

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, June 10, 2015
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 2015-052 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Commission Member to sponsor the item for discussion at a future meeting.*

1. OLD BUSINESS – None.
2. NEW BUSINESS
 - A. PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT (PUD) ZONE PRELIMINARY AND FINAL DEVELOPMENT PLAN TO CONSTRUCT AN APPROXIMATELY 3,000 SQUARE FOOT EL POLLO LOCO RESTAURANT WITH DRIVE THRU, PARKING AREA AND LANDSCAPING IMPROVEMENTS, LOCATED NORTH OF THE TEXAS ROADHOUSE RESTAURANT AT 2242 NAGLEE ROAD, ASSESSOR'S PARCEL NUMBER 212-290-48; APPLICANT IS VMI ARCHITECTS INC - PROPERTY OWNER IS THE CITY OF TRACY; APPLICATION NUMBER D15-0002
3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT
5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

Posted: **June 5, 2015**

Planning Commission Agenda

June 10, 2015

Page 2

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 Services Department located at 333 Civic Center Plaza during normal business hours.

AGENDA ITEM 2-A

REQUEST

PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT (PUD) ZONE PRELIMINARY AND FINAL DEVELOPMENT PLAN TO CONSTRUCT AN APPROXIMATELY 3,000 SQUARE FOOT EL POLLO LOCO RESTAURANT WITH DRIVE THRU, PARKING AREA AND LANDSCAPING IMPROVEMENTS, LOCATED NORTH OF THE TEXAS ROADHOUSE RESTAURANT AT 2242 NAGLEE ROAD, ASSESSOR'S PARCEL NUMBER 212-290-48; APPLICANT IS VMI ARCHITECTS INC - PROPERTY OWNER IS THE CITY OF TRACY; APPLICATION NUMBER D15-0002

DISCUSSION

Background

The City of Tracy is the owner of an approximately 1-acre parcel located north of the Texas Roadhouse restaurant at 2242 Naglee Road, Assessor's Parcel Number 212-290-48 (Attachment A: Location Map). On December 2, 2014, the City Council declared the approximately 1-acre parcel as surplus property and authorized a purchase and sale agreement between the City of Tracy and BCP Tracy, LLC for development of an El Pollo Loco restaurant.

Land Use

The subject property is located within the I-205 Corridor Specific Plan area. The site is zoned Planned Unit Development (PUD) and designated Freeway Commercial by the I-205 Corridor Specific Plan. The General Plan designation is Commercial.

The project consists of construction of an approximately 3,000 square foot El Pollo Loco restaurant with drive thru. Eating and drinking establishments are principally permitted within the Freeway Commercial designation of the I-205 Corridor Specific Plan. The proposed use would be compatible with the surrounding land uses, which include the Texas Roadhouse restaurant to the south and a mix of retail and other restaurants to the north, east and west.

A City-owned Park & Ride site is located adjacent to the east of the subject property. A portion of the Park & Ride site is also being planned for restaurant development. On April 21, 2015, City Council authorized a purchase and sale agreement between the City of Tracy and BCP Tracy, LLC for development of Chipotle Mexican Grill and Panera Bread restaurants on the western portion of the Park & Ride site.

Site Plan

The approximately 3,000 square foot El Pollo Loco restaurant would be located at the south corner of Naglee Road and Park & Ride Drive (Attachment B: Site Plan, Floor Plans, Elevations, and Landscape Plan). A drive thru is proposed to wrap around the building on the sides adjacent to Park & Ride Drive and Naglee Road. The majority of

the parking area and landscaping are existing improvements, which were constructed with the Texas Roadhouse development. The project would meet the requirements of the I-205 Corridor Specific Plan, including requirements for parking, landscaping, and setbacks.

Architecture

The proposed architecture consists of an attractive design, which includes variation in façade depth, variation in parapet height, a mix of complementary building materials and colors, and other desirable elements such as stone used on multiple portions of the façade, a canopy supported by stone columns, ample use of awnings, windows, and an ornamental metal grill to break-up the façade and add interesting details on all four sides of the building. The proposed architecture is consistent with the City's Design Goals and Standards.

Environmental Document

This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, which pertains to certain infill 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. Therefore, no further environmental assessment is necessary.

RECOMMENDATION

Staff recommends that Planning Commission recommend that City Council approve a PUD Zone Preliminary and Final Development Plan to construct an approximately 3,000 square foot El Pollo Loco restaurant with drive thru, parking area and landscaping improvements, located north of the Texas Roadhouse restaurant at 2242 Naglee Road, Assessor's Parcel Number 212-290-48, Application Number D15-0002, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated June 10, 2015 (Attachment C: Planning Commission Resolution).

Prepared by Scott Claar, Associate Planner
Reviewed by Alan Bell, Interim Assistant Development Services Director
Approved by Bill Dean, Interim Development Services Director

ATTACHMENTS

- A: Location Map
- B: Site Plan, Floor Plans, Elevations, and Landscape Plan (oversized plans available at the Development Services Department)
- C: Planning Commission Resolution

POR. NAGLEE BURK TRACT

THIS MAP IS FOR ASSESSMENT USE ONLY

212-29



- A - R. S. Bk. 19 Pg. 122
- B - P. M. Bk. 09 Pg. 047
- C - P. M. Bk. 21 Pg. 026
- D - P. M. Bk. 22 Pg. 044
- E - P. M. Bk. 22 Pg. 076
- F - P. M. Bk. 23 Pg. 125

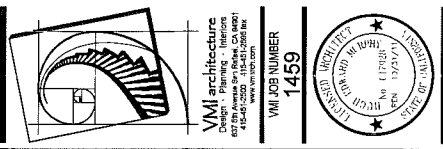
HIGHEST A.P.N. USED			
YEAR	PAR. #	PAR. #	PAR. #
03-04	21	32	34
04-05	36		
05-06	38		
06-07	44	48	
07-08	47		
09-13	48		

CITY OF TRACY
Assessor's Map Bk.212 Pg.29
County of San Joaquin, Calif.

Bk. 238

NOTE: Assessor's Parcel Numbers Shown in Circles.
Assessor's Block Numbers Shown in Ellipses.

03-04



VMI Architecture
Design | Planning | Interiors
4500 E. 17th Street, Suite 200
Troy, CA 95061
www.vmi.com

PROJECT NUMBER
1459



RECORD DATES
01/20/24
02/22/24
02/22/24
02/22/24
02/22/24

CONTRACT SET

REVISIONS

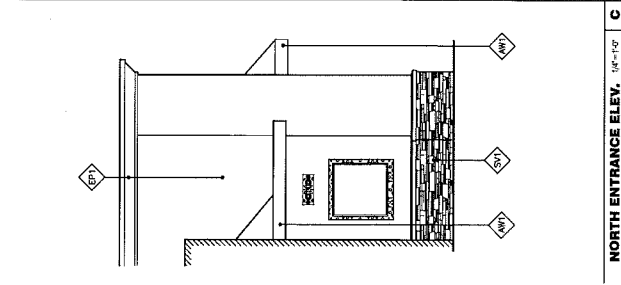
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2. 02/22/24 PLANNING/SCHEMATIC
3. 02/22/24 PLANNING/SCHEMATIC
4. 02/22/24 PLANNING/SCHEMATIC

CLIENT
EL POLLO LOCO INC
3035 MIDWAY BLVD, SUITE 100
TROY, CA 95061
PH: 925-854-0000

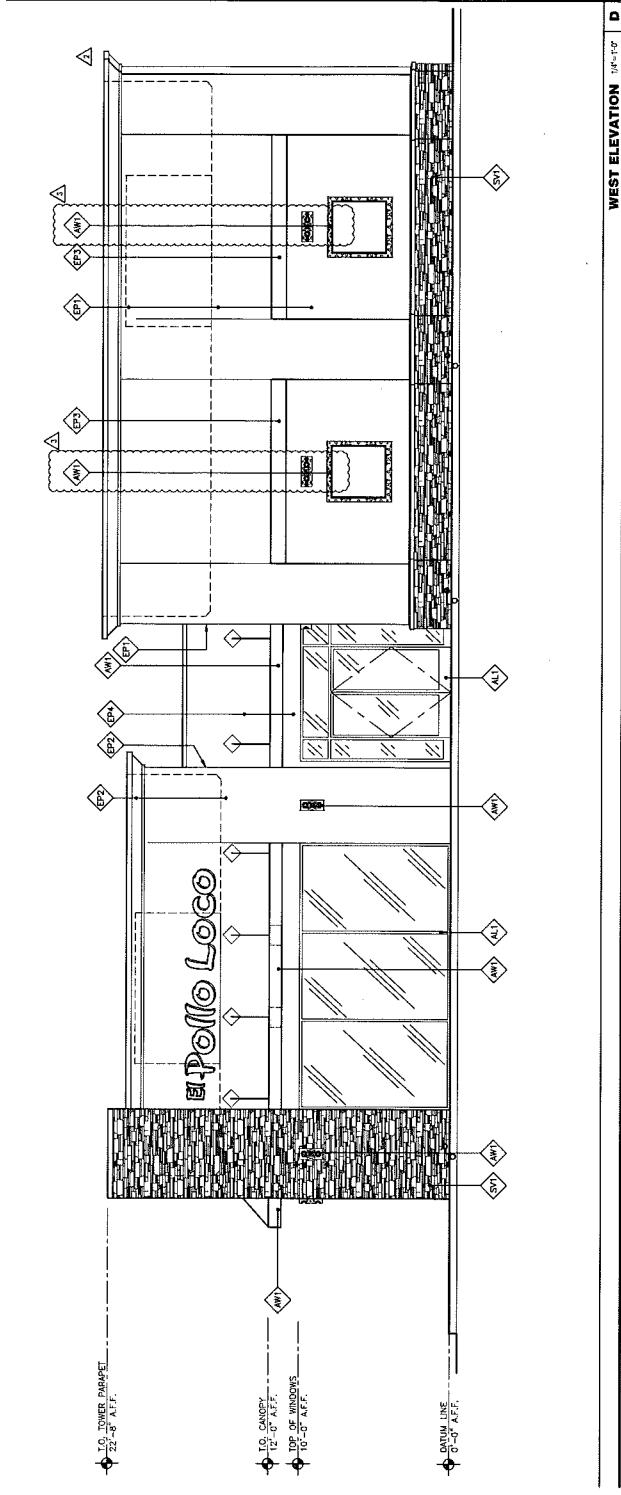
PROJECT
EL POLLO LOCO #128
2242 Highway Road
Troy, CA 95061
APH - 212-050-045-0000



EXTERIOR ELEVATION
DD3.0



NORTH ENTRANCE ELEV. 1/4"=1'-0" C



WEST ELEVATION 1/4"=1'-0" D

1.0. TOWER PARAPET
22'-0" A.F.F.

1.0. CANOPY
12'-0" A.F.F.

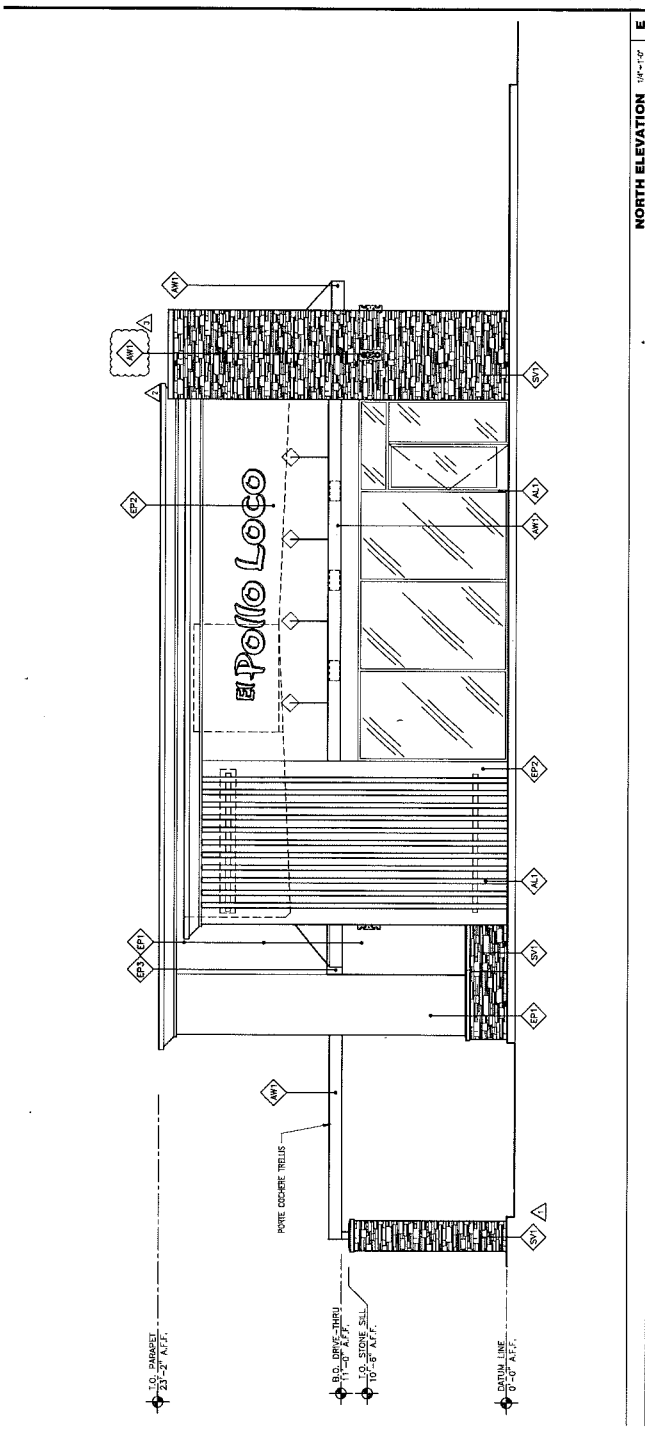
1.0. TOP OF WINDOWS
10'-0" A.F.F.

1.0. DATUM LINE
0'-0" A.F.F.

GENERAL NOTES

1. ARCHITECTURAL PROFESSIONAL - ANAS SOLAN SMMR
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LEGEND A



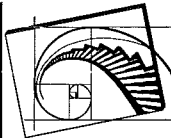
NORTH ELEVATION 1/4"=1'-0" E

1.0. PARAPET
23'-2" A.F.F.

1.0. BRICK TOWER
11'-0" A.F.F.

1.0. STONE SILL
10'-0" A.F.F.

1.0. DATUM LINE
0'-0" A.F.F.



VMI architecture
 Design - Planning - Interiors
 4140 W. 11th St., Suite 100
 Phoenix, AZ 85042
 Phone: 602.998.2200
 www.vmi.com

VMI JOB NUMBER
1459



RECORD DATES
 01/20/11
 02/02/11
 02/22/11

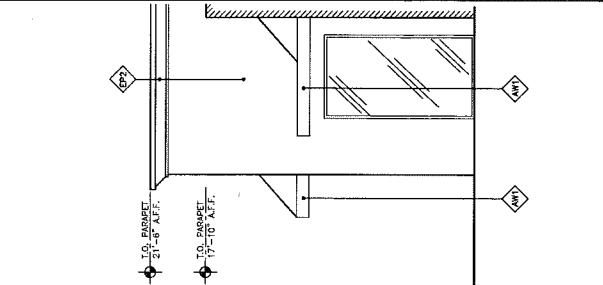
REVISIONS
 1. 02/22/11 - REVISED REVISIONAL 2
 2. 02/22/11 - REVISED REVISIONAL 2
 3. 02/22/11 - REVISED REVISIONAL 2

CLIENT
 EL POLLO LOCO INC
 3535 W. BUCKLEBOURNE BLVD
 PHOENIX, AZ 85042
 Phone: 714.343.3300

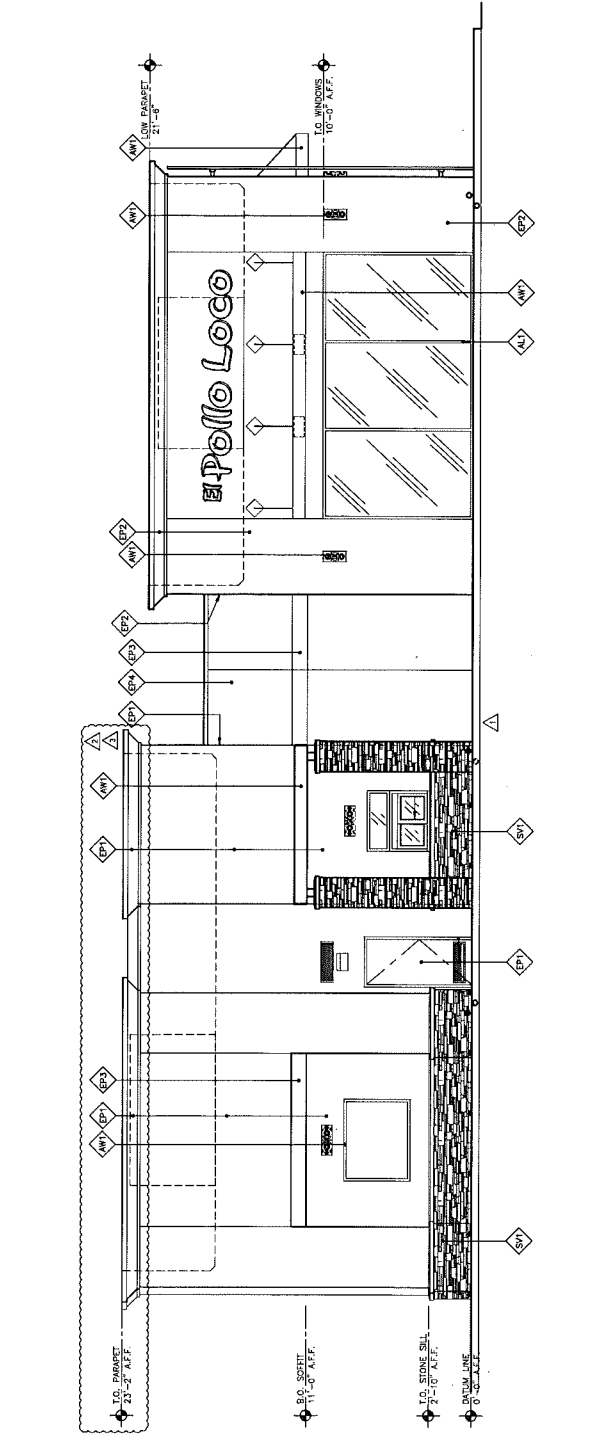
PROJECT
 EL POLLO LOCO #678
 2242 Highland Road
 Phoenix, AZ 85042
 APN: 072-038-048-000



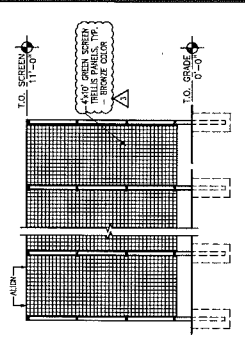
EXTERIOR ELEVATIONS
DD3.1



SOUTH ENTRY ELEVATION 1/4" = 1'-0"



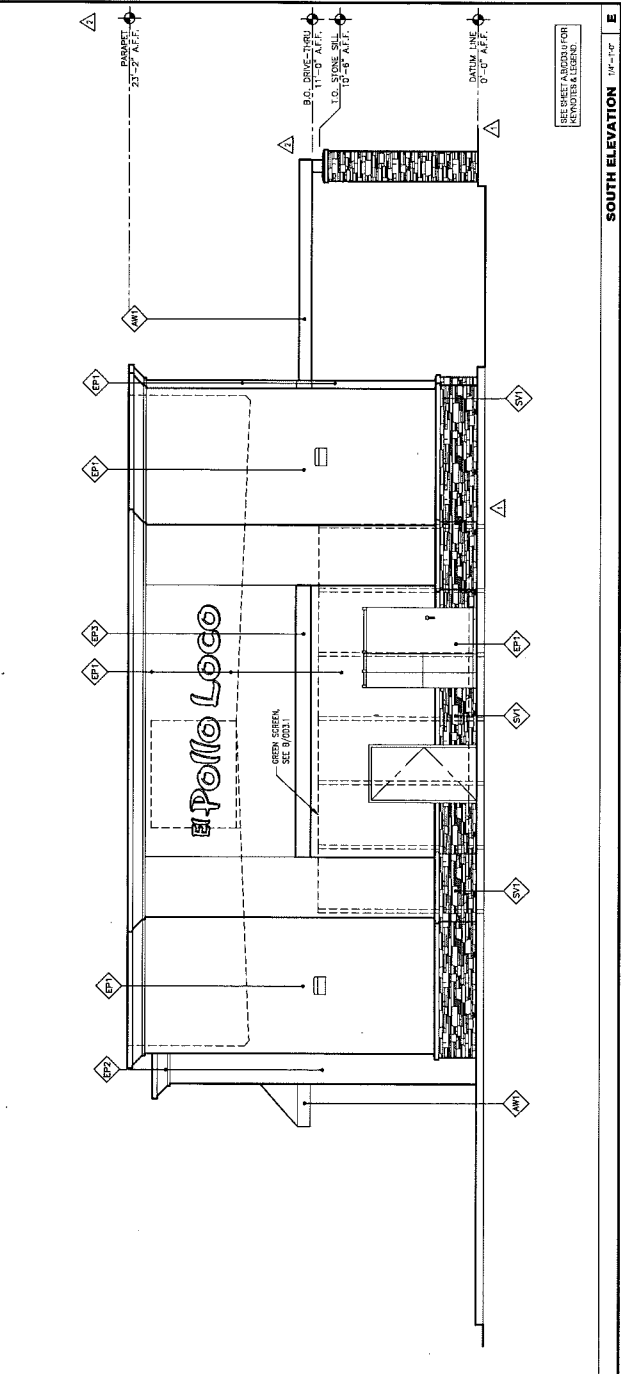
EAST ELEVATION 1/4" = 1'-0"



GREEN SCREEN ELEVATION

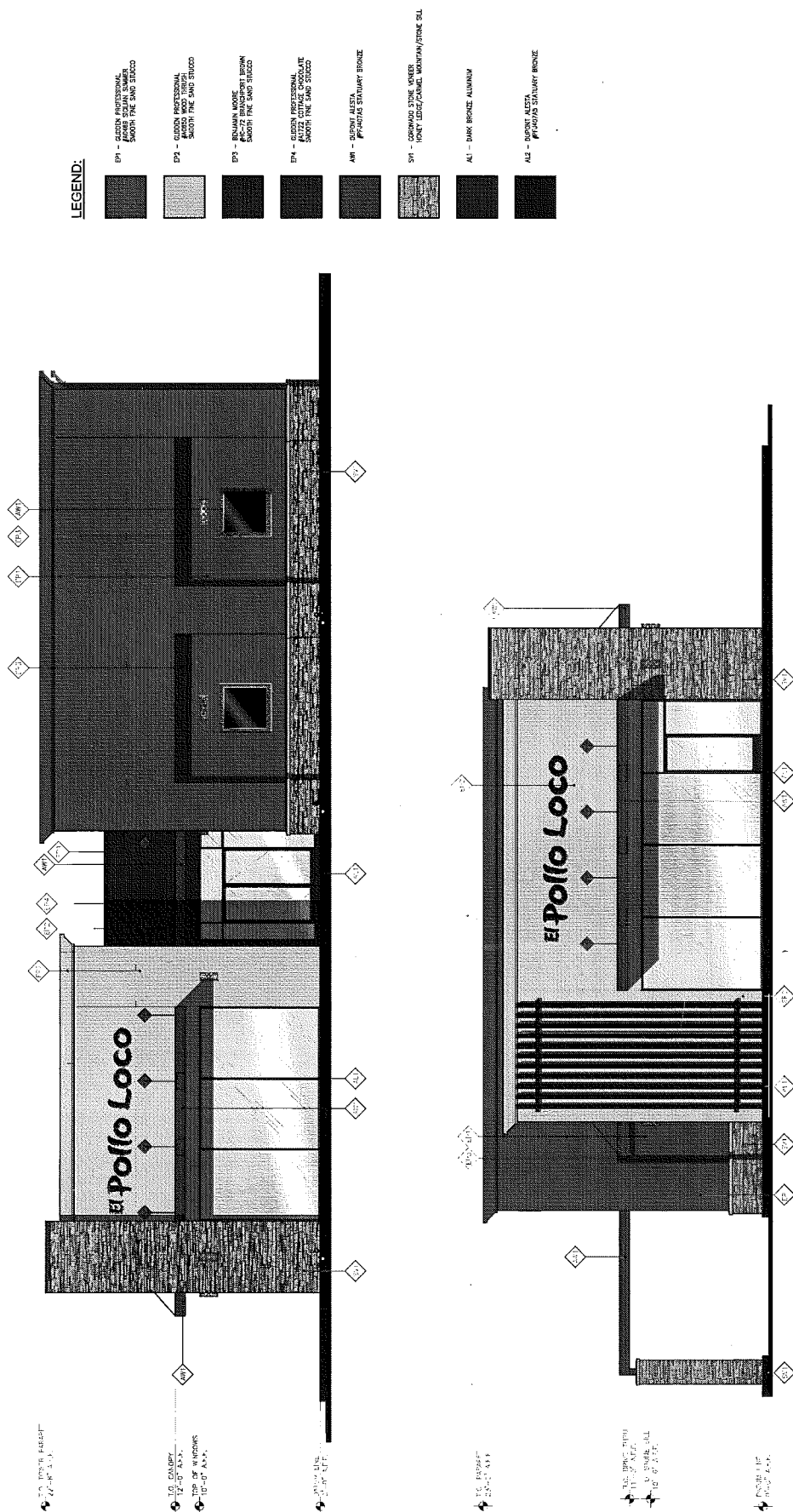
- NOTE: TO LANDSCAPE DRAWINGS FOR MATERIALS INFORMATION.
- 1. GREEN SCREEN - 1/4" MESH GALVANIZED STEEL
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LEGEND



SOUTH ELEVATION 1/4" = 1'-0"

W:\Drawings\1459\1459_EPR_17000\1459_DD3.1.dwg By: DHANNAN Savad 01/25/2015 3:56:09 PM



LEGEND:

- EP1 - GOLDEN PROFESSIONAL
PAVES SOLAR SUMMER
SMOOTH FINE SAND STUCCO
- EP2 - GOLDEN PROFESSIONAL
PAVES SOLAR SUMMER
SMOOTH FINE SAND STUCCO
- EP3 - BENJAMIN MOORE
PAVES SOLAR SUMMER
SMOOTH FINE SAND STUCCO
- EP4 - GOLDEN PROFESSIONAL
PAVES SOLAR SUMMER
SMOOTH FINE SAND STUCCO
- AM1 - BRUSHED METAL
P/100/025 STAINLESS BRONZE
- SW1 - CORONADO STONE VENER
HONEY LOC/CAMEL WOOD/PAN/STONE S/L
- AL1 - DARK BRONZE ALUMINUM
- AL2 - BRUSH METAL
P/100/025 STAINLESS BRONZE

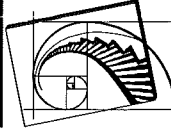
EXTERIOR COLOR ELEVATIONS

DATE: MAY 22, 2015

OWNER: EL POLLO LOCO INC.
3535 HARBOR BOULEVARD, SUITE 100
P:714.599.5000

EL POLLO LOCO RESTURANT
2242 NAGLEE ROAD
TRACY, CA 95304
EDIT





VMI architecture
 4750 Avenida San Mateo, CA 94021
 TEL: 650.961.1100 FAX: 650.961.1101
 WWW.VMIARCH.COM

MAILING NUMBER
1459



RECORD DATES
 01/10/2015
 04/10/2015
 04/10/2015
 05/12/2015

REVISIONS
 1. 05/12/15 1. 05/12/15
 2. 05/12/15 2. 05/12/15

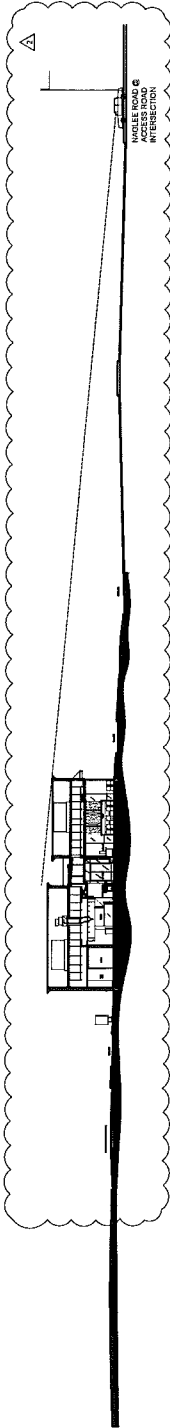
CLIENT
 EL POLLO LOCO INC
 2000 S. GARDEN AVENUE, SUITE 100
 COSTA MESA, CA 92626
 PH: 714.440.0000

PROJECT
 EL POLLO LOCO #8728
 17000 N. GARDEN AVENUE, SUITE 100
 TRUCKEE, CA 95904
 APN: 212-0284-048-002

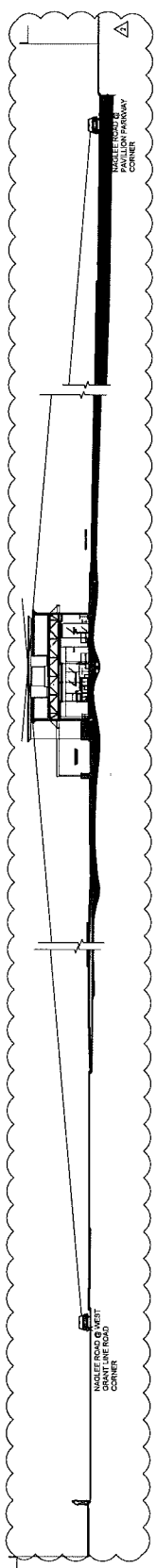


SIGHTLINE
 STUDY

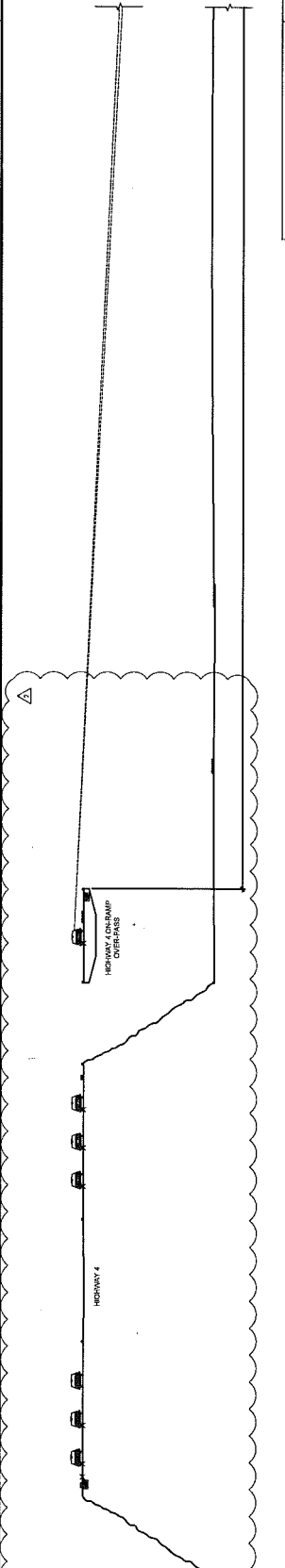
DD5.0



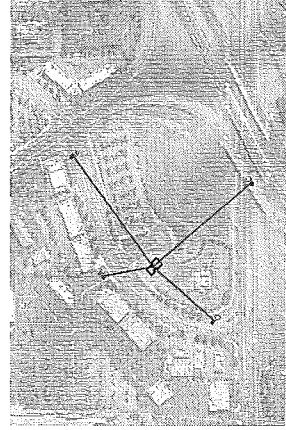
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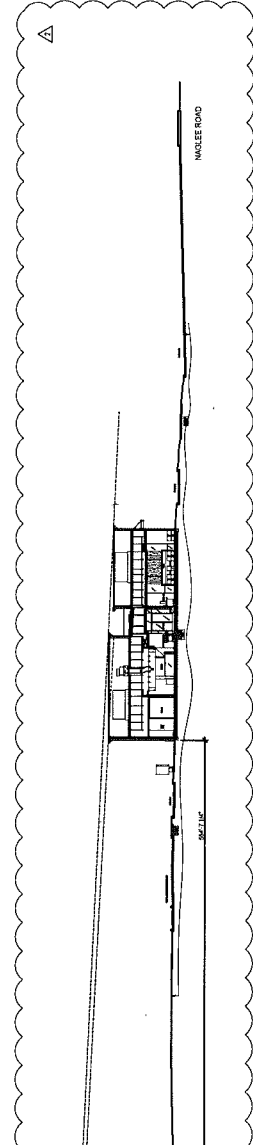
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SIGHTLINE SECTION C 1"=30' 0"



SIGHTLINE SECTION KEY 1"=5'

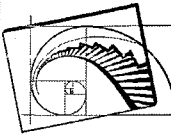


SIGHTLINE SECTION - CONT. C 1"=30' 0"

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Know what's Below.
Call before you dig.

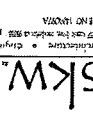


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VMI JOB NUMBER
1459



SKW
a associates
ARCHITECTURE • ENGINEERING • PLANNING • INTERIOR DESIGN



RECORD LATES
NO SUBMITTALS
NO CONTRACTOR
NO CONTRACTOR

REVISIONS
NO CONTRACTOR

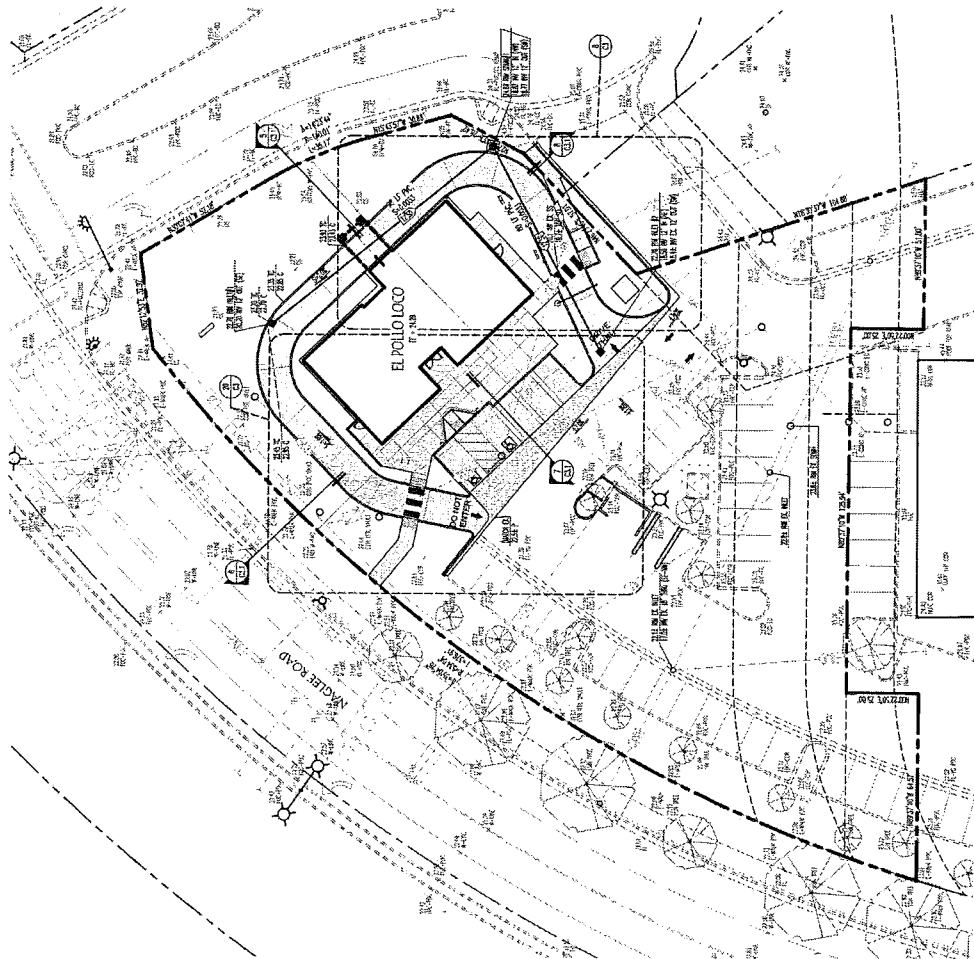
CLIENT
EL POLLO LOCO INC
3333 SAN JOAQUIN BLVD
SAN JOAQUIN, CA 95775
TEL: 925.781.4200

PROJECT
EL POLLO LOCO RESTAURANT
2420 W. HUNTER ROAD
TRUCKEE, CA
APN: 232 020 048 0003
Phone: 774.881.8000



PRELIMINARY
GRADING AND DRAINAGE
PLAN

C2



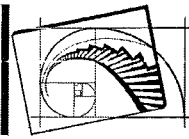
17 NOT USED

18 NOT USED

19 NOT USED

NTS

20 NOT USED



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Phone: 404.525.1234
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VMI USA NUMBER
1459



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Dunwoody, Georgia 30328
Phone: 404.488.0200
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REVISIONS

CLIENT
EL POLLO LOCO INC
3000 Peachtree Dunwoody Road, Suite 200
Dunwoody, Georgia 30328
Phone: 770.919.9599

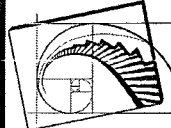


PRELIMINARY
GRADING DETAILS

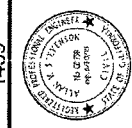
C3.1

<p>(A) DRIVE-THRU (B) CURB, GUTTER & SIDEWALK</p>	<p>5 SECTION @ DRIVE-THRU. SCALE: 1" = 3'</p>	<p>(A) DRIVE-THRU (B) CURB & GUTTER (C) SIDEWALK</p>	<p>6 SECTION @ DRIVE-THRU. SCALE: 1" = 3'</p>	<p>(A) DRIVE-THRU (B) SIDEWALK (C) CURB & SIDEWALK</p>	<p>7 SECTION @ SIDEWALK SCALE: 1" = 3'</p>	<p>(A) DRIVE-THRU (B) CURB & GUTTER (C) DRIVE-THRU</p>	<p>8 SECTION @ DRIVE-THRU. SCALE: 1" = 3'</p>
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 Tel: 415.774.1100
 Fax: 415.774.1101
 www.skw.com

RECORD DATES
 TO SUBMIT: 10/15/14
 BY SET: 10/15/14
 CONTRACT SET: 10/15/14

REVISIONS
 1 4/21/14 037101

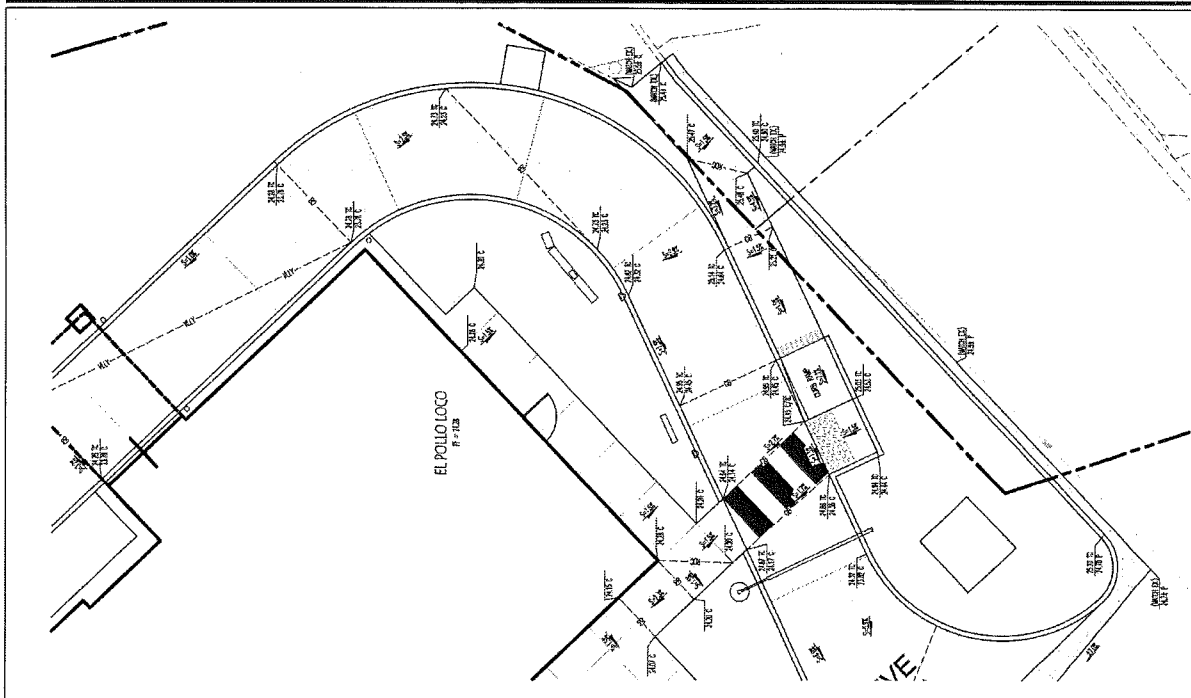
CLIENT
 EL POLLO LOCO INC
 2425 TRACY, CA
 DOWNTOWN, CA 95309
 Phone: 708.466.0000

PROJECT
 EL POLLO LOCO RESTAURANT
 2425 TRACY, CA
 APR 21 2014 037101-0000

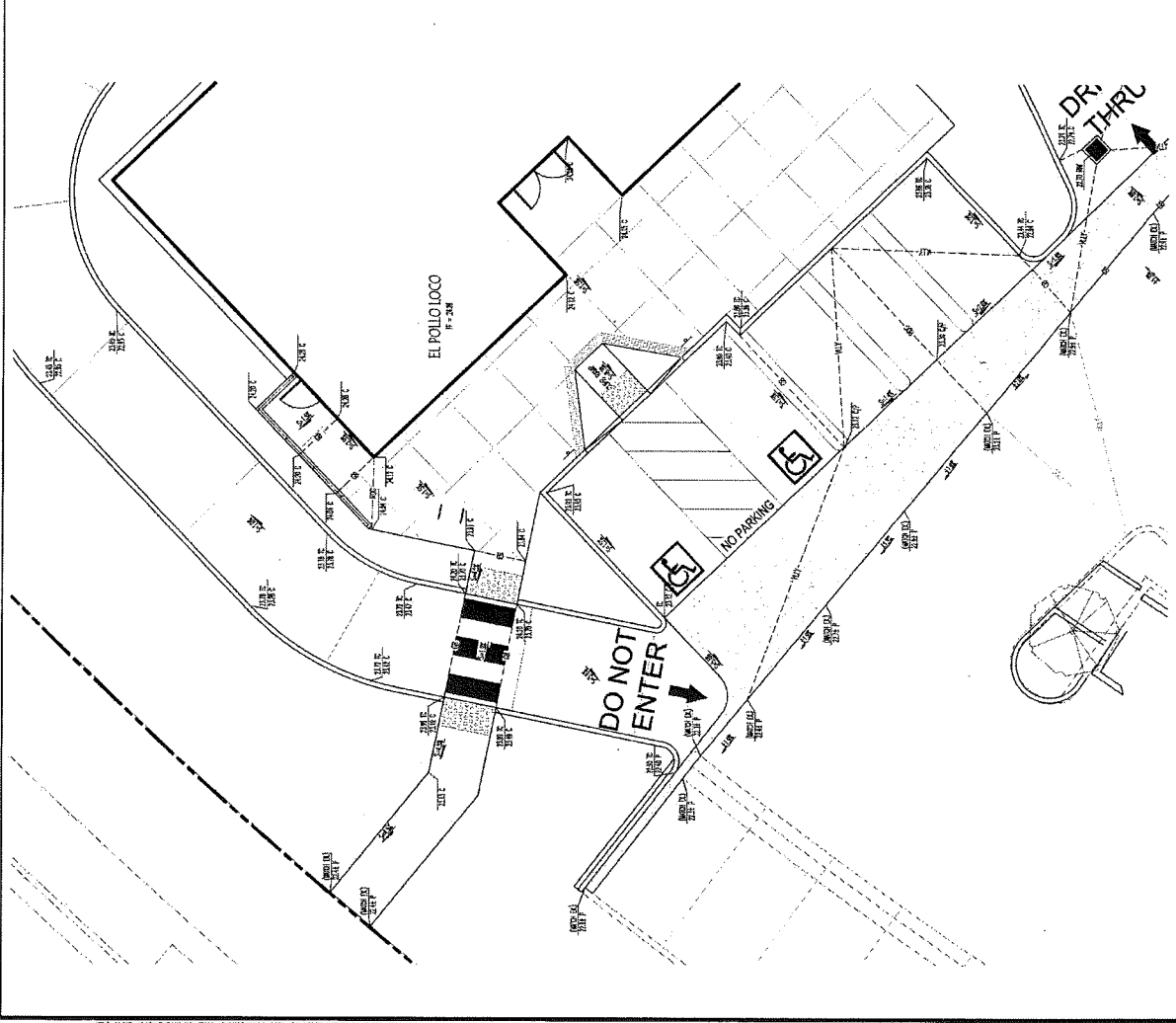


**PRELIMINARY
 ENLARGED
 GRADING PLAN**

C3

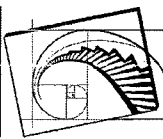


20 ENLARGED GRADING PLAN



8 ENLARGED GRADING PLAN

13014_JOBS14487-PL_2425 TRACY RD., TRACY/CV PRELIMINARY GRADING PLAN AND SITE PLAN FOR EL POLLO LOCO RESTAURANT AND DRIVEWAY, APRIL 21, 2014. THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF VMI ARCHITECTS AND SKW ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS INFORMATION WITHOUT THE WRITTEN CONSENT OF VMI ARCHITECTS AND SKW ARCHITECTS IS STRICTLY PROHIBITED. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PROJECT OR SITE WITHOUT THE WRITTEN CONSENT OF VMI ARCHITECTS AND SKW ARCHITECTS.



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 415-326-1010
 www.vmiarch.com

VMI JOB NUMBER
1459



SKW
 architecture • engineering • surveying
 2750 Wilshire Blvd, Suite 200
 Beverly Hills, CA 90212
 Phone: 310-477-0600

RECORD DATES

DATE	DESCRIPTION

REVISIONS

NO.	DATE	DESCRIPTION

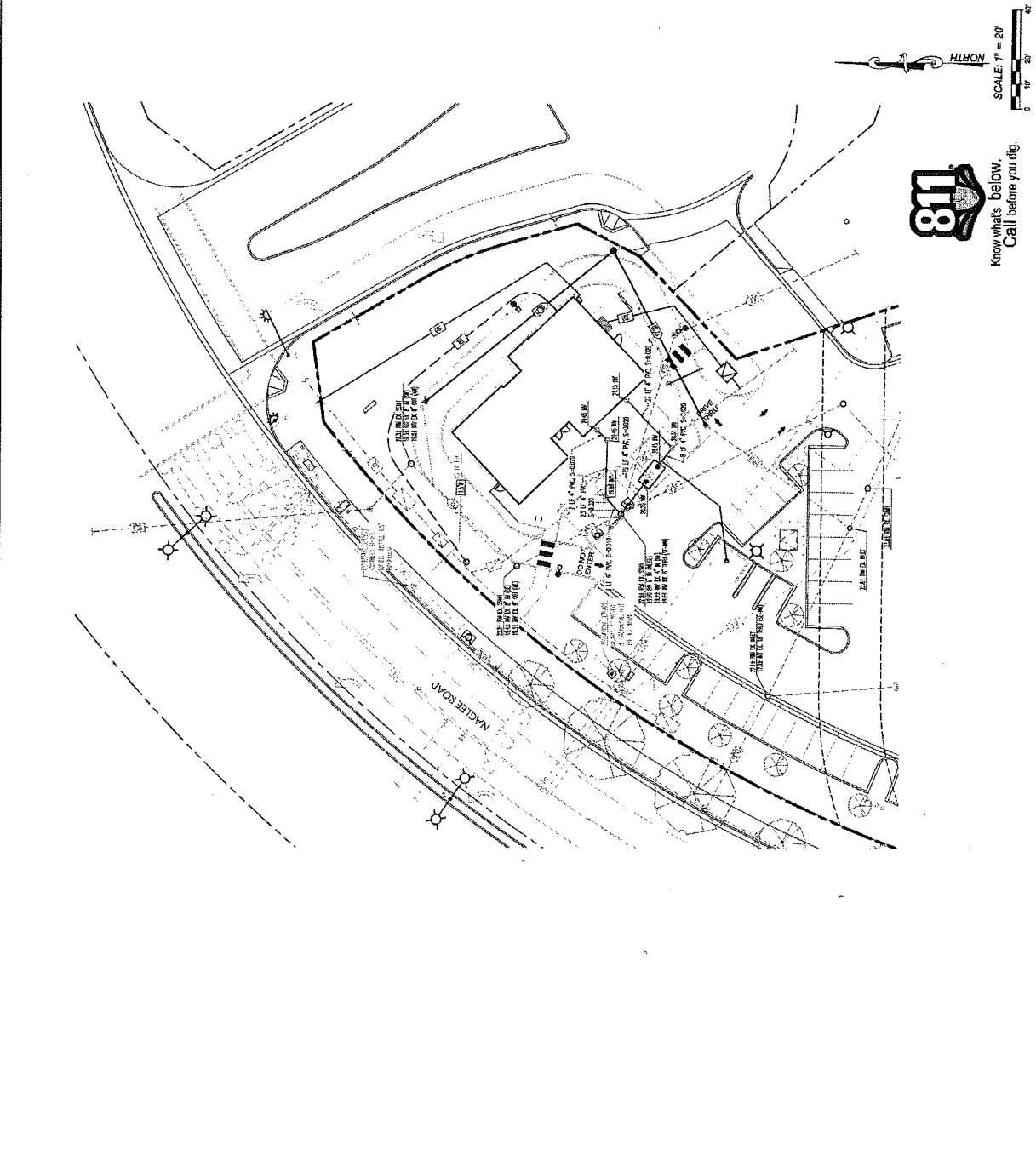
CLIENT
 EL POLO LODGE INC
 3800 El Polono Drive
 El Segundo, CA 90245
 Phone: 310-326-9000

PROJECT
 EL POLO LODGE RESTAURANT
 2400 El Polono Drive
 Torrey Pines, CA 94020
 APN: 212-03-008-000

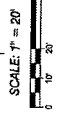


UTILITY PLAN

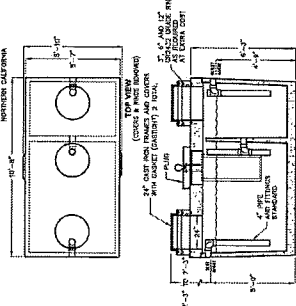
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Know what's below.
 Call before you dig.

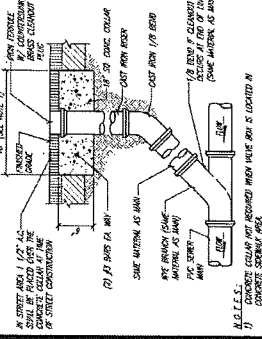


1800 GALLON GREASE INTERCEPTOR
 LISTED BY UPC



JENSEN
 1800 GALLON GREASE INTERCEPTOR
 LISTED BY UPC
 1800 GALLON GREASE INTERCEPTOR
 LISTED BY UPC
 1800 GALLON GREASE INTERCEPTOR
 LISTED BY UPC

18 GREASE INTERCEPTOR



19 CLEANOUT DETAIL

NOTES:
 1. SEE SHEET 17 FOR STREET AREA 1 (S1) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION
 2. SEE SHEET 17 FOR STREET AREA 2 (S2) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION
 3. SEE SHEET 17 FOR STREET AREA 3 (S3) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION
 4. SEE SHEET 17 FOR STREET AREA 4 (S4) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION
 5. SEE SHEET 17 FOR STREET AREA 5 (S5) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION
 6. SEE SHEET 17 FOR STREET AREA 6 (S6) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION
 7. SEE SHEET 17 FOR STREET AREA 7 (S7) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION
 8. SEE SHEET 17 FOR STREET AREA 8 (S8) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION
 9. SEE SHEET 17 FOR STREET AREA 9 (S9) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION
 10. SEE SHEET 17 FOR STREET AREA 10 (S10) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION

ITEM	DESCRIPTION	QTY	UNIT	PRICE	TOTAL
1	1800 GALLON GREASE INTERCEPTOR	1	EA	1,200.00	1,200.00
2	18\"/>				

20 THRUST BLOCK DETAIL

NOTES:
 1. SEE SHEET 17 FOR STREET AREA 1 (S1) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION
 2. SEE SHEET 17 FOR STREET AREA 2 (S2) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION
 3. SEE SHEET 17 FOR STREET AREA 3 (S3) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION
 4. SEE SHEET 17 FOR STREET AREA 4 (S4) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION
 5. SEE SHEET 17 FOR STREET AREA 5 (S5) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION
 6. SEE SHEET 17 FOR STREET AREA 6 (S6) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION
 7. SEE SHEET 17 FOR STREET AREA 7 (S7) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION
 8. SEE SHEET 17 FOR STREET AREA 8 (S8) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION
 9. SEE SHEET 17 FOR STREET AREA 9 (S9) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION
 10. SEE SHEET 17 FOR STREET AREA 10 (S10) AS SHOWN BY CONSTRUCTION BY CONSTRUCTION

RESOLUTION 2015-_____

RECOMMENDING CITY COUNCIL APPROVAL OF A PLANNED UNIT DEVELOPMENT (PUD) ZONE PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR THE CONSTRUCTION OF AN APPROXIMATELY 3,000 SQUARE FOOT EL POLLO LOCO RESTAURANT WITH DRIVE THRU, PARKING AREA AND LANDSCAPING IMPROVEMENTS, LOCATED NORTH OF THE TEXAS ROADHOUSE RESTAURANT AT 2242 NAGLEE ROAD, ASSESSOR'S PARCEL NUMBER 212-290-48. APPLICATION NUMBER D15-0002

WHEREAS, On February 17, 2015, an application was submitted for a Planned Unit Development (PUD) Zone Preliminary and Final Development Plan to construct an approximately 3,000 square foot El Pollo Loco restaurant with drive thru, parking area and landscaping improvements, located north of the Texas Roadhouse restaurant at 2242 Naglee Road, Assessor's Parcel Number 212-290-48, Application Number D15-0002, and

WHEREAS, The subject property is zoned PUD and designated Freeway Commercial (FC) by the I-205 Corridor Specific Plan and Commercial by the General Plan, and

WHEREAS, Eating and drinking establishments are principally permitted within the FC designation of the I-205 Corridor Specific Plan, and

WHEREAS, The project meets the requirements of the I-205 Corridor Specific Plan, including requirements for parking, landscaping, and setbacks, and

WHEREAS, The proposed architecture is consistent with the City's Design Goals and Standards as described below, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the application on June 10, 2015;

NOW, THEREFORE BE IT RESOLVED, The Planning Commission hereby recommends that the City Council approve the PUD Preliminary and Final Development Plan to construct an approximately 3,000 square foot El Pollo Loco restaurant with drive thru, parking area and landscaping improvements, located north of the Texas Roadhouse restaurant at 2242 Naglee Road, Assessor's Parcel Number 212-290-48, Application Number D15-0002, subject to the conditions as stated in Exhibit "1" attached and made part hereof and based on the following findings:

1. The establishment, maintenance, and operation of the proposed use and associated structures are compatible with the land use, design, and operational characteristics of the neighboring properties. 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 the associated structures, or to the general welfare of the City because the project is consistent with the land use, design, and other elements of the I-205 Corridor Specific Plan, the City of Tracy General Plan, and applicable requirements of Chapter 10.08 of the Tracy Municipal Code, including, but not limited to, Article 26, Off-Street Parking Requirements.

- 2. The project will not adversely affect or impair the benefits of occupancy, most appropriate development, property value stability, or the desirability of property in the vicinity because the architectural elements of the project as designed and conditioned, are an architecturally interesting addition to the parcel, and will not adversely visually impair the benefits of the properties in the vicinity, as the project includes desirable elements, which consist of the use of a mix of building materials and colors, variation in roofline, variation in façade depth, stone used on multiple portions of the façade, a canopy supported by stone columns, ample use of awnings, windows, an ornamental metal grill and other details used to break up large surfaces and add interest to the structure and architecture consistent in quality and integrity with the surrounding community.

- 3. The project is consistent with the City of Tracy General Plan and the I-205 Corridor Specific Plan in that the proposal is for a restaurant at a location designated Commercial by the General Plan and Freeway Commercial by the I-205 Corridor Specific Plan. The Commercial General Plan designation identifies restaurants as an allowed use and the Freeway Commercial Specific Plan designation identifies restaurants as a principally permitted use. Furthermore, as documented in the City’s Transportation Master Plan and other infrastructure master plans, the roadways, sewer, water, and storm drainage systems are designed to accommodate the traffic and demands on public utilities from the proposed restaurant.

- 4. The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, which pertains to certain infill 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. Therefore, no further environmental assessment is necessary.

* * * * *

The foregoing Resolution _____ was adopted by the Planning Commission on the 10th day of June 2015, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

**Conditions of Approval for El Pollo Loco
PUD Preliminary and Final Development Plan
2242 Naglee Road
Application Number D15-0002
June 10, 2015**

These Conditions of Approval shall apply to the Planned Unit Development (PUD) zone Preliminary and Final Development Plan to construct an approximately 3,000 square foot El Pollo Loco restaurant with parking area and landscaping improvements, located at 2242 Naglee Road, Assessor's Parcel Number 212-290-48, Application Number D15-0002 (hereinafter "Project"), proposed by VMI Architects, Inc. (hereinafter "Applicant").

A. Definitions.

The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
3. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, the Development Services Director, or the City Engineer, to perform the duties set forth herein.
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. "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 I-205 Corridor Specific 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).
6. "Conditions of Approval" means these conditions of approval applicable to the PUD zone Preliminary and Final Development Plan to construct an approximately 3,000 square foot El Pollo Loco restaurant with parking area and landscaping improvements, located at 2242 Naglee Road, Assessor's Parcel Number 212-290-48, Application Number D15-0002.
7. "Project" means the PUD zone Preliminary and Final Development Plan to construct an approximately 3,000 square foot El Pollo Loco restaurant with parking area and landscaping improvements, located at 2242 Naglee Road, Assessor's Parcel Number 212-290-48, Application Number D15-0002.
8. "Property" means the property shown on the PUD zone Preliminary and Final Development Plan to construct an approximately 3,000 square foot El Pollo Loco

restaurant with parking area and landscaping improvements, located at 2242 Naglee Road, Assessor's Parcel Number 212-290-48, Application Number D15-0002.

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 boundaries, 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 the 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. 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 that are within the purview of the Mitigation Fee Act [Government Code section 66000 et seq.] ("Exactions") and imposed on this Project by these Conditions of Approval) shall commence on the date of the conditional approval of this Project. If the Developer fails to file a protest of the Exactions 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 of the Exactions. The terms of this paragraph shall not affect any other deadlines or statutes of limitations set forth in the Mitigation Fee Act or other applicable law, or constitute a waiver of any affirmative defenses available to the City.
4. The project shall be developed in substantial compliance with the plans received by the Development Services Department on June 4, 2015.
5. Prior to the issuance of a building permit, the developer shall submit a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, the applicable Department of Water Resources Model Efficient Landscape Ordinance on private property, and all other applicable City regulations, to the satisfaction of the Development Services Director.
6. Prior to the issuance of a building permit, an Agreement for the Maintenance of Landscape and Irrigation Improvements, installed in compliance with the plans referenced in Condition of Approval Number B.5., above, shall be executed and financial security submitted to the Development Services Department. The Agreement shall ensure maintenance of the 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 landscape and irrigation improvements, or \$2.50 per square foot of landscape area.

7. Prior to issuance of a building permit, the construction documents shall comply with California Building Standards Commission (Cal Green Code Emergency Standards; Title 24, Part 11) regarding landscaping and irrigation water efficiency to the satisfaction of the Utilities Director.
8. Prior to issuance of a building permit or grading permit, the developer shall demonstrate compliance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and the Incidental Take Minimization Measures prepared by San Joaquin Council of Government (SJCOG), to the satisfaction of the Development Services Director.
9. Prior to issuance of a building permit, 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, to the satisfaction of the APCD.
10. All PG&E transformers, phone company boxes, Fire Department connections, back flow prevention devices, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
11. All roof-mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, dishes, or skylights shall be at or below the height of the parapet wall so that any equipment referenced above is not visible from Naglee Road, Grant Line Road, I-205, or any other public right-of-way, to the satisfaction of the Development Services Director.
12. All vents, gutters, downspouts, flashing, electrical conduit, etc. shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior, to the satisfaction of the Development Services Director.
13. Prior to occupancy, the back side of roof parapets shall be painted the same color as the front side of roof parapets, to the satisfaction of the Development Services Director.
14. Prior to the issuance of a building permit, the developer shall design the trash enclosure to include the following, to the satisfaction of the Development Services Director: a masonry enclosure with a minimum height of seven feet, exterior materials and colors to match the proposed building, solid metal screen doors painted to match the proposed building colors, and a concrete apron in front of the enclosure where the dumpsters and loading/transport equipment or vehicles will maneuver.
15. Prior to final inspection or certificate of occupancy, parking area lighting shall be designed and installed so that it is directed downward onto the parking surface and away from the public right-of-way.

16. Prior to the issuance of a building permit, the developer shall document compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual) to the satisfaction of the Utilities Director, which includes the requirement for Site Design Control Measures, Source Control Measures and Treatment Control Measures under the guidelines in a project Stormwater Quality Control Plan (SWQCP). Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, loading and unloading areas, trash enclosures, parking areas, any wash areas and maintenance areas. The SWQCP must conform to the content and format requirements indicated in Appendix D of the Manual and must be approved by the Utilities Director prior to issuance of grading or building permits.
17. No signs are approved as part of this development application. Approval of a separate sign permit application by the Development Services Department is necessary prior to the installation of any signs.
18. Prior to issuance of a building permit, the Developer shall provide plans to show that where landscape planters are parallel and adjacent to the side of a vehicular parking space, a 12-inch wide concrete curb shall be provided to allow for pedestrian access to vehicles without damage to landscape areas.
19. Outdoor vending machines such as newspaper racks or beverage dispensing machines are not permitted.
20. Prior to issuance of a building permit, if not previously recorded, the Developer shall cause to be recorded easement(s), agreement(s), or other instruments to ensure maintenance of improvements and access with the Tracy Roadhouse parcel for customers, employees, deliveries, utilities, etc., to the satisfaction of the Development Services Director.

C. Engineering Division Conditions of Approval

C.1. General Conditions

- C.1.1 Developer shall comply with the applicable sections of approved documents and/or recommendations of the technical analyses/ reports prepared for the Project listed as follows:
 - a) Disposition and Development Agreement (DDA) between Community Development Agency and Armadillo Realty, Inc., dated April 19, 2005 and Amendment to the DDA dated May 7, 2011.
 - b) Declaration of Restrictions recorded on August 3, 2011 as Document # 2011-092225 of the San Joaquin County Records.
 - c) Mutual Easement and Maintenance Agreement recorded on August 3, 2011 as Document # 2011-092226 of the San Joaquin County records.

C.1.2 Developer shall comply with the requirements and pay applicable fees per the Finance Plan for I-205 Specific Plan GL-27 Parcel, approved by City Council on April 19, 2005, per Resolution 2005-104, and as specified in Condition C.5.1 through C.5.3, below.

C.2. Grading Permit

The City will not accept grading permit application for the Project as complete until the Developer has provided all relevant documents related to said grading permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.2.1 Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer.

C.2.2 Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.

C.2.4 Two (2) sets of the Project's Geotechnical Report signed and stamped by a licensed Geo-technical Engineer licensed to practice in the State of California, as required in Condition C.4.1(a), below. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, and elevation of the highest observed groundwater level.

C.2.5 Documentation or letter from the San Joaquin Valley Air Pollution Control District (SJVAPCD) stating that this Project meets their requirements related to dust control.

C.3. Encroachment Permit - No applications for encroachment permit will be accepted by the City as complete until the Developer provides all relevant documents related to said encroachment permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.3.1. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar), if necessary that incorporate all the requirements described in these Conditions of Approval. 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.3.2. Check payment for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on May 19, 2015, per Resolution 2015-075.

C.3.3. Traffic Control Plan, if necessary, signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California, as required in Condition C.4.6, below.

C.4. Improvement Plans - Improvement Plans shall contain the design, construction details and specifications of public improvements that are necessary to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with City Regulations, these Conditions of Approval, and the following requirements:

C.4.1. Grading and Storm Drainage Plans

Site Grading

- a Include all proposed erosion control methods and construction details to be employed and specify materials to be used. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.
- b Grading for the site shall be designed such that the Project's storm water can overland release to a public street that has a functional storm drainage system with adequate capacity to drain storm water from the Project Site, in the event that the on-site storm drainage system fails or it is clogged. 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.4.2 Storm Drainage

- a) The Developer shall design and install storm drain lines and connection to existing storm drains per City Regulations.
- b) The project site will need to include storm water quality treatment provisions that conform to the City's Manual of Stormwater Quality Control ("SWQC") Standards for New Development and Redevelopment. Calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the Grading and Storm Drainage Plans, and approved by City's Water Resources Coordinator prior to issuance of the Grading Permit for the Project.
- c) Prior to the issuance of the building certificate of occupancy, the Developer shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Developer's responsibility towards the repair and maintenance of on-site storm water treatment facilities.

C.4.3 Sanitary Sewer Improvement Plans

On-site Sewer

- a) The Developer is responsible for repairing and maintaining the on-site sewer system up to the sewer manhole at the terminus of the on-site sewer force main, including any odor control equipment at the manhole (if required). The City will be responsible for repairing and maintaining the gravity sewer outfall.

C.4.4 Water Distribution System

- a) During the construction of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as approved by the City of Tracy Fire Code Official.
- b) Domestic and Irrigation Water Services – The Developer shall design and install domestic and irrigation water service connection, including a remote-read master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City Regulations. The domestic and irrigation water service connection(s) must be completed before the final inspection of the building. The City shall maintain water lines from the water meter to the point of connection with the water distribution main (inclusive) only. Repair and maintenance of all on-site water lines, laterals, sub-meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer.
- c) Fire Service Line – Location and construction details of fire service line including fire hydrant(s) that are to serve the Project shall be approved by the City's Fire Safety Officer and Chief Building Official. Prior to the approval of the Improvement Plans, the Developer shall obtain written approval from the City's Fire Safety Officer and Chief Building Official, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed or planned to serve the Project.

- C.4.5 Project Driveways and Access to Existing Businesses: The Developer shall take all steps necessary to plan and construct site improvements such that construction operations do not impact safety and access (including emergency vehicles) to the existing businesses such as Texas Roadhouse throughout the duration of construction. Developer shall coordinate with the owners and cooperate to minimize impacts on existing businesses and the Park and Ride Lot. All costs of measures needed to provide safe and functional access shall be borne by the Developer.

- C.4.6 Traffic Control Plan – In the event that it is necessary to perform within City’s right-of-way, the Developer shall submit a Traffic Control Plan for each phase of work, if needed, to show the method and type of construction signs to be used for regulating traffic at the work areas within the streets. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California, and should be submitted as part of the encroachment permit application.
- C.4.7 Joint Utility Trench Plans 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 Developer shall submit Joint Utility Trench Plans for the installation of electric, gas, telephone and TV cable main and service lines that are necessary to be installed to serve the Project. The Developer shall coordinate, as feasible, with the respective owner(s) of the utilities for the design of these underground utilities to ensure they can be installed within the 10-foot wide PUE to the extent feasible (and except in the event, that additional space beyond the 10-foot PUE is required, as determined by the utilities owner(s)).
- C.4.8 Utility Easements: Existing Public Utility Easement over all of Parcel B per Parcel Map 23-PM-125 shall be vacated, and water, storm drainage and sanitary sewer easements for existing and proposed facilities as appropriate shall be dedicated to the City. The Developer shall accomplish vacation of the existing PUE and recordation of required utility easements prior to issuance of final occupancy. All costs of preparation of legal descriptions, grant of Easement documents, review and processing fees, and recordation fees shall be paid for by the Developer.
- C.4.9 Street Cut(s) - When street cuts are made for installation of utilities, the Developer is required to install 2 inches thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides and for the entire length of the utility trench. A 2 inches deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. If the utility trench extends beyond the median island, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street.
- C.5. Building Permit - No building permit 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.5.1 Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC, and these Conditions of Approval.
- C.5.2 Payment of the Regional Transportation Impact Fees (RTIF) as required in Chapter 13.32 of the TMC, and these Conditions of Approval.

C.5.3 The Project is within the boundaries of the I-205 Specific Plan Parcel GL-27 area. Payment of applicable development impact fees (a.k.a. capital in-lieu fees) as specified in the Project's Finance Plan and all fees as required in the 1-205 Infrastructure Cost Allocation Spreadsheet (recent version) and these Conditions of Approval.

The Developer shall also pay to the City the Project's fair share of the cost of the Non-program Streets and Non-program Traffic Signals within the I-205 Specific Plan Area per the I-205 North Roadway Funding Study approved by the City, and as shown on the Project's Finance Plan.

C.6 Temporary or Final Building Certificate of Occupancy - No temporary or final building certificate of occupancy will be issued by the City until after the Developer provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

C.6.1 The Developer has satisfied all the requirements set forth in Condition C.1 through C.5, above.

C.6.2 The Developer has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking 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).