

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, November 18, 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

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. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR AN EXTENSION OF THE ELISSAGARAY INFILL VESTING TENTATIVE SUBDIVISION MAP FOR 47 LOTS (APPLICATION NUMBER TSM12-0002) TO JANUARY 7, 2018. THE PROJECT IS LOCATED ON DOMINIQUE DRIVE BETWEEN EASTLAKE CIRCLE AND BASQUE DRIVE, ASSESSOR'S PARCEL NUMBERS 252-050-24 AND 252-260-01. THE APPLICANT AND PROPERTY OWNER IS TVC TRACY HOLDCO, LLC. APPLICATION NUMBER EXT15-0004.
- B. PUBLIC HEARING TO CONSIDER A CONCEPT DEVELOPMENT PLAN AMENDMENT TO THE MINIMUM REAR YARD SETBACK AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN AMENDMENT TO THE ARCHITECTURE FOR 71-LOT SOUTHGATE RESIDENTIAL SUBDIVISION LOCATED SOUTH OF THE WESTERN TERMINUS OF SCHULTE ROAD AND EAST OF MABEL JOSEPHINE DRIVE. THE APPLICANT AND OWNER IS BRIGHT DEVELOPMENT – APPLICATION NUMBER D14-0027
- C. CONDUCT A PUBLIC HEARING TO RECEIVE COMMENTS ON THE TRACY HILLS SPECIFIC PLAN RECIRCULATED DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

2. ITEMS FROM THE AUDIENCE

3. ITEMS FROM THE COMMISSION
4. ADJOURNMENT

Posted: **November 12, 2015**

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 1-A

REQUEST

PUBLIC HEARING TO CONSIDER AN APPLICATION FOR AN EXTENSION OF THE ELISSAGARAY INFILL VESTING TENTATIVE SUBDIVISION MAP FOR 47 LOTS (APPLICATION NUMBER TSM12-0002) TO JANUARY 7, 2018. THE PROJECT IS LOCATED ON DOMINIQUE DRIVE BETWEEN EASTLAKE CIRCLE AND BASQUE DRIVE, ASSESSOR'S PARCEL NUMBERS 252-050-24 AND 252-260-01. THE APPLICANT AND PROPERTY OWNER IS TVC TRACY HOLDCO, LLC. APPLICATION NUMBER EXT15-0004.

DISCUSSION

On January 7, 2014, the City Council approved a Vesting Tentative Subdivision Map and Planned Unit Development for a 47 lot detached single-family subdivision (Elissagaray Infill, Attachment A). The subdivision is located on Dominique Drive between Eastlake Circle and Basque Drive, between the Eastlake and Elissagaray Ranch subdivisions.

Pursuant Government Code Section 66452.6(a)(1) and Tracy Municipal Code (TMC) Sections 12.16.080 and 12.28.060, approved vesting tentative subdivision maps have an initial life of 24 months, and a final map must be filed prior to expiration to retain its vested rights. The property owner does not plan to file the final map prior to January 7, 2016 and is requesting a two-year extension of the map approval. The Elissagaray Infill PUD approval does not have an expiration date and is valid, unless the City Council amends the PUD or approves a new PUD in its place as a future action.

A number of statutory extensions have been introduced into the legislature that automatically extend the life of approved tentative maps. Staff believes that the most recent amendment, Government Code Section 66452.24 (Attachment B), grants an automatic extension to the Elissagaray Infill Map through January 7, 2018.

The property owner disagrees with Staff's interpretation of Government Code Section 66452.24 and believes the automatic extension would not apply to his map, because the map was not in existence at the time the statute became effective (July 11, 2013). Staff is confident the statute does not require the map to be in existence by the effective date; however, the property owner has submitted a request for a two year extension in the event that Staff's interpretation of the statute is inaccurate.

Per TMC Sections 12.16.090 and 12.28.060, the Planning Commission may grant extensions for up to three years if an extension request is filed prior to the expiration of the map. If the Planning Commission approves the two-year extension from the initial expiration date of January 7, 2016, the extension would run concurrent with the automatic extension granted by Government Code Section 66452.24, and the map would expire on January 7, 2018 if a final map is not filed prior to that date.

Environmental Document

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

RECOMMENDATION

Staff recommends that the Planning Commission approve application number EXT15-0004 to extend the life of the vesting tentative subdivision map application number TSM12-0002 through January 7, 2018 based on the findings contained in the Planning Commission Resolution dated November 18, 2015.

MOTION

Move that Planning Commission approve application number EXT15-0004 to extend the life of the vesting tentative subdivision map application number TSM12-0002 through January 7, 2018 based on the findings contained in the Planning Commission Resolution dated November 18, 2015.

Prepared by: Kimberly Matlock, Associate Planner

Approved by: Bill Dean, Assistant Development Services Department Director

ATTACHMENTS

Attachment A: Vesting Tentative Subdivision Map (Oversized)
Attachment B: Government Code Section 66452.24

California Government Code Section 66452.24

(a) The expiration date of any tentative map, vesting tentative map, or parcel map for which a tentative map or vesting tentative map, as the case may be, that was approved on or after January 1, 2000, and that has not expired on or before the effective date of the act that added this section, shall be extended by 24 months.

(b) Upon application of the subdivider filed at least 90 days prior to the expiration of the approved or conditionally approved tentative map or vesting tentative map, or parcel map for which the tentative map or vesting tentative map, as the case may be, that was approved on or before December 31, 1999, the time at which the map expires shall be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps, for a period of 24 months upon a determination that the map is consistent with the applicable zoning and general plan requirements in effect when the application is filed. If the map is determined not to be consistent with applicable zoning and general plan requirements in effect when the application is filed, the legislative body or advisory agency may deny or conditionally approve an extension for a period of 24 months. Prior to the expiration of an approved or conditionally approved tentative map, upon an application by the subdivider to extend that map, the map shall automatically be extended for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs last. If the advisory agency denies a subdivider's application for an extension, the subdivider may appeal to the legislative body within 15 days after the advisory agency has denied the extension.

(c) The extension provided by subdivisions (a) and (b) shall be in addition to any extension of the expiration date provided for in Section 66452.6, 66452.11, 66452.13, 66452.21, 66452.22, 66452.23, or 66463.5.

(d) Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivisions (a) and (b) shall be extended by 24 months if this approval has not expired on or before the effective date of the act that added this section. This extension shall be in addition to any extension provided for in Sections 66452.13, 66452.21, 66452.22, and 66452.23.

(e) The provisions of Section 65961 relating to conditions that may be imposed upon or after a building permit for a subdivision of single- or multiple-family residential units or a parcel map for a subdivision for which no tentative map was required, are modified as set forth in subdivisions (e) and (f) of Section 65961 for tentative maps extended pursuant to this section.

RESOLUTION _____

APPROVAL OF A REQUEST FOR AN EXTENSION OF THE ELISSAGARAY INFILL VESTING TENTATIVE SUBDIVISION MAP FOR 47 LOTS (APPLICATION NUMBER TSM12-0002) TO JANUARY 7, 2018. THE PROJECT IS LOCATED ON DOMINIQUE DRIVE BETWEEN EASTLAKE CIRCLE AND BASQUE DRIVE, ASSESSOR'S PARCEL NUMBERS 252-050-24 AND 252-260-01. THE APPLICANT AND PROPERTY OWNER IS TVC TRACY HOLDCO, LLC. APPLICATION NUMBER EXT15-0004.

WHEREAS, The City Council approved the Vesting Tentative Subdivision Map and Planned Unit Development for the Elissgaray Infill 48-lot subdivision on January 7, 2014, and

WHEREAS, Pursuant to Government Code Section 66452.6(a)(1), the Vesting Tentative Subdivision Map was due to expire on January 7, 2016, and

WHEREAS, Pursuant to Tracy Municipal Code Sections 12.28.060 and 12.16.090, the Planning Commission may grant extensions for Vesting Tentative Subdivision Maps for a period of up to three years, and

WHEREAS, On September 25, 2015, TVC Tracy Holdco, LLC submitted a request to extend their Vesting Tentative Subdivision Map approval through January 7, 2018, and

WHEREAS, The project is consistent with the General Plan and Title 12, the Subdivision Ordinance, of the Tracy Municipal Code, in terms of density, circulation, and land use, and

WHEREAS, The site is physically suitable for the type of development, as the site is virtually flat, and

WHEREAS, The site is physically suitable for the proposed density of development, which is below the maximum density allowed by the General Plan designation of Residential Low, and

WHEREAS, Traffic circulation is designed in accordance with City standards for the proposed density to ensure adequate traffic service levels are met and to match existing adjacent street improvements, and

WHEREAS, The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, and

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

WHEREAS, The project complies with all other applicable ordinances, regulations and guidelines of the City, including but not limited to, the local floodplain ordinance. The subject property is not located within any floodplain and the project, with conditions, will meet all applicable City design and improvement standards, and

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

WHEREAS, The project does not propose substantial changes that will result in a major revision of the previous Environmental Impact Report that analyzed the project site and is exempt from the California Environmental Quality Act per Section 15162;

NOW, THEREFORE, BE IT RESOLVED, The Planning Commission of the City of Tracy does hereby approves an extension to the Elissagaray Infill Vesting Tentative Subdivision Map (Application Number TSM12-0002) through January 7, 2018, subject to the conditions stated in Exhibit "1" attached and made part hereof:

The foregoing Resolution 2015-_____ of the Planning Commission was adopted by the Planning Commission on the 18th day of November, 2015, by the following vote:

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

Chair

ATTEST:

Staff Liaison

City of Tracy
Conditions of Approval
Elissagaray Infill Subdivision (Application No. TSM12-0002)
Application Number EXT15-0004
November 18, 2015

A. General Provisions and Definitions.

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

The Project: Elissagaray Infill Vesting Tentative Subdivision Map Extension through January 7, 2018 (Prior Application Number TSM12-0002)

The Property: 10-acre parcel located on Dominique Drive between Eastlake Circle and Basque Drive, Assessor's Parcel Numbers 252-050-24 and 252-260-01

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 (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and Relevant Public Facilities Master Plans).
- d. "Development Services Director" means the Development Services Department Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project. The Conditions of Approval shall specifically include all Development Services Department conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The Developer may be the property owner or the leasee, where responsibilities for improvements are distributed among each party. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the Final Map shall be consistent with the Vesting Tentative Subdivision Map dated September 30, 2013 and with the Concept, Preliminary and Final Development Plan approved by the City Council on January 7, 2014, unless modified herein.

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

B. Development Services Planning Division Conditions

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

- B.1. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all applicable mitigation measures identified in the General Plan Environmental Impact Report, dated February 11, 2011.
- B.2. Prior to approval of the Final Map, the Developer shall obtain approval of all street names from the Development Services Department. At least one street shall be named after a deceased veteran in accordance with City Council Resolution Number 87-041.
- B.3. Prior to approval of each Final Map, the Developer shall submit improvement plans that demonstrate driveway locations and widths which do not exceed 20 feet and curb cuts which do not exceed 18 feet.

C. Development Services Engineering Division Conditions

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

C.1 Tentative Subdivision Map

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

C.1.1 Revise the Tentative Subdivision Map to include statement and signature block for the Secretary of the Planning Commission.

C.1.2 Revise the Tentative Subdivision Map to show restricted access to Eastlake Circle for Lots 24, 25, and 47, to Tung M. Nguyen Street along the eastern side of Lots 35 and 36, and to Dominique Drive for Lots 7 and 8.

C.1.2 Submit one (1) reproducible copy of the approved tentative subdivision map for the Project within ten (10) days after Subdivider's receipt of a notification of approval of the tentative subdivision map. The owner of the Property must consent to the preparation of the Tentative Subdivision Map, and the proposed subdivision of the Property.

C.2 Final Map

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

C.2.1 The Subdivider has completed all the requirements set forth in this section, and Condition C.1., above.

C.2.2 The Final Map prepared in accordance with the applicable requirements of the Tracy Municipal Code, the City Design Documents, and in substantial conformance with the Tentative Subdivision Map for the Project.

C.2.3 The Final Map shall include dedications or offers of dedication of all right(s)-of-way and/or easement(s) required to serve the Project described by the Final Map, in accordance with City Regulations and these Conditions of Approval.

C.2.4 Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearing" and shown as such on the final map. The final map shall also identify surveyed ties from two of the horizontal control points to a minimum of two (2) separate points adjacent to or within the Property described by the Final Map.

C.2.5 A construction cost estimate of subdivision improvements and for all required public facilities, prepared in accordance with City Regulations to be used for calculating engineering review fees and for bonding purposes. In determining

the total construction cost, add ten percent (10%) for construction contingencies.

- C.2.6 All the required improvement agreements are executed, improvement security is submitted and documentation of insurance are provided, as required by these Conditions of Approval. The amounts of improvement security shall be approved by the City and the type and form of improvement security shall be in accordance with the Tracy Municipal Code.
- C.2.7 All infrastructure or public facilities that are required to serve the proposed development within the final map boundaries, including water distribution, sewer conveyance, and water and wastewater treatment plant including water supply have been evaluated and the City has determined that capacities are available for this Project.
- C.2.8 Payment of final map checking fees and all fees required by these Conditions of Approval and City Regulations.

C.3 Grading and Encroachment Permit

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

- C.3.1 The Subdivider has completed all requirements set forth in this section.
- C.3.2 The Subdivider has obtained the approval of all other public agencies with jurisdiction over the required public facilities.
- C.3.3 The Subdivider has executed all the agreements, posted all improvement security, and provided documentation of insurance, as required by these Conditions of Approval.
- C.3.4 The Improvement Plans including the Grading and Drainage Plans prepared in accordance with the Subdivision Ordinance and the City Design Documents. The improvement plans for all improvements (in-tract and off-site) required to serve the Project in accordance with the City Design Documents, and these Conditions of Approval. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:
 - C.3.4.1 All existing and proposed utilities including the size and location of the pipes.
 - C.3.4.2 All supporting engineering calculations, technical or materials specifications, cost estimate, and technical reports related to the design of streets and utilities improvements.
 - C.3.4.3 The Project's 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.3.4.4 Improvement Plans prepared on a 24" x 36" size polyester film (mylar) with the City Engineer and Fire Safety Officer approval and signature blocks. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
- C.3.5 Joint Trench Plans and Composite Utility Plans, prepared on a 24" x 36" size mylar, and signed and stamped by a Registered Civil Engineer, for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the 10 feet wide Public Utility Easement or to be installed to serve the residential lots or the Project, as required Condition C.5, below.
- C.3.6 Three (3) copies of the Project's Geo-technical /Soils Report, prepared or signed and stamped by a Geo-technical Engineer and copy of recorded slope easements (if applicable), as required in Condition C.6.2, below.
- C.3.7 Three (3) sets of the Project's Storm Water Pollution Prevention Plan (SWPPP), Best Management Practices (BMPs) and a copy of the Notice of Intent (NOI) with the State-issued Wastewater Discharge Identification number (WDID#), as required in Conditions C.6.1, C.6.4, and D.1, below.
- C.3.8 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.3.9 Tracy's Fire Marshall's signature on the Improvement Plans indicating their approval of the location and construction detail of the Project's fire service connection(s), and the location and spacing of street fire hydrants, as required in Condition C-9.5, below.
- C.3.10 Signed and notarized Subdivision Improvement Agreement with the fully executed improvement security for faithful performance, labor and materials, and warranty, for the construction of subdivision improvements including the Project's domestic, irrigation and fire service connections, storm drainage connection, and the permanent sanitary sewer connection, asphalt concrete overlay work on Eastlake Circle, Dominique Drive, and Basque Drive as required in Conditions C.7, C.8, C.9, and C.10, below.
- C.3.11 All streets and utilities improvements within City right-of-way 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.3.12 All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Subdivider shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.

C.4 Building Permit

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

C.4.1 The Subdivider has completed all requirements set forth in Condition C.3, above.

C.4.2 Lots 1 through 16 and Lots 33 through 38 are within Category C Pay Zone B and is classified as Agricultural Habitat Land/ Open Spaces per the San Joaquin County of Governments (SJCOG) Compensation Plan Map and is subject to applicable habitat mitigation fees ("SJMSCP Development Fees") per the adopted San Joaquin County Multi-Species Habitat Conservation and Open Space Plan ("SJMSCP").

Lots 17 through 32 and Lots 39 through 47 are within Category B Pay Zone A and is classified as Other Open Spaces per the SJMSCP. In accordance with the amended SJMSCP that was approved by the City Council on October 18, 2011, pursuant to Resolution 2011-196 and the update to the SJMSCP Development Fees approved by the City Council on October 2, 2012, per Resolution 2012-203, the SJMSCP Development Fee applicable to the Project for the two (2) pay zones identified above is \$12,711 per acre.

The estimated SJMSCP Development Fees that are due at the time of issuance of the building permit is \$127,618.44, assuming that the Subdivider will grade the entire Project site at one time.

C.4.3 Lots 1 through 16 (16 Single Family Dwelling Units or SFDUs, and Lots 33 through 38 (6 SFDUs) are within the South MacArthur Planning Area (SMPA) and are subject to SMPA Development Impact Fees. Lots 17 through 32 (16 SFDUs) and Lots 39 through 47 (9 SFDUs) are within the Plan C development area and are subject to Plan C Development Impact Fees. Subdivider is required to pay Plan C and SMPA Development Impact Fees required by these Conditions of Approval and City Regulations that are in effect at the time of issuance of the building permit.

C.5 Undergrounding of Overhead Utilities

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

- C.5.1 All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities. The Subdivider shall submit improvement plans for the installation of electric, gas, telephone and TV cable lines that are to be installed on the existing 10 feet wide Public Utility Easement along Eastlake Circle, Dominique Drive, Tung M Nguyen Lane, and Basque Drive.
- C.5.2 Pavement cuts or utility trench(s) on existing street(s) for the installation of electric, gas, cable TV, and telephone will require the application of 2" asphalt concrete overlay and replacement of pavement striping and marking. The limits of asphalt concrete overlay shall be 25 feet from the trench and a travel lane width or up to the street centerline. If the utility trench extends beyond the street centerline, the asphalt concrete overlay shall be applied over the entire width of the street (to the lip of gutter).
- C.6 Site Grading
The Subdivider shall prepare improvement plans, and design and construct the subdivision improvements in accordance with the following requirements.
- C.6.1 All grading work (on-site and off-site) shall require a Grading Permit. Erosion control measures shall be implemented in accordance with Grading Plans approved by the City Engineer for all grading work not completed before October 15. Improvement Plans shall specify all erosion control methods to be employed and materials to be used.
- C.6.2 Submit a Grading and Drainage Plan prepared by a Registered Civil Engineer and accompanied by Soils Engineering report. The report shall provide recommendations regarding adequacy of the site relative to the stability of soils such as soil types and classification, percolation rate, soil bearing capacity, highest observed ground water elevation, and others.
- C.6.3 Reinforced or engineered masonry block retaining wall is the preferred method of retaining soil at property lines when the grade differential between the project site and adjacent property(s) exceeds 12 inches. The Subdivider is required to submit improvement plans, construction details and structural calculations of the retaining wall or masonry wall. Slope easements may be accepted subject to approval by the City Engineer and if permission is granted from owner(s) of the adjacent and affected property(s). Slope easements is an acceptable option as a substitute to engineered wall, where cuts or fills do not match existing ground or final grade with the adjacent property or public right of way, up to a maximum grade differential of two (2) feet, subject to approval by the City Engineer. Slope easements shall be recorded, prior to the issuance of the Grading Permit. The Subdivider shall be responsible to obtain and record slope easement(s) on private properties, where it is needed to protect private improvements constructed within and outside the Project, and a copy of the recorded easement document must be provided to the City, prior to the issuance of the Grading Permit.

C.6.4 Prior to the issuance of the Grading Permit, the Subdivider shall submit three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) identical to the reports submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID). After the completion of the Project, the Subdivider is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Subdivider. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008 and any subsequent amendment(s).

C.6.5 The Subdivider shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, are required to remain to serve existing adjacent agricultural uses, the Subdivider will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.

C.7 Storm Drainage

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

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

C.7.2 The Project's permanent storm drainage connection(s) shall be designed and constructed meet City Regulations. The design of the permanent storm drainage connection shall be shown on the Grading and 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.8 Sanitary Sewer

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

- C.8.1 It is the Subdivider's responsibility to design and construct the Project's permanent sanitary sewer connection to Eastlake Circle and Dominique Drive in accordance with City Regulations. The Subdivider shall submit improvement plans that include the design of the sanitary sewer line from the Property to the point of connection. The Subdivider is responsible for the cost of installing the Project's permanent sanitary sewer connection including but not limited to, replacing asphalt concrete pavement, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other streets and utilities improvements that are disturbed as a result of installing the Project's permanent sanitary sewer connection.

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

- C.8.3 The Subdivider is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plan No. 203. The City's responsibility to maintain on the sewer lateral is from the wye fitting to the point of connection with the sewer main.

C.9 Water System

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

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

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

C.9.4 If a water main shut down is necessary, the City will allow a maximum of 4 hours water supply shutdown. The Subdivider shall be responsible for notifying residents or property owner(s), regarding the water main shutdown. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or property owner(s) at least 72 hours before the planned water main shutdown. Prior to starting the work described in this section, the Subdivider shall submit a Traffic Control Plan, to show the method and type of construction signs to be used for regulating traffic during the installation of the water main. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

C.9.5 The Subdivider shall design and install fire hydrants at the locations approved by the City's Building Division and Fire Department. Location and construction details of the fire service line shall be approved by the Chief Building Official and Fire Safety Officer. Prior to the approval of the Improvement Plans by the City Engineer, the Subdivider shall obtain written approval from the Chief Building Official and Fire Safety Officer, for the design, location and construction details of the individual lot fire service, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.10 Street Improvements

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

C.10.1 The Subdivider shall design and construct street and utilities improvements on Tung M. Nguyen Street in accordance with City Regulations and approved Improvement Plans. The street and utilities improvements include but not limited to, concrete curb, gutter, and sidewalk, residential driveway, water main, domestic and fire sprinkler service, sanitary sewer main, sewer lateral and cleanout, storm drain line, catch basin, storm drainage drop inlet, street tree, pavement marking and striping, and traffic sign, and other improvements that are required to serve the Project.

C.10.2 Installation of domestic and fire sprinkler services for Lots 1 through 7 on Basque Drive and for Lots 36 through 47 on Dominique Drive will require street or pavement cut and the construction of utility trenches that extends beyond the centerline of these two streets. In order to hide pavement excavation or trench marks, the application of 2 inches thick asphalt concrete overlay will be required over the entire width of these two streets within the limits described below. The City Engineer may extend the limits of the asphalt concrete overlay, if determined to be necessary.

C.10.2.1 Basque Drive from the curb-return on Dominique Drive to the projected northern property line of Lot 1

C.10.2.2 Dominique Drive from the curb-return on Eastlake Circle to the curb-return on Tung Nguyen Street

Installation of the Project's storm drain, water, and sanitary sewer connections will require cutting of existing pavement. The application of asphalt concrete overlay will be required at the following location within the limits described below.

C.10.2.3 Eastlake Circle (entire width of the pavement) from the two curb-returns of Tung M. Nguyen Street

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

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

- C.10.4 All work to be performed and improvements to be constructed within City's right-of-way including the installation of the Project's water main and sanitary sewer main on Eastlake Circle and Dominique Drive and the storm drain connection on Eastlake Circle will require an Encroachment Permit from the City, prior to starting the work. The Subdivider or its authorized representative shall submit all documents that are required to process the Encroachment Permit including but not limited to, approved Improvement Plans, Traffic Control Plan that is prepared by and signed and stamped by a Civil Engineer or Traffic Engineer registered to practice in the State of California, payment of engineering review fees, copy of the Contractor's license, Contractor's Tracy business license, and certificate of insurance naming the City of Tracy as additional insured or as a certificate holder.

C.11 Agreements, Improvement Security, and Insurance

- C.11.1. Inspection Improvement Agreement - Prior to City approval of a final map, the Subdivider may request to proceed with construction of the public facilities required to serve the real property described by the final map only if the Subdivider satisfies all of the following requirements to the satisfaction of the City Engineer:

- C.11.1.1 The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the improvement plans have been approved by the City Engineer.

- C.11.1.2 The Subdivider has submitted a complete application for a final map which is served by the required public improvements, and the final map is in the process of being reviewed by the City.
 - C.11.1.3 The Subdivider has paid all required processing fees including plan check and inspection fees.
 - C.11.1.4 The Subdivider executes an Inspection Improvement Agreement, in substantial conformance with the City’s standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all required improvements, and the Subdivider agrees to assume the risk that the proposed final map may not be approved by the City.
 - C.11.1.5 The Subdivider posts all required improvement security and provides required evidence of insurance.
- C.11.2. Subdivision Improvement Agreement - Concurrently with the City’s processing of a final map, and prior to the City’s approval of the final map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the final map), which includes the Subdivider’s responsibility to complete all of the following requirements to the satisfaction of the City Engineer:
- C.11.2.1 The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the improvement plans have been approved by the City Engineer.
 - C.11.2.2 The Subdivider has submitted a complete application for a final map which is served by the required public improvements, and the final map has been approved by the City Engineer.
 - C.11.2.3 The Subdivider has paid all required processing fees including plan check and inspection fees.
 - C.11.2.4 The Subdivider executes a Subdivision Improvement Agreement, in substantial conformance with the City’s standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all required improvements.
 - C.11.2.5 The Subdivider posts all required improvement security and evidence of insurance.
- C.11.3. Deferred Improvement Agreement - Prior to the City’s approval of the first final map within the Project, the Subdivider shall execute a Deferred Improvement Agreement, in substantial conformance with the City’s standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all remaining public facilities (to the extent the public

facilities are not included in the Subdivision Improvement Agreement) which are required by these Conditions of Approval. The Deferred Improvement Agreement shall identify timing requirements for construction of all remaining public facilities, in conformance with the phasing plan submitted by the Subdivider and approved by the City Engineer.

- C.11.4. Improvement Security - The Subdivider shall provide improvement security for all public facilities, as required by an Inspection Improvement Agreement or a Subdivision Improvement Agreement. The form of the improvement security may be a bond, or other form in accordance with City Regulations. The amount of the improvement security shall be in accordance with City Regulations, generally, as follows:
- C.11.4.1 Faithful Performance (100% of the approved estimates of the construction costs of public facilities),
 - C.11.4.2 Labor & Material (100% of the approved estimates of the construction costs of public facilities), and
 - C.11.4.3 Warranty (10% of the approved estimates of the construction costs of public facilities)
- C.11.5 Insurance - For each Inspection Improvement Agreement and Subdivision Improvement Agreement, the Subdivider shall provide the City with evidence of insurance, as follows:
- C.11.5.1 General. The Subdivider shall, throughout the duration of the Agreement, maintain insurance to cover Subdivider, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services under the Agreement at the minimum levels set forth below.
 - C.11.5.2 Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) coverage shall be maintained in an amount not less than \$3,000,000 general aggregate and \$1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.
 - C.11.5.3 Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.
 - C.11.5.4 Workers' Compensation coverage shall be maintained as required by the State of California.
 - C.11.5.5 Endorsements Subdivider shall obtain endorsements to the automobile and commercial general liability with the following provisions:

- C.11.5.5.1 The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."
- C.11.5.5.2 For any claims related to this Agreement, Subdivider's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Subdivider's insurance and shall not contribute with it.
- C.11.5.6 Notice of Cancellation Subdivider shall obtain endorsements to all insurance policies by which each insurer is required to provide thirty (30) days prior written notice to the City should the policy be cancelled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation.
- C.11.5.7 Authorized Insurers All insurance companies providing coverage to Subdivider shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.
- C.11.5.8 Insurance Certificate Subdivider shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City.
- C.11.5.9 Substitute Certificates No later than thirty (30) days prior to the policy expiration date of any insurance policy required by the Agreement, Subdivider shall provide a substitute certificate of insurance.
- C.11.5.10 Subdivider's Obligation Maintenance of insurance by the Subdivider as specified in the Agreement shall in no way be interpreted as relieving the Subdivider of any responsibility whatsoever (including indemnity obligations under the Agreement), and the Subdivider may carry, at its own expense, such additional insurance as it deems necessary.
- C.11.6. Release of Improvement Security – Release of improvement security shall be in accordance with the requirements of the Tracy Municipal Code. The City shall not release any improvement security until after the Subdivider provides as-built plans, to the satisfaction of the City Engineer. Within twenty (20) days after the City's approval of the final map, the City shall provide the Subdivider one (1) set of reproducible duplicates on polyester film of all approved Improvement Plans. Upon completion of the construction by the Subdivider, the City shall temporarily release the originals to the Subdivider so that the Subdivider will be able to document revisions to show the "As

Built" configuration of all improvements. The Subdivider shall submit these As-Built Plans (or Record Drawings) to the City Engineer within 30 days after City Council acceptance of the public improvements.

C.12 Final Building Inspection

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

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

C.12.2 The Subdivider has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested. Unless specifically provided in these Conditions of Approval, or some other City Regulation, the Subdivider shall take all actions necessary to construct all public facilities required to serve the Project, and the Subdivider shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.13 Special Conditions

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

AGENDA ITEM 1-B

REQUEST

PUBLIC HEARING TO CONSIDER A CONCEPT DEVELOPMENT PLAN AMENDMENT TO THE MINIMUM REAR YARD SETBACK AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN AMENDMENT TO THE ARCHITECTURE FOR 71-LOT SOUTHGATE RESIDENTIAL SUBDIVISION LOCATED SOUTH OF THE WESTERN TERMINUS OF SCHULTE ROAD AND EAST OF MABEL JOSEPHINE DRIVE. THE APPLICANT AND OWNER IS BRIGHT DEVELOPMENT – APPLICATION NUMBER D14-0027

DISCUSSION

Background

In 1995, the Corral Hollow West area consisting of approximately 294 acres located adjacent to and west of the existing terminus of Schulte Road was annexed into the City of Tracy and zoned Planned Unit Development (PUD) for residential uses (Attachment A). Corral Hollow West is made up of the Redbridge subdivision, the Gabriel Estates subdivision, and the Southgate project area. The Southgate project area is approximately 81 acres being developed in phases.

On January 3, 2006, the City Council granted approvals for the first phase of the Southgate project, which consists of an amendment to the Corral Hollow West Concept Development Plan for the subdivision design and development standards (Application Number 4-99-D), a 71-lot Vesting Tentative Subdivision Map (Application Number 3-99-TSM), and a Preliminary and Final Development Plan for residential architecture consisting of one single-story plan and three two-story plans (Application Number 4-99-D). Subsequently, the final map was recorded and one residence was constructed and occupied. The remaining 70 lots have not yet been constructed.

The applicant would like to construct the remaining 70 lots and has submitted applications for new architecture and a revised rear yard setback requirement. According to the applicant, the revised architecture incorporates more current design features and livability features than were previously approved almost a decade ago.

Concept Development Plan Amendment

The zoning designation is PUD, and the subject 18-acre project area is bordered on the south (Gabriel Estates) and east (San Marco) sides by existing single-family homes zoned PUD. To the north is the Southgate multi-family site, and to the west is the Southgate low density residential and park.

The proposed Concept Development Plan amendment is to change the established rear yard setback minimum from fifteen feet to ten feet. The proposed ten foot rear yard setback is similar to the rear yard setback requirements of the adjacent residential subdivisions: ten feet minimum with 675 square feet of rear yard open space in San Marco and ten feet minimum with 825 square feet of rear yard open space in Gabriel Estates. As shown on the Development Plan (Attachment B), approximately 75% of the

homes are proposed to have rear yard setbacks of 15 feet or greater. Establishing a ten foot minimum setback would provide flexibility by allowing homeowners in the future to build into the rear yards without conflicting with lot coverage regulations. If a house were to be constructed up to the minimum setbacks on the smallest lot, the house would still be under the maximum lot coverage allowance of 70% for single-story homes and 60% for two-story homes, and the homeowner would still be able to construct a small structure, such as a storage shed, in the rear of the property.

Preliminary and Final Development Plan Amendment

In accordance with the Design Goals and Standards for residential subdivisions of 50 to 100 lots, a total of sixteen houses are proposed consisting of four floor plans and four architectural styles to be built on the remaining 70 lots. The plans consist of one single-story plan at approximately 2,400 square feet and three two-story plans ranging from approximately 2,800 to 3,300 square feet in size. The existing lot sizes range from 5,000 to 11,773 square feet, with most lots in the general range of 5,600 to 6,200 square feet. The footprints of the proposed homes fit on the lots within the established setbacks, with the exception of approximately 25% of the houses proposed to be built closer to the rear than 15 feet. The requested amendment to the rear yard setback would need to be granted by the City Council before a Preliminary and Final Development Plan for homes to be located closer than 15 feet to the rear property line may be approved.

A good mix and distribution of each plan type and elevation is proposed throughout the subdivision, and nearly a quarter of the subdivision has homes whose garages are setback at least 30 feet, as encouraged in the Design Goals and Standards.

There are four different architectural styles of each floor plan, including Spanish, Italianate, Craftsman, and Cottage, and each elevation style will be available in four color schemes, for a total of sixteen different color schemes to be used throughout the subdivision (Attachment C). There is variation between elevations of each floor plan, utilizing a range of materials and façade details appropriate to each architectural style, decorative garage doors, and different roofing materials that are unique to the elevation style, making each feel like a different house. The house plans incorporate numerous windows that visually break up the otherwise large and flat side elevations. Architecture-specific details, such as siding, ironwork, brackets and braces, and shutters are used on all four sides of the houses. Every elevation style incorporates porch and front wall pop outs to de-emphasize the presence of garage doors facing the street, and there are substantial variations in building planes on the rears and sides as well. The variation in building planes is helpful in breaking up front, rear and side facades, reducing the effect of a monotonous streetscape or a two-dimensional feeling within the subdivision.

In summary, as listed in the findings within Planning Commission Resolution, and as conditioned, the project complies with the Design Goals and Standards through the use of varying architectural styles, architectural elements on all four sides of the houses, emphasized entries, de-emphasized garage presence, and variation in building planes.

Environmental Document

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

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve the amendments to the Concept Development Plan, Preliminary, and Final Development Plan, subject to the conditions contained in the Planning Commission Resolution dated November 18, 2015.

MOTION

Move that the Planning Commission recommend that the City Council approve the amendments to the Concept Development Plan, Preliminary, and Final Development Plan, subject to the conditions contained in the Planning Commission Resolution dated November 18, 2015.

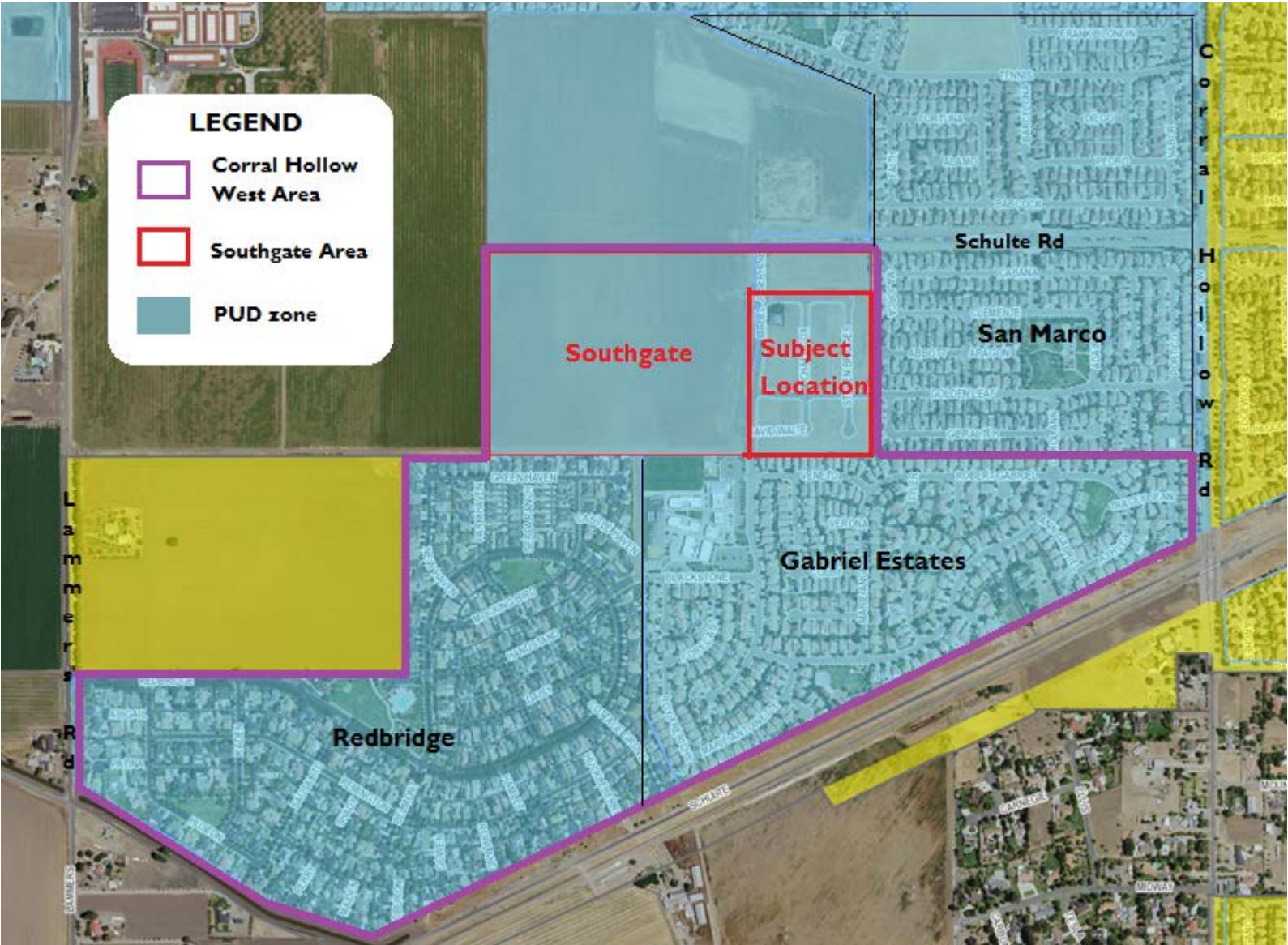
Prepared by: Kimberly Matlock, Associate Planner

Approved by: Bill Dean, Assistant Development Services Department Director

ATTACHMENTS

- Attachment A: Project Location Map
- Attachment B: Development Plan (Oversized)
- Attachment C: Preliminary and Final Development Plan (Oversized)

Project Location Map



RESOLUTION _____

RECOMMENDING CITY COUNCIL APPROVAL OF A CONCEPT DEVELOPMENT PLAN AMENDMENT TO THE MINIMUM REAR YARD SETBACK AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN AMENDMENT TO THE ARCHITECTURE FOR 71-LOT SOUTHGATE RESIDENTIAL SUBDIVISION LOCATED SOUTH OF THE WESTERN TERMINUS OF SCHULTE ROAD AND EAST OF MABEL JOSEPHINE DRIVE. THE APPLICANT AND OWNER IS BRIGHT DEVELOPMENT – APPLICATION NUMBER D14-0027

WHEREAS, The subject property was annexed to the City of Tracy in 1995 and is a part of the Corral Hollow West Planned Unit Development, with a zoning of Planned Unit Development and a General Plan land use designation of Residential Low, and

WHEREAS, On January 3, 2006, The City Council approved a Vesting Tentative Subdivision Map, a Concept Development Plan amendment, and a Preliminary and Final Development Plan for the Southgate residential subdivision consisting of 71 single-family dwelling units on approximately 18 gross acres located to the south of the western terminus of Schulte Road and east of Mabel Josephine Drive, and

WHEREAS, To date, one of the lots has been constructed and occupied, and the remaining 70 lots have not yet been developed, and

WHEREAS, The applicant has submitted an application for an amendment to the Concept Development Plan to change the minimum rear yard setback in the Southgate subdivision from fifteen feet to ten feet, and

WHEREAS, The applicant has submitted an application for an amendment to the Preliminary and Final Development plan for four new house plans consisting of four architectural styles each and three color schemes each, and

WHEREAS, The Concept, Preliminary, and Final Development Plans meet the goals and policies of the City's General Plan and Zoning Ordinance because they facilitate and encourage a mix of housing types and a rear yard setback similar to established neighboring subdivisions, and

WHEREAS, The proposed architecture is in compliance with Tracy's Design Goals and Standards because there is significant variation between floor plans and elevations, design details and materials specific to each architectural style, architectural features are used on all four sides of each house, the presence of garages on the street are de-emphasized, and the plans are evenly distributed throughout the subdivision, and

WHEREAS, The project is exempt from the California Environmental Quality Act per Section 15162 pertaining to projects with a certified Environmental Impact Report (EIR) where the project does not propose substantial changes that will result in a major revision of the previous EIR. On February 1, 2011, the City of Tracy adopted the General Plan. The associated EIR (SCH# 1992 122 069) was certified February 1, 2011. Furthermore, the project is consistent with the Negative Declaration approved by the City Council for the Corral Hollow West Annexation. The project does not propose new significant changes to the environment that were not analyzed in the General Plan EIR,

including the areas of traffic, air quality, land use, and aesthetics, and, therefore, no further documentation is needed, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the amendments to the Concept, Preliminary, and Final Development Plans on November 18, 2015;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission does hereby recommend that the City Council approve the amendments to the Concept Development Plan for a ten-foot rear yard setback, and to the Preliminary and Final Development Plan for revised architecture and house plans, Application Number D14-0027, subject to conditions stated in Exhibit "1", attached and made part hereof.

The foregoing Resolution _____ was adopted by the Planning Commission on the 18th day of November, 2015, by the following vote:

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

Chair

ATTEST:

Staff Liaison

City of Tracy
Conditions of Approval
Southgate CDP/PDP/FDP Amendment
Application Number D14-0027
November 18, 2015

A. General Provisions and Definitions.

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

The Project: Southgate Concept, Preliminary, and Final Development Plan Amendments

The Property: 71 lots located East of Mabel Josephine Drive and south of Schulte Road

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 (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and Relevant Public Facilities Master Plans).
- d. "Development Services Director" means the Development Services Department Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project. The Conditions of Approval shall specifically include all Development Services Department conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The Developer may be the property owner or the leasee, where responsibilities for improvements are distributed among each party. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the floor plans and architectural elevations shall be in substantial compliance with the plans received by the Development Services Department on November 10, 2015 for the remaining 70

lots in the Southgate Subdivision. The 10-foot rear yard setback shall apply to all 71 lots in the subdivision.

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

B. Project Conditions

- B.1. Unless specifically modified by these Conditions of Approval, the Applicant shall comply with all applicable mitigation measures identified in the General Plan Environmental Impact Report, dated February 11, 2011, and the Corral Hollow West Planned Unit Development Mitigation Monitoring Program, dated October 26, 1994.
- B.2. Except as proposed in the Southgate Concept, Preliminary, and Final Development Plan and as modified by these conditions of approval, the project shall comply in all respects with the development standards that would apply to the Low Density Residential Zone of the Tracy Municipal Code.
- B.3. The Development Services Director may approve changes to the Development Plan and approve building permits in compliance with the modified Development Plan provided that the following criteria are met:
- a. No same floor plan may occur on two consecutive side-by-side lots or two lots across directly the street from each other, unless they are constructed

- with substantially different elevations as determined by the Development Services Director. The same floor plan and elevation may be used on two back-to-back lots provided that different color schemes are used.
- b. No same floor plan shall be used on three consecutive side-by-side lots.
 - c. No same floor plan may occur more than thrice for every grouping of six neighboring lots facing each other.
 - d. At least twenty percent of the subdivision (14 lots) shall be placed such that the garage is setback at least 30 feet from the back of sidewalk.
 - e. A minimum of 17 lots shall be single-story, and the single-story homes should be distributed throughout the subdivision such that there is no obvious concentration of single-story homes in a particular area to the satisfaction of the Development Services Director.
 - f. Each two-story plan shall be used not less than 10% nor more than 30% of the total lots in the subdivision.
- B.4. Prior to issuance of a building permit for Lot 53, the Applicant shall cause a certificate of lot line adjustment with the necessary deed to be recorded at the San Joaquin County Recorder, to adjust the property line between Assessor's Parcel Number 240-670-17 and 240-050-38 such that the resulting Lot 53 (Assessor's Parcel Number 240-670-17) is consistent in size and shape with that shown in the Preliminary and Final Development Plan. The deed shall include the dedication of the portion of Assessor's Parcel Number 240-670-17 to the City for Mabel Josephine Drive right-of-way.
- B.5. Prior to issuance of a building permit for Lot 53, the Applicant shall cause a grant of easement to be recorded at the San Joaquin County Recorder, for the dedication of a 10 feet wide Public Utility Easement (PUE) along the frontage of Lot 53 on Mabel Josephine Drive.
- B.6. Prior to issuance of building permits for lots 53 through 68, the Applicant shall demonstrate that no building or structure is proposed in any easement which does not permit buildings or structures. The Applicant shall disclose to lot buyers presence and restrictions of the easement.
- B.7. Prior to any work in the public right-of-way, the Applicant shall obtain applicable encroachment permits required for any work to be done in the public right-of-way. The Applicant shall submit improvement plans that shows the extent of work and construction detail of driveway modification and relocation of water and/or sewer services, if applicable, and pay plan checking, permit processing, testing, and engineering inspection fees. All work on City's right of way shall be completed, prior to final building inspection of the last residential house constructed within the property.
- B.8. Prior to issuance of any permits for ground disturbance, the Applicant shall comply with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and a signed copy of the Incidental Take Minimization Measures shall be submitted to the City as verification of compliance.
- B.9. If the Applicant installs on-site landscaping, then the Applicant shall demonstrate compliance with the Department of Water Resources' Water Efficient Landscape Ordinance to the satisfaction of the Utilities Director prior to the issuance of building

permits. The landscape and irrigation plans and documentation shall be submitted with the master plans.

- B.10. Prior to the issuance of building permits, the Applicant shall document compliance with all applicable school mitigation requirements consistent with City Council standards and obtain certificate of compliance from the Tracy Unified School District for each new residential building permit.
- B.11. Prior to the issuance of building permits, the Applicant shall include a copy of these Conditions of Approval in the building permit plan set.

AGENDA ITEM 1-C

REQUEST

CONDUCT A PUBLIC HEARING TO RECEIVE COMMENTS ON THE TRACY HILLS SPECIFIC PLAN RECIRCULATED DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT

DISCUSSION

On December 22, the City published the Tracy Hills Specific Plan Draft Environmental Impact Report (EIR), to begin its public review period. During the past year, the Planning Commission received oral comments on the Tracy Hills Specific Plan Draft EIR (January 28, 2015) and conducted three study sessions on the Draft Specific Plan (February 25, 2015, March 11, 2015, and March 25, 2015). The City Council subsequently conducted similar study sessions.

Following the Draft EIR's public review period, the City updated, and has now recirculated, the Draft EIR due to comments and new information received during the public review period, primarily related to water resources, traffic, and biological resources. The Recirculated Draft EIR includes updated environmental analysis (in strike-thru/underline format), as well as all the comments received on the Draft EIR from earlier this year, and responses to those comments.

The Recirculated Draft EIR comment period is from October 15, 2015 through December 3, 2015.

The Project's EIR is required by the California Environmental Quality Act (CEQA). The Draft EIR evaluates environmental consequences of the project, identified by CEQA, and feasible mitigation measures to reduce or avoid significant impacts of the project.

Although not required by CEQA, tonight's public hearing provides an opportunity for anyone wishing to provide comments on the Draft EIR. Additional opportunities to comment include written correspondence, emails, or other direct contact with Tracy City Hall.

Tonight's public hearing is not a time to respond to technical comments and questions. Instead, it is an additional opportunity to solicit public input on the Draft EIR. In reviewing and commenting on the Draft EIR, commenters should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and on ways in which the significant effects of the Project could be avoided or mitigated. The City will evaluate comments on the Draft EIR and revise the Draft EIR, if necessary, or otherwise provide written responses to the comments in the Final EIR. Kimley Horn and Associates, the City's CEQA consultant for this project, will present a brief overview of the Draft EIR, a summary of the changes from the previous Draft EIR, and an overview of the remaining CEQA process.

Following the Draft EIR public comment period, the City will prepare written responses to all comments received. The comments, City responses, and any changes to the Draft EIR in response to the comments (plus the Draft EIR) will constitute the Final EIR.

After completion of the Final EIR, it will be scheduled for consideration by the Planning Commission along with the Tracy Hills Specific Plan, the Phase 1a tentative subdivision map, and other project applications. The Planning Commission's recommendation regarding the Final EIR and the project will be forwarded to the City Council for final consideration.

RECOMMENDATION

Staff recommends that the Planning Commission open the public hearing, receive comments or other input regarding the Tracy Hills Specific Plan Recirculated Draft Subsequent EIR; then close the public hearing. (City staff will prepare written responses to the comments for publication in the Final EIR).

MOTION

No action is necessary as part of this agenda item.

Prepared by Alan Bell, Senior Planner

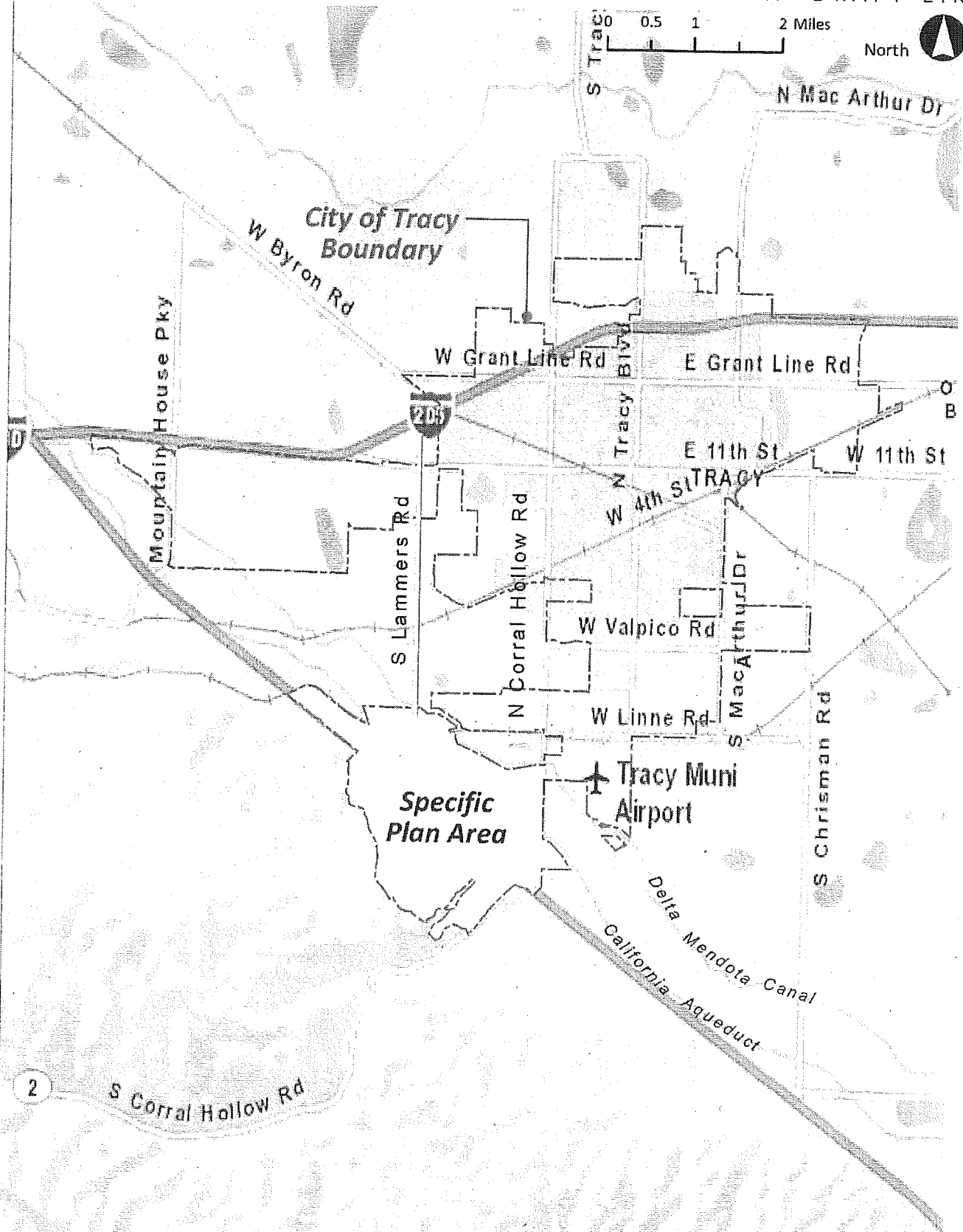
Approved by Bill Dean, Assistant Development Services Director

ATTACHMENTS

Attachment A – Project Location Map

Attachment B– Tracy Hills Specific Plan Recirculated Draft Subsequent Environmental Impact Report (This is an oversized document, previously distributed to the Planning Commissioners; and available for review at Tracy City Hall, the Tracy Public Library, and on the City's web site:
www.ci.tracy.ca.us/?navid=595.)

TRACY HILLS SPECIFIC PLAN DRAFT EIR



Sources: Esri, DeLorme, NAVTEQ, USGS, NRCAN, METI, IPC, TomTom