

NOTICE OF REGULAR MEETING

Pursuant to Section 54954.2 of the Government Code of the State of California, a Regular meeting of the Planning Commission is hereby called for:

Date/Time: **Wednesday, August 25, 2010, 7:00 p.m.**
(or as soon thereafter as possible)

Location: City Hall Council Chambers & Conference Room 109
333 Civic Center Plaza, Tracy

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Planning Commission on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES APPROVAL

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE

In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2008-140 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Planning Commission Member to sponsor the item for discussion at a future meeting.

1. OLD BUSINESS

2. NEW BUSINESS

A. PRESENTATION - CITY OF TRACY BUDGET AND SERVICES UPDATE

B. PUBLIC HEARING TO CONSIDER APPLICATIONS TO AMEND THE CONCEPT, PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR THE BROOKVIEW PLANNED UNIT DEVELOPMENT AND TO AMEND THE BROOKVIEW VESTING TENTATIVE SUBDIVISION MAP TO SUBDIVIDE THE 10-ACRE PARCEL INTO 80 RESIDENTIAL LOTS. THE PROJECT IS LOCATED AT THE NORTHWEST CORNER OF BROOKVIEW DRIVE AND PERENNIAL PLACE, ASSESSOR'S PARCEL NUMBER 248-560-28. THE APPLICANT AND PROPERTY OWNER IS BROOKVIEW PROPERTIES, LLC. APPLICATION NUMBERS D10-0003 AND TSM10-0001

C. GENERAL PLAN AMENDMENT STUDY SESSION

3. ITEMS FROM THE AUDIENCE

4. DIRECTOR'S REPORT
5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

August 20, 2010

Posted Date

The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in public meetings. Persons requiring assistance or auxiliary aids in order to participate should call City Hall (209-831-6000), at least 24 hours prior to the meeting.

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Development and Engineering Services Department located at 333 Civic Center Plaza during normal business hours.

AGENDA ITEM 2-B

REQUEST

PUBLIC HEARING TO CONSIDER APPLICATIONS TO AMEND THE CONCEPT, PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR THE BROOKVIEW PLANNED UNIT DEVELOPMENT AND TO AMEND THE BROOKVIEW VESTING TENTATIVE SUBDIVISION MAP TO SUBDIVIDE THE 10-ACRE PARCEL INTO 80 RESIDENTIAL LOTS. THE PROJECT IS LOCATED AT THE NORTHWEST CORNER OF BROOKVIEW DRIVE AND PERENNIAL PLACE, ASSESSOR'S PARCEL NUMBER 248-560-28. THE APPLICANT AND PROPERTY OWNER IS BROOKVIEW PROPERTIES, LLC. APPLICATION NUMBERS D10-0003 AND TSM10-0001

BACKGROUND

The subject property consists of a vacant 10-acre parcel located approximately 300 yards east of Tracy Boulevard, in the vicinity of Whispering Wind Drive. More specifically, the site is bordered by Brookview Drive on the south, Perennial Place on the east, Lasata Drive on the north, the rear of residential lots that front onto Treana Court on the northwest, and a 2-acre City park on the southwest (Attachment A: Location Map).

The subject property is contained within Garden Square, which is an existing 375-lot residential subdivision consisting of approximately 91 acres. The 10-acre subject property was originally designated as a school site by the Concept Development Plan (CDP) for Garden Square, which was approved in October 2000. However, in September 2002, the Jefferson School District informed the property owner and the City that it no longer desired to locate a school on this site and released all interest in the property, which granted development opportunity back to the property owner.

On June 19, 2007, City Council approved a 95-lot residential subdivision on the 10-acre subject property, known as Brookview (Application Numbers 12-04-D and 3-04-TSM). Since that time, no development has occurred on the vacant parcel.

On June 23, 2010, Brookview Properties, LLC submitted applications to amend the Concept, Preliminary and Final Development Plan for the Brookview project and to amend the Vesting Tentative Subdivision Map. The proposed changes primarily include reducing the density from 95 to 80 lots, removing the Affordable Housing component, amending the housing types to all two-story designs, and removing the zero lot line houses.

This report includes a discussion of the following: (1) the previously approved Brookview project, (2) the proposed amendments to the Brookview project, (3) General Plan conformity, (4) schools, (5) parks, (6) neighborhood concerns, and (7) the environmental document.

DISCUSSION

1. Previously Approved Brookview Project

The previously approved Brookview project consisted of a 95-lot residential subdivision. The development plan contained elements such as houses that fronted onto the adjacent public park, a variety of residential building types, and a portion of the houses with alley loaded garages (Attachment B: Development Plan for the Previously Approved Brookview Project).

The general layout showed houses and lots on the perimeter fronting Lasata Drive to the north and Perennial Place to the east that were similar to the existing houses in the surrounding neighborhood. The interior of the site was denser and included zero lot line houses, which had a similar appearance to duplexes and triplexes, but were actually detached single-family houses to be built within inches of the side property lines.

The street pattern was characterized by a through street with side alleys. The street pattern and sidewalks allowed for vehicle and pedestrian circulation within the subdivision and had connections on Brookview Drive and Perennial Place to connect the site to the surrounding neighborhood and other points of interest. The site included three public alleys as a means of limiting the number of garages facing the street. A pedestrian path connected the residential neighborhood to the adjacent public park.

The 18 lots on the perimeter fronting Lasata Drive and Perennial Place had lot sizes ranging between approximately 6,000 and 7,800 square feet. These lots contained a mix of single-story and two-story houses with sizes ranging between approximately 2,500 and 3,000 square feet.

The 77 lots with the zero lot line houses had lot sizes ranging between approximately between 2,000 and 3,000 square feet. These lots contained a mix of two-story and three-story houses with sizes ranging between approximately 1,200 and 1,800 square feet. Twenty-two houses had rear-loaded garages with an alley.

The architecture featured a variety of house designs with ten plan types and each plan type having two to four different elevations. The architectural styles included Craftsman, Mediterranean, French Country, and English Country. The architecture included a variety of building materials and details appropriate to the various styles.

The previously approved Brookview project also included 14 Affordable Housing units. Two of the Affordable Housing units would be available for households of "low income" and twelve of the Affordable Housing units would be available for households of "moderate income." Low income households are households whose income is 60% to 80% of area median gross income as adjusted by household size. Moderate income households are households whose income is between 80% and 120% of area median gross income as adjusted by household size.

2. Proposed Amendments to the Brookview Project

The proposed changes to the Brookview project primarily include reducing the density from 95 to 80 lots, removing the Affordable Housing component, amending the housing

types to all two-story designs, and removing the zero lot line houses (Attachment C: Proposed Amendment to the Brookview Concept, Preliminary and Final Development Plan).

The street layout and block configuration would remain the same, with the exception that the alley in the center block would be eliminated. The project would still feature houses fronting onto the adjacent public park and a portion of the houses would have alley-loaded garages.

The proposed amendment to the Vesting Tentative Subdivision Map would subdivide the 10-acre parcel into 80 residential lots, public streets and alleys (Attachment D: Proposed Amendment to the Brookview Vesting Tentative Subdivision Map). The street sections would include a five-foot landscape strip between the curb and sidewalk, same as previously approved.

The project would include two primary product types, described as "traditional lots" and "alley loaded lots." The traditional lots would be located on the perimeter of the site fronting Lasata Drive and Perennial Place, and in the center block area. The traditional lots would range in size from approximately 3,600 to 5,000 square feet and contain houses ranging between approximately 2,100 and 2,500 square feet with front-loaded garages.

The alley loaded lots would be located in the southwestern portion of the site, adjacent to the public park and at the entry point from Brookview Drive. The alley loaded lots would range in size from approximately 2,600 to 5,000 square feet and contain houses ranging between approximately 1,700 and 2,000 square feet with rear-loaded garages. In order to make up for the lack of rear yard area and the narrow side yards, these lots would have an easement on the contiguous neighbor's side yard, so that each property owner would enjoy the use of one 10-foot wide side yard, while giving up their 5-foot side yard on the opposite side.

The proposed architecture features a variety of house designs with six plan types and each plan type having two to three different elevations. The architectural styles proposed in the various plans and elevations include Traditional, Mediterranean, and Spanish. The architecture includes a variety of building materials and details appropriate to the styles. Garages are deemphasized and have 18 houses with garages that would face an alley.

The proposed amendments to the Brookview PUD zoning regulations are intended to allow for a creative site plan that includes a mix of residential building types, sizes, and densities and a variety of lot sizes and configurations (Attachment E: PUD Zoning Regulations). Setbacks and other development standards are planned to accommodate the proposed development and also to address future property owner requests such as shade structures, pools, and detached accessory buildings.

3. General Plan Conformity

The General Plan land use designation is Residential Low. The proposed project would be consistent with the density allowed for by the General Plan designation of Residential Low. Densities in the Residential Low category range from 2.1 to 5.8 units per gross

acre with an average of 3.5 units per gross acre. The density of the Garden Square subdivision is currently 4.1 units per gross acre and with the proposed project it would be 5.0 units per gross acre (375 existing dwellings + 80 new dwellings = 455 dwellings, divided by 91.1 acres = 5.0 dwelling units per gross acre).

The proposed amendments to the Brookview project would be consistent with the City's Design Goals and Standards and the following General Plan policies:

Community Character Element - CC-6.1 – Policy P4

Blocks within neighborhoods should contain a mix of lot sizes and house sizes.

Community Character Element - CC-6.1 – Policy P1

There shall be a variety of architectural styles in each neighborhood and within each block of a neighborhood.

Community Character Element – CC-6.2 – Policy P5

The exterior of residential buildings shall be varied and articulated to provide visual interest to the streetscape.

4. Schools

The proposed project is located within the Jefferson Elementary School District for grades K – 8 and the Tracy Unified School District for grades 9 – 12. As stated above, the project site was originally planned for a school but the Jefferson School District informed the City and the property owner that it no longer desires to locate a school on this site, which granted development opportunity back to the property owner.

In order to mitigate the proposed project's impacts on school facilities, the Tracy Unified School District has a mitigation agreement in place for the entire Garden Square subdivision, which would apply to the proposed project. The Jefferson Elementary School District has a fee of \$2.94 per square foot of residential development, which would apply to the proposed project, payable at the time of building permit issuance.

5. Parks

Parks are required to be established within residential neighborhoods to serve the residents of the homes that are established in Tracy. In order to meet the need for park land, projects are either required to build parks or pay park in-lieu fees. The City's requirement for park land is 3 acres of Neighborhood Park and 1 acre of Community Park, for a total of 4 acres of park land per 1,000 residents.

In this case, staff has determined that no dedication of park acreage is desired within the proposed project because the Garden Square subdivision already exceeds the City's requirement for park land. Garden Square contains a 2-acre park in the vicinity of Regis Drive and Brookview Drive; and an 8-acre park in the vicinity of Dietrick Avenue and Dandelion Loop, which is along the southern boundary of the subdivision. The total existing park acreage is approximately 10 acres.

The population estimate for Garden Square, including the proposed project, is 1,492 residents (375 existing dwelling units + 80 new dwelling units = 455 total dwelling units,

multiplied by 3.28 people per unit). The City's requirement of park land for a subdivision consisting of 1,492 residents is approximately 6 acres.

The applicant would be required and has agreed to pay the park in-lieu fees. These fees would provide funds for the creation of parks and recreation facilities consistent with the Parks Master Plan and the City's General Plan.

6. Neighborhood Concerns

Staff requested the applicant conduct a neighborhood meeting to share the proposed amendments to the Brookview project with the nearby residents. The applicant conducted a neighborhood meeting on July 27, 2010. Five neighbors were present at the meeting. According to the applicant, the primary concern of the neighbors was related to existing high-speed traffic on Brookview Drive. However, this issue is not an impact of the Brookview project and needs to be addressed separately.

During the review process for the previously approved Brookview project, many of the neighborhood residents expressed concerns and opposition. The primary concerns of the neighbors were related to traffic, density, building height, and Affordable Housing. Many of these previous concerns have been addressed by the reduction in density, the removal of the zero lot line houses, the removal of the three-story houses, and the elimination of the Affordable Housing component.

A traffic study was conducted as part of the previously approved Brookview project. The traffic study concluded that all eight study intersections currently operate at acceptable LOS (level of service) and are expected to continue to operate acceptably with the proposed project. The eight study intersections include South Tracy Boulevard and Whispering Wind Drive, Whispering Wind Drive and Regis Drive, Brookview Drive and Regis Drive, Brookview Drive and Bonsai Avenue, Brookview Drive and Perennial Place, Lasata Drive and Perennial Place, Lasata Drive and Treana Court, and Lasata Drive and Regis Drive. The two future street intersections at Brookview Drive and Perennial Place are also expected to operate acceptably with the proposed project.

7. Environmental Document

This project is consistent with the Mitigated Negative Declaration that was adopted by City Council on June 19, 2007 for the previously approved Brookview project. The proposed amendments to the Brookview project would include a reduction in density from 95 to 80 lots. The street and block layout would be the same as previously approved. No potentially significant impacts would result from this project that weren't previously addressed in the adopted Mitigated Negative Declaration. In accordance with CEQA Guidelines Section 15183, no further environmental assessment is required.

The amended Brookview project would be required to comply with the mitigation measures of the adopted Mitigated Negative Declaration. The mitigation measures include requiring compliance with all applicable rules and regulations of the San Joaquin Valley Air Quality Pollution Control District, compliance with General Plan mitigation measures to reduce the impacts of temporary noise from construction activities, and requirement of the applicant to pay an in-lieu park fee.

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve Development Application Numbers D10-0003 and TSM10-0001, for the 10-acre parcel located at the northwest corner of Brookview Drive and Perennial Place, Assessor's Parcel Number 248-560-28, subject to the conditions and based on the findings contained in the Planning Commission Resolution (Attachment F: Planning Commission Resolution) dated August 25, 2010, which include the following:

1. Amend the Concept, Preliminary, and Final Development Plan for the Brookview Planned Unit Development; and
2. Amend the Brookview Vesting Tentative Subdivision Map to subdivide the 10 acre parcel into 80 residential lots.

MOTION

Move that the Planning Commission recommend that the City Council approve Development Application Numbers D10-0003 and TSM10-0001, for the 10-acre parcel located at the northwest corner of Brookview Drive and Perennial Place, Assessor's Parcel Number 248-560-28, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated August 25, 2010, which include the following:

1. Amend the Concept, Preliminary, and Final Development Plan for the Brookview Planned Unit Development; and
2. Amend the Brookview Vesting Tentative Subdivision Map to subdivide the 10 acre parcel into 80 residential lots.

Prepared by Scott Claar, Associate Planner

Reviewed by Bill Dean, Assistant Development & Engineering Services Director

Approved by Andrew Malik, Development & Engineering Services Director

ATTACHMENTS

- A: Location Map
- B: Development Plan for the Previously Approved Brookview Project
- C: Proposed Amendment to the Brookview Concept, Preliminary and Final Development Plan
- D: Proposed Amendment to the Brookview Vesting Tentative Subdivision Map
- E: PUD Zoning Regulations
- F: Planning Commission Resolution



**Project
Location**

S TRACY BL

S TRACY BL

DARBY DR DARBY CT

ENGLISH OAK AV

WHEAT LN

SUBLINE LN

SASEWOOD LN

MORNING BROOK LN

TWIN OAKS DR

REGIS PK

VOLENTI

BORSARI AV

DIETRICK AV

AREZZO WY

HOLMES CT

PERENNIAL

MILLBERRY CT

FICUS WY

FOSCATA AV

GOLEN HAVEN DR

LINDSEY LN

GLEN HAVEN

JAMES W

KELLEY MIST

BROOKVIEW
PLANNED UNIT DEVELOPMENT (PUD)
ZONING REGULATIONS

I. PURPOSE

The purpose of the Brookview PUD is to achieve (1) a mix of residential types and sizes within an 80 lot single family detached residential subdivision; (2) a variety of lot sizes and configurations; (3) a creative site plan that includes some streets with alley loaded garages and houses fronting onto the adjacent public park; (4) and separated sidewalks permitting trees and groundcover immediately adjacent to streets.

II. PROPERTY DESCRIPTION

The subject parcel consists of approximately 10.01 acres located at the northwest corner of Brookview Drive and Perennial Place. The subject parcel is contained within the Garden Square Subdivision, which is an existing 375 lot residential subdivision consisting of approximately 91.1 acres. The subject parcel is bordered by Lasata Drive on the north, Perennial Place on the east, Brookview Drive on the south, a 2-acre City park on the southwest and residential lots facing Treana Court on the northwest.

III. PERMITTED USES

The project shall consist of 80 single-family detached residential dwellings as shown in the Final Development Plan. Accessory uses, home occupations, and large-family day care uses shall comply with the requirements of the Medium Density Cluster (MDC) Zone and all other applicable requirements of the Tracy Municipal Code.

IV. DEVELOPMENT STANDARDS

Except as otherwise specified herein, the Brookview PUD shall comply with the development standards for the Medium Density Cluster (MDC) Zone and all other applicable requirements of the Tracy Municipal Code, such as requirements for swimming pools, shade structures, detached accessory buildings, fences and projections into yards.

A. PUD Lots 1 thru 31 and 50 through 80 (Traditional Lots)

1. Lot area and width

The lot area and width requirements shall be consistent with the Final Development Plan.

2. Density

The density requirements shall be consistent with the Final Development Plan.

3. Minimum yards

- a. The minimum front yard setback shall be ten feet (10'), except garages, which shall be setback a minimum of eighteen feet (18') to the face of the garage door.
- b. With respect to Lot 78, the southern property line shall be the front property line and the northern property line shall be the rear property line.
- c. With respect to Lot 79, the northern property line shall be the front property line and the southern property line shall be the rear property line.
- d. The minimum side yard setbacks shall be five feet (5'), with the exception that on corner lots, excluding Lots 60, 78, 79 and 80, the minimum street side yard setback shall be ten feet (10'). For Lots 60, 78, 79, and 80, the minimum street side yard setback shall be five feet (5').
- e. The minimum rear yard setback shall be ten feet.

4. Height

The maximum height shall be 35 feet.

5. Lot Coverage

The maximum lot coverage of all buildings shall not exceed fifty-five percent (55%) of the lot area.

6. Off-street parking

The minimum off-street parking requirement shall be one non-tandem two car garage for each dwelling unit. The garage shall contain a minimum inside dimension of 19' x 19' clear interior space. Carports and similar, temporary, permanent, or portable structures intended to provide shade for vehicles and boats are not permitted.

7. On-street parking

The on-street parking requirements shall be consistent with the approved Final Development Plan.

B. PUD Lots 32 thru 49 (Alley Loaded Lots)

1. Lot area and width

The lot area and width requirements shall be consistent with the approved Final Development Plan.

2. Density

The density requirements shall be consistent with approved Final Development Plan.

3. Minimum yards

Lots 32, 33, 36, 37, 38, 39, 40, 41, 42, 45, 46, 47, and 48, shall include a side yard on one side of the house plus a landscape and recreational easement on the contiguous side yard of the adjacent property. The landscape and recreational easement shall be included within the fenced side yard of the dominant tenement. The details of the recreational and landscape easement shall be included in the Covenants, Conditions and Restrictions (CC&R's) and in an easement recorded with the San Joaquin County Recorder. The easement shall specify that it runs with the land and is non-transferrable separate from the property. The easement and CC&Rs shall disclose that the property owner may be subject to property tax on the portion of the property owner's fee interest subject to the easement. Prior to the issuance of building permits for these lots, the developer shall submit draft copies of the easement and CC&R's for review and written approval by the Development and Engineering Services Director, record the easements after such approval, and then submit copies of the final version recorded at the San Joaquin County Recorder's Office, to the satisfaction of the Development and Engineering Services Director.

- a. The minimum front yard setback shall be ten feet (10') from the property line. The front yard shall be the yard between the front of the house and either the street or the park.
- b. The minimum side yard setback for interior lots shall be five feet (5'). On corner lots, the minimum street side yard setback shall be ten feet (10') and the minimum interior side yard setback shall be five feet (5').
- c. The minimum rear yard setback shall be five feet (5').
- d. Patio covers and shade structures may be located in a required rear or side yard setback, provided they are located within the rear two-thirds of the lot.

4. Height

The maximum height shall be 35 feet.

5. Lot Coverage

The maximum lot coverage of all buildings shall not exceed sixty percent (60%) of the lot area.

6. Off-Street Parking

The off-street parking requirements shall be consistent with the approved Final Development Plan. The minimum off-street parking requirements shall be one non-tandem two car garage for each dwelling unit. The garage shall contain a minimum inside dimension of 19' x 19' clear interior space. Carports and similar, temporary, permanent, or portable structures intended to provide shade for vehicles and boats are not permitted.

7. On-street parking

The on-street parking requirements shall be consistent with the approved Final Development Plan.

RESOLUTION _____

RECOMMENDING THAT CITY COUNCIL APPROVE THE AMENDMENT TO THE CONCEPT, PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR THE BROOKVIEW PLANNED UNIT DEVELOPMENT AND THE AMENDMENT TO THE BROOKVIEW VESTING TENTATIVE SUBDIVISION MAP TO SUBDIVIDE THE 10-ACRE PARCEL INTO 80 RESIDENTIAL LOTS, LOCATED AT THE NORTHWEST CORNER OF BROOKVIEW DRIVE AND PERENNIAL PLACE, ASSESSOR'S PARCEL NUMBER 248-560-28 APPLICATION NUMBERS D10-0003 AND TSM10-0003

WHEREAS, On June 19, 2007 City Council approved the Concept, Preliminary and Final Development Plan and a Vesting Tentative Subdivision Map for a 95-lot residential subdivision known as Brookview, on a 10-acre parcel located at the northwest corner of Brookview Drive and Perennial Place, Assessor's Parcel Number 248-560-28, Development Application Numbers 12-04-D and 3-04-TSM; and

WHEREAS, On June 23, 2010, Brookview Properties, LLC submitted applications to amend the Concept, Preliminary and Final Development Plan for the Brookview project and to amend the Vesting Tentative Subdivision Map; and

WHEREAS, The proposed changes include reducing the density from 95 to 80 lots, removing the Affordable Housing component, amending the housing types to all two-story designs, and removing the zero lot line houses; and

A. WHEREAS, The following findings address the recommendation for City Council approval of the amendment to the Brookview Concept, Preliminary and Final Development Plan:

WHEREAS, The subject property is designated Residential by the Industrial Areas Specific Plan and Residential Low by the General Plan, which allows a density range of 2.1 to 5.8 units per gross acre; and

WHEREAS, The density of the Garden Square subdivision with the proposed project is 5.0 units per gross acre, which is consistent with the General Plan; and

WHEREAS, The proposed development plan contains desirable elements, such as houses that front onto the adjacent public park, a variety of residential building types, and a portion of the houses with alley-loaded garages; and

WHEREAS, The architectural renderings are in compliance with Tracy's Design Goals and Standards because they have incorporated significant variation between floor plans and elevations, located many of the garages in areas not readily visible from the street, and used architectural features on all four sides of each house; and

WHEREAS, The project is consistent with the following General Plan policies:

Community Character Element - CC-6.1 – Policy P1
There shall be a variety of architectural styles in each neighborhood and within each block of a neighborhood.

Community Character Element - CC-6.1 – Policy P4

Blocks within neighborhoods should contain a mix of lot sizes and house sizes.

Community Character Element – CC-6.2 – Policy P5

The exterior of residential buildings shall be varied and articulated to provide visual interest to the streetscape.

B. WHEREAS, The following findings address the recommendation for City Council approval of the amendment to the Brookview Vesting Tentative Subdivision Map:

WHEREAS, The project is consistent with the General Plan, the Industrial Areas Specific Plan, and Title 12, the Subdivision Ordinance, of the Tracy Municipal Code, in terms of density, circulation, and land use; and

WHEREAS, The site is physically suitable for the type of development, as the site, once graded will be virtually flat and the characteristically high clay content of Tracy's soils may require amendments and treatment for proposed landscaping, foundations, and other surface and utility work. 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, which is below the maximum density allowed by the General Plan designation of Residential Low. 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; 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, The project is consistent with the Mitigated Negative Declaration that was adopted by City Council on June 19, 2007 for the previously approved Brookview project. The proposed amendments to the Brookview project would include a reduction in density from 95 to 80 lots. The street and block layout would be the same as previously approved. No potentially significant impacts would result from this project that weren't previously addressed in the adopted Mitigated Negative Declaration. In accordance with California Environmental Quality Act Guidelines Section 15183, no further environmental assessment is required; and

WHEREAS, The amended Brookview project would be required to comply with the mitigation measures of the adopted Mitigated Negative Declaration. The mitigation measures include requiring compliance with all applicable rules and regulations of the San Joaquin Valley Air Quality Pollution Control District, compliance with General Plan mitigation measures to reduce the impacts of temporary noise from construction activities, and requirement of the applicant to pay an in-lieu park fee; and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the project on August 25, 2010;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission hereby recommends that the City Council approve an amendment to the Concept, Preliminary and Final Development Plan for the Brookview Planned Unit Development and an amendment to the Brookview Vesting Tentative Subdivision Map to subdivide the 10-acre parcel into 80 residential lots, located at the northwest corner of Brookview Drive and Perennial Place, Assessor's Parcel Number 248-560-28, Development Application Numbers D10-0003 and TSM10-0001, subject to conditions stated in Exhibit "1", attached and made part hereof.

The foregoing Resolution _____ was adopted by the Planning Commission on the 25th day of August 2010, by the following vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

CHAIR

ATTEST:

STAFF LIAISON

Development and Engineering Services Department Conditions of Approval

Conditions of Approval for the amendment to the Concept, Preliminary, and Final Development Plan for the Brookview PUD and an amendment to the Brookview Vesting Tentative Map, which is an 80-lot single-family residential subdivision
Application Numbers D10-0003 and TSM10-0001

A. General Provisions and Definitions

1. These Conditions of Approval shall apply to the real property described as the amendment to the Concept, Preliminary, and Final Development Plan for the Brookview PUD and an amendment to the Brookview Vesting Tentative Map, which is an 80-lot single-family residential subdivision, Application Numbers D10-0003 and TSM10-0001 (hereinafter "Project"), located on an approximately 10-acre parcel at the northwest corner of Brookview Drive and Perennial Place, Assessor's Parcel Number 248-560-28.
2. The following definitions shall apply to these Conditions of Approval:
 - a. "Applicant" means any person, or other legal entity, defined as a "Developer".
 - b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Public Works Director, or the City Engineer to perform the duties set forth herein.
 - c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
 - d. "Development and Engineering Services Director" means the Development and Engineering Services Director of the City of Tracy, or any other person designated by the City Manager or the Development and Engineering Services Director to perform the duties set forth herein.
 - e. "Conditions of Approval" shall mean the conditions of approval applicable to the amendment to the Concept, Preliminary, and Final Development Plan for the Brookview PUD and an amendment to the Brookview Vesting Tentative Map, which is an 80-lot single-family residential subdivision, Application Numbers D10-0003 and TSM10-0001. The Conditions of Approval shall specifically include all Development and Engineering Services Department Conditions set forth herein, as well as all Engineering Division Conditions set forth on Exhibit 2, attached hereto and incorporated herein by reference.
 - f. "Project" means the amendment to the Concept, Preliminary, and Final Development Plan for the Brookview PUD and an amendment to the Brookview Vesting Tentative Map, which is an 80-lot single-family residential subdivision, Application Numbers D10-0003 and TSM10-0001, consisting of approximately 10 acres located at the northwest corner of Brookview Drive and Perennial Place, Assessor's Parcel Number 248-560-28.

- g. "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 the Developer. The term "Subdivider" shall include all successors in interest.

B. Planning Division Conditions

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 Developer shall comply with all City Regulations.
3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the General Plan Environmental Impact Report, approved July 20, 2006, and the Environmental Impact Report for the Bank of America General Plan Amendment Planned Development, approved February 17, 1998, to the satisfaction of the Development and Engineering Services Director.
4. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code Section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
5. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, landscape maintenance district fees, parks fees, or any other City or other agency fees or deposits that may be applicable to the project.
6. All improvements shall be consistent with the Tracy Municipal Code, Standard Plans, and other applicable City Regulations.
7. All Final Maps shall be consistent with the Amended Vesting Tentative Map received by the Development and Engineering Services Department on June 23, 2010, unless modified herein.
8. Prior to the issuance of a building permit, the developer shall document compliance with all applicable school mitigation requirements consistent with City Council standards and

obtain certificate of compliance from Tracy Unified School District and the Jefferson School District for each new residential building permit.

9. Prior to approval of the first Final Map, the Developer shall obtain approval of all street names from the Development and Engineering Services Department. At least one street shall be named after a deceased veteran in accordance with City Council Resolution Number 87-041.
10. Prior to the recordation of the first Final Map, the Subdivider shall show public utility easements necessary to accommodate the needs of local utility providers in accordance with City standards, to the satisfaction of the City Engineer.
11. The development plan, floor plans and architectural elevations, except as modified herein, shall be consistent with the plans received by the Development and Engineering Services Department on June 23, 2010, to the satisfaction of the Development and Engineering Services Director.
12. All of the development standards for the 80 lots shall comply with the standards as listed in the "Brookview Planned Unit Development (PUD) Zoning Regulations" document, received by the Development and Engineering Services Department on June 23, 2010, to the satisfaction of the Development and Engineering Services Director.
13. The Developer shall comply with all mitigation measures of the Brookview Mitigated Negative Declaration and Initial Study, to the satisfaction of the Development and Engineering Services Director.
14. Prior to the issuance of each building permit, the Developer shall specify the house type (i.e. floor plan type and elevation type) for each particular lot in a manner that achieves a sufficient mix and variety in the streetscape view, such that there shall be no approvals of the same floor plan type used on three consecutive lots, no approvals of the same floor plan type and same elevation type used on two consecutive lots, and all floor plan types and elevation types must be used on a minimum of three lots, to the satisfaction of the Development and Engineering Services Director.
15. Lots 32, 33, 36, 37, 38, 39, 40, 41, 42, 45, 46, 47, and 48, shall include a side yard on one side of the house plus a landscape and recreational easement on the contiguous side yard of the adjacent property. The landscape and recreational easement shall be included within the fenced side yard of the dominant tenement. The details of the recreational and landscape easement shall be included in the Covenants, Conditions and Restrictions (CC&R's) and in an easement recorded with the San Joaquin County Recorder. The easement shall specify that it runs with the land and is non-transferrable separate from the property. The easement and CC&Rs shall disclose that the property owner may be subject to property tax on the portion of the property owner's fee interest subject to the easement. Prior to the issuance of building permits for these lots, the developer shall submit draft copies of the easement and CC&R's for review and written approval by the Development and Engineering Services Director, record the easements after such approval, and then submit copies of the final version recorded at the San Joaquin County Recorder's Office, to the satisfaction of the Development and Engineering Services Director.

16. The original vesting date of the Brookview Vesting Tentative Map (Application Number 3-04-TSM), which was approved by City Council on June 19, 2007, shall remain in effect and be unchanged by this Amended Brookview Vesting Tentative Map (Application Number TSM10-0001). The approval of a Vesting Tentative Map expires 24 months from its approval date, unless this time period is extended under Tracy Municipal Code Section 12.16.090. A statutory extension of 12 months was granted by the State Legislature on July 15, 2008 (Government Code Section 66452.21). A statutory extension of 24 months was granted by the State Legislature on July 15, 2009 (Government Code Section 66452.22). The Brookview Vesting Tentative Map was eligible for both of these statutory extensions. Therefore, the Amended Brookview Vesting Tentative Map has a vesting date of June 19, 2007 and does not expire until June 19, 2012.

C. Engineering Conditions of Approval Prior to Signature on the Tentative Subdivision Map.

Prior to signature of the Tentative Subdivision Map by the City Engineer, the Subdivider shall make the modifications to the tentative map as required by these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

1. The Subdivider shall satisfy the City Engineer that the design, development or improvements relating to this subdivision are in compliance with the City adopted General Plan, Specific Plans, relevant ordinances, policies and standards in effect at the time of approval of the Vesting Tentative Subdivision Map for Brookview II, Tract 3568, that was approved by the City Council on June 19, 2007.

D. Engineering Conditions of Approval Prior to Complete Final Map Applications. No application for any final map within the Project boundaries will be accepted by the City as complete until the Subdivider provides all documents required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

1. The Subdivider has completed all requirements set forth in Condition B, above.
2. One reproducible copy of the approved Tentative Subdivision Map for the Project within ten (10) days after Subdivider's receipt of notification of approval of the tentative map.
3. The final map application including closure calculations for the entire tract, street right of way, and the residential lots, preliminary title report or subdivision map guarantee issued by a competent title company, tax certification issued by the San Joaquin County Tax Collector's Office, recorded maps and documents referenced in the final map and as required by the City Engineer.
4. The final map prepared in accordance with the Subdivision Ordinance and the City Design Documents.
5. The improvement plans for all improvements (on-site and off-site) required to serve the Project as described by the final map in accordance with the Subdivision Ordinance, the City Regulations, and these Conditions of Approval. The improvement plans shall specifically include, but not be limited to, the following items:

- a. All existing and proposed utilities.
 - b. All supporting calculations, specifications, and reports related to the design of the improvements.
 - c. The improvement plans shall be drafted and prepared on a 4-mil thick and 24" x 36" size polyester film (mylar).
6. The grading plan in accordance with the requirements of the applicable sections of the Tracy Municipal Code.
 7. The landscape, irrigation, and retaining wall plans. Improvement plans must be submitted with technical specifications and supporting calculations as required by the City Engineer.
 8. Private utility and joint-trench plans.
 9. A construction cost estimate for all required public facilities, prepared in accordance with City Regulations. Total construction cost shall include fifteen percent (15%) construction contingencies.
 10. Payment of all processing fees including costs of technical analyses by City's consultants as required by these Conditions of Approval and City Regulations.
- E. Engineering Conditions of Approval Prior to Approval of Final Map. No final map within the Project boundaries will be approved by the City until the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:
1. The Subdivider has completed all requirements set forth in Condition C, above.
 2. The Subdivider has obtained the approval of all other public agencies with jurisdiction over the required public facilities.
 3. The final map shall include dedications or offers of dedication of all rights-of-way and easements including Public Utility Easement (PUE) required to serve the Project as described by the final map, in accordance with City Regulations and these Conditions of Approval.
 4. Horizontal and vertical control for the Project shall be 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.
 5. Updated Final Map Guarantee or Guarantee of Title as required in section 12.20.060(i) of the Tracy Municipal Code, issued by a competent title company to and for the benefit

and protection of the City and shall remain valid up to the time of recording the Final Map.

6. Tax Certification as required in section 12.20.060(d) of the Tracy Municipal Code, from the San Joaquin County tax Collector's office stating that all taxes and assessments due have been paid. Tax certificate is acceptable if the certificate is not more than thirty calendar (30) days old.
7. Signed and notarized Subdivision Improvement Agreement, executed in duplicate originals, for the construction of subdivision improvements, as required by these Conditions of Approval and Condition L-2, below. The City will be responsible for the preparation of the Subdivision Improvement Agreement. The cost of processing the agreement is \$6,254, and must be paid, prior to the release of the first draft of the agreement.
8. Signed and notarized Faithful Performance Bond, Labor and Materials Bond and Warranty Bond (Improvement Security), as required in Condition L-4, below. The amounts and type of the Improvement Security shall be in accordance with the requirements of section 12.36 of the Tracy Municipal Code and the Subdivision Improvement Agreement, described above.
9. Three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) and a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB including the state-issued Wastewater Discharge Identification number, as required in Condition I-3, below.
10. Three (3) sets of the site investigation report prepared by a competent biologist to determine presence of protected and endangered species within the Project, with recommended mitigation measures, if protected and endangered species are found at the site.
11. Tracy's Fire Marshall's signature on the Improvement Plans indicating their approval on the Project's fire service connection and fire and emergency vehicle access shown on the improvement plans, and street names shown on the final map and improvement plans, as required in Conditions J-2 and J-3, below. Written approval from the Fire Department must be obtained by the Subdivider, prior to City Engineer's signature on the improvement plans.
12. All documents such technical analyses, cost analysis, and others required by these Conditions of Approval and as required by the City Engineer.
13. Documentation of insurance, as required by these Conditions of Approval and specifically by Conditions L-5, below. The certificate of insurance shall name the City of Tracy, all its elected officials, employees, and authorized representatives, as additional insured.
14. Payment of engineering review fees and all fees required by this Conditions of Approval and the City Regulations.

15. The Subdivider shall also participate in a Benefit District(s) for public improvements that were constructed by other development projects that benefit this Project and shall pay the Project's share as determined by the Benefit District or in accordance with the timing specified in the written notice from the City Engineer, if applicable.
 16. All public facilities required to serve the Property and all the proposed development within the final map boundaries, including wastewater capacity, water capacity, and storm drainage capacity, shall be financially assured by the Subdivider. Such public facilities are not available unless certain improvements are completed by the Subdivider as identified in the various technical analyses completed for this Project. The Subdivider 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), and no reimbursements or credits will be applicable unless otherwise specifically stated herein or in City Regulations. The City will make reasonable efforts to facilitate the necessary planning, but cannot and does not guarantee that sufficient public facilities, and the resulting capacity, will be available before expiration of the tentative map (under Government Code Section 66452.6 and relevant City Regulations).
- F. Engineering Conditions of Approval Prior to Approval of Building Permit. No building permit within the Project boundaries will be approved by the City until the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:
1. The Subdivider has completed all requirements set forth in Condition D, above.
 2. Signed and stamped letter from the Project's Geo-technical Engineer certifying that grading work performed by the Subdivider within the Project meets the requirements of the Project's Engineering Soils Reports and the recommendations of the Project's Geo-Technical Engineer's and the grading work were performed under the direct supervision of the Project's Geo-technical Engineer, as required in Condition I-1, below.
 3. Letter to the City acknowledging participation in a benefit district, if applicable, as required by these Conditions of Approval. The letter shall state that the Subdivider agrees to pay the Project's proportional share of cost of public improvements as determined by the Benefit District and shall deliver the payment at the time specified by the City or in a written notice from the City requesting payment to be made.
 4. The Subdivider shall pay all applicable Infill Properties development impact fees with the exception of sewer, water and storm drainage development impact fees.
 5. The Property is within the Assessment Districts 84-1 (Wastewater Facilities) and 87-3 (Water Facilities). Subdivider agrees to pay sewer and water development impact fees and storm drainage fees, if applicable, per the South Industrial Specific Plan (ISP) Finance Implementation Plan (FIP) and in accordance with the sewer, water and storm drainage technical analyses for ISP.
- G. Engineering Conditions of Approval Prior to Final Building Inspection. The City shall not conduct a final building inspection on any building within the Project boundaries until the

Subdivider provides documentation which demonstrates, to the satisfaction of the City Engineer, that:

1. The Subdivider has completed all requirements set forth in: Condition E, above.
2. The Subdivider has completed construction of all public facilities required to serve the building for which a final building inspection is requested. Unless specifically provided in these Conditions of Approval, or some other City Regulation, the Subdivider shall take all actions necessary to construct all public facilities required to serve the Project, and the Subdivider 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).

H. Street Improvements

1. The Subdivider shall dedicate right-of-way, design, and construct all roadway improvements (including traffic circulation, and on-site and off-site improvements) required for the Project in conformance with these Conditions of Approval and City Regulations. The traffic circulation for this Project requires the onsite and offsite streets to function, and to be designed and constructed as recommended in Traffic Report prepared by TJKM and comply with City Regulations. Costs of dedicating the right of way, design and construction of the onsite and offsite public streets, unless otherwise specified, are the sole responsibility of the Subdivider, and no separate payment or reimbursement whatsoever will be due from the City or any developing property(s). The City will accept offers of dedication of rights-of-way including streets and utilities improvements after these public improvements are completed by the Subdivider, and accepted by the City Council as complete.
2. The Subdivider shall comply with all the mitigation measures and recommendations identified in the traffic analysis prepared by TJKM Transportation Consultants entitled "Traffic Study for the Brookview II Residential Subdivision" dated October 12, 2006 (Traffic Report). Cost of public improvements and cost of mitigating Project's traffic impact identified in the Traffic Report shall be paid by the Subdivider. The Traffic Report is on file with the office of the City Engineer and is available for review upon request. Street right-of-way width for streets "A", "B" and "C" shall not be less than 56 feet with 36 feet distance between face of curbs. Curb radius at street corner shall not be less than 30 feet.
3. The Subdivider shall submit for City's review a detailed design of all streets within the Project at the time of submittal of Improvement Plans. The street and utilities improvements shall include but not be limited to curb, gutter, sidewalk, landscape and residential trees with automatic irrigation system, street lighting, street pavement, sanitary sewer main and lateral with clean-out, sewer manhole, water main and domestic water service with radio- read water meter, fire hydrant, gate valve, storm drain main, catch basin, storm drop inlet, storm drain manhole, signing and striping and other improvements as determined by the City Engineer as necessary to create a safe and functional street and meets City Regulations.

4. Pavement markings and traffic signs shall be constructed in accordance with City Regulations.
5. All streets shall be paved and improved after underground utilities are installed. No asphalt concrete paving for streets within the Project will be allowed if the measured temperature is below 55 degrees Fahrenheit.
6. Pavement design shall be based on State of California "R" value method, using Traffic Indices specified in the Design Standards, to the satisfaction of the City Engineer. Pavement section of streets shall not be less than what is specified in the Design Standards based on the corresponding classification of the street, using an R value of 5.
7. The street longitudinal grade on any street shall not be less than 0.4%. Street crown shall have a minimum slope of 2%.
8. Slope easements shall be dedicated to the City where cuts or fills do not match existing ground or final grade adjacent to public right-of-way (up to a maximum grade differential of two feet only), prior to issuance of the first building permit. Retaining walls shall be installed where grade differential exceeds 12 inches. Reinforced concrete or masonry retaining wall with provisions for lateral drainage and connection to City's storm drainage system shall be used for retaining wall where grade differential is more than 12 inches. Using sloped backfill materials to eliminate grade differential will not be allowed.
9. No City utility connection(s) (including storm drain, sanitary sewer, water, utility box, etc.), either proposed or existing, will be allowed within residential driveway approaches or in the driveway. Location and placement of water meter and cleanout shall meet City Regulations.
10. Valley gutters shall not be used to provide drainage across any through street or through intersections. Concrete valley gutters may be allowed at the entrance of cul-de-sacs only, with specific approval from the City Engineer.
11. All traffic control devices, including stop signs, speed limit signs, street name signs, legends, markings and striping shall be installed in accordance with a detailed striping and signing plan consistent with City Regulations prepared by the Subdivider and approved by the City Engineer.
12. The Subdivider shall design and install streetlight in accordance with City Standards and at locations approved by the City Engineer.
13. Prior to the approval of the Final Map, Subdivider shall provide street names for approval by the City's Fire Department. Subdivider shall reserve one (1) street to be named after a deceased war veteran or police officer selected by the City. The name of the deceased war veteran or police officer will be provided, prior to the finalization of the final map and improvement plans. Subdivider shall install a special street name sign for the deceased war veteran or police officer. Location and construction detail of the special street name sign shall be per City Regulations.

14. No parking shall be allowed on any portion of the alleyways. The Subdivider shall install "No Parking Any Time" signs on each side of the alleyways. Location and construction details of the traffic signs described above shall meet City regulations and Caltrans standards.

I. Storm Drainage Facilities

1. Prior to approval of any Final Map, the Subdivider shall demonstrate to the satisfaction of the City Engineer, that the storm drainage facilities are adequate to meet Project demands, and that the improvements are consistent with the City's Storm Drainage Master Plan. The Subdivider shall pay the cost of analysis by the City (including cost of consultants) required to demonstrate satisfaction of this condition.
2. The Subdivider shall dedicate right of way, and design and construct storm drainage improvements to satisfy all the recommendation in the technical analysis prepared by the City's consultant entitled "Brookview II Subdivision", Storm Drainage Analysis" dated June 1, 2006 (Storm Drainage Analysis), approved by the City, all at the Subdivider's sole cost and expense. These improvements must be completed by the Subdivider, prior to final inspection of the first building constructed within the Project. A copy of the Storm Drainage Analysis is on file with the office of the City Engineer and is available for review upon request.

J. Grading and Erosion Control

1. A Grading Plan prepared by a Registered Civil Engineer and accompanied by Engineering Soils and Geology reports shall be submitted to the City with the Improvement Plans for the subdivision improvements. The reports shall provide recommendations regarding adequacy of sites to be developed by the proposed grading and also information relative to the stability of soils within the Project. Slope easements shall be used, if the City determines that a retaining wall cannot be installed and shall be recorded per City Regulations. Prior to the issuance of the first building permit within the Property, the Subdivider shall submit a letter, signed and stamped by a Registered Geo-technical Engineer, certifying that grading work including excavation, backfilling, compacting and backfilling work performed by the Subdivider, meets the requirements of the Project's Soils Report and was completed under the supervision of the Project's Geo-technical Engineer (licensed to practice in the State of California).
2. The Project's site grading and on-site storm drainage system shall be designed in such a way that the Project has an overland storm drainage release point to an improved public street with existing and functional storm drainage system. Overland storm drainage release point is a location on the project's boundary where storm runoff leaves the Property and it overland drains to a public street with storm drainage system in the event the Project's entire storm drainage system fails or it is clogged. Residential building finish floor shall be at least 0.70 feet higher than the overland storm drainage release point. City will not allow overland storm drainage release through private properties. Grading and Drainage Plans must show and indicate location and elevation of the overland storm drainage release point and all improvements that are necessary to create a functional overland storm drainage release point for this Project, to the satisfaction of the City Engineer.

3. Prior to the issuance of the Grading Permit, the Subdivider shall submit three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) and a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB. After the completion of the Project, the Subdivider is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Subdivider shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the filing fee of the NOI and NOT shall be paid by the Subdivider. The Subdivider shall provide the City with the Waste Water Discharge Identification number, prior to the issuance of the grading permit. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the City's Storm Water Management Program.
4. All grading shall require a Grading Permit. Erosion control measures shall be implemented in accordance with plans approved by the City Engineer for all grading work not completed before October 15. Improvement Plans shall designate all erosion control methods and materials to be employed.

K. Water System

1. The Subdivider shall design and construct water system facilities in accordance with City Regulations, all at the Subdivider's sole cost and expense. These public improvements must be completed by the Subdivider, prior to final inspection of the first residential building constructed within the Property.
2. The Subdivider shall design and install fire hydrants at locations approved by the City's Fire Department. Fire hydrants shall also be installed along the Project's frontage on Brookview Drive, Lasata Drive and Perennial Place in conformance with City Regulations at the locations approved by the City's Fire Department.
3. The Subdivider shall design and install the fire service line for the Project in accordance with City regulations and to the satisfaction of the City's Fire Department. Size, type, location and construction details of the fire service line shall be approved by the Fire Department. Vehicular access through the Project for emergency purposes shall be reviewed and approved by the City's Fire Department. Prior to obtaining the City Engineer's signature on the improvement plans, the Subdivider must obtain written approval from the City's Fire Department, for the location and construction detail of the Project's fire service(s) and emergency access.
4. The existing 8-inch diameter, 4-inch diameter and 3-inch diameter water stubs on Brookview Drive shall remain. Subdivider shall install blind flange at the end of the 8-inch diameter water stub.

L. Sanitary Sewer System

1. The Subdivider shall design and construct sanitary sewer facilities to serve this Project in accordance with the City Regulations.

2. Prior to approval of the first Final Map, the Subdivider shall demonstrate to the satisfaction of the City Engineer, that wastewater facilities (capacities at the wastewater treatment plant and sewer trunk lines or conveyance lines) are adequate to meet project service demands, and are consistent with the City's Wastewater Facility Master Plan.

M. Agreements, Improvement Security, and Insurance.

1. Inspection Improvement Agreement. Prior to the approval of the final map, the Subdivider may request to proceed with construction with the public facilities required to serve the real property described by the final map only if the Subdivider satisfies all of the following requirements to the satisfaction of the City Engineer:
 - a. The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the City Engineer has approved the improvement plans.
 - b. The Subdivider has submitted a complete application for a final map, served by the required public improvements, and the final map is in the process of being reviewed by the City.
 - c. The Subdivider has paid all required processing fees including plan check and inspection fees.
 - d. The Subdivider executes an Inspection Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all required improvements, and the Subdivider agrees to assume and accept the risk that the City may not approve the final map.
 - e. The Subdivider posts all required improvement security and provides required evidence of insurance.
 - f. Letter signed by the Subdivider stating that the Subdivider is proceeding with the construction of subdivision improvements at the Subdivider's risk and sole responsibility and indemnifies the City, its elected and appointed officials, employees and consultants, from liabilities, costs and damages, arising out or as a result of the construction of subdivision improvements or allowing the Subdivider to proceed with the construction of the subdivision prior to approval of the Inspection Improvement Agreement.
2. Subdivision Improvement Agreement. Concurrently with the City's processing of a final map, and prior to the City's approval of the final map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the final map), which includes the Subdivider's responsibility to complete all of the following requirements to the satisfaction of the City Engineer:

- a. The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the City Engineer has approved the improvement plans.
 - b. The Subdivider has submitted a complete application for a final map, which is served by the required public improvements, and the City Engineer has approved the final map.
 - c. The Subdivider has paid all required processing fees including plan check and inspection fees.
 - d. The Subdivider executes a Subdivision Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all required improvements.
 - e. The Subdivider posts all required improvement security and evidence of insurance.
3. Deferred Improvement Agreement. Prior to City's approval of the first final map within the Project, the Subdivider shall execute a Deferred Improvement Agreement for public infrastructure improvements, if any, that are required by these Conditions of Approval, and City Regulations that will not be completed with the approval of the first final map, or for subdivision improvements that will be constructed at a later date in accordance with the approved construction phasing of the Project. The Subdivider shall post all required improvement security and submit all required improvement plans and specifications in accordance with the requirements of City Regulations and these Conditions of Approval.
4. Improvement Security. The Subdivider shall provide improvement security for all public facilities, as required by an Inspection Improvement Agreement or a Subdivision Improvement Agreement, or a Deferred 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). An Engineer's Estimate shall be submitted by the Subdivider, to be approved by the City, for calculation of engineering review fees and for bonding purposes. The Subdivider shall obtain approval from the City for the type and amount of improvement security. The Subdivider shall provide improvement security prepared or issued by an admitted surety provider in the State of California.
5. Insurance. For each Inspection Improvement Agreement and Subdivision Improvement Agreement, the Subdivider shall provide the City with evidence of insurance, as follows:

- a. General. The Subdivider shall, throughout the duration of the Agreement, maintain insurance to cover Subdivider, 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 11 88) 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 06 92, 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. Subdivider shall obtain endorsements to the automobile and commercial general liability with the following provisions:
 - f. The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."
 - g. For any claims related to this Agreement, Subdivider's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Subdivider's insurance and shall not contribute with it.
- h. Notice of Cancellation. Subdivider 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.
- i. Authorized Insurers. All insurance companies providing coverage to Subdivider 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.
- j. Insurance Certificate. Subdivider shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City.
- k. Substitute Certificates. No later than thirty calendar (30) days prior to the policy expiration date of any insurance policy required by the Agreement, Subdivider shall provide a substitute certificate of insurance.

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

N. Conditions of Approval Prior to City Release of Improvement Security.

1. The City shall not release any improvement security for faithful performance until after the Subdivider has completed all required public improvements and provided As-built Plans, record drawings and final map in Autocad format all to the satisfaction of the City Engineer and the requirements of Section 12.36.080(d)(1) have been satisfied. Within twenty (20) days after the City's approval of the final map, the City shall provide the Subdivider one (1) set of reproducible duplicates on polyester film of all approved Improvement Plans. Upon completion of the construction by the Subdivider, the City shall temporarily release the originals to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements. The Subdivider shall submit these As-Built Plans (or Record Drawings) to the City Engineer within 30 days after City Council acceptance of the public improvements.
 2. The City shall not release any improvement security for labor and materials (also known as payment) until the statutory time has passed for claimants to file claims with the City on the security and the requirements of Section 12.36.080(d)(2) have been satisfied. Generally, claimants have six months after acceptance of improvements to file a claim.
 3. The City shall not release any improvement security for warranty (also known as maintenance) until satisfactory completion of the 12-month warranty period, expiration of the one year warranty period and there are no deficiency(s) to be corrected as determined by the City Engineer and the requirements of Section 12.36.080(d)(3) have been satisfied.
 4. After the City Council's acceptance of the public improvements, the Subdivider shall prepare a Notice of Completion and file the notice with the San Joaquin County Recorder. The recorded Notice of Completion must be provided to the City together with the letter signed by the Subdivider requesting the release of improvement security.
- O. Benefit District. The Subdivider may make a written request to the City for the formation of a Benefit District only if the written request is made prior to the approval of the final map for which the public facilities are required, and in accordance with these conditions of approval and City Regulations (including the Tracy Municipal Code).
1. The written request shall include a description of all information relevant to the formation of the Benefit District, including the following: the public facility for which the Subdivider requests reimbursement; the estimated costs related to the construction of the public facility; the amount of capacity provided by the public facility; the amount of capacity in the public facility which is supplemental to the capacity required to serve the Project, including a detailed description of the method of allocating capacity; and the dollar amount for which the Subdivider requests reimbursement.

2. Concurrently with the written request, the Subdivider (hereinafter, "Responsible Subdivider") shall pay the City a processing fee to cover all costs related to the formation of the Benefit District.
3. After the City has received the required processing fee from the Responsible Subdivider, the City shall prepare a first draft Benefit District Study, and the City shall provide a written notice to all affected property owners, and the City shall accept written comments on the first draft Benefit District Study for a period not less than 14 days. The written notice shall include, at a minimum, the following elements, each to the satisfaction of the City Engineer:
 - c(1). A notice of the City's intention to form a Benefit District, and a request for written comments until a specified date not less than 14 days after the date the City sends the written notice.
 - c(2). A notice of the date, time, and place of a public hearing before City Council will be set to discuss approval of the Benefit District. The hearing will be scheduled no earlier than 14 days after the date the City sends the written notice.
 - c(3). A description of the geographical area ("Benefit District Area") that will be served by the Benefit District Public Facilities. This description shall include a description of the assumptions regarding amounts and locations of the proposed land uses and/or dwelling unit types within the Benefit District Area. The description shall include maps, graphs, tables, and narrative text, and a numbering system to identify each legal parcel within the Benefit District Area.
 - c(4). A description of the Benefit District Public Facilities that includes an outline of all essential elements of the Benefit District Study in a level of detail satisfactory to the City Engineer.
 - c(5). An estimate of all costs related to the construction of the public facilities included in the Benefit District Area. The cost estimate shall include costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency.
 - c(6). An identification of the owners of real property, other than the Responsible Subdivider, which benefit from the Benefit District Public Facility ("Benefiting Subdividers"). The identification of real property owners shall be based upon information from the County Assessors office, or any other more accurate evidence of property ownership provided to the City, as of the date of the notice of public hearing.
 - c(7). A quantification of the capacity (or benefit) created by the Benefit District Public Facilities, a description of how the Responsible Subdivider and the Benefiting Subdividers benefit from the Benefit District Public Facility, a description of the method of spreading the capacity to the Responsible Subdivider and the Benefiting Subdividers, a description of the method of spreading the cost of the Benefit District Public Facility to the Responsible

Subdivider and the Benefiting Subdividers so that there is a reasonable relationship between each development project and the benefit received from the Benefit District Public Facility, and a quantification of the resulting Benefit District Fee.

c(8). A statement that the full text of the final draft Benefit District Study is available for review, upon request, in the office of the City Engineer. The Benefit District Study shall include, at a minimum, the following items prepared to the satisfaction of the City Engineer, in accordance with City Regulations: a preliminary design based upon technical analysis of the Benefit District Public Facilities, and a precise plan line describing the location of the Benefit District Public Facilities. The precise plan line for any roadway shall take into consideration, and coordinate with, the alignment of all other required public facilities including water, wastewater, and storm drainage, as well as other private utilities.

4. After the City Council approves the Benefit District Study, any final map for any Benefiting Subdivider shall not be approved by the City until the Benefiting Subdivider demonstrates to the satisfaction of the City Engineer that either: (1) the Benefiting Subdivider has entered into a written agreement with the Responsible Subdivider including essential terms in a form substantially the same as that set forth in Condition subsection f, below; or (2) the Benefiting Subdivider has paid a Benefit District Fee to the City (to be reimbursed to the Responsible Subdivider) for the Benefiting Subdividers' proportionate share of all costs related to construction of the Benefit District Public Facilities, in an amount established by the City Engineer (including the City's cost of administering the collection of the fee and reimbursement to the Responsible Subdivider) in accordance with the approved Benefit District Study.
5. After the City Council approves the Benefit District Study, the Benefit District Fee shall be a fixed dollar amount, and the obligation to pay the Benefit District Fee shall be recorded against the real property of all Benefiting Subdividers. Provided, however, that the Responsible Subdivider or any Benefiting Subdivider may apply for an amendment to the Benefit District Study in the event that the Subdivider establishes, to the satisfaction of the City Engineer, that actual construction costs vary from the estimated construction costs by more than 10 percent. The application for the amendment to the Benefit District Study shall include the payment of a processing fee by the Responsible Subdivider to cover the City's estimated costs of reviewing the application. A notice of the request for amendment shall be sent to all Benefiting Subdividers, including all relevant information and notice of public hearing as required by this condition. The amendment shall be subject to the approval of City Council at a duly noticed public hearing.
6. The form of the agreement between the Benefiting Subdivider and the Responsible Subdivider, as referenced in Condition subsection d, above, shall contain, at a minimum, all of the following essential elements, to the satisfaction of the City Engineer: (a) Identifying information including: an identification of the legal names of all relevant parties, an identification of the Benefit District Public Facilities which is

the subject of the agreement, an identification of the legal descriptions of all real property benefiting from the Benefit District Public Facilities, a quantification of the dollar amount paid by the Responsible Subdivider for the costs related to construction of the Benefit District Public Facilities, a quantification of the Benefiting Subdivider's proportionate share of the costs related to construction of the Benefit District Public Facilities; and (b) The Responsible Subdivider's signed waiver of rights to any reimbursement in language substantially the same as the following: "The Responsible Subdivider hereby acknowledges that it has received valuable consideration from the Benefiting Subdivider, in return for which the Responsible Subdivider hereby waives its right to request reimbursement for the Benefiting Subdivider's proportionate share of the costs related to construction of the Benefit District Public Facilities. The Responsible Subdivider shall indemnify, defend, and hold harmless the Benefiting Subdivider and the City of Tracy (including their officials, officers, agents, and employees) from and against any and all claims, demands, damages, liabilities, costs, and expenses (including court costs and attorney's fees) resulting from or arising out of Benefiting Subdivider's failure to pay an in-lieu fee to the City for costs related to construction of the Benefit District Public Facilities."

7. The City shall use reasonable efforts to administer the reimbursements from the Benefiting Subdivider to the Responsible Subdivider. The City shall make reimbursement payments to the Responsible Subdivider only to the extent that the City actually receives reimbursement payments from Benefiting Subdividers pursuant to Condition subsection d, above. Under no circumstances will the City be required to make any reimbursement payments to the Responsible Subdivider unless the City has actually received an equivalent sum in reimbursement payments from a Benefiting Subdivider. The City shall make no reimbursement payments to the Responsible Subdivider until after the construction of the Subregional Public Facilities are accepted as complete by the City Council. The right to receive reimbursement payments, if any, shall be personal to the Responsible Subdivider and shall not run with the land.
8. The Responsible Subdivider shall maintain a file, for a minimum of five years after completion of construction of the Benefit District Public Facility, of all original documents related to: the construction of the Benefit District Public Facility, and all costs for which the Responsible Subdivider seeks reimbursement. The Responsible Subdivider shall provide access to the file to the City, upon reasonable prior notice from the City. After completion of construction of the Benefit District Public Facility, the Responsible Subdivider shall provide access to the file to any Benefiting Subdivider, upon reasonable prior notice from the Benefiting Subdivider.

P. Fees, Deposits, and Reimbursements

1. Subdivider shall pay all applicable impact fees and processing fees in accordance with City Regulations and these Conditions of Approval.
2. The Subdivider shall participate in any applicable Benefit Districts, Assessment Districts, or sub-regional reimbursement areas, in accordance with City Regulations,

and shall pay fees or costs determined and identified in the Benefit Districts, Assessment Districts, or sub-regional reimbursement areas, in accordance with City Regulations.

3. Request for release of refundable deposits shall be made with a letter signed by the Subdivider, stating the purpose of the refundable deposit, or reference to a conditions or agreement.

Q. Special Conditions

1. The Subdivider will be required to underground overhead private utilities within the Property and along street frontages including the Project's service connections, in accordance with the requirements of section 7.04.120 of the Tracy Municipal Code (TMC). The limits of undergrounding of overhead utilities will be the total frontage length of the Project and to the nearest pole(s) on both sides of the Project, if such condition exists. If the nearest pole(s) is more than 100 feet, the pole(s) can be relocated so that its final location is 100 feet away from the Project's projected property line.
2. All existing on-site wells shall be abandoned in accordance with the City and San Joaquin County requirements. All costs associated with the abandonment of existing wells including the cost of permits, if required, shall be the responsibility of the Subdivider. The Subdivider shall provide the City documentation or copy of permit issued by the San Joaquin County, approving the removal of destruction of existing well, if applicable, prior to the issuance of the Grading Permit.
3. Prior to recordation of any final map within the Project, the Subdivider shall coordinate with the City and the School District regarding vehicular and pedestrian access to schools from this residential development. The Subdivider shall submit improvement plans to the City showing pedestrian routes, facilities for bus transportation and bike paths for approval by the City, with a letter issued by the School District stating that the plans were reviewed by the School District. The Subdivider shall install signing and pavement marking and striping including school zone improvements as required by the City, all at the Subdivider's sole cost and expense, without reimbursement from the City, with the subdivision improvements.
4. Subdivider has verbally notified the City that it intends to file multiple final maps. If more than one unit is to be recorded on the area of the Tentative Subdivision Map, the Subdivider shall prepare and provide to the City any necessary technical analysis, including any or all of the following: supplemental master plans, subregional studies, or site studies for water mains, sanitary sewers, and storm sewers that will also be consistent with the construction phasing approved by the City for this Project. The City, prior to the submittal of an improvement plan must approve any such required study. Any such required study is subject to review with requested time extension of the approval or life of the Tentative Subdivision Map.
5. Subdivider shall coordinate with the Tracy Post Master for location of, and installation (by Subdivider) of, cluster type mailbox units. Design and construction criteria shall be in accordance with City requirements. Prior to the approval of the

- Final Map, the Subdivider shall submit a letter signed by the Local Postmaster indicating approval of the location and construction detail of the cluster mail units.
6. Where pavement cuts on City streets are made for utilities connections, including on Brookview Drive and Perennial Place, Subdivider shall apply 2 inches thick asphalt concrete overlay with reinforcing fabric and grind the existing pavement to a uniform depth of 2 inches throughout the entire paved area to be repaired (limits of AC overlay). The limits of AC overlay shall not be less than 25 feet from both sides of the trench and half of the street. If the street cut goes beyond the pavement centerline, Subdivider shall apply asphalt concrete overlay over the entire width of the pavement and also replace pavement marking and striping affected by the overlay work. Cost of work described in this section shall be paid by the Subdivider, with no reimbursement due from the City.
 7. The Subdivider shall design and install street landscaping with automatic irrigation system (with Motorola Controller) on streets within the Project, subdivision entries and on frontages of the Project on Brookview Drive and Perennial Drive in accordance with the City's Streetscape Landscaping Design Standards and the Parks and Parkways Design Manual. Type, size and location of trees on residential streets shall be per City's Streetscape Landscaping Design Standards and the Park and Parkways Design Manual, and must be identified in a tree chart shown on the improvement plans. Irrigation and landscape improvement plans shall be signed and stamped by a Landscape Architect. The final submittal of irrigation and landscape plans must include a signed and stamped cost estimate for the cost of public improvements.
 8. The lot between Lots 38 and 39 will be dedicated to the City as a public right-of-way for a pedestrian walkway that will connect the alleyway with the existing mini park north of the Project. Design and construction of improvements within the pedestrian walkway shall meet City standards. Cost of improvements shall be the responsibility of the Subdivider. Necessary pedestrian access easements on Lots 38 through Lot 35 and on Lots 39 through Lots 43 will be dedicated on the final map or in a separate instrument, prior to the issuance of building permit on any of these lots. No mid-block crossing will be allowed on "B" Street and "C" Street.
 9. Residential sidewalk on "A" Street, "B" Street and "C" Street shall not be less than 5 feet. The distance from the face of curb to the back of the sidewalk shall not be less than 5.5 feet.
 10. Subdivider shall dedicate a 10-foot wide Public Utility Easement (PUE) on the residential lots with frontage on "A" Street, "B" Street and "C" Street, on the final map, for the installation, use, repair, operation and maintenance of public utilities including gas, telephone, TV-cable, electric, and others. At locations where the PUE is less than 10 feet, Subdivider shall obtain a letter from PG&E stating no-objection to the proposed width of the PUE.
 11. Subdivider, and/or owner of record, is responsible for assuring the maintenance of public improvements installed in the right-of-way. The public improvements include, but are not limited to, streetscape landscaping, trees, and all improvements as

defined in California Streets and Highway Code Sections 22525 et. seq. Subdivider shall be responsible for all formation costs, if applicable. To comply with this obligation, Subdivider, and/or owner of record, shall evidence one of the following prior to approval of Final Subdivision Map(s): (i) participation in an existing Landscaping Maintenance District, or (ii) formation of a new Landscaping Maintenance District that is required to maintain the public improvements installed in City's right-of-way.

12. On December 6, 2005, the City Council adopted a resolution establishing Regional Transportation Impact Fees to be collected by the City for the RTIF Program pursuant to RTIF Technical Report. Rate of fee applicable to any particular type of development was set. Tracy Council Resolution No. 2005-308 is on file with the office of the City Engineer and is available for review upon request. These fees will be collected, administered and adjusted consistent with the RTIP Technical Report and the Regional Transportation Impact Fee Program Operating Agreement. The adopted fees will apply and are payable prior to the issuance of the building permit.
13. Subdivider will be required to pay the San Joaquin County Facilities Fees that were adopted by the City Council on May 17, 2005, per Resolution no. 2005-142. The purpose of the County Facilities Fee Program is to finance the design and construction of region-serving facilities to reduce or soften impacts caused by future development in the San Joaquin County area. The specific facilities were identified in the San Joaquin County Facilities Fees Nexus Report. The adopted County fee for Single-Family Residential is \$1,463 per unit and for Multi-Family Residential is \$1,254 per unit. County update these fees.

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. These Conditions of Approval do not preclude the City from requesting additional revisions and requirements to the improvement plans prior to the City Engineer's signature and approval of the improvement plans if the City deems it necessary. The Developer shall bear all cost for the inclusion, design and implementations of such additions or revisions and requirements without reimbursement or any payment from the City.