

NOTICE OF A REGULAR MEETING

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

Date/Time: Wednesday, January 8, 2014
7:00 P.M. (or as soon thereafter as possible)

Location: City of Tracy Council Chambers
333 Civic Center Plaza

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.

REGULAR MEETING AGENDA

CALL TO ORDER

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 item shall be placed on an agenda within 30 days*

1. OLD BUSINESS
2. NEW BUSINESS
 - A. **PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT AND PRELIMINARY AND FINAL DEVELOPMENT PLAN APPLICATIONS FOR A CAR WASH AND VACUUM SERVICE ON THE WESTERN PORTION OF ASSESSOR'S PARCEL NUMBER 238-600-04 LOCATED IN THE TRACY MARKETPLACE. APPLICANT IS FRANK MADRUGA AND PROPERTY OWNER IS LAMORINDA DEVELOPMENT & INVESTMENT CORPORATION. APPLICATION NUMBERS D13-0014 AND CUP13-0009.**
 - B. **PUBLIC HEARING TO CONSIDER A REZONE APPLICATION FROM LIGHT INDUSTRIAL (M-1) TO MEDIUM DENSITY RESIDENTIAL (MDR) FOR A SITE COMPRISED OF TWO PARCELS ON SOUTH C STREET BETWEEN THIRD AND FOURTH STREETS, ASSESSOR'S PARCEL NUMBERS 235-070-64 & 66. THE APPLICANT IS ANDRE STAMBUK AND THE PROPERTY OWNERS ARE JAVIER AND JUANA DIAZ – APPLICATION NUMBER R13-0001**
 - C. **PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION FOR A PLACE OF WORSHIP AT 1005 PESCADERO AVENUE SUITE 187 –**

APPLICANT IS IGLESIA FUENTE DE VIDA ETERNA AND PROPERTY OWNERS ARE GARY & ELIZABETH PATTERSON, RICHARD & SUZANNE CORDES, DAVID & MICHELLE BARNES, KIMBERLY, ANDREW & ANNE BRANAGH, AND CEDAR GARDENS PROPERTIES – APPLICATION NUMBER CUP13-0008

D. APPLICATION TO APPROVE A GENERAL PLAN AMENDMENT AND VESTING TENTATIVE SUBDIVISION MAP FOR THE CREATION OF 50 LOTS ON A 10-ACRE PARCEL, AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO ALLOW FOR THE CONSTRUCTION OF 50 SINGLE-FAMILY HOMES ON THE SITE. GPA13-0003, TSM13-0003, PUD13-0003: WILLIAN LYON HOMES, INC. – NORTHWEST CORNER OF CROSSROADS DRIVE AND SOLOMON LANE.

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

Posted: **January 3, 2014**

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.

**MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, DECEMBER 4, 2013
7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER

Chair Sangha called the meeting to order at 6:59 p.m.

PLEDGE OF ALLEGIANCE

Chair Sangha led the pledge of allegiance

ROLL CALL

Roll Call found Chair Sangha, Vice Chair Orcutt, Commissioner Johnson, Commissioner Mitracos, and Commissioner Ransom. Also present were staff members Bill Dean, Assistant Development Services Director, Victoria Lombardo, Senior Planner, Bill Sartor, Assistant City Attorney, and Jan Couturier, Recording Secretary.

MINUTES APPROVAL

Chair Sangha requested a review of the November 6, 2013 minutes and asked for comments. Commissioner Johnson made a motion to approve the minutes dated November 6, 2013; Commissioner Orcutt seconded; all in favor, none opposed.

DIRECTOR'S REPORT REGARDING THIS AGENDA – None

ITEMS FROM THE AUDIENCE – None

1. **OLD BUSINESS – None**
2. **NEW BUSINESS**

A. MINOR AMENDMENT TO THE CHEVROLET FINAL DEVELOPMENT PLAN TO MODIFY THE FAÇADE AT 3400 AUTO PLAZA WAY - APPLICANT AND OWNER IS GOLDEN BEARS III LLC

Chair Sangha introduced agenda item 2A and called for a staff report. Victoria Lombardo, Senior Planner, advised that the agenda item was similar to a previous item approved by the Planning Commissioners for Sports Authority, but included a lesser degree of change. She added that the proposed change to the façade would include replacing the peaked blue standing seam metal rooflines and materials to smooth Aluminum Composite Material (ACM) panels that form a parapet roofline with varying height over the entry. The colors of the proposed ACM panels will remain consistent with the colors on the existing building, and include "Chevrolet Blue", white, and shades of silver/gray. She indicated that the plans included the existing covered walkway, but would just change the materials; repeating that the colors would be similar to what is already there. The remainder of the building will remain the same as the project would just refresh the paint.

Ms. Lombardo concluded by asking that the Planning Commission recommend that the City Council approve the minor amendment to the Chevrolet Final Development Plan to reface the façade at the eastern entry of the building adding that it was consistent with the area.

Commissioner Mitracos indicated he was seeing blue and asked if it was blue or gray. Ms. Lombardo stated that there were both colors, but the main color was blue.

Commissioner Johnson asked about a sidewalk that was being added along Naglee Road. Ms. Lombardo indicated that it had to do with handicap upgrades to the building. She added that the sidewalk would not take out any landscape.

Commissioner Orcutt asked if traffic would cause a problem. Ms. Lombardo indicated that it was within the private property and would not pose a problem.

Chair Sangha asked if the applicant was present and if there were any questions or a presentation. Jeffrey Justice introduced himself adding that he was representing the applicant, Lionakis, but that he did not have a presentation. There were no questions from the Commission.

Chair Sangha asked if there were any further questions, seeing none she asked for a motion on the agenda item. Commissioner Orcutt moved that the Planning Commission approve the minor amendment to the Chevrolet Final Development Plan to modify the façade at 3400 Auto Plaza Way – applicant and owner is GOLDEN BEARS III LLC. Commissioner Mitracos seconded, all in favor, none opposed.

3. ITEMS FROM THE AUDIENCE – None

4. DIRECTOR'S REPORT –

Bill Dean reviewed the reasons why items such as this agenda item are brought to the Commission and concluded by thanking the Commissioners for their efforts.

5. ITEMS FROM THE COMMISSION –

Commissioner Orcutt asked about public hearing notifications to community members and how they are able to obtain results. Mr. Dean reviewed the fact that the Planning staff assures that the proper parameters are exceeded when creating a mailing database to assure all appropriate citizens are contacted.

6. ADJOURNMENT –

Commissioner Orcutt moved to adjourn at 7:10 p.m. seconded by Commissioner Mitracos, all in favor – none opposed.

CHAIR

STAFF LIAISON

January 8, 2014

AGENDA ITEM 2 A

REQUEST

PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT AND PRELIMINARY AND FINAL DEVELOPMENT PLAN APPLICATIONS FOR A CAR WASH AND VACUUM SERVICE ON THE WESTERN PORTION OF ASSESSOR'S PARCEL NUMBER 238-600-04 LOCATED IN THE TRACY MARKETPLACE. APPLICANT IS FRANK MADRUGA AND PROPERTY OWNER IS LAMORINDA DEVELOPMENT & INVESTMENT CORPORATION. APPLICATION NUMBERS D13-0014 AND CUP13-0009.

DISCUSSION

The applicant has requested that this agenda item be discussed at a later date. The applicant recently learned information about the property that may impact their decision to develop the project at this site.

RECOMMENDATION

Staff recommends that the agenda item be re-noticed for a later date, per the applicant's request.

Prepared by: Kimberly Matlock, Assistant Planner

Approved by: Bill Dean, Assistant Development Services Director

Agenda Item 2 B

REQUEST

PUBLIC HEARING TO CONSIDER A REZONE APPLICATION FROM LIGHT INDUSTRIAL (M-1) TO MEDIUM DENSITY RESIDENTIAL (MDR) FOR A SITE COMPRISED OF TWO PARCELS ON SOUTH C STREET BETWEEN THIRD AND FOURTH STREETS, ASSESSOR'S PARCEL NUMBERS 235-070-64 & 66. THE APPLICANT IS ANDRE STAMBUK AND THE PROPERTY OWNERS ARE JAVIER AND JUANA DIAZ – APPLICATION NUMBER R13-0001

DISCUSSION

Background and Site Description

The site is located on the east side of South C Street, north of Third Street and south of Fourth Street (Attachment A) adjacent to Tracy's downtown area. The site is comprised of two parcels totaling approximately 0.726 acres. Both parcels have access to King Alley, which runs east-west on the rear of the parcels.

The site is zoned Light Industrial (M-1), and it is surrounded on all four sides by the Medium Density Residential (MDR) zone. The site is designated Residential Medium in the General Plan, and the site's zoning of M-1 is currently not in compliance with the General Plan designation of Medium Residential.

The parcel on Third Street was formerly occupied by the Mi Ranchito Tortilla Factory (addressed 27 W. Third St.). In the 1980's, the tortillaria received City approval to rezone both parcels from high and medium density residential to light industrial and approval for the expansion of their facility and a parking lot improvements; however, the expansion was never constructed. The original tortillaria building remains on the southern parcel today but has been out of operation for years. There are also two single-family residences on the site that are unoccupied and dilapidated. The parcel on Fourth Street is undeveloped.

Rezone Analysis

The City does not have records of any light industrial uses at the site since the closure of the tortilla factory. During the General Plan update process, the City determined that due to site's proximity to existing residential neighborhoods and the Downtown, and because there has not been an interest for light industrial uses at the site in recent years, the site would be better suited for residential uses to match properties in the vicinity and redesignated the site from Industrial to Residential Medium. Rezoning the site to MDR would bring the site's zoning into conformity with the General Plan and allow for development of residential uses in the range of 5.9 to 12 units per gross acre in accordance with the General Plan.

The property owner intends to develop single-family and two-family dwellings on the site. The property owner has proposed preliminary development plans for the parcel on Third Street (Attachment B) and is working with staff to ensure the final development plan

would comply with MDR standards, subject to City Council approval of the rezone request.

Environmental Document

The proposal does not change the development density established by the General Plan for which an Environmental Impact Report (EIR) was certified on February 1, 2011 (State Clearinghouse Number 2008092006). Therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no further environmental assessment is required.

RECOMMENDATION

Staff recommends that the Planning Commission recommends that the City Council introduce an Ordinance rezoning Assessor's Parcel Numbers 235-070-64 & 66 from Light Industrial (M-1) to Medium Density Residential (MDR).

MOTION

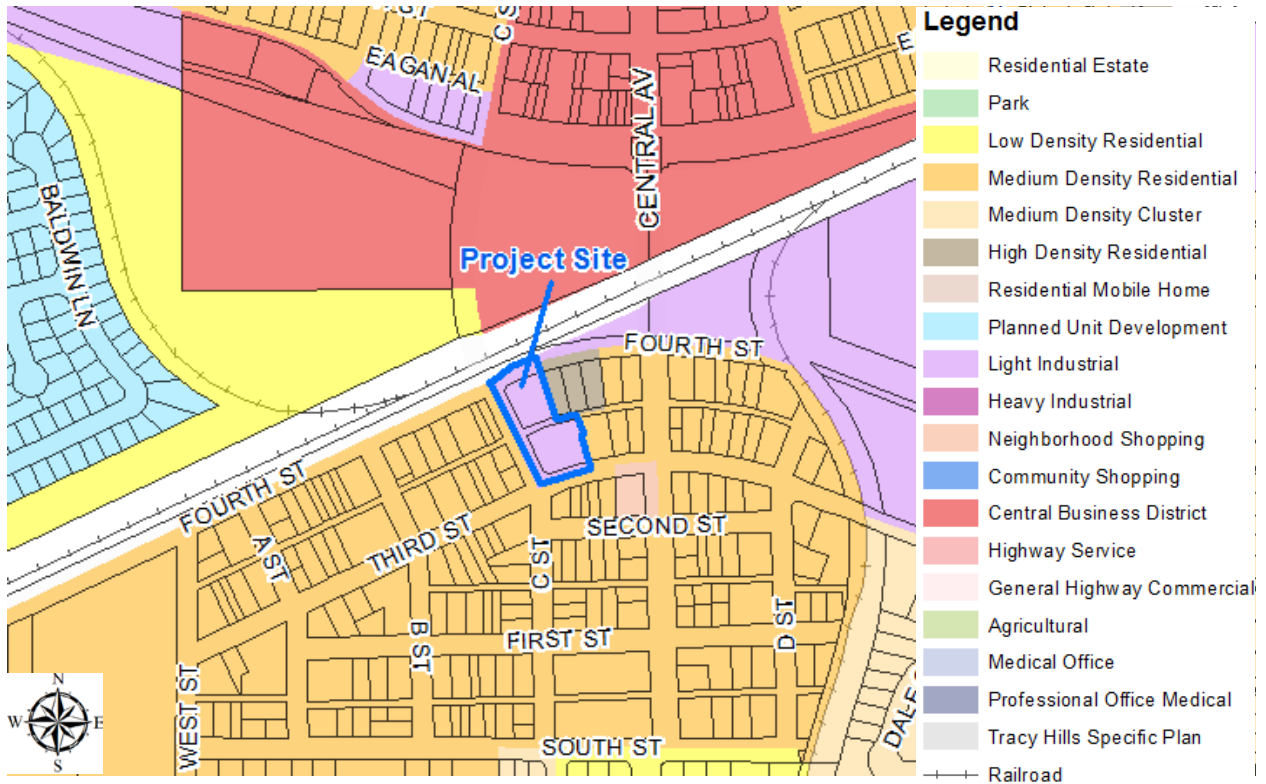
Move that the Planning Commission recommends that the City Council introduce an Ordinance rezoning Assessor's Parcel Numbers 235-070-64 & 66 from Light Industrial (M-1) to Medium Density Residential (MDR).

Prepared by: Kimberly Matlock, Assistant Planner
Approved by: Bill Dean, Assistant Director of Development Services

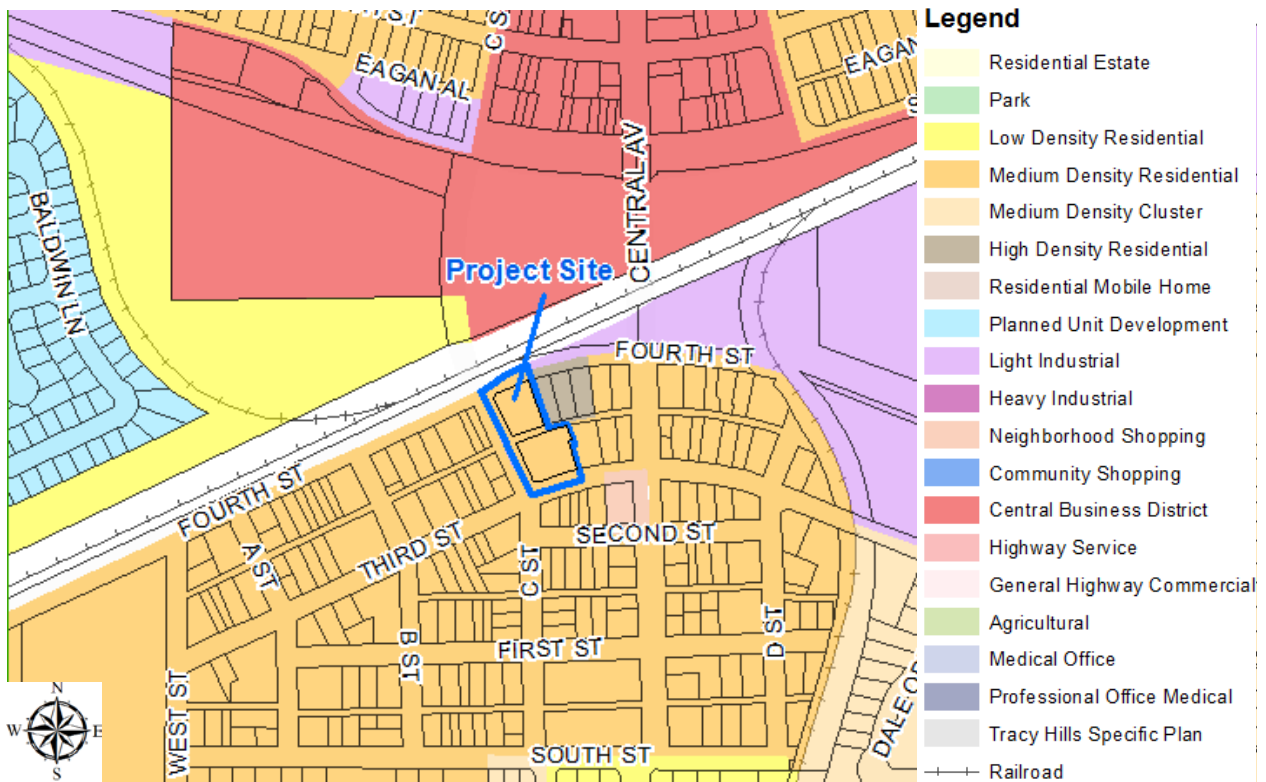
ATTACHMENTS

Attachment A – Project Location Map showing current and proposed zoning
Attachment B – Exhibit showing a potential development plan (Oversized: Available at Development Services Department in City Hall)
Attachment C – Planning Commission Resolution (with recommended City Council Ordinance)

CURRENT ZONING



PROPOSED ZONING



RESOLUTION 2014-_____

RECOMMENDING APPROVAL OF A REZONE APPLICATION FROM LIGHT INDUSTRIAL (M-1) TO MEDIUM DENSITY RESIDENTIAL (MDR) FOR A SITE COMPRISED OF TWO PARCELS ON SOUTH C STREET BETWEEN THIRD AND FOURTH STREETS, ASSESSOR'S PARCEL NUMBERS 235-070-64 & 66. THE APPLICANT IS ANDRES STAMBUK AND THE PROPERTY OWNERS ARE JAVIER AND JUANA DIAZ. APPLICATION NUMBER R13-0001

WHEREAS, The subject property has a General Plan designation of Residential Medium, is zoned Light Industrial, and is surrounded by properties zoned Medium Density Residential, and

WHEREAS, On December 4, 2013, Andres Stambuk, on behalf of the property owners, submitted an application to rezone the property to Medium Density Residential and

WHEREAS, Rezoning the property to Medium Density Residential would allow for residential development in conformance with the General Plan, and

WHEREAS, The proposal does not increase the development density established by the General Plan for which an Environmental Impact Report was certified, and therefore, in accordance with California Environmental Quality Act Guidelines Section 15183, no further environmental assessment is required, and

WHEREAS, The Planning Commission held a public meeting to review and consider the rezone application on January 8, 2014;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does hereby recommend that the City Council introduce an Ordinance rezoning Assessor's Parcel Numbers 235-070-64 & 66 from Light Industrial (M-1) to Medium Density Residential (MDR).

The foregoing Resolution 2014-_____ of the Planning Commission was adopted by the Planning Commission on the 8th day of January, 2014, by the following vote:

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

Chair

ATTEST:

Staff Liaison

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY REZONING ASSESSOR'S PARCEL NUMBERS 235-070-64 & 66 FROM LIGHT INDUSTRIAL (M-1) TO MEDIUM DENSITY RESIDENTIAL (MDR). THE APPLICANT IS ANDRE STAMBUK AND THE PROPERTY OWNERS ARE JAVIER AND JUANA DIAZ. APPLICATION NUMBER R13-0001.

WHEREAS, The subject properties have a General Plan designation of Residential Medium, is zoned Light Industrial, and is surrounded by properties zoned Medium Density Residential, and

WHEREAS, On December 4, 2013, Andres Stambuk, on behalf of the property owners, submitted an application to rezone the properties to Medium Density Residential and

WHEREAS, Rezoning the properties to Medium Density Residential would allow for residential development in conformance with the General Plan, and

WHEREAS, The proposal does not increase the development density established by the General Plan for which an Environmental Impact Report was certified, and therefore, in accordance with California Environmental Quality Act Guidelines Section 15183, no further environmental assessment is required, and

WHEREAS, The Planning Commission held a public meeting to review and consider the rezone application on January 8, 2014 and recommended approval of the rezone, and

WHEREAS, The City Council held a public meeting to review and consider the rezone application on February 4, 2014;

NOW, THEREFORE, The City Council hereby ordains as follows:

SECTION 1: The zoning map of the City of Tracy is hereby amended to change the zoning on the following parcels from Light Industrial (M-1) to Medium Density Residential (MDR):

Approximately 0.299 acres located on the east side of South C Street, between Fourth Street and King Alley (Assessor's Parcel Number 235-070-64) and approximately 0.427 acres located on the east side of South C Street between Third Street and King Alley (Assessor's Parcel Number 235-070-66).

SECTION 2: This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 3: This Ordinance shall be published once in the Tri-Valley Herald, a newspaper of general circulation, within fifteen (15) days from and after its final passage and adoption.

* * * * *

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the 4th day of February, 2014, and finally adopted on the 18th day of February, 2014, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

AGENDA ITEM 2 C

REQUEST

PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION FOR A PLACE OF WORSHIP AT 1005 PESCADERO AVENUE SUITE 187 – APPLICANT IS IGLESIA FUENTE DE VIDA ETERNA AND PROPERTY OWNERS ARE GARY & ELIZABETH PATTERSON, RICHARD & SUZANNE CORDES, DAVID & MICHELLE BARNES, KIMBERLY, ANDREW & ANNE BRANAGH, AND CEDAR GARDENS PROPERTIES – APPLICATION NUMBER CUP13-0008

DISCUSSION

Project and Site Description

The request is a Conditional Use Permit for a place of worship, including administrative and service functions, located at 1005 Pescadero Avenue (Attachment A). The site is located in the I-205 Corridor Specific Plan Area and designated General Commercial. Places of public assembly, such as educational, cultural, institutional, religious, and recreational uses, are conditionally permitted in the General Commercial designation and must receive Planning Commission approval of a Conditional Use Permit before such uses are established.

The subject site contains a multi-tenant building totaling over 161,000 square feet that was formerly entirely occupied by retail stores known as the Tracy Outlet Center. The building is comprised of three wings forming a “U”-shape with a large parking area in the center. The applicant proposes to occupy a 4,500 square foot tenant space formerly occupied by a retail store in the southern wing that is closest to Pescadero Avenue.

Land Use Analysis

The I-205 Corridor Specific Plan principally permits a variety of uses in the General Commercial designation, including retail, consumer services, personal services, eating and drinking establishments, offices, hotels and motels, day care centers, and schools. This report analyzes the proposed place of worship’s compatibility with existing and potential land uses.

Places of worship typically work well in a commercial setting and are permitted uses in many of the City’s commercial zones. Today, only three retail stores in the Tracy Outlet Center are in operation, all of which are in the southern wing, and the remainder of the center is unoccupied. According to staff discussions with the property owners over the last year, the property owners are interested in repurposing the Tracy Outlet Center for uses other than retail. According to the applicant, the property owners are speaking with a private school that may occupy a portion or the entirety of the northern and the western wings of the building in the future.

The proposed place of worship would be an appropriate use at the proposed site because the use will be wholly indoors and does not propose any negative impacts to commercial businesses or schools. According to the applicant, religious activities will take place weekday evenings from 6:30 pm to 10:00 pm and weekend mornings from

8:30 am to 12:30 pm. Typical activities include worship services, prayer sessions, singings, and Bible studies. Weekday administrative office hours and meetings will be from 9:00 am to 3:00 pm. No social or outdoor activities are proposed to take place.

The site has ample parking at a rate of 1 space for every 146 square feet of building area, which is more than enough for existing and future uses, including the proposed place of worship.

Environmental Document

The project is categorically exempt from CEQA pursuant to Guidelines Section 15301, which pertains to existing facilities. The project consists of additions to existing structures that will not result in an increase of more than 10,000 square feet where the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive. No further environmental assessment is required.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit application for a place of worship at 1005 Pescadero Avenue Suite 187, subject to the conditions as stated in the Planning Commission Resolution dated January 8, 2014 (Attachment C).

MOTION

Move that the Planning Commission approve the Conditional Use Permit application for a place of worship at 1005 Pescadero Avenue Suite 187 subject to the conditions as stated in the Planning Commission Resolution dated January 8, 2014 (Attachment C).

Prepared by: Kimberly Matlock, Assistant Planner

Approved by: Bill Dean, Assistant Development Services Department Director

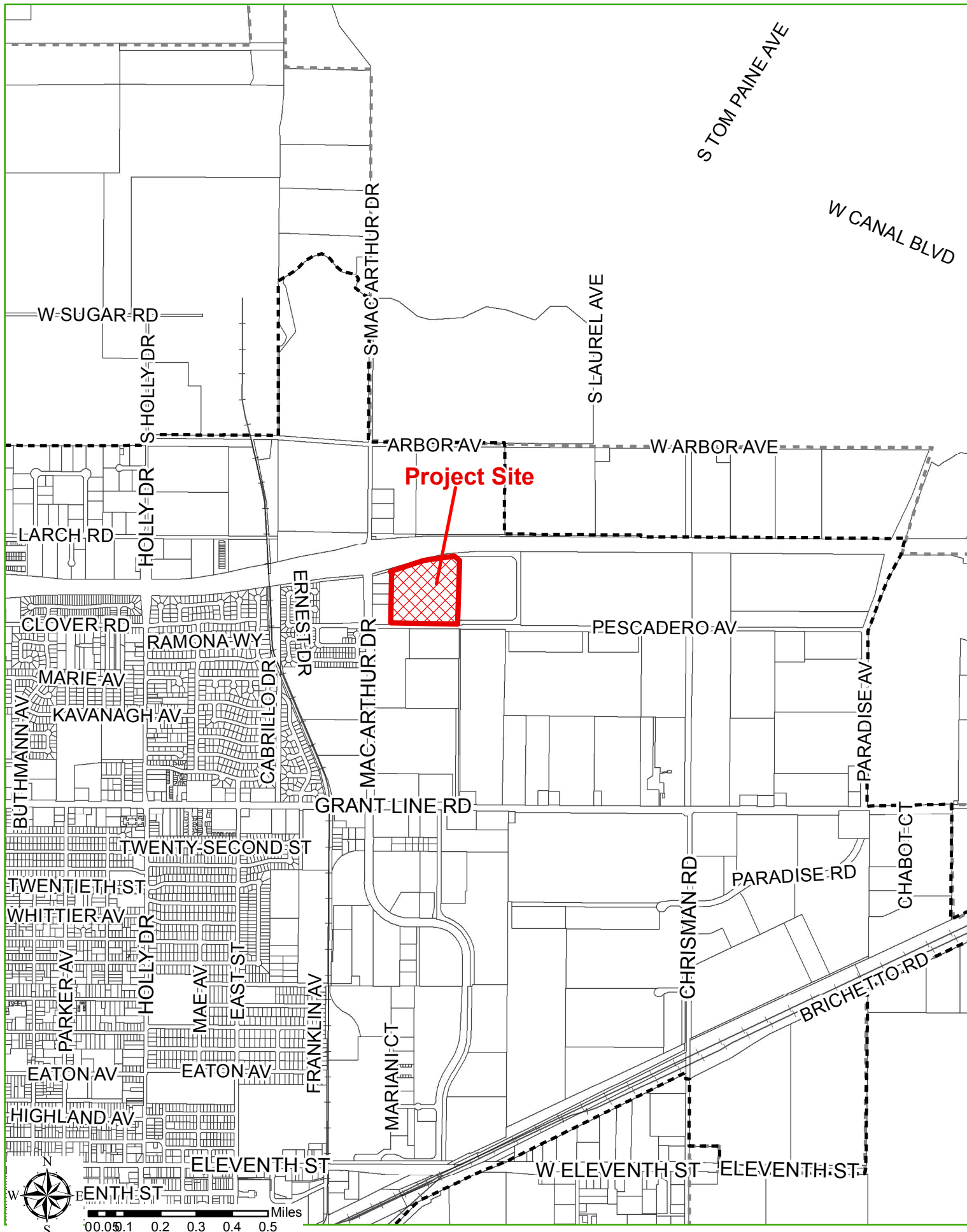
ATTACHMENTS

Attachment A— Location Map

Attachment B— Site and Floor Plan (Oversized: Available at Development Services Department in City Hall)

Attachment C— Planning Commission Resolution

Location Map



RESOLUTION 2014-_____

APPROVAL OF A CONDITIONAL USE PERMIT APPLICATION FOR A PLACE OF WORSHIP AT 1005 PESCADERO AVENUE SUITE 187 – APPLICANT IS IGLESIA FUENTE DE VIDA ETERNA AND PROPERTY OWNERS ARE GARY & ELIZABETH PATTERSON, RICHARD & SUZANNE CORDES, DAVID & MICHELLE BARNES, KIMBERLY, ANDREW & ANNE BRANAGH, AND CEDAR GARDENS PROPERTIES. APPLICATION NUMBER CUP13-0008

WHEREAS, On November 19, 2013, Iglesia Fuente de Vida Eterna submitted an application for a Conditional Use Permit to establish a place of worship at 1005 Pescadero Avenue Suite 187, and

WHEREAS, The proposed location is within the I-205 Corridor Specific Plan area and designated General Commercial, and

WHEREAS, Places of public assembly, such as educational, cultural, institutional, religious, and recreational uses, are conditionally permitted in the I-205 Corridor Specific Plan General Commercial area, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15301 pertaining to existing facilities, and

WHEREAS, The Planning Commission held a public meeting to review and consider the Conditional Use Permit application on January 8, 2014;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does hereby approve the Conditional Use Permit Application Number CUP13-0008 to establish a place of worship at 1005 Pescadero Avenue Suite 187, subject to the conditions as stated in Exhibit "1" attached and made part hereof, based on the following findings:

1. There are circumstances applicable to the use which makes the granting of a use permit necessary for the preservation and enjoyment of substantial property right, because a place of worship cannot be established without a Conditional Use Permit. The building suits the needs of the applicant, and a Conditional Use Permit will enable this location with the building and site characteristics to be used as a place of worship.
2. The establishment, maintenance, and/or operation of the project will not adversely affect or impair the benefits of occupancy, most appropriate development, property value stability, or the desirability of property in the vicinity because the nature of the land use, as conditioned, will conform to the requirements and intent of the City of Tracy General Plan and Tracy Municipal Code. The place of worship is compatible with existing business, because the use will be operated wholly indoors and will not engage in activities resulting in noise, odors, or vibration uncharacteristic of a commercial use.
3. The project will not be detrimental to the public health, safety, or welfare or materially injurious to or inharmonious with properties in the vicinity or to the general welfare of the City, because the project, as conditioned, will meet all applicable City regulations, such as provision of required parking with the application of joint use parking and adequate pedestrian and vehicular circulation on site. The project will also meet all applicable requirements of the Tracy Municipal Code, California Building Codes, and California Fire Codes.

* * * * *

The foregoing Resolution 2014-_____ of the Planning Commission was adopted by the Planning Commission on the 8th day of January, 2014, by the following vote:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAIN: COMMISSION MEMBERS:

CHAIR

ATTEST:

STAFF LIAISON

**City of Tracy
Conditions of Approval**

Place of Worship at 1005 Pescadero Avenue Suite 187
(Iglesias Fuente de Vida Eterna)
Application Number CUP13-0008
January 8, 2014

A. General Provisions and Definitions.

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

The Project: A place of worship (Application Number CUP13-0008)

The Property: 1005 Pescadero Ave. Suite 187, Assessor's Parcel Number 213-060-40

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Department 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 Project at the Property, Application Number CUP13-0008. The Conditions of Approval shall specifically include all Development Services Department conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the site and floor plans received by the Development Services Department on December 20, 2013.

A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, building permit fees, plan check fees, or any other City or other agency fees or deposits that may be applicable to the project.

- A.5. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
 - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
 - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
- A.6. Compliance with regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards, and State regulations, including, but not limited to, the California Building Code and the California Fire Code.
- A.7. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

B. Development Services Department Planning Division Conditions

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

- B.1. Activities indoors. The use shall be conducted wholly within the building unless a Temporary Use Permit is approved or an amendment to the Conditional Use Permit is granted by the Planning Commission.
- B.2. Amplification of sound. There shall be no exterior amplification of sound, noise, or music without approval of an amendment to the Conditional Use Permit is granted by the Planning Commission.
- B.3. Unassigned parking. The parking area shall remain open for common use and there shall be no designated parking areas for specific uses.
- B.4. Signs.
- B.4.1. The applicant shall obtain sign and building permits as applicable.
- B.4.2. Temporary signs, including banners, flags, pennants, balloons, and similar devices, shall comply with the Tracy Municipal Code standards for temporary signs.

AGENDA ITEM 2 D

REQUEST

PUBLIC HEARING TO CONSIDER AN APPLICATION TO AMEND THE GENERAL PLAN, APPROVE A VESTING TENTATIVE SUBDIVISION MAP ON A 10-ACRE PARCEL TO CREATE 59 LOTS, AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN (PDP/FDP) AMENDMENT TO ALLOW FOR THE CONSTRUCTION OF 59 SINGLE-FAMILY HOMES LOCATED AT THE NORTHWEST CORNER OF CROSSROADS DRIVE AND SOLOMON LANE. THE APPLICANT AND OWNER IS WILLIAM LYON HOMES, INCORPORATED – APPLICATION NUMBERS GPA13-0003, TSM13-0003 AND PUD13-0003

BACKGROUND

The subject property is located at the northwest corner of Crossroads Drive and Solomon Lane, within the existing Lyon Crossroads subdivision, north of Eleventh Street (Attachment A). This ten-acre site was formerly designated as a school site, but was deemed by the Tracy Unified School District to no longer be necessary, and now the developer has submitted applications to construct 59 single-family homes similar in size and configuration to those on the adjacent lots. The project site, along with the adjacent existing Lyon Crossroads subdivision was annexed to the City in 1994.

Since annexation in 1994 the property has been zoned Planned Unit Development (PUD), and a Concept Development Plan was established. The current General Plan designation is Public Facilities, as the site was previously intended for a school.

Site and Project Area Description

The current zoning designation is Planned Unit Development (PUD), with a General Plan designation of Public Facilities. The surrounding properties to the north, south and east are also zoned PUD, with a General Plan designation of Residential Low, allowing for 2.1 to 5.8 dwelling units per gross acre, and is developed with single-family homes. The property to the west of the project site is zoned Medium Density Residential, with the General Plan Designation of Residential Medium, with older homes on large semi-rural lots. The applicant of this project is the same developer as the existing surround Lyon Crossroads subdivision.

DISCUSSION

General Plan Amendment

The site has a General Plan designation of Public Facilities because it was formerly determined to be a school site. With the school district's determination that a school here is no longer needed, a General Plan amendment to Residential Low to accommodate the developer's proposal for single-family homes on the site is required. This designation will be consistent with the surrounding neighborhood.

PUD Amendment

Per the Tracy Municipal Code; in order to establish a Planned Unit Development (PUD) zone, the minimum and maximum standards must be established for the project in the Concept, Preliminary and Final Development Plan (Attachment B). The Concept Development Plan (CDP) is the first step, which describes the proposed uses in a very general manner, showing potential building locations, parking areas, and proposed land uses. The Preliminary Development Plan (PDP) supplies all of the detailed information, such as architectural renderings, site plans showing open space and circulation, landscape, and utility plans. The Final Development Plan (FDP) must be approved prior to any construction, and typically finalizes all of the details laid out by the Preliminary Development Plan, and any changes proposed. It is typical for the CDP to be approved upon annexation or rezoning, and then later the PDP and FDP are often reviewed concurrently, showing their conformity with the adopted CDP.

When this property was annexed to the City in 1994, a CDP was approved for the land that encompassed the 325-acre West Tracy Planning area included in the annexation. In 1998, a PDP/FDP was approved for the Lyon Crossroads subdivision. Both the CDP and the PDP/FDP indicated that the subject property would be a school site. Because of this, they must be amended to reflect the construction of houses instead of the school.

Subdivision

The proposal is to divide the property into 59 lots in order to develop 59 detached single-family homes on approximately 10 acres (Attachment C). The proposed lot sizes range from 5,000 to 10,936 square feet, with the majority of lots close to 5,000 square feet in area. The developer proposes that the building regulations (such as setbacks and lot coverage, as shown in Attachment B) be very similar to those set forth for the surrounding Lyon Crossroads subdivision, as the lots are very similar in size and configuration. The gross density of the proposed subdivision is 5.4 units per acre, within the range allowable under the site's proposed General Plan designation of Residential Low.

The subdivision design utilizes the existing street patterns, with the main access point from the existing fully improved Crossroads Drive on the eastern property line, and Solomon Lane, bordering the southern property line. A new street (shown as "A" Court on the proposed map) will be stubbed at the northwest corner of the site to the adjacent properties on Berg Road, per the City's Roadway Master Plans. Upon redevelopment of the Berg Road area in the future, this will provide a connection to these and other surrounding houses for better accessibility and traffic flow to Byron Road to the north. The design of this project relating to the existing, proposed, and future development through the use of existing streets and the creation of new ones to future development is a direct result of the City's discussions regarding connectivity.

Parking

Each unit within the project will include two side-by-side parking spaces within an enclosed garage as provided within Tracy Municipal Code. This garage space is to be

no smaller than 20 feet by 20 feet of clear unobstructed space. These garages will be accessed from public streets. On-street parking has also been provided on the project site, as the street sections as designed allow on-street parking on both sides of the streets. The plotting of the houses on the lots will occur in a manner to pair driveways when possible to maximize the number of on-street parking spaces within the project.

Building Setbacks, Development Standards

The minimum building setbacks are to be as shown in the revised Preliminary and Final Development Plan as shown in Attachment C. The minimum setbacks, lot coverage, and other requirements are appropriately sized to fit on the proposed lots. Staff worked with the applicant to create the development standards for the subdivision so the end result would be a well-planned but flexible subdivision that accounts for the needs of the future residents of the proposed houses, with regards to building and shade structure additions, pools, and the like.

Building Height

The proposed houses are one and two stories in height. The Tracy Municipal Code provides that height limits can be established in each PUD, as appropriate. The proposed maximum building height is 35 feet, which is consistent with the zoning regulations of all of the adjacent single-family homes, which are allowed to be up to two and a half stories, or 35 feet, whichever is less.

Architecture

Upon submittal of a vesting tentative subdivision map application as well as a PUD, the applicant is required by Tracy Municipal Code Sections 12.28.040(b)(2) and 10.08.1830 to submit architectural floor plans and elevations for review and approval by the Planning Commission and City Council. The proposed architecture for the 59 units contains a total of four floor plans, each with four different architectural elevations, including Spanish, Colonial, Ranch, and French Country, (Attachment D). In total, the combination of floor plans and elevations amounts to a total of 16 different houses, which is in compliance with the City's Design Goals and Standards for a subdivision of this size. The garages are de-emphasized within the subdivision because all four floor plans are designed with their garage facades five or more feet behind the front façade of the living space and/or front porch of each house. Some of the garages are set back even further (20 feet behind the front porch), allowing the project have some garages set back 30 feet from the street. The combination of these four floor plans and their varying architectural styles complies with the City's Design Goals and Standards and will assist in creating an interesting streetscape.

Residential Growth Allotments (RGAs)

Should this Vesting Tentative Subdivision Map application be approved, the project will be subject to the requirements of the current (2012) Growth Management Ordinance (GMO) and its Guidelines. The project does not currently have any RGAs and will apply for RGAs in accordance with the 2012 GMO prior to the issuance of any building permits

for the project. The project falls within the "Primary Area" of the GMO and is eligible to apply for RGAs in accordance with the GMO Guidelines.

Schools

The Tracy Joint Unified School District has determined that the Lyon Crossroads project does not need to dedicate property for a school site within the subdivision. However, in order to mitigate the proposed developments' impacts on school facilities, a Memorandum of Understanding was executed with the School District, which will cause a per-unit fee to be charged for each of the 59 units constructed.

Parks

Parks are required to be established within residential neighborhoods to serve the residents of the homes that are established in Tracy. In order to meet the need for park land, projects are either required to build their own park, or pay park in-lieu fees. Since the minimum park size within the City is typically required to be two acres, this project will pay the park in-lieu fees, as the 59 homes proposed would only constitute a need for a half-acre park. (The total population estimate for the project area is 194 residents, based on 59 dwelling units, and 3.28 people per unit.) In addition, community parks are required at a rate of 1 acre of park land per every 1,000 residents, resulting in 0.19 acres of community park area required, or mitigation fees paid.

Environmental Document

The project is exempt from the California Environmental Quality Act per Section 15162 pertaining to projects with a certified Environmental Impact Report (EIR) where the project does not propose substantial changes that will result in a major revision of the previous EIR. On February 1, 2011, the City of Tracy adopted the General Plan. The associated EIR (SCH# 1992 122 069) was certified February 1, 2011. The project does not propose new significant changes to the environment that was not analyzed in the General Plan EIR, including the areas of traffic, air quality, and aesthetics. Therefore, no further documentation is needed.

RECOMMENDATIONS

Staff recommends that the Planning Commission recommend that the City Council approve the General Plan Amendment Application Number GPA13-0003, the Lyon Crossroads Unit 9 Vesting Tentative Subdivision Map, Application Number TSM13-0003, and the amendment to the Preliminary and Final Development Plans, Application Number PUD13-0003, based on the findings and subject to the conditions contained in the Planning Commission Resolution (Attachment E) dated January 8, 2014.

MOTION

Move that the Planning Commission recommend that the City Council approve the General Plan Amendment Application Number GPA13-0003, the Lyon Crossroads Unit 9 Vesting Tentative Subdivision Map, Application Number TSM13-0003, and the amendment to the Preliminary and Final Development Plans, Application Number

PUD13-0003, based on the findings and subject to the conditions contained in the Planning Commission Resolution (Attachment E) dated January 8, 2014.

Prepared by: Victoria Lombardo, Senior Planner

Reviewed by: Bill Dean, Assistant Development Services Director

Approved by: Andrew Malik, Development Services Director

ATTACHMENTS

Attachment A—Location Map

Attachment B—Subdivision Map

Attachment C—PUD Guidelines

Attachment D—Architectural Renderings (Oversize: Copies available in Development Services Department, City Hall)

Attachment E—Planning Commission Resolutions to approve GPA Amendment, VTSM and Amendment to the PDP/FDP

Location Map

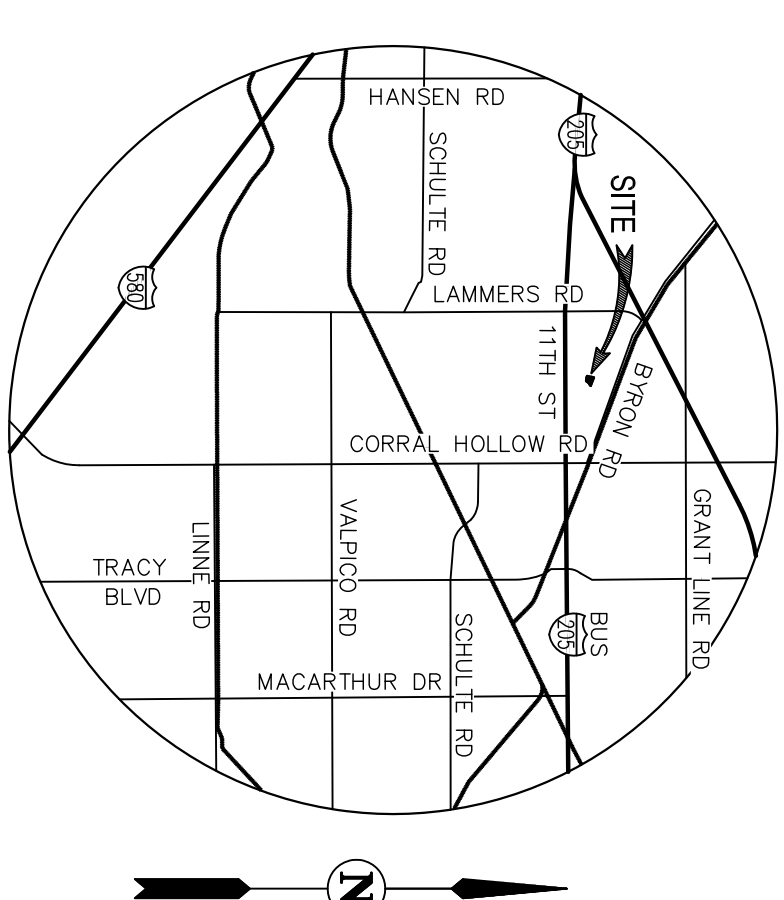




GENERAL NOTES

1. OWNER: WILLIAM LYON HOKES, INC.
4000 EXECUTIVE PARKWAY, SUITE 290
SAN RAMON, CA 94583
2. DEVELOPER: WILLIAM LYON HOKES, INC.
4000 EXECUTIVE PARKWAY, SUITE 290
SAN RAMON, CA 94583
3. CIVIL ENGINEER: CARLSON, BARBEE & GIBSON, INC.
2633 CANNON RAYMON, SUITE 350
SAN RAMON, CA 94583
(925) 886-0322
STEVE LICHTNER, P.E. 41637
4. GEOTECHNICAL ENGINEER: ENREQ, INC.
580 NORTH WILMA AVENUE, SUITE A
RENO, CA 95366
(209) 833-0910
STEVE HARRIS

LAND USE SUMMARY			
DESCRIPTION	AREA	PERCENT	TOTAL
LOTS	7.67± ACRES		
PUBLIC STREETS	2.29± ACRES		
PARCEL A	0.04± ACRES		
TOTAL	10.00± ACRES		



VICINITY MAP
NOT TO SCALE

LEGEND

EXISTING	PROPOSED	DESCRIPTION
		CENTERLINE
		PROPERTY BOUNDARY
		CURB, GUTTER AND SIDEWALK
		STORM DRAIN LINE (PUBLIC)
		SANITARY SEWER (PUBLIC)
		WATER (PUBLIC)
		SUBMAIN LINE (PUBLIC)
		STORM DRAIN MANHOLE
		CURB INLET
		FIELD INLET
		FIRE HYDRANT
		STREETLIGHT
		LOT NUMBER
		APPROXIMATE STREET SLOPE (MINIMUM 0.40%)

ABBREVIATIONS

CL	CENTERLINE	LP	LOW POINT
EVA	EMERGENCY VEHICLE ACCESS	MH	MANHOLE
PL	PROPERTY LINE	PL	PROPERTY LINE
EAUT	EASEMENT	PU	PUBLIC UTILITY EASEMENT
EX	EXISTING	R	RADIUS
F.O.C.	FACE OF CURB	R.O.W.	RIGHT-OF-WAY
GB	GRADE BREAK	S	SLOPE
HP	HIGH POINT	SF	SQUARE FEET
L	LENGTH	SD	STORM DRAIN
		SS	SANITARY SEWER
		SWO	STORMWATER QUALITY CONTROL DEVICE
		TC	TOP OF CURB
		TYP	TYPICAL
		W	WATER

5. ASSESSORS PARCEL NO.:
6. PROPERTY DESCRIPTION:
7. SITE AREA:
8. EXISTING LAND USE:
9. PROPOSED LAND USE:
10. EXISTING GENERAL PLAN LAND USE DESIGNATION:
11. PROPOSED GENERAL PLAN LAND USE DESIGNATION:
12. EXISTING ZONING:
13. PROPOSED ZONING:
14. BENCHMARK:
15. TOPOG:
16. STREETS:
17. WET UTILITIES:
18. FLOOD ZONE:
19. GAS & ELECTRIC:
20. TELEPHONE:
21. DIMENSIONS:
22. PHASING:
23. LOT SETBACKS:
24. P.U.E.

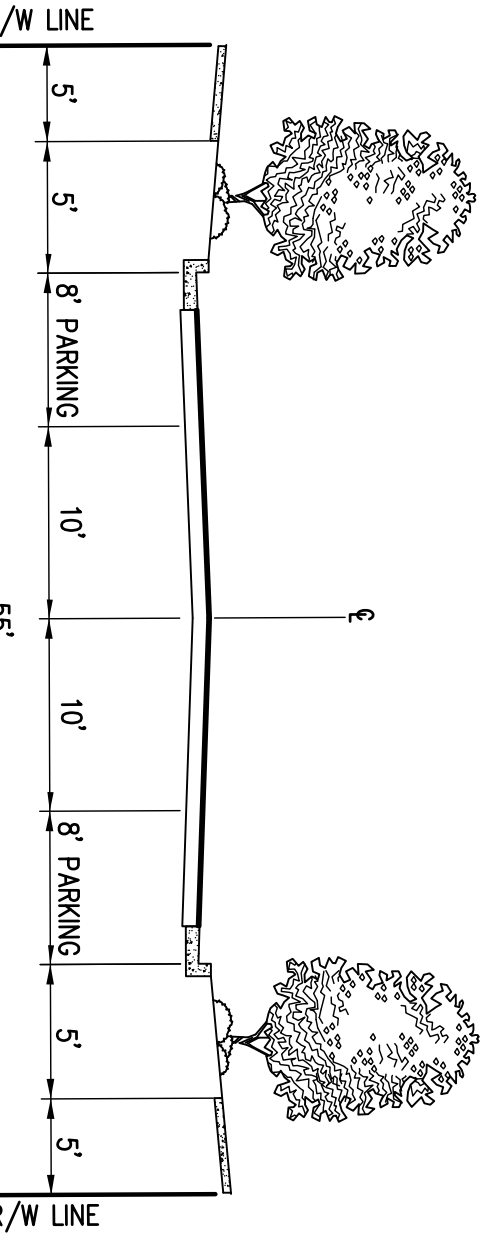
LOT AREA (SF)	LOT AREA (SF)	LOT AREA (SF)	LOT AREA (SF)	LOT AREA (SF)	LOT AREA (SF)	LOT AREA (SF)	LOT AREA (SF)	LOT AREA (SF)	LOT AREA (SF)	
1	5550	11	5619	21	5000	31	5281	41	5478	
2	5250	12	5000	22	5000	32	5478	42	5335	
3	5250	13	5000	23	5000	33	5693	43	5260	
4	5250	14	5000	24	5279	34	5916	44	5250	
5	5250	15	5000	25	6331	35	6136	45	5919	
6	5250	16	5000	26	9970	36	7992	46	7289	
7	5250	17	5000	27	6442	37	8902	47	6117	
8	5250	18	5000	28	6279	38	6135	48	5250	
9	5250	19	5000	29	5134	39	5916	49	5250	
10	7320	20	5000	30	5039	40	5697	50	5250	
									51	5250
									52	5800
									53	5963
									54	5250
									55	5250
									56	5000
									57	5000
									58	5250
									59	6388
									PARCEL A	2057

CITY ENGINEER'S STATEMENT
I HEREBY CERTIFY THAT THIS MAP HAS BEEN REVIEWED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE TRACY MUNICIPAL CODE AND THE SUBDIVISION MAP ACT AS TO FORM AND CONTENT.

CITY ENGINEER _____ DATE _____

CITY COUNCIL CERTIFICATE
I HEREBY CERTIFY THAT THE CITY COUNCIL OF TRACY HAS CONDITIONALLY APPROVED THIS TENTATIVE MAP ON _____ BY RESOLUTION NO. _____

CITY CLERK _____ DATE _____



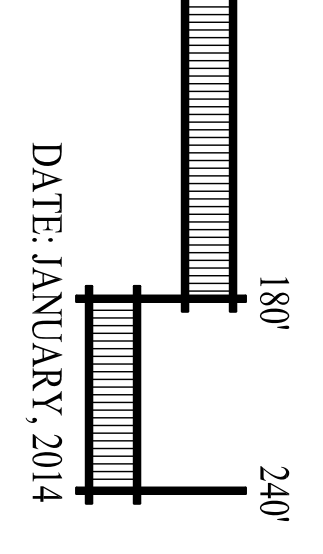
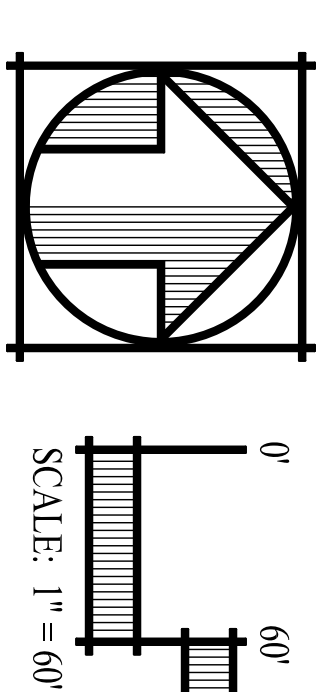
ENGINEER'S STATEMENT
THIS MAP WAS PREPARED BY CARLSON, BARBEE & GIBSON, INC. UNDER MY DIRECTION

STEVEN LICHTNER, R.C.E. 41637
LICENSE OPERATION DATE: 12-31-13

DATE _____

VESTING TENTATIVE MAP
LYON CROSSROADS UNIT NO. 9
TRACT 3781

CITY OF TRACY SAN JOAQUIN COUNTY CALIFORNIA



Carlson, Barbree & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
2633 CANNON RAYMON, SUITE 350
SAN RAMON, CALIFORNIA 94583
(925) 886-0322

Lyon Crossroads A Planned Community Design Standards School Site Conversion

- I Building Height
 - A. The Maximum building height for the neighborhood shall be 2 ½ stories or 35 feet.

- II Building Coverage
 - A. The maximum building coverage for the neighborhood shall not exceed 45% of the net lot area.

- III Plan Mix
 - A. Number of House Plans Four (four models)
 - B. Number of Elevations – Sixteen (four elevations per house plan)
 - C. Each house plan is used no less than approximately 15 percent of the time and not more than 40 percent of the time.
 - D. There should be at least one single story floor plan used on approximately 20 percent of the lots.

- IV Building Setbacks
 - A. Front
 - No less than 10 feet from the property line to the front of the livable area of a structure and no less than 18’ from the back of the sidewalk to the front of the garage.
 - No less than five (5) feet from the property line to porches.
 - All units shall be provided with a roll up garage door.
 - Typical setbacks from the property line are as follows:
(5,000 sq ft Lots Min.) 12’ to 15’ with an average 14’ setback.

 - B. Side
 - All neighborhoods shall have a minimum side yard of 5 feet from the property line to the structure with a minimum of 10 feet between structures.
 - Corner lots shall have a minimum of 10’ on the street side

 - C. Rear
 - All neighborhoods shall have a minimum of 10 feet from the property line to the structure with the following minimum backyard areas:
(5,000 sq ft Lots Min.) 750 square feet.

- V Parking
 - A. Two parallel spaces enclosed (garage) and two parallel open spaces (driveway) shall be provided for each residential unit along with on on-street parking space.

RESOLUTION NO. 2014-_____

RECOMMENDING THAT THE CITY COUNCIL APPROVE A GENERAL PLAN LAND USE DESIGNATION AMENDMENT OF A 10-ACRE SITE IN THE LYON CROSSROADS SUBDIVISION (APN 238-040-07) FROM PUBLIC FACILITIES TO RESIDENTIAL LOW. THE APPLICANT AND OWNER IS WILLIAM LYON HOMES INCORPORATED – APPLICATION NUMBER GPA13-0003

WHEREAS, The subject property consists of a 10-acre parcel in the Lyon Crossroads Planned Unit Development, area and the 10-acre site is designated for a public school, and

WHEREAS, The subject property has a General Plan land use designation of Public Facilities, which permits uses such as public schools, civic, cultural, recreational, community, and health facilities, and

WHEREAS, A school has not been built on the subject property, and

WHEREAS, The City received a request to amend the General Plan land use designation of the subject site from Public Facilities to Residential Low, which permits uses such as single-family homes, places of worship, schools, parks and recreational facilities, fire stations, libraries, day care facilities, and community centers, and

WHEREAS, A public school is permitted under the Public Facilities and Residential Low General Plan land use designations, and

WHEREAS, No applications for development of single-family homes was submitted for the subject site, and

WHEREAS, Development of the site for uses other than a public school requires an amendment to the Lyon Crossroads PUD as well as a tentative subdivision map application, and

WHEREAS, The Planning Commission conducted a public hearing to review the project on January 8th, 2014, and

WHEREAS, The project is exempt from the California Environmental Quality Act per Section 15162 pertaining to projects with a certified Environmental Impact Report where the project does not propose substantial changes that will result in a major revision of the previous Environmental Impact Report, and the project does not propose additional environmental impacts that were not analyzed in General Plan Environmental Impact Report certified on February 1, 2011;

NOW, THEREFORE, BE IT RESOLVED, That the City of Tracy Planning Commission recommends that the City Council approve an amendment to the General Plan land use designation of the 10-acre site in the Lyon Crossroads subdivisions from Public Facilities to Residential Low.

* * * * *

The foregoing Resolution No. 2014-_____ was passed and adopted by the City of Tracy Planning Commission on the 8th day of January, 2014 by the following vote:

AYES: COMMISSION MEMBERS

NOES: COMMISSION MEMBERS

ABSENT: COMMISSION MEMBERS

ABSTAIN: COMMISSION MEMBERS

CHAIR

ATTEST:

STAFF LIAISON

RESOLUTION 2014 – _____

**RECOMMENDING CITY COUNCIL APPROVAL OF THE 59-LOT LYON
CROSSROADS UNIT 9 VESTING TENTATIVE SUBDIVISION MAP AND
AMENDMENT TO THE PRELIMINARY AND FINAL DEVELOPMENT PLAN
FOR A 10-ACRE SITE LOCATED AT THE NORTHWEST CORNER OF
CROSSROADS DRIVE AND SOLOMON LANE
APPLICATION NUMBERS TSM13-0003 AND PUD13-0003**

WHEREAS, The subject property was annexed to the City of Tracy in 1994 and is a part of the Plan C Finance Plan, and

WHEREAS, The project is a Vesting Tentative Subdivision Map to create 59 single-family dwelling units on 10 net acres, with an overall density of approximately 5.4 dwelling units per gross acre, which is consistent with the amended General Plan land use and density requirements, and

WHEREAS, The proposed map amendment is consistent with the General Plan, and Title 12, the Subdivision Ordinance, of the Tracy Municipal Code. The General Plan designation of the property is Residential Low, which provides for a density range of 2.1 to 5.8 dwelling units per acre. The General Plan identifies that the characteristic housing for the Low Density Residential categories includes single family homes, and

WHEREAS, The site is physically suitable for the type of development, as the site is virtually flat and the characteristically high clay content of Tracy's soils may require amendments and treatment for proposed landscaping, foundations, and other surface and utility work. The physical qualities of the property make it suitable for residential development in accordance with City standards, and

WHEREAS, The site is physically suitable for the proposed density of development. The 5.4 dwelling units per acre proposed is consistent with the allowable density range prescribed by the General Plan Residential Low land use designation. Traffic circulation is designed in accordance with City standards for the proposed density to ensure adequate traffic service levels are met, and

WHEREAS, The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The project does not propose substantial changes that will result in a major revision of the previous Environmental Impact Report that analyzed the project site and is exempt from the California Environmental Quality Act per Section 15162. Significant fish or wildlife or their habitat have not otherwise been identified on the site and no further environmental documentation is required, and

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

WHEREAS, The project complies with all other applicable ordinances, regulations and guidelines of the City, including but not limited to, the local floodplain

ordinance. The subject property is not located within any floodplain and the project, with conditions, will meet all applicable City design and improvement standards, and

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

WHEREAS, the architectural renderings are in compliance with Tracy’s Design Goals and Standards because they have incorporated significant variation between floor plans and elevations, located garages set back from the facades of the living space, and used architectural features on all four sides of each house, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the amendments to the Vesting Tentative Subdivision Map and Preliminary and Final Development Plan on January 8, 2014;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission hereby recommends that the City Council approve the Lyon Crossroads Unit 9 Vesting Tentative Subdivision Map and amendments to the Lyon Crossroads Preliminary and Final Development Plan, Application Numbers TSM13-0003 and PUD13-0003, subject to conditions stated in Exhibit “1”, attached and made part hereof.

The foregoing Resolution 2014 – _____ was adopted by the Planning Commission on the 8th day of January, 2014, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

**Conditions of Approval for the
Lyon Crossroads Vesting Tentative Subdivision Map, and
Preliminary and Final Development Plan Amendment
Application Numbers TSM13-0003, and PUD13-0003**

These Conditions of Approval shall apply to the real property described as the Lyon Crossroads Unit 9 Vesting Tentative Subdivision Map, Preliminary and Final Development Plan Amendment, Application Numbers TSM13-0003, and PUD13-0003 (hereinafter "Project"), generally located on approximately 10 acres at the northwest corner of Crossroads Drive and Solomon Lane, Assessor's Parcel Number 238-040-07.

A. The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Public Works Director, or the City Engineer to perform the duties set forth herein.
3. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
4. "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.
5. "Conditions of Approval" shall mean the conditions of approval applicable to the Lyon Crossroads Vesting Tentative Subdivision Map, and Preliminary and Final Development Plan Amendment, Application Numbers TSM13-0003, and PUD13-0003. The Conditions of Approval shall specifically include all Development Services Department Conditions set forth herein.
6. "Project" means the real property consisting of approximately 10 acres located at the northwest corner of Crossroads Drive and Solomon Lane, Assessor's Parcel Number 238-040-07.
7. "Subdivider" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. "Subdivider" also means the Developer. The term "Subdivider" shall include all successors in interest.

B. Planning Division Conditions 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, approved February 1, 2011.
4. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code Section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
5. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
6. All improvements shall be consistent with the Tracy Municipal Code, Standard Plans, and other applicable City Regulations.
7. All final maps shall be consistent with the Vesting Tentative Subdivision Map received by the Development Services Department on January 1, 2014, unless modified herein.
8. Prior to the issuance of a building permit, the developer shall document compliance with all applicable school mitigation requirements consistent with City Council standards and obtain certificate of compliance from Tracy Unified School District for each new residential building permit.
9. Prior to approval of the first Final Map, the Developer shall obtain approval of all street names from the Traffic Engineering Division. At least one street shall be

named after a deceased veteran in accordance with City Council Resolution Number 87-041.

10. Prior to the recordation of the first Final Map, the Subdivider shall show public utility easements necessary to accommodate the needs of local utility providers in accordance with City standards, to the satisfaction of the City Engineer.
11. Prior to the issuance of building permits, the applicant shall pay all park in-lieu fees required for the project.
12. The floor plans and architectural elevations, except as modified herein, shall be consistent with the plans received by the Development Services Department on December 30, 2013.
13. All of the development standards for the 59 lots shall comply with the standards as listed in the "Lyon Crossroads, A Planned Community" document, received by the Development and Engineering Services Department on December 30, 2013. Any future improvements not listed in this document (such as pools, patio covers, etc.) shall be in compliance with the regulations of the Low Density Residential Zone.
14. The Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), including District Rule 9510, Regulation VIII, and payment of all applicable fees.
15. The Developer shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit, a pre-construction survey prior to ground disturbance, and payment of all applicable fees, to the satisfaction of San Joaquin Council of Governments.
16. Prior to issuance of a grading permit, the Developer shall provide proof of compliance with the Construction General Permit through a Waste Discharge ID number or Notice of Intent submittal; and provide proof of compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual), which includes the requirements for Site Design, Source and Treatment Control Measures, in a project Stormwater Quality Control Plan (SWQCP), to the satisfaction of the Public Works Director or his/her designee. Prior to issuance of a building permit, the Developer shall provide proof of compliance with CalGreen Building Standards for Residential Properties, to the satisfaction of the Public Works Director or his/her designee. Prior to building permit final inspection, a Storm Water Treatment Device Access and Maintenance Agreement must be approved and notarized

between the Developer and the City, to the satisfaction of the Public Works Director or his/her designee.

17. Prior to the issuance of a building permit, the Developer shall prepare a detailed landscape and irrigation plan for all landscape areas (e.g. back yards, front yards, and public right of way) consistent with City standards and shall show compliance with adopted Water Efficient Landscape Ordinance and mandatory CalGreen Building Standards for Residential Properties through submittal and approval of the required Landscape Package, which includes project information, a water efficient landscape worksheet, a soil management report and Landscape, Irrigation, Drainage and Grading Plans, to the satisfaction of the Public Works Director or his/her designee.

C. Engineering Division Conditions of Approval

Contact: Criseldo S. Mina, P. E. C#54782 (209) 831-6425 cris.mina@ci.tracy.ca.us

C.1 Tentative Subdivision Map

Prior to signature of the Tentative Subdivision Map by the City Engineer, the Subdivider shall comply with the requirements set forth in this section, to the satisfaction of the City Engineer.

- C.1.1 Revise the Tentative Subdivision Map to include a space for the signature of the Secretary of the Planning Commission and date of signature.
- C.1.2 Revise the Tentative Subdivision Map to show restricted access for Lots 26, 27, 45, 46 and 59 to Crossroads Drive, Lots 36, 37, 52, and 53 to Mamie Anderson Lane, and for Lot 10 to "A" Lane.
- C.1.3 Revise the Tentative Subdivision Map to include the name of the deceased war veteran "Daniel L. Hansen". The construction detail of the sign shall be prepared as part of the Improvement Plans.
- C.1.4 Submit one (1) reproducible copy of the approved tentative subdivision map for the Project within ten (10) days after Subdivider's receipt of a notification of approval of the Tentative Subdivision Map. The signature of the owner of the Property on the Tentative Subdivision Map means consent to the preparation of the Tentative Subdivision Map and the proposed subdivision of the Property.

C.2 Final Map

No final map within the Project boundaries will be approved by the City until the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

- C.2.1 The Subdivider has completed all the requirements set forth in this section, and Condition C.1., above.
- C.2.2 The Final Map prepared in accordance with the applicable requirements of the Tracy Municipal Code, the City Design Documents, and in substantial conformance with the Tentative Subdivision Map for the Project.
- C.2.3 The Final Map shall include dedications or offers of dedication of all right(s)-of-way and/or temporary or permanent easement(s) required to construct and serve the Project described by the Improvement Plans and Final Map, in accordance with City Regulations and these Conditions of Approval.
- C.2.4 Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearing" and shown as such on the final map. The final map shall also identify surveyed ties from two of the horizontal control points to a minimum of two (2) separate points adjacent to or within the Property described by the Final Map.
- C.2.5 A construction cost estimate of subdivision improvements and for all required public facilities, prepared in accordance with City Regulations to be used for calculating engineering review fees and for bonding purposes. In determining the total construction cost, add ten percent (10%) for construction contingencies.
- C.2.6 All the required improvement agreements are executed, improvement security is submitted and documentation of insurance are provided, as required by these Conditions of Approval. The amounts of improvement security shall be approved by the City and the type and form of improvement security shall be in accordance with the Tracy Municipal Code.
- C.2.7 All infrastructure or public facilities that are required to serve the proposed development within the final map boundaries, including water distribution, sewer conveyance, and water and wastewater treatment plant including water supply have been evaluated and the City has determined that capacities are available for this Project.
- C.2.8 Payment of final map checking fees and all other fees required by these Conditions of Approval and City Regulations are received.
- C.2.9 Copy of the Updated Subdivision Map Guarantee or Guarantee of Title that is valid up to the time of recording the Final Map and issued by a competent title company, as required in sub-section 12.20.060(i) of the Tracy Municipal Code.

- C.2.10 Copy of the Tax Certification issued by the San Joaquin County Assessor and Tax Collector's office stating that all taxes and assessments due have been paid, as required in sub-section 12.20.060(d) of the Tracy Municipal Code.

C.3 Grading and Encroachment Permit

No applications for grading permit and encroachment permit within the Project boundaries will be accepted by the City as complete until the Subdivider provides all documents required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.3.1 The Tentative Subdivision Map has been approved by the City Council, and the Subdivider has completed all requirements set forth in this section and Conditions C.1 and C.2, above.
- C.3.2 The Subdivider has obtained the approval of all other public agencies with jurisdiction over the required public facilities.
- C.3.3 The Subdivider has executed all the agreements, posted all improvement security, and provided documentation of insurance, as required by these Conditions of Approval.
- C.3.4 The Improvement Plans including the Grading and Drainage Plans prepared in accordance with the Subdivision Ordinance and the City Design Documents. The improvement plans for all improvements (in-tract and off-site) required to serve the Project in accordance with the City Design Documents, and these Conditions of Approval. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:
 - C.3.4.1 All existing and proposed utilities including the size and location of the pipes.
 - C.3.4.2 All supporting engineering calculations, technical or materials specifications, cost estimate, and technical reports related to the design of streets and utilities improvements.
 - C.3.4.3 The Project's permanent storm drainage connection(s) to the City's storm drainage system as approved by the City Engineer. Improvement Plans to be submitted with the hydrology and storm drainage calculations for the sizing of the on-site storm drainage system and the permanent storm drainage connection(s).

- C.3.4.4 Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar) with the City Engineer and Fire Safety Officer approval and signature blocks. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
- C.3.5 Joint Trench Plans and Composite Utility Plans, prepared on a 24" x 36" size mylar, and signed and stamped by a Registered Civil Engineer, for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the 10 feet wide Public Utility Easement or to be installed to serve the residential lots or the Project, as required Condition C.5, below.
- C.3.6 Three (3) copies of the Project's Geo-technical /Engineering Soils Report, prepared or signed and stamped by a Geo-technical Engineer and copy of recorded slope easements (if applicable), as required in Condition C.6.2, below.
- C.3.7 Three (3) sets of the Project's Storm Water Pollution Prevention Plan (SWPPP), Best Management Practices (BMPs) and a copy of the Notice of Intent (NOI) with the State-issued Wastewater Discharge Identification number (WDID#), as required in Conditions C.6.1, and C.6.4, below.
- C.3.8 Payment of all applicable fees required by these Conditions of Approval and City Regulations, including but not limited to, plan checking, grading and encroachment permits and agreement processing, construction inspection, and testing fees.
- C.3.9 Tracy's Fire Marshall's signature on the Improvement Plans indicating their approval of the location and construction detail of the Project's fire service connection(s), and the location and spacing of street fire hydrants, as required in Condition C.9.5, below.
- C.3.10 Signed and notarized Inspection Improvement Agreement or Subdivision Improvement Agreement with the fully executed improvement security documents for faithful performance, labor and materials, and warranty, to guarantee construction of subdivision improvements including the Project's domestic, irrigation and fire service connections, storm drainage connection, and the permanent sanitary sewer connection, and asphalt concrete overlay work on Solomon Lane and Crossroads Drive as required in Conditions C.8, C.9, and C.10, below.

- C.3.11 All streets and utilities improvements within City right-of-way or streets that are to be dedicated to the City shall be designed and constructed in accordance with City Regulations, and City's Design documents including the City's Facilities Master Plan for storm drainage, roadway, wastewater, and water adopted by the City, or as otherwise specifically approved by the City Engineer.
- C.3.12 All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Subdivider shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.

C.4 Building Permit

No building permit within the Project boundaries will be approved by the City until the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

- C.4.1 The Subdivider has completed all requirements set forth in Condition C.1, C.2, and C.3, above.
- C.4.2 The Property is within Category C Pay Zone B area and is classified as Agricultural Habitat Land/ Open Spaces per the San Joaquin County of Governments (SJCOG) Compensation Plan Map and is subject to applicable habitat mitigation fees ("SJMSCP Development Fees") per the adopted San Joaquin County Multi-Species Habitat Conservation and Open Space Plan ("SJMSCP").

In accordance with the amended SJMSCP that was approved by the City Council on October 18, 2011, pursuant to Resolution 2011-196, the Project is subject to a fee rate of \$12,711 per acre. The update to the SJMSCP Development Fees that was approved by the City Council on October 15, 2013, per Resolution 2013-164 will become effective January 1, 2014. The new SJMSCP Development Fee applicable to the Project for the pay zone identified above is \$13,295 per acre.

The estimated SJMSCP Development Fees that are due at the time of issuance of the building permit is \$132,950, assuming that the Subdivider will grade the entire Project site at one time.

- C.4.3 The Project is within the Plan C development area and is subject to Plan C Development Impact Fees. Prior Subdivider is required to pay

Plan C Development Impact Fees required by these Conditions of Approval and City Regulations that are in effect at the time of issuance of the building permit.

- C.4.4 Due to high groundwater level within the Project and adjacent developments to the west (the Huntington Park and Westgate Subdivision), additional sub-surface flow (groundwater) is discharged to the City's storm drain system. The Project is subject to an incremental increase in storm drain impact fees due to the additional flows. The amount of increase in storm drainage impact fees has been determined by a storm drainage impact fee study performed by City's consultant and approved by the City Council on September 21, 1999, pursuant to Resolution No. 99-363. Prior to issuance of each building permit, the Subdivider shall pay the City the sub-surface drainage impact fees in the amount of \$281 per Single Family Dwelling Unit (SFDU) as established by City Council resolution.

C.5 Undergrounding of Overhead Utilities

The Subdivider shall prepare improvement plans, and design and construct the subdivision improvements in accordance with the following requirements.

- C.5.1 All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities. The Subdivider shall submit improvement plans for the installation of electric, gas, telephone and TV cable lines that are to be installed on the existing 10 feet wide Public Utility Easement within the Property and along Solomon Lane and Crossroads Drive.

- C.5.2 Pavement cuts or utility trench(s) on existing street(s) for the installation of electric, gas, cable TV, and telephone will require the application of 2" asphalt concrete overlay and replacement of pavement striping and marking. The limits of asphalt concrete overlay shall be 25 feet from the trench and a travel lane width or up to the street centerline. If the utility trench extends beyond the street centerline, the asphalt concrete overlay shall be applied over the entire width of the street (to the lip of gutter).

C.6 Site Grading

The Subdivider shall prepare improvement plans, and design and construct the required improvements in accordance with the City Regulations, these Conditions of Approval, and the following requirements.

- C.6.1 All grading work (on-site and off-site) shall require a Grading Permit. Erosion control measures shall be implemented in accordance with Grading Plans approved by the City Engineer for all grading work not

completed before October 15. Improvement Plans shall specify all erosion control methods to be employed and materials to be used.

- C.6.2 Submit a Grading and Drainage Plan prepared by a Registered Civil Engineer and accompanied by the Project's Geo-technical /Soils Engineering report. The report shall provide recommendations regarding adequacy of the site relative to the stability of soils such as soil types and classification, percolation rate, soil bearing capacity, highest observed ground water elevation, and others.
- C.6.3 Reinforced or engineered masonry block retaining wall is the preferred method of retaining soil at property lines when the grade differential between the project site and adjacent property(s) exceeds 12 inches. The Subdivider is required to submit improvement plans, construction details and structural calculations of the retaining wall or masonry wall. Slope easements may be accepted subject to approval by the City Engineer and if permission is granted from owner(s) of the adjacent and affected property(s). Slope easements is an acceptable option as a substitute to engineered wall, where cuts or fills do not match existing ground or final grade with the adjacent property or public right of way, up to a maximum grade differential of two (2) feet, subject to approval by the City Engineer. Slope easements shall be recorded, prior to the issuance of the Grading Permit. The Subdivider shall be responsible to obtain and record slope easement(s) on private properties, where it is needed to protect private improvements constructed within and outside the Project, and a copy of the recorded easement document must be provided to the City, prior to the issuance of the Grading Permit.
- C.6.4 Prior to the issuance of the Grading Permit, the Subdivider shall submit three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) identical to the reports submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID). After the completion of the Project, the Subdivider is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Subdivider. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008 and any subsequent amendment(s).
- C.6.5 The Subdivider shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after

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

C.7 Storm Drainage

The Subdivider shall prepare improvement plans, and design and construct the required improvements in accordance with the City Regulations, these Conditions of Approval, and the following requirements.

C.7.1 Storm drainage release point is a location at the boundary of the Project adjacent a City right-of-way or public street where storm water leaves the Property, in the event of a storm event and when the Property's on-site storm drainage system fails to function or it is clogged. Site grading shall be designed such that the Project's storm drainage overland release point will be directly to a public street with a functional storm drainage system and the storm drainage line on the street has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be improved to the satisfaction of the City Engineer.

C.7.2 The Project's permanent storm drainage connection(s) shall be designed and constructed meet City Regulations. The design of the permanent storm drainage connection shall be shown on the Grading and Storm Drainage Plans and shall be submitted with the required calculations for the sizing of the storm drain pipe(s), and shall comply with the applicable requirements of the City's storm water regulations adopted by the City Council in 2008 and any subsequent amendments.

C.8 Sanitary Sewer

The Subdivider shall prepare improvement plans, and design and construct the required improvements in accordance with the City Regulations, these Conditions of Approval, and the following requirements.

C.8.1 It is the Subdivider's responsibility to design and construct the Project's permanent sanitary sewer connection(s) to Crossroads Drive in accordance with City Regulations. The Subdivider shall submit improvement plans that include the design of the sanitary sewer line from the Property to the point of connection. The Subdivider is

responsible for the cost of installing the Project's permanent sanitary sewer connection(s) including but not limited to, replacing asphalt concrete pavement, application of 2" thick asphalt concrete overlay where required, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other streets and utilities improvements that are disturbed as a result of installing the Project's permanent sanitary sewer connection(s) and sanitary sewer lateral for each residential lots.

Prior to starting the work described in this section, the Subdivider shall submit a Traffic Control Plan, to show the method and type of construction signs to be used for regulating traffic during the installation of the sanitary sewer main on Dominique Drive. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

- C.8.2 The Subdivider is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plan No. 203. The City's responsibility to maintain on the sewer lateral is from the wye fitting to the point of connection with the sewer main.

C.9 Water System

The Subdivider shall prepare improvement plans, and design and construct the required improvements in accordance with City Regulations, these Conditions of Approval, and the following requirements.

- C.9.1 The Project's permanent water connection points will be at Crossroads Drive and Solomon Lane. Three (3) gate valves will be required at the new connection point on Crossroads Drive. All water connections that are bigger than 2 inches in diameter shall be Ductile Iron Pipe (DIP).
- C.9.2 Domestic water service with a remote read (radio-read) water meter shall be installed in accordance with City Regulations and at the location approved by the City Engineer. City's responsibility to maintain water lines shall be from the water main on the street to the back of the water meter (inclusive) only. Repair and maintenance of all on-site water lines, laterals, valves, and fittings shall be the responsibility of the Subdivider or the individual lot owner(s).
- C.9.3 All costs associated with the installation of the Project's permanent water connection(s) and domestic water and fire service for each individual lot including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings on existing street that may be

disturbed with the installation of the permanent water connection(s), domestic water service for each lot, and other improvements shall be paid by the Subdivider.

- C.9.4 If a water main shut down is necessary, the City will allow a maximum of 4 hours water supply shutdown. The Subdivider shall be responsible for notifying residents or property owner(s), regarding the water main shutdown. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or property owner(s) at least 72 hours before the planned water main shutdown. Prior to starting the work described in this section, the Subdivider shall submit a Traffic Control Plan, to show the method and type of construction signs to be used for regulating traffic during the installation of the water main. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.
- C.9.5 The Subdivider shall design and install fire hydrants at the locations approved by the City's Building Division and Fire Department. Location and construction details of the fire service line shall be approved by the Chief Building Official and Fire Safety Officer. Prior to the approval of the Improvement Plans by the City Engineer, the Subdivider shall obtain written approval from the Chief Building Official and Fire Safety Officer, for the design, location and construction details of the individual lot fire service, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.10 Street Improvements

The Subdivider shall prepare improvement plans, and design and construct the required improvements in accordance with City Regulations, these Conditions of Approval, and the following requirements.

- C.10.1 The Subdivider shall design and construct street and utilities improvements on streets that are to be dedicated to the City in accordance with City Regulations. The street and utilities improvements include but not limited to, concrete curb, gutter, and sidewalk, residential driveway, water main, domestic and fire sprinkler service, sanitary sewer main, sewer lateral and cleanout, storm drain line, catch basin, storm drainage drop inlet, street tree, pavement marking and striping, and traffic sign, and other improvements that are required to serve the Project.
- C.10.2 Installation of sanitary sewer laterals and domestic and fire sprinkler services for Lots 53 through 59 on Solomon Lane and the Project's permanent water main connection on Crossroads Drive will require street or pavement cut and the construction of utility trenches that

extends beyond the centerline of these streets. In order to hide pavement excavation or trench marks, the application of 2 inches thick asphalt concrete overlay will be required over the entire width of these streets within the limits described below. The City Engineer may extend the limits of the asphalt concrete overlay, if determined to be necessary.

C.10.2.1 Solomon Lane Drive from the crosswalk on Solomon Lane to the crosswalk at the intersection of Solomon Lane / Mamie Anderson Lane

C.10.2.2 Between the curb returns on Crossroads Drive

Grinding the existing asphalt concrete pavement 2 inches deep (uniform thickness) is required in order to maintain existing pavement grades, and cross and longitudinal slopes.

The Subdivider shall replace all existing improvements including but not limited to, concrete curb, gutter, and sidewalk, pavement marking and striping that are disturbed as result of the installation of the Project's water main connections, domestic and fire sprinkler services, permanent sewer connections, and sewer laterals as part of the asphalt concrete overlay work. The work described under this section must be completed, prior to City's acceptance of the subdivision improvements or performing the final building inspection, all at the Subdivider's sole cost and expense, with no reimbursement from the City.

C.10.3 All work to be performed and improvements to be constructed within City's right-of-way including the installation of the Project's water main, storm drainage, and sanitary sewer main on Crossroads Drive will require an Encroachment Permit from the City, prior to starting the work. The Subdivider or its authorized representative shall submit all documents that are required to process the Encroachment Permit including but not limited to, approved Improvement Plans, Traffic Control Plan that is prepared by and signed and stamped by a Civil Engineer or Traffic Engineer registered to practice in the State of California, payment of engineering review fees, copy of the Contractor's license, Contractor's Tracy business license, and certificate of insurance naming the City of Tracy as additional insured or as a certificate holder.

C.11 Agreements, Improvement Security, and Insurance

C.11.1. Inspection Improvement Agreement - Prior to City approval of a final map, the Subdivider may request to proceed with construction of the public facilities required to serve the real property described by the

final map only if the Subdivider satisfies all of the following requirements to the satisfaction of the City Engineer:

- C.11.1.1 The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the improvement plans have been approved by the City Engineer.
 - C.11.1.2 The Subdivider has submitted a complete application for a final map which is served by the required public improvements, and the final map is in the process of being reviewed by the City.
 - C.11.1.3 The Subdivider has paid all required processing fees including plan check and inspection fees.
 - C.11.1.4 The Subdivider executes an Inspection Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all required improvements, and the Subdivider agrees to assume the risk that the proposed final map may not be approved by the City.
 - C.11.1.5 The Subdivider posts all required improvement security and provides required evidence of insurance.
- C.11.2. Subdivision Improvement Agreement - Concurrently with the City's processing of a final map, and prior to the City's approval of the final map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the final map), which includes the Subdivider's responsibility to complete all of the following requirements to the satisfaction of the City Engineer:
- C.11.2.1 The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the improvement plans have been approved by the City Engineer.
 - C.11.2.2 The Subdivider has submitted a complete application for a final map which is served by the required public improvements, and the final map has been approved by the City Engineer.

- C.11.2.3 The Subdivider has paid all required processing fees including plan check and inspection fees.
- C.11.2.4 The Subdivider executes a Subdivision Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all required improvements.
- C.11.2.5 The Subdivider posts all required improvement security and evidence of insurance.
- C.11.3. Deferred Improvement Agreement - Prior to the City's approval of the first final map within the Project, the Subdivider shall execute a Deferred Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement) which are required by these Conditions of Approval. The Deferred Improvement Agreement shall identify timing requirements for construction of all remaining public facilities, in conformance with the phasing plan submitted by the Subdivider and approved by the City Engineer.
- C.11.4. Improvement Security - The Subdivider shall provide improvement security for all public facilities, as required by an Inspection Improvement Agreement or a Subdivision Improvement Agreement. The form of the improvement security may be a bond, or other form in accordance with City Regulations. The amount of the improvement security shall be in accordance with City Regulations, generally, as follows:
 - C.11.4.1 Faithful Performance (100% of the approved estimates of the construction costs of public facilities),
 - C.11.4.2 Labor & Material (100% of the approved estimates of the construction costs of public facilities), and
 - C.11.4.3 Warranty (10% of the approved estimates of the construction costs of public facilities)
- C.11.5 Insurance - For each Inspection Improvement Agreement and Subdivision Improvement Agreement, the Subdivider shall provide the City with evidence of insurance, as follows:
 - C.11.5.1 General. The Subdivider shall, throughout the duration of the Agreement, maintain insurance to cover Subdivider, its

agents, representatives, contractors, subcontractors, and employees in connection with the performance of services under the Agreement at the minimum levels set forth below.

- C.11.5.2 Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) coverage shall be maintained in an amount not less than \$3,000,000 general aggregate and \$1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.
- C.11.5.3 Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.
- C.11.5.4 Workers' Compensation coverage shall be maintained as required by the State of California.
- C.11.5.5 Endorsements Subdivider shall obtain endorsements to the automobile and commercial general liability with the following provisions:
 - C.11.5.5.1 The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."
 - C.11.5.5.2 For any claims related to this Agreement, Subdivider's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Subdivider's insurance and shall not contribute with it.
- C.11.5.6 Notice of Cancellation Subdivider shall obtain endorsements to all insurance policies by which each insurer is required to provide thirty (30) days prior written notice to the City should the policy be cancelled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation.
- C.11.5.7 Authorized Insurers All insurance companies providing coverage to Subdivider shall be insurance organizations authorized by the Insurance Commissioner of the State of

California to transact the business of insurance in the State of California.

C.11.5.8 Insurance Certificate Subdivider shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City.

C.11.5.9 Substitute Certificates No later than thirty (30) days prior to the policy expiration date of any insurance policy required by the Agreement, Subdivider shall provide a substitute certificate of insurance.

C.11.5.10 Subdivider's Obligation Maintenance of insurance by the Subdivider as specified in the Agreement shall in no way be interpreted as relieving the Subdivider of any responsibility whatsoever (including indemnity obligations under the Agreement), and the Subdivider may carry, at its own expense, such additional insurance as it deems necessary.

C.11.6. Release of Improvement Security – Release of improvement security shall be in accordance with the requirements of the Tracy Municipal Code. The City shall not release any improvement security until after the Subdivider provides as-built plans, to the satisfaction of the City Engineer. Within twenty (20) days after the City's approval of the final map, the City shall provide the Subdivider one (1) set of reproducible duplicates on polyester film of all approved Improvement Plans. Upon completion of the construction by the Subdivider, the City shall temporarily release the originals to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements. The Subdivider shall submit these As-Built Plans (or Record Drawings) to the City Engineer within 30 days after City Council acceptance of the public improvements.

C.12 Final Building Inspection

No Final building inspection will be performed by the City until after the Subdivider provides documentation which demonstrates, to the satisfaction of the City Engineer, that:

C.12.1 The Subdivider has completed all requirements set forth in this section, and Conditions C.1, C.2, C.3, C.4, C.5, C.6, C.7, C.8, C.9, and C.10, above.

C.12.2 The Subdivider has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested. Unless specifically provided in these Conditions of

Approval, or some other City Regulation, the Subdivider shall take all actions necessary to construct all public facilities required to serve the Project, and the Subdivider shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.13 Special Conditions

- C.13.1. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the final subdivision map, improvement agreement, and improvement plans, prior to the City Engineer's signature on the final subdivision map and improvement plans, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.