

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, April 11, 2012, 7:00 p.m.**
(or as soon thereafter as possible)

Location: City Hall Council Chambers and 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 – None.
2. NEW BUSINESS
 - A. PUBLIC HEARING TO CONSIDER A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO PERMIT THE DEVELOPMENT OF THREE NEW INDUSTRIAL BUILDINGS TOTALING 989,717 SQUARE FEET, THE EXPANSION OF AN EXISTING INDUSTRIAL BUILDING BY 288,770 SQUARE FEET, AND THE EXTENSION OF CHABOT COURT TO TURN WEST AND INTERSECT WITH PARADISE ROAD ON A 70.49-ACRE SITE, LOCATED ADJACENT TO PARADISE ROAD, SOUTH OF GRANT LINE ROAD AND ADJACENT TO AND WEST OF THE EXISTING CHABOT COURT - APPLICANT IS PROLOGIS, AND OWNERS ARE AMB HOLD CO, LLC AND PROLOGIS, L.P.- APPLICATION D12-0003.
 - B. CONDITIONAL USE PERMIT FOR TWO WALL SIGNS THAT EXCEED 100 SQUARE FEET IN AREA ON THE WALMART RETAIL BUILDING - THE PROJECT IS LOCATED AT 3010 WEST GRANT LINE ROAD – APPLICANT IS PERKOWITZ + RUTH ARCHITECTS FOR WALMART R.E. BUSINESS TRUST - ASSESSOR'S PARCEL NUMBERS 238-600-08 AND 10.

- C. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN MODIFYING THE CRITERIA FOR WALL SIGNS IN EXCESS OF 100 SQUARE FEET. APPLICATION NUMBER SPA12-0001.
 - D. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW TWO 157-SQUARE FOOT WALL SIGNS TO BE LOCATED ON A BUILDING IN THE TRACY PAVILION AT 2471 NAGLEE ROAD. APPLICANT IS CITY SIGNS. PROPERTY OWNER IS TRACY PAVILION, LLC. APPLICATION NUMBER CUP12-0002.
- 3. ITEMS FROM THE AUDIENCE
 - 4. DIRECTOR'S REPORT
 - 5. ITEMS FROM THE COMMISSION
 - 6. ADJOURNMENT

April 5, 2012

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 A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO PERMIT THE DEVELOPMENT OF THREE NEW INDUSTRIAL BUILDINGS TOTALING 989,717 SQUARE FEET, THE EXPANSION OF AN EXISTING INDUSTRIAL BUILDING BY 288,770 SQUARE FEET, AND THE EXTENSION OF CHABOT COURT TO TURN WEST AND INTERSECT WITH PARADISE ROAD ON A 70.49-ACRE SITE, LOCATED ADJACENT TO PARADISE ROAD, SOUTH OF GRANT LINE ROAD AND ADJACENT TO AND WEST OF THE EXISTING CHABOT COURT - APPLICANT IS PROLOGIS, AND OWNERS ARE AMB HOLD CO, LLC AND PROLOGIS, L.P.- APPLICATION D12-0003

DISCUSSION

Background and Summary

In 1996, the City Council adopted the Northeast Industrial Areas Concept Development Plan (NEI) within which the project area is located. The site is Zoned Planned Unit Development (PUD), and is designated Industrial by the General Plan, and Light Industrial by the Concept Development Plan.

In accordance with Tracy Municipal Code Section 10.08.1830, the Planning Commission and the City Council shall review all Planned Unit Development Preliminary and Final Development Plans.

A number of Preliminary and Final Development Plans (PDP/FDPs) have been approved for the project site over time. Two PDP/FDPs in combination resulted in the construction of the existing Chabot Court, and the two existing buildings (one vacant and one housing the Best Buy warehouse) on Chabot Court. Another PDP/FDP approved the existing 312,770-square foot Barboza Cabinets building, and caused the construction of some of the existing portion of Paradise Road.

The current proposal is a new PDP/FDP to allow for three additional industrial buildings in the vicinity of the three existing buildings on the site, as well as an expansion of an existing building.

Site and Project Area Description

The project site is located on the south side of Grant Line Road, at Chabot Court and Paradise Roads (Attachment A). The site is designated Light Industrial by the Northeast Industrial (NEI) Concept Development Plan. The adjacent parcels to the north and west are also designated Light Industrial by the Concept Development Plan. To the south and east of the project is land outside of the current City Limits.

The proposed project would approve a new PDP/FDP in order to allow for three new buildings totaling 989,717 square feet to be constructed, along with a 288,770 square foot

addition to the existing Barbosa Cabinets building (Attachment B). The three proposed new buildings and the expansion are shown on the site plan as follows:

- Building 16 – 120,799 square feet, fronting Paradise Road
- Building 17 – 603,278 square feet, fronting Paradise Road
- Building 18 – 265,640 square feet, fronting both Chabot Court and Paradise Road
- Building 19 – 288,770 square feet, at 2020 E. Grant Line Road

Building 18 is proposed in a location that currently is divided into three separate parcels. A recommended condition of approval would require a lot line adjustment or lot merger to be completed to consolidate those parcels into one parcel prior to the issuance of a building permit for that building.

The proposed additional PDP/FDP for the project site is well suited for the location, as the site is located within the Light Industrial area of the NEI Concept Development Plan in an area where roadways and infrastructure have been designed for industrial development. The surrounding sites are planned for or have existing similar uses.

Architecture

Buildings 16, 17, and 18, as proposed, consist of concrete tilt-up construction, with base and accent colors. Attachment C shows the architectural features of the buildings as well as the proposed colors and materials. The buildings are enhanced with several reveals and varying materials, including glass storefront office areas and accent colors, as well as glass accents high on the building. Variation in rooflines, as well as the façade breaks at the office areas help to add visual interest to the large buildings. The variation of architectural features adds visual interest to the buildings from each elevation view, as the reveals and accent colors have been carried around the rear and sides of the buildings. The rooflines of the buildings vary in height, with vertical relief added by false parapets being stepped up and down in numerous locations. The proposed architecture for these new buildings matches the existing architecture of the two existing Crate and Barrel Buildings located at 1605 and 1705 Chrisman Road, to the southwest of the project site.

The proposed expansion of the Barbosa Cabinets building (Building 19) will reflect architecture matching the existing building façade (Attachment D).

Landscape Areas

As shown on the site plan (Attachment B), the landscape areas proposed will meet the requirements of Tracy Municipal Code Section 10.08.3560, and the requirements of the Northeast Industrial Areas Concept Development Plan.

A combination of trees, shrubs and groundcover are proposed for the landscape areas. A recommended condition of approval requires the developer to submit a detailed landscape and irrigation plan for approval by the Development Services Director prior to the issuance of any building permits. All landscape and irrigation improvements are to be designed and installed in compliance with the requirements of the Water Efficient Landscape Guidelines, Tracy Municipal Code, Northeast Industrial Areas Concept Development Plan, and all other applicable City standards. In addition, a recommended condition of approval requires that prior to the issuance of any building permits, an

Agreement for Maintenance of Landscape and Irrigation Improvements is to be executed, and financial security submitted to the Development Services Department. The agreement will ensure maintenance of the on-site landscape and irrigation improvements for a period of two years.

Parking and Circulation

The proposed project will change the current circulation patterns in the project area by changing existing Chabot Court. Currently, Chabot Court is a public street that extends due south from East Grant Line Road and ends in a cul-de-sac bulb approximately 1300 feet from Grant Line Road, in front of the building located at 2000 Chabot Court. Part of the project proposal is to extend Chabot Court, curving to the west, then to the north to intersect with Paradise Road. The applicant is also proposing to convert Chabot Court into a private street, to be owned and maintained as private property. The proposed configuration of the roadways will allow for Grant Line and Paradise Roads to be the truck routes to the project area, with Chabot providing an efficient internal circulation route within the project site. The two access points from East Grant Line Road will be at Paradise Road and Chabot Court, with numerous driveway access points from both streets for each of the existing and proposed buildings on the project site.

Parking is distributed throughout the project site to accommodate the parking needs of the proposed new and expanded buildings. The project proposes 648 auto parking spaces to serve the new buildings, which is greater than the number of parking spaces that would be required per the NEI Concept Development Plan. The site plan provides for adequate circulation movements on the site for employee and customer parking, as well as truck traffic (Attachment C).

Environmental Document

The project is consistent with the Environmental Impact Report (EIR) that was prepared for the Northeast Industrial Areas Concept Development Plan and certified in 1996. In accordance with CEQA Guidelines Section 15183, no further environmental assessment is required. An analysis of the project shows that there will be no significant on or off-site impacts as a result of this particular project that were not already discussed in the Northeast Industrial Areas Concept Development Plan EIR. There is also no evidence of any significant impacts to occur off-site as a result of the project, as traffic, air quality, aesthetics, land use and other potential cumulative impacts have already been considered within the original environmental documentation. No new evidence of potentially significant effects has been identified as a result of this project.

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve the Preliminary and Final Development Plan to permit the development of three new industrial buildings and one building expansion totaling 1,278,487 square feet on a 70.49-acre site, located adjacent to Paradise Road, south of Grant Line Road, west of and adjacent to Chabot Court, Application Number D12-0003, subject to the conditions and based on the findings contained in the Planning Commission Resolution (Attachment E) dated April 11, 2012.

MOTION

Move that the Planning Commission recommend that the City Council approve the Preliminary and Final Development Plan to permit the development of three new industrial buildings and one building expansion totaling 1,278,487 square feet on a 70.49-acre site, located adjacent to Paradise Road, south of Grant Line Road, west of and adjacent to Chabot Court, Application Number D12-0003, subject to the conditions and based on the findings contained in the Planning Commission Resolution (Attachment E) dated April 11, 2012.

Prepared by Victoria Lombardo, Senior Planner

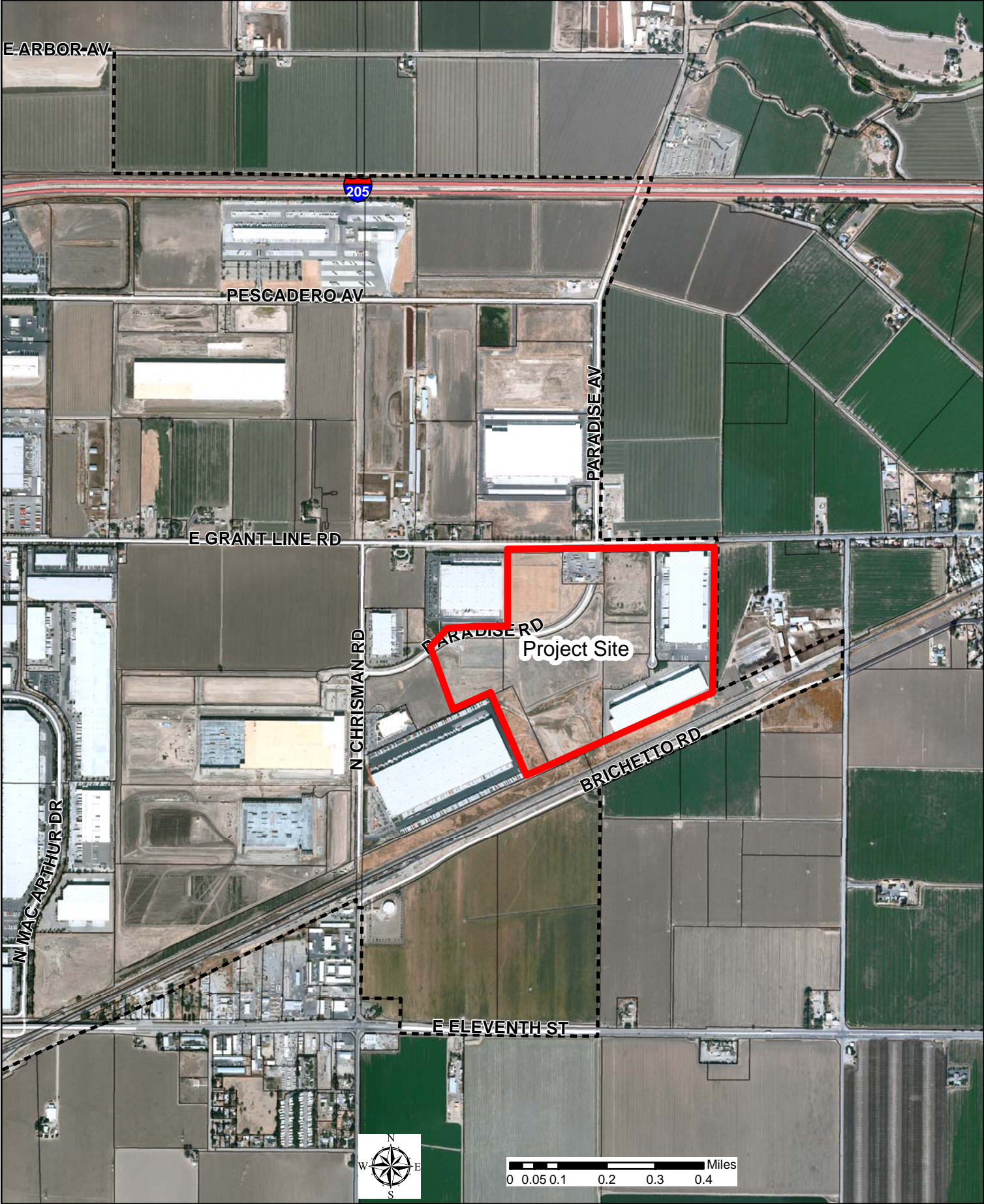
Reviewed by Bill Dean, Assistant Development Services Director

Approved by Andrew Malik, Development Services Director

ATTACHMENTS

- A— Location Map
- B— Site Plan, Floor Plan and Architectural Rendering
- C— Color Architectural Renderings
- D— Barbosa Cabinets Rendering
- E— Planning Commission Resolution

Location Map



RESOLUTION _____

RECOMMENDING CITY COUNCIL APPROVAL OF A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO PERMIT THE DEVELOPMENT OF THREE NEW INDUSTRIAL BUILDINGS AND EXPANSION OF ONE EXISTING INDUSTRIAL BUILDING, TOTALING 1,278,487 SQUARE FOOT LOCATED ON A 70.49-ACRE SITE, AND THE EXTENSION OF CHABOT COURT TO TURN WEST AND INTERSECT WITH PARADISE ROAD, LOCATED ADJACENT TO PARADISE ROAD, SOUTH OF GRANT LINE ROAD AND ADJACENT TO AND WEST OF THE EXISTING CHABOT COURT
ASSESSOR'S PARCEL NUMBERS 250-030-19, 26, 27, 28 and 250-280-6, 7, 8, 9, 10
APPLICATION NUMBER D12-0003

WHEREAS, The subject property was annexed to the City of Tracy in 1996, received a zoning designation of Planned Unit Development, is designated Light Industrial in the Northeast Industrial Concept Development Plan, and is consistent with the General Plan designation of Industrial, and

WHEREAS, Prologis, on behalf of AMB Hold Co, LLC and Prologis LLP, submitted an application for a Planned Unit Development Preliminary and Final Development Plan Amendment (Application Number D12-0003) for the extension of Chabot Court, and to construct three new industrial buildings and one building expansion totaling 1,278,487 square feet on March 19, 2012, and

WHEREAS, The subject property is located within the Northeast Industrial Concept Development Plan area, with a land use designation of Light Industrial, within which industrial land uses are permitted, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the application on April 11, 2012;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission does hereby recommend that the City Council approve the Preliminary and Final Development Plan to permit the development of a PDP/FDP consisting of the extension of Chabot Court to Paradise Road, and the construction of three industrial buildings and one building expansion totaling 1,278,487 square feet, Application No. D12-0003, subject to the conditions contained in Exhibit 1 to this Resolution, and based on the following findings:

1. The establishment, maintenance, and operation of the proposed land use and associated structures is compatible with the land use, design, and operational characteristics of the neighboring properties. It will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use and its associated structures, or to the general welfare of the City because the project is consistent with the land use, design, and other elements of the Northeast Industrial Concept Development Plan, the City of Tracy General Plan, and applicable requirements of Chapter 10.08 of the Tracy Municipal Code, including, but not limited to, Article 26, Off-Street Parking Requirements, and Article 30, Development Review.
2. 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 architectural elements of the project as designed and conditioned are a quality addition to the

vacant parcels, and will not adversely visually impair the benefits of the properties in the vicinity. The project also includes greater setbacks than the required minimum, vertical and horizontal variation in the building faces, and significant landscape improvements both adjacent to the buildings and in the parking areas.

- 3. The project, as designed and conditioned, will not cause any significant environmental impact, because it is consistent with the Northeast Industrial Concept Development Plan and its Environmental Impact Report as adopted by the City Council in 1996. The project is consistent with the land use, design, and other elements of the Northeast Industrial Areas Concept Development Plan, the City of Tracy General Plan, and applicable requirements of the Tracy Municipal Code.

The foregoing Resolution _____ was adopted by the Planning Commission on the 11th day of April, 2012, by the following vote:

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

Chair

ATTEST:

Staff Liaison

Exhibit 1 - Development Services Department Conditions of Approval

**Conditions of Approval for Prologis Project Mustang
Extension of Chabot Court, and Approval of Three new Industrial Buildings and one
Building Expansion Totaling 1,278,487 Square Feet
Adjacent to Paradise Road, south of Grant Line Road,
west of and adjacent to Chabot Court
Application Number D12-0003
April 11, 2012**

These Conditions of Approval shall apply to the real property described as Prologis Project Mustang, the extension of Chabot Court to intersect with Paradise Road, and three new industrial buildings and one building expansion totaling 1,278,487 square feet, located adjacent to Paradise Road, south of Grant Line Road, and west of and adjacent to Chabot Court. Application Number D12-0003 (hereinafter "Project") located on a 70.49-acre site, Assessor's Parcel Numbers 250-030-19, 26, 27, 28 and 250-280-6, 7, 8, 9, 10.

1. 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 Development 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, Northeast Industrial Concept Development Plan, 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 Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
 - e. "Conditions of Approval" shall mean the conditions of approval applicable to Prologis Project Mustang, the extension of Chabot Court to intersect with Paradise Road, and three new industrial buildings and one building expansion totaling 1,278,487 square feet, located adjacent to Paradise Road, south of Grant Line Road, and west of and adjacent to Chabot Court. Application Number D12-0003 (hereinafter "Project") located on a 70.49-acre site, Assessor's Parcel Numbers 250-030-19, 26, 27, 28 and 250-280-6, 7, 8, 9, 10. The Conditions of Approval shall specifically include all Development Services Department, including Planning Division and Engineering Division, conditions set forth herein.
 - f. "Project" means the real property consisting of approximately 70.49 acres located adjacent to Paradise Road, south of Grant Line Road, and west of and adjacent to

Chabot Court, Assessor's Parcel Numbers 250-030-19, 26, 27, 28 and 250-280-6, 7, 8, 9, 10.

- g. "Property" means the real property generally located on the south side of Grant Line Road east of Chrisman Road and more particularly described as Lots 6, 7, 8 and 9 as shown on the final map of Chabot Commerce Center, Tract 3019 filed for record on October 30, 2003, in Book 38 of Maps and Plats, at Page 70, of the San Joaquin County Records, Parcel "A" of that certain Certificate of Compliance for Lot Line Adjustment recorded on February 10, 2006 as Document number 2006-032957 of the San Joaquin County Records, all of Parcels C, D, E and F as shown and so designated on that certain parcel map recorded on March 1, 2005 and filed in Book 23 of Parcel Maps, at Page 101 of the San Joaquin County Records, and all of Parcel 2, said parcel as shown and so designated on that certain Certificate of Compliance For Lot line Adjustment 12-03-MS recorded on November 13, 2003 and filed as Document number 2003-262735 of the San Joaquin County Records.
- h. "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. The term "Developer" shall include all successors in interest.

Planning Division Conditions of Approval:

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").
2. Unless specifically modified by these Conditions of Approval, the 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, dated February 1, 2011 and the Northeast Industrial Concept Development Plan Environmental Impact Report.
4. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

5. Except as otherwise modified herein, all construction shall be consistent with the site plan received by the Development Services Department on April 3, 2012.
6. Prior to the issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560 Northeast Industrial Concept Development Plan, and Water Efficient Landscape Guidelines on private property, and the Parks and Parkways Design Manual for public property, to the satisfaction of the Development Services Director. Said landscape plans shall include documentation which demonstrates that there is no less than 20 percent of the parking area in landscaping, and 40 percent canopy tree coverage at tree maturity.
7. Where landscape planters are parallel and adjacent to vehicular parking spaces, the planter areas shall incorporate a 12-inch wide concrete curb along their perimeter that is adjacent to the parking space in order to allow access to vehicles without stepping into landscape planters.
8. Prior to the issuance of a building permit, an Agreement for Maintenance of Landscape and Irrigation Improvements shall be executed and financial security submitted to the Development Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements, or \$2.50 per square foot of on-site landscape area.
9. 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 Chrisman Road, Paradise Road, Grant Line Road, or any other public right-of-way. All roof-mounted equipment shall be screened from view from the public right-of-way with a continuous parapet wall at least equal in height to the height of any equipment installed, to the satisfaction of the Development Services Director.
10. All vents, gutters, downspouts, flashing, electrical conduit, and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
11. Prior to final inspection or certificate of occupancy, on-site circulation signs shall be installed to the satisfaction of the Development Services Director.
12. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way, to the satisfaction of the Development Services Director.
13. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Development Services Director.

14. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
15. 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.
16. All improvements shall be consistent with the Tracy Municipal Code, Standard Plans, and other applicable City Regulations.
17. Prior to the issuance of a building permit, a lot line adjustment shall be approved and recorded in order to ensure that the property lines on the project site do not interfere with any building footprint.
18. No signs are approved as a part of this development application. Prior to the installation of any signs, the applicant shall submit a sign permit application and receive approval from the Development Services Director, and all signs shall be designed in compliance with the Northeast Industrial Concept Development Plan and Tracy Municipal Code Chapter 10.08, Article 35, Signs.
19. Prior to the issuance of a building permit, a detailed plan of the trash enclosures, at least eight feet in height, shall be submitted, showing solid metal doors, a solid roof, an interior concrete curb, and exterior materials and colors compatible with the adjacent building exterior.
20. The architectural elevations for proposed buildings shall be consistent with the elevations received by the DS Department on March 19 and April 3, 2012.
21. Prior to the issuance of a Certificate of Occupancy for any of the buildings, a permanent barrier such as a concrete curb, fence or berm and swale shall be installed at all phasing lines to block vehicular access from any unpaved areas.

Engineering Division Conditions of Approval:

- A. Conditions of Approval Prior to Approval of Grading and Encroachment Permit Applications: No application for grading permit within the Project boundaries and encroachment permit for work within City's right of way 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:
 1. The Developer has completed all requirements set forth in this section and the Developer has obtained the approval of all other public agencies with jurisdiction over the required public facilities.
 2. Payment of all applicable processing fees including improvement plan check fees, engineering fees for processing Conditions of Approval, encroachment and grading

permits and inspection fees, required by these Conditions of Approval and City Regulations.

3. Execution of all agreement(s), posting of all improvement security, and providing documentation of insurance, as required by these Conditions of Approval.
4. The Improvement Plans for all improvements that is required to serve the Project in accordance with the Subdivision Ordinance, the City Design Documents, and these Conditions of Approval. All supporting engineering calculations including hydrologic calculations, sizing of storm drain pipes and storm drainage basin, sewer pipe design, water line design, technical specifications, technical reports related to the design of the improvements, and cost estimates is required with the first submittal of Improvement Plans. Improvement Plans must be prepared on a 24" x 36" size mylar, and 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.
5. The Grading and Drainage Plans prepared in accordance with the Subdivision Ordinance, Tracy Municipal Code, the City Design Documents and these Conditions of Approval. The Grading and Drainage Plans shall show design and construction details of the temporary storm drainage retention facility and submitted with the storm drainage calculations for the sizing of the retention facility. As part of the plans submittal, the Developer shall provide the Project's Soils Report that identifies the type of soil and specifies percolation rate at the basin site and includes recommendations related to site grading.
6. Construction cost estimate for all required public facilities including the 60-inch diameter storm drain main and 15-inch diameter sanitary sewer line on the Property, and the exclusive right-turn lane on Grant line Road for the driveway to serve Building 19 Expansion. The total construction cost shall include fifteen percent (15%) construction contingencies.
7. 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 D-6, below.
8. Signed and notarized Deferred Improvement Agreement and improvement security, or amendment to the existing deferred improvement agreement(s), and payment of the agreement-processing fee, as required in Conditions H-3, H-10, and K-5, below.
9. Signed and stamped legal description describing the area where the temporary storm drainage retention basin(s) are located, if storm drainage basin(s) are moved to a different location within the Property, as required in Conditions H-1 and H-3, below.
10. Signed and stamped legal description and location map describing the right-of-way area of the existing Chabot Court, and this street extension to Paradise Road, as required in Condition E-4, below.

11. Signed and notarized Grant of Easement and signed and stamped legal description and location map, for the dedication of 35 feet wide Permanent Public Utility and Access Easement (PPUAE) on the Property from Grant Line Road to the southern boundary of the Property, as required in Conditions H-6 and I-1, below.
 12. Tracy's Fire Marshall's signature on the Improvement Plans indicating their approval for the Project's fire service connection, location of fire hydrant(s), fire and emergency vehicle access and compliance of the City's Fire Department fire protection requirements, as required in Conditions J-3, J-4, and J-5, below. Written approval from the Fire Department required in this section shall be obtained by the Developer, prior to the City Engineer's signature on the Improvement Plans.
 13. Three (3) copies of the Project's Geotechnical Report, signed and stamped by the Project's Geo-technical Engineer, as required in Condition D-1, below. The report must contain type of soil, soils percolation rate, and elevation of observed groundwater level.
- B. Conditions of Approval Prior to the Approval 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:
1. The Developer has completed all requirements set forth in Condition A, above.
 2. Payment of all fees required by these Conditions of Approval and City Regulations. Payment of all Northeast Industrial (NEI) Phase 1 development impact fees (a.k.a. capital in-lieu fees), and assessment fees per the NEI Community Facilities District 2006-01, for construction of infrastructure including but not limited to roads, sewer, water, storm, public buildings, public works/safety, parks, reimbursements to other development area(s) for use of reserve capacities, as required by the Northeast Industrial Area – Phase I Finance and Implementation Plan, these Conditions of Approval and City Regulations.
 3. The Developer has completed, or satisfied the obligations of the Project by executing required agreements and posting appropriate security as required by the City Engineer, these Conditions of Approval and City Regulations.
 4. Signed and stamped letter from the Project's Geo-technical Engineer certifying that grading work performed by the Developer within the Project meets the requirements of the Project's Soils Report and recommendations by the Project's Geo-Technical Engineer's and that grading work were performed under direct supervision of the Project's Geo-technical Engineer, as required in Conditions D-1 and D-3, below.
 5. Letter to the City acknowledging participation in a benefit district as required by these Conditions of Approval. The letter shall state that the Developer 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.

- C. Conditions of Approval Prior to Certificate of Occupancy. No building certificate of occupancy within the Project boundaries will be approved by the City, until the Developer provides documentation which demonstrates, to the satisfaction of the City Engineer, that:
1. The Developer has completed all requirements set forth in Condition B, above and this section.
 2. There are two (2) vehicular access points from the Project to fully improved streets for use by fire and emergency vehicles, from either Paradise Road or Grant Line Road, consistent with the construction phasing of the Project, as required by these Conditions of Approval. Approval from the City's Fire Department will be required for the location and details of the two (2) vehicular accesses to the Project required under this section.
 3. The Developer has completed construction of other public facilities (non-program) required to serve the Project, that are not part of the Northeast Industrial Area program for which a building certificate of occupancy is requested. Unless specifically provided in these Conditions of Approval, or some other City Regulations, the Developer shall take all actions necessary to construct all public facilities (non-program) required to serve the Project, and the Developer shall bear all costs related to the construction of the public facilities (including all costs of design, construction, construction management, improvement plans check, inspection, land acquisition, program implementation, and contingency).
- D. Grading and Erosion Control:
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 the In-tract Utility and 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, type of soils, percolation rate, soil bearing capacity, observed highest groundwater elevation.
 2. Slope easements will be allowed 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) only if a retaining wall cannot be constructed. The slope easement(s) must be recorded, prior to the 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.
 3. Prior to the issuance of the first building permit within the Property, the Developer 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 Developer on the Property, 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).

4. Rough grading work and the construction of building pad shall require a Grading Permit. Installation of in-tract utilities will require a building 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.
5. As required by the 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 storm water overland drains to an improved public street with storm drainage system in the event that the Project's on-site storm drainage system fails to function properly or is clogged. It is recommended that the building finish floor shall be at least 0.70 feet higher than the Project's overland storm drainage release point. City will not allow overland storm drainage release through private properties without written permission from affected property(s). The Developer shall submit an indemnification letter, if after the Developer has demonstrated that design constraints exist that Project's overland storm drainage release point will be designed and constructed that storm water will drain through to private property(s). The indemnification letter must be received by the City, prior to the issuance of the grading permit. The Grading and Drainage Plans shall indicate the location and elevation of the Project's overland storm drainage release point and shall show all improvements that may be necessary to create a functional overland storm drainage release point.
6. Prior to the issuance of the Grading Permit, the Developer 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 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 the Waste Water Discharge Identification number, prior to the issuance of the grading permit. The Developer shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the City's Storm Water Management Program.

E. Street Improvements:

1. Portion of Grant Line Road in front of the Existing Building and Building 19 Expansion – The Developer is responsible for constructing streets and utilities improvements along the entire frontage of these two buildings on Grant Line Road (Grant Line Road Improvements). Grant Line Road Improvements shall include, but are not limited to, fire service, parkway landscaping with automatic irrigation system (Motorola Irrigation Controller), curb, gutter, sidewalk, access driveway, new asphalt concrete pavement, asphalt concrete overlay, pavement signing, striping and all improvements between the planned face of curb and the ultimate right-of-way line of Grant Line Road. Grant Line Road Improvements shall include pavement transition, including signing and striping, barricade and guardrail and other improvements to provide a functional and safe

pavement transition from an existing street section to an improved street section. The Developer shall design and construct Grant Line Road Improvements in accordance with City Regulations, to the satisfaction of the City and pay for all the cost for these improvements without any reimbursement from the City. If construction phasing is necessary, the Developer shall complete the construction of these frontage improvements, in accordance with the phasing plan approved by the City.

Prior to starting the construction of Grant Line Road Improvements, the Developer shall execute an Offsite Improvement Agreement and submit improvement security acceptable to the City Attorney, and in the amounts approved by the City Engineer. The Improvement Plans shall be prepared in a 24" x 36" size mylar, as specified in Condition A. Grant Line Road Improvements must be completed by the Developer, and accepted by the City Council as complete, prior to the issuance of the temporary certificate of occupancy of the first building constructed within the Property.

The Developer has the option to pay the City a reimbursement amount equivalent to the cost of constructing Grant Line Road Improvements in lieu of constructing the improvements. The reimbursement amount which includes design, engineering inspection, testing, construction contingencies, and program management costs is estimated to be \$650,000. If the Developer elects to pay the reimbursement amount, the payment must be made to the City, prior to the issuance of the first building permit within the Property. If the City receives the reimbursement amount, the City will construct the exclusive right-turn lane as part of the Grant Line Road Widening Project utilizing the design and improvement plans provided by the Developer. The Developer shall pay the City cost difference between landscaping improvements and the exclusive right-turn lane at the time the City demands the payment or before the City starts the construction of the exclusive right-turn lane.

The Developer shall dedicate right of way on Grant Line Road for entire length of frontage of the Property on Grant Line Road, for the roadway widening of Grant Line Road. The amount of right of way to be dedicated shall be in accordance with the adopted Precise Alignment Plan for Grant Line Road, Roadway Improvement Plans for Grant Line Road prepared by Harris & Associates (City's consultant), NEI Concept Development Plan, NEI Finance Implementation Plan and Tracy Roadway Master Plan. The offer of dedication of right of way shall be made by the Developer by an Irrevocable Offer of Dedication Deed, which must be filed at the San Joaquin County Records, prior to the issuance of the Grading Permit. The City will accept the offer of dedication of right of way on Grant Line Road upon completion of the public improvements by the Developer or the City, on the right of way area being offered for dedication. Signed and stamped legal description and map must be submitted for City's review, as part of a complete submittal of the Improvement Plans.

2. The proposed commercial driveway on Grant Line Road for Building 19 Expansion shall be relocated farther west up to a location in order to allow the construction of exclusive right-turn lane adequate in length to serve the existing building and Building 19 Expansion. The traffic movements allowed on this access point will be "right-turn in" and "right-turn out" only. This access point is approved for regular vehicles only and no semitrailer trucks will be allowed. No median break, both in the interim and ultimate conditions, will be allowed. The Developer is responsible for the cost of installing the

exclusive right-turn lane on Grant Line Road including all the necessary traffic signs and pavement marking and striping, consistent with the allowed traffic movement on this driveway.

3. Portion of Grant Line Road in front of Existing Building 14 and Building 18 - Under the Subdivision Improvement Agreement and Deferred Improvement Agreement for Chabot Commerce Center, Tract 3019 that were approved on October 23, 2003, pursuant to Resolution 2003-379, the developer of the Chabot Commerce Center has completed its obligation related to the completion of frontage improvements on Grant Line, by paying the estimated cost of designing and constructing the frontage improvements. All the streets and utilities improvements on Grant line Road that are necessary to serve Existing Buildings 14 and 15 were constructed under the Offsite Improvement Agreement for Bestbuy Distribution Facility. Any improvements on Grant Line Road that are necessary to convert Chabot Court into a private street is the responsibility of the Developer.
4. Chabot Court – The streets and utilities improvements including the water main, sewer main and storm drain line on Chabot Court were accepted as public improvements. Chabot Court was constructed as part of the Chabot Commerce Center and was accepted by the City as a public street. The Developer will be responsible for providing all documentation such as legal description, preliminary title report, recorded documents that are necessary in processing the conversion of Chabot Court from a public street to a private street. The Developer shall pay for the cost of streets and utilities improvements including the required double check detector valve and other improvements that are necessary for modifying the existing improvements on Chabot Court and also for extending Chabot Court to Paradise Road (Chabot Court Improvements). The existing water main, sewer main and storm drain line on Chabot Court will remain as public improvements, and the City will be responsible for maintaining them.

The Developer shall also pay all processing fees associated with the abandonment of Chabot Court. The City shall reserve a permanent vehicular access easement for the benefit of the public and for STAA trucks, and a utility easement specifically for water meter inspection and reading purposes. Chabot Court Improvements excluding the sewer, water and storm drain mains on Chabot Court are considered private improvements. The Developer has to provide documentation acceptable to the City Engineer such as Conditions, Covenants and Restrictions (CC&Rs), joint use access and utilities maintenance agreement(s), and others that identify obligations of the responsible party(s) for repairing and maintaining Chabot Court Improvements, prior to the approval of the abandonment of Chabot Court.

The Developer shall submit for review a detailed design of Chabot Court Improvements for City's review. Chabot Court Improvements shall include, but are not limited to, street landscaping, curb, gutter, sidewalk, new asphalt concrete pavement, asphalt concrete overlay, pavement signing, striping and other improvements that are necessary in modifying Chabot Court as private street including its extension to Paradise Road. Chabot Court Improvements shall include pavement transition, including signing and striping, barricade and guardrail and other improvements to provide a functional and safe pavement transition from an existing street section to an improved street section. The Developer shall design and construct Chabot Court Improvements, to the

satisfaction of the City, and pay for all the cost of these improvements without any reimbursement from the City. The Developer shall complete the construction of these improvements, in accordance with the phasing plan approved by the City.

Traffic movements on the existing driveway west of the existing Building 19 will be restricted to "right-turn in" and "right-turn out" only, and no median break will be constructed on Grant Line Road.

Prior to starting the construction of Chabot Court Improvements, the Developer shall obtain a building permit from the City, and pay permit processing, plan check and building inspection fees. Chabot Court Improvements must be completed by the Developer, prior to the issuance of the temporary certificate of occupancy of a new building constructed within the Property.

The Developer is responsible for relocating any public improvements including electric, gas, TV cable, telephone and other improvements that are affected by modification of Chabot Court to a private street, all at the Developer's sole cost and expense. Developer shall coordinate with owners of these utilities for the design, construction, relocation or replacement of their utilities.

As a result of merging Lots 1 through 5 of the Chabot Commerce Center, Tract 3019, there are unused public utility easements that are within these lots that will not be needed by utilities companies (PG&E, AT&T and Comcast TV Cable). The Developer shall submit legal description and map that describes the easement areas for the processing of the abandonment of the unused utility easements. The Developer will be responsible for paying the cost of processing the abandonment of the utility easements including the cost of preparing legal description and recording the notice of vacation and quitclaim deed with the San Joaquin County Recorder. The abandonment of the utility easements shall be processed concurrently with the abandonment of Chabot Court as a public street.

5. Paradise Road – The minimum distance between driveways on Paradise Road shall not be less than 450 feet (measured from the centerline of the driveway). The traffic movement allowed on the driveway on Paradise Road that serves the parking lot for employees of Building 14 will be restricted to "right-turn out" only. A "right-turn in" movement will be allowed if the Developer constructs a raised median, at least 4 feet wide with hand-placed grouted cobblestones on Paradise Road at the location and limits approved by the City Engineer. The portion of the driveway beyond the right of way of Paradise Road is considered private improvements and will be located on City property. Prior to the construction of this driveway, the Developer shall coordinate with the City for the acquisition of the City property east of Paradise Road.

If the City property east of Paradise Road is not acquired by the Developer, the City will allow the Developer to install landscaping improvements on the City property. The Developer agreed to pay for the cost of installing the landscaping improvements without any reimbursement from the City. The City will be responsible for maintaining the landscape improvements.

The Developer will be responsible for installing pavement striping and markings and traffic sign(s) on Paradise Road from Chrisman Road to its current north terminus that are necessary as determined by the City Engineer, for the conversion of Paradise Road from four (4) travel lanes to three (3) lanes with a striped two-way left-turn center lane, all at the Developer's sole cost and expense. These improvements shall be designed and constructed as part of the modification of Chabot Court and the extension of Chabot Court to Paradise Road. Developer shall also pay for the cost a level of service analysis that is required to verify adequacy of the three (3) lanes in meeting the 2035 traffic volumes on Paradise Road.

Where street cuts are made for the installation or extension of water, sewer and storm drain services, a 2 inches thick 25 feet wide asphalt concrete overlay on each side of the trench will be required to hide trench marks. To retain current crown and gutter grades, a 2 inches uniform depth pavement grind will be required for the area to be applied with asphalt concrete overlay. If street cut(s) goes beyond street centerline, asphalt concrete overlay shall be applied over the entire travel lane(s) that are affected or up to the lip of gutter, if street cut(s) extends up to the outside lane.

Prior to starting any work on Paradise Road, Grant Line Road and Chabot Court, the Developer shall obtain an approved encroachment permit, submit improvement plans, specifications, and cost estimates, and pay plan checking, permit processing, testing and inspection fees.

The City owns the property between the extension of Paradise Road to Grant line Road and the employee's parking lot for Existing Building 14. This piece of land is approximately 0.523 acre or 22,756 square feet. City staff has determined that this piece of land will not be needed for any public facilities and it is in the best interest of the City to sell it to the owner of the adjacent property. The disposal and sale of this piece of land will require City Council approval. As part of the process of disposing City property, this piece of land has to be declared surplus and offered to non-profit organizations, and finding has to be made that property disposition is consistent with the General Plan. As a condition of constructing the driveway for Building 14, the Developer is required to coordinate with the City for the sale of the City property east of Paradise Road. The Developer is required to submit a letter of intent to acquire the City property. City will begin the process of disposing City property upon receipt of the letter from the Developer.

6. All traffic control devices, including stop signs, speed limit signs, street name signs, pavement marking, legends and striping shall be installed in accordance with a detailed striping and signing plan prepared by the Developer and approved by the City Engineer.
7. 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. The street longitudinal grade on any street shall not be less than 0.4%. Street crown shall have a minimum slope of 2%.

8. Per the City's Roadway Master Plan and Northeast Industrial Concept Development Plan, Grant Line Road is classified and shall function as an expressway in the future. The ultimate street section for an expressway includes three (3) 12-foot wide travel lanes and an 8-foot wide bike lane on each direction, a 16-foot wide raised median and 15-foot landscaping strip on both side of the street, with a total right of way width of 134 feet. The Developer shall dedicate right of way on Grant Line Road along the entire frontage of the Project, for the widening of Grant Line Road to its ultimate street section. The amount of right of way dedication shall be consistent with the Precise Centerline Alignment Plan for Grant Line Road and the Roadway Improvement Plans for Grant Line Road, CIP No. 7348, prepared by City's Consultant (Harris & Associates). The Developer shall submit a signed and notarized Grant Deed, offering the dedication of right of way described and required under this section, if applicable, prior to the issuance of the Grading Permit.
9. The Developer shall dedicate a 10-foot wide Public Utility Easement (PUE) along the entire frontage of the Property on Grant Line Road and Paradise Road or where required, for the installation, operation, use, repair and maintenance of public utilities such as electric, gas, telephone, TV cable, and others. The Developer shall submit a signed and notarized Grant of Easement offering the dedication of the utility easement described and required under this section, prior to the issuance of the Grading Permit.
10. The Developer shall design and install parkway landscaping with automatic irrigation system (Motorola irrigation controller) along the frontage of Project on Paradise Road and Grant Line Road in accordance with the requirements of the City's Streetscape Design Guidelines, Design Documents and these Conditions of Approval, to the satisfaction of the City Engineer. Landscape plans shall be signed and stamped by registered Landscape Architect.

G. Undergrounding of Overhead Utilities:

1. The Developer shall, to the satisfaction of the affected utility companies and the City Engineer, underground and relocate all utilities within the Property and along street frontages of the Project on Grant Line Road and Paradise Road. Unless exempted by the Tracy Municipal Code Section 11.08.060, and nominal voltage on the transmission lines in excess of 34,500 Volts, the Developer shall underground all existing overhead utilities on the Project's frontage on Grant Line Road and Paradise Road including the Project's electrical service connections from the distribution line to the building. The cost of undergrounding the overhead utilities including the individual service connection(s) to the Project will be the sole responsibility of the Developer. At the time of submittal of the Improvements Plans, the Developer shall submit joint trench plans for the undergrounding of utilities, for City's review. The limit of undergrounding work shall be the entire frontage of the Project up to the nearest pole on both sides of the Project. If the nearest pole is more than 100 feet from the Property, the will allow the relocation of the pole so that is 100 feet away from the Property.

H. Storm Drainage:

1. The Property is within the drainage area of Detention Basin NE, as described in the City's Storm Drainage Master Plan and Storm Drainage Analysis Final Report for

Northeast Industrial Area. Since Detention Basin NE and associated storm drainage line and channel are not in place or not available, the City will allow the use of a temporary on-site storm drainage retention basin as an interim solution for the disposal of storm water generated from the Property. The Developer shall design and construct a temporary onsite storm drainage retention basin, which will be owned, operated and maintained by the Developer, all at the Developer's sole cost and expense, until the City's Detention Basin NE, the downstream storm drain trunk line and channel and the Project's storm drainage connection to this proposed storm drainage facility are completed and made operational. The Developer shall design and construct the temporary on-site storm drainage retention basin in accordance with City's Design Documents and these Conditions of Approval, to the satisfaction of the City Engineer.

2. Excavated materials shall be kept within the basin site. If the excavated materials are removed from the basin site, the Developer shall post cash security equivalent to the cost of the backfill materials, hauling to the basin site, spreading, compacting and re-grading the basin site. Stockpile of excavated materials shall not be higher than 8 feet and slope should not be steeper than 1:1. A chain link fence with redwood or polyethylene-coated or plastic slats and access gate shall be installed by the Developer to enclose the basin site. The bottom of the temporary on-site storm drainage retention basin shall be 5 feet above the observed highest groundwater elevation at the basin site or as determined by the City Engineer. The basin shall empty in 10 days as specified in the Design Standards. The Developer shall include calculations for the sizing of the temporary on-site storm drainage retention basin, including a percolation report, with the design, for review and approval of the City Engineer. The percolation report shall also indicate the observed highest groundwater elevation at the basin site. The Developer will be responsible for maintenance of the temporary retention facility until downstream storm drainage facilities are available and connection to the permanent system is installed and made operational.
3. The Developer shall remove the temporary on-site storm drainage retention basin, and design and construct the Property's permanent storm drainage connection to the City's storm drainage facility, all at the Developer's sole cost and expense, within sixty calendar (60) days from date of receipt of written notification from the City Engineer that the City's Detention Basin NE and its connection to the City's downstream storm drain system are completed and is ready for final acceptance by the City Council.

Prior to the issuance of the Grading Permit, the Developer shall execute a Deferred Improvement Agreement with the City and post improvement security, in the amounts and form acceptable to the City, to guarantee completion of the removal of the temporary storm drainage retention basin, design and construction of the Project's storm drainage connection to the City's storm drainage facility, and the backfilling and re-grading of the basin site to its final grades. The Developer shall post improvement security in a form acceptable to the City, to cover the Developer's cost responsibilities to maintain the temporary basin, remove the temporary basin, backfill, and grade the basin site, and design and construct the permanent storm drainage connection for the Project. The Developer is required to deliver to the City cash deposit in the amount of \$6,000, to cover City's expenses in performing emergency services related to the maintenance of the temporary on-site storm drainage retention basin and appurtenances that the Developer failed to perform. The Deferred Improvement Agreement must be submitted

by the Developer and approved by the City Council, prior to the issuance of a grading permit on the Property.

The Project's storm drainage connection to the City's storm drainage facility shall be designed to function and drain as gravity storm drainage system. No pumping of storm drain water or use of storm drain lift station will be permitted within City's right of way.

4. In the event the Property is further re-subdivided or prior to the re-subdivision of any building within the Property into building units, the Developer shall submit a copy of a joint use agreement or any documentation evidencing that respective owner(s) of future parcels or building units will participate or accept the responsibility in the operation, use, repair, and maintenance of the temporary storm drainage basin, and the removal of this basin when it is no longer needed. The documentation shall be recorded against the Project and a copy of the recorded document must be submitted to the City, prior to the issuance of the Grading Permit.
5. If the Developer plans to utilize the proposed Detention Basin NE facility as the ultimate solution for disposing storm water from the Property, the Developer shall enter into a construction and reimbursement agreement with the City for the construction of Detention Basin NE and all the storm drainage lines and the channel between the permanent retention facility to the Project including the storm drainage channel C2 north of Grant Line Road (hereinafter "City's Storm Drainage Facility"). The Developer shall obtain or acquire all rights of way and/or permanent and temporary construction easements that are necessary to construct the City's Storm Drainage Facility. The City's Storm Drainage Facility must be designed and constructed in accordance with the City Design Documents, Storm Drainage Analysis for Northeast Industrial Area, the Northeast Industrial Area Finance Implementation Plan, City's Storm Drainage Master Plan, these Conditions of Approval and the City Regulations. Improvement Plans and Specifications for the improvements described under this section shall be prepared by the Developer and submitted to the City for review.
The Developer shall pay plan checking, agreement processing and inspection fees with the first submittal of Improvement Plans. Prior to starting construction of the City's Storm Drainage Facility, the Developer shall execute the construction and reimbursement agreement and post improvement security with the amounts acceptable to the City Engineer and City Attorney, to guarantee completion of the storm drainage improvements. City's Storm Drainage Facility must be completed by the Developer, prior to the issuance of the certificate of occupancy of the first building constructed within the Property.
6. The Developer shall design and install a 60-inch diameter RCP (Reinforced Concrete Pipe) storm drain main east of Paradise Road from Grant Line Road to the Union Pacific Railroad Company (UPRR) at the alignment and location described in the Northeast Industrial Area Storm Drainage Infrastructure Analysis and Tracy Storm Drainage Master Plan. To guarantee completion of the storm drain line, the Developer is required to enter into a construction agreement and submit the necessary improvement security. Approval of the agreement is required prior to the installation of the storm drain line. The Developer may be entitled to reimbursement from the City if the Developer constructs the storm drain line and meets the requirements of Title 13 of the Tracy Municipal Code. The storm drain main shall not be closer than 5 feet from the sewer main. A permanent

utility easement from Grant Line Road to UPRR will be required. The legal description and map that describes the easement area must be submitted with the Improvement Plans for Building 18 or Phase 2A for City's review. The City will accept the ownership and responsibility of repairing and maintaining the storm drain line after the improvements described above is completed and the necessary permanent utility easement(s) are recorded.

The Developer shall notify West Side Irrigation District (WSID) prior to installing the portion of the storm drain line that will be located within their existing 15 feet wide easement along the northern boundary of the UPRR property. All cost associated with notifying or obtaining permission from WSID shall be the responsibility of the Developer.

7. The Developer shall design and install storm drain connection(s) in accordance with City Regulations. The Developer and property owner are hereby notified that the City will maintain the storm drain lines installed within public right-of-way only if a storm drain manhole is installed at the connection point.
8. The Developer will make provisions for ultimate connection to permanent City's storm drain after the retention basin is taken out of service or abandoned by the Developer. The Developer shall coordinate the location and invert of the City's Storm Drainage Facility with City's approved storm drain system for NEI Phases 1 and 2 and the City's Storm Drainage Master Plan. The design of storm drainage connections will require approval from the City Engineer.
9. The Developer 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, prior to the issuance of the Grading Permit. After the completion of the Project or when it is required, 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 Waste Water Discharge Identification number, prior to the issuance of the grading permit. The Developer shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the City's Storm Water Management Program.
10. The Developer shall enter into an agreement (Deferred Improvement Agreement) with the City, to incorporate the Developer's obligation towards the repair, use, operation, maintenance and removal of the temporary storm drainage retention basin located within the Property. This agreement shall also include the Developer's responsibility towards the repair, operation, use and maintenance of existing and relocated underground tile drain system within the Property, if such private underground improvements are found to exist. The Developer is required to execute the Deferred Improvement Agreement and submit the executed agreement for City Council's approval, prior to the issuance of the Grading Permit. The Developer shall pay the City for the cost of processing the agreement and the cost of recording the agreement with the Recorder's Office of the San Joaquin County.

I. Sanitary Sewer System:

1. The Developer shall install the extension of the existing 15-inch diameter sewer main from its current terminus to the southern boundary of the Property at the alignment and location shown on the Northeast Industrial Area Phase 2 Sewer Analysis. The distance between the new sewer main and existing water line must not be less than 10 feet (horizontal). This sewer main is a public sewer facility and that the City will accept the responsibility of repairing and maintaining the sewer main after it is completed and the required permanent utility easement within the Property from Grant Line Road to the northern boundary of the UPRR property is recorded at the San Joaquin County Recorder.

To guarantee completion of the sewer main, the Developer is required to enter into a construction agreement and submit the necessary improvement security. Approval of the agreement is required, prior to the installation of the sewer main. The Developer is entitled to reimbursement from the City if the Developer constructs the sewer main and meets the requirements of Title 13 of the Tracy Municipal Code. The legal description and map that describes the easement area must be submitted with the Improvement Plans for Building 18 or Phase 2A for City's review.

2. The Developer shall design and install sewer connection for this Project in accordance with City Regulations. The Developer and property owner are hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plan No. 203.

J. Water System:

1. A double check detector valve would be required at the water main connection on Chabot Court and Grant Line Road or where required, and as approved by the City Engineer. The actual location of the double check detector valve shall be approved by the City.
2. The Developer shall install and complete the water system connection, including Radio-Read water meter and R/P Type back-flow protection devices prior to issuance of Certificate of Occupancy. 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.
3. The Developer shall design and install the fire service line for the Project in accordance with City Standards 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 the issuance of the Grading Permit, a written approval for the fire service and emergency access will be required from Fire Department.

4. The Developer shall design and install fire hydrants at locations approved by the City's Fire Department.
5. Prior to the approval of Improvement Plans and the issuance of the Building Permit within the Project, a written determination or approval by the Fire Marshall of the adequacy of the fire service connection to serve the development will be required.

K. Special Conditions:

1. All public improvements shall be 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.

Prior to 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.

2. Any existing on-site wells shall be abandoned in accordance with the City and San Joaquin County requirements. The Developer shall provide the City a copy of the permit(s) issued by the San Joaquin County, if applicable, prior to the issuance of the Grading Permit. All costs associated in the abandonment of existing wells including the cost of permits, if required, shall be the responsibility of the Developer.
3. If tile drain system (irrigation system installed decades ago by farmers or irrigation districts) exists within the Project that also runs to the adjacent properties, the Developer shall coordinate with the owners of the neighboring properties for the relocation of affected tile drains, installation of interceptors and reconnecting to the outfall system. The Developer is fully responsible for any damage, repair and maintenance from the Project's activities including but not limited to all type of construction, the weight of the building and vehicular movements to existing tile drain system within the Project. The Developer shall indemnify, defend, and hold harmless the City (including its elected officials, officers, agents, and employees) from and against any and all claims, demands, damages, liabilities, costs, and expenses (including court costs and attorney's fees) resulting from or arising out of merely the existence of the tile drain system and interceptors or from damaged or undamaged existing underground tile drain system issues by Developer or Developer's agents, representatives, contractors, subcontractors, or employees, adjacent property owner or adjacent property owner's agents, representatives, contractors, subcontractors, or employees.
4. The Developer shall design and construct off-site improvements within the City's right-of-way and/or on-site private improvements such that any existing drainage ditches or pipelines or tile drain shall remain functional or undisturbed during and after construction, unless the Developer can demonstrate to the satisfaction of the City Engineer that the drainage ditches or tile drains are no longer needed to serve the Project and the neighboring parcels or property(s), if applicable. If tile drains are to

remain in-place and will be under a proposed building or structure, it is the responsibility of the Developer to ensure that tile drains are not damaged during and after the construction of the buildings or structures.

5. The Developer shall coordinate with the City for modifying that certain Deferred Improvement that was approved by the City Council on July 3, 2001 by Resolution 2001-246 and was recorded on September 3, 2002, as Document #2002-151567 of the San Joaquin County Records, to remove all completed deferred improvements from the agreement. The Developer will be required to sign an amendment to the agreement (Amendment 1 to the Deferred Improvement Agreement) to restate outstanding deferred improvements.
6. The Developer is responsible for assuring the maintenance of the public improvements installed in the right-of-way as may be required by this Conditions of Approval. The public improvements include, but are not limited to, street landscaping, and other improvements as defined in California Street and Highway Code sections 22525 et seq. The Developer shall be responsible for all formation costs. To comply with this obligation, the Developer shall evidence one of the following prior to issuance of the building permit: (i) participation in an existing Landscape Maintenance District; or (ii) formation of a new Landscape Maintenance District. The Developer shall be responsible for any formation costs, if applicable.

AGENDA ITEM 2-B

REQUEST

APPROVE A CONDITIONAL USE PERMIT FOR TWO WALL SIGNS THAT EXCEED 100 SQUARE FEET IN AREA ON THE WALMART RETAIL BUILDING - THE PROJECT IS LOCATED AT 3010 WEST GRANT LINE ROAD – APPLICANT IS PERKOWITZ + RUTH ARCHITECTS FOR WALMART R.E. BUSINESS TRUST - ASSESSOR’S PARCEL NUMBERS 238-600-08 AND 10

DISCUSSION

Background

The existing Walmart store was approved and constructed on the project site in 1993. An expansion of the Walmart store was approved by City Council on October 7, 2008, and construction of the expansion began in the fall of 2011.

The I-205 Corridor Specific Plan contains sign regulations that do not allow individual walls signs to exceed 100 square feet in area; except that a wall sign of up to 250 square feet may be allowed, subject to specific criteria, and upon the Planning Commission’s approval of a Conditional Use Permit.

A Conditional Use Permit may be granted for signs of up to 250 square feet in area, if they meet the following criteria:

1. The size of the sign is of an appropriate scale when compared to the building face on which it is proposed.
2. The total sign area for the building shall not exceed one square foot per lineal foot nor more than 75 percent of the building frontage. When 50 percent of the project signage is comprised of individual letters for which total signage shall not exceed 1.2 square feet per lineal foot of building frontage.

Signage Proposal

The signage proposal for Walmart (Attachment A) shows two approximately 222.69-square foot signs, one on the front of the building facing Grant Line Road, and one on the rear, facing I-205. Because these two signs are greater than 100 square feet in area, they require Planning Commission approval of a Conditional Use Permit and are subject to the criteria described above.

The size of the proposed approximately 222.69 square-foot signs is appropriate in scale to the large (approximately 190,000 square foot) building. The building was designed with a large, tall central building element (approximately 1,800 square feet in area) on each the north and south sides, with the clear intent for the placement of such signs. The approximately 222.69 square-foot signs (the same sign is proposed on both the front and back of the building) simply depict the business name in white individual letters, and include their yellow “spark” logo. The proposed sign program also shows the other wall signs that are proposed on the building, each of which is less than 100 square

feet in area. These smaller signs will be reviewed by City staff through the typical Sign Permit and Building Permit process. The total sign area proposed, as well as the length of the signs in relation to the building frontage is in compliance with the regulations of the Tracy Municipal Code and the I-205 Specific Plan.

Environmental Document

The proposed Conditional Use Permit is categorically exempt from California Environmental Quality Act (CEQA) requirements pursuant to CEQA Guidelines Section 15311(a), pertaining to on-premise signs on existing structures.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit to allow two approximately 222.69-square foot wall signs based on the findings contained in the Planning Commission Resolution dated April 11, 2012 (Attachment B).

MOTION

Move that the Planning Commission approve the Conditional Use Permit to allow two approximately 222.69-square foot wall signs based on the findings contained in the Planning Commission Resolution dated April 11, 2012.

Prepared by Victoria Lombardo, Senior Planner

Approved by Andrew Malik, Development Services Director

ATTACHMENTS

- A—Elevations showing Proposed Signs and Sign Area Calculations
- B—Planning Commission Resolution

RESOLUTION _____

APPROVING A CONDITIONAL USE PERMIT APPLICATION
FOR TWO APPROXIMATELY 222.69-SQUARE FOOT WALL SIGNS
FOR WALMART AT 3010 WEST GRANT LINE ROAD;
ASSESSOR'S PARCEL NUMBER 238-600-08 AND 10
APPLICATION NUMBER CUP12-0003

WHEREAS, The City Council adopted the I-205 Corridor Specific Plan and certified its Environmental Impact Report on August 21, 1990, and approved a subsequent Negative Declaration approved on July 6, 1999, and

WHEREAS, The City Council certified the Walmart Expansion Environmental Impact Report on October 21, 2008, and

WHEREAS, Perkowitz + Ruth Architects, on behalf of Walmart R.E. Business Trust, submitted an application for a Conditional Use Permit (Application Number CUP12-0003) for two 222.69-square foot wall signs for Walmart on March 26, 2012, and

WHEREAS, The project is categorically exempt from California Environmental Quality Act (CEQA) requirements pursuant to CEQA Guidelines Section 15311(a), pertaining to on-premise signs on existing structures, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the application on April 11, 2012;

NOW, THEREFORE BE IT RESOLVED, The Planning Commission hereby approves a Conditional Use Permit for two approximately 222.69-square foot wall signs for Walmart at 3010 W. Grant Line Road, Application No. CUP12-0003, subject to the conditions contained in Exhibit 1 to this Resolution, and based on the following findings:

1. There are circumstances or conditions applicable to the land, structure, or use which make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right.

Wall signs in excess of 100 square feet in size are permitted subject to specific criteria and the granting of a use permit as provided in Sections 4.1.2.2.G.4 and 4.1.2.2.G.10.ii of the I-205 Corridor Specific Plan. The sign proposal meets those criteria because they are appropriate in scale to the building on which they will be located, and do not exceed 75 percent of the building frontage length.

2. The proposed location of the Conditional Use Permit is in accordance with the objectives of Chapter 10.08 of the Tracy Municipal Code, and the purposes of the zone in which the site is located.

The location of the commercial use and its proposed signage is consistent with the General Plan designation of commercial, the Tracy Municipal Code as modified by the I-205 Corridor Specific Plan, and the Planned Unit Development Zone District in which it is located. The use of 222.69-square foot wall signs is permitted upon the granting of a Conditional Use Permit.

- 3. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity.

The signage, as designed and conditioned, will be harmonious with the properties and improvements in the vicinity and therefore will not have negative effects on property in the vicinity because the design is compatible with the existing building and is within the size range allowable for signs in this area. Furthermore, the proposed sign will meet the requirements of the California Environmental Quality Act, the California Building Code, and applicable provisions of the Tracy Municipal Code and I-205 Corridor Specific Plan.

- 4. The proposed use will comply with each of the applicable provisions of Chapter 10.08 of the Tracy Municipal Code.

The signage will comply with each of the applicable provisions of I-205 Corridor Specific Plan Sections 4.1.2.2.G.4 and 4.1.2.2.G.10.ii, and with each applicable provision of the Tracy Municipal Code as modified by the I-205 Corridor Specific Plan.

The foregoing Resolution _____ was adopted by the Planning Commission on the 11th day of April, 2012, by the following vote:

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

Chair

ATTEST:

Staff Liaison

**Planning Division Conditions of Approval
of two approximately 222.69-square foot wall signs for Walmart
at 3010 W. Grant Line Road
Application Number CUP12-0003
April 11, 2012**

1. These Conditions of Approval (hereinafter "Conditions of Approval") shall apply to the real property described by the two approximately 222.69-square foot wall signs for Walmart (hereinafter "Project"), located at 3010 W. Grant Line Road.
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 Development 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, I-205 Specific Plan, 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 Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
 - e. "Conditions of Approval" shall mean the conditions of approval applicable to the two 222.69-square foot wall signs for Walmart at 3010 W. Grant Line Road, Application Number CUP12-0003. The Conditions of Approval shall specifically include all Development Services Department conditions set forth herein.
 - f. "Project" means the real property described as the two approximately 222.69-square foot wall signs for Walmart, located at 3010 W. Grant Line Road.
 - g. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
3. 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").

4. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
5. The signs shall be installed in conformance with the plans received by the Development Services Department on March 26, 2012.

April 11, 2012

AGENDA ITEM 2-C

REQUEST

**PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE I-205 CORRIDOR
SPECIFIC PLAN MODIFYING THE CRITERIA FOR WALL SIGNS IN EXCESS OF 100
SQUARE FEET - APPLICATION NUMBER SPA12-0001**

DISCUSSION

Background and Project Description

The I-205 Corridor Specific Plan establishes sign criteria for development in the I-205 Corridor Specific Plan area (Attachment A: Map of the I-205 Corridor Specific Plan Area) and states that the area of any single wall sign shall not exceed 100 square feet. However, on single-tenant buildings, a wall sign of up to 250 square feet may be allowed with a Conditional Use Permit. Over the years, the Planning Commission has granted a number of Conditional Use Permits for wall signs exceeding 100 square feet on single-tenant buildings, including Home Depot, Best Buy, Costco, Marshall's, Linens-N-Things, and Walmart.

On March 1, 2012, City Signs submitted an application for a Conditional Use Permit proposing two 157-square foot wall signs to be located on a multi-tenant building in the Tracy Pavilion shopping center at 2471 Naglee Road (Application Number CUP12-0002). An amendment to the I-205 Corridor Specific Plan is required for the Planning Commission to grant Conditional Use Permit approval for wall signs exceeding 100 square feet on multi-tenant buildings, as these larger signs are currently only allowable on single-tenant buildings.

Project Analysis

The I-205 Corridor Specific Plan establishes standards for wall signs to ensure that signage is designed to be appropriate in scale with the building. These standards include maximum size, length, and ratio of total sign area to lineal feet of building frontage (Attachment B: Excerpt from the I-205 Corridor Specific Plan Section 4.1.2.2.G.10.ii).

Many single-tenant buildings built in the I-205 Corridor Specific Plan area have larger tenant spaces and therefore larger building fascias than typically seen on multi-tenant buildings, and 100 square foot signs can appear out of scale on these buildings. Therefore, the I-205 Corridor Specific Plan was amended in 2001 and 2003 to establish a process that allows larger wall signs on such buildings with Conditional Use Permit approval by the Planning Commission.

This provision was not written to apply to multi-tenant buildings. Multi-tenant buildings are typically designed with smaller building frontages that wouldn't normally be permitted to have signs larger than 100 square feet based on the maximum sign area to building frontage ratio. However, in cases where a multi-tenant building is designed with a large fascia and a large amount of building frontage, a sign larger than 100 square feet may be appropriate on a multi-tenant building, such as an end cap tenant with multiple building frontages.

Staff proposes an amendment to the I-205 Corridor Specific Plan Section 4.1.2.2.G.10.ii as written below. This is also an opportunity to re-format the language to avoid any confusion in the application of these criteria that was common with the previous formatting.

“Wall Signs:

Location: Signs should be located immediately above or adjacent to the primary building entrance of a commercial establishment. Signs should be located visually centered horizontally and vertically within the building fascia.

Size: The total sign area of all sign types shall not exceed one half square foot per lineal foot of building frontage. Where individually lettered wall signs comprise over 50 percent of the total signage, the total sign area shall not exceed 1.2 square feet per lineal foot of building frontage. The area of any single wall sign shall not exceed 100 square feet; however, a wall sign of up to 250 square feet may be allowed upon Conditional Use Permit approval which demonstrates that the size of the sign is appropriate in scale with the building face on which it is proposed.

Length: The length of any single sign shall not exceed 75 percent of the width of the building face on which the sign is proposed.”

Environmental Document

The proposed project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15183, pertaining to consistency with the General Plan. No further environmental assessment is necessary.

RECOMMENDATION

Staff recommends that the Planning Commission recommend City Council approval of the I-205 Corridor Specific Plan amendment regarding wall signs in excess of 100 square feet, Application Number SPA12-0001, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated April 11, 2012.

MOTION

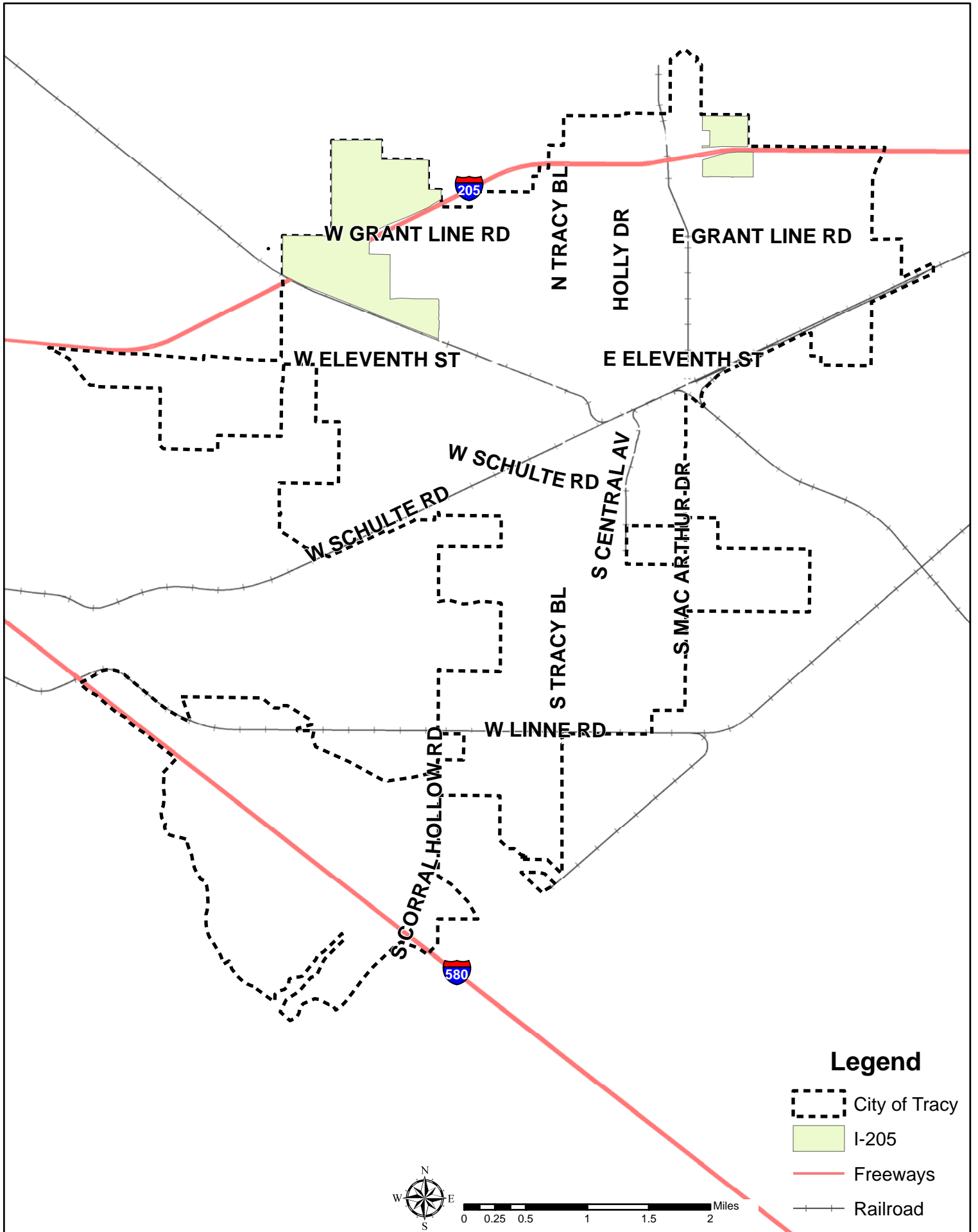
Move that the Planning Commission recommend City Council approval of the I-205 Corridor Specific Plan amendment regarding wall signs in excess of 100 square feet, Application Number SPA12-0001, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated April 11, 2012.

Prepared by: Kimberly Matlock, Assistant Planner
Reviewed by: Victoria Lombardo, Senior Planner
Approved by: Andrew Malik, Development Services Director

ATTACHMENTS

- A: Map of the I-205 Corridor Specific Plan Area
- B: Excerpt from the I-205 Corridor Specific Plan Section 4.1.2.2.G.10.ii
- C: Planning Commission Resolution

Map of I-205 Corridor Specific Plan Area



Excerpt from the I-205 Corridor Specific Plan Section 4.1.2.2.G.10.ii:

Wall Signs: On single tenant buildings, signs should be located immediately above or adjacent to the primary building entrance or door of a commercial establishment. The area of any sign shall not exceed one-half square foot of sign area per lineal foot of building frontage. However, a wall sign of up to 250 square feet may be allowed upon securing a Conditional Use Permit, which demonstrates that:

1. The size of the sign is of an appropriate scale when compared to the building face on which it is proposed.
2. The total sign area for the building shall not exceed one square foot per lineal foot nor more than 75 percent of the building frontage. When 50 percent or more of the project signage is comprised of individual letters, the total signage shall not exceed 1.2 square feet per lineal foot of building frontage.

On smaller, multi-tenant buildings, signs should be located on the frontage of each individual tenant. The area of any single signs shall not exceed 100 square feet or more than 75 percent of the tenant frontage. Capital letters shall be no more than 2.5 feet high and lower case letters shall be no more than 1.5 feet in height. When individually lettered wall signs comprise over 50 percent of the tenant signage, the total area shall not exceed 1.2 square feet per lineal foot of tenant frontage. When comprising less than 50 percent of the tenant signage, the maximum sign area shall be one half square foot per lineal foot of business being served.

RESOLUTION _____

RECOMMENDING CITY COUNCIL APPROVAL OF AN AMENDMENT TO THE I-205
CORRIDOR SPECIFIC PLAN MODIFYING THE CRITERIA FOR WALL SIGNS IN
EXCESS OF 100 SQUARE FEET - APPLICATION NUMBER SPA12-0001

WHEREAS, The I-205 Corridor Specific Plan contains standards for wall signs, such that the area of any single wall sign shall not exceed 100 square feet, except that single-tenant buildings may have a wall sign up to 250 square feet with a Conditional Use Permit subject to certain criteria,

WHEREAS, The City received a proposal for wall signs exceeding 100 square feet on a multi-tenant building on March 1, 2012 (Application Number CUP12-0002), and

WHEREAS, An amendment to the I-205 Corridor Specific Plan is required to permit wall signs exceeding 100 square feet with a Conditional Use Permit on multi-tenant buildings, and

WHEREAS, The project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15183, where no further environmental assessment is necessary, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider Specific Plan amendment application number SPA12-0001 on April 11, 2012 and

WHEREAS, The Planning Commission determined that the criteria established for evaluating wall signs in excess of 100 square feet, for purposes of approving or denying a Conditional Use Permit on such proposed signs, shall be modified to apply to both single and multi-tenant buildings, because the established criteria for obtaining a Conditional Use Permit for wall signs exceeding 100 square feet will be sufficient to ensure wall signs are kept to an appropriate size in proportion to the building for both single and multi-tenant buildings;

NOW, THEREFORE BE IT RESOLVED, The Planning Commission hereby recommends the City Council approve application number SPA12-0001, an amendment to the I-205 Corridor Specific Plan Section 4.1.2.2.G.10.ii, based on the findings below, to read as follows:

“Wall Signs:

Location: Signs should be located immediately above or adjacent to the primary building entrance of a commercial establishment. Signs should be located visually centered horizontally and vertically within the building fascia.

Size: The total sign area of all sign types shall not exceed one half square foot per lineal foot of building frontage. Where individually lettered wall signs comprise over 50 percent of the total signage, the total sign area shall not exceed 1.2 square feet per lineal foot of building frontage. The area of any single wall sign shall not exceed 100 square feet; however, a wall sign of up to 250 square feet may be allowed upon Conditional Use Permit approval which demonstrates that the size of the sign is appropriate in scale with the building face on which it is proposed.

Length: The length of any single sign shall not exceed 75 percent of the width of the building face on which the sign is proposed.”

Findings:

The amendment is consistent with the goals, actions, and policies of the General Plan and the I-205 Corridor Specific Plan and with its purposes, standards, and guidelines; will result in development of desirable character, which will be compatible with the existing and future development in the Specific Plan area; contributes to a balance of land uses that will enable local residents to work and shop within the Tracy Planning Area; and respects the environmental and aesthetic assets of the community consistent with economic realities. The Specific Plan amendment is minor in nature, focusing solely on wall signs with minimal impact on the build out of the Specific Plan. The Specific Plan amendment will be compatible with existing and proposed neighboring development because it poses only minor modifications to the Specific Plan signage requirements within the I-205 Corridor Specific Plan area to support economic development while respecting the aesthetic assets of the community.

The foregoing Resolution _____ was adopted by the Planning Commission on the 11th day of April 2012, by the following vote:

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

Chair

ATTEST:

Secretary

AGENDA ITEM 2-D

REQUEST

PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW TWO 157-SQUARE FOOT WALL SIGNS TO BE LOCATED ON A BUILDING IN THE TRACY PAVILION AT 2471 NAGLEE ROAD - APPLICANT IS CITY SIGNS - PROPERTY OWNER IS TRACY PAVILION, LLC - APPLICATION NUMBER CUP12-0002

DISCUSSION

Background

The project proposal relates to wall signs in the I-205 Corridor Specific Plan area. This agenda item was noticed for the March 28, 2012 Planning Commission meeting, where the public hearing was opened for comment and then continued to this scheduled meeting. No comments were received on the project at that meeting. The agenda item was continued because an amendment to the I-205 Corridor Specific Plan modifying standards for wall signs (SPA12-0001) must first be approved by the City Council before the proposed Conditional Use Permit for the proposed 157-square foot wall signs may be approved. The necessary amendment to the I-205 Corridor Specific Plan was discussed by Planning Commission as an earlier agenda item at tonight's meeting and is anticipated to be considered by the City Council on May 1, 2012. Should the Planning Commission take action to approve the proposed Conditional Use Permit in this agenda item, such action will not be effective until such date that the Council acts on the proposed amendment.

Project Description and Analysis

The I-205 Corridor Specific Plan establishes sign criteria and states that the area of any single wall sign shall not exceed 100 square feet. Total sign area shall not exceed one-half square foot of sign per lineal foot of building frontage. However, a wall sign of up to 250 square feet may be allowed upon securing a Conditional Use Permit which demonstrates that the size of the sign is appropriate in scale with the building face on which it is proposed, contingent upon City Council approval of an amendment to the I-205 Corridor Specific Plan (application number SPA12-0001). The Planning Commission previously granted Conditional Use Permits for wall signs exceeding 100 square feet for Home Depot, Best Buy, Costco, Marshall's, Linens-N-Things, and WalMart.

On March 1, 2012, City Signs submitted an application for a Conditional Use Permit to allow two 157 square foot wall signs to be located on a building in the Tracy Pavilion at 2471 Naglee Road (Attachment B: Sign Plans and Vicinity Map). Two 157-square foot wall signs are proposed above the building main entry, one on the east elevation and one on the south elevation. The subject tenant space will be occupied by Staples.

The proposed signs require Planning Commission approval of a Conditional Use Permit. In order to receive approval of a Conditional Use Permit, the proposed signs must satisfy the criteria outlined above from the I-205 Corridor Specific Plan. The size and height of

each sign appears to be appropriate to the size and scale of the building fascia upon which the signs are proposed to be located. The length of each sign do not exceed 75 percent of the building faces on which they are proposed. Because the proposed signs are individually lettered, the total sign area may be provided up to a ratio of 1.2 square feet of sign per 1 lineal foot of building frontage, where building frontage is defined as the lineal distance of the subject tenant space that fronts onto the shopping center plaza in accordance with the Tracy Municipal Code. The total sign area proposed for the building tenant space is within this maximum allowed sign area.

Environmental Document

The proposed project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, pertaining to installation of small new equipment. No further environmental assessment is necessary.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit to allow two 157-square foot wall signs to be located on a building in the Tracy Pavilion at 2471 Naglee Road, Application Number CUP12-0002, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated April 11, 2012, contingent upon City Council approval of the I-205 Corridor Specific Plan amendment, application number SPA12-0001.

MOTION

Move that the Planning Commission approve the Conditional Use Permit to allow two 157-square foot wall signs to be located on a building in the Tracy Pavilion at 2471 Naglee Road, Application Number CUP12-0002, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated April 11, 2012, contingent upon City Council approval of the I-205 Corridor Specific Plan amendment, application number SPA12-0001.

Prepared by: Kimberly Matlock, Assistant Planner
Reviewed by: Victoria Lombardo, Senior Planner
Approved by: Andrew Malik, Development Services Director

ATTACHMENTS

- A: Sign Plans and Vicinity Map (previously distributed to Planning Commission on March 28, 2012)
- B: Planning Commission Resolution

RESOLUTION 2012-_____

APPROVING A CONDITIONAL USE PERMIT TO ALLOW TWO 157-SQUARE FOOT WALL SIGNS TO BE LOCATED ON A BUILDING IN THE TRACY PAVILION AT 2471 N. NAGLEE ROAD - APPLICANT IS CITY SIGNS - PROPERTY OWNER IS TRACY PAVILION, LLC. APPLICATION NUMBER CUP12-0002

WHEREAS, The I-205 Corridor Specific Plan area establishes criteria for exterior signs and requires a Conditional Use Permit for wall signs exceeding 100 square feet, subject to certain criteria, and

WHEREAS, An amendment to the I-205 Corridor Specific Plan regarding standards for wall sign in excess of 100 square feet is being processed under a separate application (application number SPA12-0001), and

WHEREAS, City Signs submitted a Conditional Use Permit application for two 157-square foot wall signs to be located on a multi-tenant building in the I-205 Corridor Specific Plan area, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303 pertaining to installation of small new equipment and no further environmental assessment is necessary, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider Conditional Use Permit application number CUP12-0002 on March 28, 2012, did not receive any comments, and continued the agenda item to April 11, 2012, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider Conditional Use Permit application number CUP12-0002 on April 11, 2012;

NOW, THEREFORE BE IT RESOLVED, The Planning Commission hereby approves a Conditional Use Permit to allow two 157-square foot wall signs to be located on a building in the Tracy Pavilion at 2471 N. Naglee Road, Application Number CUP12-0002, as shown in the plans dated March 15, 2012, and based on the following findings. Be it further resolved that the approval of the Conditional Use Permit is contingent upon and will not take effect until the amendment to the I-205 Corridor Specific Plan regarding wall signs in excess of 100 square feet is approved by the City Council (application number SPA10-0001).

1. There are circumstances or conditions applicable to the land, structure, or use which make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right, because wall signs in excess of 100 square feet in size are permitted subject to specific criteria and the granting of a Conditional Use Permit as provided in Section 4.1.2.2.G.10.ii of the I-205 Corridor Specific Plan. The sign proposal meets those criteria because the size of the sign is of an appropriate scale when compared to the building face on which it is proposed, the sign lengths do not exceed 75 percent of the building face upon which each sign is proposed, and all proposed signage is comprised of individual letters that have a total sign area which does not exceed 1.2 square feet per lineal foot of building frontage, where building frontage is defined as the lineal distance of the subject tenant space that fronts onto the shopping center plaza in accordance with the Tracy Municipal Code.

- 2. The proposed location of the Conditional Use Permit is in accordance with the objectives of Chapter 10.08 of the Tracy Municipal Code and the purposes of the zone in which the site is located, because the location of the subject building and proposed signage is consistent with the intent of the General Plan designation of Commercial, the Tracy Municipal Code as modified by the I-205 Corridor Specific Plan, and the Planned Unit Development Zone District in which it is located.

- 3. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity, because the signage, as designed, will be harmonious with the properties and improvements in the vicinity and therefore will not have negative effects on property in the vicinity. The design is compatible with the existing building and is within the size range allowable for signs permitted under the I-205 Corridor Specific Plan. Furthermore, the proposed signs will meet the requirements of the California Environmental Quality Act, the California Building Code, and applicable provisions of the Tracy Municipal Code.

The foregoing Resolution 2012-_____ was adopted by the Planning Commission on the 11th day of April 2012, by the following vote:

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

Chair

ATTEST:

Secretary