

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, February 12, 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.**
3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT
5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

Posted: **February 6, 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, JANUARY 8, 2014 – 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER

Chair Sangha called the meeting to order at 7:01 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 Victoria Lombardo, Senior Planner, Criseldo Mina, Senior Civil Engineer, Kimberly Matlock, Assistant Planner, Bill Sartor, Assistant City Attorney, and Janis Couturier, Recording Secretary.

MINUTES APPROVAL

Chair Sangha requested approval of the December 4, 2013 minutes and asked for comments. Vice Chair Orcutt made a motion to approve the minutes from the previous Planning Commission dated December 4, 2013. Commissioner Mitracos seconded; all in favor, none opposed.

DIRECTOR'S REPORT REGARDING THIS AGENDA – Victoria Lombardo provided the Director's report and advised that agenda item 2 A would be continued for a later date and would be re-noticed for a future date.

ITEMS FROM THE AUDIENCE – None

1. **OLD BUSINESS** – None

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

Chair Sangha introduced agenda item 2B and called for the staff report. Kimberly Matlock presented the report, advising of the site location and that the site was comprised of two

parcels totaling approximately 0.726 acres. She added that the site was zoned Light Industrial, and it is surrounded on all four sides by the Medium Density Residential zone. The site, being Light Industrial, was not in compliance with the General Plan designation Medium Density Residential zoning of the area.

She then provided history of the parcel that it had been previously occupied by the Mi Ranchito Tortilla Factory. In the 1980's the factory received City approval for a rezone from Medium and High Density Residential to Light Industrial and approval for expansion of the facility and parking lot improvements. Neither the expansion nor the parking lot improvements were ever done and the tortilla factory is no longer in operation. As the city had no records of light industrial uses since the closure of the factory and because there was nothing nearby it was decided that the area needed to be rezoned to residential uses. She concluded by recommending that the Planning Commission approve the request.

Chair Sangha opened the public hearing at 7:07 p.m.

Javier Diaz, son of property owner, indicated he was speaking for the owner and advised the owner approves of the rezone.

Commissioner Johnson asked if the property owner was Mr. Diaz's father. Mr. Diaz indicated he was. Commissioner Johnson then asked what the plans were for the site. Mr. Diaz indicated they intended to rebuild the home and build two new duplexes and indicated that they intended to sub-divide the parcel.

Chair Sangha asked if everything would be built step by step or altogether. Mr. Diaz advised they would build altogether.

Commissioner Ransom asked when they planned to begin and Mr. Diaz advised as soon as they received approval.

Commissioner Johnson asked about the hi-density zoning along Fourth Street. Ms. Matlock advised that one side of the parcel was hi-density and one side the railroad. Commissioner Johnson further remarked that the plans would work well with the Downtown Specific Plan and the Bow Tie area adding that one parcel might be considered for high density zoning. Ms. Lombardo advised that those three parcels were zoned high density.

Commissioner Mitracos asked how large the high density parcels were during the following discussion both Commissioners Mitracos and Johnson about the zoning options for the area. Both commissioners agreed that they would like to see mixed zoning in the area.

Commissioner Ransom suggested that she preferred medium density for the area and that an alternative could be considered down the road.

Vice Chair Orcutt asked about any buildings which had been built in 1910 wondering if the local historical society had been contacted to consider maintaining the façade of these older buildings. Ms. Lombardo advised that the City of Tracy does not have any structures that are on the Historical Registry. Commissioner Mitracos added that a survey had been done inclusive of the Downtown Specific area and that there were groups expressing an interest in setting historical standards. He recalled that City Council was not amenable to that

recommendation at the time. Commissioner Ransom advised that the registry included primarily commercial use properties.

Commissioner Ransom moved that the Planning Commission 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). Vice Chair Orcutt seconded; all in favor, none opposed.

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

Chair Sangha introduced agenda item 2C and called for the staff report. Kimberly Matlock presented the report and advised that the request was for a Conditional Use Permit for a place of worship, including administrative and service functions, located at 1005 Pescadero Avenue. The site is located in the I-205 Corridor Specific Plan Area and designated General Commercial. Places of public assembly, such as religious 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 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.

She added that the outlet center now only houses 3 retail stores. The property owners have been working with a private school and the school may occupy a large portion of the mostly vacant center. She added that there is ample parking for existing and future uses. The place of worship will operate wholly indoors. She concluded that staff recommended approval.

Chair Sangha opened the public hearing at 7:22 p.m. Seeing none, she returned the meeting to the commissioners for comment.

Vice Chair Orcutt advised it was a good idea. He then asked if retail should want back in is there a method of removal. Ms. Matlock advised that once the CUP is approved it will stay with the land parcel adding that the retail use likely would not return and the property owner wishes to repurpose the space. Mr. Sartor advised that a CUP can only be revoked if there is a violation of the CUP.

Commissioner Mitracos asked if the lease was to expire and the landlord to look for a new tenant would it have to be replaced with a place of worship. There was general discussion about the length of use and that it could be another place of worship, but would not have to be a place of worship.

Chair Sangha asked if the applicant was present. Jorge Vilante spoke to the commission indicating he represented the church. Chair Sangha asked how soon they planned to move in to the new location. Mr. Vilante advised that the building they presently occupy requires them to move out as soon as possible. If the application is approved they would begin improvements as soon as possible.

Commissioner Johnson suggested the proposed item to be a good choice.

Commissioner Mitracos moved that 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). Commissioner Ransom seconded, all in favor, none opposed.

D. APPLICATION TO APPROVE A GENERAL PLAN AMENDMENT AND VESTING TENTATIVE SUBDIVISION MAP FOR THE CREATION OF 59 LOTS ON A 10-ACRE PARCEL, AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO ALLOW FOR THE CONSTRUCTION OF 59 SINGLE-FAMILY HOMES ON THE SITE. GPA13-0003, TSM13-0003, PUD13-0003: WILLIAN LYON HOMES, INC. – NORTHWEST CORNER OF CROSSROADS DRIVE AND SOLOMON LANE.

Chair Sangha introduced agenda item 2D and called for the staff report. Victoria Lombardo discussed the location and advised that the ten-acre site was formerly designated as a school site, but was deemed by the Tracy Unified School District to no longer be necessary, indicating that the developer has submitted applications to construct 59 single-family homes similar in size and configuration to those on the adjacent lots.

Ms. Lombardo said that the property was annexed in 1994 and zoned Planned Unit Development and a Concept Development Plan was established. She added that because the current General Plan designation was for Public Facilities and that the surrounding properties to the north, south and east were 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 surrounding Lyon Crossroads subdivision.

Ms. Lombardo advised that a General Plan amendment to Residential Low to accommodate the developer's proposal for single-family homes on the site was required for the designation to be consistent with the surrounding neighborhood. The applicant proposed a subdivision project consistent with the area. They are utilizing the existing street patterns. She reviewed a street that is stubbed and that would ultimately connect to Berg Road once the area is built out for a better circulation pattern overall. Ms. Lombardo indicated that the developer would pay the applicable fees for schools and parks.

She then reviewed the applicant's proposed PUD standards and reviewed that the standards are different from usual setbacks as the applicant is planning to provide big usable front porches. She felt this project is doing a better job than the original surrounding developments by de-emphasizing garages.

The applicant reviewed the project with local residents to address issues raised by them at a public meeting held several weeks prior to the Planning Commission hearing. Ms. Lombardo concluded by requesting the Planning Commission recommend City Council approval. She advised of the revision to the resolution.

Chair Sangha opened the public hearing at 7:36. Commissioner Johnson recused himself from voting on this agenda item; he then exited the dais.

Applicant Eric Keller, of William Lyon Homes, addressed the Commission. He reviewed the neighborhood meeting which the applicant held and the specific issues raised at that meeting about traffic. He advised they would install stop signs for a 3 way stop and add striping at Mamie Anderson and Solomon Lanes. Also there was an issue raised about the existing fences which will be replaced by the applicant at no cost to the homeowners. He also mentioned that the community was concerned about how the applicant would mitigate construction impacts. He advised they would try to limit construction traffic and allow the homeowners better access and reviewed the specifics.

The applicant discussed the design of the project as being in compliance with city requirements, inclusive of landscaping. He then reviewed the architecture and its variety and reviewed the floor plans and elevations.

Vice Chair Orcutt asked about access at the cul-de-sac near Crossroads Drive. Mr. Keller advised there would not be any vehicular access nor would there be a gate, but there would be pedestrian access. He added that the area would serve as an overflow from flooding and that the City would take responsibility for maintenance.

Commissioner Ransom asked about the rationale for the setback request. Mr. Keller reviewed the design to create more "more eyes on the street"; to create more separation between the garage and the front of the house adding that the porches are 6 – 7' feet deep. Asked if the setback were changed would the project would lose back yard space and the applicant advised that you would lose from 10 – 15 feet. Commissioner Ransom also asked about the outdoor California room configuration and the size of the size of the outdoor space. Mr. Keller advised that the second floor would overhang the California room.

Chair Sangha asked about the bigger lots and why keep the project at two car garages. The applicant advised that they did not want to offer three car garages in an attempt to encourage people to use the space for cars.

Chair Ransom returned to the setback issue asking for an existing development which might provide her with a visual of a five foot setback. Ms. Lombardo reviewed the reasoning for Planned Unit Development zoning indicating that the City prefers to have uses such as this applicant's to provide variety and that it allows the planners to be more creative and improve the streetscape. The City's goal is to provide space for people interact. Ms. Lombardo concluded that we do not have examples of this type in Tracy at this point.

Commissioner Mitracos asked if the porches were roofed, but not enclosed to which the applicant responded yes. Commissioner Mitracos asked why there was a cul-de-sac. The applicant advised that the cross street did not align properly. Mr. Mina commented that the City needed to limit the access point. Commissioner Mitracos also asked about the stop sign configuration. Mr. Mina reviewed the traffic patterns.

Commissioner Mitracos asked about the build out to which Mr. Keller advised lots one through ten would begin construction first.

Commissioner Ransom asked about what the Planning Commission was being requested to do. Ms. Lombardo advised there were three requests and reviewed each.

Commissioner Ransom continued to express concern about the set back of five feet. She then requested input from the other commissioners. Applicant was able to provide an example of one of the houses. The applicant added that there will be a variety of set-backs and that the five foot setback would be the minority of the elevations.

Chair Sangha asked for a motion. Vice Chair Orcutt moved 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 as corrected by Ms. Lombardo. Commissioner Ransom seconded all in favor, with Commissioner Johnson abstaining.

3. **ITEMS FROM THE AUDIENCE – None**
4. **DIRECTOR'S REPORT – None**
5. **ITEMS FROM THE COMMISSION – None**
6. **ADJOURNMENT – Vice Chair Orcutt moved to adjourn at 8:05 p.m.**
7. Chair Sangha re-opened the meeting at 8:08 p.m. due to some confusion on the accuracy of the motion. Ms. Lombardo advised that it appeared that one of the motions had not been properly made and voted upon.

Vice Chair Orcutt re-read the motion by asking that 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 as corrected by Ms. Lombardo. Commissioner Ransom seconded all in favor, with Commissioner Johnson abstaining.
8. Vice Chair Orcutt motioned to re-adjourn the meeting at 8:13 p.m.; all in favor.

CHAIR

STAFF LIAISON

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 AND INVESTMENT CORPORATION. APPLICATION NUMBERS D13-0014 AND CUP13-0009.

DISCUSSION

Project Description and Location

The proposed project is a car wash tunnel, covered vacuum areas, and associated parking area improvements proposed to be constructed on the western third of a vacant three-acre parcel within the Tracy Marketplace, north of Les Schwab Tire Centers (Attachment A). The project location is within the I-205 Corridor Specific Plan area. The site is zoned Planned Unit Development (PUD), is designated Commercial by the General Plan, and is designated General Commercial by the I-205 Corridor Plan, within which vehicle services are conditionally permitted. In accordance with Tracy Municipal Code, the Planning Commission shall review conditionally permitted uses and the Planning Commission and the City Council shall review all Planned Unit Development Preliminary and Final Development Plans (PDP/FDP).

The proposed development is located on the western third of an approximately 3-acre vacant parcel. The property owner is concurrently processing a tentative parcel map to subdivide the parcel and transfer ownership of the project site to the project applicant (MS13-0006). This map is conditioned to be created prior to building permit issuance.

Land Use Analysis

The proposed car wash and vacuum service is a vehicle service use that will be compatible with the existing retail, restaurant, personal service uses in operation in the Tracy Marketplace. The business hours of operation will be during normal daytime business hours and will not result in any negative impacts to other properties in its vicinity. A car wash will complement Les Schwab tire shop and the Costco gasoline service station located to the south of the subject site.

Architecture, Circulation, Parking, and Landscaping Analysis

The proposed project meets the City's Design Goals and Standards for commercial development. The buildings incorporate design elements, materials, and colors from nearby buildings, including roofline designs, use of stone and metal accents, and application of warm colors. These design elements are proposed on the tunnel building, equipment building, trash and recycling enclosure, and vacuum canopies for architectural consistency throughout the site (Attachment B).

The proposed parking area will provide adequate vehicular and pedestrian circulation in accordance with the requirements established in the TMC, City Standards, and the I-205 Corridor Specific Plan, including substantial vehicle stacking area to the car wash for efficient circulation (Attachment A). The landscaping distributed throughout the site, as conditioned, will provide aesthetic value, parking area shading, and screening of mechanical equipment and utilities in accordance with City standards. The primary access to the site will be from the existing private access roads that run through Tracy Marketplace. The north-south access road along the western perimeter of the site will be acquired by the City for the future extension of Lammers Road from Byron Road to Grant Line Road. The future right-of-way is anticipated to be located at the face of the curb along the western planter. Until Lammers Road extension is constructed, the access road will remain open for use.

Environmental Document

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

RECOMMENDATION

Staff recommends that the Planning Commission do the following:

- 1) Approve the CUP application for a car wash and vacuum use, Application Number CUP13-0009, based on the findings contained in the Planning Commission Resolution dated February 12, 2014 and subject to City Council approval of the PDP/FDP of the car wash and vacuums, and
- 2) Recommend that the City Council approve the PDP/FDP for the car wash and vacuums, Application Number D13-0014, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated February 12, 2014.

MOTION

Move that the Planning Commission do the following:

- 1) Approve the CUP application for a car wash and vacuum use, Application Number CUP13-0009, based on the findings contained in the Planning Commission Resolution dated February 12, 2014 and subject to City Council approval of the PDP/FDP of the car wash and vacuums, and
- 2) Recommend that the City Council approve the PDP/FDP for the car wash and vacuums, Application Number D13-0014, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated February 12, 2014.

Fast Track Car Wash
Agenda Item 2 A
Application No. D13-0014 & CUP13-0009
Page 3

Prepared by: Kimberly Matlock, Assistant Planner

Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENTS

- Attachment A – Vicinity Map, Site, Floor, Landscape, Civil, and Elevation Plans (Oversize Item: Copies Available at Development Services Department in City Hall)
- Attachment B – Color Rendering
- Attachment C – Planning Commission Resolution for CUP
- Attachment D – Planning Commission Resolution for PDP/FDP



RECEIVED

FEB 05 2014

CITY OF TRACY

RESOLUTION PC 2014-_____

APPROVING A CONDITIONAL USE PERMIT APPLICATION 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 NUMBER CUP13-0009

WHEREAS, The City Council adopted the I-205 Corridor Specific Plan and certified its Environmental Impact Report on August 21, 1990, and,

WHEREAS, Frank Madruga, on behalf of Fast Track Car Wash, submitted an application for a Conditional Use Permit (CUP) to allow vehicle service on a site within the Tracy Marketplace, specifically for a car wash and vacuum service, on November 22, 2013, and

WHEREAS, The subject property is located within the I-205 Corridor Specific Plan area, with a land use designation of General Commercial, within which vehicle service is a conditionally permitted land use, and

WHEREAS, In accordance with Tracy Municipal Code Section 10.08.4260, the Planning Commission shall review and grant CUPs, and

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

WHEREAS, The Planning Commission conducted a public hearing to review and consider the applications on February 12, 2014;

NOW, THEREFORE BE IT RESOLVED, The Planning Commission of the City of Tracy hereby grants the Conditional Use Permit to allow a car wash and vacuum service located on the western portion of Assessor's Parcel Number 238-600-04, subject to the conditions contained in Exhibit "1" and based on the findings below. Be it further resolved that the approval of the Conditional Use Permit is contingent upon and will not take effect until the Preliminary and Final Development Plan for the car wash and vacuum service improvements is approved by the City Council (Application Number D13-0014).

1. The proposed location of the conditional use is in accordance with the objectives of the Tracy Municipal Code and the zone in which the site is located, because the project, as conditioned, will conform to the requirements and intent of the City of Tracy General Plan, High Density Residential zone, the Off-Street Parking ordinance, and other applicable chapters of the Tracy Municipal Code. The project will also meet all applicable State laws, City regulations, and City standards.
2. The proposed location of the conditional use is in accordance with the objectives of the Tracy Municipal Code and the zone in which the site is located, because the project, as conditioned, will conform to the requirements and intent of the City of Tracy General Plan, the I-205 Corridor Specific Plan, the Off-Street Parking ordinance, the Design Goals and Standards, and other applicable chapters of the Tracy Municipal Code. The project will also meet all applicable State laws, City regulations, and City standards.

3. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare with properties in the vicinity or to the general welfare of the City. The project, as designed and conditioned under a separate application (D13-0014), will be harmonious with the properties and improvements in the vicinity and, therefore, will not have negative affects on property in the vicinity. The use will be compatible with the general commercial character of the area, including the two vehicle service uses located south of the project site.

* * * * *

The foregoing Resolution _____ was adopted by the Planning Commission on the 12th day of February, 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
Fast Track Car Wash
Application Number CUP13-0009
February 12, 2014

A. General Provisions and Definitions.

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

The Project: A car wash and vacuum service

The Property: The western portion of Assessor's Parcel Number 238-600-04

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 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 car wash and vacuum service located at on the western portion of Assessor's Parcel Number 238-600-04, Application Number CUP13-0009. 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 plans received by the Development Services Department on December 16, 2013. These plans include the site plan, floor plan, landscape plan, elevations, and color rendering.

- A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
- A.5. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
 - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
 - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
- A.6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.
- A.7. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

B. Development Services, Planning Division Conditions

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

- B.1. Unobstructed parking areas. The use shall not obstruct drive aisles and customer and employee parking areas. The car wash use shall be conducted wholly within the car wash tunnel and the vehicle vacuum use shall be conducted wholly within the designated vacuum areas.

RESOLUTION 2014 - _____

RECOMMENDING CITY COUNCIL APPROVAL OF A PRELIMINARY AND FINAL DEVELOPMENT PLAN APPLICATION 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 AND INVESTMENT CORPORATION. APPLICATION NUMBER D13-0014

WHEREAS, The City Council adopted the I-205 Corridor Specific Plan and certified its Environmental Impact Report on August 21, 1990, and,

WHEREAS, Frank Madruga, on behalf of Fast Track Car Wash, submitted an application for a Preliminary and Final Development Plan for a car wash, covered vacuum area, and associated parking area improvements on a site within the Tracy Marketplace on November 22, 2013, and

WHEREAS, The subject property is zoned Planned Unit Development and is located within the I-205 Corridor Specific Plan area, and

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

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

WHEREAS, The Planning Commission conducted a public hearing to review and consider the applications on February 12, 2014;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission does hereby recommend that the City Council approve the Preliminary and Final Development Plan for a car wash and covered vacuum area, Application No. D13-0014, subject to the conditions contained in Exhibit "1" to this Resolution and based on the following findings:

1. The establishment, maintenance, and operation of the proposed improvements are compatible with the land use, design, and operational characteristics of the neighboring properties. The proposed project consists of a car wash tunnel, covered vacuum areas, and a parking area that proposes good circulation and landscaping. The proposed buildings are complementary with the commercial buildings in the vicinity. The use and circulation will be wholly on site and will not impose negative impacts on the common drive aisles or other properties in the vicinity.
2. The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use and its associated structure, or to the general welfare of the City because the project, as conditioned, is consistent with the land use, design, and other elements of the I-205 Corridor Specific Plan, the Tracy Municipal Code the City of Tracy General Plan, the Design Goals and Standards, City Standards, California Building Codes, and California Fire Codes.

3. 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 and will not adversely visually impair the benefits of the properties in the vicinity. The main and accessory buildings incorporate design elements, materials, and colors from other buildings in the vicinity, including colors, building popouts, roofline designs, and use of stone and metal accents. Mechanical equipment and similar utilities will be internal to the building or screened by substantial landscaping, such as the large canopy trees located at the car wash tunnel entrance and exit to screen the tunnel equipment that is otherwise readily visible.

* * * * *

The foregoing Resolution 2014 - _____ was adopted by the Planning Commission on the 12th day of February, 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
Fast Track Car Wash
Application Number D13-0014
February 12, 2013

A. General Provisions and Definitions.

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

The Project: A car wash tunnel, covered vacuum area, and associated parking area improvements for Fast Track Car Wash

The Property: The western portion of Assessor's Parcel Number 238-600-04

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 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 car wash, covered vacuum area, and associated parking area improvements located at on the western portion of Assessor's Parcel Number 238-600-04, Application Number D13-0014. The Conditions of Approval shall specifically include all City of Tracy conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the plans received by the Development Services Department on February 4 and 5, 2014. These plans include the site plan, floor plan, landscape plan, elevations, and color rendering.

A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check

fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.

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

B. Development Services Planning Division Conditions

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

- B.1. Parapets. Before the approval of a building permit, the applicant shall submit plans that demonstrate the back of parapets that will be visible from any public or private drive aisle and public right-of-way will be fully finished match the front of the parapets, which may include cornices, materials, textures, and paints, to the satisfaction of the Development Services Director.
- B.2. Parking lot.
- B.2.1. Before the approval of a building permit, the applicant shall provide detailed plans that demonstrate parking areas designed to City Standard Plan 154 containing a minimum of 7 employee and customer parking spaces.
- B.2.2. Before the approval of a building permit, the applicant shall provide site plans and construction details that demonstrate 12-inch wide concrete curbs along the perimeter of landscape planters where such planters are parallel and adjacent to vehicular parking spaces to provide access to vehicles without stepping into the landscape planters.
- B.2.3. Before the approval of a building permit, the applicant shall provide detailed plans that demonstrate a minimum of one foot candle per Standard Plan 154 throughout the parking area as defined in TMC Section 10.08.3450.

- B.2.4. Before the approval of a building permit, if a bike rack will be installed, the applicant shall provide plans that demonstrate the bike rack located on a concrete pad for the safety and protection of the bicyclists.
 - B.2.5. Before final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way and onto any adjacent private property to the satisfaction of the Development Services Director.
- B.3. Landscaping & irrigation. Before the approval of a building permit, the applicant shall provide detailed landscape and irrigation plans to address the following:
- B.3.1. Said plans shall be consistent with the Department of Water Resources' Water Efficient Landscape Ordinance to the satisfaction of the Public Works Director.
 - B.3.2. Said plans shall demonstrate that no less than 40% of the total parking area, excluding areas not defined as part of the parking area for customers and employees, is shaded in canopy tree coverage at tree maturity.
 - B.3.3. Said plans shall demonstrate that the 10-ft landscape strip along the western perimeter of the site will be designed in accordance with landscaping requirements for landscaping adjacent to rights-of-way.
 - B.3.4. Said plans shall demonstrate that all planters be comprised of trees, shrubs, and groundcover. Trees shall be a minimum of 24" box size, shrubs shall be a minimum size of 5 gallon, and groundcover shall be a minimum size of 1 gallon.
 - B.3.5. The applicant shall execute an Agreement for Maintenance of Landscape and Irrigation Improvements and submit financial security to the Development Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements or \$2.50 per square foot of on-site landscape area.
- B.4. Screening utilities and equipment.
- B.4.1. Before the approval of a building permit, the applicant shall submit plans for the design of the trash and recycling enclosure that architecturally matches the main building to the satisfaction of the Development Services Director. The enclosure shall be large enough to accommodate both trash and recycling bins. The walls shall be tall enough to fully screen the height of the bins, and the door shall be constructed of a solid metal door attached to posts which are attached to the walls.
 - B.4.2. Before final inspection or certificate of occupancy, all vents, gutters, downspouts, flashing, and electrical conduits shall be internal to the structures and bollards and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
 - B.4.3. Before final inspection or certificate of occupancy, no roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from any public right-of-way to the satisfaction of the Development Services Director. Plans to

- demonstrate such compliance shall be submitted to the City prior to the issuance of a building permit.
- B.4.4. Before final inspection or certificate of occupancy, all PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures, walls, or landscaping, to the satisfaction of the Development Services Director.
- B.4.5. No bollards, chain link, or similar improvements that are industrial in nature shall be readily visible.
- B.5. Signs. Before issuance of a sign permit, the applicant shall submit an application and plans for all business identification signs. All signs shall be on private property and shall not encroach into the public right-of-way. The building and canopy structure, including windows, shall be kept clear of unpermitted signs, with the exception of temporary signs as permitted in TMC Section 10.08.34460. No temporary signs are permitted in the right-of-ways, on the fencing, or in a manner that disturbs the landscaping.
- B.6. Merchandise display indoors. All merchandise display and vending machines shall be located wholly within the building, unless a Temporary Use Permit is obtained from the Development Services Department for temporary uses and activities on the exterior of the building.
- B.7. Habitat conservation. Prior to issuance of any permits for ground disturbance, the applicant shall comply with the San Joaquin County Habitat Conservation Division and a signed copy of the Incidental Take Minimization Measures shall be submitted to the City as verification of compliance.

C. Development Services Engineering Division Conditions

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

C.1 Grading and Encroachment Permits

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

- C.1.1 The Developer has completed all requirements set forth in this section.
- C.1.2 The Developer has obtained the approval of all other public agencies with jurisdiction over the required public facilities.
- C.1.3 The Improvement Plans including the Grading and Drainage Plans prepared in accordance with the City's Subdivision Ordinance and 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.1.3.1 All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.
- C.1.3.2 All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports related to the design of streets and utilities improvements.
- C.1.3.3 The Project's on-site drainage connections to 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.
- C.1.3.4 Improvement Plans prepared on a 24" x 36" size 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.1.3.5 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 in Condition C.3, below.
- C.1.4 Three (3) copies of the Project's Geo-technical /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.4.2, below.
- C.1.5 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.4.1, C.4.3, and C.5.2, below.
- C.1.6 Payment of 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.1.7 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 fire hydrants, as required in Condition C.7.3, below.
- C.1.9 All streets and utilities improvements within City right-of-way shall be designed and constructed in accordance with City Regulations, and City's

Design documents including the City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City.

- C.1.10 All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.

C.2 Building Permit

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

- C.2.1 The Developer has completed all requirements set forth in Condition C.1, above.
- C.2.2 Completion of the map process to subdivide the resultant parcel described in that certain Certificate of Compliance for Lot Line Adjustment, recorded on May 19, 2005, as Document 2005-120655 of the San Joaquin County Official Records in order to create the parcels shown on the Tentative Parcel Map for the Lamorinda property, Assessor's Parcel Number 238-600-04, Application Number MS13-0006, which include the Project site. A copy of the final parcel map guarantee, tax certification issued by the San Joaquin County Assessor and Tax Collector's Office, payment of parcel map checking fees, and final closure calculations are submitted.
- C.2.3 Payment of the I-205 Corridor Specific Plan Development Impact Fees that are applicable to I-205 Parcel GL-17B(1C) as required by the these Conditions of Approval and City Regulations.
- C.2.4 Payment of San Joaquin County Facilities Fees (CFF), Regional Traffic Impact Fees (RTIF), and School Mitigation Fees, as required in the Tracy Municipal Code, these Conditions of Approval and City Regulations.

C.3 Undergrounding of Overhead Utilities

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

- C.3.1 All private utility services to serve Project such as electric, telephone and cable TV must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing utility easement to the building. The Developer shall submit improvement plans for the installation of new electric, gas, telephone and TV cable lines to serve the Project. If necessary, the Developer shall dedicate 10

feet wide Public Utility Easement (PUE) for access to these new utilities for re-installation, replacement, repair, and maintenance work to be performed by the respective utility owner(s) in the future.

C.4 Site Grading

The Developer shall prepare improvement plans and design and construct the required improvements in accordance with the following requirements.

- C.4.1 All grading work (on-site and off-site) shall require a Grading Permit. Erosion control measures shall be implemented in accordance with the 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 during and after the construction.
- C.4.2 Submit a Grading and Drainage Plan prepared by a Registered Civil Engineer and accompanied by Soils Engineering report. The technical 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, and others including the highest observed ground water elevation.
- C.4.3 Prior to the issuance of the Grading Permit, the Developer 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 Developer 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 Developer. The Developer 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.5 Storm Drainage

The Developer shall prepare improvement plans and design and construct the required improvements in accordance with the following requirements.

- C.5.1 Storm drainage release point is a location at the boundary of the Project adjacent to a City right-of-way or public street where storm water leaves the Property, in a storm event and that 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 existing 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 designed and improved to the satisfaction of the City Engineer.

C.5.2 The Project's permanent storm drainage connection(s) shall be designed and constructed in accordance with City Regulations. The design of the permanent storm drainage connection shall be shown on the Grading and Drainage Plans with 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.6 Sanitary Sewer

The Developer shall prepare improvement plans and design and construct the required improvements in accordance with the following requirements.

C.6.1 It is the Developer's responsibility to design and construct the Project's permanent sanitary sewer connection in accordance with City Regulations. The Developer shall submit improvement plans that include the design of the sanitary sewer line from the Property to the point of connection. The Developer is responsible for the cost of installing the Project's permanent sanitary sewer connection including but not limited to, replacing asphalt concrete pavement, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's permanent sanitary sewer connection.

C.6.2 The Developer is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plan No. 203. The City's responsibility to maintain on the sewer lateral is from the wye fitting to the point of connection with the sewer main.

C.7 Water System

The Developer shall prepare improvement plans and design and construct the required improvements in accordance with the following requirements.

C.7.1 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 Developer or the individual lot owner(s).

C.7.2 All costs associated with the installation of the Project's permanent water connection(s) 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 or parking area(s) that may be disturbed with the installation of the permanent water connection(s), or domestic water service, and other improvements shall be paid by the Developer.

C.7.3 The Developer 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 Developer 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.8 Final Building Inspection

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

C.8.1 The Developer has completed all requirements set forth in this section, and Conditions C.1, C.2, C.3, C.4, C.5, C.6, and C.7, above.

C.8.2 The Developer 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 Developer shall take all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.9 Special Conditions

The Developer shall comply with the following requirements to the satisfaction of the City Engineer.

C.9.1 In order to increase efficiency of traffic circulation for the Walmart and Costco Areas and also to provide access to the Dobbler property when it is developed, Lammers Road is planned to be extended from Grant Line Road to Byron Road. This proposed street extension is consistent with the approved Tracy Citywide Roadway & Transportation Master Plan and is classified as an On-site Arterial street with a modified roadway section of 14 feet two-way-left-turn lane, one (1) 14 feet wide travel lane on each direction, and a 15 feet landscaping strip with 10-foot commercial sidewalk on each side of the street. The total street right-of-way width is 72 feet.

The Developer is required to dedicate 10 feet along the western boundary of the Project for the construction of the street extension described above. This amount of street right-of-way dedication is based on a building setback of 10 feet measured from the easterly right-of-way line of the street extension. All costs associated with the land dedication to the City shall be the responsibility of the Developer and no reimbursement will be due from the City.

- C.9.2 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 improvement plans, prior to the City Engineer's signature on the 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 Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

D. Public Works Department Conditions

Contact: Stephanie Hiestand (209) 831-4333 stephanie.hiestand@ci.tracy.ca.us

- D.1. Stormwater Quality. Before the approval of a grading or building permit, the applicant shall demonstrate compliance with the Manual of Stormwater Quality Control Standards adopted July 1, 2008, obtain approval of the Project Stormwater Quality Control Plan by the Water Resources Division, and sign a maintenance agreement in accordance with the Manual of Stormwater Quality Control Standards to the satisfaction of the Public Works Director.
- D.2. Compliance with Codes. Before the approval of a grading or building permit, the applicant shall demonstrate compliance with Tracy Municipal Code Chapter 11.28 Water Management and California Green Building Standards Code Chapter 5 for Non-Residential occupancies. A Stormwater Pollution Prevention Plan (SWPPP) and WDID number will be required prior to a grading permit issuance.

E. Police Department Conditions

Contact: Captain Jeremy Watney (209) 831-6687 jeremy.watney@ci.tracy.ca.us

- E.1. Security lighting. The wall packs should be illuminated during all hours of darkness for public safety.