

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, January 25, 2017
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 A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (APPLICATION NUMBER D16-0022) FOR A FOUR-STORY, 107-ROOM MARRIOTT TOWNEPLACE HOTEL AND SUITES ON THE EAST SIDE OF MACARTHUR DRIVE, SOUTH SIDE OF I-205 (APNS: 213-060-37, 38, AND 39); AND A REQUEST TO AMEND THE MAXIMUM ALLOWED FLOOR AREA RATIO REQUIREMENT FOR HOTELS AND MOTELS WITHIN THE I-205 CORRIDOR SPECIFIC PLAN AREA (APPLICATION NUMBER SPA17-0001)

2. ITEMS FROM THE AUDIENCE

3. DIRECTOR'S REPORT

4. ITEMS FROM THE COMMISSION

5. ADJOURNMENT

Posted: January 19, 2017

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 A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (APPLICATION NUMBER D16-0022) FOR A FOUR-STORY, 107-ROOM MARRIOTT TOWNEPLACE HOTEL AND SUITES ON THE EAST SIDE OF MACARTHUR DRIVE, SOUTH SIDE OF I-205 (APNS: 213-060-37, 38, AND 39); AND A REQUEST TO AMEND THE MAXIMUM ALLOWED FLOOR AREA RATIO REQUIREMENT FOR HOTELS AND MOTELS WITHIN THE I-205 CORRIDOR SPECIFIC PLAN AREA (APPLICATION NUMBER SPA17-0001)

DISCUSSION

Project Description

The proposal is to develop a four-story, 107-room hotel with an outdoor pool, off-street parking, landscaping, and related site improvements. Each floor of the hotel is approximately 14,700 square feet; the four-story building contains a total of approximately 58,800 square feet. The project proposes 129 parking spaces.

The approximately 2.7-acre subject property is located on the east side of MacArthur Drive and south of the east-bound I-205 Freeway on-ramp at MacArthur Drive (Attachment A). The site is the vacant parcel between the existing Chevron service station at Pescadero Road and I-205, adjacent to the former Outlet Center site.

A newer, single-family home neighborhood is across MacArthur Drive to the west of the site. The nearest homes are approximately 250 feet from the proposed hotel building. The fourth floor windows are designed approximately 35 feet above the ground level of the hotel and the top of the decorative cornice is approximately 56 feet tall.

The proposal includes two driveways which provide direct vehicle access to MacArthur Drive (Attachment B). A raised median exists in MacArthur Drive; therefore, the access driveways will provide right-in, right-out access only. No other vehicle access will be provided (except City maintenance access to an existing, City storm drain channel along the north side of the site).

The guest room sizes range in size from 304 square feet to just under 450 square feet, with various room sizes on each of the four floors. In addition to an outdoor pool on the east side of the hotel building, the first floor will contain a fitness center, breakfast room, and two meeting rooms; the larger one, approximately 1,350 square feet, the smaller one, approximately 280 square feet. The proposed floor plans, exterior building elevations, and front canopy detail are contained in Attachments C, D, and E.

The proposed building exterior includes various colors and smooth textures of

masonry-like material (fiber cement and EIFS (similar to smooth stucco finish)) and guest room window glazing. The proposed building colors are depicted on the renderings, Attachment F).

I-205 Corridor Specific Plan Compliance

The project site is located within the Freeway Commercial (FC) designation of the I-205 Corridor Specific Plan. The FC designation is focused on providing services to motorists traveling on or accessing the freeways, and provides for hotels, motels, restaurants, and automobile service stations. The proposed hotel will benefit from its visibility and close proximity to I-205.

The proposed Marriott Towneplace Hotel and Suites is a permitted use within the FC designation of the I-205 Specific Plan. This Specific Plan is implemented with the Planned Unit Development (PUD) Zone. The PUD Zone includes a three-step, public review process for new improvements: (1) Concept Development Plan, (2) Preliminary Development Plan, and (3) Final Development Plan, with each step requiring increasing project detail. In the case of the I-205 Specific Plan, the adopted Specific Plan serves as the Concept Development Plan. And due to the small scale of this hotel project, the Preliminary and Final Development Plans have been combined into one action for consideration by the Planning Commission (which is the City's common method of processing these types of applications).

The project will meet the design guidelines of the Specific Plan, except regarding Floor Area Ratio, discussed below. The project meets or exceeds City standards regarding number of required off-street parking spaces, building setbacks, amount and design of landscaping, lot coverage, height, and other guidelines.

Exterior elevations are depicted in Attachment D and color renderings are contained in Attachment F. Consistent with City guidelines, the building architecture includes a contemporary appearance; variation in textures, form, and materials; and equally attractive sides of high quality. The design of the project, combined with consistent maintenance, will be a positive influence for businesses and investment in the vicinity.

Floor Area Ratio Specific Plan Amendment

The Specific Plan prescribes a maximum floor area ratio (FAR) of 0.4 for hotels and motels. As part of this project approval, City staff is recommending that the Planning Commission recommend the City Council amend the maximum allowed FAR for hotels, including this project, in the Specific Plan area, from 0.4 to 0.6.

Floor Area Ratio is the ratio of a building's floor area to the size of the parcel containing the building. For example, a 10,000 square foot building on a 40,000 square foot site would have an FAR of 0.25 (10,000 divided by 40,000 = 0.25). Floor Area Ratio is a means by which some jurisdictions regulate bulk or size of buildings or overall intensity of development in a City – along with limits related to height, setbacks, or lot coverage.

In the example above, a single-story, 10,000 square foot building on a 40,000 square

foot site has an FAR of 0.25. Also, a two-story building with 5,000 square feet per floor would have an FAR of 0.25 on a 40,000 square foot site. Dense, urban areas with multi-story buildings may experience FARs of 10, 20 or more – while less dense, suburban areas with single-story buildings and large parking fields may not see FARs greater than 0.5.

The I-205 Specific Plan, including the maximum FAR of 0.4 for hotels, was adopted in 1990 when Tracy's population was approximately 30,000 people. As Tracy grows and becomes more dense, we can expect FAR of new development to increase. In fact, the City's General Plan, last updated in 2011, calls for an FAR for all property designated Commercial to allow a maximum FAR of up to 1.0 (Land Use Element Section B.2., page 2-24).

The proposed hotel site is approximately 116,000 square feet. The building has four floors, each of which is approximately 14,700 square feet. Therefore, the FAR of the proposed hotel is approximately 0.5.

By comparison, if one floor is eliminated or if six rooms are removed from each floor (resulting in a smaller footprint of the building), the FAR would be below the 0.4 FAR maximum currently allowed. A smaller hotel in this location would not result in a superior project design. Moreover, the proposed four-story hotel complies with the site's height limit and setback requirements. Also, adequate space is available on site to provide more than the City's minimum parking and landscaping requirements. The four-story building (and resulting 0.5 FAR) creates an opportunity for a more meaningful presence along I-205 and more compact development (and efficient) development with greater intensity.

As part of this project approval, City staff is recommending approval of a change to the Specific Plan's maximum allowed FAR for hotels and motels from 0.4 to 0.6. Although no changes are proposed or anticipated, minor changes to the plans may occur as construction documents are prepared for this hotel. In the event that a change to the parcel size due to right-of-way dedication or other minor plan changes occur that might affect the ultimate FAR of the project, City staff recommends the hotel/motel maximum FAR be 0.6 instead of 0.5. A larger FAR (up to 1.0) or broader application (beyond hotels and motels) is not recommended at this time because no request for such change has occurred and it may be speculative to initiate such a change without additional review or discussion.

CEQA Documentation

The California Environmental Quality Act (CEQA) mandates that projects which are consistent with the development density established by existing general plan policies for which an Environmental Impact Report (EIR) was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.

In this instance, the General Plan designation is Commercial and the project includes a hotel with an FAR amendment request of up to 0.6. The General Plan Commercial designation allows hotels and establishes a policy to allow an FAR up to 1.0. On

February 1, 2011, the Tracy City Council certified an EIR for the City's General Plan (SCH# 2008092006). The proposed project is consistent with the height, setbacks, parking, landscaping, and other density-related metrics of the General Plan and I-205 Corridor Specific Plan. Furthermore, project-specific technical studies have been completed to analyze potential specific effects of the project: TJKM completed a January 2017 Traffic Impact Study Report; West Yost Associates conducted an October 2016 Hydraulic Evaluation of the proposed project; and Storm Water Consulting, Inc. published a September 2016 project specific Storm Drainage Review.

The project's complete development application and each of the technical studies documents the project effects will not exceed City standards or the development density established by the General Plan. Therefore, no additional CEQA documentation is required for this project.

RECOMMENDATION

Staff recommends that the Planning Commission recommend the City Council take the following action:

1. Approve the I-205 Corridor Specific Plan Floor Area Ratio amendment for hotels and motels from a maximum of 0.4 to 0.6; and
2. Approve the Marriott Towneplace Hotel and Suites PUD Preliminary and Final Development Plan.

MOTION

Move that the Planning Commission recommend the City Council approve the I-205 Corridor Specific Plan Floor Area Ratio Amendment and the hotel PUD Preliminary and Final Development Plan as documented in the January 25, 2017 Planning Commission Resolution.

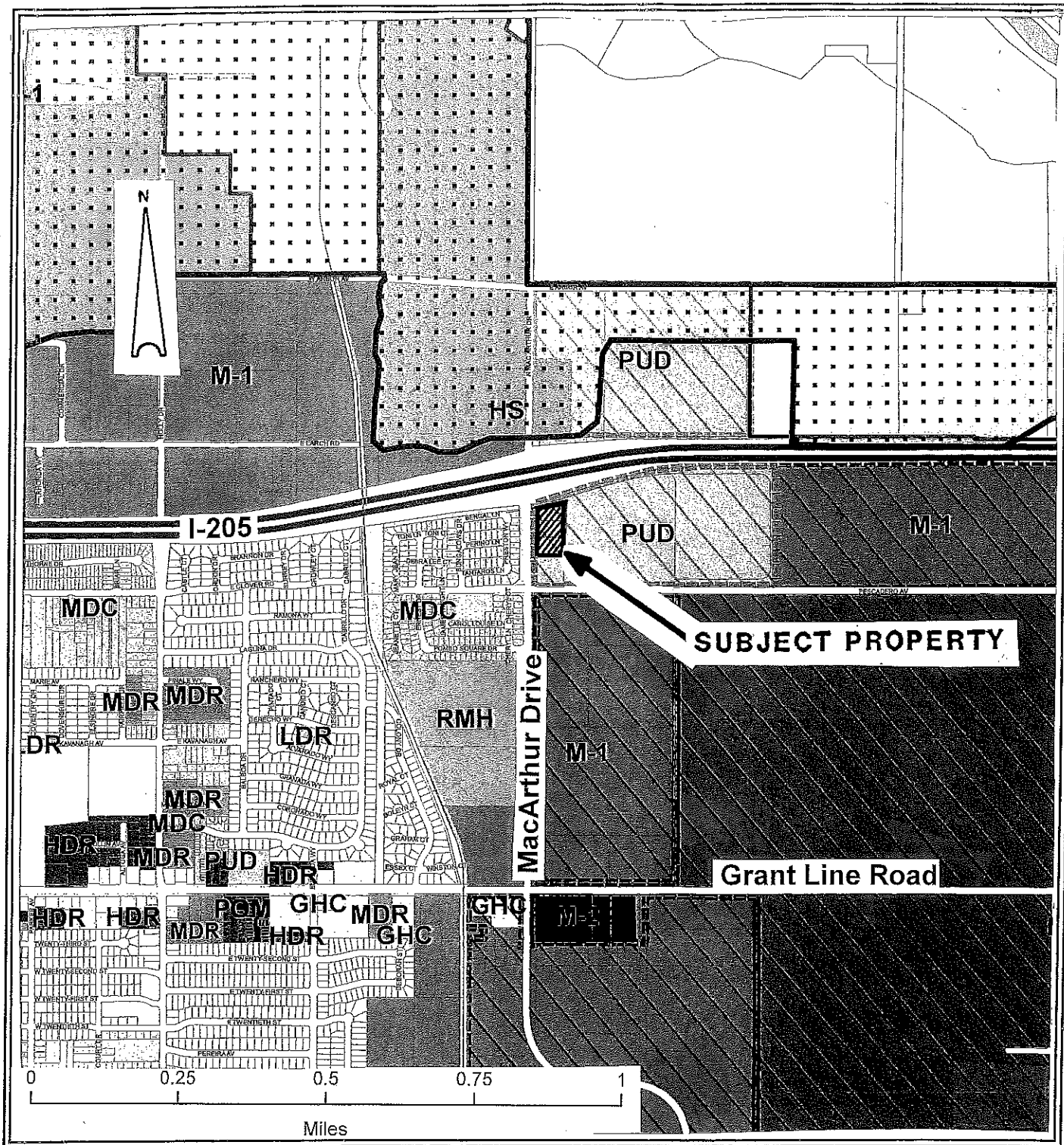
Prepared by Alan Bell, Senior Planner

Approved by Bill Dean, Assistant Development Services Director

ATTACHMENTS

Attachment A – Location Map
Attachment B – Site Plan
Attachment C – Floor Plans
Attachment D – Exterior Elevations
Attachment E – Front Canopy Detail
Attachment F – Front and Side Perspective Renderings
Attachment G – Planning Commission Resolution with Project Conditions of Approval

(Oversize plans have been provided to the Planning Commission and are available for review at Tracy Development Services Department, 333 Civic Center Plaza, Tracy.)

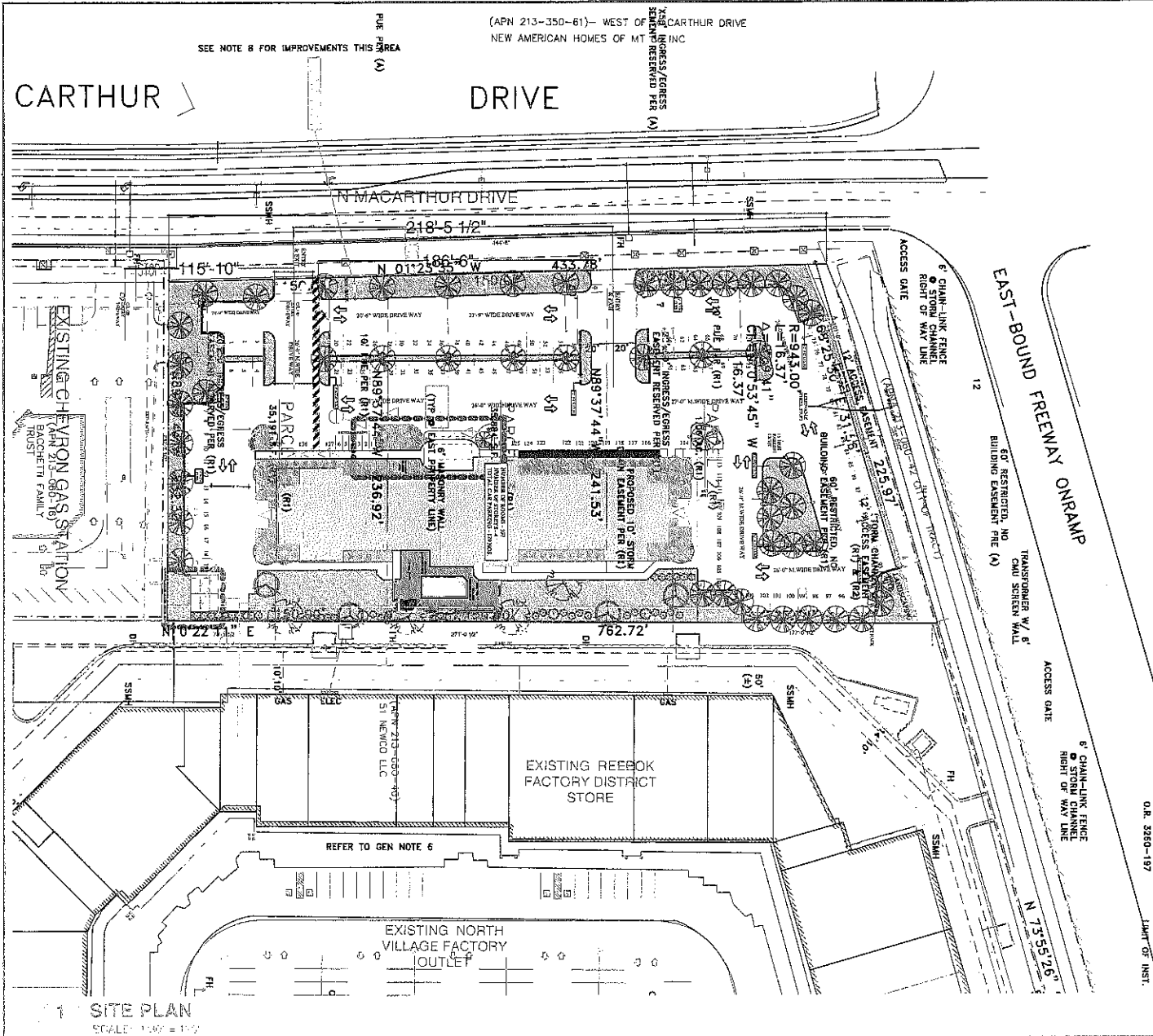


LOCATION MAP

APPLICATION NUMBER **D16-0022**

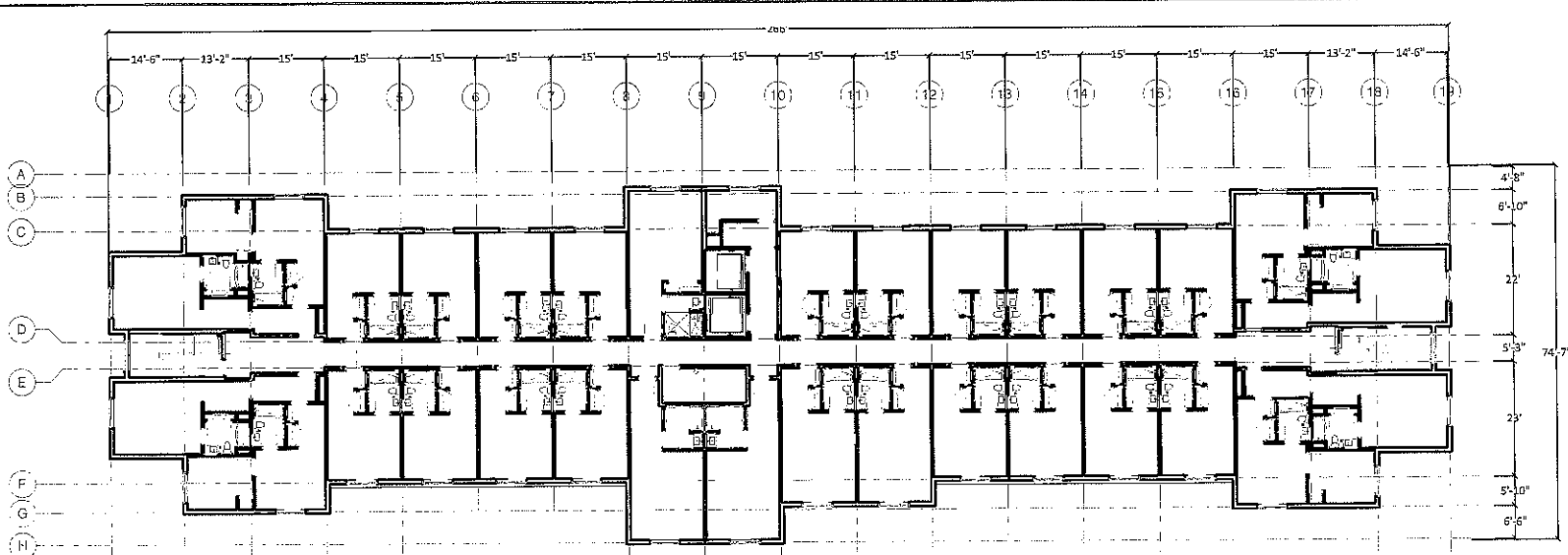
APPLICANT/OWNER **Arvind Iyer/Reza Kabul**

LOCATION (ADDRESS) OF SUBJECT PROPERTY **3550 N. MacArthur Drive**

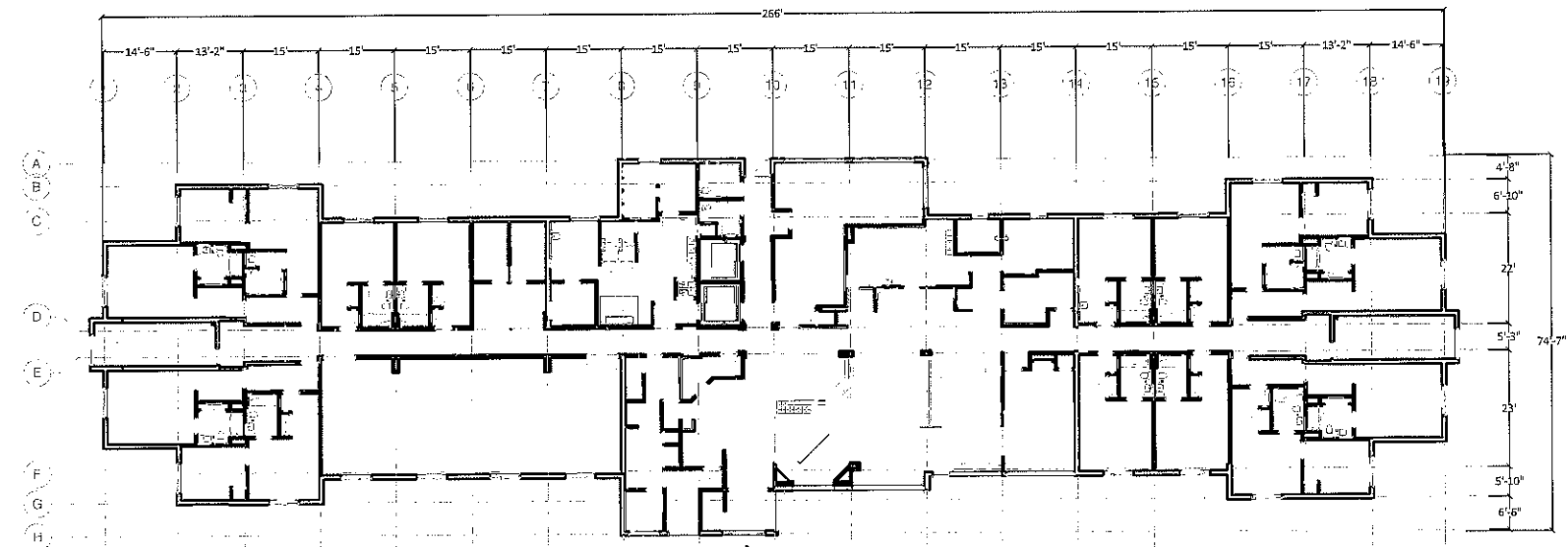


- ◻ SHADE TREE - 25'-3" CAL / 12'-14" HT.
- ◻ ORNAMENTS TREE - 25'-3" CAL / 12'-14" HT.
- ◻ EVERGREEN TREE - 8'-9" HT.
- ◻ EVERGREEN TREE - 4'-5" HT.
- ◻ SHRUB - 24'-30" HT SPACE 4'0 C
- ◻ LIGHT POLE

ROOM TYPE	1ST FLOOR	2ND FLOOR	3RD FLOOR	4TH FLOOR
2-1/2' x 10'0" (100 SQ FT)	4	12	12	12
3-0' x 10'0" (300 SQ FT)	2	4	4	4
3-0' x 12'0" (360 SQ FT)	2	4	4	4
3-0' x 15'0" (450 SQ FT)	2	4	4	4
3-0' x 18'0" (540 SQ FT)	2	4	4	4
3-0' x 21'0" (630 SQ FT)	2	4	4	4
3-0' x 24'0" (720 SQ FT)	2	4	4	4
3-0' x 27'0" (810 SQ FT)	2	4	4	4
3-0' x 30'0" (900 SQ FT)	2	4	4	4
3-0' x 33'0" (990 SQ FT)	2	4	4	4
3-0' x 36'0" (1080 SQ FT)	2	4	4	4
3-0' x 39'0" (1170 SQ FT)	2	4	4	4
3-0' x 42'0" (1260 SQ FT)	2	4	4	4
3-0' x 45'0" (1350 SQ FT)	2	4	4	4
3-0' x 48'0" (1440 SQ FT)	2	4	4	4
3-0' x 51'0" (1530 SQ FT)	2	4	4	4
3-0' x 54'0" (1620 SQ FT)	2	4	4	4
3-0' x 57'0" (1710 SQ FT)	2	4	4	4
3-0' x 60'0" (1800 SQ FT)	2	4	4	4
3-0' x 63'0" (1890 SQ FT)	2	4	4	4
3-0' x 66'0" (1980 SQ FT)	2	4	4	4
3-0' x 69'0" (2070 SQ FT)	2	4	4	4
3-0' x 72'0" (2160 SQ FT)	2	4	4	4
3-0' x 75'0" (2250 SQ FT)	2	4	4	4
3-0' x 78'0" (2340 SQ FT)	2	4	4	4
3-0' x 81'0" (2430 SQ FT)	2	4	4	4
3-0' x 84'0" (2520 SQ FT)	2	4	4	4
3-0' x 87'0" (2610 SQ FT)	2	4	4	4
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3-0' x 99'0" (2970 SQ FT)	2	4	4	4
3-0' x 102'0" (3060 SQ FT)	2	4	4	4
3-0' x 105'0" (3150 SQ FT)	2	4	4	4
3-0' x 108'0" (3240 SQ FT)	2	4	4	4
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3-0' x 117'0" (3510 SQ FT)	2	4	4	4
3-0' x 120'0" (3600 SQ FT)	2	4	4	4
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3-0' x 126'0" (3780 SQ FT)	2	4	4	4
3-0' x 129'0" (3870 SQ FT)	2	4	4	4
3-0' x 132'0" (3960 SQ FT)	2	4	4	4
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3-0' x 153'0" (4590 SQ FT)	2	4	4	4
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3-0' x 189'0" (5670 SQ FT)	2	4	4	4
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3-0' x 510'0" (15300 SQ FT)	2	4	4	4
3-0' x 513'0" (15390 SQ FT)	2	4	4	4
3-0' x 516'0" (15480 SQ FT)	2	4	4	4
3-0' x 519'0" (15570 SQ FT)	2	4	4	4
3-0' x 522'0" (15660 SQ FT)	2	4	4	4
3-0' x 525'0" (15750 SQ FT)	2	4	4	4
3-0' x 528'0" (15840 SQ FT)	2	4	4	4
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3-0' x 540'0" (16200 SQ FT)	2	4	4	4
3-0' x 543'0" (16290 SQ FT)	2	4	4	4
3-0' x 546'0" (16380 SQ FT)	2	4	4	4
3-0' x 549'0" (16470 SQ FT)	2	4	4	4
3-0' x 552'0" (16560 SQ FT)	2	4	4	4
3-0' x 555'0" (16650 SQ FT)	2	4	4	4
3-0' x 558'0" (16740 SQ FT)	2	4	4	4
3-0' x 561'0" (16830 SQ FT)	2	4	4	4
3-0' x 564'0" (16920 SQ FT)	2	4	4	4
3-0' x 567'0" (17010 SQ FT)	2	4	4	4
3-0' x 570'0" (17100 SQ FT)	2	4	4	4
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3-0' x 591'0" (17730 SQ FT)	2	4	4	4
3-0' x 594'0" (17820 SQ FT)	2	4	4	4
3-0' x 597'0" (17910 SQ FT)	2	4	4	4



2 SECOND FLOOR PLAN
 PROJECT NO. 12160721
 SHEET NO. A-2.0



1 FIRST FLOOR PLAN
 PROJECT NO. 12160721
 SHEET NO. A-2.0

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 HOTEL & SUITES**
 NORTH MACARTHUR DRIVE,
 TRACY, CA 95376

N

Sheet
**FIRST AND SECOND
 FLOOR PLAN**

DWG: 03/16/2016
 03/08/2017

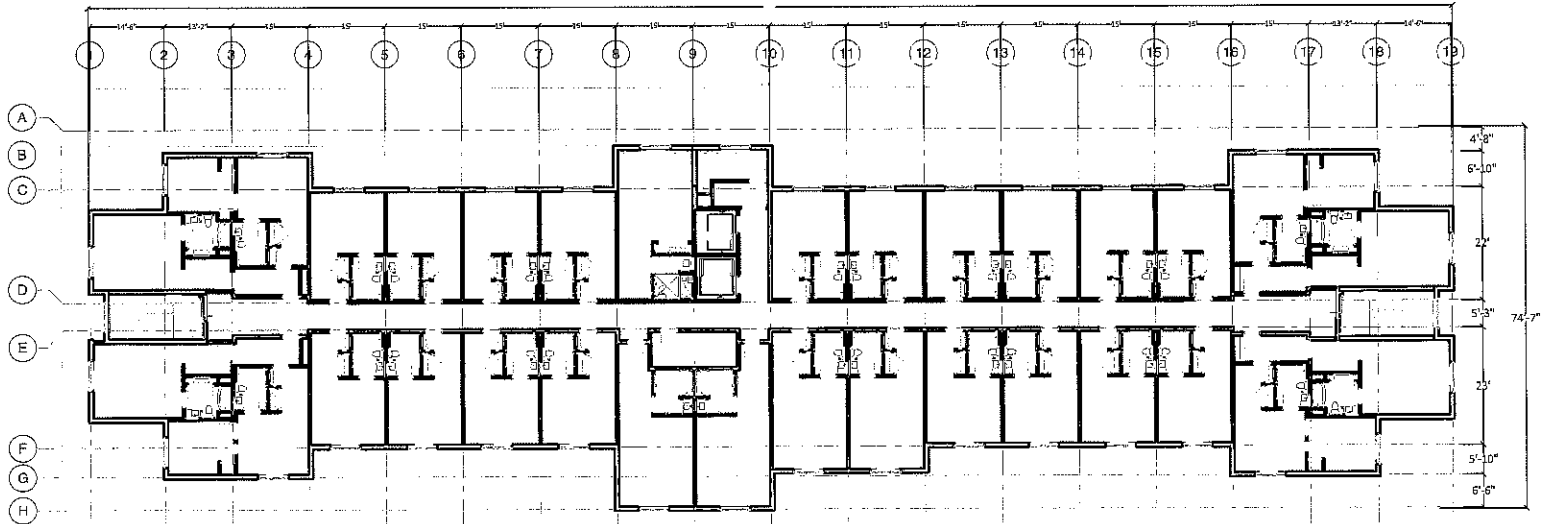
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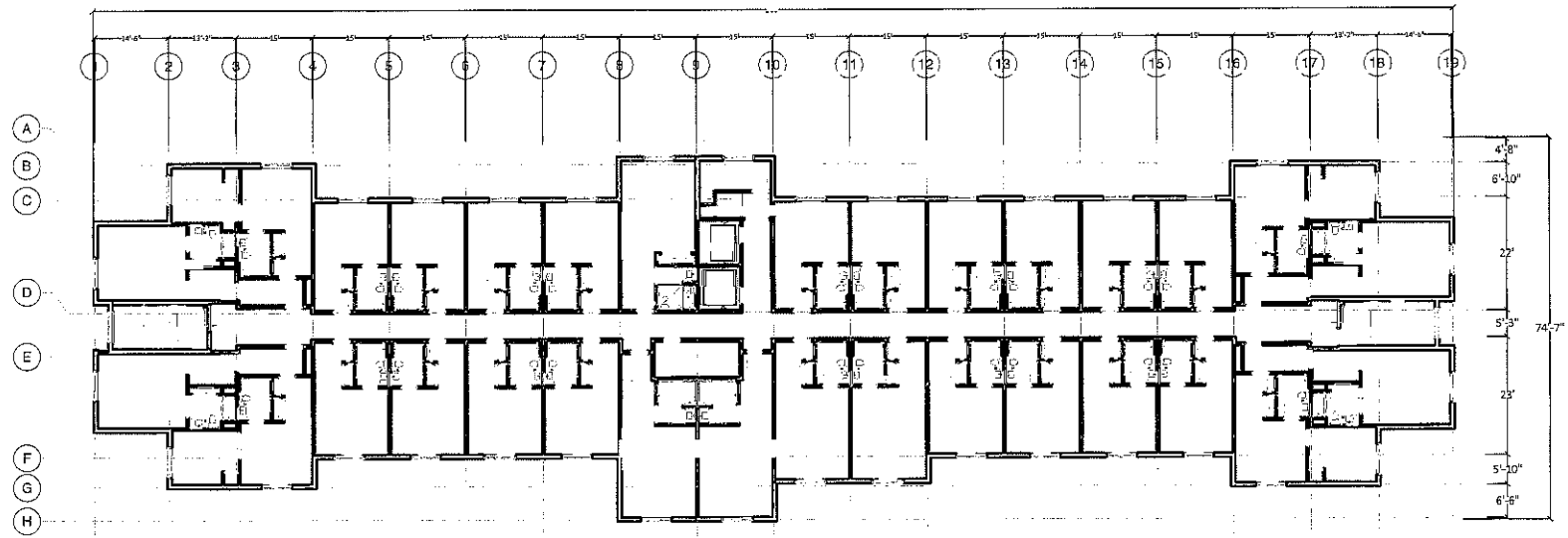
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Project no.	Sheet no.
12160721	A-2.0

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2 FOURTH FLOOR PLAN
 DATE: 01/18/2016
 PROJECT NO: 12150721



1 THIRD FLOOR PLAN
 DATE: 01/18/2016
 PROJECT NO: 12150721

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Sheet
**THIRD AND FOURTH
 FLOOR PLAN**

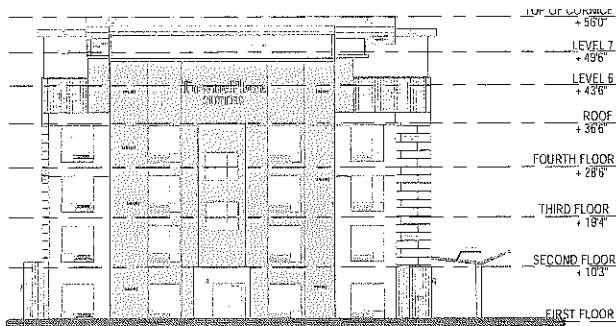
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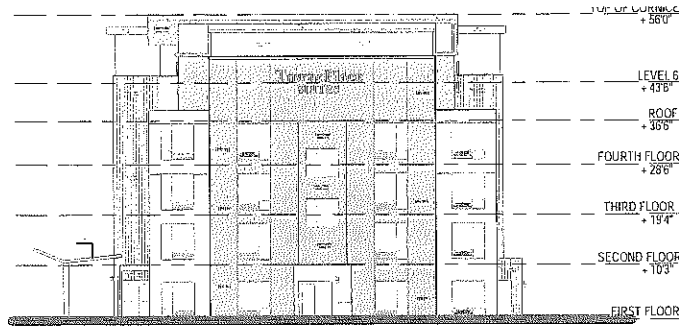
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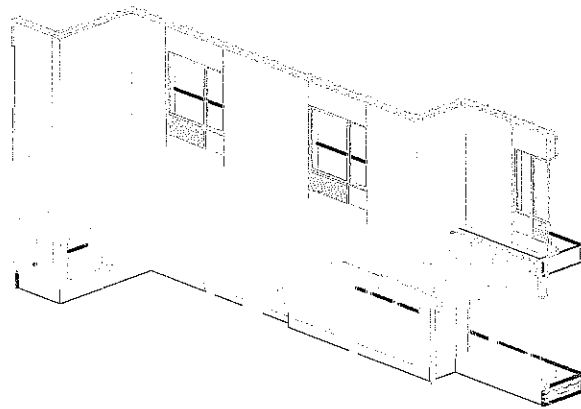


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SCALE: 1/8" = 1'-0"

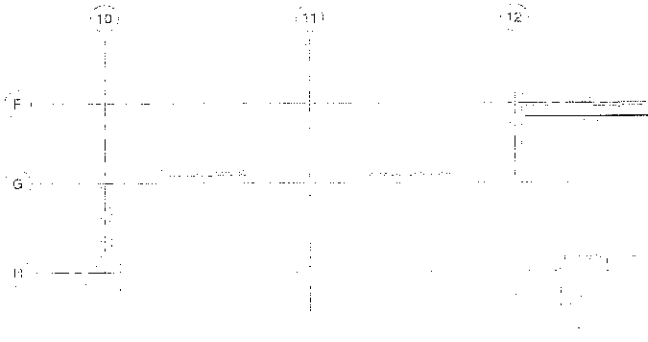


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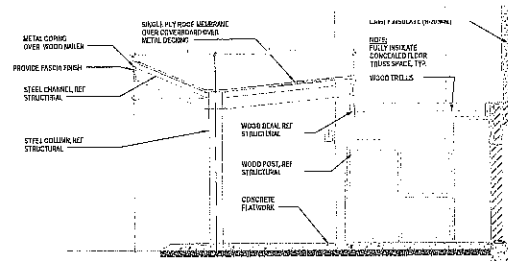
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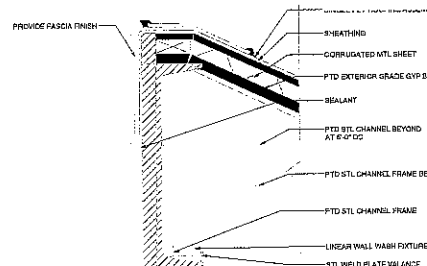
5 PORTE COCHERE 3D VIEW



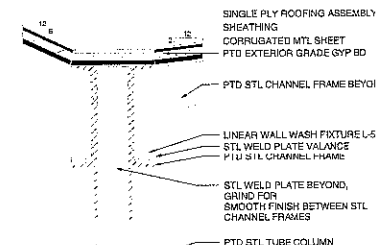
4 PORTE-COCHERE PLAN



3 PORTE COCHERE SECTION



2 PORTE COCHERE ROOF EDGE



1 PORTE COCHERE COLUMN SECTION

- GENERAL NOTES**
- REFER TO DESIGN STANDARDS SHEET FOR A BUILDING SPECIES FOR FLOOR FINISHES. RELIABLE TO THE ARCHITECT IS RESPONSIBLE FOR DESCRIBING PRACTICE IN ACCORDANCE WITH THE LATEST CODE REQUIREMENTS.
 - REFER TO RCP DRAWINGS FOR ADDITIONAL INFORMATION ON EXTERIOR LIGHTING AT PORTE COCHERE.
 - REFER TO EXTERIOR FINISH INDEX FOR FINISHES AND INFORMATION ON FINISHES FOR PORTE COCHERE AND ADJACENT BUILDING AREAS.

- STRUCTURAL INFORMATION SHOWN FOR ARCHITECTURAL INTENT ONLY. STRUCTURAL INFORMATION PROVIDED DOES NOT CONSTITUTE A DESIGN OR CONSTRUCTION AND SHOULD NOT BE USED IN LIEU OF ENGINEERING DESIGNED BY A REGISTERED STRUCTURAL ENGINEER.
- STRUCTURAL ENGINEER TO PROVIDE FULL DESIGN SERVICE INCLUDING BUT NOT LIMITED TO, DETERMINING SIZE AND SPACING OF MEMBERS AND/OR DETAIL CODE REQUIREMENTS, DISBURSE PROVISIONS & CONNECTIONS, AND/OR LOCAL CODES AND THE REQUIREMENTS FOR ALL STRUCTURAL CONNECTIONS.
- ARCHITECT SHALL COORDINATE DRAWINGS WITH STRUCTURAL ENGINEER AND VERIFY DESIGN GUIDANCE BEING ACCORDINGLY.
- ARCHITECT IS RESPONSIBLE FOR OBTAINING PERMITS IN LIEU OF APPROVALS AND USE OF PERMITS AS REQUIRED FOR LOCAL CODE AND CONTRACTUAL OBLIGATION TO BE SUBJECT TO ANY LOCAL CODES THAT MAY BE IN EFFECT ACROSS VARIOUS JURISDICTIONS.
- WALL SECTIONS ARE INTENDED ONLY TO PROVIDE INFORMATION REGARDING SPECIFIC FINISH SYSTEMS, CONSTRUCTION AND DETAILS. ARCHITECT SHALL VERIFY REQUIREMENTS WITH FINISH SYSTEM SELECTION AND PREPARE FOR SPECIFIC DETAILS ACCORDINGLY.
- COORDINATE PORTE COCHERE DETAILS WITH ADJACENT BUILDING DETAILS. SEE SITE PLAN FOR ADDITIONAL INFORMATION.

CRITICAL NOTES ARE SHOWN CATEGORIZED BY INTERPRETING QUALITY. REFER TO SHEET FOR MORE INFORMATION. DISCUSS FOR EFFICIENCY. NOTES ARE ONLY SHOWN IN THE PRESENT DRAWING. CONSULT WITH ARCHITECT AND FAMILIARIZE THEMSELVES WITH ALL CRITICAL NOTES.

ARCHITECTURAL

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ARC STUDIO, INC
ARCHITECTURAL INTERIOR FINISHING
CONSTRUCTION

**MARRIOTT TOWNEPLACE
HOTEL & SUITES**
NORTH MACARTHUR DRIVE,
TRACY, CA 95376

Sheet
CANOPY DETAIL

Date: 08.14.2016
03.05.2017

Issued for:
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COMMENTS

Drawn by: UC
Checked by: MB

Scale: AS NOTED

Project no. 12160721
Sheet no. A-6.0

MARRIOTT TOWNEPLACE SUITES



VIEW FROM FREEWAY

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MARRIOTT TOWNEPLACE SUITES

3550 N. MACARTHUR BLVD,
TRACY, CA 95376

Sheet
**VIEW FROM
FREEWAY**

Date	Issued for:
01.13.2017	PLANNING

Drawn by AH / UC / MB

Checked by ASI

Scale:

Project no.	Sheet no.
12160721	1

MARRIOTT TOWNEPLACE SUITES



FRONT VIEW

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MARRIOTT TOWNEPLACE SUITES

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 TRACY, CA 95376

Sheet

FRONT VIEW

Date	Issued for
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Scale:

Project no.	Sheet no.
12160721	2

MARRIOTT TOWNEPLACE SUITES



SIDE VIEW

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415 362-4857 (IYER)
FAX 415 362-9188

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MARRIOTT TOWNEPLACE
SUITES

3550 N. MACARTHUR BLVD,
TRACY, CA 95376

Sheet

SIDE VIEW

Date	Issued for:
21.10.2017	PLANNING

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Checked by ASI

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Project no.	Sheet no.
12160721	3

RESOLUTION 2017-_____

RECOMMENDING APPROVAL OF AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN FLOOR AREA RATIO MAXIMUM FOR HOTELS AND MOTELS AND A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR MARRIOTT TOWNEPLACE HOTEL AND SUITES LOCATED AT 3550 N. MACARTHUR DRIVE

WHEREAS, Development applications have been filed for an amendment to the I-205 Corridor Specific Plan hotel and motel maximum Floor Area Ratio requirements from 0.4 to 0.6 (SPA17-0001) and a Planned Unit Development (PUD) Preliminary and Final Development Plan application (D16-0022) for Marriott Towneplace Hotel and Suites on an approximately 2.7-acre site at 3550 N. MacArthur Drive (APNs: 213-060-37, 38, and 39), and

WHEREAS, The subject property is located within the Freeway Commercial designation of the I-205 Corridor Specific Plan, which requires PUD Preliminary and Final Development Plan approval for new improvements, and

WHEREAS, In accordance with Tracy Municipal Code Sections 10.20.060 and 10.08.1830, the Planning Commission shall review and make recommendation to the City Council regarding an amendment to a Specific Plan and approval of a PUD Preliminary and Final Development Plan, respectively, and

WHEREAS, The City of Tracy General Plan Land Use Element, Section B.2 (Commercial) sets forth a maximum Floor Area Ratio of 1.0 for property designated Commercial, 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 the proposed hotel is 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, and

WHEREAS, The project is consistent with the development density established by the City of Tracy General Plan for which an Environmental Impact Report (SCH# 2008092006) was certified by the Tracy City Council; therefore, in accordance with California Environmental Quality Act Guidelines Section 15183, no additional environmental review is required, and

WHEREAS, The Planning Commission conducted a public hearing to consider the project on January 25, 2017;

NOW, THEREFORE, BE IT RESOLVED, By the Planning Commission as follows:

1. I-205 Corridor Specific Plan Amendment – FAR (Application Number SPA17-0001)

- A. The Specific Plan amendment is consistent with the General Plan because the General Plan Land Use Element Section B.2. (Commercial) calls for a maximum Floor Area Ratio of 1.0 for property designated Commercial. The project site and all property that permits hotels or motels within the I-205 Corridor Specific Plan is designated Commercial by the General Plan.
 - B. The Planning Commission recommends that the City Council approve the Specific Plan amendment to change the maximum Floor Area Ratio for hotels and motels (I-205 Corridor Specific Plan Section 4.1.2.2.C.2.) from 0.4 to 0.6.
2. Planned Unit Development Preliminary and Final Development Plan (Application Number D16-0022)
- A. The project site is designated Freeway Commercial (FC) within the I-205 Corridor Specific Plan. Property designated FC is located in close proximity to freeway interchanges and is specifically established for hotels, motels, automobile service stations, and restaurants in order to serve motorists along or accessing the freeways. The project is located adjacent to the I-205/MacArthur Drive interchange, adjacent to an automobile service station and fast food restaurant. The site is also located in proximity to industrial businesses whose employees, executives, and visitors can benefit from a nearby hotel.
 - B. The project includes site plan and design elements consistent with the I-205 Corridor Specific Plan Design Standards and Guidelines, including land use, architecture, landscaping, parking, circulation, and utilities.
 - C. The Planning Commission recommends that the City Council approve the project Planned Unit Development Preliminary and Final Development Plan, subject to the conditions contained in "Exhibit 1", attached.

* * * * *

The foregoing Resolution 2017-_____ was adopted by the Planning Commission on the 25th day of January, 2017, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

**Marriott Towneplace Hotel and Suites
Conditions of Approval
Application Number D16-0022
Planning Commission – January 25, 2017**

These Conditions of Approval shall apply to the real property described as the Marriott Towneplace Hotel and Suites Project, Planned Unit Development (PUD) Preliminary and Final Development Plan (Application Number D16-0022). The approximately 2.7-acre subject property is located on the east side of MacArthur Drive, south of Interstate 205, 3550 N. MacArthur Drive, Tracy; (Assessor's Parcel Numbers 213-060-37, 38, and 39).

A. The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer", 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.
2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
3. "City Regulations" means all written laws, rules and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design documents (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and the June 2015 Multi-Agency Post Construction Stormwater Standards Manual, and Relevant Public Facilities Master Plans).
4. "Conditions of Approval" shall mean the conditions of approval applicable to the real property described as the Marriott Towneplace Hotel and Suites, 350 N. MacArthur Drive, PUD Preliminary and Final Development Plan (Application Number D16-0022). The approximately 2.7-acre subject property is located on the east side of MacArthur Drive, south side of Interstate 205 (Assessor's Parcel Numbers 213-060-37, 38, and 39).
5. "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.
6. "Project" means the real property consisting of approximately 2.7 acres proposed for the Marriott Towneplace Hotel and Suites Project located at 3550 N. MacArthur Drive (Assessor's Parcel Numbers 213-060-37, 38, and 39).
7. "Property" means the real property located at 3550 N. MacArthur Drive (Assessor's Parcel Numbers 213-060-37, 38, and 39).

B. Planning Division Conditions of Approval:

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, *et seq.*), the Subdivision Map Act (Government Code sections 66410, *et seq.*), the California Environmental Quality Act (Public Resources Code sections 21000, *et seq.*, "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, *et seq.*, "CEQA Guidelines").
2. Unless specifically modified by these Conditions of Approval, the Project shall comply with all City Regulations.
3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the General Plan Environmental Impact Report, dated February 1, 2011.
4. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
5. Except as otherwise modified herein, all construction shall be consistent with the plans received by the Development Services Department on January 5, 2017.
6. Prior to the issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, to the satisfaction of the Development Services Director; and with the applicable Department of Water Resources Model Efficient Landscape Ordinance to the satisfaction of the Utilities Director. Said landscape plans shall include documentation which demonstrates there is no less than 20 percent of the parking area in landscaping, 40 percent canopy tree coverage at tree maturity, and a minimum 15-foot wide landscape strip on private property along the MacArthur Drive property line, in accordance with City Regulations. Landscaping and irrigation shall be designed and planted between the parking spaces and the north property line (within the 12-foot wide access easement area) in accordance with City regulations to the satisfaction of the Development Services Director. Newly planted, on-site trees shall be a minimum size of 24-inch box and shrubs shall be a minimum size of five gallons.
7. Where landscape planters are parallel and adjacent to vehicular parking spaces, the planter areas shall incorporate a 12-inch wide concrete curb along their perimeter that is adjacent to the sides of the parking space in order to allow access to vehicles without stepping into landscape planters.

8. Prior to the issuance of a building permit, an Agreement for Maintenance of Landscape and Irrigation Improvements shall be executed and financial security submitted to the Development Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years following Project occupancy. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements, or \$2.50 per square foot of on-site landscape area.
9. No roof mounted equipment, including, but not limited to, HVAC units, fans, antennas, and dishes whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from MacArthur Drive, Pescadero Road, or any other public right-of-way. All roof-mounted equipment shall be screened from view from the public rights-of-way by the exterior parapet walls, to the satisfaction of the Development Services Director.
10. All vents, gutters, downspouts, flashing, electrical conduit, gas meters, electrical panels and doors, and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
11. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way, to the satisfaction of the Development Services Director.
12. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Development Services Director.
13. 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.
14. Trash enclosure(s) shall be at least seven feet tall, of masonry construction, with solid metal doors, and exterior colors and materials to match the building exterior to the satisfaction of the Development Services Director. Prior to the issuance of a building permit, the developer shall demonstrate that the trash enclosure contains sufficient space and access for recycled material in accordance with State law and local standards to the satisfaction of the Public Works Director.
15. Prior to the issuance of a building permit, the developer shall cause to be recorded a lot line adjustment, lot merger, or other instrument to combine the three lots of the Project site in to one lot to the satisfaction of the Development Services Director.
16. Prior to the installation of any signs, the applicant shall submit a sign permit

application and receive approval from the Development Services Director in accordance with City Regulations. All signs shall be designed and constructed in accordance with the size, height, and other standards of the I-205 Corridor Specific Plan.

17. Prior to the issuance of a building permit, the developer shall document compliance with the City of Tracy June 2015 Multi-Agency Post Construction Stormwater Standards Manual to the satisfaction of the Utilities Director, which includes submittal of site design and source and treatment controls along with hydromodification. Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, loading and unloading areas, trash enclosures, parking areas, any wash areas and maintenance areas and compliance with Tracy Municipal Code Chapter 11.34 and the California Green Building Standards Code, Chapter 5.
18. Prior to issuance of a grading or building permit, the applicant shall submit a Department of Water Resources Model Efficient Landscape Ordinance (MWELO) Project Information Sheet prepared in compliance with City standards to the Utilities Director. The submittal must show compliance with the MWELO by choosing either the Prescriptive or Performance Approach through inclusion in submitted plans and documents. The submittal shall demonstrate compliance with Tracy Municipal Code Chapter 11.28 and California Green Building Standards Chapter 5.
19. The project shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit and a pre-construction survey prior to ground disturbance, to the satisfaction of San Joaquin Council of Governments.
20. Prior to the issuance of a building permit, the developer shall provide emergency responder radio coverage system in accordance with section 510 of the 2013 California Fire Code (or later applicable code) to the satisfaction of the Chief Building and Fire Code Official.
21. All parking spaces and drive aisles shall meet the minimum dimensional requirements of the City of Tracy Standard Plan 154. Two-way drive aisles serving 90-degree parking spaces shall be at least 26 feet wide and 90-degree parking spaces shall be at least nine feet wide by 18.5 feet long. Planters or sidewalks at the head of parking spaces may be constructed two feet into the front of parking spaces. Such two-foot overhang of landscape planters into the head of parking spaces is not included in the minimum area of required landscaping.
22. Bollards constructed on site shall be painted to match the color of the adjacent building.
23. Prior to the issuance of a building permit, the applicant shall design a paved, 20-foot wide access driveway from the parking area to the storm drain channel at the existing gate, along the north property line, in the vicinity of parking spaces 78 and 79,

consistent with the City's storm drain access easement to the satisfaction of the Development Services Director.

C. Engineering Division Conditions of Approval

The contact person is Criseldo Mina, PE, Senior Civil Engineer, (209) 831-6425, cris.mina@ci.tracy.ca.us.

C.1. General Conditions

Developer shall comply with the applicable sections of approved documents and/or recommendations of the technical analyses/ reports prepared for the Project listed as follows:

- a) I-205 Corridor Specific Plan approved by 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, and all the updates.
- b) Marriott TownePlace Suites, Traffic Impact Study Report prepared by TJKM, Transportation Consultants dated January 4, 2017 and all updates ("Traffic Report").
- c) Hydraulic Evaluation of Marriott Towneplace Suites prepared by West Yost & Associates, dated October 18, 2016, and all updates ("Water Analysis").
- d) Development Agreement, Instrument No. 90-109093 per the Official Records, dated November 5, 1990.

C.2. Grading Permit

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

- C.2.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer. The Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Building Official and Fire Code Official prior to submitting the mylars to Engineering Division for City Engineer's approval.

- C.2.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.
 - C.2.3. 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.4.1.c, below. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, and elevation of the highest observed groundwater level.
 - C.2.4. Documentation or letter from the San Joaquin Valley Air Pollution Control District (SJVAPCD) stating that this Project meets their requirements related to dust control.
- C.3. Encroachment Permit - No applications for encroachment permit will be accepted by the City as complete until the Developer provides all relevant documents related to said encroachment permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:
- C.3.1. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar), if necessary that incorporate all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Building Official and Fire Code Official prior to submitting the mylars to Engineering Division for City Engineer's approval.
 - C.3.2. Check payment for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on May 17, 2016, per Resolution 2016-094. The Developer will be required to submit a check in the amount of \$4,000 as part of the first submittal of improvement plans, as an advance payment of the plan checking fee. The amount of final plan checking fees will be determined and the payment will be collected, prior to the issuance of the encroachment permit.
 - C.3.3. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans. The cost estimate shall show the cost of designing the public improvements.
 - C.3.4. If required, 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.3.5. Traffic Control Plan, if necessary, shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California, as required in Condition C.4.7, below.

C.3.6. Tracy's Fire Official's signature on the Improvement Plans indicating their approval for the fire service connection and fire and emergency vehicle access for the Project.

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

C.4.1. The Improvement Plans including the Grading and Drainage Plans prepared in accordance with the City's Subdivision Ordinance and Design Standards. The improvement plans for all improvements (onsite 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 in mylar with the standard title and signature block.

The Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylar including signatures by the Chief Building Official and Fire Code Official or Fire Safety Officer, prior to submitting the mylars to Engineering Division for City Engineer's approval.

C.4.2. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:

- a. All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.
- b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports.
- c. Three (3) copies of the Project's Geotechnical /Soils Report, prepared or signed and stamped by a Geotechnical Engineer.

- d. The Project's on-site drainage connections to City's storm drainage system and on-site storm water treatment 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.
- e. 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#).

C.4.3. Grading and Storm Drainage Plans

Site Grading

- a. Include all proposed erosion control methods and construction details to be employed and specify materials to be used. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.
- b. Grading for the site shall be designed such that the Project's storm water can overland release to a public street that has a functional storm drainage system with adequate capacity to drain storm water from the Project Site, in the event that the on-site storm drainage system fails or it is clogged. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be improved to the satisfaction of the City Engineer.

Storm Drainage

- a. Storm Drain Channel and Access Easement – The surface improvement within the 12 feet wide Storm Drain Channel and Access Easement along the north property boundary shall be approved by the City Engineer and Director of Public Works Department. The improvements shall not cause obstructions or access issues for City crews when maintenance operations or work are to be performed on the storm drainage channel.
- b. The Developer will be required to grant an access easement within the property for the benefit of the City for the purpose of maintaining the storm drain channel and the project's storm drain connection. Location and details of the easement area will be determined during the grading plan review. The dedication of the access easement will be required prior to the issuance of the building permit. Stripe no parking area fronting double gates to channel to prevent parking.

- c. The Developer shall install a maintenance driveway on MacArthur Drive at the 12' wide storm drain easement for vehicle access and maintenance of the Storm Drain Channel. Construction details of the access driveway shall be as required by the Public Works Department.
- d. The project site will need to include storm water quality treatment provisions that conform to the Multi-Agency Post-Construction Stormwater Standards Manual. Calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the Grading and Storm Drainage Plans, and approved by City's Water Resources Coordinator, prior to the issuance of the Grading Permit for the Project.
- e. Prior to the issuance of the building certificate of occupancy, the Developer shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Developer's responsibility towards the repair and maintenance of on-site storm water treatment facilities.

C.4.4. Sanitary Sewer

- a. The Developer shall design and construct all on-site sewer improvements in accordance with the City's Design Standards and Standard Specifications. The Developer shall submit improvement plans that include the design of the sanitary sewer line from the Property to the point of connection. The Developer is responsible for the cost of installing the Project's sanitary sewer connection, including but not limited to, replacing asphalt concrete pavement, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's permanent sanitary sewer connection.
- b. The City's responsibility to maintain on the sewer lateral is from the onsite sewer manhole at the right-of-way line/property line to the point of connection with the sewer main.
- c. The Developer is hereby notified that the City has limited wastewater treatment capacity in the City's Wastewater Treatment Plant until current and future expansion capital improvement projects are completed and operational. As of January 2015, the City had an unused capacity of approximately 4200 EDU's within its wastewater treatment plant available to new development within the City on a first come-first served basis. These EDU's are currently available to serve the proposed project, but as other development projects within the City come forward and building permits are issued, this remaining capacity will be reduced.

C.4.5. Water System

- a. Developer shall comply with the recommendations of the Water Analysis. Water line sizing, layout and looping requirements for this Project shall comply with recommendations of the analysis by the City's Water Consultant.
- b. Location and specifications of the on-site water booster pump station as required in the Water Analysis shall be reviewed by the City's Water consultant, and approved by the City Engineer. Developer to pay for the cost of the Consultant services and payment shall be submitted as part of the grading permit application and plan submittal. The Developer will be responsible for the repair, and maintenance of the on-site booster pump station.
- c. During the construction of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as approved by the City of Tracy Fire Code Official.
- d. Interruption to the water supply to the existing businesses and other users will not be allowed to facilitate construction of improvements related to the Project. The Developer shall be responsible for notifying business owner(s) and users, regarding construction work. 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 start of work. Prior to starting the work described in this section, the Developer shall submit a Work Plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be used during the installation of the offsite water mains and connections.
- e. 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, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer.
- f. 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 such as crosswalk lines and lane line markings on existing street or parking area(s) that may be disturbed with the installation of the permanent water connection(s), or domestic water service, and other improvements shall be paid by the Developer.

- g. Developer shall obtain an account for the water service to the Project and register the water meter with the Finance Department. Developer shall prepare and submit a map depicting the location of the water meter on a 8.5"X11" sheet to Finance Department.
- h. Fire Service Line – Location and construction details of fire service line including fire hydrant(s) that are to serve the Project shall be approved by the City's Fire Code Official and Chief Building Official. Prior to the approval of the Improvement Plans, the Developer shall obtain written approval from the City's Fire Code Official and Chief Building Official, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed or planned to serve the Project.

C.4.6. Project Access and Traffic Circulation

- a. The Developer shall take all steps necessary to plan and construct site improvements such that construction operations do not impact safety and access (including emergency vehicles) to the existing businesses and residents throughout the duration of construction. Developer shall coordinate with the owners and cooperate to minimize impacts on existing businesses. All costs of measures needed to provide safe and functional access shall be borne by the Developer.
- b. To obtain project access from MacArthur Drive, the Project will construct new driveways per the recommendations in the Traffic Report. Project access driveways and traffic circulation shall comply with the findings of the traffic analysis by TJKM. The developer shall install two access driveways (right-in / right-out) on MacArthur Drive.
- c. Install stop bar, stop legend, right turn-only arrow and sign at each driveway where necessary. The Developer will be required to install traffic signs where it is necessary to indicate that these access points will be restricted to "right-turn in" and "right-turn out" movements only.
- d. Stripe no parking area fronting double gates to channel to prevent parking.

C.4.7. Frontage Improvements

- a. The Developer shall design and construct frontage improvements on North MacArthur Drive pursuant to Figure 4.28d, MacArthur Drive Cross Section in I-205 Corridor Specific Plan. The Developer shall also dedicate 10' wide Public Utility Easement along the full frontage of the Project on North MacArthur Drive. The roadway improvements to be constructed with this Project shall include, but are not limited to, driveways, concrete curb, gutter and sidewalk, accessible ramps, asphalt concrete pavement, signing and striping, storm drains, catch basins, fire hydrants, LED street lights,

landscaping and street trees with automatic irrigation system, barricade and guardrail, and other improvements as determined by the City Engineer that are necessary for a safe transition from a newly improved street to existing street sections on the north and south ends.

- b. The Developer shall design and construct 10-foot wide concrete sidewalk with tree wells and commercial driveways on MacArthur Drive. The Developer may opt to construct the improvements in either of the two options as listed below.

Option 1 – Construct the 10-foot commercial sidewalk with tree wells with the back of the sidewalk to coincide with the right-of-way line of MacArthur Drive. A landscape strip between the curb and the sidewalk with minimum landscaping improvements will be required. These roadway improvements including utility(s) relocation and extension(s) are considered to be property owner's frontage improvements obligation to design and construct, all at the property owner's expense and cost, and no reimbursements shall be applicable. The improvements shall be completed prior to the issuance of building certificate of occupancy.

Option 2 – Construct the commercial sidewalk and tree wells as described above, remove the existing concrete curb and gutter, and construct a new concrete curb and gutter integral with the concrete sidewalk. Asphalt concrete pavement matching with the existing pavement structural section will be required between the new gutter and existing pavement. Appropriate pavement marking(s) and striping and traffic sign(s) will be required on MacArthur Drive to delineate traffic lanes and unused paved areas. Pavement and sidewalk transitions including modifications to pavement marking and signing will be required at northern and southern terminus of the new asphalt concrete paving. The improvements shall be completed prior to the issuance of building certificate of occupancy.

No work will be permitted within the I-205 right-of-way unless an encroachment permit is obtained from Caltrans.

The new asphalt paving including striping and signage from the new curb towards the street centerline are considered to be beyond Developer's frontage improvements obligation. If the Developer completes these roadway improvements, the Developer will be entitled to reimbursement from the City after the roadway improvements are accepted by the City Council. The timing of reimbursement will be determined based on the availability of funding sources, and as approved in the Roadway Construction and Reimbursement Agreement as outlined below. The amount of reimbursement shall be determined at the time of preparation of the Improvement Plans.

The Developer will be required to enter into an improvement agreement (Roadway Construction and Reimbursement Agreement) and post improvement security in the amounts and form approved by the City, in order to guarantee completion of the frontage and program roadway improvements on MacArthur Drive, prior to the issuance of building permit.

- c. Developer will be required to submit signing and striping plan to show the addition of a second left lane on a southbound MacArthur Drive to Eastbound Pescadero Avenue. The new left-turn lane shall be applied with a slurry seal and lane markings to be replaced, if damaged. Left-arrow markings and traffic sign(s) shall be installed where appropriate. Lane extension(s) through the intersection shall be installed up to the receiving lane(s) on Pescadero Avenue. After the addition of the 2nd left-turn lane, the traffic signal timing shall be modified prior to acceptance of the roadway improvements on MacArthur Drive.
- d. Developer shall design and install private landscape improvements and street trees at locations that shall meet requirements related to horizontal sight distance.
- e. Developer shall verify with the respective utility owner(s) if they would allow the installation of private landscaping within the 10-ft public utility easement. Developer shall provide the utilities' owner(s) written notification and receive permission to construct the improvements, prior to the approval of the building permit.

- f. Traffic Control Plan - Prior to starting the work for any work within City's right-of-way, the Developer shall submit a Traffic Control Plan for each phase of work, to show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.
- C.4.8. Joint Utility Trench Plans - All private utility services to serve Project such as electric, telephone and cable TV must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing utility easement to the building. The Developer shall submit improvement plans for the installation of new electric, gas, telephone and TV cable lines to serve the Project.
- C.4.9. Street Cut(s): When street cuts are made for installation of utilities, the Developer is required to install 2-inch thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides and for the entire length of the utility trench. A 2-inch deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. If the utility trench extends beyond the median island, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street.
- C.4.10. The Developer shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements along the frontage of the Project along North MacArthur Drive, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.
- C.5. Building Permit: No building permit within the Project boundaries will be approved by the City until the Developer demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:
- C.5.1. Payment of the Development Fees for Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, and Public Facilities per the I-205 Parcels M-4(2), M-4(3), and M-4(4) Finance Plan (FP) and as . The Developer shall pay to the City latest I-205 Infrastructure Cost Allocation Spreadsheet # 47 and as shown on the FIP.
 - C.5.2. Payment of San Joaquin County Facilities Fees as required in Chapter 13.24 of the Tracy Municipal Code, and these Conditions of Approval.

- C.5.3. Payment of the Regional Traffic Impact Fees (RTIF) as required in Chapter 13.32 of the Tracy Municipal Code and these Conditions of Approval.
 - C.5.4. Developer shall accomplish a Lot Merger of Parcels 2, 3 and 4 shown on PM 19-141. The Certificate of Compliance for Lot Line Adjustment and the necessary Grant Deed for the transfer parcel shall be recorded at the San Joaquin County Recorder, prior to the issuance of the building permit. Developer shall also accomplish vacation of existing easements, if no longer needed, such as Mutual Ingress-Egress easement between Parcel 2 and 3 and the existing storm drain easement. The Developer may pursue the removal of the existing Mutual Ingress-Egress easement between Parcel 4 and the Gas Station parcel to the south and provide documentation after the easement is relinquished/ abandoned.
- C.6. 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.6.1. 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.6.2. 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.7. Temporary or Final Building Certificate of Occupancy - No Temporary or Final Building Certificate of Occupancy will be issued by the City until the Developer provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:
- C.7.1. The Developer has satisfied all the requirements set forth in Condition C.6, above.
 - C.7.2. 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, and contingency).

- C.7.3. Developer shall obtain an account for the water service to the Project and register the water meter with the Finance Department. Developer shall also prepare and submit a map depicting the location of the water meter on an 8.5"X11" paper to the City's Finance Department. The Developer shall pay all fees associated with obtaining the account number for the water service.

C.8. Special Conditions

- C.8.1. When street cuts are made for installation of utilities, the Developer is required to install 2 inches thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides and for the entire length of the utility trench. A 2 inches deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. If the utility trench extends beyond the median island or the centerline of the street, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street. This pavement repair requirement is when cuts/trenches are perpendicular to the street direction; when the street cut is parallel to the street direction, the width of overlay to be the width of the affected lane.
- C.8.2. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. 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.8.3. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Developer's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).
- C.8.4. 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, 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 Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.