

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, March 9, 2011, 7:00 p.m.**
(or as soon thereafter as possible)

Location: City Hall Council Chambers
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. **PUBLIC HEARING TO CONSIDER APPLICATIONS FOR A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW FOR EXPANSION OF A PLACE OF WORSHIP AND PARKING AREA IMPROVEMENTS AT 1330 N. TRACY BLVD - APPLICANT IS SCHACK & COMPANY, INC. AND OWNER IS GRACE BAPTIST CHURCH - APPLICATION NUMBERS CUP10-0003 & D10-0005**
3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT
5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

March 3, 2011

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-A

REQUEST

PUBLIC HEARING TO CONSIDER APPLICATIONS FOR A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW FOR EXPANSION OF A PLACE OF WORSHIP AND PARKING AREA IMPROVEMENTS AT 1330 N. TRACY BLVD - APPLICANT IS SCHACK & COMPANY, INC. AND OWNER IS GRACE BAPTIST CHURCH - APPLICATION NUMBERS CUP10-0003 & D10-0005

DISCUSSION

Project and Site Description

On August 2, 2010, the City received an application for the expansion of the Grace Baptist Church at 1330 N. Tracy Blvd. The application consists of expanding the religious assembly and associated uses and constructing a new two-story building and parking area improvements. Grace Baptist Church has an existing building at the subject site, but according to the applicant, the building is no longer adequate to serve their needs.

The site is zoned Medical Office (MO). Places of worship are conditionally permitted in the MO zone and must receive Planning Commission approval of a Conditional Use Permit before the use is expanded. Adjacent to the south is the West Side Irrigation District (WSID) office, zoned Medium Density Residential, and to the north and east are existing medical offices, zoned Medical Office. The site is bordered by Tracy Boulevard to the west. Within the vicinity are single-family residences, Eaton Avenue, Roosevelt Avenue, Highland Avenue, and Bessie Avenue (Attachment A).

The parcel owned by Grace Baptist Church is approximately 58,400 square feet. The site currently consists of an existing church building on the eastern portion of the site, undeveloped land on the western portion of the site, and a parking lot on the remainder of the site that connects to the medical office sites to the north. The proposal is to construct a two-story, 25,000 square foot building on the undeveloped western portion of the site, demolish the existing church building, and develop a parking lot that includes landscape and hardscape features in its place and throughout the remainder of the site (Attachment B). The site currently shares parking facilities with the medical offices to the north, and the project proposes to maintain this configuration. The proposed parking lot improvements include modification and addition of parking spaces on these shared lots. In addition, the project proposes landscaping improvements on the undeveloped portion of the WSID site that contains an underground irrigation line. The surface portion of this site is not being used by WSID, and WSID has agreed to surface parking and landscaping improvements for the benefit of the church. In addition to the play area, the use of the WSID site allows for access to a fire access lane on the south end of the church building. In total, the proposed site development area is approximately 77,800 square feet. The medical office site to the east is not included as a part of the project proposal.

Land Use and Project Analysis

The proposed project has been oriented and designed to minimize potential adverse impacts to adjacent properties in the vicinity. The existing church has operated in a compatible manner with the adjacent office buildings, and the proposed expansion does not propose activities that would conflict with the neighboring offices. The proposed activities include worship services on Sundays and Wednesday evening, classes during the weekend, and administrative office duties during the week. It should be noted that these schedules and times could change over time. Associated activities include marriage and financial counseling and youth-oriented religious and social services. The facility would also be open to occasional events unrelated to typical worship services, such as religious conferences, weddings, holiday shows, and piano recitals. All religious assembly activities will take place in the building with the exception of occasional recreational use of the outdoor patio and play areas. According to the applicant, the church has discussed the project proposal with each adjacent property owner, including the medical office site to the east that is not proposed to be connected to the project, and they are in agreement with the proposal.

Architecture

The proposed building employs a good balance of architectural enhancements and variety of materials on all four sides of the building (Attachment C). The building compensates for its large, rectangular mass by using elements designed at the pedestrian scale, such as the decorative pedestrian areas, inclusion of awnings and trellises, and use of windows. The large and flat exterior walls are successfully softened through the use of glass, stone, building relief, and landscaping. Staff worked with the applicant to ensure views from public streets as well as nearby offices and residences were considered during the design of the building. Staff would have liked to see the peak that faces the west elevation further developed. The peak is proposed to be a flat parapet that would be seen from the side as one enters the site from Eaton Avenue. Staff encouraged the applicant to give the peak more visual mass to finish the look from the north and south perspectives, but a compromise could not be reached based on construction budget limitations of the property owner.

Parking, Circulation, and Landscaping

The project site is designed with adequate vehicular and pedestrian circulation. The project proposes shared parking lot improvements with three medical office sites to the north (Assessor's Parcel Numbers 233-082-01, 02, and 18). The project also proposes a fire access drive and a landscaped play area on the WSID site (Assessor's Parcel Number 233-082-12). The dead-end parking on the east and south ends of the parking lot provide adequate turn-around room. There would be three access points to the church facility; one ingress/egress drive on Tracy Boulevard and two ingress/egress drives on Eaton Avenue through the existing medical office sites.

Staff worked closely with the applicant on the design of the site in pre-application stages. Staff and the applicant pursued discussions with WSID to connect their parking areas. This configuration would have provided a fourth access point to the project site and provided additional circulation routes and parking on both properties. Unfortunately, WSID did not agree to the concept. Staff also discussed connecting the parking lot with

the existing drive aisle on the site immediately adjacent to the east to provide through vehicular access between the two properties. Additionally, staff asked the applicant to locate the building along Tracy Boulevard and place the parking lot behind the building to give a greater street presence. Unfortunately, these configurations did not work operationally for the church. However, according to the applicant, the property owner to the east is not opposed to the closure of the drive aisle, and staff has determined that the site does not need that drive aisle for adequate on-site circulation.

The church and the medical offices would like to pursue joint use parking as provided in Tracy Municipal Code (TMC) Section 10.08.3460(j). The church's minimum parking requirement is 99 spaces. Should joint use parking be granted, the church's minimum parking requirement would be 50 spaces. In total, the project proposes to provide 86 new spaces in addition to the existing spaces currently provided on the medical office sites. Of these spaces, 57 spaces are proposed on the church's property, and the remaining 29 are proposed on the medical office properties with one space on the WSID property. These figures do not include existing parking spaces owned by the medical offices that are not proposed to be modified as part of this project. In total, the project proposes to provide more parking than is needed to meet the church's minimum parking requirement with the use of joint use parking. A project condition of approval requires the church to record joint access and parking agreements with the medical offices and WSID to ensure the joint parking facilities will be available for reciprocal use.

Project Approval and Expiration

Per the TMC, Development Review approvals are valid for one year from the date of approval (TMC Section 10.08.4080) and Conditional Use Permit approvals are valid for six months from the date of approval unless a building permit is issued and construction is commenced (TMC Section 10.08.4350). The TMC also permits Planning Commission to grant a greater time limit for Conditional Use Permit approvals (TMC Section 10.08.4360).

Costs associated with proposed improvements can be significant. The church is a non-profit organization that depends on the donations of its members. According to the applicant, the church anticipates it may take up to two years to complete construction and occupy the building to establish the use. Therefore, the applicant is requesting the Conditional Use Permit approval to be valid for a period of two years to establish the use.

Additionally, due to budget constraints, the church does not anticipate being able to construct the decorative trellis on the west and south elevations immediately. Therefore, the applicant is requesting that the Development Review approval be valid for five years to allow the church time to fundraise for these architectural elements. Staff believes that in the event the church is not able to raise the funds for the decorative trellis, the project would still meet the City's architectural standards. Staff recommends that Planning Commission approve the project with a condition of approval that the project be constructed in substantial compliance with the plans so that the building may be built with or without the trellis.

Environmental Document

The project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15332, which pertains to certain in-fill development projects. Because the project is consistent with the General Plan and Zoning, occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, has no value as habitat for endangered, rare or threatened species, would not result in any significant effects relating to traffic, noise, air quality, or water quality, and can be adequately served by all required utilities and public services, no further environmental assessment is necessary.

RECOMMENDATION

Staff recommends that the Planning Commission approve the applications for a Conditional Use Permit and Development Review for expansion of a place of worship and parking area improvements at 1330 N. Tracy Boulevard and based on the findings and subject to the conditions as stated in the Planning Commission Resolution dated March 9, 2011 (Attachment D).

MOTION

Move that the Planning Commission approve the applications for a Conditional Use Permit and Development Review for expansion of a place of worship and parking area improvements at 1330 N. Tracy Boulevard and based on the findings and subject to the conditions as stated in the Planning Commission Resolution dated March 9, 2011 (Attachment D).

Prepared by Kimberly Matlock, Assistant Planner
Reviewed by Bill Dean, Assistant Development and Engineering Services Director
Approved by Andrew Malik, Development and Engineering Services Director

ATTACHMENTS

Attachment A— Location Map
Attachment B— Site Plan, Floor Plan, Elevations, Landscape Plan dated March 1, 2011
Attachment C— Color Renderings
Attachment D— Planning Commission Resolution







WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

RESOLUTION 2011-_____

APPROVAL OF A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW FOR EXPANSION OF A PLACE OF WORSHIP AND PARKING AREA IMPROVEMENTS AT 1330 N. TRACY BLVD - APPLICANT IS SCHACK & COMPANY, INC. AND OWNER IS GRACE BAPTIST CHURCH - APPLICATION NUMBERS CUP10-0003 & D10-0005.

WHEREAS, Schack & Company, Inc. submitted an application for a Conditional Use Permit to expand a place of worship and for development review for a new two-story building and parking area improvements at 1330 N. Tracy Boulevard on August 2, 2010, and

WHEREAS, A Conditional Use Permit is necessary for land use approval of the establishment or expansion of a place of worship on property zoned Medical Office, and

WHEREAS, According to the applicant, there is an existing building that is no longer adequate to serve the place of worship, and

WHEREAS, The project includes shared parking facilities that will provide additional parking for the existing neighboring medical office uses and a request for joint use parking, and

WHEREAS, The property owner requested two years to establish the use and five years to complete construction of the project, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15332 pertaining to infill development, and

WHEREAS, The Planning Commission held a public meeting to review and consider the Conditional Use Permit application on March 9, 2011;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does hereby 1) approve the Conditional Use Permit Application Number CUP10-0003 to expand a place of worship, 2) approve the Development Review Application Number D10-0005 for an approximately 25,000 square foot building and parking area, landscape, and hardscape improvements, 3) authorize joint use parking as provided in Tracy Municipal Code Section 10.08.3460(j), and 4) authorize a period of one year for the establishment the use and five years for the complete construction of the project at 1330 N. Tracy Boulevard subject to the conditions as stated in Exhibit "1" attached and made part hereof, based on the following findings:

1. There are circumstances applicable to the use which makes the granting of a use permit necessary for the preservation and enjoyment of substantial property right. The site is currently owned and occupied by a place of worship which has outgrown the existing building and requires approval of a Conditional Use Permit to expand its use and provide a larger building and parking facilities. Due to the size of the project and the current state of the economy, and because the church is dependent upon donations of its members to fund the construction of the project, the request for extended approval periods is reasonable.
2. The establishment, maintenance, and/or operation of the project will not adversely affect or impair the benefits of occupancy, most appropriate development, property value stability, or the desirability of property in the vicinity because the nature of the land use, as conditioned, will conform to the requirements and intent of the City of Tracy General Plan and Tracy Municipal Code. The place of worship is compatible with existing office and residential uses within the vicinity because the project has been designed to minimize potential adverse impacts to the neighborhood by providing adequate on-site parking facilities and separating outdoor play areas from neighboring properties with fences. The proposed building and site improvements have been designed with site context in mind, including high quality architecture that meets the City's architectural standards and shared parking facilities that provide for good vehicular circulation throughout the shared lots.

- 3. The project will not be detrimental to the public health, safety, or welfare or materially injurious to or inharmonious with properties in the vicinity or to the general welfare of the City. The project meets all applicable City regulations, such as provision of required parking for the use and adequate pedestrian and vehicular circulation on site. Further more, the building was designed with sensitivity to potential views from neighboring offices and residences through the use of decorative elements and landscaping.

The foregoing Resolution 2011-____ of the Planning Commission was adopted by the Planning Commission on the 9th day of March, 2011, by the following vote:

AYES:	COMMISSION MEMBERS:
NOES:	COMMISSION MEMBERS:
ABSENT:	COMMISSION MEMBERS:
ABSTAIN:	COMMISSION MEMBERS:

Chair

ATTEST:

Staff Liaison

City of Tracy
Conditions of Approval

Expansion of Grace Baptist Church at 1330 N. Tracy Blvd.
Application Numbers CUP10-0003 & D10-0005

March 9, 2011

A. General Provisions and Definitions.

A.1. General. These Conditions of Approval apply to:

The Project: An approximately 25,000 square foot two-story building and associated parking, landscape, and hardscape improvements for a place of worship (Application Numbers CUP10-0003 & D10-0005)

The Property: 1330 N. Tracy Boulevard, Assessor's Parcel Number 233-082-17

A.2. Definitions.

- 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 Development and Engineering Services 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 place of worship located at 1330 N. Tracy Boulevard, Application Numbers CUP10-0003 and D10-0005. The Conditions of Approval shall specifically include all Development and Engineering Services Department conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

- A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the plans received by the Development and Engineering Services Department on March 1, 2011. These plans include the site plan, utility plan, floor plans, landscape plans, and elevations. The decorative trellis is not a requirement of the project.
- A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
- A.5. Compliance with laws. 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 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 1500, et seq., "CEQA Guidelines").
- A.6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.
- A.7. Protest of fees, dedications, reservations, or other exactions. 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.

B. DES Planning Division Conditions

Contact: Kimberly Matlock (209) 831-6430 kimberly.matlock@ci.tracy.ca.us

- B.1. Project Expiration.
- B.1.1. The Conditional Use Permit approval shall expire two years from the project approval date, unless an extension is granted by the Planning Commission in accordance with TMC Section 10.08.4350 and 4360.
- B.1.2. The Development Review approval shall expire five years from the project approval date, unless an extension is granted by the Planning Commission.
- B.2. Recordations.

- B.2.1. Before the issuance of a building permit, the applicant shall cause to record a reciprocal access and parking agreements with the property owners of the adjacent medical office sites to the north (Assessor's Parcel Numbers 233-082-01, 02, and 18) in accordance with TMC Section 10.08.3460(g). Said agreements shall provide for pedestrian and vehicular traffic to travel unimpeded throughout the parking areas, including ingress and egress drives off Tracy Boulevard and Eaton Avenue. Said agreements shall receive the Development and Engineering Services Director's approval prior to recordation and shall contain measures to prevent its change or removal without prior written City approval. A copy of said agreement shall be provided to the City prior to building permit issuance.
- B.2.2. An all-weather, durable emergency vehicle access shall be provided on the south side of the building as indicated on the plans dated March 1, 2011. An agreement regarding the design, location, and maintenance of said access shall be recorded before the issuance of a building permit. Said agreement shall receive the Fire Chief's approval prior to recordation and shall contain measures to prevent its change or removal without prior written City approval. A copy of said agreement shall be provided to the City prior to building permit issuance. Alternatively, the Fire Chief may authorize another solution regarding emergency vehicular access in accordance with the California Fire Code.
- B.3. Landscaping. Before the issuance of a building permit, the applicant shall provide detailed landscape and irrigation plans consistent with the Department of Water Resources' Water Efficient Landscape Ordinance to the satisfaction of the Development and Engineering Services Director.
 - B.3.1. Said plans shall demonstrate no less than 20% of the total parking area proposed to be developed or modified in landscaping comprised of trees, shrubs, and groundcover and no less than 40% canopy tree coverage of said parking area at tree maturity.
 - B.3.2. Trees shall be a minimum of 24" box size, shrubs shall be a minimum size of 5 gallon, and groundcover shall be a minimum size of 1 gallon.
 - B.3.3. Before the issuance of a building permit, the applicant shall execute an Agreement for Maintenance of Landscape and Irrigation Improvements and submit financial security to the Development and Engineering Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements or \$2.50 per square foot of on-site landscape area.
- B.4. Parking.
 - B.1.1. Before the issuance of a building permit, the applicant shall provide detailed plans that demonstrate a minimum of one foot candle throughout the parking area as defined in TMC Section 10.08.3450.
 - B.1.2. Before the issuance of a building permit, the applicant shall provide site plans and construction details that demonstrate the number, design, and location of bicycle parking spaces will be provided in accordance with TMC

- Section 10.08.3510. The bicycle parking requirement for this project is 5 spaces.
- B.1.3. Before the issuance of a building permit, the applicant shall provide site plans and construction details that demonstrate 12-inch wide concrete curbs along the perimeter of landscape planters where such planters are parallel and adjacent to vehicular parking spaces to provide access to vehicles without stepping into the landscape planters.
 - B.1.4. Before final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way and onto any adjacent private property to the satisfaction of the Development and Engineering Services Director.
- B.5. Screening utilities and equipment.
- B.5.1. Before final inspection or certificate of occupancy, no roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from Tracy Boulevard, Eaton Avenue, Roosevelt Avenue, Highland Avenue, Bessie Avenue, or any other public right-of-way to the satisfaction of the Development and Engineering Services Director.
 - B.5.2. Before final inspection or certificate of occupancy, all PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development and Engineering Services Director.
 - B.5.3. Before final inspection or certificate of occupancy, all vents, gutters, downspouts, flashing, electrical conduit, shall be internal to the structures and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior to the satisfaction of the Development and Engineering Services Director.
- B.6. Trash and recycling enclosure. Before the issuance of a building permit, the applicant shall submit plans for the reconstruction of the trash enclosure. The enclosure shall be designed and appropriately sized for this project, including allowance for recycling collection, to the satisfaction of the Development and Engineering Services Director. The trash and recycling collection enclosure shall include a solid roof structure in accordance with the Manual of Stormwater Quality Control Standards. The enclosure, including the roof, shall be constructed to be architecturally compatible with the commercial building, which includes but is not limited to, design, materials, and color.
- B.7. Parapet wall. Before final inspection or certificate of occupancy, the back of the parapet wall that extends furthest west and protrudes higher than other parapets on the building shall be painted to match the building so that it appears finished to the satisfaction of the Development and Engineering Services Director.

- B.8. Activities indoors. The use shall be conducted wholly within the building, with the exception of the outdoor patio and play area, unless a Temporary Use Permit is approved or otherwise authorized by the Development and Engineering Services Director.

C. DES Engineering Division Conditions

Contact: Criseldo Mina (209) 831-6425 criseldo.mina@ci.tracy.ca.us

- C.1. Before Approval of Grading and Encroachment Permit Applications. No application for a grading permit or encroachment permit within the Project boundaries will be accepted by the City as complete until the Developer 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:
- C.1.1. General. The Developer has completed all requirements set forth in this section.
- C.1.2. Approval of other agencies. The Developer has obtained the approval of all other public agencies with jurisdiction over the required public facilities.
- C.1.3. The Grading, Drainage and Improvement Plans shall be prepared in accordance with the Subdivision Ordinance and the City Design Documents. The improvement plans for all improvements (on-site and off-site) required to serve the development project shall be in accordance with the Subdivision Ordinance, the City Design Documents, and these Conditions of Approval. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:
- All existing and proposed utilities.
 - All supporting calculations, specifications, and reports related to the design of the improvements.
 - On-site drainage connections to the City's permanent storm drainage facility as approved by the City Engineer.
 - Improvement Plans, including Grading and Drainage Plans, shall be prepared on a 24" x 36" size polyester film (mylar) furnished by the City. Improvement Plans shall be prepared under the supervision of and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
- C.1.4. SWPPP and SWQCB. Three (3) sets of the Project's 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, as required on Condition C.4.4, below. After the completion of the project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Developer shall provide the City 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 Developer. The Developer shall provide the City with Water Discharge Identification number, prior to the issuance of the grading permit.

- C.1.5. The Developer shall comply with the requirements of Regulation VIII, Fugitive PM 10 Prohibitions of the San Joaquin Valley Air Pollution Control, as required in Condition C.4.5, below.
- C.1.6. Signed and notarized Grant of Easement with the signed and stamped legal description and map for the dedication of a 10-foot wide Public utility Easement (PUE) along the entire frontage of the Property on Tracy Boulevard, as required in Condition C.8.3, below. The City will provide a copy of the recorded easement document to the Developer after the City receives the recorded original easement document from San Joaquin County Recorder.
- C.2. Before Issuance of Building Permit. No building permit within the Project boundaries will be approved by the City until the Developer demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:
- The Developer has completed all requirements set forth in Condition C.1, above.
 - Payment of all applicable and adopted Infill Properties Development Impact Fees that are in effect at the time of issuance of the building permit and as required by these Conditions of Approval and City Regulations.
- C.3. Before Certificate of Occupancy. No certificate of occupancy within the Project boundaries will be issued by the City until the Developer provides documentation which demonstrates, to the satisfaction of the City Engineer, that:
- The Developer has completed all requirements set forth in Condition C, above and this section.
 - A copy of the recorded Grant of Easement with the signed and stamped legal description and map by affected property owners, as required in Condition C.5.2, below.
- C.4. Grading.
- C.4.1. A Grading Plan prepared by a Registered Civil Engineer and accompanied by Soils Engineering and Engineering Geology reports shall be submitted to the City with Improvement Plans. 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. Slope easements shall be recorded per City's requirements.
- C.4.2. As required by City standards, the 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 storm drainage system. Overland storm drainage release point is a location on the Project's boundary where storm runoff leaves the Property and overland drain to a public street with a functional storm drainage system, in the event the Project's on-site storm drainage system fails to function or it is clogged. The building finish floor is recommended to 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 without written permission from the owner(s) or affected property(s). The Grading Plans must indicate the location and elevation of the overland

storm drainage release point and any improvements that may be necessary to create a functional overland storm drainage release point for the Project.

- C.4.3. 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.
 - C.4.4. Prior to the issuance of the Grading Permit, the Developer or Applicant 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 Developer or Applicant is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Developer 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 Developer or Applicant. The Developer or Applicant shall provide the City with the Waste Water Discharge Identification number, prior to the issuance of the grading permit. The Developer or Applicant shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the City's Storm Water Management Program.
 - C.4.5. Prior to start of grading work, Developer shall comply with the requirements of Regulation VIII, Fugitive PM10 Prohibitions of the San Joaquin Valley Air Pollution Control District, pertaining to Fugitive Dust Control at Construction Sites. Compliance to regulations related to Visible Dust Emissions, Soil Stabilization, Carryout and Trackout, Access and Haul Roads, Storage Piles and Materials, Dust Control Plans, Nuisances, Notification and Record Keeping are required.
- C.5. Storm Drainage.
- C.5.1. The Developer shall install on-site storm drainage collection system with catch basin(s) or field inlet(s) and shall ensure that storm drain lateral is properly sized and has adequate flow capacity to drain storm run-off from the Property. The site shall be graded in such a way that storm run-off will drain to on-site catch basin(s) or field inlet(s).
 - C.5.2. The Developer shall design and construct the Project's storm drainage connection to the City's permanent storm drainage facility in accordance with City standards and the available options presented in the Technical Memorandum dated May 12, 2009 titled "Grace Baptist Church – Storm Drainage Analysis" prepared by Storm Water Consulting Inc. The Developer shall submit improvement plans, specifications, engineering calculations if necessary, and cost estimates of the offsite improvements including the Project's storm drainage connection. The Developer shall be responsible to acquire right-of-way and/or utility easement(s) including temporary construction easement, if necessary, and shall pay all costs associated with acquiring right-of-way and/or easements including the cost of preparing legal description, easement location map and easement documents, and the cost of recording the easement document(s).

- C.5.3. The Developer is solely responsible for the construction costs of the onsite storm drain collection system and its connection to the existing City's storm drain pipeline.
- C.6. Sanitary Sewer.
- C.6.1. The Developer shall be responsible to ensure that proposed/existing sanitary sewer lateral is properly sized and has adequate flow capacity to drain by gravity, sewage flows from the Project to the City's sanitary sewer main. The City will accept responsibility for the maintenance of the sanitary sewer lateral, if the sanitary sewer cleanout is installed at the proper location or at the location specified in City Standard Plan No. 203. The Developer shall be responsible, all at the Developer's sole cost and expense, for restoring or replacing improvements that are disturbed or removed, as result of installing the sanitary sewer connection for this Project.
- C.7. Water System.
- C.7.1. The Developer shall install and complete the water system connection, including Radio-Read water meter and R/P Type back-flow protection devices and double check detector per City Standards, prior to the issuance of building certificate occupancy. The City's responsibility to maintain water lines shall be from the water main on the street to the water meter (inclusive) only. Maintenance of all on-site water lines, laterals, sub-meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer.
- C.7.2. The Developer shall coordinate with the City's Fire Department for the final location, design and construction details of the Project's fire protection facilities such as fire service, fire hydrant, and vehicular access to the Project. The Developer shall obtain approval and signature from the City's Fire Marshall for the design and the improvement plans for the Project's fire protection facilities.
- C.8. Special Conditions.
- C.8.1. All public improvements shall be designed and constructed in accordance with all City Regulations, Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, Tracy Design Standards and Specifications, and Parks and Parkways Design Manual, or as otherwise specifically approved by the City.
- C.8.2. Before any work within the public right-of-way, including but not limited to removal and replacement of driveway(s), connections to City's storm, water and sanitary sewer lines, the Developer shall submit detailed improvement plans to Engineering Division for the City's approval, and obtain an encroachment permit from Engineering Division. The Developer shall pay permit fees including plan checking and inspection fees, prior to the issuance of the permit.
- C.8.3. The Developer shall dedicate 10 feet wide Public Utility Easement (PUE) behind the right of way along the entire frontage of the Project on Tracy Boulevard, if not previously dedicated, for the installation, repair, operation and maintenance of private and public utilities. The Developer shall be

responsible for the cost of the easement dedication required in this condition and shall also pay for the cost of preparing the legal description, map and the Grant of Easement including the recordation fees. The Grant of Easement shall be filed at the San Joaquin County Recorders prior to the issuance of the Grading Permit.

- C.8.4. The Developer shall repair or replace broken curb, gutter, sidewalk, driveway and other street improvements in front of the Project on Tracy Boulevard as required by the City, in accordance with City standards.
- C.8.5. If street cuts or trenching are required on public streets (City's right of way) for the installation of Project's utilities connections or utilities that will serve the Project, the Developer is required to install 2" thick asphalt concrete overlay with reinforcing fabric. A grind of 2" uniform thickness shall be made on the paved area to receive asphalt concrete overlay. Existing street crown grades and transverse slope shall remain. The limits of grind and asphalt concrete overlay shall be 25 feet from both sides of the trench and from the centerline of the street to the lip of gutter for the entire length of the new storm drainage line on Eaton Avenue.
- C.8.6. All existing on-site wells shall be abandoned in accordance with the City and San Joaquin County Health Services and Environmental Division's requirements. All costs associated with the abandonment of existing wells including the cost of permits, shall be the responsibility of the Developer. The Developer shall provide the City documentation or copy of permit(s) issued by the San Joaquin County, approving the removal or destruction of existing well(s), if applicable, prior to the issuance of the Grading Permit.
- C.8.7. 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 does 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.

D. Public Works Department Conditions

- D.1. Before the issuance of a building permit, the applicant shall demonstrate compliance with the Manual of Stormwater Quality Control Standards adopted July 1, 2008 and obtain approval of the Project Stormwater Quality Control Plan by the Water Resources Division to the satisfaction of the Public Works Director.