

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 24, 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 APPLICATIONS FOR A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW FOR A PRIVATE ELEMENTARY SCHOOL BUILDING, OUTDOOR PLAY AREA, NATURE GARDEN, AND PARKING AREA IMPROVEMENTS AT THE SOUTHEAST CORNER OF MURRIETA WAY AND HOLMES COURT (120 MURRIETA WAY) - APPLICANT IS PAMELA RIGG AND PROPERTY OWNER IS TR 120, LLC - APPLICATION NUMBERS CUP15-0002 & D15-0006
3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT
5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

Posted: **June 18, 2015**

Planning Commission Agenda

June 24, 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 APPLICATIONS FOR A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW FOR A PRIVATE ELEMENTARY SCHOOL BUILDING, OUTDOOR PLAY AREA, NATURE GARDEN, AND PARKING AREA IMPROVEMENTS AT THE SOUTHEAST CORNER OF MURRIETA WAY AND HOLMES COURT (120 MURRIETA WAY) - APPLICANT IS PAMELA RIGG AND PROPERTY OWNER IS TR 120, LLC - APPLICATION NUMBERS CUP15-0002 & D15-0006

DISCUSSION

Background and Project Description

On October 22, 2014, the Planning Commission granted a CUP (Resolution 2014-023 and Application Number CUP14-0007) and approved a Development Review (Resolution 2014-024 and Application Number D14-0013) for a two-story, 35,000 square foot private elementary school, outdoor play area, nature garden, and parking area improvements at the southeast corner of Murrieta Way and Holmes Court (future address 120 Murrieta Way). According to the applicant, the two-story building is too expensive to construct and has submitted new applications for CUP and Development Review approvals for a single-story building approximately 30,500 square feet in area.

Project Description and Approval Authority

The proposal is to construct and establish a private elementary school to be operated by the Montessori Elementary School of Tracy. The site is designated General Industrial within the Industrial Areas Specific Plan (ISP). Schools are conditionally permitted in the ISP General Industrial Area, and a CUP is required before a school may be established. In accordance with Tracy Municipal Code (TMC) Section 10.08.4250 et seq., the Planning Commission is empowered to grant or to deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of use permits.

The project proposal also requires Development Review approval of the approximately 30,500 square foot single-story building, outdoor play area, nature garden, and parking area improvements (Attachment A). Because the Conditional Use Permit is subject to Planning Commission review, the Development Review permit for the proposed site improvements is also presented to the Planning Commission for review, approval, and efficiency in processing.

Proposed Land Use

The elementary school consists of eight classrooms, administrative offices, a multi-purpose room, a kitchen, and storage areas. An outdoor play area is proposed behind the building, and a nature garden for educational purposes is proposed on the southern perimeter of the site. According to the applicant, the academic year is the last week of August through the first week in June, and summer school is the second week of June through the third week of August. School hours are 8:00 a.m. to 3:00 p.m., and recess

takes place daily from noon to 1:00 p.m. and from 3:00 p.m. to 4:00 p.m. Students may arrive as early as 6:30 a.m. for before-school care or stay as late as 6:30 p.m. for after-school care. According to the applicant, about half of the students take advantage of the before-school or the after-school care. Evening events for parents are held monthly from 6:00 p.m. to 7:30 p.m., and larger events, such as concerts and graduation ceremonies, are held at an off-site location.

In 2014, the applicant reached out to adjacent residents to the south prior to the publication of the public hearing. No comments or concerns were received from neighboring properties, and no objections were raised at the October 22, 2014, public hearing.

Proposed Site Design and Architecture

The school building is proposed near the street with a parking area along the front of the building for student drop-off and pick-up and staff parking. An outdoor play area is proposed behind the building, and it is set back over thirty feet from the residential neighborhood and screened by an existing six-foot tall berm and twelve-foot tall masonry wall. The school campus and outdoor play area will be enclosed with fencing for the safety of the students.

The proposed building employs a balance of architectural enhancements and a variety of materials on all four sides of the building consistent with the City's Design Goals and Standards (Attachment A). The building uses a mix of metal and cement plaster siding, glazing, and aluminum accents to create a modern design, and an equipment well will hide roof-mounted and through-roof equipment required to serve the building.

Proposed Parking, Circulation, and Landscaping

The project, as designed, meets the TMC off-street parking and landscaping requirements and is designed with good vehicular and pedestrian circulation. A one-way drive aisle lined with parking will be served by ingress from Holmes Court and egress drive onto Murrieta Way. Landscaping is comprised of trees, shrubs, and grasses will be planted throughout the parking area and along the street frontage of the site.

Environmental Document

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

RECOMMENDATION

Staff recommends that the Planning Commission do the following, based on the findings and subject to the conditions as stated in the Planning Commission Resolutions dated June 24, 2015 (Attachments B and C):

- 1) Rescind Resolution Numbers 2014-023 and 2014-024 approved on October 22, 2014.
- 2) Approve the Conditional Use Permit application number CUP15-0002 for a 30,500 square foot private elementary school with associated outdoor play areas.
- 3) Approve the Development Review application for an approximately 30,500 square-foot one-story building, outdoor play area, and parking, landscape, and hardscape improvements at the southeast corner of Murrieta Way and Holmes Court.

MOTION

Move that the Planning Commission do the following, based on the findings and subject to the conditions as stated in the Planning Commission Resolutions dated June 24, 2015 (Attachments B and C):

- 1) Rescind Resolution Numbers 2014-023 and 2014-024 approved on October 22, 2014.
- 2) Approve the Conditional Use Permit application number CUP15-0002 for a 30,500 square foot private elementary school with associated outdoor play areas.
- 3) Approve the Development Review application for an approximately 30,500 square-foot one-story building, outdoor play area, and parking, landscape, and hardscape improvements at the southeast corner of Murrieta Way and Holmes Court.

Prepared by Kimberly Matlock, Assistant Planner

Reviewed by Alan Bell, Interim Assistant Development Services Department Director

Approved by Bill Dean, Interim Development Services Department Director

ATTACHMENTS

Attachment A — Location Map, Site Plan, Floor Plan, Elevations and Section, Landscape Plan, Topographic Survey, Civil Plan, Cross Sections, and Stormwater Plan received on June 15, 2015 (oversized plans distributed to the Planning Commission)

Attachment B— Planning Commission Resolution for the Conditional Use Permit

Attachment C— Planning Commission Resolution for the Development Review



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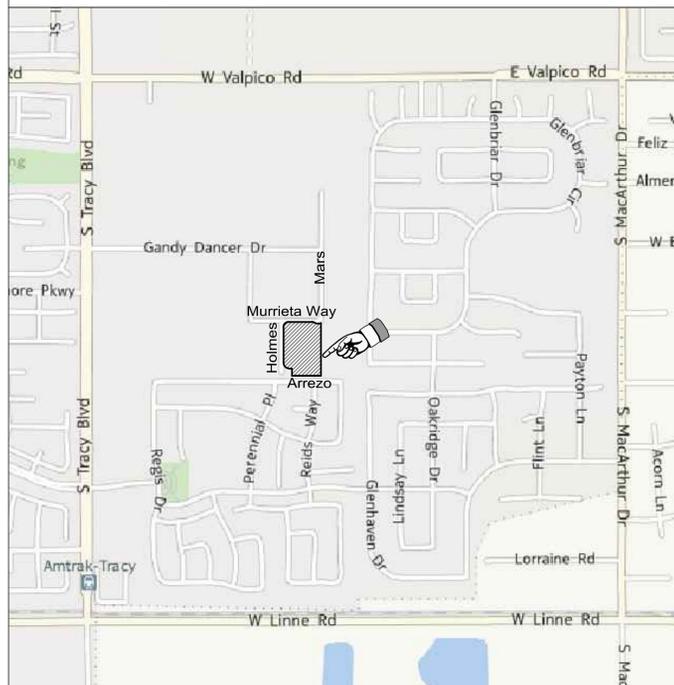
Revisions:

No.	Date	Description

Project Title:

**MONTESSORI
ELEMENTARY SCHOOL**

LOCATION MAP



PROJECT TEAM

OWNER: PAMELA RIGG
 TR 120 LLC
 24542 PALOMARES ROAD
 CASTRO VALLEY, CA 94552
 TEL: 510/278-1115
 EMAIL: pamelarigg@montessorica.com

ARCHITECT: RICHARD LARSON
 RICHARD L. LARSON, ARCHITECT
 1933 DAVIS STREET SUITE 244
 SAN LEANDRO, CALIFORNIA 94577
 TEL: 510/635-9005
 EMAIL: rcharldlarson@gmail.com

LANDSCAPE: JASON L. TRAINA APLD
 TRAINA THOUGHTS LANDSCAPES
 841 GLENCREEK DRIVE
 TRACY, CA 95377
 TEL: 209/829-9868
 EMAIL: trainathoughts@gmail.com

CIVIL ENGINEER: DAN CULLEN
 CSA
 P.O. BOX 591
 BENICIA, CA 94510
 TEL: 707/745-3219
 EMAIL: dcullen@csa-engineers.com

PROJECT DATA

ADDRESS: 120 Murrieta Way
APN: 248-47-13 # 14
ZONE: INDUSTRIAL SPECIFIC PLAN (ISP)
OCCUPANCY: GROUP E, ELEMENTARY SCHOOL
BUILDING AREA: 30,485 S.F.
SITE AREA: 173,912 S.F.
BUILDING FOOTPRINT: 30,485 S.F. (17.5%)
PARKING/PEDESTRIAN AREA: 28,964 S.F. (16.7%)
LANDSCAPED AREAS: 32,297 S.F. (18.6%)
GRASS SPORTS/PLAYFIELD: 57,570 S.F. (33.1%)
HARDSCAPE STUDENT AREAS: 24,596 S.F. (14.1%)

DRAWING INDEX

- A.1 COVER SHEET
- A.2 SITE DEVELOPMENT
- A.3 FLOOR PLAN
- A.4 EXTERIOR ELEVATIONS
BUILDING SECTION
- L-1 LANDSCAPE PLAN
- T-1 TOPOGRAPHIC SURVEY
- P-1 GRADING/DRAINAGE/UTILITY PLAN
- P-2 LEGEND AND CROSS SECTIONS
- P-3 STORM WATER SUMMARY # TREATMENT

120 MURRIETA WAY
 TRACY, CALIFORNIA

Sheet Title:

COVER SHEET

Date: **04.10.2015**

Drawer: **J. RUBIO**

Scale: **1/8" = 1'-0"**

Job:

Sheet **A.1**

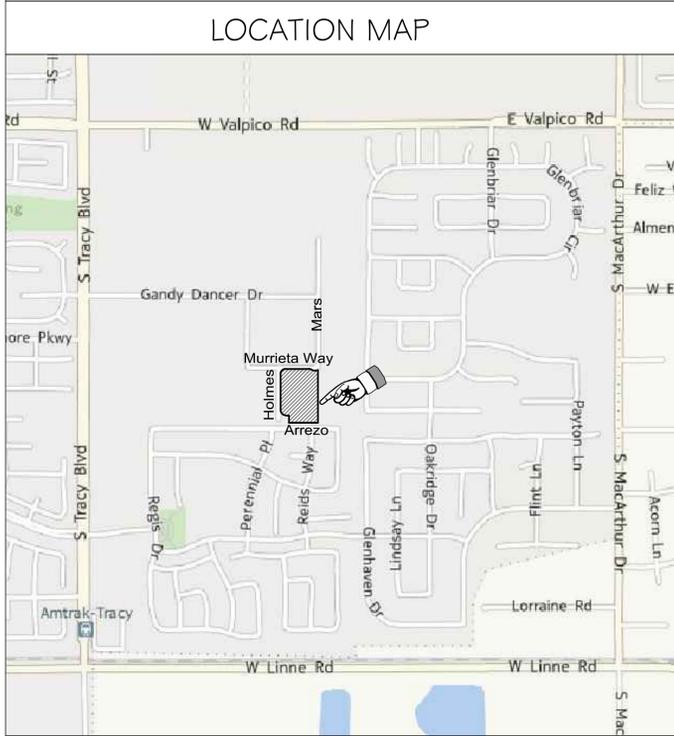


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Revisions:

No.	Date	Description

Project Title:
**MONTESSORI
 ELEMENTARY SCHOOL**



PROJECT TEAM	
OWNER:	PAMELA RIGG TR 120 LLC 24542 PALOMARES ROAD CASTRO VALLEY, CA 94552 TEL: 510/278-1115 EMAIL: pamelarigg@montessorica.com
ARCHITECT:	RICHARD LARSON RICHARD L. LARSON, ARCHITECT 1933 DAVIS STREET SUITE 244 SAN LEANDRO, CALIFORNIA 94577 TEL: 510/635-9005 EMAIL: rcharldlarson@gmail.com
LANDSCAPE:	JASON L. TRAINA APLD TRAINA THOUGHTS LANDSCAPES 841 GLENCREEK DRIVE TRACY, CA 95377 TEL: 209/829-9868 EMAIL: trainathoughts@gmail.com
CIVIL ENGINEER:	DAN CULLEN CSA P.O. BOX 591 BENICIA, CA 94510 TEL: 707/745-3219 EMAIL: dcullen@csa-engineers.com

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A.2	SITE DEVELOPMENT
A.3	FLOOR PLAN
A.4	EXTERIOR ELEVATIONS BUILDING SECTION
L-1	LANDSCAPE PLAN
T-1	TOPOGRAPHIC SURVEY
P-1	GRADING/DRAINAGE/UTILITY PLAN
P-2	LEGEND AND CROSS SECTIONS
P-3	STORM WATER SUMMARY # TREATMENT

120 MURRIETA WAY
 TRACY, CALIFORNIA

Sheet Title:
COVER SHEET

Date: **04.10.2015**
 Drafter: **J. RUBIO**
 Scale: **1/8" = 1'-0"**
 Job:
 Sheet: **A.1**



SITE DEVELOPMENT PLAN NOTES

- ① EXISTING GUTTER, CURB AND SIDEWALK
- ② EXISTING FIRE HYDRANT
- ③ EXISTING STREET LUMINAIR
- ④ EXISTING 12' HIGH MASONRY SITE WALL
- ⑤ EXISTING APPROXIMATELY 6' HIGH SLOPED EARTH BACKFILL AGAINST SITE WALL
- ⑥ EXISTING TRANSFORMER AND CONCRETE PAD
- ⑦ EXISTING ELECTRICAL EQUIPMENT RECESSED VAULT
- ⑧ NEW DRIVE OPENING PER CITY STANDARDS
- ⑨ NEW PAVED DRIVE AISLE AND PARKING WHERE OCCURS
- ⑩ CAR QUEUEING
- ⑪ STUDENT DROP-OFF/PICK-UP
- ⑫ 6' HIGH ORNAMENTAL METAL FENCE
- ⑬ NEW SITE ACCESS GATES
- ⑭ FIRE APPARATUS HAMMERHEAD AS APPROVED BY THE FIRE DEPARTMENT
- ⑮ HARDSCAPE
- ⑯ GRASS SPORTS/PLAY FIELD
- ⑰ NATURE GARDENS
- ⑱ COVERED TRASH ENCLOSURE
- ⑲ MONUMENT IDENTIFICATION /DIRECTIONAL SIGN UNDER SEPARATE PERMIT
- ⑳ BICYCLE RACK
- ㉑ 6' HIGH BLACK VINYL COATED CHAIN LINK FENCE
- ㉒ STORM WATER BIO-TREATMENT AREAS SEE CIVIL DRAWINGS

LEGEND

- LANDSCAPE AREA SEE LANDSCAPE PLAN
- GRASS SPORTS/PLAY FIELD

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Revisions:

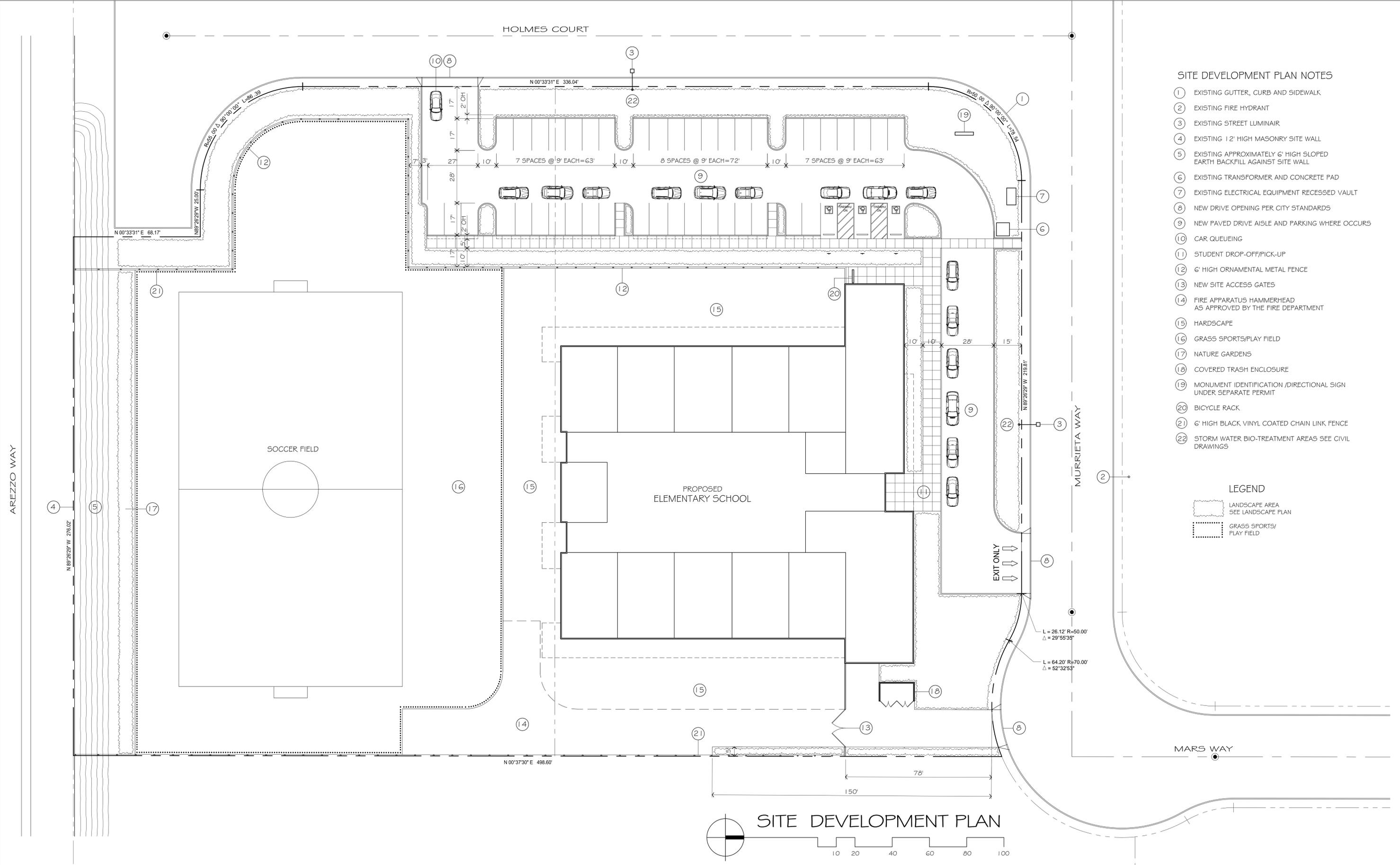
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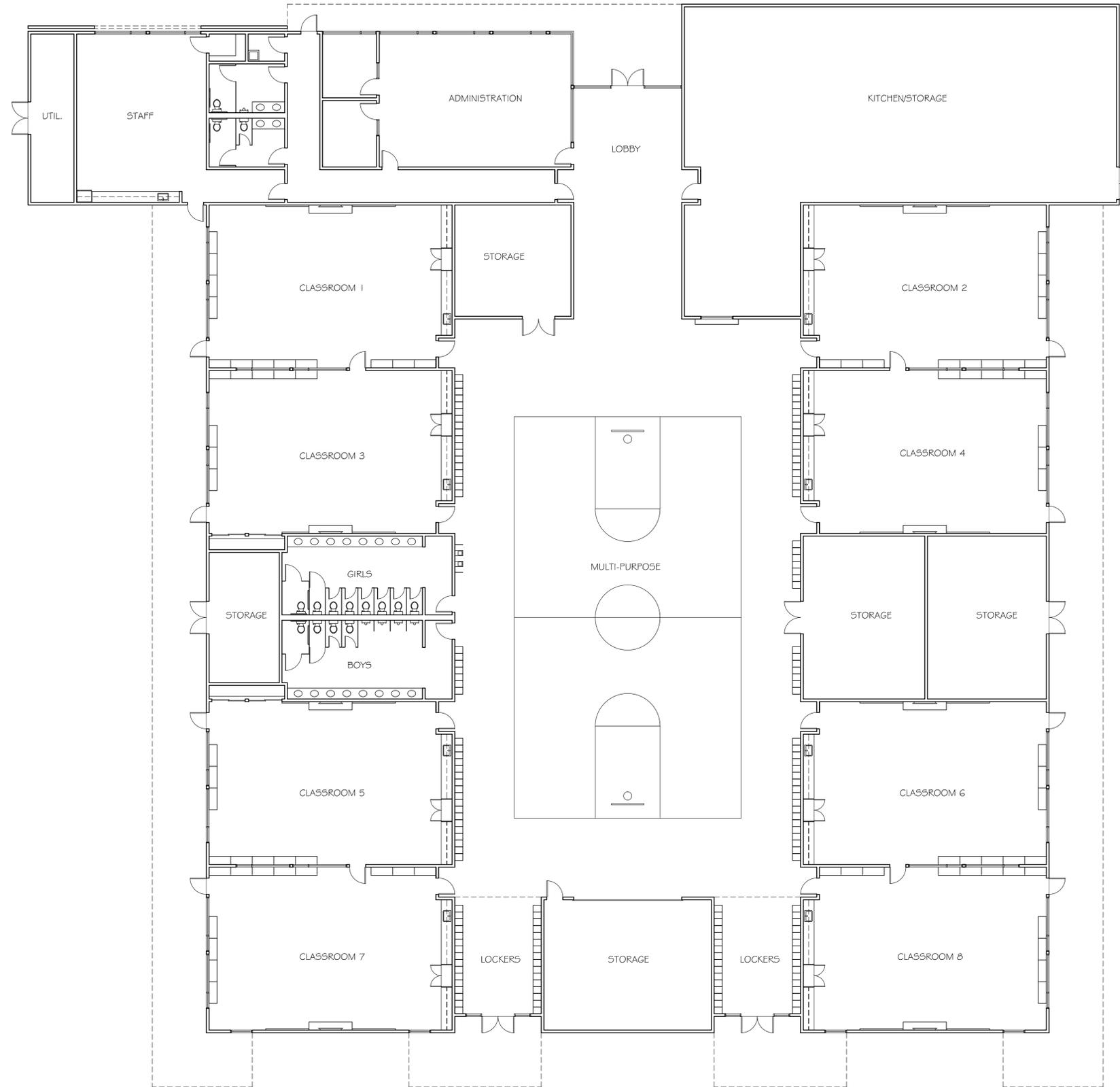
MONTESSORI ELEMENTARY SCHOOL

120 MURRIETA WAY
 TRACY, CALIFORNIA

SITE DEVELOPMENT PLAN

Date: **04.10.2015**
 Drafter: **J. RUBIO**
 Scale: **1" = 20'-0"**
 Job:
 Sheet: **A.2**





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Revisions:

No.	Date	Description

Project Title:

**MONTESSORI
ELEMENTARY SCHOOL**

120 MURRIETA WAY
TRACY, CALIFORNIA

Sheet Title:

FLOOR PLAN

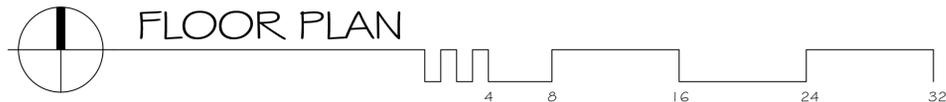
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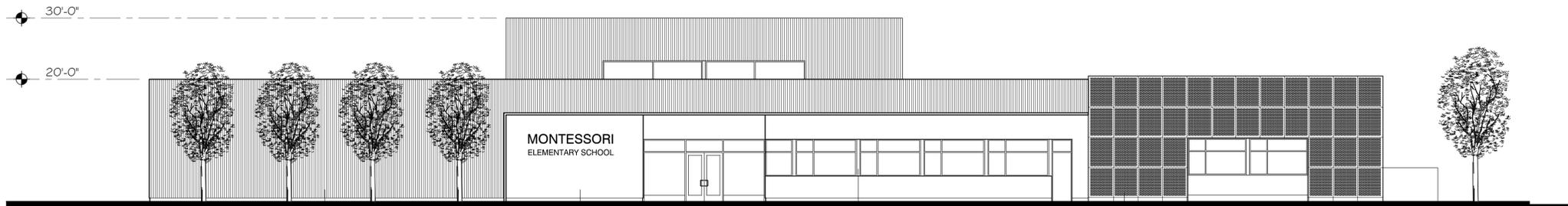
Drafter: **J. RUBIO**

Scale: **3/32" = 1'-0"**

Job:

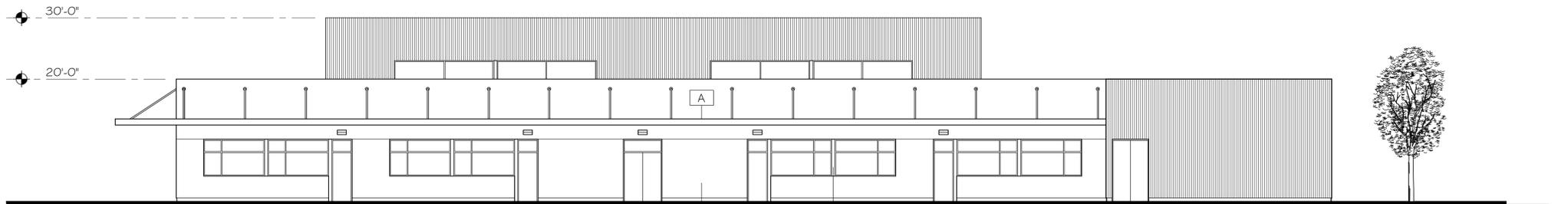
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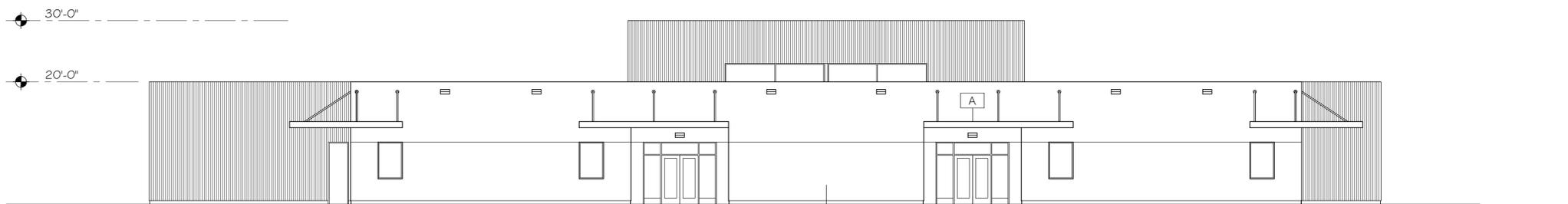
NORTH ELEVATION

SCALE: 3/32" = 1'-0"



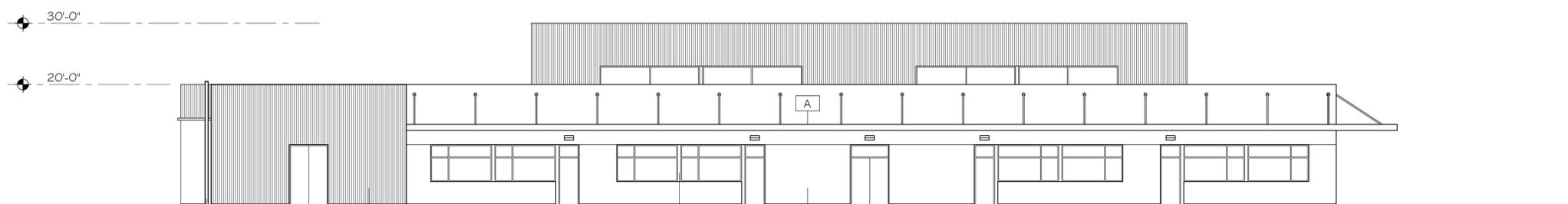
EAST ELEVATION

SCALE: 3/32" = 1'-0"



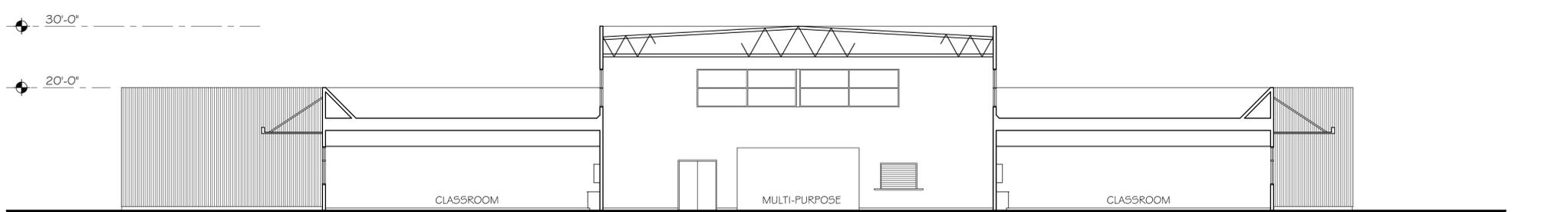
SOUTH ELEVATION

SCALE: 3/32" = 1'-0"



WEST ELEVATION

SCALE: 3/32" = 1'-0"



SECTION

SCALE: 3/32" = 1'-0"

EXTERIOR FINISH SCHEDULE

- W1** "MS METAL SALES" T1 O-A RIBBED METAL SIDING, METALLIC SILVER
- W2** CEMENT PLASTER, FLOAT FINISH, PAINTED BLUE
- S** PERFORATED ALUMINUM PANELS SCRIM
- SF1** PAINTED BLUE ALUMINUM STOREFRONT
- W3** CEMENT PLASTER, FLOAT FINISH, PAINTED ASH GREY
- SF2** CLEAR ANODIZED ALUMINUM STOREFRONT WITH LOW-E GLASS GLAZING
- A** CLEAR ANODIZED AWNINGS

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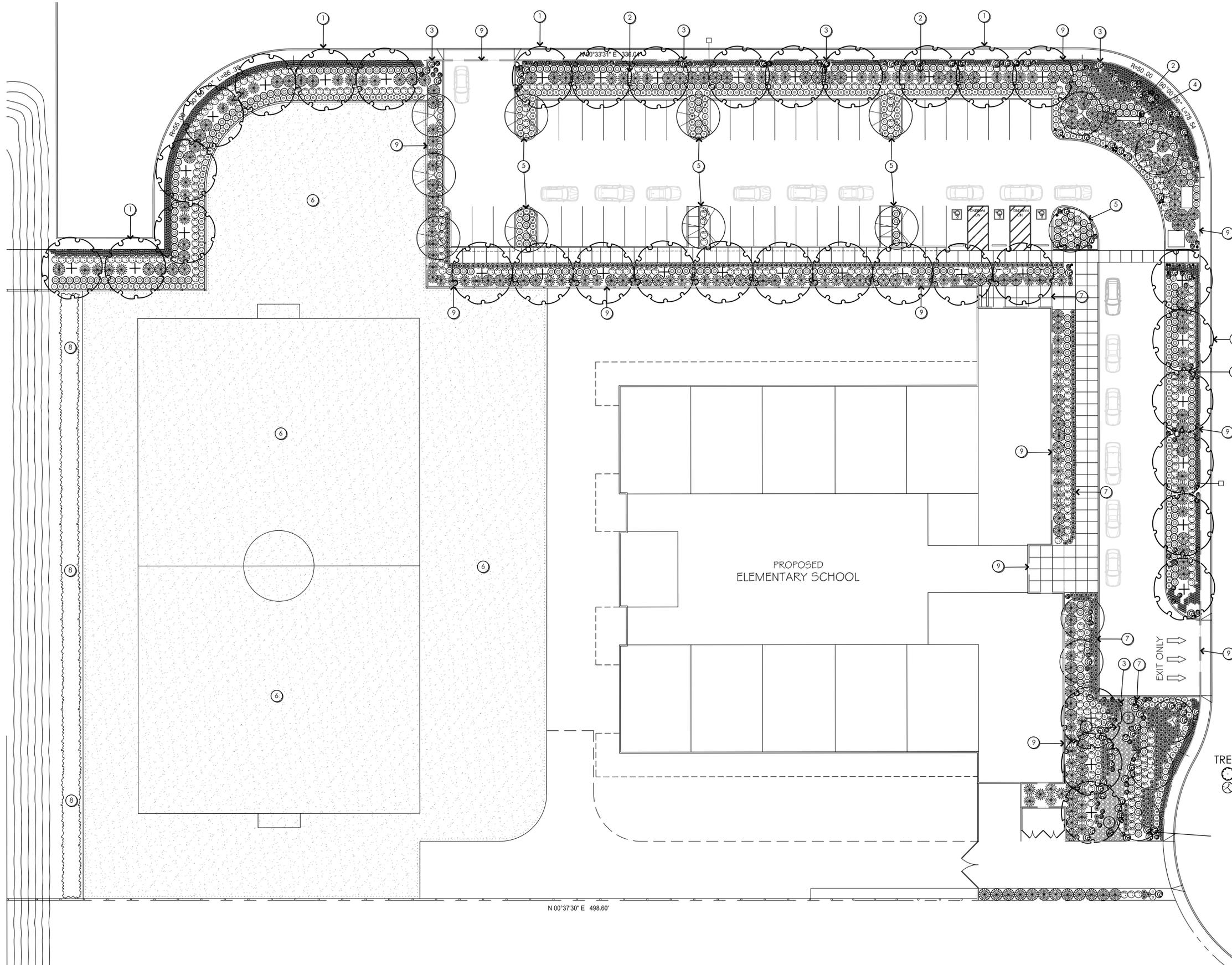
Revisions:		
No.	Date	Description

Project Title:
MONTESSORI ELEMENTARY SCHOOL

120 MURRIETA WAY
 TRACY, CALIFORNIA

Sheet Title:
EXTERIOR ELEVATIONS AND SECTION

Date: **04.10.2015**
 Drafter: **J. RUBIO**
 Scale: **AS NOTED**
 Job:
 Sheet: **A.4**



PLANTING LEGEND

SYMBOL	COMMON NAME	BOTANICAL NAME	SIZE
TREES			
	CAMPHOR TREE	<i>Cinnamomum camphora</i>	24" BOX
	EVERGREEN ASH TREE	<i>Fraxinus viridis</i>	24" BOX
SHRUBS			
	DAY LILY	<i>Homocallis 'Red Sun'</i>	1 GALLON
	FLAX	<i>Phloxum 'Sea Jewel'</i>	5 GALLON
	FLAX	<i>Phloxum 'Yuletide Wreath'</i>	5 GALLON
	YEDDA HAWTHORN	<i>Rhaphiolepis umbellata minor</i>	5 GALLON
GRASSES			
	BLUE FESCUE GRASS	<i>Festuca glauca</i>	1 GALLON
	BLUE OAT GRASS	<i>Panicum polyanthemum</i>	1 GALLON
	BREED GRASS	<i>Calamagrostis acutiflora 'Gold Feather'</i>	5 GALLON
	MEDALLION PLUS SOD	100% Fescue Plus 20% Bluegrass	BY THE PALLETTE

DESIGN NOTES

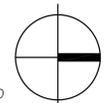
- ① STREET /SHADE TREES - EVERGREEN/ SEMI EVERGREEN
 - ② VEGETATION SWALE
 - ③ BOULDERS+ COBBLE
 - ④ MONUMENT PLANTING
 - ⑤ PARKING LOT SHADE TREES
 - ⑥ GRASS SPORTS/PLAY FIELD
 - ⑦ SCHOOL ENTRY PLANTING
 - ⑧ STUDENT NATURE GARDEN
 - ⑨ PAVED AREA CALCULATION LINE. SEE TABLE BELOW
- FOR SITE NOTES SEE ARCHITECT'S DRAWINGS

PARKING LOT SHADE CALCULATION TABLE

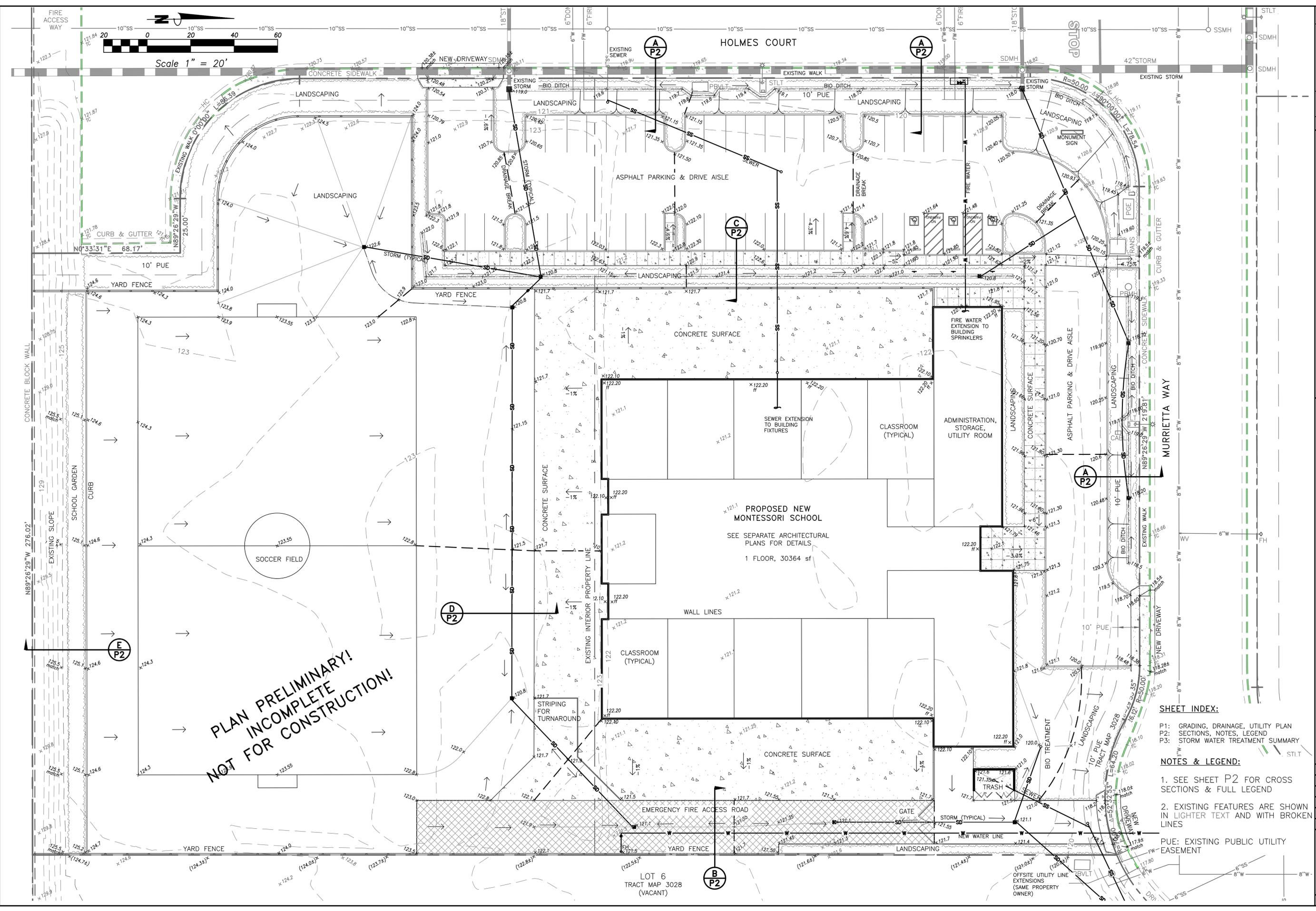
TREES	BOTANICAL NAME Common Name	FULL MATURITY HEIGHT / WIDTH	FULL S.F.	PARTIAL S.F.	PARTIAL S.F.	TOTAL S.F.
	CAMPHOR TREE <i>Cinnamomum camphora</i>	50-60' / 50-60'	1 @ 531	15 @ 443	3 @ 518	12,357 S.F.
	EVERGREEN ASH TREE <i>Fraxinus viridis</i>	60-70' / 50-60'	12 @ 490	2 @ 253	2 @ 184	6,974 S.F.
			TOTAL TREE SWALE			19,331 S.F.
			TOTAL PAVED AREA			45,463 S.F.
			PERCENT SHADE			42.52 %

NOTE: TREES ARE DRAWN AT 20' CANOPY. APPROXIMATELY 10-15 YEARS MATURE

LANDSCAPE PLAN



THESE PLANS AND SPECIFICATIONS ARE PRELIMINARY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL INFORMATION AND CONDITIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.



**PLAN PRELIMINARY!
INCOMPLETE
NOT FOR CONSTRUCTION!**

PROPOSED NEW MONTESSORI SCHOOL
SEE SEPARATE ARCHITECTURAL PLANS FOR DETAILS
1 FLOOR, 30364 sf

- SHEET INDEX:**
- P1: GRADING, DRAINAGE, UTILITY PLAN
 - P2: SECTIONS, NOTES, LEGEND
 - P3: STORM WATER TREATMENT SUMMARY

- NOTES & LEGEND:**
1. SEE SHEET P2 FOR CROSS SECTIONS & FULL LEGEND
 2. EXISTING FEATURES ARE SHOWN IN LIGHTER TEXT AND WITH BROKEN LINES
- PUE: EXISTING PUBLIC UTILITY EASEMENT

REV	DATE	DESCRIPTION	BY

Cullen-Sherry & Associates, Inc.
Civil Engineering - Surveying
1080 Adams Street, Suite A - P.O. Box 591, Benicia, California 94610
(707) 745-8219 Fax (707) 745-9436 csa-engineers.com
Dan Cullen REC 26162 Rod Sherry REC 61537

MONTESSORI SCHOOL PROJECT
PRELIMINARY GRADING, DRAINAGE, & UTILITY PLAN
120 MURRIETTA WAY
TRACY, CALIFORNIA
PREPARED FOR: PAMELA RIGGS

SCALE: 1"=20'
DATE: 4-2015
DESIGN BY: DC
DRAWN BY: DC
CHECKED BY: DC
FIELD BOOK:
SHEET NUMBER:
P1
OF 3 SHEETS
PROJECT # 14130

RESOLUTION 2015-____

APPROVING A CONDITIONAL USE PERMIT FOR A PRIVATE ELEMENTARY SCHOOL AT THE SOUTHEAST CORNER OF MURRIETA WAY AND HOLMES COURT (120 MURRIETA WAY) - APPLICANT IS PAMELA RIGG AND PROPERTY OWNER IS TR 120, LLC - APPLICATION NUMBER CUP15-0002

WHEREAS, On October 22, 2014, the Planning Commission approved Conditional Use Permit (CUP14-0007) and Development Review (D14-0003) applications for a two-story 35,000 square foot private elementary school and associated outdoor parking and play areas, and

WHEREAS, On April 22, 2015, Pamela Rigg, on behalf of TR 120, LLC, submitted new applications for a Conditional Use Permit and Development Review for a 30,500 square foot single-story private elementary school and associated outdoor parking and play areas to replace the previously approved Conditional Use Permit and Development Review at southeast corner of Murrieta Way and Holmes Court, and

WHEREAS, The site is designated Industrial under the General Plan and General Industrial under the Industrial Areas Specific Plan, and a Conditional Use Permit is necessary for land use approval of the establishment of schools in the General Industrial area, and

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

WHEREAS, The Planning Commission held a public meeting to review and consider the application for Conditional Use Permit and Development Review applications on June 15, 2015;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission hereby does the following, subject to the conditions as stated in Exhibit "1" attached and made part hereof, based on the following findings:

- 1) Rescind Resolution Number 2014-023 which granted a Conditional Use Permit for a two-story 35,000 square foot private elementary school (Application Number CUP14-0007)
 - 2) Approve Conditional Use Permit Application Number CUP15-0002 to establish a one-story 30,500 square foot private elementary school, outdoor play area, nature garden, and parking area improvements at the southeast corner of Murrieta Way and Holmes Court (future address 120 Murrieta Way).
1. There are circumstances applicable to the use which makes the granting of a use permit necessary for the preservation and enjoyment of substantial property right. The Montessori School of Tracy desires to open and operate a private elementary school and has outgrown their preschool site located on Tracy Boulevard. Operation of an elementary school at the subject site requires approval of a Conditional Use Permit to establish the school use.
 2. The proposed location of the conditional use is in accordance with the objectives of the Tracy Municipal Code and the zone in which the site is located, because the project, as conditioned, will conform to the requirements and intent of the City of Tracy General Plan, the Industrial Areas Specific Plan, and the Tracy Municipal Code. The project will also meet all applicable State laws, City regulations, and City standards.

- 3. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare with properties in the vicinity or to the general welfare of the City. The elementary school would operate harmoniously within the light industrial business area, because the project site is located further away from the busier roadways and industrial business areas and because the project provides good vehicular and pedestrian circulation and off-street parking spaces in exceeds of minimum requirements to minimize potential traffic impacts to nearby businesses. The project site is buffered from the adjacent residential neighborhood by an existing six-foot tall berm and twelve-foot tall masonry wall. In total, the outdoor play area is set back over thirty feet from the residential neighborhood. Furthermore, the school campus is primarily enclosed by six-foot high fencing to keep children onsite and out of the industrial areas, undeveloped areas, and public streets.

* * * * *

The foregoing Resolution 2014-____ of the Planning Commission was adopted by the Planning Commission on the 24th day of June, 2015, by the following vote:

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

CHAIR

ATTEST:

STAFF LIASON

City of Tracy
Conditions of Approval
Montessori Elementary School
Southeast corner of Murrieta Way and Holmes Ct (120 Murrieta Way)
Application Number CUP15-0002
June 24, 2015

A. General Provisions and Definitions.

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

The Project: A private elementary school, Application Number CUP15-0002

The Property: The southeast corner of Murrieta Way and Holmes Ct (120 Murrieta Way), Assessor's Parcel Numbers 248-470-13 & 14

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code ordinances, resolutions, policies, procedures and the City's Design Documents (including the Standard Plans, Standard Specifications, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the elementary school located at the southeast corner of Murrieta Way and Holmes Ct (120 Murrieta Way), Application Number CUP15-0002. The Conditions of Approval shall specifically include all conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the site plan, floor plan, landscape plan, elevations, and colors received by the Development Services Department on June 15, 2015.

- A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
- A.5. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
 - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
 - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
- A.6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Industrial Areas Specific Plan (ISP), Standard Plans, and Design Goals and Standards.
- A.7. Outdoor play, activities and events.
- A.7.1 Outdoor play, activities and events may take place between the hours of 7:00 a.m. and 10:00 p.m. only, in accordance with the TMC Noise Control ordinance.
- A.7.2 All outdoor play, activities and events shall take place on site in designated outdoor activity areas. No outdoor activities or events shall take place in the public rights-of-way without first obtaining a Special Event Permit or in the parking area without first obtaining a Temporary Use Permit.
- A.8. Parking. No parking is permitted on any unpaved surface. Any area used or intended to be used for vehicular parking shall be paved with a surfacing material in compliance with City of Tracy Standard Plan 154.
- A.9. Project Expiration. The Conditional Use Permit approval shall expire two years from the project approval date, unless an extension is granted by the Planning Commission in accordance with TMC Section 10.08.4350 and 4360.

RESOLUTION 2015-____

APPROVING A DEVELOPMENT REVIEW FOR A PRIVATE ELEMENTARY SCHOOL AT THE SOUTHEAST CORNER OF MURRIETA WAY AND HOLMES COURT (120 MURRIETA WAY) - APPLICANT IS PAMELA RIGG AND PROPERTY OWNER IS TR 120, LLC - APPLICATION NUMBER D15-0006

WHEREAS, On October 22, 2014, the Planning Commission approved Conditional Use Permit (CUP14-0007) and Development Review (D14-0013) applications for a two-story 35,000 square foot private elementary school and associated outdoor parking and play areas, and

WHEREAS, On April 22, 2015, Pamela Rigg, on behalf of TR 120, LLC, submitted new applications for a Conditional Use Permit and Development Review for a 30,500 square foot single-story private elementary school and associated outdoor parking and play areas to replace the previously approved Conditional Use Permit and Development Review at southeast corner of Murrieta Way and Holmes Court, and

WHEREAS, The site is designated Industrial under the General Plan and General Industrial under the Industrial Areas Specific Plan, and

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

WHEREAS, The Planning Commission held a public meeting to review and consider the application for Conditional Use Permit and Development Review applications on June 15, 2015;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission hereby does the following, subject to the conditions as stated in Exhibit "1" attached and made part hereof, based on the following findings:

- 1) Rescind Resolution Number 2014-024 which granted Development Review approval for a two-story 35,000 square foot private elementary school (Application Number D14-0013)
 - 2) Approve Development Review Application Number D15-0006 to establish a one-story 30,500 square foot private elementary school, outdoor play area, nature garden, and parking area improvements at the southeast corner of Murrieta Way and Holmes Court (future address 120 Murrieta Way).
1. The desirability, benefits of occupancy, most appropriate development, and maintenance or improvements of surrounding properties will not be adversely affected by the project. The project would be compatible with industrial business area in the vicinity because the project has been designed to minimize potential adverse impacts to the business area. The building was designed with sensitivity to potential views from neighboring properties through the use of high-quality architecture and landscaping, and the site provides for adequate off-street parking and vehicular and pedestrian circulation.
 2. The project will not be detrimental to the public health, safety, or welfare or materially injurious to or inharmonious with properties in the vicinity or to the general welfare of the City, because the project will conform to the requirements and intent of the City of Tracy General Plan and Tracy Municipal Code and all applicable State laws, City regulations, and City standards. Additionally, the school campus and outdoor play area will be

enclosed with fencing for the safety of the students.

- 3. The project, as conditioned, will not cause a decrease in the value of properties within the vicinity, because the proposed building and site improvements have been designed with site context in mind, including high quality architecture that meets the City's architectural standards and design concepts. Additionally, the project site is buffered from the adjacent residential neighborhood by an existing six-foot tall berm and twelve-foot tall masonry wall, which will reduce noise impacts on the neighboring residences.

The foregoing Resolution 2015-____ of the Planning Commission was adopted by the Planning Commission on the 24th day of June, 2015, by the following vote:

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

CHAIR

ATTEST:

STAFF LIASON

City of Tracy
Conditions of Approval
Montessori Elementary School
Southeast corner of Murrieta Way and Holmes Ct (120 Murrieta Way)
Application Number D15-0006
June 24, 2015

A. General Provisions and Definitions.

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

The Project: A single-story, approximately 30,500 square foot private elementary school building and associated outdoor play, parking, landscaping, and hardscape improvements, Application Number D15-0006

The Property: the southeast corner of Murrieta Way and Holmes Ct (120 Murrieta Way), Assessor's Parcel Numbers 248-470-13 & 14

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code ordinances, resolutions, policies, procedures and the City's Design Documents (including the Standard Plans, Standard Specifications, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the elementary school located at the southeast corner of Murrieta Way and Holmes Ct (120 Murrieta Way), Application Number D15-0006. The Conditions of Approval shall specifically include all conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the site plan, floor plan, landscape plan,

elevations, and colors received by the Development Services Department on June 15, 2015.

B. Development Services, Planning Division Conditions

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

- B.1. Lot Line Adjustment. Before the issuance of a building permit, the applicant shall cause a lot line adjustment to be recorded on Assessor's Parcel Numbers 248-470-13 & 14 to eliminate the property line between the lots. The resulting parcel shall be one lot, and a copy of such recording shall be submitted to the Development Services Director prior to issuance of a building permit.
- B.2. Landscaping. Before the issuance of a building permit, the applicant shall provide detailed landscape and irrigation plans consistent with the following to the satisfaction of the Development Services Director:
 - B.2.1. Said plans shall be in compliance with the landscaping requirements set forth in the ISP and the TMC Off-Street Parking ordinance.
 - B.2.2. Said plans shall demonstrate that no less than 40% of the total parking area is shaded in canopy tree coverage at tree maturity.
 - B.2.3. Trees shall be a minimum of 24" box size, shrubs shall be a minimum size of 5 gallon, and groundcover shall be a minimum size of 1 gallon.
 - B.2.4. Before the issuance of a building permit, the applicant shall execute an Agreement for Maintenance of Landscape and Irrigation Improvements and submit financial security to the Development and Engineering Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements or \$2.50 per square foot of on-site landscape area.
- B.3. Parking.
 - B.3.1. Before the approval of a building permit, the applicant shall submit detailed plans that demonstrate the parking area designed in accordance with City Standard Plan 154.
 - B.3.2. Before the issuance of a building permit, the applicant shall submit plans and details that demonstrate 12-inch wide concrete curbs along the perimeter of landscape planters where such planters are parallel and adjacent to vehicular parking spaces to provide access to vehicles without stepping into the landscape planters.
 - B.3.3. Before the issuance of a building permit, the applicant shall submit detailed plans that demonstrate a minimum of one foot candle throughout the parking area.
 - B.3.4. Before final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the adjacent residential areas to the satisfaction of the Development Services Director.
- B.4. Screening utilities and equipment.

- B.4.1. Before the approval of a building permit, the applicant shall submit plans for the design of the trash and recycling enclosure that architecturally matches the main building to the satisfaction of the Development Services Director. The enclosure shall be large enough to accommodate both trash and recycling bins. The walls shall be seven feet or greater in height to fully screen the height of the bins, and the door shall be constructed of a solid metal door attached to posts which are attached to the walls.
 - B.4.2. Before final inspection or certificate of occupancy, all roof-mounted and/or through-roof equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be located within the equipment well and fully screened from view from any public right-of-way to the satisfaction of the Development Services Director.
 - B.4.3. Before final inspection or certificate of occupancy, all PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from any public right-of-way behind structures or landscaping to the satisfaction of the Development Services Director.
 - B.4.4. Before final inspection or certificate of occupancy, all vents, gutters, downspouts, flashing, and electrical conduits shall be internal to the structures and other wall-mounted or building-attached utilities and bollards shall be painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
- B.5. Fencing.
- B.5.1. No chain link fence shall be installed on the site fronting public rights-of-way. Fencing fronting Murrieta Way shall be masonry per the plans dated October 10, 2014, and fencing fronting Holmes Court shall be masonry or wrought iron. Rolling gates shall be wrought iron to match the wrought iron fencing.
 - B.5.2. If fencing will be installed between the building and the public right-of-way, it shall be wrought iron and no taller than five feet in height.
 - B.5.3. No barbed wire or razor wire is permitted to be used anywhere on site.
- B.6. Habitat conservation. Prior to issuance of any permits for ground disturbance, the applicant shall comply with the San Joaquin County Habitat Conservation Division and a signed copy of the Incidental Take Minimization Measures shall be submitted to the City as verification of compliance.

Development Services Department, Engineering Division Conditions

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

C.1 Grading and Encroachment Permits

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

- C.1.1 The Developer has completed all requirements set forth in this section.

- C.1.2 The Developer has obtained the approval of all other public agencies with jurisdiction over the required public facilities.
- C.1.3 The Improvement Plans including the Grading and Drainage Plans, In-tract Civil Improvement Plans, and Offsite Improvement Plans prepared in accordance with the City's Subdivision Ordinance and Design Documents and Conditions C.3, C.4, C.5, C.6, C.7, and C.8. The improvement plans for all improvements (in-tract and off-site) required to serve the Project in accordance with the City Design Documents and these Conditions of Approval. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:
 - C.1.3.1 All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.
 - C.1.3.2 All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports related to the design of streets and utilities (offsite) improvements.
 - C.1.3.3 The Project's on-site drainage connections to City's storm drainage system as approved by the City Engineer. Improvement Plans to be submitted with the hydrology and storm drainage calculations for the sizing of the on-site storm drainage system.
 - C.1.3.4 Improvement Plans prepared on a 24" x 36" size polyester film (mylar) with the City Engineer and Fire Code Official approval and signature blocks. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
 - C.1.3.5 Joint Trench Plans and Composite Utility Plans, prepared on a 24" x 36" size mylar, and signed and stamped by a Registered Civil Engineer, for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the 10 feet wide Public Utility Easement or to be installed to serve the residential lots or the Project, as required in Condition C.3, below.
- C.1.4 Three (3) copies of the Project's Geo-technical /Soils Report, prepared or signed and stamped by a Geo-technical Engineer and copy of recorded slope easements (if applicable), as required in Condition C.4.2, below.
- C.1.5 Three (3) sets of the Project's Storm Water Pollution Prevention Plan (SWPPP), Best Management Practices (BMPs) and a copy of the Notice of Intent (NOI) with the State-issued Wastewater Discharge Identification number (WDID#), as required in Conditions C.4.1, C.4.3, and C.5.2, below.

- C.1.6 Tracy's Fire Marshall's signature on the Improvement Plans indicating their approval of the location and construction detail of the Project's fire service connection(s), and the location and spacing of fire hydrants, as required in Condition C.7.3, below.
- C.1.7 Copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), as required in Condition 9.1, below.
- C.1.8 Payment of applicable fees required by these Conditions of Approval and City Regulations, including but not limited to, plan checking, grading and encroachment permits and agreement processing, construction inspection, and testing fees.

C.2 Building Permit

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

- C.2.1 The Developer has completed all requirements set forth in Condition C.1, above.
- C.2.2 Completion of the processing of the lot line adjustment to adjust or eliminate the common property line between two parcels described as Assessor's Parcel Numbers 248-470-13 and 248-470-14, whichever is applicable.
- C.2.3 Payment of the South Tracy ISP (South Tracy Industrial Specific Plan) Development Impact Fees that is applicable to the Property as required by the South Tracy ISP Finance Implementation Plan (South ISP FIP) and these Conditions of Approval and City Regulations. The South ISP FIP is on file with the office of the City Engineer.
- C.2.4 Payment of the San Joaquin County Facilities Fees (CFF), Regional Traffic Impact Fees (RTIF), and School Mitigation Fees, as required in the Tracy Municipal Code, these Conditions of Approval and City Regulations.

C.3 Undergrounding of Overhead Utilities

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

- C.3.1 All private utility services to serve Project such as electric, telephone and cable TV must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing utility easement to the building. The Developer shall submit improvement plans for the installation of new electric, gas, telephone and TV cable lines to serve the Project. If necessary, the Developer shall dedicate 10 feet wide Public Utility Easement (PUE) along the entire frontage of the Property on Holmes Court and Murieta Way or where it is necessary, for access to these new utilities for re-installation, replacement, repair, and

maintenance work to be performed by the respective utility owner(s) in the future.

C.4 Site Grading

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

- C.4.1 All grading work (on-site and off-site) shall require a Grading Permit. Erosion control measures shall be implemented in accordance with the Grading Plans approved by the City Engineer for all grading work not completed before October 15. Improvement Plans shall specify all erosion control methods to be employed and materials to be used during and after the construction.
- C.4.2 Submit a Grading and Drainage Plan prepared by a Registered Civil Engineer and accompanied by Soils Engineering report. The technical report shall provide recommendations regarding adequacy of the site relative to the stability of soils such as soil types and classification, percolation rate, soil bearing capacity, and others including the highest observed ground water elevation.
- C.4.3 Prior to the issuance of the Grading Permit, the Developer shall submit three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) identical to the reports submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID). After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Developer. The Developer shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008 and any subsequent amendment(s).

C.5 Storm Drainage

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

- C.5.1 Storm drainage release point is a location at the boundary of the Project adjacent to a City right-of-way or public street where storm water leaves the Property, in a storm event and that the Property's on-site storm drainage system fails to function or it is clogged. Site grading shall be designed such that the Project's storm drainage overland release point will be directly to a public street with a functional storm drainage system and the existing storm drainage line on the street has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

C.5.2 The Project's permanent storm drainage connection(s) shall be designed and constructed in accordance with City Regulations. The design of the permanent storm drainage connection shall be shown on the Grading and Drainage Plans with calculations for the sizing of the storm drain pipe(s), and shall comply with the applicable requirements of the City's storm water regulations adopted by the City Council in 2008 and any subsequent amendments.

C.6 Sanitary Sewer

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

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

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

C.7 Water System

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

C.7.1 Domestic water service with a remote read (radio-read) water meter shall be installed in accordance with City Regulations and at the location approved by the City Engineer. City's responsibility to maintain water lines shall be from the water main on the street to the back of the water meter (inclusive) only. Repair and maintenance of all on-site water lines, laterals, valves, and fittings shall be the responsibility of the Developer or the individual lot owner(s).

C.7.2 All costs associated with the installation of the Project's permanent water connection(s) including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings on existing street or parking area(s) that may be disturbed with the installation of the permanent water connection(s), or domestic water service, and other improvements shall be paid by the Developer.

C.7.3 The Developer shall design and install fire hydrants at the locations approved by the City's Building Division and Fire Department. Location and

construction details of the fire service line shall be approved by the Chief Building Official and Fire Safety Officer. Prior to the approval of the Improvement Plans by the City Engineer, the Developer shall obtain written approval from the Chief Building Official and Fire Safety Officer, for the design, location and construction details of the individual lot fire service, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.8 Roadway

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

C.8.1 Where street cuts are made for the installation of utilities such as sanitary sewer connection, storm drainage, domestic and irrigation water service, fire service, and others, a 2" thick asphalt concrete overlay with reinforcing fabric will be required. The extent of asphalt concrete overlay shall be the 25 feet on both sides of the utility trench and the entire length of the utility trench. If the trench excavation extends beyond the centerline of the street, the length or limit of asphalt concrete overlay shall be the entire width of the street. To maintain existing crown grade and pavement cross slope(s), grind the existing pavement to a uniform depth 2 inches. All pavement marking and striping are to be replaced per City Regulations, all at the Developer's sole cost and expense.

C.8.2 The increase in traffic that will be generated by the Project will require certain improvements at the intersection of Tracy Boulevard and Gandy Dancer Drive and Tracy Boulevard and Valpico Road. The existing left-turn lanes at these intersections are inadequate to accommodate the added school traffic or the number of vehicles that will be making left-turn movement. These left-turn lanes are to be lengthened such that the total length is not less than 300 feet (deceleration and storage excluding the bay taper). The final length of these left-turn lanes will be determined at the time of review of offsite improvement plans. Developer is required to design and construct the necessary modification to these left-turn lanes as part of the offsite improvements. The work involves the removal of existing median curb, and irrigation and landscaping, and installation of new median curb, relocation of irrigation lines, installation of cobblestone with concrete mortar where median is reduced to 4 feet, and installation of pavement marker and striping where required. The Developer will be entitled to reimbursement for portion of improvements that are considered program roadway improvements and for portion of the improvements beyond the responsibility of the Developer.

The Developer shall design and prepare improvement plans for the offsite improvements. In order to guarantee completion of the improvements required under this sub-section, the Developer shall sign an improvement agreement (Offsite Improvement Agreement or OIA) and post improvement security in the amounts approved by the City Engineer and form approved by the City Attorney, prior to the issuance of the Grading Permit. As part of the Improvement Plans, the Developer shall submit an Engineer's Estimate that

summarizes in detail the cost of constructing the offsite improvements. The cost estimate shall include the cost of traffic control and preparing traffic control plan signed and stamped by a Registered Civil Engineer of Traffic Engineer.

C.9 Temporary or Final Building Occupancy

No temporary or final building certificate of occupancy shall be issued by the City until after the Developer provides documentation which demonstrates, to the satisfaction of the City Engineer, that:

C.9.1 The Developer has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested including the offsite improvements described in Condition C.8.1 and C.8.2, above. Unless specifically provided in these Conditions of Approval, or some other City Regulation, the Developer shall take all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency) and all requirements set forth in this section, and Conditions C.1, and C.2, above are completed.

C.10 Special Conditions

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

C.10.1 All streets and utilities improvements within City right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design documents including the City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City.

C.10.2 All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection.

C.10.3 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the improvement plans, prior to the City Engineer's signature on the improvement plans, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

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

- D.1. Stormwater Quality. Before the approval of a grading or building permit, the applicant shall demonstrate compliance with the Manual of Stormwater Quality Control Standards adopted July 1, 2008, obtain approval of the Project Stormwater Quality Control Plan by the Water Resources Division, and sign a maintenance agreement in accordance with the Manual of Stormwater Quality Control Standards to the satisfaction of the Utilities Director.
- D.2. Compliance with Codes. Before the approval of a grading or building permit, the applicant shall demonstrate compliance with Tracy Municipal Code Chapter 11.28 Water Management and California Green Building Standards Code Chapter 5 for Non-Residential occupancies. A Stormwater Pollution Prevention Plan (SWPPP) and WDID number will be required prior to a grading permit issuance.
- D.3. Landscape plans. Before the approval of a building permit, the applicant shall submit detailed landscape and irrigation plans that demonstrate compliance with the Department of Water Resources' Water Efficient Landscape Ordinance to the satisfaction of the Utilities Director.