

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 26, 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 A VESTING TENTATIVE SUBDIVISION MAP AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN AMENDMENT TO CONSTRUCT 60 DUET UNITS ON APPROXIMATELY 4.32 ACRES AT THE NORTHEAST CORNER OF LAMMERS ROAD AND FETEIRA WAY. THE APPLICANT IS VALLEY OAK PARTNERS AND THE OWNER IS TRACY WESTGATE APARTMENTS, LLC – APPLICATION NUMBER TSM 13-0004 AND PUD13-0004**
3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT
5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

Posted: **February 20, 2014**

Planning Commission Agenda

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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, FEBRUARY 12, 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 7:00 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 Alan Bell, Senior Planner; Criseldo Mina, Senior Civil Engineer; Bill Sartor, Assistant City Attorney; and Janis Couturier, Recording Secretary.

MINUTES APPROVAL

Chair Sangha requested approval of the January 8, 2014 minutes and asked for comments. Commissioner Ransom made a motion to approve the minutes as written dated January 8, 2014. 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. 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**

Chair Sangha introduced agenda item 2A and requested a staff report.

Mr. Sartor asked the Chair if she had requested any items from the audience which the Chair then did at 7:04 p.m. There were none.

Alan Bell, Senior Planner, presented the agenda item. He reviewed that the proposal was for a car wash to be located on a three acre site at the west end of the Tracy Marketplace, north of Les Schwab Tire Centers and that the project location is within the I-205 Corridor Specific Plan area. He added that the proposed project was a car wash tunnel with a small office area inside

and spaces located outside the tunnel for vehicles to be vacuumed. He stated that access would be from the north side and exiting on the north side separated from Grant Line Road and adjacent to several other auto service locations; all zoned commercial.

Mr. Bell stated that the proposed project met the City's Design Goals and Standards for commercial development adding that the buildings incorporated design elements, materials, and colors from nearby buildings, including roofline designs, use of stone and metal accents, further stating that the design elements proposed on the tunnel building, equipment building, trash and recycling enclosure were to provide architectural consistency throughout the site. He also discussed that vehicle services were conditionally permitted in this area.

Mr. Bell advised that the project was separated into two different applications and reviewed each for the commissioners. He further mentioned that the zone district requirement for Preliminary and Final Development Plan which requires Planning Commission approval to then forwarded to City Council for final approval; and the Conditional Use Permit which requires Planning Commission approval only. He advised that the applicant was in the audience and recommended that the Commission recommend approval of the project.

Chair Sangha asked if the applicant wished to address the Commission.

Frank Madruga, the applicant, thanked the commissioners and described that they had been in the car wash business since 1998 and asked if the Commissioners had any questions.

Commissioner Orcutt asked if there would be additional services as in additional detailing. The applicant advised that the business was basically an exterior wash, and did indicate they would have a post car wash check, but no detailing.

Commissioner Johnson asked if a customer drives through or do the employees drive the vehicles. The applicant advised that the driver of the car drives the car through. Commissioner Johnson asked where their other car washes were located. The applicant advised of the other locations and that he had opened several himself.

Commissioner Johnson asked about the conditions of approval that refer to the lot line adjustment or is it a parcel map issue. Cris Mina responded to the questions advising that the item referred to a subdivision of the property. Mr. Mina advised that the three acre parcel was done as a lot line adjustment.

Commissioner Ransom asked what brought the applicant to Tracy. The applicant suggested that Tracy was a nice area and well-populated. Commissioner Ransom then asked if their model was similar to Prime Shine. The applicant advised that they offer a few things that Prime Shine doesn't.

Commissioner Mitracos asked if the economic environment affected their business. Applicant advised that because they are not full service, which was more expensive, they had not experienced any problems.

Chair Sangha asked if there were any further questions from the Commission. She then opened the public hearing at 7:12 p.m. There were no comments.

Commissioner Johnson moved that the Planning Commission 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 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. Commissioner Ransom seconded, all in favor – none opposed.

3. **ITEMS FROM THE AUDIENCE** – None
5. **DIRECTOR’S REPORT** – None
6. **ITEMS FROM THE COMMISSION** – None
7. **ADJOURNMENT** – Commissioner Orcutt moved to adjourn at 7:14 p.m., Commissioner Ransom seconded; all in favor none opposed.

CHAIR

STAFF LIAISON

AGENDA ITEM 2 A

REQUEST

PUBLIC HEARING TO CONSIDER A VESTING TENTATIVE SUBDIVISION MAP AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN AMENDMENT TO CONSTRUCT 60 DUPLEX UNITS ON APPROXIMATELY 4.32 ACRES AT THE NORTHEAST CORNER OF LAMMERS ROAD AND FETEIRA WAY. THE APPLICANT IS VALLEY OAK PARTNERS AND THE OWNER IS TRACY WESTGATE APARTMENTS, LLC – APPLICATION NUMBER TSM 13-0004 AND PUD13-0004

DISCUSSION

Background

On April 29, 1997, the City Council conditionally approved the Westgate Preliminary and Final Development Plan and Vesting Tentative Subdivision Map for the entire 74.77-acre subdivision, which included 356 single-family lots and one parcel for high-density units. On July 15, 2003, the City Council approved a Preliminary and Final Development Plan for an 80-unit apartment complex at the current project site. On May 11, 2005, the Planning Commission approved a Tentative Subdivision Map for the same site, to subdivide the approved 80-unit project into 80 condominium units, rather than apartments. On July 18, 2006 a revised version of the 80-unit condominium project was approved by City Council. That project was not constructed as approved, and a new applicant has returned with a different project, 60 duplex units for Planning Commission and City Council review and consideration.

Site and Project Area Description

The subject property is located at the northeast corner of Lammers Road and Feteira Way (Attachment A). Single-family lots with existing homes are adjacent to the north, south and east of the site. To the west, across Lammers Road, is land outside of the City Limits, with a General Plan designation of Urban Reserve. The General Plan Designation of the project site is Residential High. This project completes the Westgate Project, as it was shown on the original Westgate Vesting Tentative Subdivision Map and in the Westgate Development Agreement.

Project Summary

The project proposes to construct a total of 60 units, comprised of 30 duplex buildings, or attached single-family homes, on 60 lots (Attachment B). With each dwelling unit having its own lot, the result is a collection of small-lot single-family homes, each of which share a wall with one other dwelling unit. The proposal would result in a density of approximately 13.9 units per gross acre, which is within the required range of 12.1 to 25 units per acre. Each lot proposed has a usable private rear yard area of at least ten feet in depth, which makes the project unique as most high density sites (typically comprised of apartment or condominium units) provide community open space for their residents rather than privately maintained yards. Having designed the project to allow for this rear yard space, the front yard areas are minimal, with HOA-maintained landscaping along the private drives. Each unit has a fully enclosed two-car side-by-side garage (with room

for trash and recycling containers designed into the garage spaces), and there are 28 on-street parking spaces provided on the overall site for guest parking.

Site Plan and Landscaping

Circulation is provided on the site with two main entrances, one on Feteira Way, allowing right and left entrance and exit turning movements and one at Milton Jenson Court. Both of the entries are designed with specialty accent pavers and enhanced landscaping to indicate the transition from a regular public street into the neighborhood with its narrower driveways. These two entries provide connectivity to and from the existing street network in the Westgate subdivision.

The configuration of the lots has homes backing up to Lammers Road (with the sound wall to be extended along Lammers Road), and Feteira Way. There will also be homes backing up to the existing single-family detached houses along Thelma Loop and Ormonde Court.

Landscape and hardscape features are used on this site to enhance the project and provide a streetscape that will feel like a traditional, wider street. In an effort to maximize the back yard space for each lot, the garages are placed a minimum of three feet from the street, with landscape pockets between each unit breaking up the streetscape. The site has also been designed with a sidewalk (separated from the street with a planter strip) on one side of each street, maximizing the ability to plant and maintain larger street trees for a traditional neighborhood feel (Attachment D). The preliminary landscape plans show the landscape and hardscape materials, and includes a variety of trees, shrubs, and groundcover, as well as fencing and pavers.

PUD Amendment

With the various previous approvals on the project site, Concept, Preliminary and Final Development Plans were approved by the City Council. To facilitate the construction of the currently proposed project, the Preliminary and Final Development Plans will need to be amended (from the previously approved 80-unit condominium complex) to reflect the current proposal for 60 single-family attached units, establishing the building setbacks, lot areas, lot coverage etc. for the current development and future regulation of the lots within the project area. These standards are proposed in Attachment C, and reflect a reasonable set of guidelines for the development of lots of this size.

Subdivision Map

The proposed subdivision map will create a total of individual lots for residential development, the drive aisles, and parcels A through G, which will each be HOA-maintained landscape areas, spread throughout the project. The proposed lots range in size from 1,724 to 3,586 square feet, with the majority of the lots having approximately 2,100 square feet. The proposed duplex units will be placed on the lots in a manner where the internal property lines are in the same location as the separation at the center of each duplex. This will allow each dwelling unit (even though it is attached to another unit) to be sold separately, as they will each be located on a single lot. The subdivision is designed to allow for small-lot for-sale units that include privately owned and

maintained rear yard areas, with HOA-maintained access drives, landscaping and parking areas.

Architecture

The architecture of the project is comprised of four floor plans, ranging in size from 1,599 to 2,061 square feet, with each unit having an enclosed two-car garage (Attachment B). These four floor plans are paired in varying configurations to create buildings A through D. The buildings are designed in four different architectural styles, including Spanish, English Country, Craftsman and Italian. The Spanish style elevation includes features such as concrete "S" tile roofing, recessed windows and decorative metal accents. The English Country features brick veneer and wood trim accent details. The Craftsman houses have stone veneer wainscoting, and decorative gables as well as under-gable wood accents. Finally, the Italian style uses built-up window sill trims and stucco wainscoting. All of the elevations utilize concrete tile roofing materials, as well as decorative garage doors that vary according to the architectural style of units.

Neighborhood Meeting

On February 19, the applicant held a neighborhood meeting, inviting everyone in the general vicinity of the project site to learn about and comment on the proposed project. The two main concerns of the neighboring residents were traffic circulation and parking. Traffic circulation was studied with this project and the previous more dense projects, and the proposed circulation patterns on the new and existing streets meets the City's requirements. Because there is no on-street parking allowable within the project beyond the 28 stalls that are shown on the site plan, residents are concerned that the new residents of this project will park illegally on Thelma Loop (where parking is not allowable), which is already an existing concern. Staff has ensured that the Police Department as well as traffic engineering staff has been made aware of the existing illegal parking situation so that it can be addressed appropriately.

Environmental Document

The project is consistent with the Initial Study/Negative Declaration for the Citation/Souza Project, adopted by the City Council in August 16, 1994, and the General Plan EIR certified on February 1, 2011. No further environmental review or documentation is required pursuant to California Environmental Quality Act Guidelines, Section 15162, as no significant changes have occurred to the project or the environment after the approval of the Negative Declaration. The project is also categorically exempt pursuant to Section 15332, Infill Development Projects. An analysis of the project shows that there will be no significant on or off-site impacts as a result of this particular project that were not already discussed in the Citation/Souza Mitigated Negative Declaration. The project is consistent with the General Plan and zoning designations, is less than five acres, and is substantially surrounded by urban uses, has access to public services, and has no value as a habitat for endangered, rare, or threatened species. There is also no evidence of any significant impacts to occur off-site as a result of the project, as traffic, air quality, land use and other potential cumulative impacts have already been considered within the original environmental

documentation. No new evidence of potentially significant effects has been identified as a result of this project.

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve the 60-unit Feteira project at the northeast corner of Lammers Road and Feteira Way, Application Numbers TSM13-0004 and PUD13-0004, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated February 26, 2014 (Attachment D).

MOTION

Move that the Planning Commission recommend that the City Council approve the 60-unit Feteira project at the northeast corner of Lammers Road and Feteira Way, Application Numbers TSM13-0004 and PUD13-0004, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated February 26, 2014 (Attachment D).

Prepared by Victoria Lombardo, Senior Planner

Approved by Bill Dean, Assistant DS Director

ATTACHMENTS

Attachment A—Location Map

Attachment B—Tentative Subdivision Map, Color Renderings of Site Plan, Building Elevations, Landscaping (Oversize Item: Copies available in Development Services)

Attachment C—PUD Development Standards

Attachment D—Planning Commission Resolution



PLANNED UNIT DEVELOPMENT (PUD)
FETEIRA SUBDIVISION

1. PURPOSE

The purpose of the PUD is to allow a unit type and size within the project that maximizes the efficiency of private open space, pedestrian usage, and enhancement of public improvements, including vehicular and pedestrian connectivity with the adjacent existing community.

2. PROPERTY DESCRIPTION

a. Location

The proposed project is approximately 4.3 acres in area, located at the intersection of South Lammers Road and Feteira Way, and abutting the existing Westgate community.

b. Site Description

The site is currently undeveloped, fallow land with a flat topography gradually sloping to the Northeast with a change in elevation from 43 feet in the southwest corner to elevation 39 feet in the northeast corner.

c. Access

The main access to the site will be via a neighborhood entry intersecting at Feteira Way as depicted on the Tentative Map plans dated February 18, 2014. A secondary access is proposed to the stubbed street at Milton Jenson Way. The community circulation will not include any direct access to South Lammers Road.

3. DESIGN CONCEPT

a. Land Use

The project shall be developed with duplex product types including four floor plans and four different building types. Each unit will be two stories and include side-by-side two car garages and private rear yards.

b. Development Standards

All standards for fence, wall and hedge heights, swimming pools, portable buildings, shade structures, projections into yards and courts shall be consistent with Tracy Municipal Code Article 24 of Chapter 10.08 – Zoning Regulations, specifically the HDR zone. Parking of boats or recreation vehicles and motor homes within driveways or within any common area of the community is prohibited within the PUD.

<u>Yard</u>		
Front Setback to Garage/House		3' Minimum
Side Yard Setback		4' Minimum on one side and zero lot line on the other
Side Yard Setback on Corner Lot (street side)		5' Minimum (open porches [no walls] may project into the 5' setback area)
Rear Yard Setback		10' Minimum
Lot Area		1,700 sq ft minimum
Width at Front of home (excluding porch)/First Level House		29' Minimum
Minimum Lot Depth		60'
Height		35' (Max)
Maximum Lot Coverage		65% (Max)
Parking On-Site		20' x 20' 2 Car Garage/Unit Minimum

c. Architectural/Site Design/Open Space

i. Design of the Site

The design of streets and individual lots, including the conceptual footprint of buildings, is shown on the Tentative Map development plans in accordance with the provisions contained herein.

ii. Design and Distribution of Floor Plans and Architectural Elevations

The Development Plan prepared for the subdivision shall incorporate plan variety. A minimum of four floor plans with four different building types shall be utilized within the development, as shown on the architectural renderings. No building type shall be used less than 15% of the total number of buildings and each building type will generally be interspersed within the community where lot dimensions allow.

iii. Vehicular Circulation

Circulation through the subdivision shall be provided as shown on the Tentative Map.

iv. Pedestrian Circulation

Four foot separated sidewalks are proposed on one side of each street throughout the community providing for pedestrian access for the development and access to the adjacent community and park.

v. Parking

Parking shall be restricted to designated parking stalls only. There shall be no street parking throughout the site and such restriction shall be appropriately identified.

RESOLUTION 2014-_____

RECOMMENDING CITY COUNCIL APPROVAL OF THE FETEIRA TENTATIVE
SUBDIVISION MAP AND AMENDMENT TO THE PRELIMINARY AND FINAL
DEVELOPMENT PLAN FOR A 4.32-ACRE SITE LOCATED AT THE NORTHEAST
CORNER OF LAMMERS ROAD AND FETEIRA WAY
APPLICATION NUMBERS TSM13-0004 AND PUD13-0004

WHEREAS, The subject property was annexed to the City of Tracy in 1995 and is a part of the Plan C Finance Plan, and

WHEREAS, The project will approve a Tentative Subdivision Map to create 60 duplex dwelling units on 4.32 gross acres, with an overall density of approximately 13.9 dwelling units per acre, which is consistent with the 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 High, which provides for a density range of 12.1 to 25 dwelling units per acre, and

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

WHEREAS, The site is physically suitable for the proposed density of development. The 13.9 dwelling units per acre proposed is consistent with the allowable density range prescribed by the General Plan. 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. An Initial Study and Negative Declaration was approved for the project site in April of 1994, and the General Plan EIR was adopted in 2011. 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 variation between floor plans and elevations, and used architectural features on all four sides of each building, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the Tentative Subdivision Map and Preliminary and Final Development Plan amendment on February 26, 2014;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission hereby recommends that the City Council approve the Feteira Tentative Subdivision Map and Preliminary and Final Development Plan Amendment, Application Numbers TSM13-0004 and PUD13-0004, subject to conditions stated in Exhibit "1", attached and made part hereof.

* * * * *

The foregoing Resolution 2014-_____ was adopted by the Planning Commission on the 26th day of February, 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
Feteira Tentative Subdivision Map, and
Preliminary and Final Development Plan Amendment
Application Numbers TSM13-0004, and PUD13-0004**

These Conditions of Approval shall apply to the real property described as the Feteira Tentative Subdivision Map, and Preliminary and Final Development Plan Amendment, Application Numbers TSM13-0004, and PUD13-0004 (hereinafter "Project"), generally located on approximately 4.32 acres at the northeast corner of Lammers Road and Feteira Way, Assessor's Parcel Number 238-080-08.

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 Feteira Tentative Subdivision Map, and Preliminary and Final Development Plan Amendment, Application Numbers TSM13-0004, and PUD13-0004. The Conditions of Approval shall specifically include all Development Services Department Conditions set forth herein.
6. "Project" means the real property consisting of approximately 4.32 acres located at the northeast corner of Lammers Road and Feteira Way, Assessor's Parcel Numbers 238-080-08.
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 and the "Citation/Souza Initial Study/Mitigated Negative Declaration" dated August 16, 1994.
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 Tentative Subdivision Map received by the Development Services Department on February 18, 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.
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 shall be consistent with the plans received by the Development Services Department on February 18, 2014.
13. All of the development standards for the 60 lots shall comply with the standards as listed in the "Planned Unit Development Feteira Subdivision" document, received by the Development and Engineering Services Department on February 20, 2014.
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.
17. 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.
18. 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 for the signature.

C.1.2 Revise the Tentative Subdivision Map to incorporate the following:

C.1.2.1 Restricted access for Lots 32, through 44, Lot 1, and Parcels C and D to Lammers Road and for Lots 26 through 32 to Feteira Way.

C.1.2.2 Show the entire masonry wall and footing within City's right-of-way on Lammers Road and a one (1) foot wide reserve dedication along the entire frontage of the Property on Lammers Road.

C.1.2.3 Modify General Notes #15 to state that the water main and services up to the water meter will be owned and maintained by the City.

C.1.3 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 Submit an Engineer's Estimate that shows construction cost estimate of subdivision improvements and for all required public facilities, prepared in accordance with City Regulations. The Engineer's Estimate will 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 dedicated Public Utility Easement (PUE) or that are necessary 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 Safety Officer'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, storm drainage, and the permanent sanitary sewer connections, asphalt concrete overlay work on Milton Jenson Way and Feteira Way, and offsite improvements on Lammers Road, as required in Conditions C.7, 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, City's Design documents, and 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 \$57,434.40, 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. 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 within the dedicated Public Utility Easement on Milton Jenson Way and Feteira Way and within the Property.
- 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 for City's review.
- C.6.4 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 easement is an acceptable option as a substitute to a retaining wall, where cuts or fills do not match existing ground or final grade with the adjacent property, up to a maximum grade differential of two (2) feet, or where a masonry or block sound wall is not required, subject to approval by the City Engineer. Slope easements shall be shown and recorded with the final map. The Subdivider shall be responsible to obtain and record slope easement(s) on private properties or where it is needed to protect private improvements constructed within and outside the Project, and a copy of the recorded easement document(s) 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 on Lammers Road 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 Storm Drainage Plans 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. As part of the Improvement plans submittal, the Subdivider shall submit hydrologic and storm drainage calculations for the sizing of the Project's permanent storm drainage connection.

C.7.3 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 Project's storm drainage connection on Lammers Road. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

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 at Milton Jenson Way in accordance with City Regulations. A standard sanitary sewer manhole shall be required within City right-of-way on Milton Jenson Way. The Subdivider shall submit improvement plans that include the design of the Project's permanent sanitary connection on Milton Jenson Way. 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 improvements that are disturbed as a result of installing the Project's permanent sanitary sewer connection.
- 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 City will own and maintain all water main and domestic and fire sprinkler services that are located within the permanent waterline easement.
- C.9.2 The Project's permanent water connection points will be at Melton Jenson Way and Feteira Way. Three (3) gate valves will be required at the new connection point on Feteira Way. All water connections that are bigger than 2 inches in diameter shall be Ductile Iron Pipe (DIP).
- C.9.3 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 to the back of the water meter (inclusive) only. Repair and maintenance of all on-site water lines, laterals, valves, and fittings beyond the water meter shall be the responsibility of the Subdivider or the individual lot owner(s). In event that pavement excavation or street cut has to be made

within the Property after the completion of repair or maintenance work on the water main by the City, the City will replace the pavement in kind or similar materials (pavement structural section) within the utility trench area only.

- C.9.4 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.9.5 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.9.6 The Subdivider shall design and install fire hydrants at the locations approved by the City's Chief Building Official and Fire Safety Officer. Location and construction details of the individual lot 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 except "Street A", "Street B", "Street C", and "Street D" in accordance with City Regulations. The Subdivider shall own and maintain all improvements within the private streets except for the water main, fittings, and water services up to the back of the water meter.
- C.10.2 The Subdivider shall design and construct offsite improvements along the Project's frontage on Lammers Road. The offsite improvements on Lammers Road include concrete curb, gutter, sidewalk, landscaping with automatic

irrigation system (Motorola), street light, storm drainage, catch basin, storm drainage manhole, masonry wall, traffic sign, pavement marking and striping, and other improvements as determined by the City Engineer. The Subdivider shall complete the construction of the offsite improvements on Lammers Road, prior to the final building inspection of the first residential building to be constructed within the Property.

The Subdivider shall dedicate all rights-of-way and/or permanent and temporary construction easements including a public access easement and permanent waterline easement that are necessary to construct, repair and maintain improvements that are necessary to serve the Project, all at the Subdivider's sole cost and expense.

- C.10.2 The Subdivider shall construct all the necessary improvements associated with the removal of the existing blow-off and standard guardrail and barricade, and the installation of the water main on Milton Jenson Way.
- C.10.3 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 connection on Feteira Way. In order to hide pavement excavation or trench marks, the application of 2 inches thick asphalt concrete overlay and reinforcing fabric will be required over the entire width of Feteira Way 25 feet from both sides of the utility trench. The City Engineer may extend the limits of the asphalt concrete overlay, if determined to be necessary.

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 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.10.4 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 on Feteira Way and Milton Jenson Way, sewer main on Milton Jenson Way, and the storm drainage connection on Lammers Road 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.10.5 The Subdivider shall install cluster mailbox(s) and coordinate with the Tracy Post Master for the location and construction details, and installation of the cluster mail box units.

C.10.6 The Subdivider shall install stop sign(s) and all associated improvements at the intersection of Milton Jenson Way and Thelma Loop, if stop sign(s) are warranted.

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 Project or 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 The Project is subject to the applicable requirements of that certain Deferred Improvement Agreement for Westgate Unit 4, Tract 3389 that was approved by the City Council on April 5, 2005, pursuant to Resolution 2005-080 and recorded on May 6, 2005 as Document #2005-109411 at the San Joaquin County Recorder's Office.

- C.13.2 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 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.