

## 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, October 9, 2019  
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 – 9/11/19

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2015-052 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Commission Member to sponsor the item for discussion at a future meeting.*

#### 1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER APPLICATIONS FOR A DEVELOPMENT REVIEW PERMIT, A CONDITIONAL USE PERMIT, A TENTATIVE PARCEL MAP, AND SIGN PERMIT FOR A NEW CALIFORNIA HIGHWAY PATROL FACILITY LOCATED AT 1305 E. PESCADERO AVENUE, ASSESSOR'S PARCEL NUMBER 213-060-43. APPLICANT IS TRACY CHP PARTNERS, LLC AND PROPERTY OWNERS ARE BRANAGH TRUST, PATTERSON TRUST, ET AL. - APPLICATION NUMBERS D19-0023 & CUP19-0006, MS19-0004, & SGN19-0038.
- B. PUBLIC HEARING TO CONSIDER APPROVING A CONDITIONAL USE PERMIT TO ALLOW A FITNESS CENTER AT 3262 N. TRACY BLVD – APPLICANT IS ANDREW DAVIES AND PROPERTY OWNER IS SILVERLAND INVESTMENT LLC – APPLICATION NUMBER CUP19-0005
- C. PUBLIC HEARING TO CONSIDER APPROVAL OF A DEVELOPMENT REVIEW PERMIT FOR EXTERIOR MODIFICATIONS TO HAMPTON INN AT 2400 NAGLEE ROAD (ASSESSOR'S PARCEL NUMBER 212-050-62) – APPLICANT IS DANIEL SAVAGE AND PROPERTY OWNER IS TRACY MALL PARTNERS LP – APPLICATION NUMBER D19-0009

2. DIRECTOR'S REPORT
  - A. RECAP OF APA CONFERENCE
3. ITEMS FROM THE COMMISSION
4. ADJOURNMENT

Posted: October 4, 2019

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  
SEPTEMBER 11, 2019, 7:00 P.M.  
CITY OF TRACY COUNCIL CHAMBERS  
333 CIVIC CENTER PLAZA**

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

Chair Orcutt led the pledge of allegiance.

**ROLL CALL**

Roll Call found Chair Orcutt, Vice Chair Hudson, and Commissioner Wood present. Also present were: Bianca Rodriguez, Deputy City Attorney; Bill Dean, Assistant Development Services Director; Gina Peace, Recording Secretary, and Paula Venegas, Administrative Assistant (Training).

**ELECTION OF VICE CHAIR**

**ACTION:** It was moved by Chair Orcutt, and seconded by Commissioner Wood, that Commissioner Hudson be appointed as Vice Chair. A voice vote found all in favor, 3-0-0-0; passed and so ordered.

**MINUTES**

Chair Orcutt introduced the Minutes from the August 14, 2019, meeting.

**ACTION:** It was moved by Vice Chair Hudson and seconded by Chair Orcutt that the Planning Commission Meeting Minutes of August 14, 2019, be approved. A voice vote found all in favor, 3-0-0-0; passed and so ordered.

**DIRECTOR'S REPORT REGARDING THIS AGENDA**

None.

**ITEMS FROM THE AUDIENCE**

None.

**1. NEW BUSINESS**

- A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TRACY MUNICIPAL CODE OFF-STREET PARKING AREA LANDSCAPING REQUIREMENTS (TMC SECTION 10.08.3560) – THE APPLICANT IS ADM GROUP, INC ON BEHALF OF KAISER FOUNDATION HEALTH PLAN, INC. – APPLICATION NUMBER ZA19-0001

Bill Dean presented the staff report.

Commission questions and discussion followed.

Chair Orcutt opened the public hearing at 7:14 p.m.

Robert Tanner, 1371 Rusher, addressed the Commission.

Fernando Mercado, ADM Group, Applicant, addressed the Commission.

Chair Orcutt closed the public hearing at 7:17 p.m.

**ACTION:** It was moved by Vice Chair Hudson and seconded by Commissioner Wood, that the Planning Commission recommend that the City Council approve the attached Ordinance, amending the Tracy Municipal Code Sections 10.08.3560(c) and (d) regarding landscaping requirements for parking areas.

A voice vote found all in favor, 3-0-0-0; passed and so ordered.

**2. ITEMS FROM THE AUDIENCE**

None.

**3. DIRECTOR'S REPORT**

Bill Dean mentioned how he was looking forward to the upcoming APA Conference.

**4. ITEMS FROM THE COMMISSION**

Vice Chair Hudson echoed Mr. Dean's comments.

**5. ADJOURNMENT**

It was moved by Chair Orcutt and seconded by Commissioner Hudson, to adjourn.  
Voice vote found all in favor; passed and so ordered.

Time: 7:29 p.m.

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CHAIR

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STAFF LIAISON



AGENDA ITEM 1.A

REQUEST

**PUBLIC HEARING TO CONSIDER APPLICATIONS FOR A DEVELOPMENT REVIEW PERMIT, A CONDITIONAL USE PERMIT, A TENTATIVE PARCEL MAP, AND SIGN PERMIT FOR A NEW CALIFORNIA HIGHWAY PATROL FACILITY LOCATED AT 1305 E. PESCADERO AVENUE, ASSESSOR'S PARCEL NUMBER 213-060-43. APPLICANT IS TRACY CHP PARTNERS, LLC AND PROPERTY OWNERS ARE BRANAGH TRUST, PATTERSON TRUST, ET AL. - APPLICATION NUMBERS D19-0023 & CUP19-0006, MS19-0004, & SGN19-0038.**

DISCUSSION

Site and Project Description

The proposal is a new California Highway Patrol (CHP) facility, which consists of an office and related accessory uses, a truck inspection area, associated parking area improvements, and a telecommunication tower, to be located on an approximately five-acre portion of an approximately 18-acre site located on the north side of Pescadero Avenue adjacent to the Northgate Village commercial center (Attachment A). The site is visible from Pescadero Avenue and the I-205 freeway, and there is a City-owned storm drain channel that surrounds the property on the north, east, and south sides. The proposal includes a subdivision of the site to separate the CHP facility from the remainder of the parcel. The site is designated Commercial in the General Plan, is zoned Planned Unit Development (PUD), and is governed by the I-205 Corridor Specific Plan where it is designated General Commercial (GC), under which an office use is a permitted.

The project requires approval of a Development Review Permit for the site design and architecture of the proposed improvements, a Conditional Use Permit (CUP) for the telecommunication facility land use, and a tentative parcel map to subdivide the subject property into two parcels. In accordance with Tracy Municipal Code (TMC) Sections 10.08.3950, 10.08.4310, and 12.24.040, the Planning Commission shall review the proposed applications.

Tentative Parcel Map

The project site is approximately 18.11 acres, however, the CHP facility needs less than five acres. The applicant proposes to divide the site into two parcels, where resulting Parcel 1 would be approximately 13.13 acres and Parcel 2 would be approximately 4.98 acres (Attachment B). The improvements proposed for the CHP facility would be contained on the 4.98-acre parcel, and a driveway designed for joint use of both resulting parcels would be constructed on the 13.13-acre parcel. Other than the driveway, there is currently no development or land use proposal for the 13-acre parcel.

### Architecture, Circulation, Parking, and Landscaping

The CHP facility is comprised of a 19,593-square foot office building, a truck inspection area, a 140-foot tall telecommunication lattice tower with associated antennas, microwave dishes, and ground equipment for public safety use, a 4,558-square foot patrol vehicle service building, a patrol vehicle fueling station with an above-ground fuel tank, storage buildings totaling 4,011 square feet, two 4,413-square foot carports with solar panels, and associated onsite parking, CHP vehicle storage, and landscaping improvements (Attachment C). According to the applicant, the proposal has been designed in accordance with State of California specifications for CHP facilities. In accordance with State requirements, the project has been designed to comply with the Essential Services Seismic Safety Act (ESA) regulated by the California Health and Safety Code. The project is also aiming to achieve Leadership in Energy and Environmental Design (LEED) Silver standard from the United States Green Building Council (USGBC). According to the applicant, the existing CHP office on Grant Line Road will close upon the opening of the new facility.

The proposed CHP facility meets the City's Design Goals and Standards for commercial development. The buildings are proposed to be constructed of colored concrete masonry and metal hip roofs. Onsite security walls, which encloses employee parking areas, CHP vehicle storage areas, auto service areas, equipment storage areas, and the telecommunication tower, is proposed to be constructed decorative of masonry walls to match and complement the building architecture. Aside from the telecommunication tower, all ground-mounted equipment will be screened from public view by the security walls, masonry enclosures, and landscaping. The office building entrance fronts Pescadero Avenue while the utility buildings are located on the rear of the site in the secured area. Landscaping is proposed throughout the site. A substantial amount of trees are proposed on the publicly visible front half of the site, while fewer trees are proposed within the secured area. According to the applicant, this is done to reduce opportunities for persons hiding amongst the trees in accordance with CHP's safety specifications.

There is an approximately 85-foot wide City-owned property containing a storm drain channel located between the project site and Pescadero Avenue. The applicant requests that the City grant two 100-foot wide access easements over the City's property, as shown in Attachment B. As a part of this project, the applicant will underground the portion the storm drain channel that runs alongside Pescadero Avenue and construct two at-grade driveways over the channel to provide access between the site and the street, with landscaping to be planted over the remaining above-ground portion. The remainder of the storm drain channel will be lined with concrete by the City through a future Capital Improvements Project (CIP).

Onsite, the parking area has been designed to provide adequate vehicular and pedestrian circulation as well as security of employee-only areas. The proposed parking area meets the minimum parking and landscaping requirements established in the TMC and I-205 Corridor Specific Plan. Landscaping of parking areas is required for customer and employee parking areas, but is not required for facilities and equipment storage areas, including automobile service areas and storage of CHP vehicles. Two driveways are proposed on Pescadero Avenue to provide ingress and egress access to the site. The westerly driveway is proposed to be constructed on the resulting

13-acre parcel and will grant an access easement to the CHP facility. A dedicated drive aisle for a truck inspection area is proposed along the southern portion of the site and will be screened from view by large canopy trees and shrubs located onsite and on the City's property.

#### Telecommunication Tower

The TMC Telecommunications Ordinance defines new freestanding telecommunication facilities as major facilities. Approval of a CUP and a Development Review Permit granted by the Planning Commission is required for major facilities.

The Telecommunications Ordinance requires that telecommunication towers taller than thirty-five feet to be monopoles or guyed towers to minimize visibility of the tower from adjacent properties. However, if a self-supporting tower, such as a lattice tower, is required for the capacity or height of the telecommunication use, and evidence is submitted to demonstrate such need, a self-supporting tower may be approved.

According to the applicant, the telecommunication tower is necessary for the operation of the CHP facility. The tower is proposed to be a four-legged freestanding lattice telecommunication tower totaling 140 feet plus an 8-foot Lightning Rod (148-ft. total). The tower has been designed to ESA standards and to accommodate antennas and microwave dishes for CHP and other local, State, and federal agency use. According to the applicant, this can only be achieved with the design and rigidity of a four-legged freestanding tower. Additionally, the microwave dishes operate by line of sight, which is dependent upon strategic vertical and horizontal separation between dishes. According to the applicant, a monopole, by comparison, does not provide the rigidity or antenna space needed for CHP's antennas and microwave dishes, and the objectives of the tower per the loading could never be achieved using a monopole. While a freestanding lattice tower of this height and size is not preferred over monopoles, CHP has deemed it necessary for the operation of the CHP facility. A recommended condition of approval is that the tower be colored a non-reflective gray and all cables and wires be bundled and flush-mounted to the tower and painted to match. All ground-equipment will be screened from view within the radio vault building.

#### CUP Approval and Expiration

Per the TMC, CUP approvals are valid for six months from the date of approval unless a building permit is issued and construction is commenced (TMC Section 10.08.4350). The TMC also permits Planning Commission to grant a greater time limit for CUP approvals (TMC Section 10.08.4360).

The project requires building permit review and approval from the California Department of State Architect (DSA) and the State Fire Marshall (SFM) in addition to the City of Tracy. According to the applicant, DSA and SFM review and approval of the project's building permits could take approximately four to six months, and construction will take approximately fourteen months to complete. While the applicant anticipates occupancy in Summer 2021, unexpected delays could result in a later occupancy date. As such, the applicant is requesting that the Planning Commission permit the CUP to be valid for two years, which is the same length of time that Development Review Permits are valid.

### Sign Permit

In accordance with the I-205 Corridor Specific Plan, signs are to be approved as part of the development plan. The proposed signs, shown in Attachment C, are in compliance with the sign regulations of the I-205 Corridor Specific Plan and the City's Design Goals and Standards for signage.

### Environmental Document

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

### RECOMMENDATION

Staff recommends that the Planning Commission approve a Development Review Permit, Conditional Use Permit, Tentative Parcel Map, and Sign Permit for the CHP facility and telecommunication tower and located at 1305 E. Pescadero Avenue, Application Numbers D19-0023 & CUP19-0006, MS19-0004, & SGN19-0038, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated October 9, 2019.

### SUGGESTED MOTION

Move that the Planning Commission approve a Development Review Permit, Conditional Use Permit, Tentative Parcel Map, and Sign Permit for the CHP facility and telecommunication tower and located at 1305 E. Pescadero Avenue, Application Numbers D19-0023 & CUP19-0006, MS19-0004, & SGN19-0038, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated October-9, 2019.

Prepared by Kimberly Matlock, Associate Planner

Approved by Bill Dean, Assistant Development Services Department Director

### ATTACHMENTS

Attachment A – Location Map

Attachment B – Tentative Parcel Map dated September 16, 2019

Attachment C – Site, Floor, Elevation, Civil, Landscape, and Sign Plans dated September 16, 2019

Attachment D – Planning Commission Resolution





# LOCATION MAP



**ATTACHMENT B**  
**Tentative Parcel Map**

Provided under separate cover





## ATTACHMENT C

Site, Floor, Elevation, Civil, Landscape,  
and Sign Plans

Provided under separate cover



## RESOLUTION 2019-\_\_\_\_\_

APPROVAL OF A DEVELOPMENT REVIEW PERMIT, A CONDITIONAL USE PERMIT, A TENTATIVE PARCEL MAP, AND A SIGN PERMIT FOR A NEW CALIFORNIA HIGHWAY PATROL FACILITY LOCATED AT 1305 E. PESCADERO AVENUE, ASSESSOR'S PARCEL NUMBER 213-060-43. APPLICANT IS TRACY CHP PARTNERS, LLC AND PROPERTY OWNERS ARE BRANAGH TRUST, PATTERSON TRUST, ET AL. - APPLICATION NUMBERS D19-0023 & CUP19-0006, MS19-0004, & SGN19-0038.

WHEREAS, On June 20, 2019, the City received an application for a tentative parcel map (MS19-0004) to divide an approximately 18-acre parcel at 1305 E. Pescadero Avenue into an approximately 13-acre and 5-acre parcel, and

WHEREAS, On June 28, 2019, the City received Development Review Permit and Conditional Use Permit applications (D19-0023 & CUP19-0006) for a new CHP facility, which includes an office, patrol vehicle service area, a lattice telecommunication tower, associated equipment and storage areas, associated parking area improvements, and a telecommunication lattice tower to be located on the 5-acre lot proposed to be created with tentative parcel map application no. MS19-0004, and

WHEREAS, In accordance with Tracy Municipal Code, Chapter 12.24, an application for a tentative parcel map which also includes an application under the zoning regulations and which requires a hearing at the Planning Commission is subject to review by the Planning Commission, and

WHEREAS, The Development Review Permit application is a Tier 2 project that is subject to Planning Commission review in accordance with Tracy Municipal Code, Title 10, Article 30, and

WHEREAS, The telecommunication tower is classified as a major facility according to Tracy Municipal Code, Chapter 10.25, Telecommunications Ordinance, which allows for major facilities with approval of a Conditional Use Permit by the Planning Commission. Furthermore, the applicant requests that two years be allowed for the establishment of the use, and

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

WHEREAS, The Planning Commission conducted a public hearing to review and consider these Development Review Permit, Conditional Use Permit, Tentative Parcel Map, and Sign Permit applications on October 9, 2019;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission;

(1) Approves Development Review Permit D19-0023, subject to the conditions contained in Exhibit 1 and based on the following findings:

- a. 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 surrounding area and the citizens of Tracy, because the California Highway Patrol office and accessory structures are compatible with the commercial and light industrial uses and development in the vicinity. The office building entrance will front onto Pescadero Avenue while the utility buildings will be located on the rear of the site in the secured area behind decorative masonry and metal walls designed to match the building. The buildings are proposed to be constructed of colored concrete masonry and metal hip roofs. Aside from the telecommunication tower, all ground-mounted equipment will be screened from public view by the security walls, masonry enclosures, and landscaping. The telecommunication facility will be colored a non-reflective gray to blend in with the sky, the wires and cables will be concealed within a flush-mounted enclosure on the tower so that they are not readily visible, and all ground-equipment will be screened from view within the radio vault building. Landscaping will be provided throughout the site, with the majority of trees to be located on the front of the site visible from Pescadero Avenue. A truck inspection area proposed along the property frontage will be screened by trees and shrubs. Furthermore, the storm drain channel that runs between the project site and Pescadero Avenue will be undergrounded and a substantial amount of landscaping will be planted at grade, furthering the aesthetic quality of the streetscape.
- b. The proposal conforms to the City of Tracy General Plan, The I-205 Corridor Specific Plan, the City's Design Goals and Standards, any applicable Infrastructure Master Plans, City Standard Plans, and other City regulations.

(2) Approves Conditional Use Permit CUP19-0006 and authorizes a two-year period for the establishment of the use, subject to the conditions in Exhibit 1 based on the following findings:

- a. There are circumstances or conditions applicable to the land, structure, or use, which make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right because the telecommunication facility, as designed, is required for the operation of the California Highway Patrol facility proposed at the subject site. State of California requirements for California Highway Patrol facilities requires onsite, four-legged lattice towers to support the antennas and microwave dishes used by the facility. A four-legged lattice tower provides the medium necessary for the antenna and microwave dish equipment required for the operational needs of the California Highway Patrol office that a monopole or guyed tower do not.
- b. The proposed location of the wireless communication site is in accordance with the objectives of Chapter 10.08 of the Tracy Municipal Code, and the purposes of the zone in which the site is located because the telecommunication facility is not within the safety zone of the Tracy Municipal Airport or within a half-mile of another readily visible uncamouflaged or unscreened telecommunication facility. The telecommunication facility is accessory to the California Highway Patrol facility proposed at the same location.
- c. 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 because the wireless communication site, as designed and conditioned, will be harmonious with the properties and improvements in the vicinity and therefore will not have significant negative effects on property in the vicinity because the project is consistent with the

applicable requirements of Title 10 of the Tracy Municipal Code. Furthermore, the tower will be constructed to the Essential Services Seismic Safety Act (ESA) standards regulated by the California Health and Safety Code, and all design aspects have been reviewed through the Development Review Permit D19-0023. Furthermore, the proposed wireless communication site will meet the requirements of the California Environmental Quality Act, the California Building Code, and the standards established by the Federal Communication Commission (FCC).

- d. The proposed use will comply with each of the applicable provisions of Chapter 10.08 of the Tracy Municipal Code because the project is obtaining a Development Review Permit in accordance with the Tracy Municipal Code Chapter 10.08 and is consistent with the procedural and design requirements of the City's Telecommunication Ordinance, Tracy Municipal Code Chapter 10.25.

(3) Approves Tentative Parcel Map MS19-0004, subject to the conditions in Exhibit 1 based on the following findings:

- a. The proposed map is consistent with the General Plan, and Title 12, the Subdivision Ordinance, of the Tracy Municipal Code and the I-205 Corridor Specific Plan. The General Plan designation of the property is Commercial, and the Specific Plan designation is General Commercial. Parcels that are 13 acres (Parcel 1) and five acres (Parcel 2) in size are appropriate for commercial development. The proposed size of Parcel 2 is just the amount of land needed for the development of the California Highway Patrol facility. The other 13 acres can be developed for commercial uses in the future.
- b. The site is physically suitable for the type of development, as the site is 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 commercial development in accordance with City standards.
- c. The site is physically suitable for the proposed density of development. The proposed total of 28,027 sq ft of building area does not exceed the amount of development permitted in the General Plan Commercial designation nor the I-205 Corridor Specific Plan designation of General Commercial.
- d. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Significant fish or wildlife or their habitat have not otherwise been identified on the site and no further environmental documentation is required.
- e. 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 subdivided area.
- f. The project complies with all other applicable ordinances, regulations and guidelines of the City, including but not limited to, the local floodplain ordinance. The subject property is not located within any floodplain and the project, with conditions, will meet all applicable City design and improvement standards.

(4) Approves Sign Permit SGN19-0038.

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The foregoing Resolution 2019-\_\_\_\_\_ was adopted by the Planning Commission of the City of Tracy on the 9<sup>th</sup> day of October, 2019, 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**  
California Highway Patrol Facility  
Application Numbers D19-0023 & CUP19-0006 & MS19-0004  
October 9, 2019

**A. General Provisions and Definitions.**

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

The Project: A California Highway Patrol facility consisting of six buildings totaling approximately 28,000 square feet and a 148-foot telecommunication facility (Application Numbers D19-0023 & CUP19-0006 & MS19-0004)

The Property: 1305 E. Pescadero Avenue, Assessor's Parcel Number 213-060-43

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Department Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
- d. "Development Services Department Director" means the Development Services Department Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Department Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the California Highway Patrol facility at 1305 E. Pescadero Avenue (Assessor's Parcel Number 213-060-43), Application Numbers D19-0023 & CUP19-0006 & MS19-0004. The Conditions of Approval shall specifically include all City of Tracy conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the plans received by the Development Services Department on September 16, 2019 and the materials and colors board received on June 28, 2019. The plans include the site plan, civil plans, floor plans, elevations, landscape plan, and signs.

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

## **B. Development Services Department Planning Division Conditions**

Contact: Kimberly Matlock (209) 831-6430 [kimberly.matlock@cityoftracy.org](mailto:kimberly.matlock@cityoftracy.org)

- B.1. Architecture. Before final inspection or certificate of occupancy, all accessory buildings, carports, fueling station canopy, and storage enclosures and equipment screen walls shall be colored to match the office building to the satisfaction of the Development Services Department Director.
- B.2. Parking Area.
- B.2.1. Before the approval of a building permit, the applicant shall provide detailed plans that show sidewalk and landscape planters perpendicular to parking stalls overhanging 24 inches into the parking stall in place of required wheel stops in Accordance with TMC Section 10.08.3530(e), where feasible. This landscape overhang may not be double-counted toward other parking area minimum landscape requirements.
- B.2.2. Before the approval of a building permit, the applicant shall provide site plans and construction details that demonstrate the number, design, and location of bicycle parking spaces will be provided in accordance with the I-205 Corridor



- Specific Plan and TMC Section 10.08.3510. The bicycle parking requirement for this project is 4 spaces.
- B.2.3. Before the approval of a building permit, the applicant shall provide site plans and construction details that demonstrate minimum 12-inch wide concrete curbs along the perimeter of landscape planters where such planters are parallel and adjacent to vehicular parking spaces to provide access to vehicles without stepping into the landscape planters.
  - B.2.4. Before the approval of a building permit, the applicant shall provide detailed plans that demonstrate a minimum of one foot candle throughout the parking area.
  - B.2.5. Before final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way and onto any adjacent private property to the satisfaction of the Development Services Department Director.
- B.3. Landscaping & irrigation. Before the approval of a building permit, the applicant shall provide detailed landscape and irrigation plans consistent with the Department of Water Resources' Water Efficient Landscape Ordinance to the satisfaction of the Development Services Department Director.
- B.3.1. Said plans shall demonstrate compliance with requirements on page 4-28 through 4-31 of the I-205 Corridor Specific Plan and TMC Section 10.08.3560, including: no less than 20% of the total required parking area is landscaped with trees, shrubs, and groundcover and no less than 40% canopy tree coverage of the required parking area at tree maturity.
  - B.3.2. Trees shall be a minimum of 24" box size, shrubs shall be a minimum size of 5 gallon, and groundcover shall be a minimum size of 1 gallon.
  - B.3.3. Landscaping shall be provided in the "future radio vault" area and shall be maintained until the time that a radio vault is constructed.
  - B.3.4. Large, decorative boulders or a 12-inch tall curb shall be provided in landscape planters that are adjacent to truck turning areas to prevent the trucks from rolling into the landscape planters. Boulders shall be spaced intermittently along the edge of the planter as appropriate.
- B.4. Landscape & Irrigation Maintenance. Prior to the issuance of a building permit, the Developer shall execute a two-year landscape and irrigation maintenance agreement and submit financial security, such as a performance bond, to ensure the success of all on-site landscaping for the term of the agreement. The security amount shall be equal to \$2.50 per square foot of the landscaped area or equal to the actual labor and material installation cost of all on-site landscaping and irrigation.
- B.5. Before approval of improvement plans, the applicant shall submit detailed plans that provide greater variety in landscaping, which shall consist of trees, shrubs, and groundcover, on the City-owned property along Pescadero Avenue such that there are not large areas that are comprised solely of groundcover species to the satisfaction of the City Engineer and Development Services Department Director.
- B.6. Screening utilities and equipment.
- B.6.1. Before final inspection or certificate of occupancy, no roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas,

- sky lights and dishes, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from any public right-of-way to the satisfaction of the Development Services Department Director. Detailed plans documenting compliance with this condition shall be submitted to the City prior to the issuance of a building permit.
- B.6.2. Before final inspection or certificate of occupancy, all PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Department Director.
  - B.6.3. Before final inspection or certificate of occupancy, all vents, gutters, downspouts, flashing, electrical conduits, bollards, and other wall-mounted or building-attached utilities shall be internal to the structures where feasible or otherwise painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Department Director.
  - B.6.4. Before approval of a building permit, plans shall be submitted to the City that demonstrates any enhanced vapor recovery equipment proposed will be fully screened from public view. Any vent pipes that are visible shall be painted to match the adjacent building to the satisfaction of the Development Services Department Director.
  - B.6.5. Before final inspection or certificate of occupancy, the fueling island tank shall be painted a non-reflective gray to the satisfaction of the Development Services Department Director.
  - B.6.6. The telecommunication tower shall be constructed of a non-reflective gray material, including all antennas, microwave dishes, and visible cables or wires.
  - B.6.7. All telecommunication cables, wires, and associated equipment shall be interior to the telecommunication tower and colored to match the tower to the extent feasible without interrupting the telecommunication function. All ground-mounted equipment shall be enclosed within the radio vault room.
  - B.6.8. A trash enclosure shall be designed and appropriately sized for this project, including allowance for recycling collection. The trash and recycling collection enclosure shall include a solid roof structure, solid metal doors, and solid walls sufficiently sized to fully screen the dumpsters (no less than six feet in height). The enclosure, including the roof, shall be architecturally compatible with the buildings, which includes but is not limited to, design, materials, and colors. A six-inch concrete curb and/or bollards may be installed on the interior of the enclosure for the protection and durability of the enclosure walls. A building permit is required prior to construction of such enclosures for the evaluation of design and location to the satisfaction of the Development Services Director.
- B.7. Fencing. Any fence over seven feet in height shall obtain a building permit from the Development Services Department Building Safety Division.
- B.7.1. No chain-link fencing shall be located so that it is readily visible from any public right-of-way.
  - B.7.2. Electronically charged, razor wire, barbed wire, integrated corrugated metal, or plain exposed plastic concrete/PCC fences, vinyl slats, and woven fabric fences are not permitted anywhere on site.

- B.8. Telecommunication tower. The telecommunication facility shall be primarily for public safety telecommunication use.
- B.9. Habitat conservation. Prior to issuance of any permits for ground disturbance, the applicant shall comply with the San Joaquin County Habitat Conservation Division and a signed copy of the Incidental Take Minimization Measures shall be submitted to the City as verification of compliance.
- B.10. Access Easement. Prior to the recordation of the parcel map, the developer shall record a reciprocal access easement or similar instrument for the entirety of the 50-foot wide drive aisle that runs north-south along the western edge of the CHP facility development area, which is proposed to be located on proposed Parcel 1, for the benefit of proposed Parcel 2. Said recordation shall provide for reciprocal pedestrian and vehicular traffic to travel unimpeded throughout the drive aisle. Said recordation shall be reviewed by the City prior to recordation with the County Recorder and shall contain measures to prevent its change or removal without prior written City approval.

### **C. Development Services Department Engineering Division Conditions**

Contact: Al Gali

(209) 831-6425

[al.gali@cityoftracy.org](mailto:al.gali@cityoftracy.org)

#### **C.1. General Conditions**

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

- 1) Traffic Memorandum prepared by Kimley Horn and Associates yet to be completed.
- 2) Storm Drain Memorandum by Storm Water Consultants yet to be completed.
- 3) Minor Deviation Analysis by Storm Water Consultants yet to be completed.
- 4) Water Supply Memorandum by Black Water Consulting Engineers yet to be completed.
- 5) Sanitary Sewer Memorandum by Black Water Consulting Engineers yet to be completed.
- 6) East Pescadero Avenue Access Plan prepared by Kimley Horn and Associates dated July 27, 2016 as modified by these conditions of approvals.

#### **C.2. Tentative Parcel Map**

Prior to signature of the Tentative Subdivision Map by the City Engineer, Developer shall comply with the requirements set forth in Section 12.16 of the Tracy Municipal Code (TMC), these Conditions of Approval, to the satisfaction of the City Engineer.

C.2.1 Tentative Parcel Map shall contain all the appropriate signature blocks.

C.2.2 Tentative Parcel Map shall be signed by owner(s).

C.2.3 Submit one (1) mylar copy of the approved tentative subdivision map for the Project within ten (10) days after Developer's receipt of a notification of approval of the Tentative Parcel Map. The owner of the Property must

consent to the preparation of the Tentative Parcel Map, and the proposed subdivision of the Property.

- C.2.4 Payment of Tentative Parcel Map checking fees and all fees required by these Conditions of Approval and City Regulations.
- C.2.5 Developer shall secure a temporary construction easement from the westerly property owner. Said temporary construction easement shall be depicted on the tentative parcel map, and shall have sufficient throat depth. Developer shall provide a copy of the temporary construction easement to the City.

C.3. Final Parcel Map

No final Parcel map within the Project boundaries will be approved by the City Council until Developer demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, the following:

- C.3.1 Developer has completed all the requirements set forth in this section, and Condition C.2, above.
- C.3.2 The Final Parcel Map prepared in accordance with the applicable requirements of the Tracy Municipal Code (TMC), the City Design Standards, and in substantial conformance with the Tentative Subdivision Map for the Project.
- C.3.3 The Final Parcel Map shall include dedications or offers of dedication of all right(s)-of-way and/or Public Utility Easement(s) required to serve the Project described by the Final Parcel Map, in accordance with City Regulations and these Conditions of Approval. Said Public Utility Easement (P.U.E.) shall be ten (10) feet wide as measured from the right-of-way and shall be continuous along each lot's frontage along every right-of-way.
- C.3.4 Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearing" and shown as such on the Final Parcel Map. The final map shall also identify surveyed ties from two of the horizontal control points to a minimum of two (2) separate points adjacent to or within the Property described by the Final Map.
- C.3.6 A construction cost estimate of subdivision improvements and for all required public facilities, prepared in accordance with City Regulations to be used for calculating engineering review fees and for bonding purposes. In determining the total construction cost, add ten percent (10%) for construction contingencies.
- C.3.7 All the required improvement agreements are executed, improvement security is submitted and documentation of insurance are provided, as required by these Conditions of Approval. The amounts of improvement security shall be approved by the City and the type and form of improvement security shall be in accordance with the TMC.

- C.3.8 Developer will include slope easement with the Final Parcel Map submittal to address slopes among the lots to address grade differentials.
  - C.3.9 Payment of Final Parcel Map checking fees and all fees required by these Conditions of Approval and City Regulations.
  - C.3.10 At the conclusion of the City's review, Developer shall submit one (1) mylar copy of the approved Final Parcel Map for signature.
  - C.3.11 As required per Section 12.36.010 of the Tracy Municipal Code, the Final Parcel Map will not be approved by the City Engineer until the City executes the Off-Site Improvement Agreement. Developer shall provide an executed Off-Site Improvement Agreement to the City for City Council's approval.
  - C3.12 Prior to approving the Final Parcel Map, Developer shall prepare the grant of access easements (grants) benefiting proposed Parcel No. 1 and proposed Parcel No. 2 over the City's channel property. Developer shall submit the draft grants to the City for its review and approval prior to approving the Final Parcel Map.
  - C.3.13 Prior to approving the Final Parcel Map, Developer shall assure the City that its access easements would not hinder the City's ability to exercise its beneficial use of the channel or the City's ability to maintain, repair, and/or reconstruct the channel.
  - C.3.14 Developer shall secure a temporary construction easement from the westerly property owner. Said temporary construction easement shall be depicted on the final parcel map, and shall have sufficient throat depth. Developer shall provide a copy of the recorded temporary construction easement to the City.
- C.4. Grading Permit  
All grading work (on-site and off-site) shall require a Grading Plan. 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 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.4.1 Developer has completed all requirements set forth in this section.
  - C.4.2 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. Written permission from affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit.
  - C.4.3 Developer has obtained a demolition permit to remove any existing structure located within the project's limits.

- C.4.4 All existing on-site water well(s), septic system(s), and leech field(s), if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s), septic system(s), and leech field(s) including the cost of permit(s) and inspection. Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.
- C.4.5 The Improvement Plans for all improvements to serve the Project (on-site and off-site) including the Grading and Drainage Plans shall be prepared in accordance with the City's Subdivision Ordinance (TMC Chapter 12.36), City Design Documents as defined in Title 12 of the TMC, and these Conditions of Approval.
- C.4.6 On-site Grading/Drainage Plans and Improvement Plans shall be prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick polyester film (mylar). These plans shall use 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. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by the Fire Marshal 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. All grading work not completed before October 15 may be subject to additional requirements as applicable. 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.
- C.4.7 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.4.8 For Projects on property larger than one (1) acre: Prior to the issuance of the Grading Permit, Developer shall submit to the Utilities Department ([stephanie.hiestand@cityoftracy.org](mailto:stephanie.hiestand@cityoftracy.org)) one (1) electronic copy and one (1) hard copy of the Storm Water Pollution Prevention Plan (SWPPP) as submitted in Stormwater Multiple Applications and Reporting Tracker System (SMARTS) along with either a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID) or a copy of the receipt for the NOI. After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Developer. Developer shall comply with all the requirements of the SWPPP, applicable Best Management

Practices (BMPs) and the Stormwater Post-Construction Standards adopted by the City in 2015 and any subsequent amendment(s).

For Projects on property smaller than one (1) acre: Prior to the issuance of the Grading Permit, the Developer shall submit to the Utilities Department ([stephanie.hiestand@cityoftracy.org](mailto:stephanie.hiestand@cityoftracy.org)) one (1) electronic copy and 1 hard copy of the City of Tracy Erosion and Sediment Control Plan (ESCP) for approval. Cost of preparing the ESCP including any annual storm drainage fees shall be paid by the Developer. Developer shall comply with all the requirements of the ESCP, applicable BMPs and the Post-Construction Stormwater Standards adopted by the City in 2015 and any subsequent amendment(s).

- C.4.9 Developer shall provide a PDF copy 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, compaction recommendations, retaining wall recommendations, if necessary, paving recommendations, paving calculations such as gravel factors, gravel equivalence, etc., slope recommendations, and elevation of the highest observed groundwater level.
- C.4.10 Minor Retaining – Developer shall use reinforced or engineered masonry blocks for retaining soil at property lines when the grade differential among the in-tract lots exceeds twelve (12) inches. Developer will include construction details of these minor retaining walls with the on-site Grading and Drainage Plan. Developer may use slopes among the lots to address the grade differential but said slope shall not exceed a slope gradient of 3 (horizontal) to 1 (vertical) unless a California licensed geotechnical engineer signs and stamps a geotechnical report letter that supports a steeper slope gradient. Slope easements may be required and will be subject to approval by the City Engineer.

Minor Retaining along Project Perimeter – Developer shall use reinforced or engineered masonry blocks for retaining soil along the Project boundary and adjacent property(s) when the grade differential exceeds 12-inches. Developer will include construction details for these minor retaining walls with the on-site Grading and Drainage Plan. Developer may use slopes to address the grade differential but said slope shall not exceed a slope gradient of 3 (horizontal) to 1 (vertical). Slope easements may be subject to approval by the City Engineer and if adjacent and affected property(s) owner(s) grants said easements.

Slopes are an acceptable option as a substitute to engineered retaining walls, where cuts or fills do not match existing ground or final grade with the adjacent property or public right of way, up to a maximum grade differential of two (2) feet, subject to approval by the City Engineer.

Slope easements will be recorded, prior to the issuance of the Grading Permit. The Developer shall be responsible to obtain and record slope easement(s) on private properties, where it is needed to protect private improvements constructed within and outside the Project, and a copy of the recorded easement document must be provided to the City, prior to the issuance of the Grading Permit.

Walls - Developer shall show proposed retaining walls and masonry walls on the on-site Grading and Drainage Plan. The Developer is required to submit improvement plans, construction details, and structural calculations for retaining walls and masonry walls to Building and Safety. Retaining wall and masonry wall design parameters will be included in the geotechnical report.

- C.4.11 Developer shall provide a copy of the approved Incidental Take Minimization Measures (ITMM) habitat survey [San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)] from San Joaquin Council of Governments (SJCOG).
- C.4.12 Developer shall provide a copy of the approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) from San Joaquin Valley Air Pollution Control District (SJVAPCD).
- C.4.13 Developer shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, are required to remain to serve existing adjacent agricultural uses, the Developer will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Developer.
- C.4.14 If the Project contains overhead utilities, the Developer shall underground existing overhead utilities such as electric, TV cable, telephone, and others. Each dry utility shall be installed at the location approved by the respective owner(s) of dry utility and the Developer shall coordinate such activities with each utility owner. All costs associated with the undergrounding shall be the sole responsibility of the Developer and no reimbursement will be due from the City. Developer shall submit undergrounding plans.
- C.4.15 If at any point during grading that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.



C.4.16 If the Developer does not benefit from a temporary construction easement from the westerly property, then prior to the issuance of the grading permit, Developer shall construct and complete the undergrounding of the East Side Channel. The limits of the undergrounding shall front the project along East Pescadero Avenue and the channel's knuckle. Proposed Parcel No. 2's access is dependent on undergrounding the channel.

C.5. Improvement Agreement(s)

All construction activity involving public improvements will require a fully executed improvement agreement (Off-site, Subdivision, and/or Inspection). The improvement agreement is needed concurrent with the approval of the Final Parcel map. Any construction activity involving public improvements without a fully executed improvement agreement is prohibited. All public improvements shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Civil Engineer. The City will not start writing any improvement agreement or schedule any improvement agreement to be approved by City Council for the Project until the Developer provides all documents related to said improvements 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.5.1. Off-site and/or 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 these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block and, if necessary, contain a signature block for the Fire Marshal. 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. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Fire Marshal 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.5.1.a. All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.
- C.5.1.b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers such as benchmarks.
- C.5.1.c. A PDF copy of the Project's Geotechnical/Soils Report, prepared or signed and stamped by a Registered Geotechnical Engineer. The technical report must include relevant information related to street

pavement thickness, materials, compaction and other pertinent information.

- C.5.1.d. Storm Water - The Project's on-site storm water drainage connection to the City's storm water system shall be approved by the City Engineer. Drainage calculations for the sizing of the on-site storm drainage system. Improvement Plans to be submitted with the hydrology and storm water.

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

The Project's permanent storm drainage connection(s) shall be designed and constructed in accordance with City Regulations. The design of the permanent storm drainage connection shall be shown on the Grading and Drainage Plans with calculations for the sizing of the storm drain pipe(s), and shall comply with the applicable requirements of the City's storm water regulations adopted by the City Council in 2012 and any subsequent amendments.

Developer shall underground the Eastside Channel fronting the proposed Parcel No. 2 along East Pescadero Avenue and the channel's knuckle.

Developer shall construct a storm drain force main outfall and structure. This structure is proposed to accept the discharge of a storm drain force main from the North East Industrial detention basin.

Developer shall construct a storm water quality treatment basin. Developer and its heirs (i.e. parcel owner) shall be responsible for repairing and maintaining the on-site storm water system and treatment basin at the Developer's (and heirs') sole cost and expense.

- C.5.1.e. Sanitary Sewer - It is the Developer's responsibility to design and construct the Project's permanent on-site sanitary sewer (sewer) improvements including the Project's sewer connection in accordance with the City's Design Standards, City Regulations and Standard Specifications. Sewer improvements shall include but not

limited to, replacing asphalt concrete pavement, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's permanent sewer connection. Developer shall submit improvement plans that include the design of the sewer line from the Property to the point of connection.

Developer is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plans. The City's responsibility to maintain on the sewer lateral is from the wye/onsite sewer manhole at the right-of-way line/property line/wye fitting to the point of connection with the sewer main.

- C.5.1.g. Water Distribution - Developer shall design and construct domestic and irrigation water service that comply with the City Regulations. Water line sizing, layout and looping requirements for this Project shall comply with City Regulations. 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 Fire Marshal.

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. 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 off-site water mains and connections.

The Project's water service connections shall use a remote-read (radio-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 inspection of the building. The location of the meters shall be approved by the City Engineer.

After improvement acceptance, repair and maintenance of the water service from the water meter to the point of connection with the water distribution main in the street shall be the responsibility of the City. Water service repairs after the water meter is the responsibility of the Developer or individual lot owner(s).

Prior to improvement acceptance, repair and maintenance of all on-site water lines, laterals, sub-water meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer or the individual lot owner(s).

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

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 Fire Marshal. Prior to the approval of the Improvement Plans by the City Engineer, the Developer shall obtain written approval from the Fire Marshal, 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.5.1.h. Streets – Developer shall construct the project's frontage improvements. Frontage improvements include but are not limited to the following: curb, gutter, sidewalk, street widening, landscaping, street lighting, undergrounding of overhead utilities and other improvements. All streets and utilities improvements within City right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design Standards including the City's Facilities Master Plan for storm drainage, roadways, wastewater, and water as adopted, amended, and updated by the City, or as otherwise specifically approved by the City.

East Pescadero Avenue

East Pescadero Avenue shall conform to East Pescadero Avenue Access Plan technical study prepared by Kimley Horn and Associates dated July 27, 2016 as modified by these conditions of approvals.

East Pescadero Avenue shall have a right-of-way width of eight-six (86) feet, excluding the Public Utility Easements (PUE). The sidewalk shall be five (5) feet wide and be located immediately behind a five (5) feet wide landscaped parkway. The curb alignment shall be in substantial conformance to the exhibit labeled "Ultimate Concept Plan" in the East Pescadero Avenue Access Plan technical study.

Developer shall dedicate a Public Utility Easement on all public streets. Since a City drainage channel is immediately behind the sidewalk, the ultimate location of the PUE will be determined while the City reviews and approves the Final Parcel Map. The PUE will be ten (10) feet wide.

Developer will construct the new commercial driveways as per the submittal received on September 16, 2019. Developer shall construct driveways that conform to Section 3.09(F) of the 2008 Design Standards. Driveways shall have one and half (1.5) feet of full-height (i.e. six (6) inches) of vertical curb from the driveway's edge. Driveways shall be fire truck accessible to the satisfaction of the City Engineer.

Developer shall construct a PCC sidewalk and ADA ramps from East Pescadero Avenue to the building.

On the north side of East Pescadero Avenue, Developer shall landscape and irrigate the area as per current adopted City landscape standards. Landscape and irrigation plans shall be prepared on a 24-inch x 36-inch size 4-millimeter thick mylar that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block. Said landscape and irrigation plan shall be prepared by a California licensed landscape architect. Developer can either protect-in-place the existing sidewalk and repair any cracked, settled, and/or damaged sidewalk or remove and replace the sidewalk so long as the replacement sidewalk is similar to the current sidewalk, i.e. similar width, meanders, etc. Developer shall also install street trees in the landscaped area between the existing meandering sidewalk and the curb and gutter. On the opposite side of the sidewalk, Developer shall install additional street trees, shrubs, ground cover, and other landscaping as required. The landscaping and irrigation shall conform to MWEL standards. If recommended, Developer shall use structural soil if the street trees' well is narrower than five (5) feet wide. Developer shall also remove existing sign monument and its appurtenances, and any other existing items such as bollards, mailboxes, etc.

Developer shall construct the four way traffic signal located on its easterly driveway. Traffic signal improvements shall include the signal, poles, mast arms, turn lanes, right-of way acquisition, and appurtenances such as control cabinet, detector loops, striping, etc. to allow the traffic signal to function. If any equipment is needed to be placed on Developer's property, then Developer shall provide the City with an easement dedications of rights of way. Said traffic signal will be a four (4) leg intersection. If the traffic signal is constructed by others, then developer shall pay its fair

share to construct the traffic signal. The fair share shall be calculated by the City and full payment will be due prior to building permit release.

C.5.2. Joint Trench Plans and Composite Utility Plans, prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick mylar for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within PUE to be installed to serve the Project. All private utility services to serve Project must be installed underground or relocated to be underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing or proposed utility easement to the building(s). If necessary, the Developer shall dedicate a ten (10) feet wide PUE for access to these new utilities for re-installation, replacement, repair, and maintenance work to be performed by the respective utility owner(s) in the future.

C.5.3. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans. The cost estimate shall show the cost of designing the public improvements.

Payment of applicable fees required by these Conditions of Approval and City Regulations, including but not limited to, plan checking, grading and encroachment permits and agreement processing, construction inspection, and testing fees. The engineering review fees will be calculated based on the fee rate adopted by the City Council on September 2, 2014, per Resolution 2014-141 and on May 16, 2017, per Resolution 2017-098 or any subsequently adopted fee at the time of that fee's payment. Developer shall submit payment in the form of a check for the aforementioned fees.

C.5.5. Traffic Control Plan - Prior to starting the work for any work within City's right-of-way, the Developer shall submit a Traffic Control Plan (TCP). TCP can be split among the different construction phases. TCP will show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. TCP shall conform to the Manual on Uniform Traffic Control Devices as amended by the State of California, latest edition (MUTCD-CA). TCP shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Registered Traffic Engineer.

Access and Traffic Circulation to Existing Businesses/Residents - Developer shall take all steps necessary to plan and construct site improvements such that construction operations do not impact safety and access (including emergency vehicles) to the existing businesses and residents throughout the duration of construction. Developer shall coordinate with the owners and cooperate to minimize impacts on existing businesses. All costs of measures needed to provide safe and functional access shall be borne by the Developer.

C.5.6. No street trench shall be left open, uncovered, and/or unprotected during night hours and when the Developer's contractor is not performing

construction activities. Appropriate signs and barricades shall be installed on the street and on all trenches during such times. If the Developer or its contractor elects to use steel plates to cover street trenches, said steel plates will be skid-resistance, and shall be ramped on all sides. Ramps will be a minimum two-foot wide and will run the entire length of each side.

- C.5.7. If at any point during utility installation or construction in general that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

C.5.8 RESERVED

- C.5.9 Off-site Public Improvements - Prior to the Developer commencing construction of off-site public improvements, Developer shall possess a fully executed Off-site Improvement Agreement (OIA). Developer shall also complete all of the following requirements to the satisfaction of the City Engineer:

Developer has received City signed improvement plans.

Developer has paid all required processing fees including plan check and inspection fees.

Improvement Security - Developer shall provide improvement security for all public facilities, as required by the Improvement Agreement. The form of the improvement security may be a bond, or other form in accordance with the Government Code, and the TMC. The amount of the improvement security shall be in accordance with Title 12 of the TMC.

Insurance – Developer shall provide written evidence of insurance coverage that meets the terms of the Improvement Agreement.

C.6. Building Permit

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

- C.6.1 Developer has completed all requirements set forth in Condition C.1, through C.5, above.
- C.6.2 Developer pays the applicable development impact fees as required in the TMC, these Conditions of Approval, and City Regulations.

- C.6.3 Prior to the issuance of the building permit, Developer shall complete the paving of the access easements over the undergrounded East Side Channel. Developer shall pave the access easements with asphalt concrete with a thickness conforming to Section 3.05 of the 2008 Design Standards.

C.7 Acceptance of Public Improvements

Public improvements will not be considered for City Council's acceptance until after the Developer demonstrates to the satisfaction of the City Engineer, completion of the following:

- C.7.1 Developer has satisfied all the requirements set forth in these Conditions of Approval.
- C.7.2 Developer submitted the Storm Water Treatment Facilities Maintenance Agreement (STFMA) to the Utilities Department.
- C.7.3 Developer has satisfactory completed construction of all required/conditioned improvements. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).
- C.7.4 Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City, at its sole discretion, temporarily release the original mylars of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As-Built" configuration of all improvements. Developer shall also provide the Project's CADD files to the City.
- C.7.5 Developer shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements along the frontage of the Project, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.
- C.7.6 Developer has completed the ninety (90) day public landscaping maintenance period.
- C.7.7 Per Section 21107.5 of the California Vehicle Code, Developer shall install signs at all entrance(s) of the Project stating that the streets are privately owned and maintained and are not subject to the public traffic regulations or control. Said signs must be conspicuously placed, plainly visible, and legible during daylight hours from a distance of one hundred (100) feet.
- C.7.8 Release of Security – Release of improvement security shall be in accordance with the requirements of Title 12 of the TMC. Monumentation Bond will be released to the Developer after City Council's acceptance of the



public improvements and if the Developer meets the terms set in Section 66497(c) of the Subdivision Map Act. All survey monuments shown on the Final Map must be installed. Any altered, damaged, or destroyed survey monuments and/or benchmarks shall be re-established. Developer shall submit centerline tie sheets or a record of survey for the following: new public streets; re-established survey monuments, and/or benchmarks. If the Developer destroyed, altered, and/or reconstructed any existing curb returns, Developer shall also submit corner records. Any survey document will be submitted the City and to the San Joaquin County Surveyor to comply with California Business and Professions Code Section 8771(c). Said work shall be executed by a California licensed Land Surveyor at the Developer's sole expense.

C.8 Special Conditions

- C.8.1 When street cuts are made for the installation of utilities, the Developer shall conform to Section 3.14 of the 2008 Design Standards and is required install a two (2) inch thick asphalt concrete (AC) overlay with reinforcing fabric at least twenty-five (25) feet from all sides of each utility trench. A two (2) inch deep grind on the existing AC pavement will be required where the AC overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. This pavement repair requirement is when cuts/trenches are perpendicular and parallel to the street's direction.
- C.8.2 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the improvement plans, prior to the City Engineer's signature on the improvement plans, and prior to issuance of Grading Permit, Encroachment Permit, Building Permit, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.
- C.8.3 If water is required for the project, the Developer shall obtain an account for the water service and register the water meter with the Finance Department. Developer shall pay all fees associated with obtaining the account number for the water service.
- C.8.4 Developer shall obtain an account for the water service to the Project and register the water meter with the Finance Department. Developer shall prepare and submit a map depicting the location of the water meter on a 8.5-inch X 11-inch sheet to Finance Department.
- C.8.5 Project Entrance: As stipulated by Section 5.17 of the 2008 Design Standards, a PCC valley gutter is prohibited in the City's right-of-way. Developer shall construct a PCC commercial driveway on both sides of the

easterly driveway. Said driveways will be used to park maintenance vehicles off Developer's driveway.

- C.8.6. Prior to the issuance of the Certificate of Occupancy, Developer shall improve the intersection of Pescadero Avenue and Paradise Avenue to accommodate STAA trucks for the following movements:
- 1) Left-turn onto West Bound Pescadero Avenue from North bound Paradise Avenue
  - 2) Right-turn onto South Bound Paradise Avenue from East Bound Pescadero Avenue

Developer shall also install the STAA route's corresponding traffic signs including signs to be placed on California Department of Transportation's right-of-way on the MacArthur Drive interchange. Said improvements will be completed prior to any occupancy to the Satisfaction of the City Engineer. If aforementioned improvements are completed by others prior to the Certificate of Occupancy, then this condition shall be deemed complete. The developer can apply for a benefits assessment district in order to receive fair share reimbursements from other benefiting developments.

#### **D. Utilities Department Conditions**

Contact: Stephanie Hiestand (209) 831-6333 [stephanie.hiestand@cityoftracy.org](mailto:stephanie.hiestand@cityoftracy.org)

- D.1. Compliance with Codes. Before the approval of a building permit, the applicant shall demonstrate compliance with Tracy Municipal Code Chapter 11.34 Stormwater Management and Discharge Control and Chapter 11.28 Water Management and with the California Green Building Standards Code Chapter 5 for Non-Residential occupancies. A Stormwater Pollution Prevention Plan (SWPPP) and WDID number will be required prior to a grading permit issuance.
- D.2. Stormwater Quality. Before the approval of a building permit, the applicant shall demonstrate compliance with the Multi-Agency Post-Construction Stormwater Standards (MAPCSWS) adopted July 1, 2015, and obtain approval of an electronically submitted Project Stormwater Plan (PSP) including an operations and maintenance plan from the Water Resources Division in the Utilities Department. The plans shall clearly call out the approximate location and type of stormwater post-construction treatment on a separate Stormwater page, as well as state, "I agree to comply with the requirements of the 2015 Multi-Agency Post-Construction Stormwater Standards and shall submit a complete Project Stormwater Plan to the Water Resources Division of the Utilities Department for approval" to the satisfaction of the Utilities Director.
- D.3. Landscape plans. Before the approval of a building permit, the applicant shall submit detailed landscape and irrigation plans that demonstrate compliance with the Water Efficient Landscape Ordinance to the satisfaction of the Utilities Director by submitting electronically for approval a partial landscape document package that includes all but the soils management report and Certificate of Completion. The plans shall include a preliminary landscape and irrigation design as well as state, "I agree to comply with the requirements of the Water Efficient Landscape Ordinance and shall submit a complete

Landscape Documentation Package with construction documents” on said page. The applicant shall also submit an owner signed Project Information Sheet to the Utilities Department. Prior to final inspection for occupancy, the applicant shall electronically submit a complete Landscape Document Package for final approval.

#### **E. Building Safety Division Conditions**

Contact: Sean McNamara (209) 831-6412 [sean.mcnamara@cityoftracy.org](mailto:sean.mcnamara@cityoftracy.org)

- E.1. Prior to permit issuance for the facility structures, radio tower, and monument signs, applicant shall submit for review construction documents, plans, specifications and/or calculations to the Building Safety Division, which meet all requirements of Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable.

#### **F. South San Joaquin County Fire Authority Conditions**

Contact: Courtney Wood (209) 831-6707 [courtney.wood@cityoftracy.org](mailto:courtney.wood@cityoftracy.org)

- F.1. Prior to construction, the applicant shall submit building construction plans to South San Joaquin County Fire Authority for review and approval. All submittals shall be in electronic format, accompanied by an application for a building permit.
- F.2. Prior to building permit approval, the applicant shall demonstrate the following items on the building construction documents:
  - F.2.1. Plans shall conform to the 2016 California Fire Codes as amended by the Tracy Municipal Code.
  - F.2.2. Provide civil plans demonstrating the hydrant and fire service loops, hydrant locations, PIVs, FDC and all other appurtenances.
  - F.2.3. Provide adequate address identification in accordance with CFC Section 505.
  - F.2.4. Specify location of fire control room and/or fire pump room is located at the exterior of the building
  - F.2.5. Specify the FDC is located at the fire control room or fire pump room, on the access side of the building(s), with a hydrant located within 100' of FDC.
  - F.2.6. Demonstrate that the electric gates shall be equipped with traffic preempting optical signal receivers compatible with the emitters used by the Fire Department, which will activate the gates and override all command functions of the gate controller. Electric gate operators shall be listed in accordance with UL 325 and ASTM F2200. Knox switches shall be provided on both sides of the gates unless an exit loop is provided at automatic gates. The automatic gates shall have a battery back-up or a manual mechanical disconnect readily accessible to emergency personnel in case of power failure.
  - F.2.7. Specify the construction type of each occupancy.
  - F.2.8. Specify occupancy for each building to determine fire protection systems and occupant loads and egress requirements.
  - F.2.9. Provide sprinkler plans and hydraulic calculations from a licensed fire protection company.
  - F.2.10. Provide fire alarm plans and specifications from a licensed fire protection company.

- F.3. Prior to final inspection, the applicant shall test for emergency responder radio coverage as required in accordance with CFC Section 510. Testing and installation may take place after the building construction, but prior to final inspection. If radio coverage is required, the applicant shall submit a separate application for review and approval.

October 9, 2019

AGENDA ITEM 1.B

REQUEST

**PUBLIC HEARING TO CONSIDER APPROVING A CONDITIONAL USE PERMIT TO ALLOW A FITNESS CENTER AT 3262 N. TRACY BLVD – APPLICANT IS ANDREW DAVIES AND PROPERTY OWNER IS SILVERLAND INVESTMENT LLC – APPLICATION NUMBER CUP19-0005**

DISCUSSION

Site and Project Description

The project site is located at 3262 N. Tracy Blvd. in the Valley Shopping Center at the southeast corner of Tracy Blvd. and Clover Rd. (Attachment A: Location Map).

The proposal consists of establishing a fitness center at the project site. The proposed tenant space is approximately 20,065 square feet and is a portion of the space previously occupied by City Furniture Gallery. The proposed fitness center, known as Planet Fitness, would operate on a 24-hour basis. The fitness center would include multiple areas offering different forms of fitness training, such as cardio, strength, selectorized, abs and stretching, 30-minute circuit, and PF 360. The fitness center would also include lockers, showers, restrooms, tanning, and massage areas (Attachment B: Site Plan/Floor Plan).

The site is zoned Community Shopping Center (CS). A fitness center is a conditionally permitted use in the CS zone, which means that a Conditional Use Permit (CUP) is required.

Land Use Compatibility

The Planning Commission has previously approved other fitness centers in similar shopping centers, such as the In-Shape Health Club in the McKinley Village Shopping Center at 2311 N. Tracy Blvd. The Planning Commission also previously approved a CUP for I Love Kickboxing within the Valley Shopping Center in December 2018. In addition to I Love Kickboxing, the surrounding uses within the Valley Shopping Center include a mix of retail, restaurants, and office space. The proposed fitness center would be compatible with the uses permitted on this site and in the surrounding area because the characteristics of the use would not introduce excessive noise, undesirable visual impacts, or other objectionable elements to the area.

Parking

The Tracy Municipal Code does not state specific off-street parking requirements for fitness centers. However, the Planning Commission has made the determination in previous years that the minimum requirement should be one space per 150 square feet for the cardio and strength areas and one space per 250 square feet for the non-fitness areas, such as reception area, lockers, showers, and restrooms. Based on these criteria, the minimum number of required parking spaces for the proposed fitness center

would be 119. A retail or office use in this same tenant space would require 80 parking spaces, based on one parking space per 250 square feet. The existing shopping center contains 427 parking spaces shared amongst the various tenants. The parking area is sufficient to allow a retail use in the subject tenant space but there is not a surplus of parking to allow for a use with a greater parking requirement. Any use permitted in the subject tenant space would need to require no more than 80 parking spaces, unless the Planning Commission authorizes joint use parking provisions.

The joint use parking provisions of Tracy Municipal Code Section 10.08.3460(j) authorizes the Planning Commission to allow up to 50 percent of a land use's required parking spaces to be shared with another use when one use is primarily a daytime use and the other use is primarily a nighttime use. The permitted uses in the shopping center are primarily daytime uses, such as retail. According to data submitted by the applicant, the proposed fitness center will have peak hours primarily between 4:00 p.m. and 8:00 p.m., typically on Monday through Thursday. Typical usage during peak times is generally in the range of 50 to 100 members. Typical usage is below 60 members during non-peak hours.

If Planning Commission grants approval of joint use parking for 39 of the 119 parking spaces, the remaining number of required parking spaces for the fitness center would be reduced to 80, which is equivalent to that required for a retail use in the same tenant space.

#### Environmental Document

The project is categorically exempt from the California Environmental Quality Act (CEQA) requirements pursuant to CEQA Guidelines Section 15301, which pertains to existing facilities where the project does not involve expansion of an existing development. No further environmental assessment is required.

#### RECOMMENDATION

Staff recommends that the Planning Commission approve a Conditional Use Permit to allow a fitness center at 3262 N. Tracy Blvd., Application Number CUP19-0005, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated September 25, 2019 (Attachment C: Planning Commission Resolution).

#### RECOMMENDED MOTION

Move that the Planning Commission approve a Conditional Use Permit to allow a fitness center at 3262 N. Tracy Blvd., Application Number CUP19-0005, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated September 25, 2019.

Prepared by: Scott Claar, Senior Planner  
Kenny Lipich, Assistant Planner

Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENTS

- A: Location Map
- B: Site Plan / Floor Plan
- C: Planning Commission Resolution







Think Inside the Triangle™





**ATTACHMENT B**  
**Site Plan / Floor Plan**

Provided under separate cover





RESOLUTION 2019-\_\_\_\_\_

PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A  
FITNESS CENTER AT 3262 N. TRACY BLVD – APPLICANT IS ANDREW DAVIES AND  
PROPERTY OWNER IS SILVERLAND INVESTMENT LLC  
APPLICATION NUMBER CUP19-0005

WHEREAS, Andrew Davies submitted an application on June 25, 2019 for a Conditional Use Permit to allow a fitness center at 3262 N. Tracy Blvd, and

WHEREAS, The zoning of the subject property is Community Shopping Center (CS), and

WHEREAS, A fitness center is a conditionally permitted use in the CS zone, and

WHEREAS, In accordance with Section 10.08.4250 of the Tracy Municipal Code, the Planning Commission is empowered to grant or to deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of use permits, and

WHEREAS, The proposed fitness center is compatible with the adjacent uses because the characteristics of the use would not introduce excessive noise, undesirable visual impacts, or other objectionable elements to the area, and

WHEREAS, The existing shopping center contains 427 parking spaces shared amongst the various tenants, which is sufficient to allow a retail use in the subject tenant space but there is not a surplus of parking to allow for a use that requires more than 80 parking spaces, unless the Planning Commission authorizes joint use parking provisions, and

WHEREAS, The joint use parking provisions of Tracy Municipal Code Section 10.08.3460(j) authorizes the Planning Commission to allow up to 50 percent of a land use's required parking spaces to be shared with another use when one use is primarily a daytime use and the other use is primarily a nighttime use, and

WHEREAS, The permitted uses in the shopping center are primarily daytime uses, such as retail, and

WHEREAS, According to data submitted by the applicant, the proposed fitness center will have peak hours primarily between 4:00 p.m. and 8:00 p.m., typically on Monday through Thursday. Typical usage during peak times is generally in the range of 50 to 100 members. Typical usage is below 60 members during non-peak hours, and

WHEREAS, With granting approval of joint use parking for 39 of the 119 required parking spaces, the remaining number of required parking spaces for the fitness center would be reduced to 80, which is equivalent to that required for a retail use in the same tenant space, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act (CEQA) requirements pursuant to CEQA Guidelines Section 15301, which pertains to existing facilities where the project does not involve expansion of the existing development, and

WHEREAS, The Planning Commission held a public hearing to review and consider Conditional Use Permit Application Number CUP19-0005 on October 9, 2019;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does hereby approve a Conditional Use Permit to allow a fitness center at 3262 N. Tracy Blvd, Application Number CUP19-0005, and authorize joint use parking of 39 parking spaces as provided in Tracy Municipal Code Section 10.08.3460(j), based on the following findings and subject to the conditions as stated in Exhibit "1" attached and made part hereof:

1. There are circumstances or conditions applicable to the land, structure, or use that make the granting of a conditional use permit necessary for the preservation and enjoyment of a substantial property right because the proposed use is not permitted unless the Planning Commission grants approval of a Conditional Use Permit.
2. The proposed location of the conditional use is in accordance with the objectives of the purposes of the zone in which the site is located because a fitness center, as conditioned, will be compatible with adjacent uses and is allowed in the Community Shopping Center (CS) zone if the Planning Commission approves a Conditional Use Permit.
3. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity because the characteristics of the use would not introduce excessive noise, undesirable visual impacts, or other objectionable elements to the area, and the proposed use will comply with the City of Tracy General Plan and requirements of the Tracy Municipal Code.
4. The proposed use will comply with each of the applicable provisions of Chapter 10.08 of the Tracy Municipal Code, because subject to approval by the Planning Commission for a Conditional Use Permit, the project will be required to comply with all applicable provisions including, but not limited to, the Tracy Municipal Code, the City of Tracy Standard Plans, the California Building Code, and the California Fire Code.

\*\*\*\*\*

The foregoing Resolution 2019-\_\_\_\_\_ of the Planning Commission was adopted by the Planning Commission on the 9<sup>th</sup> day of October, 2019, 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**  
Fitness Center  
3262 N. Tracy Blvd  
Assessor's Parcel Number 214-450-04  
Conditional Use Permit  
Application Number CUP19-0005  
October 9, 2019

A. General Provisions and Definitions

1. These Conditions of Approval shall apply to the real property located at 3262 N. Tracy Blvd, Assessor's Parcel Number 214-450-04, Application Number CUP19-0005 (hereinafter "Project"), proposed by Andrew Davies representing Planet Fitness (hereinafter "Applicant").
2. The following definitions shall apply to these Conditions of Approval:
  - a. "Applicant" means any person, or other legal entity, defined as a "Developer".
  - b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
  - c. "City Regulations" mean all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
  - d. "Conditions of Approval" shall mean these Conditions of Approval applicable to Application Number CUP19-0005.
  - e. "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.
  - f. "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.
  - g. "Project" means the fitness center at 3262 N. Tracy Blvd, Assessor's Parcel Number 214-450-04, Application Number CUP19-0005.
3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be operated in substantial compliance with the project description received by the Development Services Department on June 25, 2019 and the site plan and floor plan

received by the Development Services Department on September 10, 2019, to the satisfaction of the Development Services Director or Assistant City Manager.

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

B. Planning Division Conditions

1. Except as otherwise modified herein, the project shall be operated in substantial compliance with the project description received by the Development Services Department on June 25, 2019 and the site plan and floor plan received by the Development Services Department on September 10, 2019, to the satisfaction of the Development Services Director or Assistant City Manager.

C. Engineering Division Conditions

1. Three tree wells are missing trees in the Tracy Boulevard public right-of-way landscape frontage improvements adjacent to the subject property. Prior to final inspection for the tenant improvements, the applicant shall install three new street trees in the public right-of-way tree wells adjacent to the subject property, to the satisfaction of the City Engineer.



D. Building Division Conditions

1. Prior to the construction of the new tenant improvements, applicant shall submit construction documents, plans, specifications and/or calculations to the Building Safety Division, which meet all requirements of Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable, to the satisfaction of the Chief Building Official.
2. Since the proposed change of use will result in the structure being classified to a higher risk category per CBC table 1604.5, as part of the above submittal, a structural evaluation of the seismic performance of the structure, and possible seismic retrofit if deemed necessary in the evaluation, will be required in accordance with §407.4 of the 2016 California Existing Building Code, to the satisfaction of the Chief Building Official.

E. South San Joaquin County Fire Authority Conditions

1. At building permit submittal, applicant shall submit plans to City of Tracy for review, and complete an application for South San Joaquin County Fire Authority (SSJCFA). The application for Fire and any Fire Plan Review fees must be paid prior to any review performed by SSJCFA.
2. After tenant improvement for building permit submittal, applicant shall submit fire sprinkler and fire alarm plans listed as a separate submittal directly to South San Joaquin County Fire Authority (SSJCFA) for review, approval and inspection. Separate applications and plan review fees are due at time of submittal.
3. Prior to building final, emergency responder radio coverage will be required in accordance with Section 510 of the 2016 California Fire Code. Testing and installation may take place after the building construction but prior to final inspection.
4. Prior to business opening, tenant shall contact SSJCFA for a new business inspection. An Operational Fire Permit may be required.



October 9, 2019

AGENDA ITEM 1.C

REQUEST

**PUBLIC HEARING TO CONSIDER APPROVAL OF A DEVELOPMENT REVIEW PERMIT FOR EXTERIOR MODIFICATIONS TO HAMPTON INN AT 2400 NAGLEE ROAD (ASSESSOR'S PARCEL NUMBER 212-050-62) – APPLICANT IS DANIEL SAVAGE AND PROPERTY OWNER IS TRACY MALL PARTNERS LP – APPLICATION NUMBER D19-0009**

DISCUSSION

Site and Project Description

The project site consists of an existing 64-room hotel operated by Hampton Inn with porte cochere entrance, indoor pool, and spa on a 1.46-acre parcel located at 2400 Naglee Road (Attachment A: Location Map).

This agenda item involves a Development Review Permit application for exterior modifications to the Hampton Inn. The proposed exterior modifications include adding new accent finish, wood-look cladding, and stone veneer to the north, south, east, and west elevations, removal of existing mansard roof and replacement with parapet, and redesign of the porte cochere. The construction of the new porte cochere will have complementary elements of stone veneer and accent finish to match proposed exterior building modifications (Attachment B: Site Plan and Elevations).

Analysis

The project site land use designation under the I-205 Corridor Specific Plan is Commercial Center (CC) and has a General Plan designation of Commercial. The project site is located within 500 feet of a freeway and therefore requires review by Planning Commission as defined in Tracy Municipal Code Section 10.08.3950.

The project site is surrounded by other commercial uses. The project site is directly west of Fairfield Inn, 200 feet east of Naglee Rd, and approximately 150 feet north of Interstate 205. The project site is visible from the freeway and off-ramp.

The proposed exterior modifications are consistent with the City's Design Goals and Standards and would be an improvement to the existing architecture because the proposal includes the addition of stacked-stone and wood cladding elements to add visual interest to the building, complementary building colors, and an overall attractive design.

CEQA Documentation

The project has been determined to be categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15301 which pertains to exterior alterations of existing facilities where the project involves no expansion of use. No further environmental assessment is necessary.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Development Review Permit for exterior modifications to Hampton Inn, located at 2400 Naglee Road, Application Number D19-0009, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated September 25, 2019 (Attachment E: Planning Commission Resolution).

RECOMMENDED MOTION

Move that the Planning Commission approve the Development Review Permit for exterior modifications to Hampton Inn, located at 2400 Naglee Road, Application Number D19-0009, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated September 25, 2019.

Prepared by Kenny Lipich, Assistant Planner  
Reviewed by Scott Claar, Senior Planner  
Approved by Bill Dean, Assistant Development Services Director

ATTACHMENTS

- A: Location Map
- B: Site Plan and Elevations
- C: Planning Commission Resolution



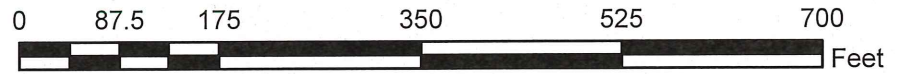
NAGLEE RD

Subject  
Property

INTERSTATE 205



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**ATTACHMENT B**  
**Site Plan and Elevations**

Provided under separate cover





RESOLUTION 2019 - \_\_\_\_\_

PLANNING COMMISSION APPROVAL OF A DEVELOPMENT REVIEW PERMIT FOR EXTERIOR MODIFICATIONS TO HAMPTON INN – LOCATED AT 2400 NAGLEE ROAD – APPLICANT IS DANIEL SAVAGE AND PROPERTY OWNER IS TRACY MALL PARTNERS LLC – APPLICATION NUMBER D19-0009

WHEREAS, On March 27, 2019, Daniel Savage submitted an application for a Development Review Permit for exterior modifications of Hampton Inn at 2400 Naglee Road (Assessor’s Parcel Number 212-050-62). Application number D19-0009, and

WHEREAS, The subject property is zoned Planned Unit Development and is located within the I-205 Corridor Specific Plan area with a land use designation of Commercial Center, and

WHEREAS, The project is consistent with the General Plan land use designation of Commercial and the I-205 Corridor Specific Plan land use designation of Commercial Center, and

WHEREAS, The Tracy Municipal Code, Chapter 10.08.3590, Approval authority, requires a project site located within 500 feet of a freeway to be reviewed by Planning Commission, and

WHEREAS, The project has been determined to be categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15301 which pertains to exterior alterations of existing facilities where the project involves no expansion of use. No further environmental assessment is necessary, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the Development Review Permit application number D19-0009 on October 9, 2019;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission approves Development Review Permit Application No. D19-0009, subject to the conditions contained in Exhibit “1” and based on the following findings:

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 surrounding area and the citizens of Tracy because the proposal includes the addition of stacked-stone and wood cladding elements to add visual interest to the building, complementary building colors, and an overall attractive, modernized design.
2. The proposal conforms to the Tracy Municipal Code, City of Tracy General Plan, I-205 Corridor Specific Plan, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations.

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The foregoing Resolution 2019-\_\_\_\_\_ was adopted by the Planning Commission of the City of Tracy on the 9<sup>th</sup> day of October, 2019, 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**  
Hampton Inn Exterior Modifications  
2400 Naglee Road  
Development Review Permit  
Conditions of Approval  
Application Number D19-0009  
October 9, 2019

A. General Provisions and Definitions

1. These Conditions of Approval shall apply to the real property described as Hampton Inn, located at 2400 Naglee Road, Assessor's Parcel Number 212-050-62, Application Number D19-0009 (hereinafter "Project"), proposed by Daniel Savage (hereinafter "Applicant").
2. The following definitions shall apply to these Conditions of Approval:
  - a. "Applicant" means any person, or other legal entity, defined as a "Developer".
  - b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, the Development Services Director, or the City Engineer to perform the duties set forth herein.
  - c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, City's Design Goals and Standards, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
  - d. "Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
  - e. "Conditions of Approval" shall mean the conditions of approval applicable to the Hampton Inn exterior modifications, Application Number D19-0009.
  - f. "Project" means the exterior modifications of the Hampton Inn located at 2400 Naglee Road, Application Number D19-0009.
  - g. "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. 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").

4. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
5. Pursuant to Government Code Section 66020, including Section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code Section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

B. Planning Division

1. Except as otherwise modified herein, the project shall be developed in substantial compliance with the site plan and color elevations received by the Development Services Department on September 10, 2019, to the satisfaction of the Development Services Director.
2. All existing landscaping shall remain and be protected during construction of these improvements, to the satisfaction of the Development Services Director. No removal of landscaping is approved with this permit.
3. 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 Off-Ramp, or any other public right-of-way, to the satisfaction of the Development Services Director.
4. 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.
5. Prior to final inspection, 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.
6. No signs are approved as part of this Development Review application. Approval of a separate sign permit application by the Development Services Department is necessary prior to the installation of any signs.
7. Prior to demolition of any structures, the Developer shall obtain demolition permits with the San Joaquin Air Quality Control Board and the City of Tracy Building Safety Division, to the satisfaction of the Chief Building Official.

8. Prior to issuance of a building permit, the Developer shall submit construction documents, plans, specifications, and/or calculations to the Building Safety Division, which meet all applicable requirements of Title 24 California Code of Regulations, to the satisfaction of the Chief Building Official.

