

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 8, 2016
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. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER APPLICATIONS FOR A CONDITIONAL USE PERMIT AND A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN TO DEVELOP AN APPROXIMATELY 16,900 SQUARE FOOT AUTOMOTIVE REPAIR FACILITY WITH ASSOCIATED PARKING AND LANDSCAPING ON AN APPROXIMATELY 2.5-ACRE SITE (ASSESSOR'S PARCEL NUMBER 212-270-14) AND ON AN APPROXIMATELY 42-FOOT WIDE STRIP (APPROXIMATELY 0.27 ACRES) OF DETENTION BASIN 10 (ASSESSOR'S PARCEL NUMBER 212-040-11), LOCATED ON THE NORTH SIDE OF AUTO PLAZA DRIVE BETWEEN THE VOLKSWAGEN DEALERSHIP AND THE TRACY COLLISION AUTO BODY SHOP. THE REQUEST INCLUDES A PLANNING COMMISSION DETERMINATION REGARDING CONFORMANCE WITH THE CITY'S GENERAL PLAN FOR THE CITY TO POTENTIALLY SELL THE APPROXIMATELY 42-FOOT WIDE STRIP TO THE PROJECT DEVELOPER. THE APPLICANT IS JACK RITTENHOUSE III OF STANTEC ARCHITECTURE INC. FOR CALIBER COLLISION AND THE PROPERTY OWNER IS TRACY FCMS, LLC – APPLICATION NUMBERS CUP16-0004, D16-0002, & DET16-0001

2. ITEMS FROM THE AUDIENCE
3. DIRECTOR'S REPORT
4. ITEMS FROM STAFF
 - A. DISCUSSION REGARDING THE BROWN ACT AND ITEMS FROM THE COMMISSION
5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

Posted: **June 3, 2016**

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 APPLICATIONS FOR A CONDITIONAL USE PERMIT AND A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN TO DEVELOP AN APPROXIMATELY 16,900 SQUARE FOOT AUTOMOTIVE REPAIR FACILITY WITH ASSOCIATED PARKING AND LANDSCAPING ON AN APPROXIMATELY 2.5-ACRE SITE (ASSESSOR'S PARCEL NUMBER 212-270-14) AND ON AN APPROXIMATELY 42-FOOT WIDE STRIP (APPROXIMATELY 0.27 ACRES) OF DETENTION BASIN 10 (ASSESSOR'S PARCEL NUMBER 212-040-11), LOCATED ON THE NORTH SIDE OF AUTO PLAZA DRIVE BETWEEN THE VOLKSWAGEN DEALERSHIP AND THE TRACY COLLISION AUTO BODY SHOP. THE REQUEST INCLUDES A PLANNING COMMISSION DETERMINATION REGARDING CONFORMANCE WITH THE CITY'S GENERAL PLAN FOR THE CITY TO POTENTIALLY SELL THE APPROXIMATELY 42-FOOT WIDE STRIP TO THE PROJECT DEVELOPER. THE APPLICANT IS JACK RITTENHOUSE III OF STANTEC ARCHITECTURE INC. FOR CALIBER COLLISION AND THE PROPERTY OWNER IS TRACY FCMS, LLC – APPLICATION NUMBERS CUP16-0004, D16-0002, & DET16-0001

DISCUSSION

Project Location

The proposal is to establish a 16,900 square foot, single-story, automotive repair facility (Caliber Collision) on approximately 2.5 acres. The site is located on the north side of Auto Plaza Drive (Attachment A) adjacent to the east of the recently approved Tracy Collision automotive repair facility. The City-owned storm drainage basin, Detention Basin 10 (DB10), is adjacent to the north of the site. The vicinity of the site is characterized as a consumer and business service neighborhood adjacent to the West Valley Mall and Tracy Pavilion regional retail area. Other nearby businesses include auto body repair, a tire store, and numerous auto dealers with auto service.

Land Use Compatibility

The site is designated Commercial in the General Plan, located within the I-205 Corridor Specific Plan area, and designated Service Commercial. Automotive repair uses are conditionally permitted uses in this land use designation.

Vehicle repairs will be conducted inside the facility, thereby reducing noise and visual impacts on surrounding businesses. The proposed automotive repair facility shares many characteristics with the surrounding consumer-oriented businesses, including the recently approved Tracy Collision shop, in terms of size and scale of the building, hours of operation, and nature of customers. The project and proposed land use are anticipated to be well suited to the proposed location and its vicinity.

Proposed Preliminary and Final Plan

The project meets City standards regarding the site design, architecture, parking, landscaping, and other design elements. Attachment B is the site plan, preliminary grading and utility plan, preliminary landscape plan, and exterior building elevations for the proposed project. The building will be centrally located on the site, with the primary entrance and porte cochere fronting onto Auto Plaza Drive and parking on all four sides of the building. One-hundred and twenty off-street parking spaces are proposed, which is in excess of the number required by I-205 Corridor Specific Plan standards for automotive repair. The rear two-thirds of the site will be enclosed with a decorative wrought iron fence, with gates on both sides of the building, to match the quality of the fencing used on nearby sites. Two two-way drive aisles are proposed on Auto Plaza Drive, one of which is shared with the adjacent Tracy Collision site per a condition of the parcel map that subdivided these lots in the 1990's.

The building is constructed of metal finished with beige EIFS veneer and an earth-toned stone wainscot around all four sides of the building. The front entry is architecturally emphasized with a tower and a porte cochere and is finished with a combination of stone, brick veneer, and storefront glazing. These finishes will complement the quality of architecture present in the vicinity. Rooftop equipment will be conditioned to be fully screened from public view by a parapet, and ground-mounted equipment will be conditioned to be screened by the building and landscaping or screen walls.

Sale of City-Owned Property

The subject property is adjacent to a City-owned and maintained storm-drain pond (DB10). The City acquired and developed DB10 approximately 20 years ago.

Between the City's DB10 and the proposed Caliber Collision site is an approximately 42-foot-wide strip of property (approximately 11,805 square feet in area), formerly used as a drainage ditch by the surrounding farmland in the Naglee-Burke Irrigation District. This strip is not a separate, legal lot of record; it is part of the parcel purchase by the City approximately 20 years ago, for the development of DB10. Use of the ditch by area farms was discontinued many years ago. The City has no plans or intention to use the 42-foot-wide strip of property. All of the City's DB10 improvements, including perimeter fence and raised service drive, are outside of the 42-foot-wide strip of property. In its current, undeveloped condition, the 42-foot-wide strip of property is a maintenance issue for the City and an attractive nuisance for members of the public.

When Caliber Collision began their preliminary application discussions, City staff asked Caliber Collision if they would be interested in enlarging their site by approximately 42 feet by purchasing that strip of City-owned property. This would be in keeping with the adjacent Tracy Collision and Volkswagen dealership which developed their sites by incorporating the City-owned strip of property into their projects.

Caliber Collision has expressed interest in purchasing the strip. This will give Caliber Collision the right to maintain it at a standard consistent with the rest of the site and also give them opportunity to expand their site in the future. The sale would also relieve the City from future maintenance of the unused strip. Sale of the strip is consistent with the City's General Plan, which designates the subject property Commercial. State law (Government Code Section 65402(a)) requires the Planning Commission to make such a determination prior to sale of City property.

Recognizing that this potential purchase of City-owned property would occur after consideration of this application, Staff has included findings and conditions of approval for development of the existing City owned property if the purchase is approved and finalized. This will prevent the Applicant from having to come back to the Commission for permit amendments just to incorporate and landscape the 42-foot wide strip into the planned development.

CEQA Documentation

The project is Categorically Exempt from CEQA, pursuant to CEQA Guidelines Section 15332, In-Fill Development Projects. The Section 15332 exemption pertains to projects that meet the following criteria: the project is consistent with the General Plan designation and zoning, the site is located within the City limits, the site is on less than five acres and is substantially surrounded by urban uses, the site has no value as habitat for protected species of plants or animals, the site can be served by required public utilities and services, and the project would not result in significant effects relating to traffic, noise, air quality, or water quality. The project meets all of these criteria, and therefore, is categorically exempt from additional CEQA documentation.

RECOMMENDATION

Staff recommends that the Planning Commission do the following:

1. Determine that the sale of the approximately 42-foot wide strip of property from the City to the developer is consistent with the General Plan
2. Approve the Conditional Use Permit for an automotive repair facility
3. Recommend that the City Council approve the Planned Unit Development Preliminary and Final Development Plan

MOTION

Move that the Planning Commission do the following:

1. Determine that the sale of the approximately 42-foot wide strip of property from the City to the developer is consistent with the General Plan
2. Approve the Conditional Use Permit for an automotive repair facility
3. Recommend that the City Council approve the Planned Unit Development Preliminary and Final Development Plan

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June 8, 2016
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Prepared by: Kimberly Matlock, Associate Planner

Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENTS

Attachment A – Location Map

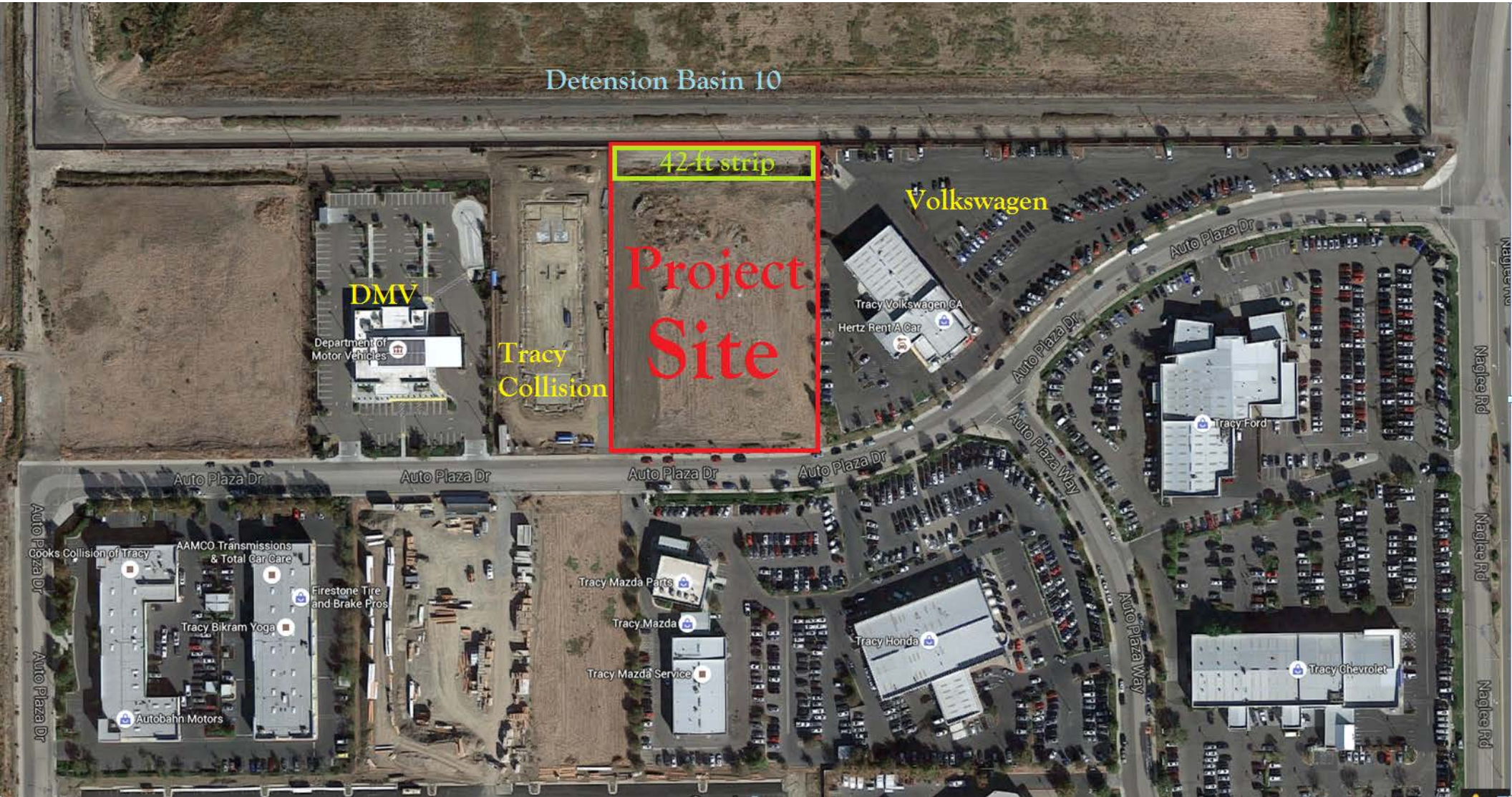
Attachment B – Site Plan, Civil Plans, Landscape Plan, Building Elevations, and Details
(Oversized)

Attachment C – Planning Commission Resolution for CUP16-0004

Attachment D – Planning Commission Resolution for D16-0002

Attachment E – Planning Commission Resolution for DET16-0001

LOCATION MAP



RESOLUTION 2016-_____

APPROVING A CONDITIONAL USE PERMIT FOR AN APPROXIMATELY 16,900 SQUARE FOOT AUTOMOTIVE REPAIR FACILITY WITH ASSOCIATED PARKING AND LANDSCAPING ON AN APPROXIMATELY 2.5-ACRE SITE (ASSESSOR'S PARCEL NUMBER 212-270-14) AND ON AN APPROXIMATELY 42-FOOT WIDE STRIP (APPROXIMATELY 0.27 ACRES) OF DETENTION BASIN 10 (ASSESSOR'S PARCEL NUMBER 212-040-11), LOCATED ON THE NORTH SIDE OF AUTO PLAZA DRIVE BETWEEN THE VOLKSWAGEN DEALERSHIP AND THE TRACY COLLISION AUTO BODY SHOP. THE APPLICANT IS JACK RITTENHOUSE III OF STANTEC ARCHITECTURE INC. FOR CALIBER COLLISION AND THE PROPERTY OWNER IS TRACY FCMS, LLC – APPLICATION NUMBER CUP16-0004

WHEREAS, On January 5, 2016, Stantec Architecture, Inc. filed a development application for Caliber Collision, an approximately 16,900 square foot automotive repair facility on a 2.5 acre site on Auto Plaza Drive, which includes an application for a Planned Unit Development (PUD) Preliminary and Final Development Plan (D16-0002) and a Conditional Use Permit (CUP16-0004) (the "project"), and

WHEREAS, The project is consistent with the City of Tracy General Plan, in that the site is designated Commercial by the General Plan, and automotive repair and other vehicle services are among the allowed uses in the Commercial land use designation, and

WHEREAS, The subject property is located within the Service Commercial designation of the I-205 Corridor Specific Plan, which requires Conditional Use Permit approval for a vehicle service land use (such as an automotive repair facility), and

WHEREAS, In accordance with Tracy Municipal Code (TMC) Section 10.08.1830, the Planning Commission shall review and make recommendation to the City Council regarding a PUD Preliminary and Final Development Plan, and TMC Section 10.08.4250 et seq. authorizes the Planning Commission to take final action on a Conditional Use Permit application, and

WHEREAS, The project is categorically exempt from CEQA based on Guidelines Section 15332 which applies to in-fill projects which are consistent with the General Plan and zoning regulations, and other specified characteristics, all of which apply to this project, and

WHEREAS, The Planning Commission conducted a public hearing to consider the project on June 8, 2016;

NOW, THEREFORE, BE IT RESOLVED, The Planning Commission approves the Conditional Use Permit (CUP16-0004), subject to (1) the conditions contained in Exhibit 1 and (2) that it will not take effect until and unless the City Council approves the PUD Preliminary and Final Development Plan (D16-0002) for the project, based on the following findings:

1. There are circumstances or conditions applicable to the land, structure, or use, which make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right. The proposed auto body repair facility is a compatible land use with the existing commercial neighborhood, comprised of other consumer-oriented businesses, including automotive repair facilities, automobile dealerships and service facilities, tire store, the Department of Motor Vehicles, and other commercial businesses.

2. The Proposed location of the conditional use in accordance with the objectives and purposes of the zoning regulations and the I-205 Corridor Specific Plan. The subject property is designated Service Commercial in the I-205 Corridor Specific Plan. Auto body repair facilities and other vehicle services require Conditional Use Permit approval in the Service Commercial designation. The proposed use will support economic development goals by generating local jobs, property and sales taxes. The auto body repair facility will not only be compatible with nearby land uses, it will support nearby businesses by purchasing parts, subletting repairs, procuring supplies and advertising, and attracting customers to the vicinity that could patronize multiple, related businesses.

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 or materially injurious to, or inharmonious with, properties or improvements in the vicinity. All vehicle repairs are proposed to be conducted inside the facility, thereby minimizing noise, visual impacts, or other potential disturbances to nearby land uses.

4. The proposed use will comply with each of the applicable provisions of the zoning regulations and the I-205 Corridor Specific Plan. The project is consistent with City standards in all respects, including, but not limited to siting standards, off-street parking, landscaping, and building design.

* * * * *

The foregoing Resolution 2016-_____ was adopted by the Planning Commission on the 8th day of June, 2016, by the following vote:

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

CHAIR

STAFF LIAISON

City of Tracy
Conditions of Approval
Caliber Collision
Application Number CUP16-0004
June 8, 2016

A. General Provisions and Definitions.

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

The Project: An approximately 16,900 sq ft automotive repair facility and associated parking and landscape areas

The Property: An approximately 2.5-acre site located on the north side of Auto Plaza Drive (Assessor's Parcel Number 212-270-14) and an approximately 42-foot wide strip of Detention Basin 10 (Assessor's Parcel Number 212-040-11) approximately 0.27 acres in size. The total development area is approximately 2.77 acres.

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, the I-205 Corridor Specific Plan, 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 Project, Application Number D16-0002. 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 plans received by the Development Services Department on May 24, 2016, which include the site plan, civil plans, landscape plan, floor plan, and elevations.

- 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), I-205 Corridor Specific Plan, Standard Plans, and Design Goals and Standards.

RESOLUTION 2016-_____

APPROVING A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR AN APPROXIMATELY 16,900 SQUARE FOOT AUTOMOTIVE REPAIR FACILITY WITH ASSOCIATED PARKING AND LANDSCAPING ON AN APPROXIMATELY 2.5-ACRE SITE (ASSESSOR'S PARCEL NUMBER 212-270-14) AND ON AN APPROXIMATELY 42-FOOT WIDE STRIP (APPROXIMATELY 0.27 ACRES) OF DETENTION BASIN 10 (ASSESSOR'S PARCEL NUMBER 212-040-11), LOCATED ON THE NORTH SIDE OF AUTO PLAZA DRIVE BETWEEN THE VOLKSWAGEN DEALERSHIP AND THE TRACY COLLISION AUTO BODY SHOP. THE APPLICANT IS JACK RITTENHOUSE III OF STANTEC ARCHITECTURE INC. FOR CALIBER COLLISION AND THE PROPERTY OWNER IS TRACY FCMS, LLC – APPLICATION NUMBER D16-0002

WHEREAS, On January 5, 2016, Stantec Architecture, Inc. filed a development application for Caliber Collision, an approximately 16,900 square foot automotive repair facility on a 2.5 acre site on Auto Plaza Drive, which includes an application for a Planned Unit Development (PUD) Preliminary and Final Development Plan (D16-0002) and a Conditional Use Permit (CUP16-0004) (the “project”), and

WHEREAS, The subject property is located within the I-205 Corridor Specific Plan, which requires PUD Preliminary and Final Development Plan for new building and site development, and

WHEREAS, In accordance with Tracy Municipal Code (TMC) Section 10.08.1830, the Planning Commission shall review and make recommendation to the City Council regarding a PUD Preliminary and Final Development Plan, and TMC Section 10.08.4250 et seq. authorizes the Planning Commission to take final action on a Conditional Use Permit application, and

WHEREAS, The project is consistent with the City of Tracy General Plan, in that the site is designated Commercial by the General Plan, and automotive repair and other vehicle services are among the allowed uses in the Commercial land use designation; the project will pay all applicable development impact fees to mitigate its proportionate impact on public facilities; and the project is consistent with goals and policies of the General Plan, including economic development, circulation, noise, and air quality, and

WHEREAS, The project is consistent with the I-205 Corridor Specific Plan and the City Design Goals and Standards, including public utilities, site design, architecture, off-street parking and circulation, land use, and landscaping

WHEREAS, The project is categorically exempt from CEQA based on Guidelines Section 15332 which applies to in-fill projects which are consistent with the General Plan and zoning regulations, and other specified characteristics, all of which apply to this project, and

WHEREAS, The Planning Commission conducted a public hearing to consider the project on June 8, 2016;

NOW, THEREFORE, BE IT RESOLVED, The Planning Commission recommends that the City Council approve the PUD Preliminary and Final Development Plan (D16-0002), subject to the conditions contained in Exhibit 1.

* * * * *

The foregoing Resolution 2016-_____ was adopted by the Planning Commission on the 8th day of June, 2016, by the following vote:

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

CHAIR

STAFF LIAISON

City of Tracy
Conditions of Approval
Caliber Collision Auto Body Shop
Application No. D16-0002
June 8, 2016

A. General Provisions and Definitions.

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

The Project: An approximately 16,900 sq ft automotive repair facility and associated parking and landscape areas

The Property: An approximately 2.5-acre site located on the north side of Auto Plaza Drive (Assessor's Parcel Number 212-270-14) and potential future purchase of an approximately 42-foot wide strip of Detention Basin 10 (Assessor's Parcel Number 212-040-11) approximately 0.27 acres in size. The potential total development area is approximately 2.77 acres.

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, the I-205 Corridor Specific Plan, 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 Project, Application Number D16-0002. 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 plans received by the Development Services Department on May 25, 2016, which include the site plan, civil plans, landscape plan, floor plan, and elevations.

- 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").
 - California State Title 24 and Title 19
- 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, the I-205 Corridor Specific Plan, 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 Department, Planning Division Conditions

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

- B.1. Potential Future Purchase of City-owned Property. In the event the developer purchases the approximately 42-foot-wide strip of City-owned property (approximately 0.27 acres of APN 212-040-11), that is adjacent to the north of their parcel, the following condition shall apply:

Prior to the issuance of a building, grading, or other construction permit for the currently owned strip of City property, the developer shall obtain written permission from the City to access, use, and improve the strip as shown in the plans received on May 25, 2016. Prior to final inspection and Certificate of Occupancy, the developer shall:

- a. Record the transfer of title of the approximately 42-foot-wide strip of purchased City property and submit a copy of the Grant Deed to the City.
- b. Apply for a lot line adjustment or other instrument which shall be approved by the City and which Developer shall record to relocate the property line at the north end of APN 212-270-14 approximately 42 feet north, resulting in one lot

for the approximately 2.77-acre site, in accordance with a purchase agreement or other written agreement with the City for the purchase of this property and in compliance with this development application.

- B.2. Parking area. Before the approval of a building permit, the applicant shall submit the following to the satisfaction of the Development Services Director:
- B.2.1 Site plans and construction details that demonstrate 12-inch wide concrete curbs along the perimeter of landscape planters where such planters are parallel and adjacent to vehicular parking spaces to provide access to vehicles without stepping into the landscape planters.
 - B.2.2 Detailed plans that demonstrate the parking lot is striped in accordance with Standard Plan 154.
 - B.2.3 Detailed plans that demonstrate sidewalk, landscape planters, and bio-retention areas perpendicular to parking stalls overhang up to 24 inches into the parking stall in place of wheel stops where feasible. Any landscape planter overhang may not be double-counted toward the required amount of parking area landscaping.
 - B.2.4 Bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510.
- B.3. Landscaping & irrigation. Before the approval of a building permit, the applicant shall submit the following to the satisfaction of the Development Services Director:
- B.3.1. Detailed landscape and irrigation plans consistent with the Tracy Municipal Code and the I-205 Corridor Specific Plan for parking area landscaping.
 - B.3.2. Trees shall be a minimum of 24" box size, shrubs shall be a minimum size of 5 gallon, and groundcover shall be a minimum size of 1 gallon.
 - B.3.3. Each planter shall contain a combination of trees, shrubs, and groundcover. No planter area shall be comprised of solely of mulch or rock, including the landscape strips adjacent to parking stalls along the east and west perimeters of the site.
 - B.3.4. Where trees are planted ten feet or less from a sidewalk or curb, root barriers dimensioned 8 feet long by 24 inches deep shall be provided adjacent to such sidewalk and curb, centered on the tree.
 - B.3.5. Landscape & Irrigation Maintenance. Prior to the issuance of a building permit, the Developer shall execute a two-year landscape and irrigation maintenance agreement and submit financial security, such as a performance bond, to ensure the success of all on-site landscaping for the term of the agreement. The security amount shall be equal to \$2.50 per square foot of the landscaped area or equal to the actual labor and material installation cost of all on-site landscaping and irrigation.

- B.4. Architecture. Before final inspection or certificate of occupancy, the applicant shall do the following to the satisfaction of the Development Services Director:
- B.4.1. The exterior paint booth walls and any doors located adjacent to a wall that is two tones in color shall be painted to match the two color tones.
 - B.4.2. The back of parapets and towers that are visible from any public right-of-way will be fully finished match the front of the parapets and towers, which may include cornices, materials, textures, and paints.
- B.5. Lighting. 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 as defined in TMC Section 10.08.3450.
- B.6. Screening utilities and equipment.
- B.6.1. Before final inspection or certificate of occupancy, no roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from any public right-of-way, including, but not limited to, Auto Plaza Drive, Auto Plaza Way, Naglee Road, Larch Road, and Power Road, to the satisfaction of the Development Services Director. Plans to demonstrate such equipment screened behind a parapet wall shall be submitted to the City prior to the issuance of a building permit.
 - B.6.2. Before the issuance of a building permit, the applicant shall submit detailed plans for the construction of the trash and recycling enclosure. The enclosure shall be designed and appropriately sized for this project, including allowance for recycling collection, to the satisfaction of the Development Services Director. The trash and recycling collection enclosure shall include a solid roof structure. The enclosure, including the roof, shall be architecturally compatible with the commercial building, which includes but is not limited to, design, materials, and color. If bollards are desired for additional protection, they shall be constructed internal to the enclosure.
 - B.6.3. 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 view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
 - B.6.4. Before final inspection or certificate of occupancy, all vents, gutters, downspouts, flashing, and electrical conduits shall be internal to the structures and other ground-mounted, wall-mounted, or building-attached utilities shall be painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.

- B.6.5. No bollards are permitted to be installed in the front area of the site where they would be generally visible. Any bollards installed in the rear of the site behind the fencing shall be painted to match the nearest improvement, such as the building wall, to the satisfaction of the Development Services Director.
- B.7. Signs. No signs are approved as a part of this application. Prior to the installation of signage, the applicant shall obtain applicable sign and building permits in accordance with Tracy Municipal Code (TMC) standards to the satisfaction of the Development Services Director.
- B.8. 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.
- B.9. Conditions of Approval in Construction Plans. Prior to the approval of a building permit, these Conditions of Approval shall be included in the construction plan set for the building permit.

C. Development Services Department, Engineering Division Conditions

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

C.1. Grading Permit

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

- C.1.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer.
- C.1.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.
- C.1.3. Three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) for the Project with a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any relevant documentation or written approvals from the SWQCB, including the Wastewater Discharge Identification Number (WDID#).
 - a. After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Developer shall provide the City with a copy of the completed Notice of Termination.
 - b. The cost of preparing the SWPPP, NOI and NOT, including the filing fee of the NOI and NOT, shall be paid by the Developer.

- c. The Developer shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the applicable provisions of the City's Storm Water Management Program.

- C.1.4. Two (2) sets of the Project's Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California, as required in Condition C.3.1.a (i) below. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, percolation rate, and elevation of highest observed groundwater level.
- C.1.5. A copy of the approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD)
- C.1.6. Documentation of any necessary authorizations from Regional Water Quality Control Board (RWQCB)
- C.1.7. Two (2) sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system and for determining the size of the project's storm drainage connection, as required in Conditions C.3.1.b (i) below.

C.2. Encroachment Permit

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

- C.2.1. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (Mylar) and these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
- C.2.2 Two (2) sets of structural calculations signed and stamped by a Structural Engineer licensed in the State of California, as required in Condition C.3.1.a (ii), below.
- C.2.3. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.
- C.2.4. If required, a signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA. The Developer's obligations in the OIA shall be deemed to be satisfied upon City Council's acceptance of the public improvements and release of the Improvement Security.

- C.2.5. Check payment for the applicable of engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on April 15, 2014, per Resolution 2014-059.
- C.2.6. Traffic Control Plan signed and stamped by a Registered Traffic Engineer and Tracy Fire Code Official's signature on the Utility Improvement Plans indicating their approval for the Project's fire service connection and fire and emergency vehicle access. The written approval from the Fire Department required in this section shall be obtained by the Developer, prior to City Engineer's signature on the improvement plans.

C.3. Improvement Plans

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

C.3.1. Grading and Storm Drainage Plans

C.3.1.a. Site Grading

- (i) Include all proposed erosion control methods and construction details to be employed and specify materials to be used. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.
- (ii) When the grade differential between the Project Site and adjacent property(s) exceeds 12 inches, a reinforced or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) of the retaining wall or masonry wall. The entire retaining wall and footing shall be constructed within the Project Site. A structural calculation shall be submitted with the Grading and Storm Drainage Plans.
- (iii) An engineered fill may be accepted as a substitute of a retaining wall, if the grade differential is less than 2 feet and subject to approval by the City Engineer. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Developer shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s). The slope easement must be recorded, prior to the issuance of the final building certificate of occupancy.

- (iv) Site grading shall be designed such that the Project's storm water can surface drain directly to a public street that has a functional storm drainage system with adequate capacity to drain storm water from the Project Site, in the event that the on-site storm drainage system fails or it is clogged. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be improved to the satisfaction of the City Engineer.

C.3.1.b. Storm Drainage

- (i) The Developer shall design and install the Project's permanent drainage connection(s) to the City's existing storm drainage facility located on Auto Plaza Drive per City Regulations and as approved by the City Engineer. Storm drainage calculations for the sizing of the on-site storm drainage system must be submitted with the Improvement Plans.
- (ii) The design and construction details of the Project's storm drainage connection shall meet City Regulations and shall comply with the applicable requirements of the *Multi-Agency Post-Construction Stormwater Standards (Manual)* adopted July 1, 2015, and any subsequent amendments.
- (iii) Prior to the final inspection of the first building to be constructed on the Property, the Developer shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Developer's responsibility towards the repair and maintenance of on-site storm water treatment facilities. Calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the STFMA and the Grading and Storm Drainage Plans.
- (iv) Developer shall install an 18" storm drain line within the existing 20' wide private drainage easement for the benefit of the property to the east for future connection. Developer may request establishment of a benefit district or other means acceptable to the City for reimbursement of cost of installation of the storm drain line for the property to the east when it develops and connects to the said storm drain line.

C.3.2. Improvement Plans

All costs associated with the installation of the Project's water connection(s) including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping, relocating existing utilities that may be in conflict with the water connection(s), and other improvements shall be paid by the Developer.

If water main shut down is necessary, the City will allow a maximum of 4 hours water supply shutdown. The Developer shall be responsible for

notifying residents or business owner(s), regarding the water main shutdown. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before the water main shutdown. Prior to starting the work described in this section, the Developer shall submit a Water Shutdown Plan and Traffic Control Plan to be used during the installation for approval by the City.

C.3.2.a. Domestic and Irrigation Water Services:

The Developer shall design and install domestic and irrigation water service connection, including a remote-read water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City Regulations. The domestic and irrigation water service connection(s) must be completed before the final inspection of the building.

The City shall maintain water lines from the water meter to the point of connection with the water distribution main (inclusive) only. Repair and maintenance of all on-site water lines, laterals, sub-meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer.

C.3.2.b. Fire Service Line:

The Developer shall design and install fire hydrants at the locations approved by the City's Fire Safety Officer and Chief Building Official. Prior to the approval of the Improvement Plans, the Developer shall obtain written approval from the City's Fire Safety Officer and Chief Building Official, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.3.3. Street Improvements

C.3.3.a. Frontage Improvements on Auto Plaza Drive:

The Developer shall design and install improvements on Auto Plaza Drive which shall include replacement of damaged or disturbed curb, gutter and sidewalk, installation of driveways, storm drains, manholes and other improvements as determined by the City Engineer. In addition, the Developer shall overlay street pavement for all utility trench cuts as required in Condition C.3.6 below.

C.3.3.b. All roadway improvements described in these Conditions of Approval must be designed and constructed by the Developer to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (HDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), all applicable City Regulations, and these Conditions of Approval, prior to final inspection of the first building to be constructed within the Property.

C.3.4. Traffic Control Plan

The Developer shall submit a Traffic Control Plan, to show the method and type of construction signs to be used for regulating traffic at the work areas within Auto Plaza Drive. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

C.3.5. Utility Services

C.3.5.a. Developer shall prepare joint trench plans in compliance with utility companies' requirements and City regulations, and obtain approval of the plans. All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities.

C.3.5.b. Pavement cuts or utility trench(s) on existing street(s) for the installation of water distribution main, storm drain, sewer line, electric, gas, cable TV, and telephone will require the application of 2" asphalt concrete overlay and replacement of pavement striping and marking that are disturbed during construction. The limits of asphalt concrete overlay shall be 25 feet from both sides of the trench, and shall extend over the entire width of the adjacent travel lane(s) if pavement excavation encroaches to the adjacent travel lane or up to the street centerline or the median curb. 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 or edge of pavement, whichever applies).

C.4. Building Permit

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

C.4.1. Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC, and these Conditions of Approval.

C.4.2. Payment of the Agricultural Conversion or Mitigation Fee as required in Chapter 13.28 of the TMC, and these Conditions of Approval.

C.4.3. Payment of the Regional Transportation Impact Fees (RTIF) as required in Chapter 13.32 of the TMC, and these Conditions of Approval.

C.4.4. The Project is within 1-205 Specific Plan Parcel GL-2A. Payment of applicable development impact fees (a.k.a. capital in-lieu fees) as specified in the Project's Finance Plan and all fees as required in the 1-205 Infrastructure Cost Allocation Spreadsheet (recent version) and the 1-205 Corridor Specific Plan Finance & Implementation Plan (1-205 FIP) update and these Conditions of Approval. The Developer shall also pay to the City the Project's fair share of the cost of the Non-program Streets and Non-program Traffic

Signals within the 1-205 Specific Plan Area in accordance with 1-205 North Roadway Funding Study approved by the City, and as shown on the Project's Finance Plan, 1-205 Infrastructure Cost Allocation Spreadsheet (recent version) and the 1-205 FIP update.

C.4.5. All fees shall be calculated based on the total site area, which includes the public property acquisition outlined in Condition B.1 above.

C.5. Acceptance of Public Improvements

Public improvements will not be accepted by the City Council until after the Developer completes construction of the relevant public improvements, and also demonstrates to the City Engineer satisfactory completion of the following:

C.5.1. Correction of all items listed in the deficiency report prepared by the assigned Engineering Inspector relating to public improvements subject to City Council's acceptance.

C.5.2. Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City shall temporarily release the originals of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As Built" configuration of all improvements.

C.6. Temporary or Final Building Certificate of Occupancy

No Temporary or Final Building Certificate of Occupancy will be issued by the City until after the Developer provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

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

C.6.2. The Developer has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.7. Improvement Security

The Developer shall provide improvement security for all public facilities, as required by the OIA and these Conditions of Approval. The form of the improvement security

may be a surety bond, letter of credit or other form in accordance with section 12.36.080 of the TMC. The amount of improvement security shall be as follows:

- C.7.1. Faithful Performance (100% of the estimated cost of constructing the public facilities),
- C.7.2. Labor & Materials (100% of the estimated cost of constructing the public facilities), and
- C.7.3. Warranty (10% of the estimated cost of constructing the public facilities)

C.8. Release of Improvement Security

Improvement Security(s) described herein shall be released to the Developer after City Council's acceptance of public improvements, and after the Developer demonstrates, to the satisfaction of the City Engineer, compliance of these Conditions of Approval, and completion of the following:

- C.8.1. Improvement Security for Faithful Performance, Labor & Materials, and Warranty shall be released to the Developer in accordance with Section 12.36.080 of the TMC.
- C.8.2. Written request from the Developer and a copy of the recorded Notice of Completion.

C.9. Special Conditions

- C.9.1. The Developer shall comply with all applicable requirements of the I-205 Corridor Specific Plan, approved by the City Council on August 21, 1990, pursuant to Resolution No. 90-328, and the I-205 Corridor Specific Plan Amendment, approved by the City Council on July 6, 1999, pursuant to Resolution No. 99-240.
- C.9.2. All streets and utilities improvements within City's 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.9.3. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.
- C.9.4. The Developer 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 Developer 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 Developer.

- C.9.5. 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 Grading Permit, Encroachment Permit, Building Permit, Improvement Plans, OIA, and DIA, 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 design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

D. Utilities Department, Water Resources Division Conditions

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

- D.1. Stormwater Quality. Before the approval of a grading or building permit, the applicant shall demonstrate compliance with the Multi-Agency Post-Construction Stormwater Standards (Manual) adopted July 1, 2015, obtain approval of the submitted Project Stormwater Plan by the Utilities Director, and provide a maintenance agreement in accordance with the Manual.
- 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' 2015 Water Efficient Landscape Ordinance to the satisfaction of the Utilities Director.

E. Public Works Department Conditions

Contact: Don Scholl (209) 831-6360 don.scholl@ci.tracy.ca.us

- E.1. Maintenance of City-owned 42-foot strip of property. In the event the developer does not purchase the approximately 42-foot-wide strip of City-owned property (approximately 0.27 acres of APN 212-040-11), prior to final inspection and Certificate of Occupancy for the project, the developer shall record an easement that provides unobstructed access for City maintenance equipment and vehicles to allow for City to perform all necessary maintenance activities for the strip to the satisfaction of the Public Works Director.

F. Development Services Department, Building & Fire Safety Conditions

Contact: Kevin Jorgensen (209) 831-6415 kevin.jorgensen@ci.tracy.ca.us

- F.1. Accessible path. Before the approval of a building permit, the applicant shall submit plans detailing continuous four-foot minimum width of public sidewalk at driveway per the California Building Code (CBC).
- F.2. Operational permit. Before the issuance of Certificate of Occupancy, an operational permit shall be secured for spray operations, repair garage, hazardous materials and welding operations per the current California Fire Code (CFC).
- F.3. Hydrants. Before the approval of a building permit, the applicant shall submit plans that show at least one fire hydrant within 100 feet of an FDC.
- F.4. Fire Department Access. Before the approval of a building permit, the applicant shall submit plans detailing accessibility of access gates for fire department access, including, but not limited to, noting whether the gates are manually or automatically operated, whether there will there be a Knox Box at each gate or Knox Padlock at each manual gate, and if such gates are automatic, whether they strobe and infrared receivers and Knox Switches to operate both sides of each gate per the City's Fire Prevention Standards.
- F.5. Emergency Radio Coverage. Before the approval of a building permit, the applicant shall submit plans specifying that building will provide adequate emergency radio coverage per current CFC (either by radio amplification system or otherwise).
- F.6. Gas Detection Systems. Before the approval of a building permit, the applicant shall submit plans detailing gas detection systems where repair of vehicles fueled by nonodorized gases (hydrogen or nonodorized LNG e.g.) per current CFC.

RESOLUTION 2016-___

DETERMINING THAT THE SALE OF APPROXIMATELY 11,805 SQUARE FEET OF CITY-OWNED PROPERTY IS IN CONFORMANCE WITH THE GENERAL PLAN

WHEREAS, A development and a use permit application for an auto body repair facility has been submitted (Application Numbers D16-0002 and CUP16-0004) to develop 2.5 acres of vacant property Auto Plaza Drive, APN 212-270-16 (the “adjacent property”), and

WHEREAS, The adjacent property is adjacent to an approximately 42-foot-wide strip of City-owned property (the “strip”), comprising approximately 11,805 square feet (portion of APN 212-040-11), purchased by the City as part of a larger parcel for use as Drainage Basin 10 (DB10), and

WHEREAS, DB10 has been completed, is in its ultimate, developed location, and the City has no use for, or plans to use the strip, and

WHEREAS, Continued ownership of the strip by the City in its undeveloped condition causes a potential maintenance liability for the City, an attractive nuisance to members of the public, and inefficient use of potentially valuable real estate, and

WHEREAS, Both the strip and the adjacent property are designated Commercial by the City’s General Plan, and

WHEREAS, Sale of the strip to the owner of the adjacent property will allow the owner to maintain the strip and, at a future date, to apply to improve the strip for a commercial use consistent with the site’s commercial zoning and General Plan designation, and

WHEREAS, The owner of the adjacent property and the City have begun the process to negotiate sale of the strip to the owner of the adjacent property, and

WHEREAS, It is anticipated that the developer’s purchase of the property will be finalized prior to the issuance of a Certificate of Occupancy for the project, and

WHEREAS, California Government Code Section 65402(a) requires the Planning Commission to determine whether the “location, purpose, and extent” of real estate disposal by the City is in conformance with the General Plan, prior to such disposal;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission determines the sale of the approximately 42-foot-wide strip of property totaling approximately 11,805 square feet is in conformance with the City of Tracy General Plan, based on the considerations identified above.

* * * * *

The foregoing Resolution 2016-____ was passed and adopted by the Tracy Planning Commission on the 8th day of June, 2016, by the following vote:

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

CHAIR

STAFF LIAISON