION FOR VESTING TENTATIVE SUBDIVISION MAP (TSM15-0001) TO CREATE A 226-LOT SUBDIVISION AND CONSTRUCT 226 SINGLE FAMILY HOMES LOCATED ON THE EAST SIDE OF LAMMERS ROAD NORTH OF REDBRIDGE ROAD, ASSESSOR'S PARCEL NUMBERS 240-060-26 AND 240-060-27. THE PROPERTY OWNERS ARE CALANDEV, LLC AND JENNIFER CHEN, APPLICANT IS CONCENTRIC DEVELOPMENT, APPLICATION NUMBER EXT24-0002.

WHEREAS, The subject property was annexed to the City of Tracy in 1994 as a part of a larger subdivision, and has a zoning designation of Planned Unit Development, and

WHEREAS, The proposed map is consistent with the General Plan, and Title 12, the Subdivision Ordinance, of the Tracy Municipal Code. The General Plan designation of the property is Residential Low, which provides for a density range of 2.1 to 5.8 dwelling units per acre. The General Plan identifies "conventional single-family dwelling units" as the "likely principal type of housing stock" within the Residential Low land use designation. The Rocking Horse project proposes single-family detached homes with an average density of 3.9 dwelling units per gross acre, and

WHEREAS, The site is physically suitable for the type of development, as the site is virtually flat. The physical qualities of the property make it suitable for residential development in accordance with City standards, and

WHEREAS, The site is physically suitable for the proposed density of development. The 3.9 dwelling units per gross acre proposed is consistent with the allowable density range prescribed by the General Plan. The density is consistent with the residential development adjacent to the subject property. Traffic circulation is designed in accordance with City standards for the proposed density to ensure adequate traffic service levels are met, and

WHEREAS, The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. A Mitigated Negative Declaration was approved for the project on April 5, 2016, and the extension remains consistent with that environmental study, and

WHEREAS, The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision, and

WHEREAS, The project complies with all other applicable ordinances, regulations and guidelines of the City, including but not limited to, the local floodplain ordinance. The subject property is not located within any floodplain and the project, with conditions, will meet all applicable City design and improvement standards, and

WHEREAS, All the public facilities necessary to serve the subdivision will be in place prior to the issuance of building permits. All the public facilities necessary to serve the subdivision or mitigate the impacts created by the subdivision will be assured through a subdivision improvement agreement prior to the approval of a final map, and

WHEREAS, City Council conducted a public hearing to review and consider the Vesting Tentative Subdivision Map and PUD Zoning on April 5, 2016 and approved the project, and

WHEREAS, Previous extensions to the Vesting Tentative Subdivision Map were granted by the Planning Commission on December 4, 2018, and by Assembly Bill 1561 in 2020, and by Planning Commission on November 2, 2022 causing the expiration date of the map to be October 5, 2024, and

WHEREAS, An application for an additional extension, pursuant with the regulations of Government Code Section 66452.6(e) was submitted prior to the expiration of the map and evaluated by staff, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider an extension of the project approvals on November 6, 2024; now, therefore be it

RESOLVED: That the Planning Commission hereby determines that the project is consistent with the Mitigated Negative Declaration approved by City Council on April 5, 2016, and be it

FURTHER RESOLVED, That the Planning Commission does hereby approve a one-year time extension for the Rocking Horse Vesting Tentative Subdivision Map (TSM15-0001) to subdivide the project for the construction of 226 single-family homes located on the east side of Lammers Road, north of Redbridge Road, Application Number EXT24-0002, subject to the conditions stated in Exhibit "1", attached and made part hereof;

The foregoing Resolution 2024-____ was adopted by the Planning Commission on November 6, 2024, by the following vote:

Resolution Number _____
Rocking Horse; EXT24-0002
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AYES: COMMISSION MEMBERS:
NOES: COMMISSION MEMBERS:
ABSENT: COMMISSION MEMBERS:
ABSTENTION: COMMISSION MEMBERS:

CHAIR

ATTEST: _____
STAFF LIAISON

**CITY OF TRACY
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
CONDITIONS OF APPROVAL**

Rocking Horse Conditions of Approval Application Numbers
PUD15-0001 and TSM15-0001
Updated November 6, 2024

These Conditions of Approval shall apply to the real property described as the Rocking Horse Development Project of 226 single-family residential lots on approximately 59.1 acres located on the east side of Lammers Road, north of Redbridge Road. Assessor's Parcel Numbers 240-060-26 and 240-060-27; Application Number PUD15-0001.

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 (also known as Urban Management 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 Rocking Horse development project, consisting of 226 single-family residential lots on approximately 59.1 acres located on the east side of Lammers Road, north of Redbridge Road. Assessor's Parcel Numbers 240-060-26 and 240-060-27, Application Number PUD15-0001. The Conditions of Approval shall specifically include all Development Services Department conditions, including Planning Division and Engineering Division conditions set forth herein.
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 the real property consisting of approximately 59.1 acres located on the east side of Lammers Road, north of Redbridge Road. Assessor's Parcel Numbers 240-060-26 and 240-060-27, Application Number PUD15-0001.
7. "Property" means the real property generally located on the east side of Lammers Road, north of Redbridge Road. Assessor's Parcel Numbers 240-060-26 and 240-060-27.

8. "Subdivider" 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. "Subdivider" also means Developer. The term "Developer" shall include all successors in interest.

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, 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 Rocking Horse Development Project Mitigated Negative Declaration dated November 2015.

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) will begin 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 received by the Development Services Department on January 5, 2016. .

6. 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 and the approved plan, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, and the applicable Department of Water Resources Model Efficient Landscape Ordinance on private property, and the Parks and Parkways Design Manual for public property, to the satisfaction of the Development Services Director. Newly planted, on-site trees shall be a minimum size of 24-inch box and shrubs shall be a minimum size of five gallons.

7. Prior to final inspection for any residential unit of the project, the Developer shall construct a nine-foot tall masonry wall (as measured from the taller grade on either side of the wall) along the project's west property line, consistent with requirements of the project's

environmental mitigation measures related to noise attenuation. The wall shall be designed consistent with the approved plans and subject to final approval by the Development Services Director, and may include mounding on the west side of the wall to reduce its effective visual height as seen from Lammers Road.

8. 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 Public Works 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, 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 Public Works Director prior to issuance of grading or building permits. The project was deemed complete prior to the new stormwater regulations adopted by the City. Stormwater treatment shall be consistent with the approved plans, subject to approval by the City's Engineering Division.

9. 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.

10. The developer shall design and construct all buildings with fire sprinklers in accordance with City Regulations to the satisfaction of the Chief Building Official.

11. The on-site interim storm drainage basin in the northeast portion of the site shall be fenced to provide both visual relief of the basin until such time as a permanent off-site basin is constructed. The color, material, and other design elements of the fence, which shall also include perimeter landscaping to help soften its appearance, shall be compatible with the residential neighborhood, and the height shall be the minimum necessary to provide reasonable security but not over 72 inches tall, to the mutual satisfaction of the Developer and the Development Services Director.

12. The project shall utilize a total of 28 different building elevations, consistent with requirements of the City Design Standards and Guidelines and the project Planned Unit Development provisions. The final design plans shall be subject to review and approval of the City Council prior to the issuance of any building permits.

13. All common area lots and open spaces, including landscaping, shall be maintained by the Project homeowner's association (HOA). Final covenants, conditions and restrictions (CC&Rs) shall be submitted to the City for review and approval prior to their recordation. The CC&Rs shall be recorded prior to City issuance of a grading plan or improvement plans for the Project.

14. Final design plans shall be provided for the entry feature to the project located along Crossroads Drive, providing for additional architectural detailing of the features.

15. The Emergency Vehicle Access (EVA) connecting the project to Lammers Road shall be built subject to Fire Department and Engineering Division approval, including with respect to width, loads, turn radius, and use of gates or other barriers. The EVA shall be converted to a pedestrian and bicycle pathway after elimination of the EVA once the secondary street connection to Crossroads Drive is constructed at the northeast corner of the project. The design of the pedestrian and bicycle pathway shall be subject to review and approval of the Development Services Director, and the pathway shall be subject to maintenance by the project Homeowner's Association.

16. The developer shall be required to pay all applicable City impact fees, including park fees. No fee credit shall be given for the developer construction of the 2.4-acre private park.

17. The 2.4-acre private park shall be designed for the recreational use of the project residents. The amenities included will be designed, constructed, and maintained at the discretion of the developer and the homeowner's association, but shall comply with the all applicable City Standards for private property landscaping, including, but not limited to water-efficient landscape and stormwater design standards.

18. Before approval of the first building permit, the applicant shall do one of the following, subject to the approval of the Administrative Services Director:

a. CFD or other funding mechanism. The applicant shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that prior to final inspection or certificate of occupancy, the applicant will form a Community Facilities District (CFD) or establish another lawful funding mechanism that is reasonably acceptable to the City for funding the on-going operational costs of providing Police services, Fire services, Public Works services and other City services to serve the Project area. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment.

Or

b. Direct funding. The applicant shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that prior to final inspection or certificate of occupancy, the applicant will fund a fiscal impact study to be conducted and approved by the City to determine the long term on-going operational costs of providing Police services, Fire services, Public Works services and other City services to serve the Project area, and deposit with the City an amount necessary, as reasonably determined by the City, to fund the full costs in perpetuity as identified by the approved study.

C. Building Division and Fire Prevention Conditions of Approval

1. NFPA 13-R automatic sprinkler systems and fire and smoke alarm systems are required with monitoring.

2. Provide "No Parking" signage along both sides of Crossroads Drive.

3. Prior to the issuance of the 151st building permit, the developer shall fund the cost of a new Type-I Fire Pumper Apparatus per the requirements of the Citywide Public Safety Master Plan dated 3/21/13, in an amount not to exceed the estimated cost of said

equipment (\$500,000).

D. Streets, Streetlights and Sidewalks

Before approval of the first Final Map or issuance of any building permit for the Property (except for up to ten (10) model homes), Subdivider shall provide for perpetual funding of the on-going costs of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping on the Property (including all costs required by PG&E), by doing one or more of the following, subject to the approval of the City's Finance Director:

- a. Community Facilities District. Subdivider shall enter into an agreement with the City, to be signed by the Finance Director, which shall be recorded against the Property, which requires that prior to the issuance of a certificate of occupancy for a residential dwelling unit, Subdivider shall complete the annexation of the Property to City of Tracy Community Facilities District in compliance with the requirements of the Mello – Roos Community Facilities Act of 1982 (Gov. Code § 53311 et seq.) including, without limitation, affirmative votes, and the recordation of a Notice of Special Tax Lien. Subdivider shall be responsible for all costs associated with the CFD proceedings.

Or

- b. HOA and dormant CFD. If the HOA is the chosen funding mechanism, the Subdivider must do the following:
 - (1) Form a Homeowner's Association (HOA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going costs of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping on the Property (including all costs required by PG&E);
 - (2) Cause the HOA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property prior to the final inspection or occupancy of the first dwelling (except for up to ten (10) model homes), setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) to ensure the long-term operation, maintenance and replacement by the HOA for the traffic signals, streetlights, and street sweeping on the Property;
 - (3) Before final inspection or occupancy of the first dwelling (except for up to ten (10) model homes), annex into a CFD in a "dormant" capacity, to be triggered if the HOA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping on the Property. The dormant tax or assessment shall be disclosed to all homebuyers and non-residential property owners, even during the dormant period.

- c. Direct funding. Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which requires that prior to issuance of a certificate of occupancy for a residential dwelling unit, Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the on-going costs of operation, maintenance and replacement for the streets, streetlights, and sidewalks on the Property (including all costs required by PG&E).

If the provisions for adequate funding of the on-going costs of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping on the Property (including all costs required PG&E) are met prior to issuance of the first building permit for the Property, subject to the Finance Director's review and approval, the terms of this condition shall be considered to have been met and this condition shall become null and void.

D.1. Police/Public Safety & Public Works

Before approval of the first Final Map or issuance of any building permit for the Property (except for up to ten (10) model homes), Subdivider shall provide for perpetual funding of the on-going costs of providing Police and public safety and Public Works services for the Property, by doing one of the following, subject to the approval of the City's Finance Director:

- a. Community Facilities District. Subdivider shall enter into an agreement with the City, to be signed by the Finance Director, which shall be recorded against the Property, which requires that prior to the issuance of a certificate of occupancy for a residential dwelling unit, Subdivider shall complete the annexation of the Property to City of Tracy Community Facilities District in compliance with the requirements of the Mello – Roos Community Facilities Act of 1982 (Gov. Code § 53311 et seq.) including, without limitation, affirmative votes, and the recordation of a Notice of Special Tax Lien. Subdivider shall be responsible for all costs associated with the CFD proceedings.

Or

- b. Direct funding. Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which requires that prior to issuance of a certificate of occupancy for a residential dwelling unit, Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the on-going costs of providing Police and public safety and Public Works services for the Property.

If the provisions for adequate funding of the on-going costs of providing Police and public safety and Public Works services for the Property are met prior to issuance of the first building permit for the Property, subject to the Finance Director's review and approval, the terms of this condition shall be considered to have been met and this condition shall become null and void.

D.2. Landscaping Maintenance

Before approval of the first Final Map or issuance of any building permit for the Property (except for up to ten (10) model homes), Subdivider shall provide for perpetual funding of the on-going costs of maintenance and replacement for public landscaping for the Property (but shall exclude any community park, if applicable), by doing one or more of the following, subject to the approval of the City's Finance Director:

- a. CFD or other funding mechanism. The Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates the following:
 - b.
 - (1) Prior to issuance of a building permit, the Subdivider shall form a Community Facilities District (CFD) for funding the on-going maintenance costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan;
 - (2) The items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage, and electrical systems; masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channelways, public parks and public open space areas;
 - (3) The developer/owner shall provide all data for features within the public right-of-way and/or park within the property;
 - (4) Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien;
 - (5) Upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment;
 - (6) Prior to issuance of a building permit, the Subdivider shall deposit an amount equal to the first year's taxes; and
 - (7) The Subdivider shall be responsible for all costs associated with formation of the CFD.
 - b. HOA and dormant CFD. If the HOA is the chosen funding mechanism, the Subdivider must do the following:
 - (1) Form a Homeowner's Association (HOA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going maintenance of all public landscaping areas (except public parks) within the entire tentative subdivision map area;
 - (2) Cause the HOA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property prior to the final inspection or occupancy of the first dwelling (except for up to ten (10) model homes), setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated

obligation(s) to ensure the long-term maintenance by the HOA of all public landscape areas (except public parks) within the entire tentative subdivision map area;

- (3) For each Final Map, make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas within the Final Map area;
- (4) Before final inspection or occupancy of the first dwelling (except for up to ten (10) model homes), annex into a CFD in a "dormant" capacity, to be triggered if the HOA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of public landscape maintenance. The dormant tax or assessment shall be disclosed to all homebuyers and non-residential property owners, even during the dormant period.

Or

- c. Direct funding. The Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates that prior to issuance of a building permit, the Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full on-going maintenance costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan. The items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems, masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks and public open space areas.

E. Engineering Division Conditions of Approval

E.1. General Conditions

- E.1.1. Prior to the approval of the Building Permit, the Developer shall comply with the applicable requirements of the approved documents, technical analyses/ reports prepared for the Project listed as follows:
 - a. Developer shall comply with the applicable recommendations of the *Stringer Property Traffic Impact Study in the City of Tracy*, prepared by Kimley-Horn and Associates, Inc., dated July 20, 2015 and *Stringer Development Plan Set Engineering Comments* prepared by Kimley-Horn and Associates, Inc., dated May 21, 2015 ("Traffic Analysis").
 - b. *Precise Plan Line (Alignment) for Eleventh Street, Lammers Road*, prepared by BKF and approved by the City Council on

June 19, 2007 by Resolution No. 2007-137.

- c. *“Hydraulic Evaluation of South Lammers Road Development”*, prepared by West Yost Associates, dated May 20, 2015 (“Water Analysis”).

- E.2. Final Map No application for any final map within the Project boundaries will be accepted by the City as complete until the Developer provides all documents as required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:
 - E.2.1. Prior to the approval of the Final Map, the Developer shall submit the Final Map application, which includes tract boundary, street right-of-way, and lot closure calculations, preliminary title report, updated subdivision map guarantee, copies of recorded deeds and/or easements and documents that are necessary to complete the technical accuracy review of the final map.
 - E.2.2. Prior to the approval of the Final Map, the Developer shall prepare the Final Map in accordance with the Tracy Municipal Code and the City Design Documents, and in substantial conformance with the Tentative Subdivision Map.
 - E.2.3. Prior to the approval of the Final Map, the Developer shall include on the Final Map dedications or offers of dedication of all right(s)-of-way and/or easement(s) required to serve the Project described by the Final Map, in accordance with City Regulations and these Conditions of Approval.
 - a. The Developer shall dedicate a 10-foot wide Public Utility Easement (PUE) along the lot frontages within the Property, for the installation, repair, use, operation, and maintenance of other public utilities such as electric, gas, telephone, cable TV, and others.
 - E.2.4. Prior to the approval of the Final Map, the Developer shall include horizontal and vertical control for the Project based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the “Basis of Bearing” and shown as such on the Final Map. The Final Map shall also identify surveyed ties from two of the control points to a minimum of two separate points adjacent to or within the property described by the Final Map.
 - E.2.5. Prior to the approval of the Final Map, the Developer shall provide Improvement Plans for in-tract and offsite improvements required to serve the Property described by the Final Map and Tentative Subdivision Map in accordance with the Tracy Municipal Code, the City Design Documents, and these Conditions of Approval. The Improvement Plans shall specifically include all the requirements specified in Condition C.6., below.
 - a. The Improvement Plans shall consist of the Grading and Storm

Drainage Plans, Irrigation and Landscaping Plans, Composite / Joint Utility Plans, In- tract Civil and Utility Plans, Street Lighting Plans, Signing and Striping Plans, Masonry Wall Plans, and Storm Water Plans prepared in accordance with the Tracy Municipal Code and City Regulations. The Grading Plans shall be submitted together with the calculations of earthwork quantities or specifically the volumes of cut and fill in cubic yards.

- b. All supporting and engineering calculations, material and technical specifications, and reports related to the design of the subdivision improvements, and as required by the City Engineer. The engineering calculations shall include calculations for determining the size and capacity of sewer, water and storm drain lines.
- c. If multiple final maps are to be filed, the Improvement Plans, as described above, must be prepared with a detailed phasing plans showing construction limits and logical sequence or order of constructing street and utilities improvements. The phasing plan shall clearly identify the improvements to be constructed with each construction phase.

E.2.6. Prior to the approval of the Final Map, the Developer shall provide a signed and stamped Engineer's Estimate for the cost of subdivision improvements and all the required public facilities, prepared in accordance with City Regulations. Use and add ten percent (10%) for construction contingencies.

E.2.7. Prior to the approval of the Final Map, the Developer shall prepare all the required improvement plans in accordance with City Regulations and these Conditions of Approval. The improvement agreements are to be executed, improvement security to be submitted and documentation of insurance to be provided, as required by these Conditions of Approval. The amounts of improvement security shall be approved by the City and the form of improvement security shall be in accordance with the Tracy Municipal Code.

E.2.8. Improvement Security. Prior to the approval of the Final Map, the Developer shall provide improvement security for all public facilities, as required by any Subdivision Improvement Agreement and any Deferred Improvement Agreement. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with City Regulations. The amount of the improvement security shall be as follows:

- a. Faithful Performance (100% of the estimated cost of constructing the public facilities),
- b. Labor & Material (100% of the estimated cost of constructing the public facilities), and
- c. Warranty (10% of the estimated cost of constructing the public facilities)

- d. Monumentation (\$500 multiplied by the total number of street centerline monuments that are shown on the Final Map)
- E.2.9. Prior to the approval of the Final Map, the Developer shall participate in any applicable Benefit Districts, Assessment Districts, or sub-regional reimbursement areas, in accordance with City Regulations.
- E.2.10. Prior to the approval of the Final Map, the Developer shall provide the initial payment of plan and map checking, agreement(s) processing, and other fees required by these Conditions of Approval and City Regulations.
- E.3. Grading Permit The City will not accept grading permit application for the Project until the Developer has provided 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:
 - E.3.1. Prior to issuance of the Grading Permit, the Developer shall prepare Grading and Drainage Plans 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.
 - E.3.2. Prior to issuance of the Grading Permit, the Developer shall provide 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.
 - E.3.3. Prior to issuance of the Grading Permit, the Developer shall provide 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 the 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 prepare a Storm Water Pollution Prevention Plan (SWPPP) that includes specific types and sources of stormwater pollutants, determine the location and nature of potential impacts, and specify appropriate control measures to eliminate any potentially significant impacts on receiving water quality from stormwater runoff. The SWPPP shall require treatment BMPs that incorporate, at a minimum, the required hydraulic sizing design criteria for volume and flow to treat projected stormwater runoff. The SWPPP shall comply with the

most current standards established by the Central Valley RWQCB. Best Management Practices shall be selected from the City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment according to site requirements and shall be subject to approval by the City Engineer and Central Valley RWQCB.

- E.3.4. Prior to issuance of the Grading Permit, the Developer shall provide 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, pavement design recommendations, percolation rate, and elevation of the highest observed groundwater level (measured in two locations within the proposed temporary storm drainage retention basin sites).
- E.3.5. Prior to issuance of the Grading Permit, the Developer shall provide two (2) sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system and for determining the size of the project's storm drainage connection.
- E.3.6. Prior to issuance of the Grading Permit, the Developer shall provide a copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) as required in Mitigation Measures 4 and 5 of the Mitigation Monitoring and Reporting Program of the Mitigated Negative Declaration (MND).
- E.3.7. Prior to issuance of the Grading Permit, the Developer shall provide a check payment in the amount of a \$25,000 deposit, to cover City's actual cost of services for any emergency repair or maintenance work to be performed on the off-site or on-site temporary storm drainage retention basin.
- E.3.8. Prior to the issuance of Grading Permit for the Project, the Developer shall submit improvement plans and secure approval of plans from the City's Building Division, for the design of on-site sewer improvements.
- E.4. 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:
 - E.4.1. Prior to issuance of an Encroachment Permit, the Developer shall provide Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar). 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.
 - E.4.2. Prior to issuance of an Encroachment Permit, the Developer shall

provide a signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

- E.4.3. Prior to issuance of an Encroachment Permit, the Developer shall provide a 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.
- E.4.4. Prior to issuance of an Encroachment Permit, the Developer shall provide a check payment for the applicable of 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 April 15, 2014, per Resolution 2014-059.
- E.4.5. Prior to issuance of an Encroachment Permit, if it is necessary to close or interrupt the operation of travel lane(s) on Lammers Road during construction, the Developer shall provide a Traffic Control Plan prepared and/or signed by a Registered Civil or Traffic Engineer licensed to practice in the State of California, must be submitted for review and approval. No work shall start within City's right-of-way or no lane closure shall be made without obtaining City Engineer's approval on the Traffic Control Plan.
- E.5. Improvement Plans – Prior to the issuance of the first Building Permit, the Developer shall have approved Improvement Plans. The Improvement Plans that are required in this section shall contain the design and construction details of street and utilities improvements on South Lammers Road, and all subdivision improvements that are required to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and prepared under the supervision of, and stamped and signed by a Registered Civil Engineer, Traffic Engineer, Electrical Engineer, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
 - E.5.1. Grading and Storm Drainage Plans
 - E.5.1.1. Erosion Control Prior to issuance of a Grading Permit, the Developer shall provide Improvement Plans that specify the method of erosion control to be employed and materials to be used.
 - E.5.1.2. Site Grading
 - a. Prior to approval of Grading Plans, the Developer shall include in the Grading Plans the following requirement: When the grade differential between the Project Site and adjacent property(s) exceeds 12 inches, a reinforced or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show

construction detail(s) and structural calculations of the retaining wall or masonry wall for City's review and approval. The entire retaining wall and footing shall be constructed within the Project Site. A structural calculation shall be submitted with the Grading and Storm Drainage Plans.

- b. Prior to approval of Grading Plans, the Developer shall include in the Grading Plans the following requirement: An engineered fill may be accepted as a substitute of a retaining wall, if the grade differential is less than 2 feet and subject to approval by the City Engineer. If an engineered slope is used to retain soil, a slope easement will be necessary from the adjacent property. The Developer shall obtain a slope easement from owner(s) of the adjacent and affected property(s) and show the slope easement on the Final Map. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Developer shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s). The slope easement must be recorded, prior to the issuance of the final building certificate of occupancy.
- c. Prior to approval of Grading Plans, the Developer shall include in the Grading Plans the following requirement: Site grading shall be designed such that the Project's storm water can surface drain directly 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.

E.5.1.3. Storm Drainage

- a. Prior to the approval of the first Building Permit, the Developer shall confirm that the design and construction details of the Project's storm drainage system and treatment facilities complies with the applicable requirements of the City's Storm Water Quality Control Standards and storm water regulations that were adopted by the City Council in 2008 and any subsequent amendments.
- b. Prior to the issuance of a Grading Permit, the Developer shall submit calculations related to the design and sizing of on-site storm water treatment facilities with the Grading and Storm Drainage Plans, and the calculations must be approved by City's Stormwater Coordinator.

- c. Temporary Retention ("Interim Drainage"). Prior to the approval of the Improvement Plans for the Temporary Retention and in the absence of permanent downstream storm drainage facilities (i.e., the 30" storm drain pipe downstream from the project, and the SDMP Detention Basin 3B and associated outfall, as shown on Figure 5.1a of the *City of Tracy Citywide Storm Drainage Master Plan*, prepared by Stantec/Storm Water Consulting, Inc., dated November 2012), the Developer shall be allowed by the City to use off-site or on-site temporary storm drainage retention basin(s) as an interim solution for disposal of storm water generated from the Project Site, provided the Developer complies with the applicable City Regulations pertaining to the design and construction of said interim storm drainage retention basin, and signs a Deferred Improvement Agreement (DIA), to assure completion of the Developer's obligation to repair and maintain said basin(s) while the off-site or on-site temporary storm drainage retention basin(s) are in service and then to remove the off-site or on-site temporary storm drainage retention basin(s) at such time they are no longer needed due to the construction of the above-referenced permanent facilities. The Developer shall be responsible for backfilling the temporary storm drainage retention basin(s) and grading the basin site. The Developer shall pay all costs for the design, construction, maintenance and removal of the on-site temporary storm drainage retention basin(s), and any modifications to temporary facilities.
- d. Prior to the approval of the Improvement Plans for the Temporary Retention the Developer shall provide a geotechnical investigation with respect to the Temporary Retention Basin that validates that percolation rates for the subsurface soils that exist at and below the bottom of the basin are acceptable.
- e. Prior to the approval of the Improvement Plans for the Temporary Retention, the Developer shall design the off-site or on-site temporary storm drainage retention basin(s) to be located at the downstream portion of the Project's on-site storm drainage system and the Project Site in order to avoid reverse flow, and must be designed and constructed in accordance with the applicable City Regulations.
- f. Excavated materials shall be kept within the basin site. If the excavated materials are removed from the basin site, the Developer shall be responsible 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 2:1. A metal fence and access gate shall be installed by the Developer to enclose the basin site. 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. The Geotechnical Report shall also indicate the observed highest groundwater elevation at the basin site.

- g. Prior to the recordation of the Final Map, the Developer shall include on the Final Map a temporary storm drainage easement to grant rights to the City to access the temporary on-site 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 such easement will automatically be terminated at such time as the above-referenced permanent storm drainage improvements are completed.
- h. If the Developer elects to construct an off-site temporary storm drainage retention basin(s), then prior to the approval of the Improvement Plans for the Temporary Retention, the Developer shall provide reasonable documentation to the City that adequate permission, right-of-way and/ or easements (temporary or permanent), to the extent necessary, have been granted by owner(s) of the involved property(s). The Grading and Storm Drainage Plans shall incorporate applicable design and construction details of the necessary improvements such as pipelines and manhole(s) to make the offsite temporary storm drainage retention basin(s) and appurtenances functional. The Developer shall pay for all the costs associated with the construction, operation and maintenance of any temporary offsite storm drainage retention basin(s) and appurtenances including the cost of obtaining such adequate permission(s), right-of-way and/ or easements (permanent or temporary), with no reimbursements from the City.

E.5.1.4. Prior to the final inspection of the first building to be constructed on the Property, 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. Calculations related to the design and sizing of on-site storm

water treatment facilities must be submitted with the STFMA and the Grading and Storm Drainage Plans.

E.5.2. Sanitary Sewer Facilities

E.5.2.1. Prior to the first Building Permit, the Developer shall design and install sanitary sewer facilities including the Project's sewer connection in accordance with City Regulations and utility improvement plans approved by the City Engineer. 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 Plan No. 203. The City's responsibility to maintain on the sewer lateral is from the wye fitting to the point of connection with the sewer main.

E.5.2.2. Connection to Westside Catchment Sewer System - Prior to the approval of the Improvement Plans, the Developer is responsible to design and construct the 18-inch and 21-inch sewer lines in Lammers Road per the 2012 Tracy Wastewater Master Plan (TWMP) from the existing sewer main to the Project's southerly boundary. .

- a. Fee Credits and/or reimbursements (if cost of improvements exceeds available fee credits) for design and construction of the Westside Catchment Sewer system shall be in accordance Title 13 of the Tracy Municipal Code. The amount of fee credits/reimbursement shall be determined during the review of the Improvement Plans.
- b. Prior to the issuance of each Building Permit, the Developer shall pay a fair share fee for the use of the Hansen Sewer capacity in the interim, until the Westside Catchment Sewer is completed. The amount of the fair share fee to be determined by the City Engineer.
- c. Prior to the issuance of the first Building Permit,
- d. Developer shall design and construct the sewer line in Crossroads Drive from the Project to the manhole connection to the Westside Catchment Sewer System in Lammers Road (identified as Node 5W on Fig.5-1 of the TWMP). The sewer line in Crossroads Drive is not a master plan Program facility. The full cost of the design and construction of this sewer line shall be paid by the Developer, and no reimbursement or fee credits shall be applicable.

E.5.3. Water System Facilities

E.5.3.1. Prior to the issuance of the first Building Permit, the Developer shall complete the design and installation of

water lines and connections as recommended in the Water Analysis (Figure 3) including the 12-inch diameter DIP connection from the Project to the existing 20-inch water main in Lammers Road at the intersection of Crossroads Drive and Lammers Road and the 12-inch diameter connection from the project to the existing 12-inch water main located in Redbridge Road near the intersection of Redbridge Road and Kaden Lane.

E.5.3.2. Water Shutdown Plan and Traffic Control Plan: If water main shut down is necessary, the City will allow a maximum of four hours water supply shutdown. The Developer shall be responsible for notifying residents or business owner(s), regarding the water main shutdown. 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 the water main shutdown. Prior to starting the work described in this section, the Developer shall submit a Water Shutdown Plan and Traffic Control Plan to be used during the installation of the offsite water mains.

E.5.3.3. Domestic and Irrigation Water Services

- a. All water connections that are bigger than 2 inches in diameter shall be Ductile Iron Pipe (DIP).
- b. Domestic water service shall be installed in accordance with City Regulations and the utility improvement plans approved by the City Engineer. City's responsibility to maintain water lines shall be from the water main on the street to the back of the water meter (inclusive) only. Repair and maintenance of all on-site water lines, laterals, sub- meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer.
- C. All costs associated with the installation of the Project's permanent water connection(s) as identified in the Water Analysis including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings, replacing traffic detecting loops, conduits, and wires, relocating existing utilities that may be in conflict with the water connection(s), and other improvements shall be paid by the Developer.

E.5.3.4. Prior to the approval of the Improvement Plans, the Developer shall obtain written approval from the City's Fire Safety Officer and Chief Building Official, for the location and spacing of fire hydrants that are to be installed to serve the Project.

E.5.4. Street Improvements

E.5.4.1. Roadway Improvements Frontage Responsibility — Prior to the final inspection of the first residential unit, the Developer shall design and construct the outside travel lane (plus shoulder) and the landscape strip behind the curb up to the property line in accordance with the CRTMP (Figure 5.1 – Roadway Improvement Cross Section Responsibility per Frontage Policy). Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by the City Council on November 26, 2012, pursuant to Resolution 2012-240, Lammers Road will be a 6-lane expressway (parkway) street with a minimum right-of-way of 137 feet. The Developer shall be eligible to receive fee credits for the cost of program portion of improvements.

E.5.4.2. Right-of-Way on Lammers Road — Prior to the approval of the Final Map, the Developer shall dedicate 70 feet of right-of-way along the entire frontage of the Property on Lammers. An additional 5 feet of right-of-way (75 feet total) shall be dedicated where the right-turn lane to Crossroads Drive is to be located. The Developer shall execute a Grant Deed to convey the land in fee title or dedicate the right-of-way on the Final Map.

a. Prior to the approval of the Final Map, the Developer shall vacate the existing 40' wide irrigation easement adjacent to the Lammers Road right-of-way at the west boundary line of the Project parcel.

(Already Completed)

b. Prior to the approval of the Final Map, the Developer shall dedicate the proposed Parcel "F" lot adjacent to Redbridge Road for future intersection improvements.

E.5.4.3. Right-of-Way on Crossroads Drive — Prior to the approval of the Improvement Plans, the Developer shall, in accordance with the CRTMP (Figure 5.1 — Roadway Improvement Cross Section Responsibility per Frontage Policy), design and construct the outside travel lane (plus shoulder) and the landscape strip behind the curb up to the property line. Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by the City Council on November 26, 2012, pursuant to Resolution 2012-240, Crossroads Drive will be a 4-lane arterial street with a minimum right-of-way of 99 feet.. Any travel lane(s) or left-turn and right-turn lane(s) along the Property's frontage or at all the access points on Crossroads Drive that are provided and are necessary to meet access spacing requirements are considered to be site specific offsite improvements and they are Developer's responsibility to design and construct

without any reimbursement from the City.

- a. Prior to the approval of the Final Map, for the section of Crossroads Drive located between Lammers Road and the Project entry at Street 'M', the Developer shall dedicate 54 feet of right-of-way for Crossroads Drive, with the remaining 45 feet of right-of-way to be dedicated by the property located to the north of the Project when that property is developed. The Developer shall not be eligible for fee credits /reimbursement for this portion of right-of-way dedication in excess of its obligation, as the amount will be credited towards Developer's obligations outlined in Condition C.5.4.3(b) below.
- b. For the section of Crossroads Drive east of Street 'M' , the proposed alignment of Crossroads Drive shifts to the north. Developer and the City have agreed that the fee credits for the excess right-of-way dedication outlined in Condition C.5.4.3(a) above shall be applied towards Developer's obligation for future required transitions in the alignment of Crossroads Drive to east of Street 'M'.

E.5.4.4. Street 'M' entry road and Other In-tract Streets. Prior to the approval of the Final Map, the Developer shall dedicate all rights-of-way that are necessary to construct Street 'M' and all the in-tract streets based on their respective cross sections shown on the VTM. The width of travel lanes, street median, landscaping strip and sidewalk shall be in accordance with the City Standards or as shown on the approved Tentative Map package.

E.5.4.5. Emergency Vehicle Access Easement (EVA) Prior to final inspection of the first residential unit within the Project, the Developer shall provide minimum 20-foot wide Emergency Vehicle Access between Lots 107 and 108 to provide a second point of Fire Department access to the Project as required by the Fire Code Official. The Developer and City shall enter into an EVA Agreement prior to the start of construction. This agreement will address access across private property and maintenance responsibilities of the HOA. The Developer shall submit improvement plans for the EVA for approval.

E.5.4.6. Frontage Improvements on Lammers Road — Prior to the final inspection of the first residential unit, the Developer shall design and construct all roadway improvements on Lammers Road that are necessary to provide safe and functional access to the Project, as described by the Technical Memorandum prepared by Kimley-Horn and Associates, titled "*Stringer Development Plan Set Roadway Engineering Comments*" dated May 21, 2015 (Traffic Report), and as required by these Conditions of Approval

and as approved by the City Engineer. The Traffic Report is on file with the Office of the City Engineer and is available for review upon request. The conceptual layouts of Interim and Ultimate improvements required to be completed are shown on Sheets TM09 and TM10 of the Vesting Tentative Map.

- a. Frontage Improvements: Prior to the final inspection of the first residential unit, the Developer shall complete the design and construction of Frontage Roadway Improvements described below. The frontage roadway improvements required on Lammers Road involve widening of the east side of Lammers Road along the frontage of the Project to provide an interim median island, two northbound travel lanes, and a right-turn lane; roadway improvements shall include pavement transitions and other improvements which includes but not limited to, the installation of new asphalt concrete pavement, concrete curb and gutter, a 10- foot wide Class 1 Bikeway/pedestrian facility, handicap ramp(s), crosswalks, and parkway landscaping improvements with automatic irrigation system, storm drainage, catch basin/ drop inlet, fire hydrants, domestic, irrigation and fire services, LED street lights, traffic sign(s), pavement marking and striping along the entire frontage of the Project and other improvements such as barricades, signing, and striping that are necessary to provide a safe transitions to and from a widened roadway section of Lammers Road.

Developer shall be eligible to receive fee credits for the program portion of the improvements in accordance with the CRTMP.

- b. Prior to the final inspection of the first residential unit, the Developer shall design and construction the masonry wall in accordance with City Regulations. The masonry wall along the Project's frontage on South Lammers Road and Crossroads Drive is considered a public improvement which will be maintained by the HOA. The masonry wall *including* its column and wall footings shall be constructed within the area that will be dedicated to the City with the first final map.
- c. (Already Completed)

- E.5.4.7. Frontage Improvements on Crossroad Drive — Prior to the final inspection of the first residential unit, the Developer shall design and construct all roadway improvements on Crossroads Drive that are necessary to provide safe and functional access to the Project for each phase and at Project's build-out condition.

- a. Frontage Improvements: Prior to the final inspection of the first residential unit, the Developer is required to design and construction all frontage improvements on Crossroads Drive. The roadway improvements required on Crossroads Drive includes construction of median curb on project frontage, a 12-foot-wide westbound travel lane, and a 12-foot wide eastbound travel lane. The roadway improvements shall include the installation of new asphalt concrete pavement, concrete curb and gutter, a 10- foot wide Class 1 Bikeway/pedestrian facility to be installed seven feet behind the back of curb, handicap ramp(s), crosswalks, parkway landscaping improvements with automatic irrigation system, storm drainage, catch basin/drop inlets, fire hydrants, domestic, irrigation and fire services, LED street lights, traffic sign(s), pavement marking and striping along the entire frontage of the Project from Lammers Road to the end of Crossroads Drive at the Project Entry at Street 'M'. Other improvements such as barricades, signage, and fencing shall be installed as required or as directed by the City Engineer.
- c. The Developer shall not be eligible for fee credits / reimbursement for this portion of frontage improvements in excess of Developer's obligation in accordance with the CRTMP, as the Developer and the City have agreed that the fee credits for the excess frontage improvements shall be applied towards Developer's obligation for future required transitions in the alignment of Crossroads Drive to east of Street 'M'.
- b. Traffic Signal on Crossroads Drive After the 180th home is occupied and after the 226th home is occupied, the Developer shall fund the two additional volume counts and speed studies (warrant analysis), to be managed by the City's Traffic Section. According to the Traffic Analysis for the Project, the Lammers Road/Crossroads Drive Intersection does not warrant a traffic signal by a marginal amount (7 vehicles in the AM peak hour).
 - (1) Prior to performing the final inspection of the 181st home, and in order to guarantee the Project's obligation towards mitigation of traffic impacts caused as a result of traffic increase generated by the Project, the Developer will be required to deliver a cash deposit in the amount of \$10,000 prior to the approval of the first Final Map. The cash deposit will include the cost of performing two (2) traffic signal warrant analyses. The City shall complete the warrant analyses prior to performing final inspection of the

181St and 226th residential buildings to be constructed within the Project. If the actual cost of the warrant analyses is more than the cash deposit, the Developer shall pay the cost difference within fifteen (15) working days from the date of written notice from the City Engineer. The unused portion of the cash deposit shall be refunded to the Developer after the Project closeout is completed.

- (2) Prior to the approval of the Final Map, the Developer shall enter into a Deferred Improvement Agreement with the City for installation of the traffic signal. If the signal warrant is met, the Developer shall install a traffic signal at this intersection. Security for the traffic signal shall be provided when the traffic signal warrants are met. The signal is included in the City TIF, and the Developer will be eligible for a fee credit for installation of the traffic signal if it is required.
- E.5.4.8. Prior to the issuance of first building permit, the Developer shall pay its fair share of the cost of interim improvements at the intersection of Lammers Road and Old Schulte Road per the capital improvement project.
- E.5.4.9. Prior to the final inspection of the first residential unit, the Developer must design and construct all roadway improvements described in these Conditions of Approval to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (HDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), all applicable City Regulations, and these Conditions of Approval.
- E.5.4.10. The City will assume responsibility to maintain the public improvements and accept the offer of dedication for right-of-way on Lammers Road, Crossroads Drive, and all other public streets after the City Council accepts the public improvements.
- E.5.4.11. Prior to final inspection of the first residential unit, the Developer shall install all traffic control devices and appurtenances, including stop sign, street name sign, pavement legend, and pavement marking and striping in accordance with City Regulations and a detailed signing and striping plan approved by the City Engineer.
- E.5.4.12. Prior to final inspection of the first residential unit, the Developer shall install LED Street lights in accordance with City Regulations and at locations approved by the City Engineer. As part of the Improvement Plans, a street lighting plan that shows the LED street lights, conduits, wires and electrical connection to PG&E facility including

all pertinent construct details. A Photometric Plan must be submitted for City's review and approval.

- E.5.4.13. Prior to final inspection of the first residential unit (excluding model homes), the Developer shall install landscaping improvements along Lammers Road and Crossroads Drive with an automatic irrigation system as approved by the City Engineer. Irrigation and Landscape Plans shall be signed and stamped by a registered Landscape Architect licensed to practice in the State of California
 - E.5.4.14. Prior to final inspection of the first residential unit, the Developer shall install a standard barricade and guardrail with appropriate traffic sign will be required at the east end of Crossroads Drive at the intersection to the Project entrance at Street 'M'. The space behind the barricade shall be paved to prevent growth of weeds and provide easier access for removing accumulated debris. To prevent street runoff from draining to adjacent property(s), a curb shall be installed through the entire width of the pavement or curb-to-curb. Alternatively, the space behind the barricade may be landscaped and maintained by the HOA.
 - E.5.4.15. Prior to final inspection of the first residential unit, the Developer shall coordinate with the Tracy Postmaster for location of, and installation (by the Developer) of, cluster type mailbox units. Design and construction criteria shall be in accordance with City requirements. The US Postal Services is responsible for repairing and maintaining all cluster mailboxes located within City's right-of-way.
- E.5.5. The Utility Corridor parcels shown on the Tentative Map as Parcels A, D, and H shall be dedicated to and maintained by the Homeowner's Association. If these parcels will also be used for pedestrian access to the subdivision, details related to maintenance vehicle access, driveway curb cuts, maintenance access road structural sections, bollards, safety lighting, landscaping, any safety concerns by police department, etc. will need to be coordinated with the Planning, Public Works, and Police departments.
- E.5.6. Neighborhood Park
- E.5.6.1. Prior to the final inspection for the final residential unit, and as part of the project development, the Developer shall construct a private, neighborhood park per Planning Division's Conditions. The private park shall be maintained by the project Homeowners Association (HOA).
- E.5.7. Joint Utility Trench Plans — All future utilities along the frontage of the Project on Lammers Road shall be placed in an underground

facility. If required, the Developer shall relocate existing utility poles after obtaining approval of affected utility companies and the City. No fee credits or reimbursements shall be applicable for utility pole relocations.

E.5.7.1. Developer shall prepare joint trench plans in compliance with utility companies' requirements and City regulations and obtain approval of the plans. All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities. 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 10-foot wide Public Utility Easement (PUE) that will be offered for dedication to the City. The Developer shall coordinate, as feasible, with the respective owner(s) of the utilities for the design of these underground utilities to ensure they can be installed within the 10-foot wide PUE to the extent feasible (and except in the event, that additional space beyond the 10-foot PUE is required, as determined by the utilities owner(s)).

E.5.7.2. Pavement cuts or utility trench(s) on existing street(s) for the installation of water distribution main, storm drain, sewer line, electric, gas, cable TV, and telephone will require the application of 2" asphalt concrete overlay and replacement of pavement striping and marking that are disturbed during construction. The limits of asphalt concrete overlay shall be 25 feet from both sides of the trench and shall extend over the entire width of the adjacent travel lane(s) if pavement excavation encroaches to the adjacent travel lane or up to the street centerline or the median curb. If the utility trench extends beyond the street centerline, the asphalt concrete overlay shall be applied over the entire width of the street (to the lip of gutter or edge of pavement, whichever applies). This pavement repair requirement is applicable when cuts or trenches are perpendicular to the street direction; when the new joint trench is placed in the street parallel to the street direction; the width of overlay is to be the width of the affected lane.

E6. Building Permit Prior to the issuance of each Building Permit, 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:

E.6.1. Payment of the Master Plan Fees for Citywide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park adopted by the City Council on January 7,

2014, per Resolution 2014-010, as required by these Conditions of Approval.

- E.6.2. Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC, and these Conditions of Approval.
- E.6.3. Payment of the Agricultural Conversion or Mitigation Fee
- E.6.4. Payment of the Regional Transportation Impact Fees (RTIF) as required in Chapter 13.32 of the TMC, and these Conditions of Approval.
- E.6.5. The Developer agrees that no building permit applications will be accepted and processed until the City approves the development impact fees applicable for this Project. If the development impact fees are not adopted, the City will accept cash deposit as a guarantee for payment towards the Project's development impact fees. The amount of cash deposit will be determined by the City Engineer, prior to the approval of the Final Map.
- E.6.6. A letter signed and stamped by the Project's Geotechnical Engineer certifying that all grading work that was performed by the Developer within the Project meets the requirements of the Project's Geotechnical/Soils Report and the recommendations of the Project's Geotechnical Engineer.
- E.6.7. The applicable final map is approved by the City and recorded at the Office of the San Joaquin County Recorder.

E7. Agreements, Improvement Security, and Insurance

- E.7.1. Subdivision Improvement Agreement – Prior to the approval of the Final Map, the Developer shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the final map), which includes the Developer's responsibility to complete all of the following requirements to the satisfaction of the City Engineer:
 - a. The Developer has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the improvement plans have been approved by the City Engineer.
 - b. The Developer has submitted a complete application for a final map which is served by the required public improvements, and the final map has been approved by the City Engineer.
 - c. The Developer has paid all required processing fees including plan check and inspection fees.
 - d. The Developer executes a Subdivision Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Developer agrees to complete construction of all required improvements.
 - e. The Developer posts all required improvement security and

evidence of insurance.

- E.7.2. Offsite Improvement Agreement: Prior to the approval of the Final Map and to starting any work on Roadway Improvements, the Developer shall sign an improvement agreement (Offsite Improvement Agreement or OIA) and post improvement security in accordance with Section 12.36.080 of the TMC, to guarantee completion of the public improvements. The OIA requires approval from the City Council.
- a. Prior to the approval of the OIA, the Developer will be required to submit Improvement Plans that contains the design, construction details and specifications of all public improvements that are required to serve the Project, prepared in a 24" x 36" size polyester film (mylar), signed and stamped by the Design Engineer, for City's approval and signature. The Developer shall also submit Technical Specifications and Cost Estimates. All engineering calculations for the design of the improvements must be submitted as part of the Improvement Plans.
 - b. The Developer will be required to pay Engineering Review Fees which include plan checking, agreement and permit processing, testing, engineering inspection, and program management fees, prior to the approval of the OIA.
- E.7.3. Deferred Improvement Agreement - Prior to the approval of the Final Map, the Developer shall execute a Deferred Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Developer agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement) which are required by these Conditions of Approval. The Deferred Improvement Agreement shall identify timing requirements for construction of all remaining public facilities, in conformance with the phasing plan submitted by the Developer and approved by the City Engineer and shall include improvement security for the deferred improvements.
- E.7.4. Improvement Security – Prior to the approval of the Final Map, the Developer shall provide improvement security for all public facilities, as required by Deferred Improvement Agreement, Subdivision Improvement Agreement, or Offsite Improvement Agreement. The form of the improvement security may be a bond, or other form in accordance with City Regulations. The amount of the improvement security shall be in accordance with City Regulations, generally, as follows: Faithful Performance (100% of the approved estimates of the construction costs of public facilities), Labor & Material (100% of the approved estimates of the construction costs of public facilities), and Warranty (10% of the approved estimates of the construction costs of public facilities).
- E.7.5. Insurance – Prior to the approval of the Final Map, the Developer shall

provide the City with evidence of insurance as follows for each Inspection Improvement Agreement and Subdivision Improvement Agreement:

- a. General. The Developer shall, throughout the duration of the Agreement, maintain insurance to cover Developer, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services under the Agreement at the minimum levels set forth below.
- b. Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) coverage shall be maintained in an amount not less than \$3,000,000 general aggregate and \$1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.
- c. Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.
- d. Workers' Compensation coverage shall be maintained as required by the State of California.
- e. Endorsements. Developer shall obtain endorsements to the automobile and commercial general liability with the following provisions:
 - 1) The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."
 - 2) For any claims related to this Agreement, Developer's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Developer's insurance and shall not contribute with it.
- f. Notice of Cancellation. Developer shall obtain endorsements to all insurance policies by which each insurer is required to provide thirty (30) days prior written notice to the City should the policy be canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation.
- g. Authorized Insurers. All insurance companies providing coverage to Developer shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.
- h. Insurance Certificate. Developer shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City.
- i. Substitute Certificates. No later than thirty (30) days prior to the policy expiration date of any insurance policy required by the

Agreement, Developer shall provide a substitute certificate of insurance.

j. Developer's Obligation. Maintenance of insurance by the Developer as specified in the Agreement shall in no way be interpreted as relieving the Developer of any responsibility whatsoever (including indemnity obligations under the Agreement), and the Developer may carry, at its own expense, such additional insurance as it deems necessary.

- E8. 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:
- E.8.1. 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.
 - E.8.2. Written request from the Developer and a copy of the recorded Notice of Completion.
- E9. 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:
- E.9.1. 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.
 - E.9.2. 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 that the Developer will be able to document revisions to show the "As Built" configuration of all improvements.
- E10. Temporary or Final Building Certificate of Occupancy - No Temporary or Final Building Certificate of Occupancy will be issued by the City until after the Developer provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:
- E.10.1. The Developer has satisfied all the requirements set forth in Condition C.9, above.
 - E.10.2. 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, land acquisition, program implementation, and contingency).

E11. Special Conditions

- E.11.1. 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.
- E.11.2. Prior to the issuance of the Grading Permit, the Developer shall abandon or remove all existing on site wells, if any, 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.
- E.11.3. Prior to the issuance of the Grading Permit, the 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.
- E.11.4. Any damages to existing improvements within the street right-of-way due to construction related activities shall be repaired or replaced as directed by the City at Developer's cost.
- E.11.5. 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).
- E.11.6. 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.