

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, May 10, 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

MINUTES - 4/26/17

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 RECOMMEND APPROVAL OF A MINOR AMENDMENT TO THE GRANT LINE PUD STATION FINAL DEVELOPMENT PLAN TO CONVERT AN EXISTING STRUCTURE TO A CHILD CARE CENTER AND ADD AN OUTDOOR PLAY AREA ON THE SOUTHEAST CORNER OF GRANT LINE ROAD AND CORRAL HOLLOW ROAD (1960 WEST GRANT LINE ROAD, ASSESSOR'S PARCEL NUMBER 232-020-53 AND 56. THE APPLICANTS ARE NAVDEEP AND MAHAVEER HYARE; PROPERTY OWNER IS GRANT LINE STATION, LP – APPLICATION NUMBER D17-0002

- B. PUBLIC HEARING TO CONSIDER AMENDING THE I-205 CORRIDOR SPECIFIC PLAN LAND USE DESIGNATION FROM FREEWAY COMMERCIAL TO GENERAL COMMERCIAL AND APPROVING A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO CONSTRUCT AN APPROXIMATELY 8,000 SQUARE FOOT MULTI-TENANT RESTAURANT AND RETAIL BUILDING, PARKING AREA, AND LANDSCAPING IMPROVEMENTS, LOCATED SOUTH OF NAGLEE ROAD, WEST OF THE INTERSECTION WITH PAVILION PARKWAY AND I-205 ON-RAMP, ASSESSOR'S PARCEL NUMBER 212-290-51. APPLICANT IS VMI ARCHITECTS, INC. PROPERTY OWNER IS THE CITY OF TRACY. APPLICATION NUMBERS SPA17-0003 AND D16-0035

 - C. PUBLIC HEARING TO CONSIDER APPROVAL OF A TENTATIVE SUBDIVISION MAP FOR ELLIS PHASE 2 (THE GARDENS), CONSISTING OF APPROXIMATELY 356 RESIDENTIAL LOTS AND 9 OTHER PARCELS ON APPROXIMATELY 170 ACRES, LOCATED BETWEEN CORRAL HOLLOW ROAD AND LAMMERS ROAD IN THE VICINITY OF ELLIS TOWN DRIVE. THE APPLICANT IS THE SURLAND COMPANIES. THE PROPERTY OWNER IS SURLAND COMMUNITIES, LLC. APPLICATION NUMBER TSM16-0003

 - D. REVIEW AND RECOMMEND APPROVAL OF A REVISED PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE AND A REVISED DEVELOPMENT REVIEW ORDINANCE, APPLICATION NUMBER ZA17-0002
- 2. ITEMS FROM THE AUDIENCE
 - 3. DIRECTOR'S REPORT
 - 4. ITEMS FROM THE COMMISSION
 - 5. ADJOURNMENT

Posted: May 5, 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.

MINUTES
TRACY CITY PLANNING COMMISSION
Wednesday, April 26, 2017
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA

CALL TO ORDER

Vice Chair Sangha called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Vice Chair Sangha led the pledge of allegiance.

ROLL CALL

Roll Call found Vice Chair Sangha and Commissioners Hudson, Krogh, and Tanner present; Chair Orcutt absent. Also present were: Larry Esquivel, Police Chief; Leticia Ramirez, Deputy City Attorney; Bill Dean, Assistant Development Services Director; Kevin Jorgensen, Building Official; Ana Contreras, Community Preservation Manager; Scott Claar, Senior Planner; Kimberly Matlock, Associate Planner; and Peggy Abundiz, Recording Secretary.

MINUTES

It was moved by Commissioner Tanner, and seconded by Commissioner Hudson, that the Meeting Minutes of April 12, 2017, be approved. A voice vote found all in favor; passed and so ordered.

DIRECTOR'S REPORT REGARDING THIS AGENDA

Bill Dean suggested the election of a Chair for Item 1-B. It was moved by Commissioner Hudson, and seconded by Commissioner Krogh, that Commissioner Tanner serve as Chair for Item 1-B. A voice vote found all in favor; passed and so ordered.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR AN APPROXIMATELY 7,615 SQUARE FOOT WALMART ACADEMY TRAINING CENTER ADDITION TO THE EXISTING WALMART RETAIL STORE LOCATED AT 3010 W. GRANT LINE ROAD (ASSESSOR'S PARCEL NUMBER 238-600-08). THE APPLICANT IS BRR ARCHITECTURE, INC. AND THE PROPERTY OWNER IS WAL-MART STORES, INC. – APPLICATION NUMBER D16-0023

Kimberly Matlock presented the staff report. Mary Beth Gregory of BRR addressed questions from the Commission.

Vice Chair Sangha opened the public hearing. As no one came forward, the public hearing was closed.

ACTION It was moved by Commissioner Tanner, and seconded by Commissioner Hudson, that the Planning Commission recommend the City Council approve the PDP and the FDP for the training center addition (Application No. D16-0023), subject to the conditions, and based on the findings, contained in the Planning Commission Resolution dated April 26, 2017. A voice vote found all in favor; passed and so ordered.

B. PUBLIC HEARING TO CONSIDER REVOCATION OF A CONDITIONAL USE PERMIT (CUP 15-0008) FOR THE VENU NIGHTCLUB TO OPERATE AN EATING AND/OR DRINKING ESTABLISHMENT THAT SERVES ALCOHOL AND PROVIDES ENTERTAINMENT AFTER 11:00 P.M. AT 1005 E. PESCADERO AVENUE, UNIT #109

Vice Chair Sangha recused herself from the hearing, stating that she has a conflict of interest because she is a neighbor to the applicant. Leticia Ramirez stated that she would also be recusing herself, given her current role in advising staff on the legal issues pertaining to this matter, and announced that Judith Robbins, who serves as special counsel to the City, would be acting as the legal advisor to the Planning Commission on this item.

Scott Claar presented the staff report. Corporal Dan Pasquale discussed background and Police Department concerns, then addressed questions from the Commission.

Commissioner Tanner opened the public hearing. C.J. Bassi spoke, and distributed materials to the Commission and staff. Richard Alvarez spoke. Angela Ward spoke. The public hearing was closed.

Kevin Jorgensen addressed a question from the Commission regarding required corrections and status.

ACTION It was moved by Commissioner Krogh, and seconded by Commissioner Hudson, that the Planning Commission revoke the Conditional Use Permit for The Venu to operate an eating and/or drinking establishment that serves alcohol and provides entertainment after 11:00 p.m. at 1005 East Pescadero Avenue, Unit 109. A voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

None.

4. ITEMS FROM THE COMMISSION

Commissioner Tanner announced an upcoming Police Department event for the disposal of prescription drugs and needles, adding that the drug disposal containers are available at the Police Department during business hours.

5. ADJOURNMENT

It was moved by Commissioner Hudson, and seconded by Commissioner Krogh, to adjourn.

Time: 8:01 p.m.

CHAIR

STAFF LIAISON

AGENDA ITEM 1-A

REQUEST

PUBLIC HEARING TO RECOMMEND APPROVAL OF A MINOR AMENDMENT TO THE GRANT LINE PUD STATION FINAL DEVELOPMENT PLAN TO CONVERT AN EXISTING STRUCTURE TO A CHILD CARE CENTER AND ADD AN OUTDOOR PLAY AREA ON THE SOUTHEAST CORNER OF GRANT LINE ROAD AND CORRAL HOLLOW ROAD (1960 WEST GRANT LINE ROAD, ASSESSOR'S PARCEL NUMBER 232-020-53 AND 56. THE APPLICANTS ARE NAVDEEP AND MAHAVEER HYARE; PROPERTY OWNER IS GRANT LINE STATION, LP – APPLICATION NUMBER D17-0002

DISCUSSION

Project Description

The proposal consists of the conversion of an existing 5,000 square foot, commercial building to the Genius Kids Tracy Child Care Center by remodeling the building's interior and adding a 3,250 square foot outdoor play area. The property is located at 1960 West Grant Line Road, on the southeast corner of Grant Line Road and Corral Hollow Road, within the Grant Line Station/Rite Aid shopping center. Attachment A includes a location map.

The vacant building was most recently an Uncle Credit Union branch office. The remodel of the building will result in a new floor plan inclusive of: an entry drop-off lobby, three classrooms, infant room, reading lab, restrooms, and employee lounge (Attachment B). These improvements require building permits. Attachment C includes images of the existing building.

The exterior improvements require Planning Commission and City Council approval of a Final Development Plan amendment, which involves the addition of a play area adjacent to the west of the building, to replace a portion of the existing parking lot (Attachment D). This area will include a playground, padded play area, and several freestanding play structure features. The area will be fully enclosed by a five-foot tall black, wrought iron fence and landscaping will be planted on the exterior of the fence to provide screening of the play area. A new five-foot wide landscape strip will be consistent with the existing landscaping on-site to ensure cohesion of the site. Attachments E and F include details of the proposed play equipment.

The child care center will provide space for up to 102 students from ages 0-12. The hours of operation are to be 7:00am to 7:00pm. Separate from the City's review of the project, the operator must obtain a Child Care Center License from the State Health and Human Services Agency. The State's review of the permit is focused on health, safety, and operational items such as: fence height, indoor area required per child, outdoor area required per child, number of toilets and sinks required, and training or qualifications of the child care center staff.

Grant Line Station Planned Unit Development Zone

The site is zoned Planned Unit Development (PUD), which was established for the purpose of the Rite Aid shopping center, built in 2000. The PUD zoning approval process includes three steps: Conceptual Development Plan (CDP), Preliminary Development Plan (PDP), and Final Development Plan (FDP). The proposed child care center does not involve any changes to the PUD's development standards, but instead is only a change to the on-site improvements. Therefore, this development application is being processed as an amendment to the Final Development Plan. In accordance with City PUD Zone regulations, an FDP amendment requires review by the Planning Commission and approval by the City Council. The land uses permitted within this PUD are identical to the General Highway Commercial Zone, which includes private schools and day cares as a principally permitted uses.

Parking and Circulation

The existing shopping center contains approximately 37,300 square feet of building area. In accordance with City regulations (one parking space per 250 square feet of gross floor area), the shopping center is required to have 150 off-street parking spaces. By contrast, the shopping center currently has 268 parking spaces, 118 more than the minimum required for its existing building area.

The number of parking spaces required for the child care center is one space per staff position, or 13 spaces for the anticipated number of employees on the maximum work shift. The previous occupant of the building, Uncle Credit Union, has a requirement of 20 spaces for the 5,000 square foot building.

The proposed play area will eliminate 27 existing parking spaces. The resulting 241 on-site spaces are 97 more than the minimum required by City regulations.

The play area location will not affect the primary parking spaces used by the existing businesses, because the parking spaces removed for the outdoor play area are the farthest spaces from the rest of the center; nor will it affect deliveries or traffic circulation of the shopping center. The child care center is also proposing to designate six parking spaces along the south side of the building, near the entry of the center, for pick-up and drop-off of students to aid in maintaining efficient traffic flow of the shopping center.

Public Input

Attachment G is a May 3, 2017, comment letter from a resident of nearby property to the project expressing land use compatibility concerns such as noise, traffic, security, and others related to nearby roads and commercial land uses. While nearby residents clearly are exposed to noise and other impacts from urban land uses in the vicinity, the proposed child care center will not generate effects beyond retail, restaurants, or commercial uses otherwise permitted at the site. Staff reached out to discuss these concerns, but could not reach the resident before the Staff Report was published.

CEQA Documentation

The project is categorically exempt from the California Environmental Quality Act, pursuant to Guidelines Section 15303, New Construction or Conversion of Small Structures, which pertains to construction of new facilities or structures not exceeding 10,000 square feet on sites zoned for such use. In accordance with CEQA Guidelines, no further environmental assessment is required.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Minor Amendment to the Grant Line Station PUD Final Development Plan for the Genius Kids Daycare Center, as indicated in the attached Planning Commission Resolution.

MOTION

Move that the Planning Commission approve the Minor Amendment to the PUD Final Development Plan, Application Number D17-0002, for Genius Kids Daycare, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated May 10, 2017.

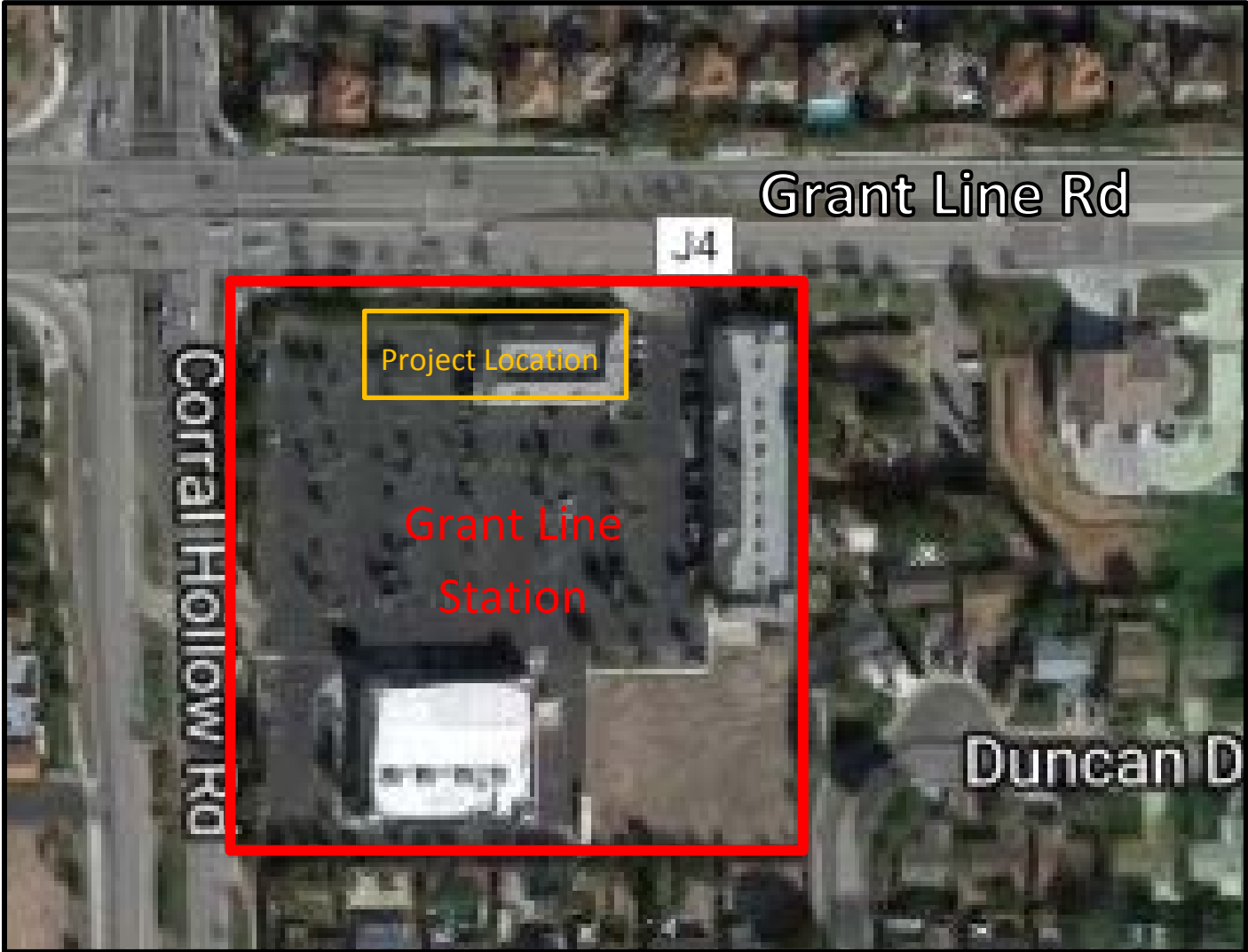
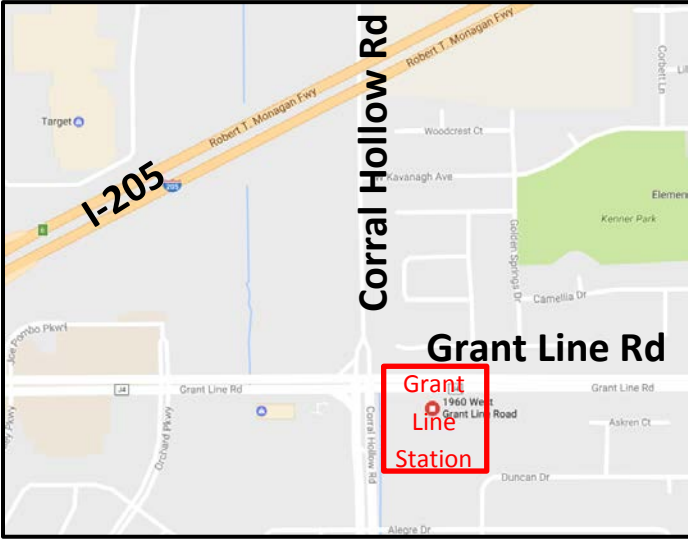
Prepared by: Genevieve Fernandez, Assistant Planner
Reviewed by: Bill Dean, Assistant Development Services Director
Approved by: Andrew Malik, Development Services Director

ATTACHMENTS

Attachment A – Location Map
Attachment B – Floor Plan
Attachment C – Images of Existing Structure
Attachment D – Site Plan
Attachment E – Play Area Site Plan Detail
Attachment F – Sample Playground Equipment in Outdoor Play Area
Attachment G – Comment Letter from Nearby Resident
Attachment H – Planning Commission Resolution (with recommended Conditions of Approval)

NOTE: Oversized plans are available at Tracy City Hall, Development Services Department, 333 Civic Center Plaza, Tracy.

Project Location



NOR-CAL
RESTAURANT
DESIGN

THE SERVICES OF RESTAURANT DESIGN BY PLANNERS COVER 30 YEARS OF THE RESTAURANT DESIGN INDUSTRY.

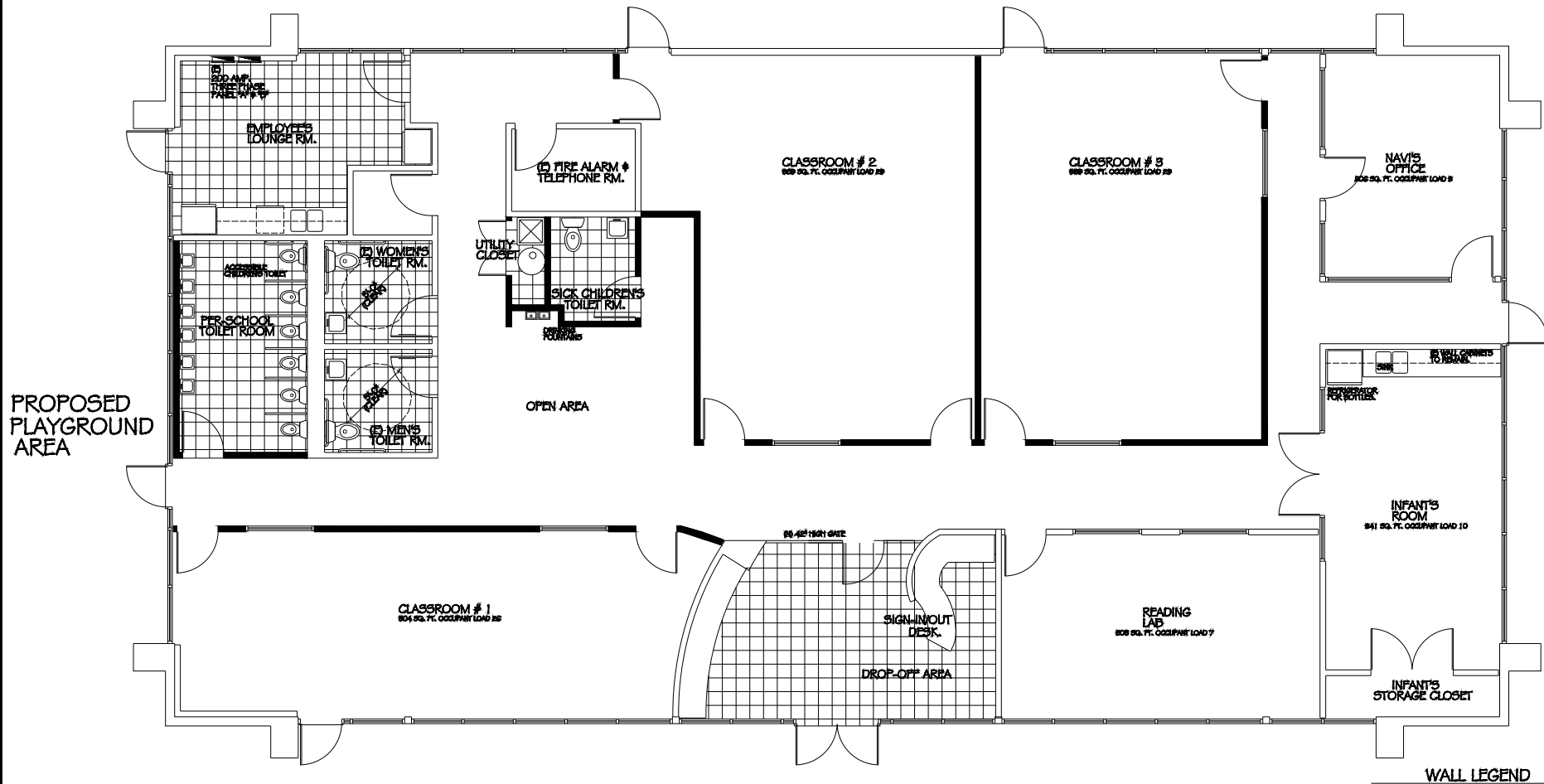
NOVEMBER 1, 2016
 PROJECT NUMBER: 16-001

210 SOUTH CENTRAL AVENUE
 BIRMINGHAM, ALABAMA 35203
 TEL: 205.944.4444
 FAX: 205.944.4444
 EMAIL: info@nrcd.com

REVISIONS:

FOR PLAN CHECK REVIEW
 ENGINEER OF RECORD

PRELIMINARY FLOOR PLAN



PROPOSED PLAYGROUND AREA

TOTAL OCCUPANCY LOAD 102

WALL LEGEND

—	NEW PARTITION WALLS
- - -	NEW 48" HIGH POLY WALLS
---	WALLS TO BE REMOVED
---	WALLS TO REMAIN

8,000 SQUARE FOOTAGE
 SCALE 1/8" = 1'-0"



PRELIMINARY FLOOR PLAN

PROPOSED NEW TENANT IMPROVEMENTS FOR
 MR. MITCH HAYABE & MRS. NAUYDEEP HAYABE

GENIUS KIDS TRACY
 1940 WEST GRANT LINE ROAD
 TRACY, CALIFORNIA 95376-8812

NORRIS M.
 H. J. M.
 NOVEMBER, 2016
 AS SHOWN
 2016-00

P-2
 SHEET 1 OF 2



*Image 1.
Existing building
and proposed play
area location*

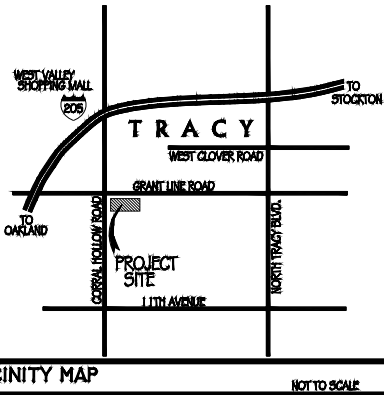


*Image 2.
West view (Corral
Hollow Road side)*



*Image 3.
North view (Grant Line
Road side)*

PROPOSED NEW TENANT IMPROVEMENTS FOR: MR. MITCH HYARE & MRS. NAVDEEP HYARE GENIUS KIDS TRACY GRANT LINE STATION SHOPPING CENTER 1960 WEST GRANT LINE ROAD TRACY, CALIFORNIA 95376-8812



VICINITY MAP NOT TO SCALE

PROJECT SUMMARY DATA:

SCOPE OF WORK: DEMOLITION OF NON-STRUCTURAL PARTITIONS WALL
INSTALLATION OF CHILDREN'D TOILET ROOM.

TENANT SPACE:

PROPOSED USE: DAY CARE & AFTER SCHOOL PROGRAM
CBC OCCUPANCY GROUP: E OCCUPANCY
CBC CONSTRUCTION TYPE: TYPE V-B "SPRINKLED"
CODES: 2016 CBC, CMC, CPC & 2016 CEC
2016 GREEN BUILDING STANDARDS CODE (GBSC).
2016 ENERGY STANDARDS

STORIES: ONE STORY
PREVIOUS USE: RESTAURANT
SQUARE FOOTAGE TOTAL: 5,000 SQUARE FEET

CAL-GREEN REQUIREMENTS

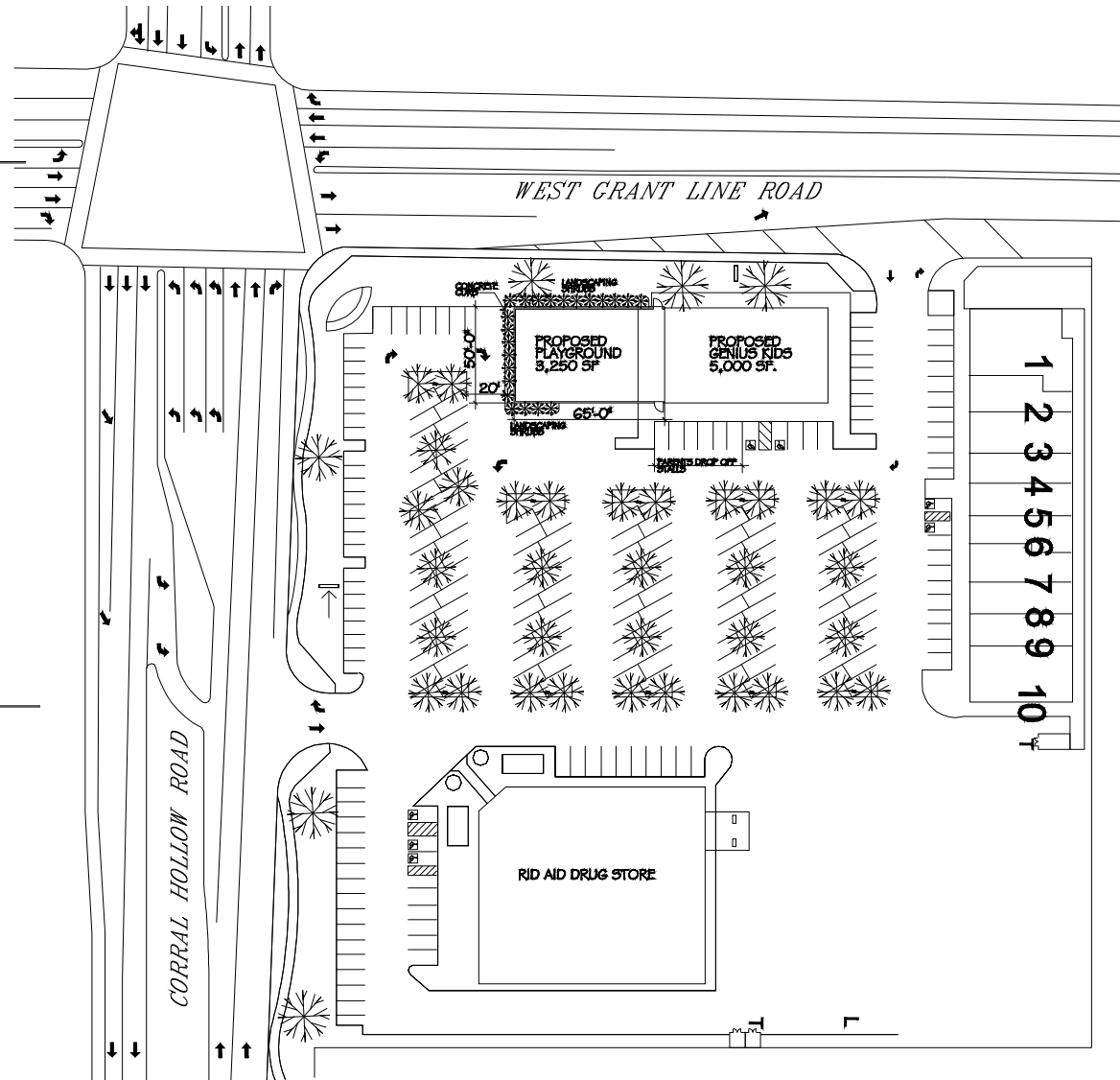
THE 2016 CAL-GREEN CONSTRUCTION VALUATION THRESHOLD FOR THIS PROJECT IS \$200,000. OUR PROJECT FALLS WELL UNDER THE CAL-GREEN THRESHOLD OF \$200,000. THE CODE SECTIONS RELEVANT TO THE ADDITION AND ALTERATIONS SHALL ONLY APPLY TO THE PORTIONS OF THE BUILDING BRING ADDED OR ALTERED WITH THE SCOPE OF THE PERMIT WORK.

GENERAL FIRE DEPARTMENT NOTES:

- * THIS PROJECT WILL REQUIRE MODIFICATION TO THE EXISTING AUTOMATIC FIRE SPRINKLER SYSTEM. PRIOR TO ANY MODIFICATION TO THE FIRE SPRINKLER SYSTEM PROVIDE CONSTRUCTION DRAWINGS TO THE TRACY FIRE DEPARTMENT FOR REVIEW AND PERMIT ISSUANCE. TRACY FIRE DEPARTMENT PROVIDE FIRE PREVENTION SERVICES TO THE CITY OF TRACY AND HAS OFFICES LOCATED IN ADMINISTRATION BUILDING.
- * PUBLIC NOTIFICATION FIRE ALARM REQUIRED IN SECTION CPC 907.2.3. WILL BE PROVIDED AS A DEFERRED SUBMITTAL FOR THIS TENANT SPACE, CONNECTED TO THE EXISTING FIRE ALARM PANEL.
- * FIRE SPRINKLER MODIFICATION SHALL BE AN DEFERRED SUBMITTAL ITEM.

GENERAL NOTES:

1. THE INTENT OF THESE DRAWINGS AND SPECIFICATIONS IS TO INCLUDE ALL LABOR, MATERIALS AND SERVICES NECESSARY FOR COMPLETION OF ALL WORK SHOWN, PRESUMED, OR REASONABLY IMPLIED BUT NOT LIMITED TO THE SPECIFICALLY INDICATED IN THE CONTRACT DOCUMENTS.
2. ALL WORK SHALL CONFORM TO ALL APPLICABLE BUILDING CODES ORDINANCES, AND REGULATIONS AS ADOPTED BY LOCAL AUTHORITIES HAVING JURISDICTION.
3. DIMENSIONS ON DRAWINGS ARE SHOWN TO CENTER LINE OF COLLARS AND TO FACE OF COLLARS UNLESS NOTED AT WALLS AND PARTITIONS UNLESS NOTED OTHERWISE.
4. DO NOT SCALE THESE DRAWINGS.
5. WHERE APPLICABLE STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING, CIVIL AND LANDSCAPE DRAWINGS ARE SUPPLEMENTAL TO THE ARCHITECTURAL DRAWINGS, THE CONTRACTOR SHALL REVIEW ALL PLANS AND DRAWINGS, IN THE EVENT OF CONFLICTING STATEMENTS, IDENTIFY ANY INFORMATION OR ERRORS, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY NOR-CAL RESTAURANT DESIGN AT (925) 221-7080 TO OBTAIN CLARIFICATION BEFORE ANY WORK IS PERFORMED. WORKS WHERE CONFLICTING CONDITIONS EXIST SHALL BE COORDINATED AT CONTRACTOR'S EXPENSE.
6. DIMENSIONS, DETAILS, NOTES AND JOB SYMBOLS THAT APPLY TO ONE UNIT, APPLY TO ALL UNITS IN LIKE SITUATIONS UNLESS NOTED OTHERWISE.
7. DETAILS NOTED AND TYPICALS SHALL APPLY IN ALL LIKE CONDITIONS UNLESS SPECIFICALLY SHOWN. THE FINISHES OR CONSTRUCTION SHALL BE IDENTICAL OR SIMILAR TO THAT INDICATED FOR LIKE CASES OF CONSTRUCTION OF THIS PROJECT.
8. WHENEVER AN AMBIGUOUSNESS OR ISSUE OF INTERPRETATION IS SHOWN, INDICATED, OR REFERRED TO ON THE DRAWINGS OR THEREIN NOTED IN THE DIMENSIONAL NUMBERS, SUCH REFERENCES APPLY TO AS MANY SUCH AMBIGUOUS AS REQUIRED TO COMPLETE THE RETAILATION.
9. THE GENERAL CONTRACTOR AND SUBCONTRACTORS SHALL VERIFY ALL DIMENSIONS AND LOCATIONS ON THE JOB SITE PRIOR TO BEGINNING CONSTRUCTION AND SHALL REPORT ANY DISCREPANCIES OR UNIDENTIFIED CONDITIONS TO NOR-CAL RESTAURANT DESIGN FOR RESOLUTION BEFORE ANY WORK IS PERFORMED.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR METHODS, TECHNIQUES AND PROCEDURES EMPLOYED IN PERFORMANCE OF WORKS SHOWN OR ABOUT THE JOB SITE. THE CONTRACTOR SHALL COORDINATE AND VERIFY ALL WORK PERFORMED BY SUB.
11. ALL CONTRACTORS AND SUBCONTRACTORS PERFORMING WORK ON OR RELATED TO THIS PROJECT SHALL CONTACT THEIR OPERATIONS SO THAT ALL EMPLOYEES ARE PROVIDED A SAFE PLACE TO WORK AND THE PUBLIC IS PROTECTED, AND SHALL COMPLY WITH THE OCCUPATIONAL SAFETY AND HEALTH REGULATIONS OF THE U.S. DEPARTMENT OF LABOR AND WITH ANY AND ALL OTHER APPLICABLE STATE AND LOCAL SAFETY COMPLETE RESPONSIBILITY FOR JOB SITE SAFETY CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT THAT THE REQUIREMENT SHALL APPLY TO CONTRACTORS AND NOT BE LIMITED TO NORMAL WORKING HOURS AND THAT THE CONTRACTOR SHALL DRESS, INDENTIFY AND HOLD HARMLESS THE OWNER AND DESIGNER FROM ANY ALL LIABILITY, PENALTY OR ALLEGED, IN CONNECTION WITH PERFORMANCE OF WORK ON THIS PROJECT.
12. THE STRUCTURAL IS DESIGNED AS A STABLE UNIT AFTER ALL COMPONENTS ARE IN PLACE. THE CONTRACTOR SHALL PROVIDE ALL STIFFENING AND BRACING NECESSARY TO ENSURE THE STABILITY OF ANY AND ALL PARTS OF THE BUILDING DURING CONSTRUCTION.
13. UNLESS SPECIFICALLY SHOWN OR NOTED ON THE DRAWINGS, NO STRUCTURAL MEMBER SHALL BE CUT, NOTCHED OR OTHERWISE MODIFIED WITHOUT PERMISSION FROM NOR-CAL RESTAURANT DESIGN.
14. WHETHER OR NOT DETAILED ON DRAWINGS, THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS FOR THE INSTALLATION OF ALL MECHANICAL, ELECTRICAL, PLUMBING, AND CIVIL WORK, INCLUDING, BUT NOT LIMITED TO, PERMITS FOR TELEPHONE AND ELECTRICAL EQUIPMENT ROOMS.
15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SHALL OBTAIN APPROVAL FROM THE AGENCIES THAT THE SYSTEMS MEET ALL APPLICABLE CODE REQUIREMENTS.
16. ANY MODIFICATIONS TO THE BUILDING SHALL RESULTING FROM DESIGNER'S REQUIREMENTS SHALL BE SPECIFIED TO THE DESIGNER. ALONG WITH ANY REQUIRED COSTS OR SAVINGS PRIOR TO CONSTRUCTION. ANY MODIFICATIONS NOT REPORTED WILL BE THE CONTRACTORS RESPONSIBILITY FOR COORDINATION, CODE COMPLIANCE AND COST.
17. NEITHER THE DESIGNER'S REVIEW NOR APPROVAL OF SHOP DRAWINGS SHALL RELIEVE THE GENERAL CONTRACTOR FROM RESPONSIBILITY FOR DISCREPANCIES FROM DRAWINGS OR CONFLICTING ISSUES. HE HAS CALLED THE CONTRACTOR'S ATTENTION IN WRITING TO SUCH DISCREPANCY AT THE OF SUBMISSION NOR SHALL IT RELIEVE HIM OF RESPONSIBILITY FOR ERRORS OF ANY SORT IN THE THESE DRAWINGS.
18. INSTALLATION OF GLASS SHALL CONFORM TO FEDERAL SPECIFICATION 1 (GF-1)-1.02E AND ALL LOCAL CODES AND ORDINANCES. GLASS SUBJECT TO HEAVY IMPACT SHALL COMPLY WITH U.S. CONSUMER PRODUCT SAFETY STANDARDS. CONTRACTOR SHALL ACCURATELY PRODUCT CUTTING ONE-AID PLACE OF MANUFACTURE.



PROJECT SITE PLAN

EXTERIOR SITE ACCESSIBILITY IS IN FULL COMPLIANCE WITH 2018 CBC CHAPTER 11.8 FOR ACCESSIBILITY AND WILL BE VERIFY IN FIELD. ALL ACCESSIBLE PARKING SPACES AND ACCESSIBLE PARKING SIGNAGE ALREADY EXISTS.

NOT TO SCALE

NOR-CAL RESTAURANT DESIGN

THE SERVICES IN PRESENTMENT DRAWING IS PLANNED COVER 30 DAYS ON THIS DRAWING

NOVEMBER 1, 2018
210 WILSON CENTRAL DRIVE
MILPITAS, CALIFORNIA 95035
TEL: (408) 251-0700
FAX: (408) 251-0700
EMAIL: nrcd@nrcd.com

REVISIONS:

COVER SHEET & PROJECT SITE PLAN

PROPOSED NEW PLAYGROUND IMPROVEMENTS FOR
MR. MITCH HYARE & MRS. NAVDEEP HYARE

GENIUS KIDS TRACY

GRANT LINE STATION SHOPPING CENTER
1960 WEST GRANT LINE ROAD
TRACY, CALIFORNIA 95376-8812

NORRIS M.
N. J. M.
DECEMBER 2018
AS SHOWN
2014-26

**Genius Kids Tracy
SITE PLAN**

ADA ACCESSIBILITY GUIDELINE - ADAAG CONFORMANCE

ELEVATED	ACCESSIBLE	RAMP ACCESSIBLE	GROUND	TYPES
6	3/3	0	6/2	6/2

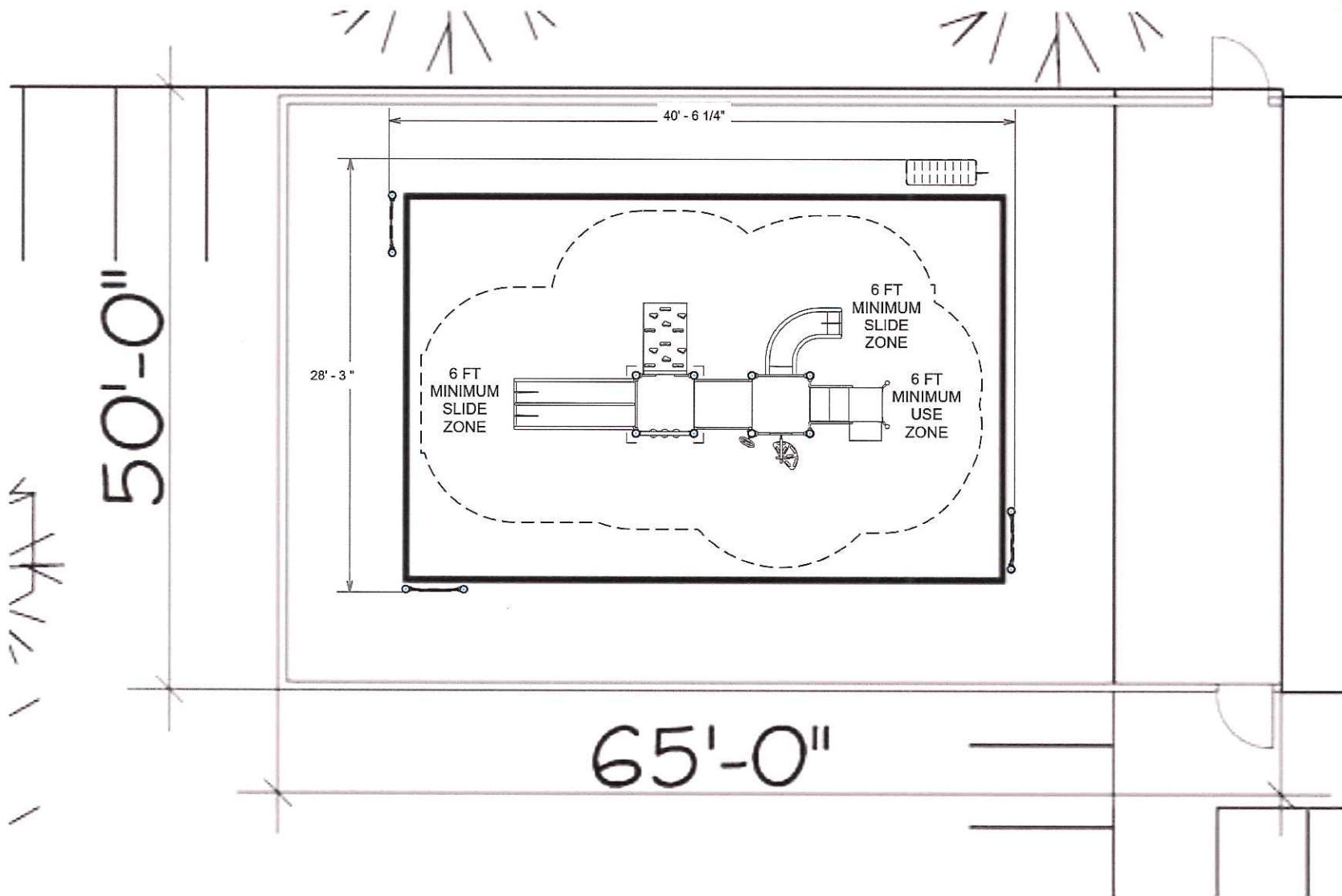
R5 FOR KIDS
AGES
2-5

GENERAL NOTES:

This Preliminary Site Plan is based on measurements that were provided in the initial planning phase. All dimensions must be verified prior to the submission of a purchase order. Krauss Craft, Inc. will not be held responsible for any discrepancies between actual dimensions and dimensions submitted in the planning phase.

The Minimum Use Zone for a play structure is based on the product design at the time of proposal. Components and structure designs may be subject to change which may affect dimensions. Therefore, before preparing the site, we strongly recommend obtaining final drawings from the factory (available after the order is placed and included in the Assembly Manual).

WARNING: Accessible safety surfacing material is required beneath and around this equipment that has a critical height value (Fall Height) appropriate for the highest accessible part of this equipment. Refer to the CPSC'S Handbook For Public Playground Safety, Section 4: Surfacing.



PROJECT#:

DATE: 3/8/2017

| DRAWN BY:

MIN. USE ZONE: 41' x 29'

PLAYCRAFT REP:

Playcraft Direct



Genius Kids Tracy
SW VIEW

R5

FOR KIDS
AGES
2-5



STRUCTURE#: 2to5

PROJECT#:

DATE: 3/8/2017

| DRAWN BY:



Genius Kids Tracy
NE VIEW

R5

FOR KIDS
AGES
2-5



STRUCTURE#: 2to5

PROJECT#:

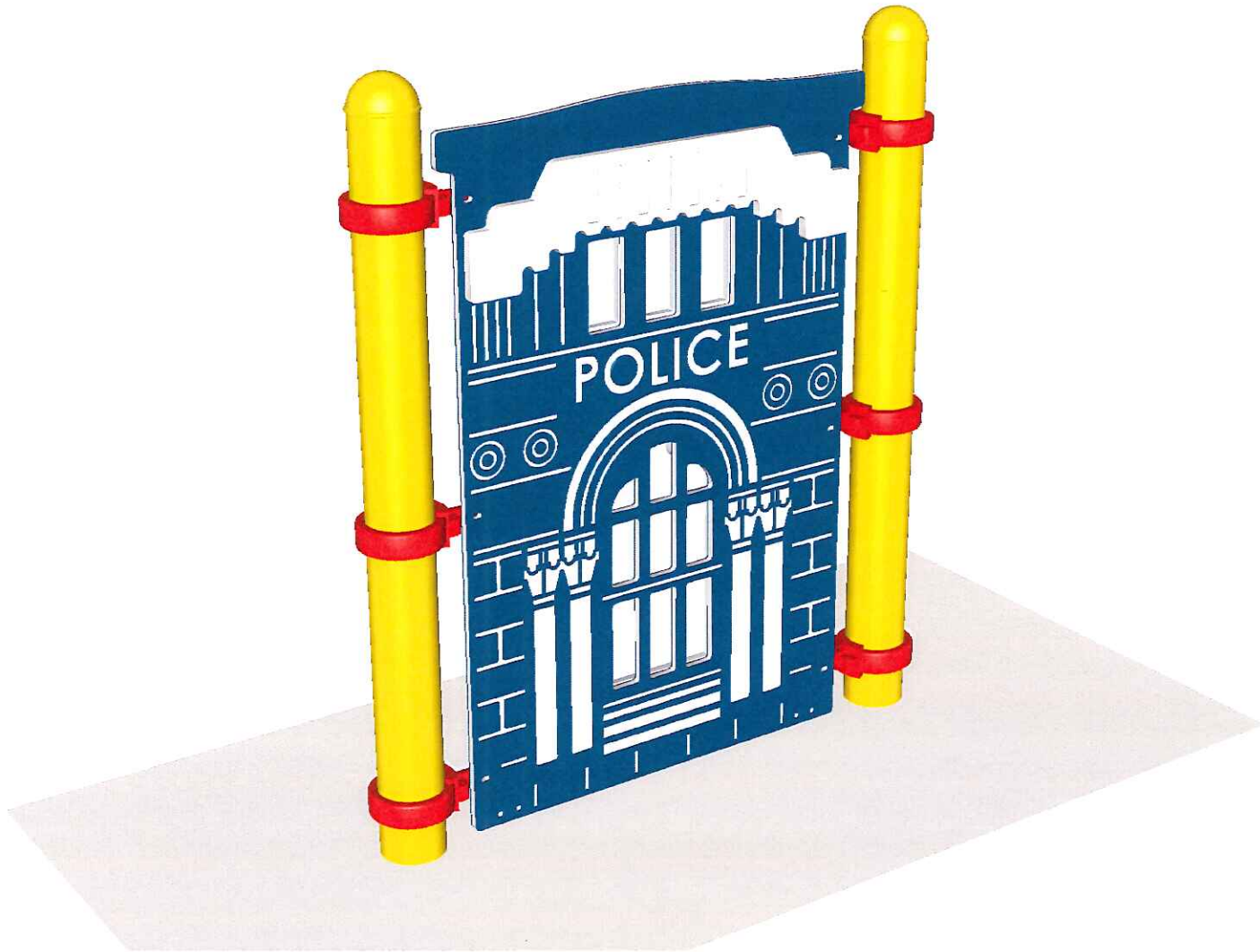
DATE: 3/8/2017

| DRAWN BY:

Genius Kids Tracy
SW VIEW

R5

FOR KIDS
AGES
2-5



STRUCTURE#: House

PROJECT#:

DATE: 3/8/2017

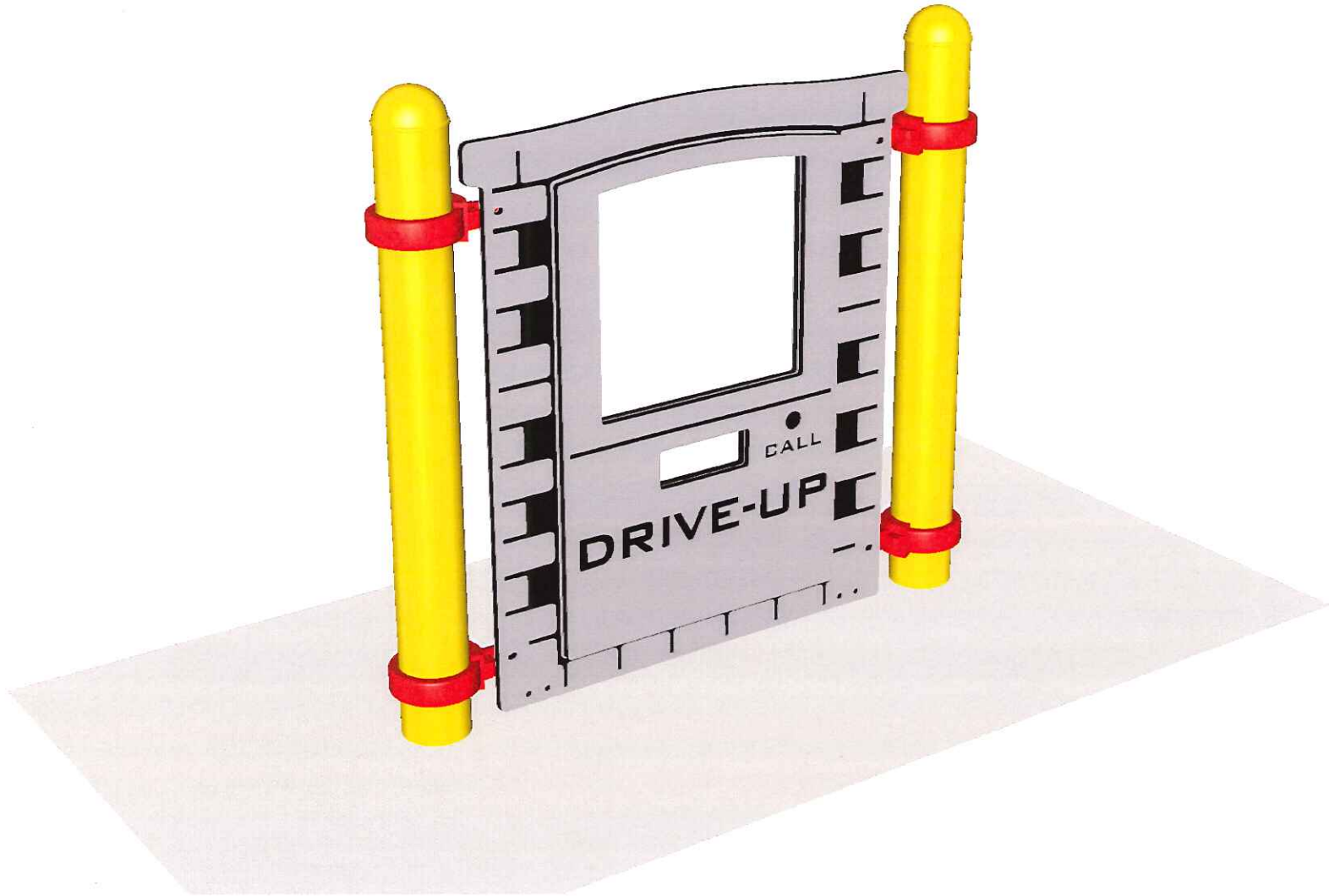
| DRAWN BY:



Genius Kids Tracy
SW VIEW

R5

FOR KIDS
AGES
2-5



STRUCTURE#: DriveUp

PROJECT#:

DATE: 3/8/2017

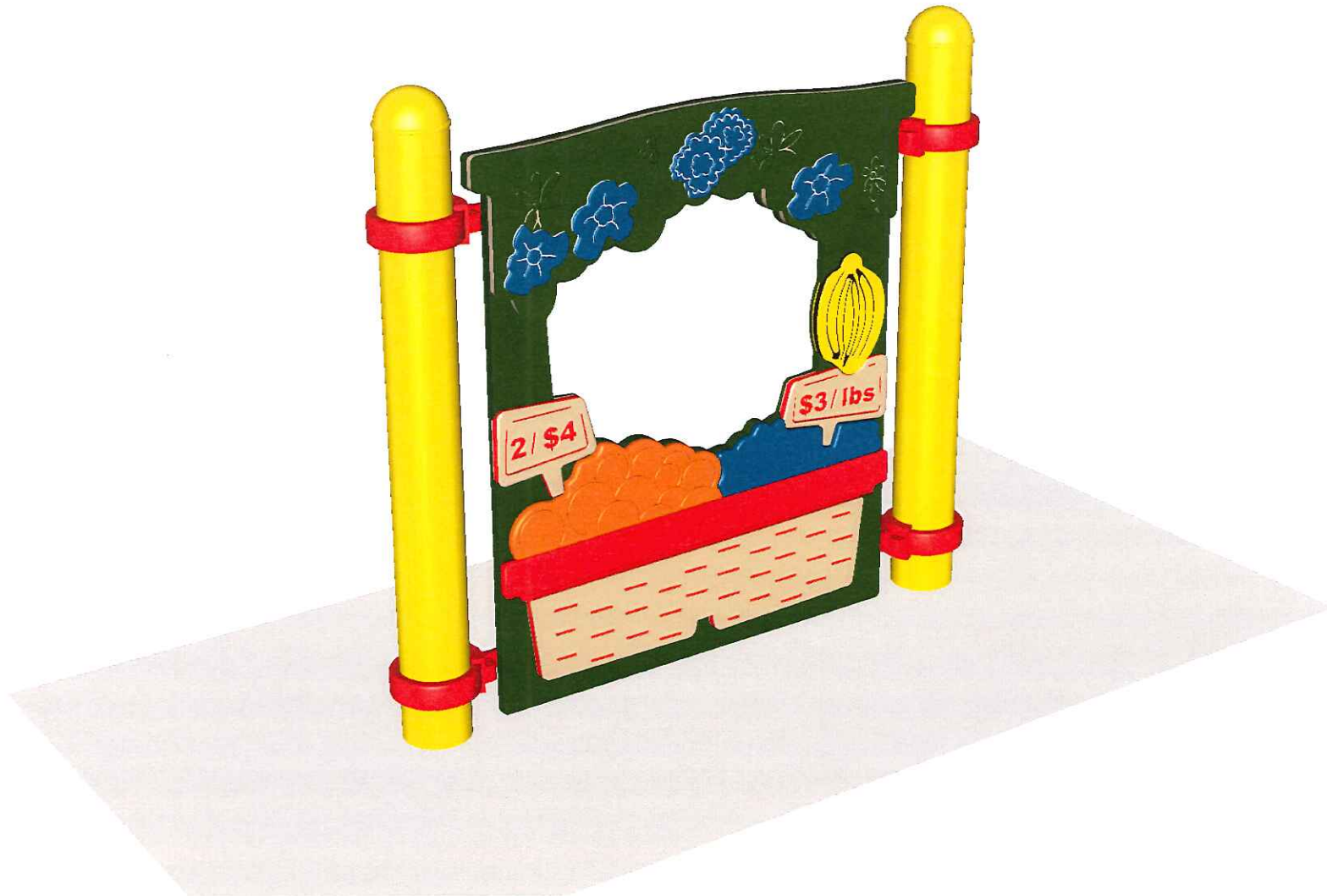
| DRAWN BY:



Genius Kids Tracy
SW VIEW

R5

FOR KIDS
AGES
2-5



STRUCTURE#: Produce

PROJECT#:

DATE: 3/8/2017

| DRAWN BY:

Genius Kids Tracy
SW VIEW

R5

FOR KIDS
AGES
2-5



STRUCTURE#: Gas

PROJECT#:

DATE: 3/8/2017

| DRAWN BY:

Genius Kids Tracy

TOP VIEW

ADA ACCESSIBILITY GUIDELINE - ADAAG CONFORMANCE

ELEVATED	ACCESSIBLE	RAMP ACCESSIBLE	GROUND	TYPES
6	3/3	0	2/2	2/2

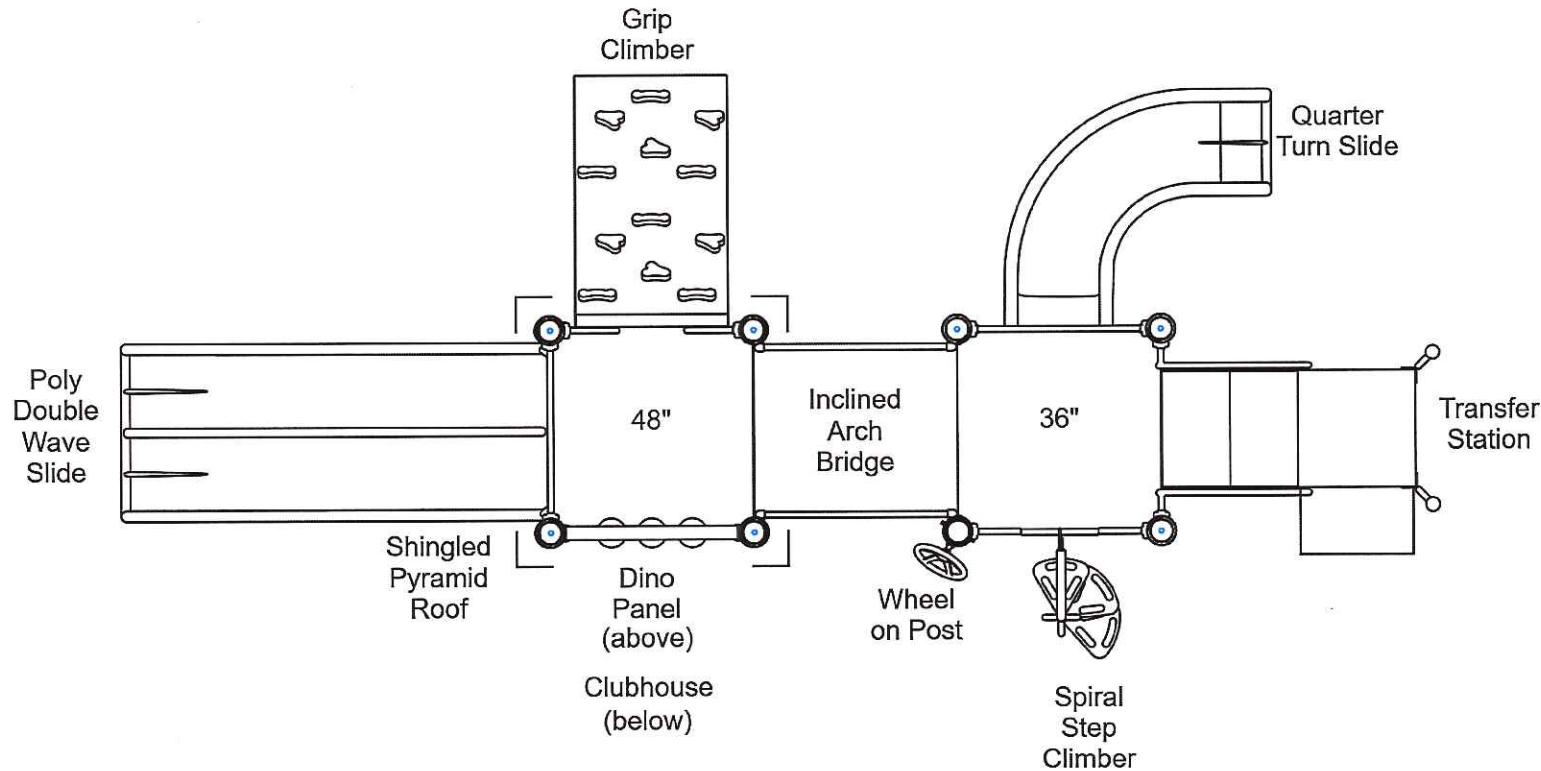
R5

FOR KIDS
AGES
2-5

GENERAL NOTES:

This conceptual plan is based on information provided prior to construction. Detailed site information, including the following, should be obtained, evaluated, and utilized in the final project design. Exact site dimensions, topography, existing utilities, soil conditions and drainage solutions.

WARNING: Accessible safety surfacing material is required beneath and around this equipment that has a critical height value (Fall Height) appropriate for the highest accessible part of this equipment. Refer to the CPSC'S Handbook For Public Playground Safety, Section 4: Surfacing.



STRUCTURE#: 2to5

PROJECT#:

DATE: 3/8/2017

| DRAWN BY:

MIN. USE ZONE: 37' x 24'

PLAYCRAFT REP:

Playcraft Direct



Genevieve Fernandez

From: Mary Andrade <andrademary580@gmail.com>
Sent: Wednesday, May 03, 2017 2:36 AM
To: Genevieve Fernandez
Subject: Child Care Center at 1960 W. Grant Line Road

Question: did you consider the residents who live directly behind this business strip mall?

Question: are you going to build the wall higher for us who live directly behind the business strip?

Question: have you considered the type of people who are robbing Rite Aide, who hang out in the parking lot, who are not from this area?

Question: have you considered all the people who jump the wall at the field square directly behind the houses?

Question: have you considered the ungodly amount of traffic and noise with 6 lanes, along with pollution for these young people?

Question: why are not any of the residents even asked before you already decided to go ahead with this poorly idea of a Child Care Center?

Question: if we find our home value goes down due to 6 lanes of traffic, and a play center directly behind our residents, are you going to compensate us for our loss?

Question: have you considered putting this Child Care Center in another part of town?, The Southside of Tracy?

The noise here as it is, is just awful. Traffic is extremely heavy already, can't you route traffic somewhere else?

Question: when the planning committee decides, are you just wanting the \$\$\$, and to heck with the residents?

Please do not go ahead with this project it's not a good fit!

Thank you, M. Andrade

RESOLUTION 2017 - _____

RECOMMENDING APPROVAL OF A MINOR AMENDMENT TO THE GRANT LINE STATION FINAL DEVELOPMENT PLAN (D17-0002) FOR THE ADDITION OF A 3,250 SQUARE FOOT OUTDOOR PLAY AREA AT GENIUS KIDS CHILD CARE CENTER, LOCATED AT 1960 WEST GRANT LINE ROAD

WHEREAS, On January 13, 2017, Navdeep and Mahaveer Hyare filed an application for a Minor Amendment to a Planned Unit Development (PUD) Final Development Plan (D17-0002) (the "project") for a 5,000 square foot child care facility and 3,250 square foot outdoor play area at 1960 West Grant Line Road; and

WHEREAS, The subject property is located within the Planned Unit Development zone designation, which requires an amendment to the PUD Final Development Plan for alterations to site improvements (such as replacing a portion of the parking lot with a designated play area); and

WHEREAS, The project is categorically exempt from CEQA based on Guidelines Section 15303, which applies to new construction or conversion of small structures not exceeding 10,000 square feet on the sites zoned for such use; and

WHEREAS, The Planning Commission conducted a public hearing to consider the project on May 10, 2017;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission recommends the City Council approve the Minor Amendment to the Planned Unit Development Final Development Plan, subject to the conditions contained in Exhibit 1 and the following findings:

1. The project is consistent with the City of Tracy General Plan, in that: the site is designated Commercial by the General Plan, and Child Care Facility is an allowed use 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 the goals and policies of the General Plan, including economic development, circulation, noise, and air quality.
2. The Project includes site plan and design elements consistent with the City Design Goals and Standards, including number and design of parking spaces, circulation, land use and landscaping.
3. The proposed location of the subject property is designated Planned Unit Development. Child care services are a permitted use within this PUD. 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. The child care facility proposes hours of operation from 7:00 a.m. through 7:00 p.m., Monday through Friday, consistent with many of the businesses in the area.
4. The proposed use will comply with each of the applicable provisions of the zoning regulations and the Planned Unit Development Final Development 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.

Resolution 2017-_____

Page 2

The foregoing Resolution 2017-_____ was adopted by the Planning Commission on the 10th day of May 2017, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

City of Tracy
Conditions of Approval
Genius Kids Daycare Center
Application Number D17-0002
May 10, 2017

These Conditions of Approval shall apply to the real property described as the Genius Kids Project, Minor Amendment to a Planned Unit Development Final Development Plan (Application Number D17-0002). The approximately one-quarter acre subject property is located at the southeast corner of Grant Line Road and Corral Hollow Road, 1960 West Grant Line Road, Tracy (Assessor's Parcel Numbers 232-020-53, 56).

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

1. "Applicant" means any person, or other legal entity, defined as a "Developer."
2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, the Development Services Director, or the City Engineer to perform the duties set forth herein.
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, Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and relevant Public Facilities Master Plans).
4. "Conditions of Approval" shall mean the conditions of approval applicable to the real property described as the Genius Kids Project at 1960 West Grant Line Road, Planned Unit Development (PUD) Preliminary and Final Development Plan (Application Number D17-0002). The approximately one-quarter acre subject property is located on the Southeast corner of Grant Line Road and Corral Hollow Road (Assessor's Parcel Numbers 232-020-53 and 56).
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 one-quarter acre proposed for the Genius Kids Project located at 1960 West Grant Line Road (Assessor's Parcel Numbers 232-020-53 and 56).
7. "Property" means the real property located at 1960 West Grant Line Road (Assessor's Parcel Numbers 232-020-53 and 56).
8. "Subdivider" 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. "Subdivider" also means Developer. The term "Developer" shall include all successors in interest.

B. 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. 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.
4. Except as otherwise modified herein, all construction shall be consistent with the plans received by the Development Services Department (A-1, P-2, P-3, and accompanying sheets) on March 14, 2017.
5. 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, the applicable Department of Water Resources Model Efficient Landscape Ordinance on private property, and the Parks and Parkways Design Manual for public property, 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. Landscaping within the new, five-foot-wide planter along the west and south perimeter of the play area shall be planted with evergreen shrubs to substantially match the appearance, spacing, and size at maturity of the existing shrubs along the north side of the play area to achieve a dense, approximately five-foot-tall, visual screen of the play area.

6. 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 parking space in order to allow access to vehicles without stepping into landscape planters.

7. 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. 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.
8. 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 Grant Line Road, Corral Hollow 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 roof of the building, to the satisfaction of the Development Services Director.
9. 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 Tracy's Municipal Code.
10. Prior to building permit issuance, the applicant shall provide plans demonstrating compliance with 2016 CBC, 2016 CFC, 2016 CEC, 2016 CMC, 2016 CPC, 2016 Energy Code, 2016 CA Green Building Standards Code, and the current City of Tracy Municipal Code, to the satisfaction of the Building Official.
11. Prior to the issuance of a grading or building permit, the applicant shall demonstrate compliance with the 2015 Multi-Agency Post-Construction Storm Standards, to the satisfaction of the City of Tracy Utilities Director.
12. Prior to the issuance of a grading or building permit, the applicant shall demonstrate compliance with the Department of Water Resources' 2015 Water Efficient Landscape Ordinance, to the satisfaction of the City of Tracy Utilities Director.
13. Prior to building permit issuance, the applicant shall provide a dimensioned plan of the proposed outdoor play area, showing playground equipment and accessible path of travel to such equipment, per the 2016 CBC. The applicant shall also show all property lines and provide plans demonstrating a path of travel to accessible parking, other buildings on site, and to the public right-of-way, per the 2016 CBC, to the satisfaction of the Building Official.
14. Prior to building permit issuance, the applicant shall provide manual and automatic fire alarm systems that activate occupant notification systems such as audible and visible alarms, per the 2016 CFC, [F] 907.2.3 and 2016 CFC, [F] 907.5.2.4, to the satisfaction of the Building Official.
15. Prior to building permit issuance, the applicant shall demonstrate that fire hydrants will be provided within 400 feet of all portions of the facility, per the current California Fire Code, to the satisfaction of the Building Official.

16. Prior to final inspection or occupancy, or prior to any changes to the equipment, appliances, structure, or other permanent or temporary improvements to or within the outdoor play area, the applicant shall design the improvements consistent with City regulations, to the satisfaction of the Development Services Director, as follows: any improvements shall not exceed nine feet and six inches in height; and exterior lighting shall be directed down, shielded from any public right-of-way.

AGENDA ITEM 1-B

REQUEST

PUBLIC HEARING TO CONSIDER AMENDING THE I-205 CORRIDOR SPECIFIC PLAN LAND USE DESIGNATION FROM FREEWAY COMMERCIAL TO GENERAL COMMERCIAL AND APPROVING A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO CONSTRUCT AN APPROXIMATELY 8,000 SQUARE FOOT MULTI-TENANT RESTAURANT AND RETAIL BUILDING, PARKING AREA, AND LANDSCAPING IMPROVEMENTS, LOCATED SOUTH OF NAGLEE ROAD, WEST OF THE INTERSECTION WITH PAVILION PARKWAY AND I-205 ON-RAMP, ASSESSOR'S PARCEL NUMBER 212-290-51. APPLICANT IS VMI ARCHITECTS, INC. PROPERTY OWNER IS THE CITY OF TRACY. APPLICATION NUMBERS SPA17-0003 AND D16-0035

DISCUSSION

The subject property consists of an approximately 1.46-acre City-owned parcel located south of Naglee Road, west of the intersection with Pavilion Parkway and the I-205 On-Ramp, east of Panera Bread and Chipotle Mexican Grill, Assessor's Parcel Number 212-290-51 (Attachment A: Location Map). The site was previously used as the Tracy Park and Ride lot. On July 19, 2016, the City Council authorized a sale agreement with Becker Commercial Properties for development of the site with a multi-tenant restaurant and retail building (intended to include The Habit Burger Grill and MOD Pizza, as well as an unnamed retail tenant).

Land Use

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

The applicant is requesting an amendment to the I-205 Corridor Specific Plan to change the land use designation from Freeway Commercial (FC) to General Commercial (GC). This amendment is being requested in order to allow retail and consumer services on the site. The FC designation is intended primarily for freeway-oriented uses, such as restaurants, gas stations, and hotels. The GC designation permits restaurants and hotels, as well as retail and consumer services, and offices. The proposed amendment would be compatible with land uses in the surrounding area because the adjacent properties to the north are designated GC and contain a mix of retail and restaurant uses. The GC designation would also be consistent with the existing General Plan land use designation of Commercial.

Site Plan

The approximately 8,000 square foot multi-tenant restaurant and retail building would be located near the southern edge of Naglee Road, adjacent to the I-205 On-Ramp (Attachment B: Site Plan, Floor Plans, Elevations, and Landscape Plan). The project meets the requirements of the I-205 Corridor Specific Plan, including requirements for parking, landscaping, and setbacks.

Architecture

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

Environmental Document

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183, which pertains to consistency with the General Plan. The project is consistent with the Environmental Impact Report (EIR) prepared for the Tracy General Plan, adopted February 1, 2011, and does not propose more intensive uses than were analyzed under the EIR because the General Plan land use designation for the site is remaining Commercial and the project is consistent with the Commercial designation. In accordance with CEQA Guidelines Section 15183, no further environmental assessment is necessary.

RECOMMENDATION

Staff recommends that the Planning Commission recommend the City Council approve an amendment to the I-205 Corridor Specific Plan to change the land use designation from Freeway Commercial to General Commercial and approve a Preliminary and Final Development Plan to construct an approximately 8,000 square foot multi-tenant restaurant and retail building, parking area, and landscaping improvements, located south of Naglee Road, west of the intersection with Pavilion Parkway and I-205 On-Ramp, Assessor's Parcel Number 212-290-51, Application Numbers SPA17-0003 and D16-0035, subject to the conditions and based on the determinations contained in the Planning Commission Resolution dated May 10, 2017 (Attachment C: Planning Commission Resolution).

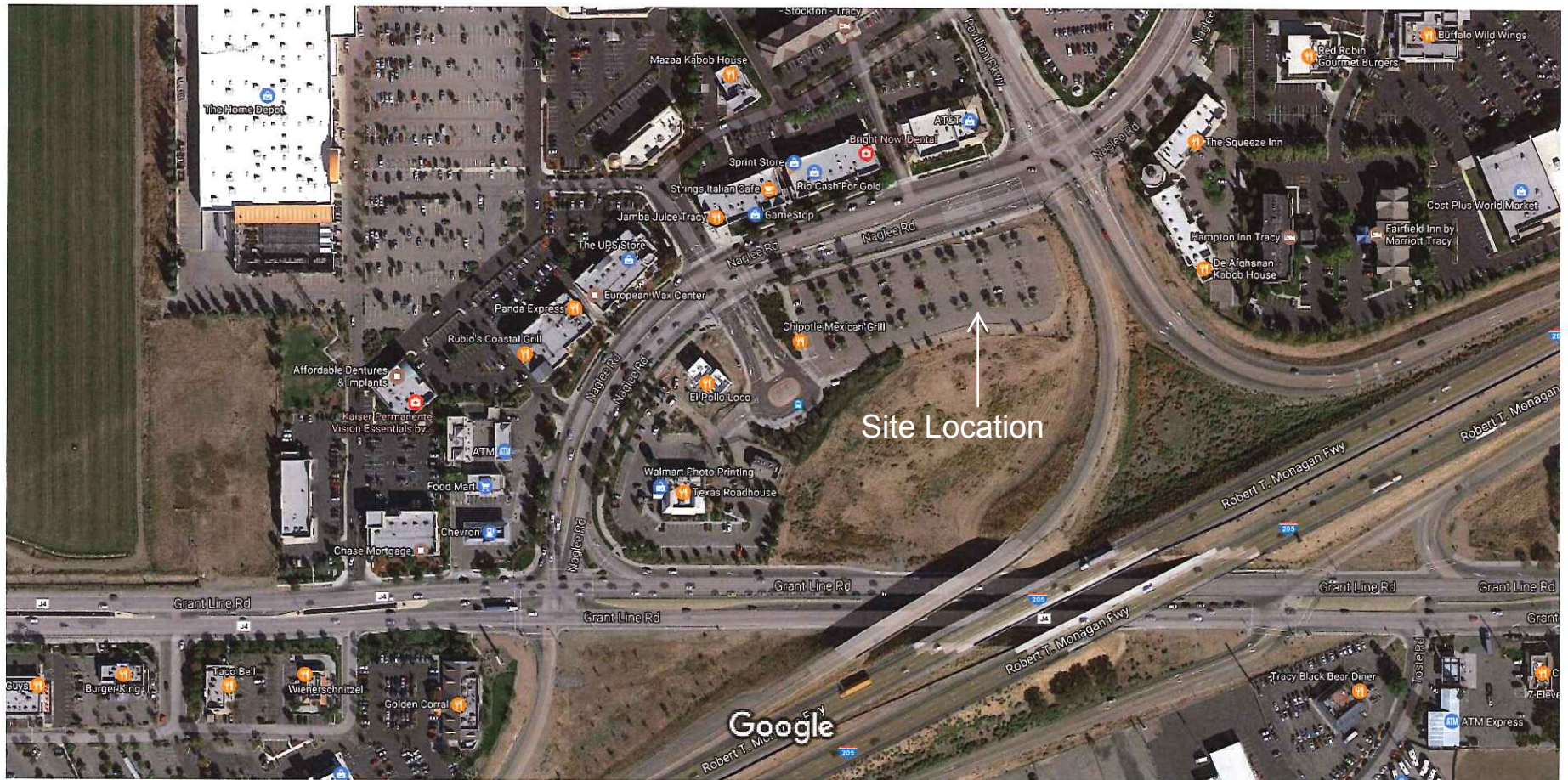
MOTION

The Planning Commission recommends that the City Council approve an amendment to the I-205 Corridor Specific Plan to change the land use designation from Freeway Commercial to General Commercial and approve a Preliminary and Final Development Plan to construct an approximately 8,000 square foot multi-tenant restaurant and retail building, parking area, and landscaping improvements, located south of Naglee Road, west of the intersection with Pavilion Parkway and I-205 On-Ramp, Assessor's Parcel Number 212-290-51, Application Numbers SPA17-0003 and D16-0035, subject to the conditions and based on the determinations contained in the Planning Commission Resolution dated May 10, 2017.

Prepared by: Scott Claar, Senior Planner
Reviewed by: Bill Dean, Assistant Development Services Director
Approved by: Andrew Malik, Development Services Director

ATTACHMENTS

- A: Location Map
- B: Site Plan, Floor Plans, Elevations, and Landscape Plan
- C: Planning Commission Resolution



Imagery ©2017 DigitalGlobe, USDA Farm Service Agency, Map data ©2017 Google 100 ft

LOCATION MAP

RESOLUTION 2017- _____

RECOMMENDING CITY COUNCIL APPROVAL OF AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN TO CHANGE THE LAND USE DESIGNATION FROM FREEWAY COMMERCIAL TO GENERAL COMMERCIAL AND APPROVE A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO CONSTRUCT AN APPROXIMATELY 8,000 SQUARE FOOT MULTI-TENANT RESTAURANT AND RETAIL BUILDING, PARKING AREA, AND LANDSCAPING IMPROVEMENTS, LOCATED SOUTH OF NAGLEE ROAD, WEST OF THE INTERSECTION WITH PAVILION PARKWAY AND I-205 ON-RAMP, ASSESSOR'S PARCEL NUMBER 212-290-51. APPLICATION NUMBERS SPA17-0003 AND D16-0035

WHEREAS, On December 13, 2016, an application was submitted for a Preliminary and Final Development Plan to construct an approximately 8,000 square foot multi-tenant restaurant and retail building (intended for The Habit Burger and MOD Pizza, as well as an unnamed retail tenant), parking area, and landscaping improvements, located south of Naglee Road, west of the intersection with Pavilion Parkway and I-205 On-Ramp, Assessor's Parcel Number 212-290-51, Application Number D16-0035; and

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

WHEREAS, On February 28, 2017, an application was submitted to amend the I-205 Corridor Specific Plan land use designation from Freeway Commercial to General Commercial, Application Number SPA17-0003; and

WHEREAS, The I-205 Corridor Specific Plan land use designation of General Commercial is consistent with the General Plan land use designation of Commercial and is compatible with land uses in the surrounding area, such as the adjacent properties to the north, which contain a mix of retail and restaurant uses; and

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

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

WHEREAS, The Planning Commission conducted a public hearing to review and consider the application on May 10, 2017;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission hereby recommends that the City Council approve an amendment to the I-205 Corridor Specific Plan to change the land use designation from Freeway Commercial to General Commercial and approve a Preliminary and Final Development Plan to construct an approximately 8,000 square foot multi-tenant restaurant and retail building, parking area, and landscaping improvements, located south of Naglee Road, west of the intersection with Pavilion Parkway and I-205 On-Ramp, Assessor's Parcel Number 212-290-51, Application Numbers SPA17-0035 and D16-0035, subject to the

conditions as stated in Exhibit "1" attached and made a part hereof and based on the following determinations:

1. The establishment, maintenance, and operation of the proposed use and associated structures are compatible with the land use, design, and operational characteristics of the neighboring properties. The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use and the associated structures, or to the general welfare of the City because the project is consistent with the I-205 Corridor Specific Plan, as amended, the PUD Zone, the City of Tracy General Plan, and applicable requirements of Chapter 10.08 of the Tracy Municipal Code, including, but not limited to, Article 26, Off-Street Parking Requirements.
2. The project will not adversely affect or impair the benefits of occupancy, most appropriate development, property value stability, or the desirability of property in the vicinity because the architectural elements of the project, as designed and conditioned, are an architecturally interesting addition to the parcel, and will not adversely visually impair the benefits of the properties in the vicinity, as the project includes desirable elements which consist of the use of a mix of building materials and colors, variation in roofline, variation in façade depth, brick used on multiple portions of the façade, and ample use of canopies and windows to break up the façade and add interesting details on all four sides of the building, consistent in quality and integrity with the surrounding community.
3. The project is consistent with the City of Tracy General Plan and the I-205 Corridor Specific Plan, as amended, and PUD Zone in that the proposal is for a multi-tenant restaurant and retail building at a location designated Commercial by the General Plan and General Commercial by the I-205 Corridor Specific Plan, as amended. The Commercial General Plan designation identifies restaurants and retail as allowed uses, and the General Commercial Specific Plan designation identifies retail and restaurants as principally permitted uses. Furthermore, as documented in the City's Transportation Master Plan and other infrastructure master plans, the roadways, sewer, water, and storm drainage systems are designed to accommodate the traffic and demands on public utilities from the proposed multi-tenant restaurant building.
4. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183, which pertains to consistency with the General Plan. The project is consistent with the Environmental Impact Report (EIR) prepared for the Tracy General Plan, adopted February 1, 2011, and does not propose more intensive uses than were analyzed under the EIR because the General Plan land use designation for the site is remaining Commercial and the project is consistent with the Commercial designation. In accordance with CEQA Guidelines Section 15183, no further environmental assessment is necessary.

* * * * *

The foregoing Resolution 2017-_____ was adopted by the Planning Commission on the 10th day of May 2017, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

City of Tracy
Conditions of Approval
Preliminary and Final Development Plan
8,000 Square Foot Multi-Tenant Restaurant and Retail Building
South of Naglee Road, West of I-205 On-Ramp
Assessor's Parcel Number 212-290-51
Application Number D16-0035
May 10, 2017

These Conditions of Approval shall apply to the Planned Unit Development (PUD) zone Preliminary and Final Development Plan to construct an approximately 8,000 square foot multi-tenant restaurant and retail building, parking area and landscaping improvements, located south of Naglee Road, west of the intersection with Pavilion Parkway and I-205 On-Ramp, east of Panera Bread and Chipotle Mexican Grill, Assessor's Parcel Number 212-290-51, Application Number D16-0035 (hereinafter "Project"), proposed by VMI Architects, Inc. (hereinafter "Applicant").

A. Definitions.

The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
3. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, the Development Services Director, or the City Engineer, to perform the duties set forth herein.
4. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director, to perform the duties set forth herein.
5. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the I-205 Corridor Specific Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
6. "Conditions of Approval" means these conditions of approval applicable to the PUD zone Preliminary and Final Development Plan to construct an approximately 8,000 square foot multi-tenant restaurant and retail building

(intended for The Habit Burger Grill and MOD Pizza, as well as an unnamed retail tenant), parking area and landscaping improvements, located south of Naglee Road, west of the intersection with Pavilion Parkway and I-205 On-Ramp, east of Panera Bread and Chipotle Mexican Grill, Assessor's Parcel Number 212-290-51, Application Number D16-0035.

7. "Property" means the property shown on the PUD zone Preliminary and Final Development Plan to construct an approximately 8,000 square foot multi-tenant restaurant and retail building (intended for The Habit Burger Grill and MOD Pizza, as well as an unnamed retail tenant), parking area and landscaping improvements, located south of Naglee Road, west of the intersection with Pavilion Parkway and I-205 On-Ramp, east of Panera Bread and Chipotle Mexican Grill, Assessor's Parcel Number 212-290-51, Application Number D16-0035.

B. Planning Division Conditions of Approval

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project boundaries, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for the California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").
2. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
3. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions that are within the purview of the Mitigation Fee Act [Government Code section 66000 et seq.] ("Exactions") and imposed on this Project by these Conditions of Approval) shall commence on the date of the conditional approval of this Project. If the Developer fails to file a protest of the Exactions within this 90-day period, complying with all of the requirements of Government Code Section 66020, the Developer will be legally barred from later challenging any of the Exactions. The terms of this paragraph shall not affect any other deadlines or statutes of limitations set forth in the Mitigation Fee Act or other applicable law, or constitute a waiver of any affirmative defenses available to the City.
4. The project shall be developed in substantial compliance with the plans received by the Development Services Department on April 27, 2017, to the satisfaction of the Development Services Director.

5. Prior to the issuance of a building permit, the developer shall submit a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, the applicable Department of Water Resources Model Efficient Landscape Ordinance on private property, and all other applicable City regulations, to the satisfaction of the Development Services Director.
6. Prior to the issuance of a building permit, an Agreement for the Maintenance of Landscape and Irrigation Improvements, installed in compliance with the plans referenced in Condition of Approval Number B.5., above, shall be executed and financial security submitted to the Development Services Department. The Agreement shall ensure maintenance of the landscape and irrigation improvements for a period of two years. Said security shall be equal to the actual material and labor costs for installation of the landscape and irrigation improvements, or \$2.50 per square foot of landscape area.
7. Prior to issuance of a building permit, the construction documents shall comply with California Building Standards Commission (Cal Green Code Emergency Standards; Title 24, Part 11) regarding landscaping and irrigation water efficiency to the satisfaction of the Utilities Director.
8. Prior to issuance of a building permit or grading permit, the developer shall demonstrate compliance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and the Incidental Take Minimization Measures prepared by San Joaquin Council of Government (SJCOG), to the satisfaction of the Development Services Director.
9. Prior to issuance of a building permit, the Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), including District Rule 9510, Regulation VIII, and payment of all applicable fees, to the satisfaction of the APCD.
10. All PG&E transformers, phone company boxes, Fire Department connections, back flow prevention devices, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, or painted to match the adjacent building or landscaping, to the satisfaction of the Development Services Director.
11. All roof-mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, dishes, or skylights shall be at or below the height of the parapet wall so that any equipment referenced above is not visible from Naglee Road, Pavilion Parkway, I-205, I-205 On-Ramp, or any other public right-of-way, to the satisfaction of the Development Services Director.
12. All vents, gutters, downspouts, flashing, electrical conduit, etc. shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior, to the satisfaction of the Development Services Director.

13. Prior to occupancy, the back side of any visible roof parapets shall be painted the same color as the front side of roof parapets, to the satisfaction of the Development Services Director.
14. Prior to the issuance of a building permit, the developer shall design the trash enclosure to include the following, to the satisfaction of the Development Services Director: a masonry enclosure with a minimum height of seven feet, exterior materials and colors to match the proposed building, solid metal screen doors painted to match the proposed building colors, a roof designed with complementary materials and design, and a concrete apron in front of the enclosure where the dumpsters and loading/transport equipment or vehicles will maneuver.
15. Prior to final inspection or certificate of occupancy, parking area lighting shall be designed and installed so that it is directed downward onto the parking surface and away from the public right-of-way.
16. Prior to the issuance of a building permit, the developer shall document compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual) to the satisfaction of the Utilities Director, which includes the requirement for Site Design Control Measures, Source Control Measures and Treatment Control Measures under the guidelines in a project Stormwater Quality Control Plan (SWQCP). Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, loading and unloading areas, trash enclosures, parking areas, any wash areas and maintenance areas. The SWQCP must conform to the content and format requirements indicated in Appendix D of the Manual and must be approved by the Utilities Director prior to issuance of grading or building permits.
17. No signs are approved as part of this development application. Approval of a separate sign permit application by the Development Services Department is necessary prior to the installation of any signs.
18. Prior to issuance of a building permit, the Developer shall provide plans to show that where landscape planters are parallel and adjacent to the side of a vehicular parking space, a 12-inch wide concrete curb shall be provided to allow for pedestrian access to vehicles without damage to landscape areas.

C. Engineering Division Conditions of Approval

The contact persons are:

- 1) Al Gali, Associate Civil Engineer, (209) 831-6436, al.gali@cityoftracy.org
- 2) Cris Mina, PE, Senior Civil Engineer, (209) 831-6425, cris.mina@cityoftracy.org

C.1. General Conditions

C.1.1 Developer shall comply with the applicable sections of approved documents and/or recommendations of the technical analyses/ reports prepared for the Project listed as follows:

- a) Reciprocal Easements and Restrictive Covenant Agreement (REA) per the Purchase and Sale Agreement as approved by City Council.

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

C.1.3 Developer shall pay initial plan-check fees prior to grading and civil improvement review. The initial plan-check fee shall be \$7,000.

C.2. Grading Permit

All grading work (on-site and off-site, if applicable) shall require a Grading Permit. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Geotechnical Engineer. The City will not accept a Grading Permit application for the Project until the Developer provides all 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. The Developer has completed all requirements set forth in this section.

C.2.2. The Developer has obtained the approval (i.e. recorded easements for slopes, drainage, utilities, access, parking, etc.) of all other public agencies and/or private entities with jurisdiction over the required public and/or private facilities and/or property.

C.2.3. The Improvement Plans for all improvements to serve the Project (in-tract and off-site) including the Grading and Drainage Plans shall be prepared in accordance with the City's Subdivision Ordinance (Tracy Municipal Code (TMC) Chapter 12.36) and City Design Documents, and these Conditions of Approval.

C.2.4. On-site/In-tract/Private Infrastructure Improvement Plans (Improvement Plans) prepared on a 24-inch x 36-inch size 4-millimeter thick polyester film (mylar) using the City's title block. Improvement Plans shall be prepared under the supervision of, stamped and signed by a Registered Civil Engineer and Registered Geotechnical Engineer. The Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars

including signatures by Chief Building Official and Fire Code Official prior to submitting the mylars to Engineering Division for City Engineer's signature. Erosion control measures shall be implemented in accordance with the Improvement Plans approved by the City Engineer for all grading work not completed before October 15. Improvement Plans shall specify all proposed erosion control methods and construction details to be employed and specify materials to be used during and after the construction. Project's design professionals shall adhere to the review comments

- C.2.5. 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.2.6. Prior to the issuance of the Grading Permit, the Developer shall submit 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.2.7. Three (3) sets of the Project's Geotechnical Report signed and stamped by a Registered Geotechnical Engineer. 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.2.8. 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. Off-site/Public Infrastructure Improvement Plans prepared on a 24-inch x 36-inch size 4-millimeter thick mylar that incorporate all requirements described in the documents described in Section C.1, C.2, the City's title block, and these Conditions of Approval. The Developer shall use the latest title block and, if necessary, contain a signature block for the Chief Building Official and Fire Code Official. 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 signature. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:
 - C.3.2. Check payment for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on May 19, 2015, per Resolution 2014-141 and Resolution 2015-075.
 - C.3.3. Traffic Control Plan, if necessary, signed and stamped by a Registered Civil Engineer or Registered Traffic Engineer, as required in Condition C.4.6, below.
 - C.3.4. No street trench shall be left open or uncovered and unprotected during the night. Appropriate signs and barricades shall be installed on the street and on all trenches during and after work hours. If the Permittee or its authorized representative(s) elect to use steel plates to cover street trenches, said steel plate will be skid-resistance, will be pinned to the adjacent asphalt concrete pavement, and ramped on all sides. All ramps will be a minimum two-feet wide and will be the entire length of each side.

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-inch x 36-inch size 4-millimeter thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with City Regulations, these Conditions of Approval, and the following requirements:

C.4.1. Grading and Storm Drainage Plans

Site Grading

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

Storm Drainage

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

C.4.2. Sanitary Sewer Improvement Plans

On-site Sewer

- a. The Subdivider shall design and install sanitary sewer facilities including the Project's sewer connection in accordance with City Regulations and utility improvement plans approved by the City

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

- b. 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.4.3. Water Distribution System

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

- d. Fire Service Line – Location and construction details of fire service line including fire hydrant(s) that are to serve the Project shall be approved by the City’s Fire Safety Officer and Chief Building Official. Prior to the approval of the Improvement Plans, the Developer shall obtain written approval from the City’s Fire Safety Officer and Chief Building Official, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed or planned to serve the Project.

C.4.4. Project Driveways and Access to Existing Businesses: The Developer shall take all steps necessary to plan and construct site improvements such that construction operations do not impact safety and access (including emergency vehicles) to the existing businesses 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.

C.4.5. Joint Utility Trench Plans All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities. The Developer shall submit Joint Utility Trench Plans for the installation of electric, gas, telephone and TV cable main and service lines that are necessary to be installed to serve the Project. The Developer shall coordinate, as feasible, with the respective owner(s) of the utilities for the design of these underground utilities to ensure they can be installed within the 10-foot wide PUE to the extent feasible (and except in the event, that additional space beyond the 10-foot PUE is required, as determined by the utilities owner(s)).

C.4.6. Street Cut(s) - When street cuts are made for installation of utilities, the Developer is required to install 2 inches thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides and for the entire length of the utility trench. A 2 inches deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. If the utility trench extends beyond the median island, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street.

C.5. Building Permit

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

- C.5.1. Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC, and these Conditions of Approval.
- C.5.2. Payment of the Regional Transportation Impact Fees (RTIF) as required in Chapter 13.32 of the TMC, and these Conditions of Approval.
- C.5.3. The Project is within the boundaries of the I-205 Specific Plan Parcel GL-27 area. Payment of applicable development impact fees (a.k.a. capital in-lieu fees) as specified in the Project's Finance Plan and all fees as required in the I-205 Infrastructure Cost Allocation Spreadsheet (recent version) and these Conditions of Approval.

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

- C.6 Temporary or Final Building Certificate of Occupancy - No temporary or final building certificate of occupancy will be issued by the City until after the Developer provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:
 - C.6.1 The Developer has satisfied all the requirements set forth in Condition C.1 through C.5, above.
 - C.6.2 The Developer has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).
 - C.6.3. If the Developer's project altered curb returns, the Developer shall be required to submit to the City either corner records or centerline tie sheet. If the curb return had a benchmark, Developer shall provide a new benchmark and the benchmark information provide to the City and County Surveyor.

AGENDA ITEM 1-C

REQUEST

PUBLIC HEARING TO CONSIDER APPROVAL OF A TENTATIVE SUBDIVISION MAP FOR ELLIS PHASE 2 (THE GARDENS), CONSISTING OF APPROXIMATELY 356 RESIDENTIAL LOTS AND 9 OTHER PARCELS ON APPROXIMATELY 170 ACRES, LOCATED BETWEEN CORRAL HOLLOW ROAD AND LAMMERS ROAD IN THE VICINITY OF ELLIS TOWN DRIVE. THE APPLICANT IS THE SURLAND COMPANIES. THE PROPERTY OWNER IS SURLAND COMMUNITIES, LLC. APPLICATION NUMBER TSM16-0003

BACKGROUND

On January 22, 2013, City Council certified the Final Revised Environmental Impact Report for the Modified Ellis Project and approved a General Plan Amendment, annexation, and the Modified Ellis Specific Plan for the 321-acre site known as Ellis. A development agreement was approved by City Council on March 19, 2013. Annexation of the Ellis site to the City of Tracy was completed by LAFCo on April 16, 2013.

On July 23, 2014, Planning Commission approved a Tentative Subdivision Map for the first phase of the Modified Ellis Project, consisting of 296 residential lots and six other parcels on approximately 150 acres, located at the northwest corner of Corral Hollow Road and Linne Road, Application Number TSM11-0002. An amendment to the conditions of approval for the Ellis Phase 1 Tentative Subdivision Map was approved by Planning Commission on August 12, 2015. Construction of Phase 1A is underway. Building permits have been issued for 114 units, including 11 model homes.

DISCUSSION

Tentative Subdivision Map

The Surland Companies has proposed a Tentative Subdivision Map for Ellis Phase 2, identified in the Ellis Specific Plan as The Gardens. The subject property consists of approximately 170 acres located between Corral Hollow Road and Lammers Road in the vicinity of Ellis Town Drive, immediately west of Ellis Phase 1 (Attachment A: Location Map). The proposal is to subdivide the 170-acre site into 356 residential lots (for detached single-family homes) and nine other parcels, including a 2.87-acre neighborhood park and a 16-acre school site (Attachment B: Tentative Subdivision Map).

The subject property is designated Residential Mixed by the Ellis Specific Plan. The proposed density for the Ellis Phase 2 Tentative Subdivision Map is 4.1 dwelling units per acre, which is consistent with the Ellis Specific Plan. The Ellis Specific Plan permits a density range of 4 to 9 dwelling units per acre for the Residential Mixed designation. The proposed density for Ellis Phase 2 is similar to Phase 1 (4.2 dwelling units per acre).

The design of the proposed Tentative Subdivision Map is consistent with the Ellis Specific Plan. The proposed block pattern and street configuration is consistent with the Ellis Specific Plan because it consists of small blocks and modified grid pattern streets,

which will create a walkable, pedestrian friendly environment. The subdivision includes several blocks with alleys in the rear of the lots, which will bring garages off the front of the houses and create an attractive streetscape that emphasizes the architectural details of the houses, as envisioned in the Ellis Specific Plan. The Ellis Phase 2 Tentative Subdivision Map is also consistent with the residential lot type diversity requirements of the Ellis Specific Plan, which require a minimum of four different lot types per neighborhood and no more than 1,200 linear feet of one lot type along the same street face without a break. As stated in the Ellis Specific Plan, breaks must be a minimum of 200 linear feet and can be created by use of a park or another lot type. A public right-of-way can also constitute a break. Lot types in Ellis Phase 2 include 50-foot front-loaded, 55-foot rear-loaded, 55-foot front-loaded, 60-foot rear-loaded, 65-foot front-loaded, and 70-foot front-loaded, as well as others.

In addition to the 356 residential lots, the Ellis Phase 2 Tentative Subdivision Map also includes nine other parcels. Parcels A, B, C, D, E, and F are encumbered by pipeline easements and are labeled on the Tentative Subdivision Map as Special Landscape Feature. The Tentative Subdivision Map meets the Ellis Specific Plan requirement for a 100-foot minimum setback to habitable space from the centerline of the pipeline easements because it establishes lots that can result in homes meeting both the 100-foot setback requirement and the setback from property line requirements. Parcel G is a 2.87-acre neighborhood park. Parcel H is a 16-acre school site. Parcel I is a 65-acre area for a future phase of residential development.

No architecture is currently proposed for the residential lots in Ellis Phase 2. Since this project is proposed as a Tentative Subdivision Map (not a Vesting Map), architecture is not a submittal requirement for this application. However, conceptual architecture and design guidelines were approved in the Ellis Specific Plan/ Pattern Book. The Ellis Specific Plan requires that proposed development, including architecture and site details, be submitted to the City for Pattern Book Certification. Pattern Book Certification is a review process to ensure that the proposed development complies with the Ellis Specific Plan/ Pattern Book. Pattern Book Certification must be completed and approved prior to building permit issuance. The Development Services Director has the authority for approving Pattern Book Certification.

Per Tracy Municipal Code Section 12.16.070, the Planning Commission has approval authority for a Tentative Subdivision Map, rather than making a recommendation for City Council action, as is required for Vesting Tentative Subdivision Maps.

Environmental Document

The project is consistent with the Final Revised Environmental Impact Report (EIR) certified by the City Council on January 22, 2013 for the Modified Ellis Project, which included the Modified Ellis Specific Plan (SCH#2012022023). Pursuant to CEQA Guidelines Section 15162 and Public Resources Code Section 21166, no subsequent EIR shall be prepared for the project because the project has a certified EIR and no substantial changes are proposed in the project that would require major revisions to the previous EIR; no substantial changes have occurred with respect to the circumstances under which the project will be undertaken that would require major revisions to the previous EIR; and no new information of substantial importance regarding significant

effects, mitigation measures, or alternatives for this project has become known, which was not known at the time the previous EIR was certified as complete. Furthermore, as a residential subdivision that is consistent with a specific plan for which an EIR was certified after January 1, 1980, the project is exempt from the requirements of CEQA pursuant to California Government Code Section 65457. Therefore, no further environmental review is necessary.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Tentative Subdivision Map for Ellis Phase 2 (The Gardens), consisting of 356 residential lots and nine other parcels on approximately 170 acres, located between Corral Hollow Road and Lammers Road in the vicinity of Ellis Town Drive, Application Number TSM16-0003, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated May 10, 2017 (Attachment C: Planning Commission Resolution).

MOTION

Move that the Planning Commission approve the Tentative Subdivision Map for Ellis Phase 2 (The Gardens), consisting of 356 residential lots and nine other parcels on approximately 170 acres, located between Corral Hollow Road and Lammers Road in the vicinity of Ellis Town Drive, Application Number TSM16-0003, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated May 10, 2017.

Prepared by: Scott Claar, Senior Planner
Reviewed by: Bill Dean, Assistant Development Services Director
Approved by: Andrew Malik, Development Services Director

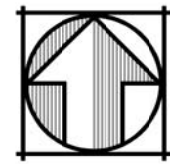
ATTACHMENTS

Attachment A—Location Map
Attachment B—Tentative Subdivision Map
Attachment C—Planning Commission Resolution



LOCATION MAP
ELLIS PHASE 2

CITY OF TRACY, CALIFORNIA
 MAY 1, 2017



	Carlson, Barbee & Gitson, Inc.	
	CIVIL ENGINEERS • SURVEYORS • PLANNERS	
2633 CAMINO RAMON SUITE 350 SAN RAMON CALIFORNIA 94583		(925) 866-0322 FAX (925) 866-8575
SAN RAMON • LATHROP		

RESOLUTION 2017 - _____

APPROVING A TENTATIVE SUBDIVISION MAP FOR ELLIS PHASE 2 (THE GARDENS), CONSISTING OF 356 RESIDENTIAL LOTS AND NINE OTHER PARCELS ON APPROXIMATELY 170 ACRES, LOCATED BETWEEN CORRAL HOLLOW ROAD AND LAMMERS ROAD IN THE VICINITY OF ELLIS TOWN DRIVE, ASSESSOR'S PARCEL NUMBERS 240-140-16, 18, 22, AND 23, APPLICATION NUMBER TSM16-0003

WHEREAS, On January 22, 2013, the City Council certified the Final Revised Environmental Impact Report for the Modified Ellis Project and approved a General Plan Amendment, annexation, and the Modified Ellis Specific Plan for the 321-acre site known as Ellis; and

WHEREAS, A development agreement for Ellis was approved by City Council on March 19, 2013 and annexation of the Ellis site to the City of Tracy was completed by LAFCo on April 16, 2013; and

WHEREAS, On July 23, 2014, the Planning Commission approved a Tentative Subdivision Map for the first phase of the Modified Ellis Project, consisting of 296 residential lots and six other parcels on approximately 150 acres, located at the northwest corner of Corral Hollow Road and Linne Road, Application Number TSM11-0002; and

WHEREAS, An amendment to the conditions of approval for the Ellis Phase 1 Tentative Subdivision Map was approved by the Planning Commission on August 12, 2015; and

WHEREAS, The Surland Companies has proposed a Tentative Subdivision Map for Ellis Phase 2 (The Gardens), consisting of 356 residential lots (for detached single-family homes) and nine other parcels, including a 2.87-acre neighborhood park and a 16-acre school site on approximately 170 acres located between Corral Hollow Road and Lammers Road in the vicinity of Ellis Town Drive, immediately west of Ellis Phase 1, Assessor's Parcel Numbers 240-140-16, 18, 22, and 23, Application Number TSM16-0003; and

WHEREAS, The subject property is designated Residential Mixed by the Ellis Specific Plan, which permits a density range of 4 to 9 dwelling units per acre; and

WHEREAS, The proposed Tentative Subdivision Map is consistent with the Ellis Specific Plan, including the proposed density of 4.1 dwelling units per acre; and

WHEREAS, The proposed Tentative Subdivision Map is consistent with the General Plan and Title 12, the Subdivision Ordinance, of the Tracy Municipal Code; and

WHEREAS, Subject to the satisfaction of the attached conditions of approval, the site is physically suitable for this type of development, as the site, once graded, will be virtually flat; and the characteristically high clay content of Tracy's soils may require amendments and treatment for proposed landscaping, foundations, and other surface and utility work. The physical qualities of the property make it suitable for residential development in accordance with City standards; and

WHEREAS, Subject to the satisfaction of the attached conditions of approval, the site is physically suitable for the proposed density of development; and

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

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

WHEREAS, Subject to the satisfaction of the attached conditions of approval, the design and type of the proposed subdivision and associated improvements will promote the public health, safety and welfare; and

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

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

WHEREAS, Subject to the satisfaction of the conditions of approval, all the public facilities necessary to serve the subdivision will be in place prior to the issuance of building permits. All the public facilities necessary to serve the subdivision or mitigate the impacts created by the subdivision that are not in place prior to approval of a final map will be assured through a subdivision improvement agreement prior to the approval of a final map; and

WHEREAS, The project is consistent with the Final Revised Environmental Impact Report (EIR) certified by the City Council on January 22, 2013 for the Modified Ellis Project, which included the Modified Ellis Specific Plan (SCH#2012022023). Pursuant to CEQA Guidelines Section 15162 and Public Resources Code Section 21166, no subsequent EIR shall be prepared for the project because the project has a certified EIR and no substantial changes are proposed in the project that would require major revisions to the previous EIR; no substantial changes have occurred with respect to the circumstances under which the project will be undertaken that would require major revisions to the previous EIR; and no new information of substantial importance regarding significant effects, mitigation measures, or alternatives for this project has become known, which was not known at the time the previous EIR was certified as complete. Furthermore, as a residential subdivision that is consistent with a specific plan for which an EIR was certified after January 1, 1980, the project is exempt from the requirements of CEQA pursuant to California Government Code Section 65457. Therefore, no further environmental review is necessary; and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the proposed Tentative Subdivision Map on May 10, 2017;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission approves the Tentative Subdivision Map for Ellis Phase 2 (The Gardens), consisting of 356 residential lots and nine other parcels on approximately 170 acres, located between Corral Hollow Road and Lammers Road in the vicinity of Ellis Town Drive, Assessor's Parcel Numbers 240-140-16, 18,

22, and 23, Application Number TSM16-0003, subject to the conditions of approval stated in Exhibit "1" attached and made part hereof.

* * * * *

The foregoing Resolution 2017-_____ was adopted by the Planning Commission on the 10th day of May, 2017, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

City of Tracy
Conditions of Approval
Ellis Phase 2 (The Gardens)
Tentative Subdivision Map
Application Number TSM16-0003
May 10, 2017

These Conditions of Approval shall apply to the Tentative Subdivision Map for Ellis Phase 2 (The Gardens), Application Number TSM16-0003, consisting of approximately 171 acres in the Ellis Specific Plan Area, including approximately 356 residential lots and 9 other parcels, located between Corral Hollow Road and Lammers Road in the vicinity of Ellis Town Drive, Assessor's Parcel Numbers 240-140-16, 18, 22 and 23.

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

1. "Applicant" means any person, or other legal entity, defined as a "Subdivider".
2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, the Development Services Director, or the City Engineer, to perform the duties set forth herein.
3. "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.
4. "EFIP" means the finance and implementation plan (titled "Ellis Program Area Finance and Implementation Plan") approved by the City Council on August 20, 2013 by Resolution 2013-136, and any amendments.
5. "EDA" means the development agreement (titled "Amended and Restated Development Agreement by and between the City of Tracy and Surland Communities, LLC") approved by the City Council on March 19, 2013 by the adoption of Ordinance 1182, and any amendments.
6. "ESP" means the specific plan (titled "Modified Ellis Specific Plan") approved by the City Council on January 22, 2013 by Resolution 2013-012, and any amendments.
7. "EEIR" means the Final Environmental Impact Report (titled "City of Tracy Modified Ellis Project Final Revised Environmental Impact Report"), bearing the State Clearing House Number 2012022023, certified by the City Council on January 22, 2013 by Resolution 2013-011, as adequate and in compliance with the California Environmental Quality Act (CEQA).
8. "Applicable Law" shall have the meaning set forth in section 1.03 of the EDA.
9. "Conditions of Approval" or "Conditions" means these conditions of approval.
10. "Project" means the Tentative Subdivision Map for Ellis Phase 2 (The Gardens), Application Number TSM16-0003, consisting of approximately 171 acres in the

ESP Area, including approximately 356 residential lots and 9 other parcels, located between Corral Hollow Road and Lammers Road in the vicinity of Ellis Town Drive, Assessor's Parcel Numbers 240-140-16, 18, 22 and 23.

11. "Property" means the property shown on the Tentative Subdivision Map for Ellis Phase 2 (The Gardens), Application Number TSM16-0003, consisting of approximately 171 acres in the ESP Area, including approximately 356 residential lots and 9 other parcels, located between Corral Hollow Road and Lammers Road in the vicinity of Ellis Town Drive, Assessor's Parcel Numbers 240-140-16, 18, 22 and 23.
12. "Subdivider" 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. "Subdivider" also means the Developer, which shall include the Owner as described in the Preamble to the EDA, and all successors in interest.

B. Planning Division Conditions of Approval

1. Compliance with laws. The Subdivider shall comply with all Applicable Law.
2. Mitigation Measures. The Subdivider shall comply with all mitigation measures applicable to the Project in the EEIR, which was certified by the City Council on January 22, 2013 (SCH#2012022023).
3. Notice of protest period. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Subdivider that the 90-day approval period (in which the Subdivider may protest the imposition of any fees, dedications, reservations, or other exactions that are within the purview of the Mitigation Fee Act [Government Code section 66000 et seq.] ("Exactions") and imposed on this Project by these Conditions of Approval) shall commence on the date of the conditional approval of this Project. If the Subdivider fails to file a protest of the Exactions within this 90-day period, which protest complies with all of the requirements of Government Code Section 66020, the Subdivider will be legally barred from later challenging any of the Exactions. The terms of this paragraph shall not affect any other deadlines or statutes of limitations set forth in the Mitigation Fee Act or other applicable law, or constitute a waiver of any affirmative defenses available to the Developer.
4. Conformance with Tentative Subdivision Map. All Final Maps shall be in substantial conformance with the approved Tentative Subdivision Map, which was date stamped as received by the Development Services Department on April 21, 2017, and approved by the Planning Commission on May 10, 2017, unless modified herein by these Conditions of Approval.
5. Deed Notice regarding Airport Land Use. Before approval of each Final Map, the Subdivider shall include the following Deed Notice on the Final Map, to the satisfaction of the Development Services Director and consistent with the San

Joaquin County Airport Land Use Commission's Airport Land Use Compatibility Plan:

The San Joaquin County Airport Land Use Commission's Airport Land Use Compatibility Plan identifies the Tracy Municipal Airport's Airport Influence Area. Properties within this area are routinely subject to overflights by aircraft using this public-use airport and, as a result, residents may experience inconvenience, annoyance, or discomfort arising from the noise of such operations. State law (Public Utilities Code Section 21670 et seq.) establishes the importance of public use airports to the public interest of the people of the State of California. Residents of property near such airports should therefore be prepared to accept the inconvenience, annoyance, or discomfort from normal aircraft operations. Residents also should be aware that the current volume of aircraft activity may increase in the future. Any subsequent deed conveying this parcel or subdivisions thereof shall contain a statement in substantially this form.

6. Annexation to City of Tracy Community Facilities District No. 2016-2 (ECFD). Before final inspection or occupancy of the first dwelling (except for up to twelve model homes), the Subdivider shall, at its expense, annex, or cause to be annexed, the Property into the City of Tracy Community Facilities District No. 2016-2 (ECFD) (herein, the "CFD"). The Property is identified as part of the "Future Annexation Area" of the CFD, and therefore shall be annexed using the unanimous consent provisions of the Mello-Roos Community Facilities Act of 1982 (the "Act"). The Property may be annexed to an existing improvement area or to a new improvement area of the CFD, as contemplated by the proceedings forming the CFD. In annexing the Property to the CFD through the unanimous consent process, the Subdivider will authorize the recordation of a Notice of Special Tax Lien on the Property evidencing the lien of the CFD. Upon successful annexation, the Property will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment approved for the improvement area in which the Property is annexed. The CFD, including any new improvement area in which the Property is annexed, is authorized to finance both public facilities and public landscaping. If funds are needed to pay for facilities or services authorized to be funded by the CFD before the CFD has collected sufficient special taxes from the Property to fully pay for such facilities or services in accordance with the Rate and Method of Apportionment, the Ellis CFD budget for landscape strips, and parks, and in accordance with the Ellis maintenance manual guidelines, the Subdivider shall deposit with the City, prior to the final inspection of, or issuance of a certificate of occupancy for (whichever occurs first), the first residential unit in the Project (except for up to twelve model homes), an amount mutually agreed upon by the City and Subdivider to fund the facilities and/or services until such time as the CFD has collected sufficient special taxes from the Property to fund such facilities and/or services in accordance with the Rate and Method of Apportionment, and Ellis CFD budget for landscape strips, and parks that require funding. Compliance with this Condition No. 6 shall satisfy the requirements for a funding mechanism for public landscaping of the Property.

C. Engineering Division Conditions of Approval

C.1. General Conditions

Subdivider shall comply with the applicable requirements of the approved documents, technical analyses/ reports prepared for the Project listed as follows:

- a. Specific Plan, titled "*Modified Ellis Specific Plan*" ("ESP") approved by the City Council on January 22, 2013 by Resolution 2013-012, and any subsequent amendments.
- b. Finance and implementation plan titled "*Ellis Program Area Finance and Implementation Plan*" ("EFIP") approved by the City Council on August 20, 2013 by Resolution 2013-136, and any amendments.
- c. Development agreement title "Amended and Restated Development Agreement by and between City of Tracy and Surland Communities, LLC" ("EDA") approved by the City Council on March 19, 2013 by the adoption of Ordinance 1182, and any amendments, including Resolution 2016-188 approving an agreement to Toll and Extend the Land Dedication Acceptance period, approved by City Council on September 6, 2016
- d. Final Environmental Impact Report titled "*City of Tracy Modified Ellis Project Final Revised Environmental Impact Report*" (EEIR"), bearing the State Clearing House Number 2012022023, certified by the City Council on January 22, 2013 by Resolution 2013-011, as adequate and in compliance with California Environmental Quality Act (CEQA).
- e. *Ellis Program Sub-Basin – Final Storm Drainage Technical Report* dated September 2012 and *Reevaluation of program Storm Drainage Infrastructure* dated August 4, 2015 by Storm Water Consulting, Inc., any subsequent amendments. ("Storm Drainage Technical Report").
- f. *Specific Plan Water System Analysis*, dated August 14, 2013 by West Yost and Associates. (ESP Water Report).
- g. *Hydraulic Evaluation of Ellis Specific Plan Phase 2 – The Gardens*, dated December 9, 2016 by West Yost and Associates, and any subsequent amendments. ("Ellis Phase 2 Water Report")
- h. City of Tracy Wastewater Master Plan/Corral Hollow Sewer Analysis dated March 2012 by CH2MHill, and any subsequent amendments.
- i. *Ellis-Jefferson School Circulation* Technical Memorandum, prepared by TJKM, dated January 12, 2017, and any subsequent amendments.
- j. *Ellis Phase 2 Circulation and Intersection Geometry Review*, dated March 28, 2017, prepared by TJKM, and any subsequent amendments. ("Traffic Study")

C.2. Final Map

No Final Map within the Project boundaries will be approved by the City until the Subdivider demonstrates, to the satisfaction of the City Engineer, that all the requirements set forth in these Conditions of Approval are completed, including, but not limited to the following:

- C.2.1. Subdivider has submitted one (1) reproducible copy of the approved tentative subdivision map for the Project within ten (10) days after Subdivider's receipt of a notification of approval of the Tentative Subdivision Map. The signature of the owner of the Property on the Tentative Subdivision Map means consent to the preparation of the Tentative Subdivision Map and the proposed subdivision of the Property.
- C.2.2. Each Final Map is prepared in accordance with the applicable requirements of the Tracy Municipal Code, these Conditions of Approval, the Ellis Specific Plan ("ESP"), Ellis Finance & Implementation Plan ("EFIP"), the Ellis Development Agreement ("EDA"), and in substantial conformance with the Tentative Subdivision Map.
- C.2.3. Each Final Map includes and shows offer(s) of dedication of all right(s)-of-way and/or temporary or permanent easement(s) required to construct and serve the Project described by the Improvement Plans and Final Map, in accordance with Applicable Laws and these Conditions of Approval. If construction easement(s) is/are shown, it/they shall indicate the termination of the construction easement(s).
 - a. The Subdivider shall dedicate a 5-foot wide Public Utility Easement (PUE) along the lot frontages within the Property, the installation, repair, use, operation, and maintenance of other public utilities such as electric, gas, telephone, cable TV, and others. Larger private utility structures may require additional PUE "bump outs" to accommodate the structures.
 - b. The Subdivider shall coordinate with the respective owner(s) of the utilities including but not limited to PG&E, AT&T, and Comcast, for the design and installation of these utilities within the Property. Engineering design and construction details of these utilities must be prepared as part of the joint utility trench plans to be submitted for City's review.
 - c. The Subdivider shall obtain the approval of all other public agencies with jurisdiction over the required public facilities.
 - d. Subdivider shall submit documentation for vacation or abandonment of existing easements that are shown on the Tentative Map to be abandoned.

- C.2.4. If multiple final maps are to be filed, the Improvement Plans, as described above, must be prepared with a detailed phasing plan showing construction limits and logical sequence or order of constructing street and utilities improvements. The phasing plan shall clearly identify the improvements to be constructed with each construction phase.
- C.2.5. Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearing" and shown as such on the Final Map. The Final Map shall also identify surveyed ties from two of the horizontal control points to a minimum of two separate points adjacent to or within the Property described by the Final Map.
- C.2.6. Subdivider has submitted a signed and stamped Engineer's Estimate that shows construction cost of subdivision improvements to be dedicated to the City.
- C.2.7. Subdivider has submitted a signed and notarized Subdivision Improvement Agreement (SIA) and Improvement Security, for the completion of improvements that are required to serve the Project as shown on the Improvement Plans. The form and amount of Improvement Security shall be in accordance with the Applicable Law and the SIA.
- C.2.8. Subdivider has paid engineering review fees including improvement plan checking, final map review, agreement processing, and all other fees required by these Conditions of Approval and Applicable Laws.
- C.2.9. Subdivider has submitted technical or materials specifications, cost estimates, and technical reports related to the design of improvements that are shown on the Improvement Plans and as required by these Conditions of Approval.
- C.2.10. Subdivider has submitted hydrologic and storm drainage calculations for the design and sizing of in-tract storm drainage pipes and the temporary storm drainage retention basin (if required).
- C.2.11. Subdivider in accordance with the terms of the ESP including Section 5.2, Option A shall be required to submit a signed and notarized Park Improvement Agreement (PIA) and Improvement Security, for the construction of the neighborhood park improvements described in Condition C.5.13, below. The form and amount of Improvement Security shall be in accordance with, Applicable Law, the EDA, ESP, EFIP, and the PIA.
- C.2.12. Subdivider has submitted signed and stamped Improvement Plans as required in Condition C.5, below.

C.3 Grading Permit

The City will accept a grading permit application for the Project prior to the Final Map being approved by the City Council, if the Subdivider 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, and in accordance with the EDA, ESP, and EFIP, including, but not limited to, the following:

- C.3.1. 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 and Geotechnical Engineer.
- a. The Subdivider 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.
 - b. Prior to the issuance of Grading Permit for the Project, Subdivider shall submit improvement plans and secure at least two plan reviews.
 - c. 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.
 - (i) The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, pavement design recommendations, percolation rate, and elevation of the highest observed groundwater level.
 - d. 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#).
 - (i) After the completion of the Project, the Subdivider is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Subdivider shall provide the City with a copy of the completed Notice of Termination.
 - (ii) The cost of preparing the SWPPP, NOI and NOT, including the filing fee of the NOI and NOT, shall be paid by the Subdivider.
 - (iii) The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the applicable provisions of the, ESP, EFIP, EDA, and City's Storm Water Management Program.

- e. Permit(s), agreement(s) and approval of other public agencies that has jurisdiction over the required public facilities, if applicable.
- f. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) as required in Mitigation Measure 4.3-1b of the Modified Specific Plan Mitigation Monitoring and Reporting Program.
- g. Reasonable written permission from irrigation district or affected owner(s), if applicable as required in Condition C.12.3, below. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider, if required.
- h. The existing well serving the single-family residence at Lammers Road, shall be abandoned, and/or removed in accordance with the City and San Joaquin County requirements at the time the residence is demolished. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection.
- i. Payment of applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval, subject to the PICRA.

C.4. Encroachment Permit

Applications for encroachment permit may be accepted by the City as complete prior to the Final Map being approved by the City Council if the Subdivider provides all relevant documents related to said encroachment permit required by the applicable City Regulations and these Conditions of Approval, to the reasonable satisfaction of the City Engineer, including, but not limited to, the following:

- C.4.1. 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 Engineer, Traffic Engineer, Electrical Engineer, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
 - a. The Subdivider shall obtain all applicable signatures by City departments (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.4.2. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

- C.4.3. Traffic Control Plan, if necessary, shall be prepared under the supervision of and signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.
- C.4.4. 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.4.5. If required, signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of off-site 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), the ESP, EDA, EFIP, and the OIA. The Subdivider'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.4.6. Check or wire 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 May 17, 2016, per Resolution 2016-094. The fees shall be in accordance with the EDA, applicable law, and the Program Improvements Credit and Reimbursement Agreement ("PICRA").

C.5. Improvement Plans

- C.5.1. General: Improvement Plans shall contain the design, construction details and specifications of public improvements and all subdivision improvements that are required 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 Engineer, Traffic Engineer if applicable, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

The Improvement Plans including the Grading and Drainage Plans prepared in accordance with the ESP, EDA, EFIP, and 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 ESP, EDA, EFIP, and the City Design Documents, and these Conditions of Approval.

- a. The Improvement Plans shall be prepared in mylar with the City of Tracy standard title and signature block.
- b. The Subdivider 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.5.2. 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, 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. Two (2) 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 storm water treatment in accordance with the ESP, EFIP, and EDA, and as reasonably 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.5.3. 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.
- b. 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.
- c. Site grading shall be designed such that the Project's storm water can gravity drain directly to an existing storm drain system with adequate capacity to drain storm water from the Project Site in the event that the on-site storm drainage system fails or is clogged.
- d. 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.

- e. 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 Subdivider 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.
- f. If applicable, show all existing irrigation structure(s), channel(s) and pipe(s) that are to remain or to be relocated or to be removed, if any, after coordinating with the irrigation district or owner of the irrigation facilities. If there are irrigation facilities including tile drains, that are required to remain to serve existing adjacent agricultural uses, the Subdivider shall design, coordinate and construct required modifications to the facilities to the reasonable satisfaction of the owner of the irrigation facilities and the City.

C.5.4. Permanent storm drainage connection

- a. The Project's permanent storm drainage connection(s) shall be designed and constructed to meet City Standards and the recommendations in the Storm Drainage Technical Report.
- b. The City's Stormwater Consultant (Storm Water Consulting, Inc.) is reviewing the Project Stormwater Plan for Ellis and Avenues Technical Report. prepared by Carlson, Barbee, & Gibson, Inc. The Subdivider shall design and construct in-tract and offsite drainage improvements (if required) based on the final approved drainage design report as approved by the City Engineer.
- c. Draining the storm water to the City's storm drainage system to drain to future Detention Basin DET 3A is the required final solution of disposing storm water from the Project site. The Subdivider shall design and install all the necessary improvements for the final solution , or an interim solution of disposing storm water. The Subdivider will be responsible for design and installation of the Project's permanent storm drainage connection from the Project site to the City's future public storm drain system at the location and grade approved by the City as a part of the storm drainage improvement plans, if the Subdivider does not provide an interim solution.
- d. Prior to the approval of the Final Map for the Project, the Subdivider shall provide a Stormwater Quality Control Plan (SWQCP) detailing the methods in which the development will

address compliance with the applicable City's *Multi-Agency Post-Construction Stormwater Standards Manual* (Manual). Prior to the issuance of the grading permit for the project, the SWQCP shall be approved by the City Engineer.

C.5.5. Temporary Drainage System – Onsite Retention Basin(s)

Until such time as future DET 3A is operational, which includes adequate detention storage to accommodate storm runoff from development areas and a positive outlet, the Project will be required to provide temporary retention basins as the interim discharge element for all Project drainage in conformance with City Design Standards.

- a. The Temporary Retention Basin(s) shall be designed to retain storm water run-off from the Project resulting from 200% of the 10-year, 48-hour storm event in compliance with Sections 5.06 and 5.07 of City of Tracy Design Standards.
- b. The Subdivider shall provide a geotechnical investigation with respect to the Temporary Retention Basin(s) that validates that percolation rates for the subsurface soils that exist at and below the bottom of the basin are acceptable.
- c. Subdivider shall be responsible for maintenance of onsite Temporary Retention Basin(s) until the downstream drainage facilities are installed and accepted by the City. The Subdivider shall sign an improvement agreement (Deferred Improvement Agreement), to assure completion of the Subdivider's obligation to repair and maintain said basin(s) while the storm drainage retention basin is in service and then to modify/remove Temporary Retention Basin(s) and connect on-site storm drainage system to the master plan facilities when constructed and operational. The scope of improvements and security required with the Deferred Improvement Agreement will be determined during the improvement plan review.
- d. Excavated materials shall be kept within the basin site. If the excavated materials are removed from the basin site, the Subdivider shall post cash security equivalent to the cost of import backfill materials, hauling to the basin site, spreading, compacting and re-grading the basin site. If excavated materials are retained on-site, the stockpile of excavated materials shall not be higher than 8 feet and slope should not be steeper than 1:1. A metal fence and access gate shall be installed by the Subdivider to enclose the basin site. The bottom of the temporary on-site storm drainage retention basin(s) shall be 5 feet above the observed highest groundwater elevation at the basin site, or as approved by the City Engineer. The Geotechnical Report shall also indicate the observed highest groundwater elevation at the basin site.

- e. The Subdivider shall record a temporary storm drainage easement to grant rights to the City to access the temporary storm drainage retention basin(s) for any necessary emergency repair or maintenance work the City may have to perform within the basin site. Said temporary access easement shall include a sunset clause that such easement will automatically be terminated at such time as the above-referenced permanent storm drainage improvements are completed.
- f. Interim stormwater treatment measures must meet the requirements for hydromodification and regulated projects under the City's MAPCSWS. The use of temporary Detention Basins as described in C.5.5 is not sufficient to meet the MAPCSWS and therefore additional stormwater treatment measures will need to be incorporated until such time as the future DET 3A is completed and approved for stormwater treatment measures.

C.5.6. Stormwater Treatment

- a. Permanent storm water treatment measures for the Project to meet the requirements of the City's Multi-Agency Post-Construction Stormwater Standards Manual will be provided offsite within future DET 3A. This approach may increase peak rates of runoff previously anticipated to be generated by the Project, and more capacity may be required to convey this runoff to DET 3A. It is likely that stormwater quality treatment may be provided by creating an "infiltration basin" in a forebay within DET 3A that accommodates the required stormwater quality storage volumes. Storm water quality treatment measures that are required to be incorporated into DET 3A are not currently part of the program storm drainage infrastructure, and hence the Subdivider shall be responsible for additional costs of design and construction of these measures, or alternatively the EFIP program will be revised to include these costs. The Subdivider may be required to pay updated fees to be determined in the FIP update, or other means as acceptable to the Subdivider and City.
- b. Prior to the issuance of the first building certificate of occupancy, the Subdivider shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Subdivider's responsibility towards the repair and maintenance of on-site storm water treatment facilities. This requirement shall apply only if temporary on-site retention basin is utilized.

C.5.7. Sanitary Sewer

a. Permanent Sewer Main on Corral Hollow Road

In accordance with Section 1.13(b)(1) of the Ellis DA, the existing Corral Hollow Sewer Conveyance System has conveyance capacity reserved for this Project on a permanent basis. The City of Tracy has completed the design of the permanent sewer main on Corral Hollow Road from Peony Drive to the existing sewer manhole at Parkside Drive.

- (i) The Subdivider has requested for City's approval to allow the first two hundred and twenty-five lots to utilize the existing temporary connection to Peony Drive as an interim solution in the event the permanent sewer main in Corral Hollow Road and downstream improvements required to provide permanent capacity for the Project have not been constructed. The Subdivider is hereby notified that the interim connection may be permitted subject to verification of availability of capacity in the existing facilities by completion of a technical analysis by City's Consultant ("Interim Sewer Capacity Analysis"). The cost of the Interim Sewer Capacity Analysis shall be funded by the Subdivider, and shall be completed prior to approval of the first Final Map. The Subdivider shall deposit the funds for the analysis with the City within two weeks from the date of approval of the Tentative Map, or within two weeks from the date City provides Fee Estimate and Scope of Work to the Subdivider.
- (ii) If the permanent sewer main has not been constructed prior to issuance of the two hundred and twenty sixth occupancy permit for Ellis Phase 2, the Subdivider will be required to install the permanent sewer line in Corral Hollow Road, from Ellis Town Drive to Node 4W, subject to the EDA, and PICRA.
- (iii) In order to guarantee completion of installation of the permanent sewer improvements described under this section, the Subdivider shall sign a Deferred Improvement Agreement with the City and post improvement security in the amounts approved by the City Engineer, prior to the approval of the first Final Map.
- (iv) The portion of the sewer main on Corral Hollow Road that will be installed within the jurisdiction of the San Joaquin County (County) will require encroachment permit and a maintenance agreement with the County. The Subdivider is required to coordinate with the County Public Works Department the design of the utility trench and extent of pavement replacement for the portion of Corral Hollow Road that is within the County right-of-way. The Subdivider

shall comply with all the applicable requirements of the County, obtain encroachment permit, and pay permit processing, plan checking and inspection fees, prior to starting work. The County will require a traffic control plan and improvement plans as part of the encroachment permit application.

- (v) Prior to starting the work described in this section, the Subdivider shall submit a Traffic Control Plan, to show the method and type of construction signs to be used for regulating traffic at work areas during the installation of the sewer improvements described in above. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.
- b. Sanitary Sewer Facilities: The Subdivider shall design and install sanitary sewer facilities including the Project's sewer connection in accordance with City Regulations and utility improvement plans approved by the City Engineer. The Subdivider is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plan No. 203. The City's responsibility to maintain on the sewer lateral is from the wye fitting to the point of connection with the sewer main.
- c. The Subdivider 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 available capacity will be reduced. Upon approval of a final map, wastewater capacity for the total number of lots within the final map shall be reserved from the City's unused capacity referenced herein.

C.5.8. Water System.

a. Water Distribution System.

Potable water line sizing, looping requirements and layout shall comply with recommendations of Ellis Phase 2 Water Report and EFIP, and the following improvements as listed in the report:

- (i) Previously recommended water system facilities identified in various ESP Phase 1 Improvement Plans, as well as the City-side Zone 3 improvements at JJWTP and Corral Hollow Road Utility Improvements.
 - (ii) The on-site water pipelines around the school site Parcel "H" shall be upsized to 12-inch diameter pipes.
 - (iii) Closure of the valve (located at Middlefield Road/Corral Hollow Road intersection) until the City proceeds with the re-zoning of various City-side Pressure Zone 3 parcels that are currently served in Pressure Zone 2.
- b. All costs associated with the installation of the Offsite Water Improvements including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings on existing street that may be disturbed with the installation of these improvements shall be advanced by the Subdivider, and subject to the PICRA.
- c. As recommended in Ellis Phase 2 Water Report, the school parcel will not be permitted to connect to the City water system until the facilities that are associated with the build out of the ESP are constructed and in service.
- d. Recycled Water Line
On-site Recycled Water mains are required to serve Ellis Phase 2. As part of the on-site improvements for the Project, the Subdivider shall install 8-inch Recycled Water main along Ellis Town Drive. The 8-inch Recycled Water main shall be connected to Ellis Phase 1 Recycled Water Main at Ellis Town Drive.
- e. Fire Service Line
The Subdivider shall design and install fire hydrants at locations approved by the City's Fire Safety Officer and Chief Building Officer. Before the approval of the plans, the Subdivider shall obtain written approval from the City's Fire Safety Officer or Chief Building Official, for the design, location and construction details of the fire service connections and for location and spacing of fire hydrants that are to be installed.
 - (i) During the construction phases of the Project, the Subdivider shall be 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 ESP, EFIP, EDA, and City of Tracy Fire Code Official.
 - (ii) Fire service connection to the fire hydrants shown in the Lanes shall be revised to eliminate service connections

crossing private lots. The connection shall be located within the Lanes right-of-way.

f. Water Shutdown Plan and Traffic Control Plan:

If water main shut down is necessary, the City will allow a maximum of four hours water supply shutdown. The Subdivider 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 Subdivider shall submit a Water Shutdown Plan and Traffic Control Plan to be used during the installation of the offsite water mains.

g. Domestic and Irrigation Water Services

Domestic water service shall be installed in accordance with City Regulations and the utility improvement plans approved by the City Engineer. City's responsibility to maintain water lines shall be from the water main on the street to the back of the water meter (inclusive) only.

h. All costs associated with the installation of the Project's permanent water connection(s) as identified in the EFIP and Ellis Phase 2 Water Report including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings, replacing traffic detecting loops, conduits, and wires, relocating existing utilities that may be in conflict with the water connection(s), and other improvements shall be advanced by the Subdivider, and subject to the PICRA .

C.5.9. Frontage Street Improvements

a. The Subdivider shall as a part of the Final Map which includes Lammers Road, shall offer for dedication the ROW along the property frontage of Lammers Road in accordance with City design standards, ESP, EFIP, and EDA.

C.5.10. Subdivision Roadway Improvements

a. Ellis Town Drive, Cordelia Lane, Roundhouse Drive, Northington Drive and Other In-tract Streets

The Subdivider shall dedicate all rights-of-way that are necessary to construct Ellis Town Drive, Cordelia Lane, Roundhouse Drive and Northington Drive and all the in-tract streets based on their respective cross sections as shown on the Tentative Map.

- (i) The width of travel lanes, street median, landscaping strip and sidewalk shall be in accordance with this tentative map.
- (ii) Design and construction details of the in-tract streets such as asphalt concrete pavement, curb, gutter, sidewalk, street light, water main, fire hydrant, landscaping with automatic irrigation system (Motorola), storm drain, catch basin and drop inlets, sanitary sewer main and lateral, water main, individual water service and meter, pavement marking and striping, traffic sign, driveway, handicap ramp and other street improvements shall be consistent with City Standards, unless specifically modified in the ESP, and shall be shown on the Improvement Plans.
- (iii) Design and construction details for the lanes and alley approaches shall be as shown on the Tentative Map with the exception that the maximum slope behind the curb within the right-of-way shall not exceed 5%.

b. Dead-End Streets

A standard barricade and guardrail, or gate per the ESP with appropriate traffic sign will be required at the west end of Roundhouse Drive, Ellis Town Drive, Street 6, Street 10 and Street 13, and north end of Street 2, Street 11, Street 12 and Street 15, and at south end of Street 14. A wooden fence shall be installed at the end and for the entire right-of-way width of these streets.. To prevent street runoff from draining to adjacent property(s), a concrete curb shall be installed through the entire width of the pavement or curb-to-curb, unless the property ownership is the same, or the adjacent property owner has provided consent. Asphalt concrete berm or curb is an acceptable alternative solution. Construction details of the improvements described under this sub-section must be shown on the Improvement Plans, if ownership is not the same, or no consent is provided.

C.5.11. Parcel H School Parcel

- a. Subdivider shall comply with Section 1.14 of the EDA.
- b. Design and construction details for the Ellis Town Drive, Street 2, Street 10, and Street 11, and access to the school site shall be generally consistent with the ESP, City Standards, and per the recommendations of the *Ellis-Jefferson School Circulation* TM by TJKM, dated January 12, 2017 and any subsequent updates.

C.5.12. Neighborhood Parks

- a. The Subdivider or Owner shall offer for dedication Parcel "G" for park purposes as required by sub-section 1.15(a) of the EDA

and section 5.2 of the ESP on the Final Map which includes Parcel "G".

- (i) The Subdivider shall design and construct the neighborhood park improvements consistent with the City Standards, ESP, EFIP, EDA and Applicable Law.
- b. The Subdivider shall submit park improvement plans, signed and notarized improvement agreement ("Park Improvement Agreement or PIA"), and Improvement Security in the amount and type specified in the ESP, EDA, and Applicable Law. The timing of commencement of the neighborhood park improvements, payment of fees and fee credits shall be in accordance with the ESP and Tracy Municipal Code.

C.5.13. Landscape Parcels A, B, C, D, E, and F

- a. The Native Preserve parcels shown on the Vesting Tentative Map as Parcels A, B, C, D, E, and F shall be dedicated to the City of Tracy and maintained by the Property Owner's Association. (POA)
- b. Design and construction details related to maintenance vehicle access, driveway curb cuts, landscaping, fences and related improvements shall be shown on the improvement plans for review and approval by the City Engineer.
 - (i) Design and construction details for work in the vicinity of the PG&E and Chevron pipelines shall also comply with the requirements listed below in Condition E5.16.
 - (ii) Fences shall be located such that they do not obstruct pedestrian access to sidewalks, and shall be in compliance with the ESP and approved by the City Engineer.

C.5.14. UPRR Boundary Wall

- a. The boundary wall adjacent to the UPRR right-of-way shall be designed such that the entire wall, including footing and any retaining wall (if required) shall be located entirely within the street right-of-way for Northington Drive and Street 8.
- b. Maintenance of boundary wall and retaining walls shall be the responsibility of the POA and funded through the CFD.
- c. If required subdivider shall obtain encroachment permits from UPRR for any work within UPRR right-of-way.

C.5.15. Undergrounding of Overhead Utilities

a. Public Utility Easement

All private utility services to serve Project such as electric, telephone and cable TV must be installed underground, and to be installed within dedicated Public Utility Easement (PUE) and

at the location approved by the respective owner(s) of the utilities.

- b. The Subdivider shall submit improvement plans for the installation of electric, gas, telephone and TV cable lines that are to be installed under the sidewalk or within the Public Utility Easement (PUE). The Subdivider shall complete the necessary coordination work with the respective owner(s) of the utilities for the design of these underground utilities and to ensure it can be constructed under the sidewalk or within the PUE.
- c. Underground utility conduits may be installed under the sidewalks, and all boxes, structures and related facilities shall be located in the within the PUE. .
- d. Pavement cuts or utility trench(s) on existing street(s) for the installation of electric, gas, cable TV, and telephone will require the application of 2" asphalt concrete overlay and replacement of pavement striping and marking 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). Construction details and limits of asphalt concrete overlay shall be shown on the Improvement Plans.

C.5.16. PG&E and Chevron Pipeline Easement and Facilities

- a. Per Mitigation Measure 4.7-1c, prior to the issuance of building permits, a qualified Site Characterization specialist shall conduct updated site characterization in the Project area in consultation with PG&E, Chevron, and San Joaquin Environmental Health Dept. (EHD) with regard to the potential contaminated soils from pipeline leaks. Upon completion of the site characterization activities, the Site Characterization specialist shall recommend remediation actions, if necessary, in consultation with EHD.
- b. Per Mitigation Measure 4.7-2, prior to issuance of grading permits, the Project Applicant shall work with PG&E and Chevron to implement and observe a site damage prevention plan. This may potentially include the following:
 - (i) designing a site development plan incorporating permanent land use over the pipeline right-of-way that minimizes the potential for damage to the lines;
 - (ii) prominently marking the line locations prior to site development, maintaining markings throughout the

- development process, and final marking after work is complete;
 - (iii) communicate plans for significant excavation or land contouring work;
 - (iv) identify changes in land contour that could significantly reduce the soil cover over the pipelines;
 - (v) evaluate the effects of heavy construction vehicles crossing the lines, designate areas for heavy construction vehicles to cross the lines, and provide temporary fill or other temporary protection over the lines where necessary;
 - (vi) minimize installations of new buried utilities and services across the existing pipelines;
 - (vii) evaluate whether the existing lines should be lowered to increase vertical separation between the pipelines and new surface features; and
 - (viii) develop other damage-prevention measures as may be necessary.
- c. The Project Applicant and the pipeline operators should consider other measures for reducing risk suggested in the Pipelines and Informed Planning Alliance (PIPA) recommended practices on informed land use including:
- (i) select landscaping vegetation to avoid root structures that damage pipeline coatings,
 - (ii) avoid planting trees that prevent direct observation of the pipelines by aerial patrol,
 - (iii) manage storm runoff to prevent erosion of pipeline bedding,
 - (iv) consider accessibility to pipeline personnel and first responders in the event of an emergency, and
 - (v) incorporate escape routes from areas within the Potential Impact Radius (PIR).
- C.6. Building Permit - No building permit will be approved by the City until the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:
- C.6.1. Payment in accordance with Applicable Law for the EFIP Fees for Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park adopted by the City Council on August 20, 2013, per Resolution 2013-136, and in accordance with Applicable Law, including any updates as adopted by City Council which have become Applicable Law.

C.6.2. Payment of any other fees in accordance with Applicable Law.

C.7. Acceptance of Public Improvements

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

C.7.1. 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.7.2. Subdivider has completed the 90-day public landscaping maintenance period.

C.7.3. Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements.

C.8. Temporary or Final Building Certificate of Occupancy

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

C.8.1. The Subdivider has satisfied all the requirements set forth in Condition C.7, above.

C.8.2. The Subdivider 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 Subdivider shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Subdivider shall advance 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), which shall be subject to the PICRA.

C.9. Agreements and Improvement Security

C.9.1. Subdivision Improvement Agreement: - Before the City's approval of the Final Map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the Final Map), post all required improvement security in accordance with Applicable Law, improvements shall be subject to the PICRA.

- C.9.2. Deferred Improvement Agreement: - Before the City's approval of the First Final Map, the Subdivider shall execute a Deferred Improvement Agreement, if needed, which shall be in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement), under the Applicable Law, which shall be subject to the PICRA.

C.10. Improvement Security

The Subdivider shall provide improvement security for all public facilities, as required by the Subdivision Improvement Agreement and the Deferred Improvement Agreement 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 the EDA, and section 12.36.080 of the TMC. The amount of improvement security shall be as follows:

- C.10.1. Faithful Performance (100% of the estimated cost of constructing the public facilities),
- C.10.2. Labor & Materials (100% of the estimated cost of constructing the public facilities),
- C.10.3. Warranty (10% of the estimated cost of constructing the public facilities), and
- C.10.4. Monumentation (\$500 multiplied by the total number of street centerline monuments that are shown on the Final Map).

C.11. Release of Improvement Security

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

- C.11.1. Improvement Security for Faithful Performance, Labor & Materials, and Warranty shall be released to the Subdivider in accordance with the EDA, and Section 12.36.080 of the TMC.
- C.11.2. Written request from the Subdivider and a copy of the recorded Notice of Completion.
- C.11.3. Monumentation Bond will be released to the Subdivider after City Council's acceptance of the public improvements and all the street centerline monuments shown on the Final Map are installed and tagged by a Land Surveyor licensed to practice in the State of California.

C.12. Benefit District

The Subdivider may make a written request to the City for the formation of a Benefit District for which the public facilities are required in accordance with these Conditions of Approval, the EDA, ESP, EFIP, and Applicable Law.

C.13. Special Conditions

C.13.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with the tentative map, ESP, EDA, EFIP, City Regulations, and City's applicable Design documents if not included in the ESP, EDA, EFIP, or tentative map, 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.13.2 All existing on-site well including the well serving the existing residence at Lammers Road, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well including the cost of permit(s) and inspection. The Subdivider shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit for the Improvement plans which include grading at the location of the well(s).

C.13.3. The Subdivider shall abandon or remove all existing irrigation structures, channels and pipes, located on improvement plans, if any, as directed by the City after joint coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, located on improvement plans, if any, are required to remain to serve existing adjacent agricultural uses by legal right or easement, the Subdivider will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit if any facilities are located on improvement plans, and are to be removed. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.

C.13.4. All improvement plans shall contain a note stating that the Subdivider (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 Subdivider'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.13.5. Nothing contained herein shall be construed to permit any violation of Applicable Law. Subject, however, to Applicable Law, this Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the final map, improvement agreements, and improvement plans, prior to the City Engineer's signature on the final map and improvement plans, if the City Engineer finds it necessary due to public health and safety reasons,. The Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City. Costs may be applicable to the Ellis FIP as credit. Health and Safety findings shall be made by the City Council under the terms of a City wide review of the Health and Safety related issue.

- C.13.6. Nothing in these Conditions of Approval are intended or may be interpreted to limit or interfere with any of the vested rights provided in the Ellis Development Agreement. In the event of any conflict between any provision of these Conditions of Approval and the Applicable Law, the Applicable Law shall control.

AGENDA ITEM 1-D

REQUEST

REVIEW AND RECOMMEND APPROVAL OF A REVISED PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE AND A REVISED DEVELOPMENT REVIEW ORDINANCE, APPLICATION NUMBER ZA17-0002

DISCUSSION

Background

On September 6, 2016, the City Council held a workshop to discuss potential changes to the Citywide Design Goals and Standards, and streamlining the development process. Out of that workshop came direction to have more projects reviewed at the staff level, for streamlining purposes, and to amend the Design Goals and Standards to be more thorough and complete for all types of development.

On March 22, the Planning Commission met and discussed the proposed ordinance changes to Planned Unit Development (PUD) and Development Review, along with the Design Goals and Standards and recommended, with changes, Council approval of all three items. As staff worked to consider incorporation of the Commission's recommendations into the documents, it was determined that some additional edits were needed to clarify and streamline the ordinance language. The Design Goals and Standards have been forwarded to the City Council for consideration on May 16, 2017.

Planned Unit Development (PUD)

The latest edits within the PUD section include removing the requirement to number each of the PUDs and removing the section regarding pre-existing PUDs.

The requirement to number PUDs is a part of the original PUD ordinance and, to date, has never been implemented. Because our existing PUDs are not numbered, and our filing system is organized by location, it would cause confusion and not add any value to convert them to numbers. Because of this, staff is recommending that we remove this section of the ordinance (see redlines). After further review since the discussion with the Planning Commission on March 22, 2017, additional clarifications can be made by deleting redundant language regarding existing PUDs.

Development Review

The proposed changes to this section are mostly clerical in nature, correcting some inconsistencies and references. However, one small change in the intent and purpose section removes reference to increases in property values. Often times, property values change due to market forces and other outside factors, and the evaluation of development review permit applications should take into account other benefits to the community, but not explicitly the potential changes in economic value to properties.

RECOMMENDATION

Staff recommends that the Planning Commission review the proposed changes to the Development Review and PUD zone text amendments and recommend City Council approval of the amendments.

Prepared by: Victoria Lombardo, Senior Planner
Reviewed by: Bill Dean, Assistant Development Services Director
Approved by: Andrew Malik, Development Services Director

ATTACHMENT

Attachment A - Planning Commission Resolution including Exhibit 1 - Ordinance revisions

RESOLUTION 2017-_____

RECOMMENDING APPROVAL OF A REVISED PLANNED UNIT DEVELOPMENT ORDINANCE (PUD) (ARTICLE 13, CHAPTER 10.08) AND A REVISED DEVELOPMENT REVIEW ORDINANCE (ARTICLE 30, CHAPTER 10.08) OF THE TRACY MUNICIPAL CODE

WHEREAS, The City Council has directed staff to streamline the application processing timeframe for development; and

WHEREAS, Revisions to simplify the PUD and Development Review sections of the Tracy Municipal Code will allow more efficient processing of development applications; and

WHEREAS, The Planning Commission conducted a workshop on March 8, 2017, and a public hearing on March 22, 2017, to discuss the proposed ordinance; and

WHEREAS, The proposed revisions are consistent with the City's General Plan goals, policies and actions; and

WHEREAS, The Planning Commission held an additional public hearing to review the proposed ordinance revisions on May 10, 2017;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission hereby recommends the City Council approve the amendments to the PUD and Development Review Ordinance, Application Number ZA17-0002, as indicated in Exhibit 1 (Ordinance).

* * * * *

The foregoing Resolution 2017-_____ was adopted by the Planning Commission on the 10th day of May, 2017, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY AMENDING ARTICLES 13 (PLANNED UNIT DEVELOPMENT ZONE – PUD) AND 30 (DEVELOPMENT REVIEW) OF CHAPTER 10.08, ZONING REGULATIONS, OF THE TRACY MUNICIPAL CODE

WHEREAS, The City wishes to improve the development application process by streamlining regulations governing the reviews and approvals that must occur prior to the issuance of building permits; and

WHEREAS, The Planning Commission considered this Ordinance at a noticed public hearing held on March 22, 2017, and recommended approval; and

WHEREAS, The City Council considered this Ordinance at a noticed public hearing held on _____; and

WHEREAS, The City Council finds that this Ordinance is consistent with the Environmental Impact Report (EIR) that was prepared for the General Plan and certified on February 1, 2011. Therefore, no further environmental assessment is required pursuant to CEQA Guidelines Section 15183 because there will be no significant on or off-site impacts as a result of this Ordinance that were not already discussed in the General Plan EIR;

The City Council of the City of Tracy does ordain as follows:

SECTION 1: Article 13, Planned Unit Development Zone, of Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, is amended in its entirety to read as set forth in the attached Exhibit A.

SECTION 2: Article 30, Development Review permit, of Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, is amended in its entirety to read as set forth in the attached Exhibit B.

SECTION 3: This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 4: This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the Ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the Ordinance. (Gov't. Code §36933.)

* * * * *

Ordinance _____
Page 2

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the 20th day of June, 2017, and finally adopted on the _____ day of _____, 2017, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

DRAFT

Exhibit A
“Article 13, Planned Unit Development Zone (PUD)”

10.08.1760 – Purpose and Intent; Applicability (PUD).

(a) Purpose. The Planned Unit Development (PUD) Zone allows a single zoning district to combine a variety of uses, densities, and design characteristics. It applies to projects that:

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- (1) are of substantial public benefit or are in furtherance of some City objective; and
- (2) have one or more of the following characteristics:
 - (i) common or public open space areas;
 - (ii) the maintenance of common spaces at the expense of those directly benefiting from it;
 - (iii) a mixture of uses;
 - (iv) a variety of housing types, and a mixture of densities and lot sizes in residential areas;
 - (v) preservation of natural amenities; and/or
 - (vi) creation of additional amenities.

It is not the purpose nor intent of the PUD Zoning simply to bypass standard zoning district regulations.

(b) Applicability. The specific regulations and the general rules set forth in this article apply in a PUD Zone. In case of a conflict, PUD Zone requirements supersede other zoning requirements.

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10.08.1770 - Application.

(a) General. PUD zoning may be established consistent with Article 29, Amendments (section 10.08.3800 and following).

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(b) Pre-application conferences. Before filing an application for PUD zoning, the prospective applicant must submit to the Development Services Department preliminary plans, sketches, and other basic site information as required by the Department, and consult with the Department as to the relation of the proposal to the General Plan, any applicable specific plan, and this Article 13.

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(c) Application. An application for PUD zoning must be made in accordance with the provisions of Article 29. In addition to the standard requirements set forth on the City's application form, the application must include the following:

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- (1) Written documents as follows:
 - (i) A legal description or assessor's parcel numbers and a map of the total site proposed for development, including a statement of the present ownership and zoning;
 - (ii) The proposed amenities and benefits to the public and/or the project that would not be attainable through traditional zoning. (See section 10.08.1760(a).) This includes a concise statement of one page or less describing these public benefits and a statement of the planning objectives to be achieved by the PUD zoning through the particular approach proposed, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
 - (iii) In narrative and diagrams, describe all land uses to be established in various areas and buildings of the district in detail sufficient to generally describe the proposed PUD Zone;
 - (iv) Quantitative data for the following: the total number and type of dwelling units; the parcel size; the proposed maximum lot coverage of structures; the approximate gross and net residential densities; the total amount of open space; the total amount of usable open space; the total amount of nonresidential construction; and other studies as may be required by the Development Services Director; and
- (2) Site plan and supporting maps are required when needed to support an assertion of public benefit under section 10.08.1760 (a), as follows:
 - (i) Architectural renderings of typical structures and improvements, including elevations. Such drawings shall be sufficient to relay the basic architectural intent of the proposed improvements but need not be encumbered with final details at this stage;
 - (ii) The tentative street and lot pattern;
 - (iii) The location and floor area size of all existing and proposed buildings, structures, and other improvements, including maximum heights, types of dwelling units, density per type, and nonresidential structures, including recreational and/or commercial facilities.
 - (iv) The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreation areas, school sites, and similar public and semi-public uses;
 - (v) The existing and proposed circulation system of arterial, collector, and

local streets, including off-street parking areas, service areas, loading areas, major points of access ~~of to~~ public rights-of-way, and points of ingress and egress to the development;

(vi) The existing and proposed pedestrian walk areas, including their possible inter-relationships with the vehicular circulation plan;

(vii) The existing and proposed utility systems, including, but not limited to sanitary sewers, storm sewers, water, electric, gas, telephone, cable and internet lines;

(viii) A map of the PUD showing topography data indicating clearly the character of the terrain; the type, location, ~~and condition,~~ and size of the trees or tree groups and other natural vegetation; other natural features; and the existing development to be retained;

(ix) A landscape plan indicating the quantity, size, and type of materials. An irrigation plan shall also be required;

(x) Sufficient information on land areas adjacent to the proposed PUD Zone to indicate the relationships between the proposed development and the existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape;

(xi) The proposed treatment of the perimeter of the PUD, including the materials and techniques used, such as screens, fences, walls, dedications and vehicle and pedestrian connection points;

(xii) For residential uses, a residential lot plan; and for commercial uses, a commercial site plan (including lots, driveways, buildings, parking, internal circulation patterns and access to public right of way). For residential development, the lotting plan must include lot sizes and locations, public streets, open space, parks, landscape features and other amenities; and

(xiii) Any additional information required by the City necessary to evaluate the character, impact, or proposed public benefit of the proposed PUD Zoning.

10.08.1780 Approval

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(a) Approval. The Planning Commission and City Council will review the proposed PUD. If approved, the City Council will take the action by ordinance, which establishes the PUD zoning regulations for the area.

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(b) ~~Format and contents. The ordinance will set forth the basic elements of the PUD Zone in the City's standard PUD Zone ordinance format,~~ including:

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- (1) Purpose and intent.
- (2) Permitted uses: a listing of all uses to be permitted within the district, or in specific locations within the district. Any use may be permitted in a PUD Zone as long as the use is in conformance with the General Plan and any applicable specific plan.
- (3) Conditional uses: a listing of uses to be conditionally allowed within the district or within specific locations within the district.
- (4) Site development regulations: the maximum or minimum regulations, as appropriate, governing site dimensions, required yards and distances between buildings, site coverage, building height, residential density, floor area ratio, open space requirements, accessory facilities and uses, and other aspects of the proposed development.
- (5) Parking and loading requirements.
- (6) Special requirements: additional regulations as are appropriate to assure a harmonious relationship between uses and a compatible relationship with existing or potential uses within adjoining districts. This may include additional height limitations, yard requirements, landscaping and screening, provisions governing outdoor activities, and other requirements.
- (7) A concise description in one page or less setting forth what qualifies the PUD under section 10.08.1760(a).
- (8) Incorporating by reference specific site plan or design exhibits when these elements are used to support an assertion of public benefit under section 10.08.1760 (a).

~~(c) Zoning map. PUD Zones shall be numbered, the first adopted being shown as "PUD-1", and each subsequently adopted zone shall be numbered successively. (This applies to all PUD zones, regardless of adoption date.)~~

~~(d) Condominiums. A PUD with condominiums must also comply with Title 12, Subdivisions.~~

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10.08.1790 Development Review Permit Required in PUD.

A development review permit is required prior to the issuance of building permits in a PUD Zone as specified in Article 30 (section 10.08.3920 and following).

10.08.1800 - Amendments to ~~an approved~~ PUD.

The City will process a proposed amendment to a PUD Zone in the same manner as any zoning amendment under Article 29 (section 10.08.3800 and following).

~~10.08.1810 — Pre-existing PUDs.~~

~~(a) — Applicability. This section applies to a pre-existing PUD which means: a PUD existing as of the effective date of this Article 13 (_____ 2017), approved under the former PUD ordinance (former sections 10.08.1760 through 10.08.1880), including: (1) an approved concept development plan (CDP); (2) an approved preliminary development plan (PDP); (3) an approved final development plan (FDP); or (4) a proposed amendment to any of them.~~

~~(b) — CDP amendment. If an applicant proposes a change to an existing concept development plan, the applicant must:~~

~~(1) — obtain a zoning ordinance amendment under sections 10.08.3800 and following (Amendments) and 10.08.1800 (Amendments to an approved PUD); and~~

~~(2) — convert the relevant portion of the CDP to a PUD under section 10.08.1780. Upon approval the zoning map will reflect the new PUD number as prescribed in section 10.08.1780 (c).~~

~~When processing a PUD amendment under this section, the City may initiate the conversion of the entire PUD to the requirements under section 10.08.1780.~~

~~(c) — PDP-FDP amendment. If an applicant proposes to amend a PDP or a FDP, the applicant must instead obtain a development review permit under Article 30 (section 10.08.3920 and following).~~

~~(d) — Construction under an existing FDP. If an applicant proposes to construct improvements under an existing FDP, with no changes proposed, the applicant need only apply for a building permit."~~

Exhibit B
“Article 30, Development Review Permit

10.08.3920 – Intent and purpose.

The City Council determines that appropriate building and site design improvements enhance the health, safety, and welfare of the residents of the City by:

- (a) improving the desirability of properties within the area for future uses;
- (b) improving the benefits of occupancy of other property in the area;
- ~~(c) increasing property values within the area;~~
- (~~dc~~) encouraging the most appropriate development of other properties within the area;
- (~~ed~~) encouraging other property owners to properly maintain and improve their properties, benefiting the health, safety, comfort and general welfare of the residents of the area and the City at large;
- ~~(f) positively affecting the proper relationship between the taxable value of real property in the area and the cost of municipal services to those properties;~~
- (~~ge~~) avoiding unsightliness which, if permitted to exist, ~~causes a decrease in the value of~~adversely affects surrounding properties; and
- (~~hf~~) assuring appropriate City utilities, public infrastructure, circulation and roadway access.

The development review permit process is intended as a comprehensive review to facilitate the efficient processing of project applications, by combining environmental and public infrastructure review with site and architectural plan review before a building permit is issued.

10.08.3930 - Applicability.

A development review permit is required for any of the following:

- (a) Improvements. A permit is required for an improvement except for:
 - (1) new construction of or an improvement to a single-family home or residential duplex or a project consisting of four or fewer single-family homes;
 - (2) an addition or repair to an existing improvement if the exterior is not to be altered; and
 - (3) an accessory dwelling unit or residential accessory structure.
- (b) Changes. A permit is required for a change made to an improvement under a prior approval, including prior development review permit approval. However, a

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change substantially consistent with the prior approval, as determined by the director, does not require a new permit.

In this article, *improvement* means: construction or a modification that requires a building permit under chapter 9.04 or an exterior change to color, building materials, landscape, hardscape, window replacement, or façade treatment.

10.08.3940 - Application.

The application for a development review permit must be in the form required by the Development Services Department and must include the fee established by City Council resolution.

10.08.3950 – Approval authority

Each development review application will be considered in one of three tiers, depending on the nature of the application, as follows:

(a) Tier 1. A Tier 1 application is reviewed by the City Council, following recommendation by Planning Commission and occurs when:

- (1) the development review permit application is paired with another application being reviewed by the City Council (including an appeal);
- (2) the affected property is located within the I-205 overlay zone (Article 21.-2);
- (3) a specific plan or design guidelines requires City Council review.

The City Council will consider a development review permit application after notice and a public hearing.

(b) Tier 2. A Tier 2 application is reviewed by the Planning Commission and occurs when:

- (1) the development review permit application is paired with another application being reviewed by the Planning Commission (including an appeal);
- (2) the development review permit application is for a site located within 500 feet of a freeway;
- (3) a specific plan or design guidelines requires Planning Commission review; or
- (4) the Director refers a development review permit application to the Planning Commission.

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The Planning Commission will consider a development review permit application after notice and a public hearing.

(c) Tier 3. A Tier 3 application is reviewed by the Director and occurs when not covered by Tier 1 or Tier 2, above. The Director may refer review and approval of an application to the ~~planning-Planning commission~~Commission.

The Director will consider a development review permit application after notice and a public hearing.

10.08.3960 – Decision and findings.

The reviewing body will consider the following factors: general site considerations including height, bulk, and area-size of buildings; physical and architectural relationship with the existing and proposed structures; site layout, orientation, and location of the buildings and relationships with open areas and topography; location and type of landscaping; off-street parking areas; height, materials, colors and variations in boundary walls, fences, and screen plantings; ~~and~~ appropriateness of the sign design and exterior lighting; and appropriate City utilities, public infrastructure, circulation, and roadway access.

Before approving a development review permit, the reviewing body (under section 10.08.3950) must make written findings that:

(1) the proposal increases the quality of the project site, and enhances the property in a manner that therefore improves the property in relation to the ~~adjacent property_ surrounding area owners~~ and ~~the~~ citizens of Tracy.

(2) the proposal conforms to this chapter, the general plan, any applicable specific plan, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations.

10.08.3970 Appeal.

Any person dissatisfied with the action taken on an application for a development review permit may file an appeal to the Planning Commission within ten ~~working~~ days after the Director's notice of decision. An action of the Planning Commission may likewise be appealed to the City Council, by filing a written appeal within ten days after the Commission's action, all in accordance with the procedures for appeals set forth in section ~~1.12.020, s 10.08.3730 – 10.08.3790,~~

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10.08.3980 - Time limits; extensions.

(a) Time Limits. A development review permit approval lapses two years after the date it became effective unless:

- (1) By condition of the permit a greater time is allowed, up to three years, based on the size, complexity or other project characteristics; or
- (2) A building permit is issued and construction is begun and diligently pursued toward completion.

(b) Extensions.

- (1) The property owner may apply for one or more extensions before the development review permit has lapsed. Submittal of the application for extension together with the application fee suspends the expiration date until the decision on the extension, and the City will not issue a building permit during the period of suspension.
- (2) The approval body for the permit shall conduct a public hearing. If the approval body was the Director, he or she may refer the extension request to the Planning Commission for a public hearing and decision.
- (3) The Director (or Planning Commission upon referral) may approve an extension for up to three years if it finds there are no substantial changes in: (i) the project; or (ii) the circumstances, City policies, standards, or laws that affect the approval.
- (4) The development review permit is automatically extended (without separate notice or public hearing) for a corresponding period of time if the Planning Commission approves extension of a conditional use permit for the same project, under section 10.08.4250.

(5) The extension decision may be appealed under section 10.08.39760.”