

## NOTICE OF A REGULAR MEETING

Pursuant to Section 54954.2 of the Government Code of the State of California, a Regular meeting of the City of Tracy Planning Commission is hereby called for:

Date/Time: Wednesday, November 6, 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, 10/09/19, 10/23/19

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 AN ORDINANCE AMENDING THE I-205 CORRIDOR SPECIFIC PLAN, APPENDIX A, TABLE A-2, PERMITTED AND CONDITIONALLY PERMITTED COMMERCIAL AND INDUSTRIAL USES, RELATED TO BREWERIES, WINERIES, AND DISTILLERIES – THE APPLICANT IS MAX TOLSTOGUZOV – APPLICATION NUMBER SPA19-0005
- B. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE CENTRAL BUSINESS DISTRICT (CBD) ZONE TO PERMIT HIGH DENSITY RESIDENTIAL USES, INCLUDING SINGLE-FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, AND MULTI-FAMILY DWELLINGS, AND APPROVAL OF A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT A FIVE-UNIT RESIDENTIAL PROJECT, CONSISTING OF TWO SINGLE-FAMILY DWELLINGS AND A TRIPLEX LOCATED AT 21, 25, AND 29 E. EIGHTH STREET – THE APPLICANT IS MARK WATROUS-HEYLIGER – APPLICATION NUMBERS ZA17-0003 AND D16-0036

#### 2. DIRECTOR'S REPORT

3. ITEMS FROM THE COMMISSION
4. ADJOURNMENT

Posted: November 1, 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

**MINUTES  
TRACY CITY PLANNING COMMISSION  
OCTOBER 9, 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, Commissioner Atwal, and Commissioner Francis present. Commissioner Wood and Vice Chair Hudson were absent. Also present were: Leticia Ramirez, City Attorney; Bianca Rodriguez, Deputy City Attorney, Bill Dean, Assistant Development Services Director; Gina Peace, Recording Secretary, Paula Venegas, Administrative Assistant (Training), Scott Claar, Senior Planner, Kimberly Matlock, Associate Planner, Kenny Lipich, Assistant Planner, and Al Gali, Associate Civil Engineer.

**MINUTES**

Chair Orcutt postponed the introduction of the September 11, 2019 minutes to the next regularly scheduled Planning Commission meeting.

**DIRECTOR'S REPORT REGARDING THIS AGENDA**

Assistant Director of Development Services, Bill Dean welcomed both new Commissioners.

**ITEMS FROM THE AUDIENCE**

None.

**1. NEW BUSINESS**

1. **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.**

Kimberly Matlock delivered the staff report.

Commission questions and discussion regarding the Project followed.

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

David Stapley, Developer/Partner, Magnon Companies, addressed the Commission.

Captain Ken Roberts, Facilities Section, CHP, addressed the Commission.

Eric Glass, Glass Architects, addressed the Commission.

Chair Orcutt closed the public hearing at 7:27 p.m.

**ACTION:** It was moved by Chair Orcutt and seconded by Commissioner Atwal, that the Planning Commission approve the application 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.

A voice vote found all in favor, 3-0-2-0; passed and so ordered.

**2. 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**

Scott Claar delivered the staff report.

Commission questions and discussion regarding the Project followed.

Chair Orcutt opened the public hearing at 7:51 p.m.

Rachel Beealer, with Planet Fitness, and Andrew Davies, Applicant, addressed the Commission.

Chair Orcutt closed the public hearing at 7:56 p.m.

**ACTION:** It was moved by Chair Orcutt and seconded by Commissioner Atwal, that the Planning Commission approve a conditional use permit to allow a fitness center at 3262 N. Tracy Blvd.

A voice vote found all in favor, 3-0-2-0; passed and so ordered.

**3. 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**

Kenny Lipich presented the staff report.

Commission questions and discussion regarding the Project followed.

Chair Orcutt opened the public hearing at 7:59 p.m.

Matthew Nudelman addressed the Commission on behalf of Daniel Savage, the Applicant.

Chair Orcutt closed the public hearing at 8:02 p.m.

**ACTION:** It was moved by Chair Orcutt and seconded by Commissioner Atwal, that the Planning Commission approve a development review permit for exterior modifications to Hampton Inn at 2400 Naglee Road.

A voice vote found all in favor, 3-0-2-0; passed and so ordered.

**2. ITEMS FROM THE AUDIENCE**

None.

**3. DIRECTOR'S REPORT**

Bill Dean postponed the APA Conference Recap to the next regularly scheduled Planning Commission Meeting. Bill Dean reiterated his welcome to both new Commissioners.

**4. ITEMS FROM THE COMMISSION**

Chair Orcutt welcomed and thanked the new Commissioners.

**5. ADJOURNMENT**

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

Time: 8:05 p.m.

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CHAIR

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STAFF LIAISON

**MINUTES  
TRACY CITY PLANNING COMMISSION  
OCTOBER 23, 2019, 7:00 P.M.  
CITY OF TRACY COUNCIL CHAMBERS  
333 CIVIC CENTER PLAZA**

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

Vice Chair Hudson led the pledge of allegiance.

**ROLL CALL**

Roll Call found Chair Orcutt absent. Vice Chair Hudson, Commissioner Atwal, Commissioner Francis, and Commissioner Wood were present. Also present were: Leticia Ramirez, City Attorney; Bianca Rodriguez, Deputy City Attorney; Bill Dean, Assistant Development Services Director; Gina Peace, Recording Secretary; Paula Venegas, Administrative Assistant (Training); Alan Bell, Senior Planner; Victoria Lombardo, Senior Planner; Genevieve Federighi, Assistant Planner; Robert Armijo, City Engineer/Assistant Development Services Director; Ana Contreras, Community Preservation Manager; Karin Schnaider, Finance Director; and Al Gali, Associate Civil Engineer.

**MINUTES**

Vice Chair Hudson tabled the minutes of September 11, 2019 until the next regularly scheduled Planning Commission meeting. The October 9, 2019 minutes were also tabled to be revised.

**DIRECTOR'S REPORT REGARDING THIS AGENDA**

None.

**ITEMS FROM THE AUDIENCE**

Resident Debbie Meleen approached the Commission regarding an unrelated issue. A staff member was assigned to help the resident with her issue.

**1. NEW BUSINESS**

**A. PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE AN AMENDMENT TO SECTION 10.08.3196 OF THE TRACY MUNICIPAL CODE REGARDING ESTABLISHING ZONING AND LOCATION REQUIREMENTS FOR COMMERCIAL CANNABIS BUSINESSES, APPLICATION NUMBER ZA19-0002**

Bill Dean delivered the staff report.

Mr. Dean read Robert Tanner's email as part of the record in the staff report.

Commission questions and discussion regarding the Project followed.

Vice Chair Hudson opened the public hearing at 7:23 p.m.



Alice English addressed the Commission regarding the agenda packet.

Zack Drivon, attorney, addressed the Commission in support of adopting the Ordinance.

Vice Chair Hudson closed the public hearing at 7:31 p.m.

Commission continued discussion regarding the Ordinance.

**ACTION:** It was moved by Vice Chair Hudson and seconded by Commissioner Atwal to consider a recommendation to the City Council to approve an amendment to section 10.08.3196 of the Tracy Municipal Code regarding establishing zoning and location requirements for commercial cannabis businesses, Application Number ZA19-0002.

A roll call vote found Commissioner Atwal, Commissioner Francis, Commissioner Wood, and Vice Chair Hudson in favor; Chair Orcutt absent; 4-0-1-0; passed and so ordered.

**B. PUBLIC HEARING TO CONSIDER AN APPEAL OF THE COMMUNITY DEVELOPMENT DIRECTOR'S REVOCATION OF A HOME OCCUPATION PERMIT FOR AUTO DETAILING AT PROPERTY LOCATED AT 1881 NEWPORT COURT IN VIOLATION OF TRACY MUNICIPAL CODE SECTION 10.08.4600. THE APPELLANT IS GABRIEL HERNANDEZ. CODE ENFORCEMENT CASE 19CD-0917**

Ana Contreras delivered the staff report.

Commission questions and discussion followed.

Vice Chair Hudson opened the public hearing.

Mr. Hernandez addressed the Commission pleading his case.

Mr. Hernandez handed the clerk a handout for the Commission.

Corrina Gomes who lives on the corner of Newport and Michelle addressed the Commission opposing Mr. Hernandez's business.

Vice Chair Hudson closed the public hearing at 8:15 p.m.

Victoria Lombardo addressed the Commission regarding the Home Occupation Ordinance.

**ACTION:** It was moved by Vice Chair Hudson and seconded by Commissioner Atwal to uphold the revocation of a home occupation permit for auto detailing at property located at 1881 Newport Court in violation of Tracy Municipal Code Section 10.08.4600.

A roll call vote found Commissioner Atwal, Commissioner Francis, and Vice Chair Hudson in favor; Commissioner Wood opposed; Chair Orcutt absent; 3-1-1-0; passed and so ordered.

**C. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW PERMIT TO CONVERT AN EXISTING SINGLE FAMILY RESIDENCE TO A DAY CARE CENTER LOCATED AT 1525 WILBANKS LANE (ASSESSOR'S PARCEL NUMBER 242-240-36) – THE APPLICANT AND OWNER IS MARIA CARINA DIAZ DE BARAJAS – APPLICATION NUMBERS CUP19-0003 AND D19-0016**

Genevieve Federighi presented the staff report.

Commission questions and discussion regarding the Project followed.

Maria Carina Diaz De Barajas, Applicant, addressed the Commission to answer questions.

Vice Chair Hudson opened the public hearing at 8:34 p.m.

Stephanie Booth, 1517 Parkside Ct., addressed the Commission in opposition of the Project.

Debbie Meleen, resident, approached the Commission in opposition of the Project.

Martin Bell, who lives directly south of applicant, approached the Commission with concerns of noise levels and transportation.

Vice Chair Hudson closed the public hearing at 8:43 p.m.

**ACTION:** It was moved by Commissioner Wood and seconded by Commissioner Atwal to approve a conditional use permit and development review permit to convert an existing single-family residence to a day care center located at 1525 Wilbanks Lane.

A roll call vote found Commissioner Atwal, Commissioner Francis, Commissioner Wood, and Vice Chair Hudson in favor; Chair Orcutt absent; 4-0-1-0; passed and so ordered.

**D. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE PERMITTED USES IN THE GENERAL HIGHWAY COMMERCIAL ZONE OF THE RESIDENTIAL AREAS SPECIFIC PLAN (SPA19-0003) AND A DEVELOPMENT REVIEW PERMIT FOR AN ASSISTED LIVING AND MEMORY CARE FACILITY (D19-0019) ON APPROXIMATELY 2.73 ACRES LOCATED AT THE NORHTWEST CORNER OF CORRAL HOLLOW ROAD AND ALEGRE DRIVE (2050 W. GRANT LINE ROAD – THE APPLICANT IS SUMMIT SENIOR LIFE, LLC.**

Alan Bell delivered the staff report. He also presented an email at the dais from a resident that was received in opposition of the Facility.

Commission questions and discussion regarding the Project followed.

Robert Ashin, representing the Applicant, addressed the Commission.

Vice Chair Hudson opened the public hearing at 9:10 p.m.

Travis Fife, Grant Line Commons, LLC owner of the buildings adjacent to the potential new facility, approached the Commission in support of the Project, but with concerns on the parking count.

Greg Irwin, Irwin Partners Architects, addressed the Commission to answer questions on parking.

Vice Chair Hudson closed the public hearing at 9:14 p.m.

**ACTION:** It was moved by Commissioner Wood and seconded by Commissioner Atwal to consider an amendment to the permitted uses in General Highway Commercial zone of the residential areas specific plan and a development review permit for an assisted living and memory care facility.

A roll call vote found Commissioner Atwal, Commissioner Francis, Commissioner Wood, and Vice Chair Hudson in favor; Chair Orcutt absent; 4-0-1-0; passed and so ordered.

## **2. ITEMS FROM THE AUDIENCE**

None.

## **3. DIRECTOR'S REPORT**

None.

## **4. ITEMS FROM THE COMMISSION**

Vice Chair Hudson welcomed the two new Commissioners.

## **5. ADJOURNMENT**

It was moved by Commissioner Francis and seconded by Vice Chair Hudson, to adjourn.

Voice vote found all in favor; passed and so ordered.

Time: 9:20 p.m.

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CHAIR

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STAFF LIAISON

November 6, 2019

AGENDA ITEM 1.A

REQUEST

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE I-205 CORRIDOR SPECIFIC PLAN, APPENDIX A, TABLE A-2, PERMITTED AND CONDITIONALLY PERMITTED COMMERCIAL AND INDUSTRIAL USES, RELATED TO BREWERIES, WINERIES, AND DISTILLERIES – THE APPLICANT IS MAX TOLSTOGUZOV – APPLICATION NUMBER SPA19-0005**

DISCUSSION

This agenda item is part of the City's ongoing effort to continue to broaden the range of allowable land uses in the I-205 Corridor Specific Plan area, given that the area is mostly built-out and the character of the development is well-established, and that new uses have emerged over time or become increasingly popular, such as craft breweries.

Table A-2 of the I-205 Corridor Specific Plan identifies the permitted and conditionally permitted commercial and industrial uses for each land use designation within the I-205 Corridor Specific Plan Area. Breweries, wineries, and distilleries fit within the classification of "Manufacturing & Processing", which is principally permitted in areas designated Light Industrial (LI) and conditionally permitted in areas designated Service Commercial (SC).

The City has received an application to amend the I-205 Corridor Specific Plan to allow craft breweries in the Northgate Village Shopping Center, which is designated General Commercial 2 (GC2). In order to allow a craft brewery in a retail shopping center, staff recommends that a minimum of 30% of the tenant space be dedicated to a taproom, tasting room, or restaurant because these uses would be consistent with a retail center and the GC2 zoning. This requirement would ensure that the taproom, tasting room, or restaurant would be more than an accessory use and would also prevent a large-scale manufacturing plant from locating in the GC2 zone. By contrast, when craft breweries locate in industrial zones, such as Morgan Territory Brewing, the taproom is limited to a small portion of the tenant space and permitted only as an accessory use.

The craft brewery proposing to locate at Northgate Village Shopping Center, named Bay Boys Brewing, is intending to locate in an approximately 9,000 square foot tenant space with a taproom of approximately 4,000 square feet (44%). According to the applicant, the taproom would likely include space for various games, such as corn hole and pool tables. The applicant mentioned that having a large portion of the floor area as a taproom was very desirable for the business. Staff informed the applicant that if they desire to have entertainment activities, such as live music, disc jockeys, dancing, karaoke, comedy shows or live performances after 11:00 p.m. it would require a conditional use permit (CUP). The applicant is not planning for entertainment to occur past 11:00 p.m., but has stated they will apply for a CUP if their business plans change.

The proposed ordinance amending the I-205 Corridor Specific Plan, Table A-2, related to breweries, wineries, and distilleries is included as Attachment A, Exhibit 1. The new use category would read as follows:

Breweries, Wineries, and/or Distilleries – with a taproom, tasting room, and/or restaurant comprising a minimum of 30% of the tenant space

The proposed amendment includes wineries and distilleries along with breweries because the uses are very similar. The proposed terminology was left simply to “breweries, wineries, and distilleries” rather than attempting to define and limit the use to “craft breweries, craft wineries, and craft distilleries” because such definitions may inadvertently exclude certain businesses that are essentially the same from a zoning standpoint.

The proposed amendment would permit this new use category in all of the commercially designated areas of the I-205 Corridor Specific Plan, including Commercial Center (CC), General Commercial (GC), Service Commercial (SC), Freeway Commercial (FC), and General Commercial 2 (GC2), which are the same areas permitted for restaurants and bars. The new use category would operate similar to restaurants and bars and be compatible with the other uses permitted in these commercially designated areas.

#### Environmental Document

The proposed amendment is not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment. (CEQA Guidelines, 14 California Code of Regulations, §15061(b).)

#### RECOMMENDATION

Staff recommends that Planning Commission recommend that City Council introduce and adopt an ordinance amending the I-205 Corridor Specific Plan, Appendix A, Table A-2, Permitted and Conditionally Permitted Commercial and Industrial Uses, related to breweries, wineries, and distilleries, Application Number SPA19-0005, as stated in the Planning Commission Resolution dated November 6, 2019 (Attachment B: Planning Commission Resolution).

#### MOTION

Planning Commission recommends that City Council introduce and adopt an ordinance amending the I-205 Corridor Specific Plan, Appendix A, Table A-2, Permitted and Conditionally Permitted Commercial and Industrial Uses, related to breweries, wineries, and distilleries, Application Number SPA19-0005, as stated in the Planning Commission Resolution dated November 6, 2019.

Prepared by Scott Claar, Senior Planner

Approved by Bill Dean, Assistant Development Services Director

ATTACHMENTS

- A: Ordinance amending the I-205 Corridor Specific Plan, Table A-2, related to breweries, wineries, and distilleries
- B: Planning Commission Resolution

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE CITY OF TRACY AMENDING THE I-205 CORRIDOR SPECIFIC PLAN, APPENDIX A, TABLE A-2, PERMITTED AND CONDITIONALLY PERMITTED COMMERCIAL AND INDUSTRIAL USES, RELATED TO BREWERIES, WINERIES, AND DISTILLERIES, APPLICATION NUMBER SPA19-0005

WHEREAS, Table A-2 of the I-205 Corridor Specific Plan identifies the permitted and conditionally permitted commercial and industrial uses for each land use designation within the I-205 Corridor Specific Plan Area, and

WHEREAS, Breweries, wineries, and distilleries fit within the classification of "Manufacturing & Processing", which is principally permitted in areas designated Light Industrial (LI) and conditionally permitted in areas designated Service Commercial (SC), and

WHEREAS, The City has received an application to amend the I-205 Corridor Specific Plan to add a new use category to Table A-2 related to breweries, wineries, and distilleries, and

WHEREAS, The new use category is shown as "Breweries, wineries, and/or distilleries – with a taproom, tasting room, and/or restaurant comprising a minimum of 30% of the tenant space", and

WHEREAS, The proposed amendment would permit this new use category in all of the commercially designated areas of the I-205 Corridor Specific Plan, including Commercial Center (CC), General Commercial (GC), Service Commercial (SC), Freeway Commercial (FC), and General Commercial 2 (GC2), which are the same areas permitted for restaurants and bars, and

WHEREAS, The proposed amendment to the I-205 Corridor Specific Plan is consistent with the General Plan, and

WHEREAS, The proposed amendment is not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b).), and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on November 6, 2019, and recommended that the City Council introduce and adopt an ordinance amending the I-205 Corridor Specific Plan, Appendix A, Table A-2, Permitted and Conditionally Permitted Commercial and Industrial Uses, related to breweries, wineries, and/or distilleries, and

WHEREAS, The City Council held a duly noticed public hearing to consider the ordinance on December \_\_\_\_, 2019;

The Tracy City Council hereby ordains as follows:

SECTION 1: Table A-2, Permitted and Conditionally Permitted Commercial and Industrial Uses, of Appendix A, of the I-205 Corridor Specific Plan is hereby amended to establish a new use category related to breweries, wineries, and distilleries, as shown in Exhibit 1, attached.

Ordinance \_\_\_\_\_

SECTION 2: This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 3: This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the Ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the Ordinance. (Gov't. Code §36933.)

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The foregoing Ordinance \_\_\_\_\_ was introduced at a regular meeting of the Tracy City Council held on the \_\_\_\_\_ day of December, 2019, and finally adopted on the \_\_\_\_\_ day of December, 2019, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST

\_\_\_\_\_  
CITY CLERK



TABLE A-2

PERMITTED AND CONDITIONALLY PERMITTED COMMERCIAL AND INDUSTRIAL USES<sup>1</sup>

	CC	GC	SC	FC	LI	GC2
Business Services e.g., reproduction, delivery, repair services			P		C	P
Breweries, Wineries, and/or Distilleries – with a taproom, tasting room, and/or restaurant comprising a minimum of 30% of the tenant space	P	P	P	P		P
Day Care Centers e.g., community care facilities	P	P	P		C	P
Eating and/or drinking establishments (with or without entertainment <sup>2</sup> ), without serving alcohol and providing entertainment <sup>2</sup> after 11:00 p.m.	P	P	P	P		P
Eating and/or drinking establishments that serve alcohol and provide entertainment <sup>2</sup> after 11:00 p.m.	C	C	C	C		C
Equipment Rental and Sales			P		C	
Gas & Service Stations	C	C	C	P	C	C
Hydrocarbon Resource Extraction	C	C	C	C	C	C
Lodging e.g., hotels, motels	C	P		P		P
Manufacturing & Processing			C		P	
Mini Storage			P		P	
Offices e.g., Medical, dental, business, professional, banks, financial services	P	P	P	C	C	P
Outdoor Sales or Display of Merchandise e.g., lumber yards, nurseries, etc.		C	C		C	C
Park & Ride or Off-site Parking Facilities	C	C	C	C	C	C
Personal Services e.g., nail, hair, tanning salons	P	P				P
Places of Assembly e.g., places of worship, private clubs and related uses	C	C	C		C	P
Public Street & Utilities	P	P	P	P	P	P
Recreational Uses e.g., miniature golf, bowling alley, instructional or educational performing arts, gymnastics, etc.	P	C	P			P
Residential Uses	See Table A-1					
Retail and Consumer Services e.g., building materials and hardware stores, garden center, clothing and shoe stores, department stores, drug stores and grocery stores	P	P	P			P
Schools e.g., public, private, trade, vocational, etc.	C	P	C		C	P
Temporary Uses as Permitted in TMC Sec. 10.08.4240	TUP	TUP	TUP	TUP	TUP	TUP
Vehicle Sales, Service, & Rental		C	C			C
Warehouse & Distribution			C		P	

## Notes:

1. Accessory uses shall be allowed as provided in the Tracy Municipal Code.
2. "Entertainment" means such uses as live music, disc jockeys, dancing, karaoke, comedy shows, modeling, or live performances.

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

RECOMMENDING THAT CITY COUNCIL INTRODUCE AND ADOPT AN ORDINANCE AMENDING THE I-205 CORRIDOR SPECIFIC PLAN, APPENDIX A, TABLE A-2, PERMITTED AND CONDITIONALLY PERMITTED COMMERCIAL AND INDUSTRIAL USES, RELATED TO BREWERIES, WINERIES, AND DISTILLERIES – APPLICATION NUMBER SPA19-0005

WHEREAS, Table A-2 of the I-205 Corridor Specific Plan identifies the permitted and conditionally permitted commercial and industrial uses for each land use designation within the I-205 Corridor Specific Plan Area, and

WHEREAS, Breweries, wineries, and distilleries fit within the classification of “Manufacturing & Processing”, which is principally permitted in areas designated Light Industrial (LI) and conditionally permitted in areas designated Service Commercial (SC), and

WHEREAS, The City has received an application to amend the I-205 Corridor Specific Plan to add a new use category to Table A-2 related to breweries, wineries, and distilleries, and

WHEREAS, The new use category is shown as “Breweries, wineries, and/or distilleries – with a taproom, tasting room, and/or restaurant comprising a minimum of 30% of the tenant space”, and

WHEREAS, The proposed amendment would permit this new use category in all of the commercially designated areas of the I-205 Corridor Specific Plan, including Commercial Center (CC), General Commercial (GC), Service Commercial (SC), Freeway Commercial (FC), and General Commercial 2 (GC2), which are the same areas permitted for restaurants and bars, and

WHEREAS, The proposed amendment to the I-205 Corridor Specific Plan is consistent with the General Plan, and

WHEREAS, The proposed amendment is not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b).), and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the proposed amendment on November 6, 2019;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission hereby recommends that the City Council introduce and adopt an ordinance amending the I-205 Corridor Specific Plan, Appendix A, Table A-2, Permitted and Conditionally Permitted Commercial and Industrial Uses, related to breweries, wineries, and distilleries, as shown in Attachment A of the Planning Commission staff report dated November 6, 2019.

\*\*\*\*\*

The foregoing Resolution 2019-\_\_\_\_\_ was adopted by the Planning Commission on the 6<sup>th</sup> day of November 2019, by the following vote:

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

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
STAFF LIAISON

November 6, 2019

AGENDA ITEM 1.B

REQUEST

**PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE CENTRAL BUSINESS DISTRICT (CBD) ZONE TO PERMIT HIGH DENSITY RESIDENTIAL USES, INCLUDING SINGLE-FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, AND MULTI-FAMILY DWELLINGS, AND APPROVAL OF A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT A FIVE-UNIT RESIDENTIAL PROJECT, CONSISTING OF TWO SINGLE-FAMILY DWELLINGS AND A TRIPLEX LOCATED AT 21, 25, AND 29 E. EIGHTH STREET – THE APPLICANT IS MARK WATROUS-HEYLIGER – APPLICATION NUMBERS ZA17-0003 AND D16-0036**

DISCUSSION

For this agenda item, the Planning Commission will be asked to make a recommendation to the City Council regarding the following:

- Introduction and adoption of an ordinance amending the Central Business District (CBD) Zone to permit high density residential uses, including single-family dwellings, two-family dwellings, and multi-family dwellings, Application Number ZA17-0003
- Approval of a Development Review Permit to construct a five-unit residential project, consisting of two single-family dwellings and a triplex located at 21, 25, and 29 E. Eighth Street, Application Number D16-0036

Amendment to CBD Zone

In the CBD Zone, multi-family dwellings are conditionally permitted, which means that a Conditional Use Permit is required. Single-family dwellings and two-family dwellings are not permitted in the CBD Zone.

An application was submitted to amend the CBD Zone to permit high density residential uses, including single-family dwellings, two-family dwellings, and multi-family dwellings. The proposed amendment to the CBD Zone includes the following components:

- Single-family dwellings, two-family dwellings, and multi-family dwellings shall be permitted in the CBD Zone, except that there shall be no residential uses on the ground floor of buildings with elevations that face the following:
  - Central Avenue between 11<sup>th</sup> Street and 6<sup>th</sup> Street
  - 10<sup>th</sup> Street between Central avenue and A Street
  - Front Street Plaza at 6<sup>th</sup> Street, excluding the eastern 110 feet of the block which faces a parking island within the 6<sup>th</sup> Street public right-of-way because this portion of the block is already developed with existing residential development.

- Density: There shall be at least 700 square feet of net lot area and no more than 2,500 square feet of net lot area for each dwelling unit in the CBD Zone.
- The minimum floor area for a single-family dwelling shall be 500 square feet.
- Any new residential development in the CBD Zone shall be subject to development review, including any new single-family dwellings, two-family dwellings, or multi-family dwellings, regardless of the number of units.

The complete draft ordinance is included as Attachment A.

The General Plan states that residential development is strongly encouraged in the Downtown and allowed at a density of 15 to 50 units per gross acre (page 2-26 of the General Plan Land Use Element). The proposed amendment to the CBD Zone is consistent with the General Plan.

#### Development Review Permit

An application was submitted for a Development Review Permit to construct a five-unit residential project, consisting of two single-family dwellings and a triplex on an approximately 9,885 square-foot site located at 21, 25, and 29 E. Eighth Street, Application Number D16-0036 (Attachment B: Site Plan, Elevations, and Landscape Plan).

The subject property includes three existing lots with one house on each of the two end lots. The middle lot is vacant. A house was previously demolished on the middle lot, due to the structure's poor condition. The proposed project includes demolishing the remaining two houses, due to numerous issues with the condition of the structures and the encroachment of the western dwelling unit and its utilities onto the adjacent neighboring property to the west.

The proposed density is approximately 1 dwelling unit per 1,977 square feet of net lot area or calculated as 22 units per net acre (17 units per gross acre). The proposed single-family dwellings are two-story structures each consisting of approximately 1,660 square feet of living space. The proposed triplex is also a two-story structure with the unit sizes ranging from approximately 825 square feet to 912 square feet of living space. The project is proposed as five rental units on a single lot. The three existing lots would be merged into one lot prior to issuance of a building permit.

The subject property is located in the Central Business District (CBD) Zone and has a General Plan land use designation of Downtown. The project is consistent with the General Plan and the proposed amendment to the CBD Zone, including the permitted uses and density requirements.

The subject property has frontage on E. Eighth Street and access from the rear on Garner Alley. The project includes a one-car garage for each of the five dwelling units and a total of four additional uncovered parking spaces on the property. To satisfy the minimum off-street parking requirements, the project is proposing to utilize the CBD

Zone Parking-in-Lieu Fee Pilot Program of \$0, which was extended to October 6, 2025 by City Council Resolution 2019-160. In other residential zones by contrast, the two single-family dwellings would each require a two-car garage and the triplex would require two parking spaces per unit with one of the two being covered, and an additional space marked as guest. The main difference from what would otherwise be required and the proposed project is that the single-family dwellings would each require a two-car garage rather than a one-car garage.

The building architecture includes an attractive design featuring a high-level of detailing and articulation on all four sides of each building, a well-designed gable roof with variation and multiple gable elements to create visual interest and appeal, use of multiple building materials, including wood siding and brick, variation in the building façade depth, ample use of windows, bay windows, front porches, driveway pavers, and an overall design character and architectural details that are inspired by and complement the residential architecture that exists in the surrounding neighborhood. The proposed architecture is consistent with the City's Design Goals and Standards,

#### Environmental Document

The proposed ordinance amending the CBD Zone is not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment. (CEQA Guidelines, 14 California Code of Regulations, §15061(b).)

The five-unit residential project has been determined to be categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15332 because the project is characterized as in-fill development and (1) is consistent with the General Plan designation of Downtown and all applicable General Plan policies, as well as consistent with the amended Central Business District (CBD) Zone and with all applicable zoning regulations, (2) occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses, (3) has no value as habitat for endangered, rare or threatened species, (4) would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (5) can be adequately served by all required utilities and public services. Therefore, no further environmental review is necessary.

#### RECOMMENDATION

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

1. Introduce and adopt an ordinance amending Article 18, Central Business District (CBD) Zone, of Chapter 10.08 of the Tracy Municipal Code to permit high density residential uses, including single-family dwellings, two-family dwellings, and multi-family dwellings, Application Number ZA17-0003, as stated in the Planning Commission Resolution dated November 6, 2019 (Attachment C: Planning Commission Resolution); and

2. Approve a Development Review Permit to construct a five-unit residential project, consisting of two single-family dwellings and a triplex located at 21, 25, and 29 E. Eighth Street, Application Number D16-0036, as stated in the Planning Commission
3. Resolution dated November 6, 2019 (Attachment D: Planning Commission Resolution).

#### RECOMMENDED MOTION

Planning Commission recommends that City Council take the following actions:

1. Introduce and adopt an ordinance amending Article 18, Central Business District (CBD) Zone, of Chapter 10.08 of the Tracy Municipal Code to permit high density residential uses, including single-family dwellings, two-family dwellings, and multi-family dwellings, Application Number ZA17-0003, as stated in the Planning Commission Resolution dated November 6, 2019; and
2. Approve a Development Review Permit to construct a five-unit residential project, consisting of two single-family dwellings and a triplex located at 21, 25, and 29 E. Eighth Street, Application Number D16-0036, as stated in the Planning Commission Resolution dated November 6, 2019.

Prepared by Scott Claar, Senior Planner

Approved by Bill Dean, Assistant Development Services Director

#### ATTACHMENTS

- A: Ordinance amending Article 18, Central Business District (CBD) Zone, of Chapter 10.08 of the Tracy Municipal Code
- B: Site Plan, Elevations, and Landscape Plan
- C: Planning Commission Resolution (regarding an ordinance amending the CBD Zone, Application Number ZA17-0003)
- D: Planning Commission Resolution (regarding a Development Review Permit for five-unit residential project, Application Number D16-0036)

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE CITY OF TRACY AMENDING ARTICLE 18, CENTRAL BUSINESS DISTRICT (CBD) ZONE, OF CHAPTER 10.08 OF THE TRACY MUNICIPAL CODE TO PERMIT HIGH DENSITY RESIDENTIAL USES, INCLUDING SINGLE-FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, AND MULTI-FAMILY DWELLINGS, APPLICATION NUMBER ZA17-0003

WHEREAS, Article 18, Central Business District (CBD) Zone, of Chapter 10.08 of the Tracy Municipal Code establishes the permitted uses, conditionally permitted uses, and development standards of the CBD Zone, and

WHEREAS, Multi-family dwellings are conditionally permitted in the CBD Zone, and

WHEREAS, Single-family dwellings and two-family dwellings are not permitted in the CBD Zone, and

WHEREAS, The General Plan states that residential development is strongly encouraged in the Downtown and allowed at a density of 15 to 50 units per gross acre (Downtown, page 2-26 of the General Plan Land Use Element), and

WHEREAS, The City has received an application to amend the CBD Zone to permit high density residential uses, including single-family dwellings, two-family dwellings, and multi-family dwellings, and

WHEREAS, The proposed amendment to the CBD Zone is consistent with the General Plan, and

WHEREAS, The proposed amendment is not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b).), and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on November 6, 2019, and recommended that the City Council introduce and adopt an ordinance amending Article 18, Central Business District (CBD) Zone, of Chapter 10.08 of the Tracy Municipal Code to permit high density residential uses, including single-family dwellings, two-family dwellings, and multi-family dwellings, and

WHEREAS, The City Council held a duly noticed public hearing to consider the ordinance on December \_\_\_\_, 2019;

The Tracy City Council hereby ordains as follows:

SECTION 1: Article 18, Central Business District (CBD) Zone, of Chapter 10.08 of the Tracy Municipal Code is hereby amended to permit high density residential uses, including single-family dwellings, two-family dwellings, and multi-family dwellings, as shown in Exhibit 1, attached.

SECTION 2: This Ordinance shall take effect 30 days after its final passage and adoption.



Ordinance \_\_\_\_\_

SECTION 3: This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the Ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the Ordinance. (Gov't. Code §36933.)

\* \* \* \* \*

The foregoing Ordinance \_\_\_\_\_ was introduced at a regular meeting of the Tracy City Council held on the \_\_\_\_\_ day of December, 2019, and finally adopted on the \_\_\_\_\_ day of December, 2019, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST

\_\_\_\_\_  
CITY CLERK

Article 18. - Central Business District Zone (CBD)

10.08.2360 - Purpose (CBD).

The Central Business District (CBD) Zone is to provide areas in which the forces of cumulative attraction or the need for comparison shopping may take place.

(Prior code § 10-2.1800)

10.08.2370 - Descriptive regulations (CBD).

In the CBD Zone, the following specified regulations shall govern, unless otherwise provided in this chapter:

- (a) The CBD Zone is to provide an area in which pedestrian-oriented establishments may locate and the forces of cumulative attraction or the need for comparison shopping may take place.
- (b) The CBD Zone is to provide commercial business, service, and office facilities for the convenience of residents of the entire City.
- (c) The CBD Zone is to provide the retail core and cultural focus for the City.
- (d) The CBD Zone is to provide high density residential in close proximity to Downtown businesses and public gathering spaces.

(Prior code § 10-2.1801)

10.08.2380 - Permitted uses (CBD).

- (a) In the CBD Zone, only general business, commercial, wholesale, high density residential, and governmental activities, which are included in the following use groups, shall be permitted without conditional approval:

Group 1	Minor public service uses;
Group 4	Temporary buildings and uses;
Groups 21, 22, 23, 24	<p style="text-align: center;">Single-family dwellings, two-family dwellings, and multi-family dwellings, except that there shall be no residential uses on the ground floor of buildings with elevations that face the following:</p> <p style="text-align: center;">(1) Central Avenue between 11<sup>th</sup> Street and 6<sup>th</sup> Street,</p> <p style="text-align: center;">(2) 10<sup>th</sup> Street between Central Avenue and A Street, or</p> <p style="text-align: center;">(3) Front Street Plaza at 6<sup>th</sup> Street, excluding the eastern 110 feet of the block which faces a parking island within the 6<sup>th</sup> Street public right-of-way;</p>

Group 29	Accessory uses, including signs;
Group 40	Travelers' living accommodations, except for uses listed as (c-2), Eating and/or drinking establishment that serves alcohol and provides entertainment after 11:00 p.m.;
Group 41	Business offices and professional offices and laboratories;
Group 42	Retail trade establishments; except veterinary clinics;
Group 43	Consumer service and retail trade establishments, except for uses listed as (c-2), Eating and/or drinking establishment that serves alcohol and provides entertainment after 11:00 p.m.; and
Group 54	Small recycling collection facilities.

(b) In the CBD Zone, general business, commercial, wholesale, and governmental activities which are included in the following use groups shall be permitted only with conditional approval:

Group 2	Local public service and utility installations;
Group 10	Crop and tree farming;
Group 29	Accessory uses;
Group 30	Places of public assembly such as educational, cultural, institutional, religious, and recreational uses serving local residential areas, excluding uses that are classified within Use Group No. 48;

Group 31	Educational, cultural, institutional, and recreational uses;
Group 32	Educational, cultural, institutional, and recreational uses with special site or locational requirements;
Group 40	Traveler's living accommodations, except trailer parks and uses listed as (c-2), Eating and/or drinking establishment that serves alcohol and provides entertainment after 11:00 p.m.;
Group 43	Consumer service and retail trade, subsection (c-2), Eating and/or drinking establishment that serves alcohol and provides entertainment after 11:00 p.m.;
Group 44	Consumer service and retail trade establishments; and
Group 45	General consumer and business services, miscellaneous repairs, and catering services only.

(Ord. 1050 § 6, 2003; Ord. 1004 § 3, 1999; prior code § 10-2.1802)

(Ord. No. 1177, § 10, 1-15-2013)

10.08.2390 - Building site area (CBD).

There shall be no building site area requirements in the CBD Zone.

(Prior code § 10-2.1803)

10.08.2400 - Lot area (CBD).

There shall be no lot requirements in the CBD Zone.

(Prior code § 10-2.1804)

10.08.2405 - Density (CBD).

There shall be at least 700 square feet of net lot area and no more than 2,500 square feet of net lot area for each dwelling unit in the CBD Zone.

10.08.2410 - Yard areas (CBD).

There shall be no yard area requirements in the CBD Zone, except adjacent to residential zones, in which case a fifteen-foot front yard shall be provided.

(Prior code § 10-2.1805) 10.08.2410

10.08.2420 - Height (CBD).

There shall be no height requirements in the CBD Zone.

(Prior code § 10-2.1806)

10.08.2430 - Permissible lot coverage (CBD).

There shall be no lot coverage requirements in the CBD Zone.

(Prior code § 10-2.1807)

10.08.2440 - Floor area (CBD).

There shall be no floor area requirements in the CBD Zone, except that the minimum floor area for a single-family dwelling shall be 500 square feet.

(Prior code § 10-2.1808)

10.08.2450 - Off-street parking (CBD).

See Article 26 of this chapter. A twenty (20%) percent reduction in the required parking area, as required by the provisions of Article 26 of this chapter, will be permitted if seventy (70%) percent of this area is used for pedestrian-oriented open space (mall). Developers interested in receiving such reduction shall submit plans for pedestrian-oriented open space to the Commission for approval prior to review by the Community Development Director. A five (5%) percent reduction in required parking area will be permitted if one or more property owners provide public rest areas and direct telephone communication for public transit riders.

(Prior code § 10-2.1809)

10.08.2460 - Usable open space (CBD).

(See Section 10.08.2450 of this article.)

(Prior code § 10-2.1810)

10.08.2470 - Loading and unloading space (CBD).

Loading and unloading areas in the CBD Zone shall be indicated and provided for at the rear of the buildings or upon adjoining alleys.

(Prior code § 10-2.1811)

10.08.2480 - Development review (CBD).

All uses requiring a building permit shall obtain development review compliance, except as provided for in Article 30 of this chapter and the CEQA Guidelines adopted by the City, prior to being established in the CBD Zone. Additionally, any new residential development in the CBD Zone shall be subject to development review, including any new single-family dwellings, two-family dwellings, or multi-family dwellings, regardless of the number of units.

(Prior code § 10-2.1812)

## ATTACHMENT B

Site Plan, Elevations, and Landscape Plan

Provided under separate cover

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

**RECOMMENDING THAT CITY COUNCIL INTRODUCE AND ADOPT AN ORDINANCE AMENDING ARTICLE 18, CENTRAL BUSINESS DISTRICT (CBD) ZONE, OF CHAPTER 10.08 OF THE TRACY MUNICIPAL CODE TO PERMIT HIGH DENSITY RESIDENTIAL USES, INCLUDING SINGLE-FAMILY DWELLINGS, TWO-FAMILY DWELLINGS, AND MULTI-FAMILY DWELLINGS – APPLICATION NUMBER ZA17-0003**

WHEREAS, Article 18, Central Business District (CBD) Zone, of Chapter 10.08 of the Tracy Municipal Code establishes the permitted uses, conditionally permitted uses, and development standards of the CBD Zone, and

WHEREAS, Multi-family dwellings are conditionally permitted in the CBD Zone, and

WHEREAS, Single-family dwellings and two-family dwellings are not permitted in the CBD Zone, and

WHEREAS, The General Plan states that residential development is strongly encouraged in the Downtown and allowed at a density of 15 to 50 units per gross acre (page 2-26 of the General Plan Land Use Element), and

WHEREAS, An application was submitted to amend the CBD Zone to permit high density residential uses, including single-family dwellings, two-family dwellings, and multi-family dwellings, and

WHEREAS, The proposed amendment to the CBD Zone is consistent with the General Plan, and

WHEREAS, The proposed amendment is not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b).), and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the proposed amendment on November 6, 2019;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission hereby recommends that the City Council introduce and adopt an ordinance amending Article 18, Central Business District (CBD) Zone, of Chapter 10.08 of the Tracy Municipal Code to permit high density residential uses, including single-family dwellings, two-family dwellings, and multi-family dwellings, as shown in Attachment A of the Planning Commission staff report dated November 6, 2019.

\*\*\*\*\*

The foregoing Resolution 2019-\_\_\_\_\_ was adopted by the Planning Commission on the 6<sup>th</sup> day of November 2019, by the following vote:



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

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
STAFF LIAISON

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

**RECOMMENDING THAT CITY COUNCIL APPROVE A DEVELOPMENT REVIEW PERMIT TO  
CONSTRUCT A FIVE-UNIT RESIDENTIAL PROJECT, CONSISTING OF TWO SINGLE-  
FAMILY DWELLINGS AND A TRIPLEX ON AN APPROXIMATELY 9,885 SQUARE-FOOT  
SITE LOCATED AT 21, 25, AND 29 E. EIGHTH STREET –  
APPLICATION NUMBER D16-0036**

WHEREAS, An application was submitted for a Development Review Permit to construct a five-unit residential project, consisting of two single-family dwellings and a triplex on an approximately 9,885 square-foot site located at 21, 25, and 29 E. Eighth Street, Application Number D16-0036, and

WHEREAS, The subject property is located in the Central Business District (CBD) Zone and has a General Plan land use designation of Downtown, and

WHEREAS, The project is consistent with the General Plan and the amended CBD Zone, including the permitted uses and density requirements, and

WHEREAS, The project includes a one-car garage parking space for each dwelling unit and a total of four additional uncovered parking spaces on the property, and

WHEREAS, To satisfy the minimum off-street parking requirements, the project is utilizing the CBD Zone Parking-in-Lieu Fee Pilot Program of \$0, which was extended to October 6, 2025 by City Council Resolution 2019-160, and

WHEREAS, The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 because the project is characterized as in-fill development and (1) is consistent with the General Plan designation of Downtown and all applicable General Plan policies, as well as consistent with the amended Central Business District (CBD) Zone and with all applicable zoning regulations, (2) occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses, (3) has no value as habitat for endangered, rare or threatened species, (4) would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (5) can be adequately served by all required utilities and public services, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the project on November 6, 2019;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission hereby recommends that the City Council approve a Development Review Permit to construct the five-unit residential project, consisting of two single-family dwellings and a triplex on an approximately 9,885 square-foot site located at 21, 25, and 29 E. Eighth Street, Application Number D16-0036, subject to the conditions of approval 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 building architecture includes an attractive design featuring a high-level of detailing and articulation on all four sides of each building, a well-designed gable roof with variation and multiple gable elements to create visual interest and appeal, use of multiple

building materials, including wood siding and brick, variation in the building façade depth, ample use of windows, bay windows, front porches, driveway pavers, and an overall design character and architectural details that are inspired by and complement the residential architecture that exists in the surrounding neighborhood.

2. The proposal conforms to Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, the City of Tracy General Plan, the Citywide Design Goals and Standards, applicable Infrastructure Master Plans, and other City regulations.
3. The effective date of this Development Review Permit (Application Number D16-0036) shall be effective only upon the effective date of the ordinance amending the Central Business District (CBD) Zone to permit high density residential uses, including single-family dwellings, two-family dwellings, and multi-family dwellings (Application Number ZA17-0003).

\*\*\*\*\*

The foregoing Resolution 2019-\_\_\_\_\_ was adopted by the Planning Commission on the 6<sup>th</sup> day of November 2019, by the following vote:

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

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
STAFF LIAISON

**City of Tracy**  
**Development Review**  
**Conditions of Approval**  
Five-Unit Residential Project at 21, 25, and 29 E. Eighth Street  
Application Number D16-0036  
November 6, 2019

These Conditions of Approval shall apply to the Development Review permit to construct a five-unit residential project, consisting of two single-family dwellings and a triplex on an approximately 9,885 square-foot site located at 21, 25, and 29 E. Eighth Street, Assessor's Parcel Numbers 235-161-15, -16, and -17, Application Number D16-0036 (hereinafter "Project"), proposed by Mark Watrous-Heyliger (hereinafter "Applicant").

**A. Definitions.**

The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
3. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, the Development Services Director, or the City Engineer, to perform the duties set forth herein.
4. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director, to perform the duties set forth herein.
5. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
6. "Conditions of Approval" means these conditions of approval applicable to the Development Review permit to construct a five-unit residential project, consisting of two single-family dwellings and a triplex on an approximately 9,885 square-foot site located at 21, 25, and 29 E. Eighth Street, Assessor's Parcel Numbers 235-161-15, -16, and -17, Application Number D16-0036.
7. "Property" means the subject property of the Development Review permit to construct a five-unit residential project, consisting of two single-family dwellings and a triplex on

an approximately 9,885 square-foot site located at 21, 25, and 29 E. Eighth Street, Assessor's Parcel Numbers 235-161-15, -16, and -17, Application Number D16-0036.

## **B. Planning Division Conditions of Approval**

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project boundaries, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for the California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").
2. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
3. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions that are within the purview of the Mitigation Fee Act [Government Code section 66000 et seq.] ("Exactions") and imposed on this Project by these Conditions of Approval) shall commence on the date of the conditional approval of this Project. If the Developer fails to file a protest of the Exactions within this 90-day period, complying with all of the requirements of Government Code Section 66020, the Developer will be legally barred from later challenging any of the Exactions. The terms of this paragraph shall not affect any other deadlines or statutes of limitations set forth in the Mitigation Fee Act or other applicable law, or constitute a waiver of any affirmative defenses available to the City.
4. Except as modified herein, the project shall be developed in substantial compliance with the plans received by the Development Services Department on October 30, 2019, to the satisfaction of the Development Services Director.
5. The effective date of this Development Review Permit (Application Number D16-0036) shall be effective only upon the effective date of the ordinance amending the Central Business District (CBD) Zone to permit high density residential uses, including single-family dwellings, two-family dwellings, and multi-family dwellings (Application Number ZA17-0003).
6. Prior to the issuance of a building permit, a lot line adjustment merging the subject property into one lot shall be approved by the City Engineer and recorded at the San Joaquin County Recorder's Office, to the satisfaction of the Development Services Director.
7. Prior to the issuance of a building permit, the developer shall submit a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, the City's Water Efficient Landscape Ordinance, and all

- other applicable City regulations, to the satisfaction of the Development Services Director.
8. Prior to the issuance of a building permit, an Agreement for the Maintenance of Landscape and Irrigation Improvements, installed in compliance with the plans referenced in Condition of Approval Number B.7., above, shall be executed and financial security submitted to the Development Services Department. The Agreement shall ensure maintenance of the landscape and irrigation improvements for a period of two years. Said security shall be equal to the actual material and labor costs for installation of the landscape and irrigation improvements, or \$2.50 per square foot of landscape area.
  9. Prior to issuance of a building permit, the construction documents shall comply with California Building Standards Commission (Cal Green Code Emergency Standards; Title 24, Part 11) regarding landscaping and irrigation water efficiency to the satisfaction of the Utilities Director.
  10. Prior to issuance of a building permit, the Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), to the satisfaction of the APCD.
  11. All PG&E transformers, phone company boxes, Fire Department connections, back flow prevention devices, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, or painted to match the adjacent building or landscaping, to the satisfaction of the Development Services Director.
  12. All vents, gutters, downspouts, flashing, electrical conduit, etc. shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior, to the satisfaction of the Development Services Director.
  13. Prior to the issuance of a building permit, the developer shall comply with all applicable Stormwater Quality Regulations and the Water Efficient Landscape Ordinance, to the satisfaction of the Water Resources Division of the Utilities Department.
  14. Prior to issuance of a building permit, the Developer shall provide plans to show that where landscape planters are parallel and adjacent to the side of a vehicular parking space, a 12-inch wide concrete curb shall be provided to allow for pedestrian access to vehicles without damage to landscape areas.
  15. Prior to issuance of a building permit, the Developer shall comply with all requirements of the California Fire Code, to the satisfaction of the South County Fire Authority, including but not limited to the following:
    - a. Prior to issuance of a building permit, the Developer shall provide civil plans demonstrating that the location of the fire sprinkler supply line and riser locations are acceptable to the South County Fire Authority.
    - b. Prior to issuance of a building permit, the Developer shall provide plans that demonstrate adequate sprinklers, to the satisfaction of the South County Fire Authority.

- c. Prior to final inspection, the Developer shall provide signage and paint red curb stating "No Parking Fire Lane" at the access and rolled curbing, to the satisfaction of the South County Fire Authority.
16. Prior to issuance of a building permit, the Developer shall submit plans that comply with all requirements of the California Building Code, to the satisfaction of the Chief Building Official.

### **C. Engineering Division Conditions of Approval**

#### **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) NONE

C.2. RESERVED

C.3. RESERVED

#### **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 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), septic system(s), and leech field(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, paving recommendations, paving calculations such as gravel factors, gravel equivalence, etc., slope recommendations, and elevation of the highest observed groundwater level, and other information as requested by the City Engineer.
- 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 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.5. Encroachment Permit

All construction activity involving public improvements will require an approved encroachment permit. Any construction activity involving public improvements without an approved encroachment permit 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 processing any encroachment permit application 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. Public Infrastructure Improvement Plans prepared on a twenty-four (24) inch x thirty-six (36) inch size four (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 approved Geotechnical/Soils Report that was prepared for the grading permit submittal.
- 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 street 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.

The storm water treatment system shall be located on private property and shall be at least off-set from the right-of-way by one (1) foot.

- 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 seventy-two (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.

All water connections shall conform to City Standard Detail No. 403/404 with a continuous copper connection. Any design deviations shall be processed through Section 1.05-1.07 of the 2008 Design Standards.

- C.5.1.h. Fire Hydrants – Location and construction details of fire service line including the private 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. Hydrants shall be privately owned and maintained and shall be painted red.
- C.5.1.i. Streets – 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. On-site streets shall be privately owned and maintained.

The Project's utility connections, Developer shall use existing utility stubs. If the stubs are not present or additional utility connections

are required, the pavement restoration shall conform to C.8.1 of these Conditions.

Developer shall remove all existing driveways not proposed to be used by the project.

- 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 the twenty-four (24) feet wide to forty-six (46) feet wide [the width varies) 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 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. 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, if required, shall possess a fully executed Encroachment Permit. 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 Developer obtains the demolition permits for the existing structures.
- C.6.4 Developer completes the documents to file a lot merger to create one (1) resultant parcel.

C.7 Acceptance of Public Improvements

Public improvements will not be considered for City Council's acceptance until after the Developer demonstrates to the reasonable 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.
- 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 Survey Monuments – 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.
- C.8.6 If required, Developer shall design or purchase and then construct or install a storm water treatment device and shall be located entirely within private property. Said installation shall be in a manner that does not impose any additional downstream maintenance burdens to the City. Said design and construction methods shall be to the satisfaction of the City Engineer.

- C.8.7 Sidewalks to Right-of-Way Developer shall construct sidewalks that connect the private in-tract sidewalks to the sidewalks in the right-of-way. These sidewalks' grade, alignment, etc. shall be in a way that does not create excessively narrow areas that prevent the survival of plants. This condition shall be performed to City standards and to the satisfaction of the City.
  
- C.8.10 Developer may use the existing utility stubs and can replace the existing utility boxes with traffic rated utility boxes.