

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 20, 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 – 11/06/19

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 APPEAL TO THE APPROVAL OF A VARIANCE FOR A TWO-CAR, TANDEM GARAGE WITH THE CONSTRUCTION OF A SINGLE-FAMILY HOME AT 2482 ALTOGA AVENUE, APPLICATION (V19-0001) ASSESSOR'S PARCEL NUMBER 214-520-12. THE APPEAL APPLICANT IS RICHARD VANBEBBER AND THE PROPERTY OWNER IS HAJI ARIF
- B. PUBLIC HEARING TO CONSIDER A DEVELOPMENT REVIEW PERMIT FOR A PARKING LOT EXPANSION AT 2185 W. GRANT LINE ROAD - APPLICANT AND PROPERTY OWNERS ARE KAISER PERMANENTE. APPLICATION NUMBER IS D19-0026

2. DIRECTOR'S REPORT

3. ITEMS FROM THE COMMISSION

4. ADJOURNMENT

Posted: November 15, 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
NOVEMBER 6, 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 Commissioner Atwal, Commissioner Francis, Commissioner Wood, Vice Chair Hudson, and Chair Orcutt present. Also present were: Bianca Rodriguez, Deputy City Attorney; Bill Dean, Assistant Development Services Director; Scott Claar, Senior Planner; Al Gali, Associate Civil Engineer; and Gina Peace, Recording Secretary.

MINUTES

09/11/19; It was moved by Commissioner Wood and seconded by Chair Orcutt to approve the Planning Commission meeting minutes of September 11, 2019. Voice vote found Commissioner Wood, Vice Chair Hudson, and Chair Orcutt in favor; Commissioner Atwal and Commissioner Francis abstained, as they were not commissioners at the time of the 09/11/19 meeting; passed and so ordered, 3-0-0-2.

10/09/19; It was moved by Vice Chair Hudson and seconded by Commissioner Atwal to approve the Planning Commission meeting minutes of October 9, 2019. Voice vote found Commissioner Atwal, Commissioner Francis, and Chair Orcutt in favor; Vice Chair Hudson and Commissioner Wood abstained, as they were not in attendance at the 10/09/19 meeting; passed and so ordered, 3-0-0-2.

10/23/19; It was moved by Vice Chair Hudson and seconded by Commissioner Wood to approve the Planning Commission meeting minutes of October 23, 2019. Voice vote found Commissioner Atwal, Commissioner Francis, Commissioner Wood, and Vice Chair Hudson in favor; Chair Orcutt abstained, as he was not in attendance at the 10/23/19 meeting; passed and so ordered, 4-0-0-1.

DIRECTOR'S REPORT REGARDING THIS AGENDA

None.

ITEMS FROM THE AUDIENCE

None.

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

Scott Claar delivered the staff report.

Commission questions and discussion followed.

Chair Orcutt opened the public hearing at 7:15 p.m. Seeing as no one came forward, Chair Orcutt closed the public hearing.

Additional Commission questions and comments followed.

ACTION: It was moved by Vice Chair Hudson and seconded by Commissioner Atwal 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.

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

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

Scott Claar delivered the staff report.

Commission questions and discussion followed.

Chair Orcutt opened the public hearing at 7:28 p.m.

Mark Watrous-Heyliger, Applicant, addressed the Commission and thanked City staff.

Dino Margaros, 20 W. Eleventh Street, Executive Director of the Tracy City Center Association (TCCA), addressed the Commission regarding downtown parking. Mr. Margaros expressed his support of the proposed Project.

Chair Orcutt closed the public hearing at 7:34 p.m.

Additional Commission questions and discussion followed.

ACTION: It was moved by Commissioner Wood and seconded by Vice Chair Hudson to consider an Ordinance amending the Central Business District (CBD) zone to permit High Density Residential uses, including single-family dwellings, two-family

dwelling, and multi-family dwellings, and 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 – The applicant is Mark Watrous-Heyliger – Application Numbers ZA17-0003 and D16-0036.

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

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

None.

4. ITEMS FROM THE COMMISSION

Vice Chair Hudson inquired about traffic in Tracy, specifically along Corral Hollow Road. Bill Dean, Assistant Director of Development Services, responded that multiple staff members and engineers are working on a solution, and referenced the Roadway Master Plan. Mr. Dean suggested the Commission receive a presentation, as an information item, from the engineers when the Roadway Master Plan is complete.

5. ADJOURNMENT

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

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

Time: 7:53 p.m.

CHAIR

STAFF LIAISON

AGENDA ITEM 1.A

REQUEST

PUBLIC HEARING TO CONSIDER AN APPEAL TO THE APPROVAL OF A VARIANCE FOR A TWO-CAR, TANDEM GARAGE WITH THE CONSTRUCTION OF A SINGLE-FAMILY HOME AT 2482 ALTOGA AVENUE, APPLICATION (V19-0001) ASSESSOR'S PARCEL NUMBER 214-520-12. THE APPEAL APPLICANT IS RICHARD VANBEBBER AND THE PROPERTY OWNER IS HAJI ARIF.

DISCUSSION

Background

This request is to consider an appeal of the approval by the Development Services Director of a variance to allow a single-family home to be constructed with a two-car, end-to-end (tandem) garage in place of a two-car, side-by-side garage required by the off-street parking zoning regulations.

The project site is located at 2484 Altoga Avenue on the east side of Altoga Avenue, just north of Grant Line Road (Attachment A). The site is approximately 3,000 square feet, with site dimensions of 25-feet wide by 118-feet long (Attachment B). The property is located within the High Density Residential (HDR) zone, which allows single-family homes and requires 5-foot minimum side yards. Since the property is 25-feet wide and a two-car, side-by-side garage is required to have dimensions of at least 20-feet by 20-feet, the variance applicant would not be able to have a 20-foot wide garage and meet the HDR zone's minimum side yard requirement.

Development Services Director Public Hearing

On October 15, 2019, the Development Services Director conducted a public hearing to review the Project. Three residents attended and participated in the hearing. The public comments were primarily in regards to the design of the proposed structure: that it would not maintain the character of the neighborhood and there were privacy concerns regarding the two-story structure. The residents also discussed existing issues in the neighborhood including limited on-street parking, lack of sidewalks, and the illegal dumping of items along Colins Avenue. These concerns extend beyond the scope of this Project. The variance application is specifically related to the design of the garage for off-street parking.

Variance

Variances may be granted when existing conditions of a site inhibit the site from sharing the development rights of others in the same vicinity and zone. The Project is for a variance to allow a tandem garage in place of a side-by-side garage. The Tracy Municipal Code Section 10.08.3480 requires single-family homes to be constructed with two, non-tandem (in garage) parking spaces per unit. The Tracy Municipal Code also exempts single-family homes from Development Review. The site is zoned High Density Residential which permits a variety of housing types and supporting uses. Since the

Project is meeting all of the standards for the High Density Residential Zone, the variance approval only pertains to allowing a tandem garage and not to the design of the proposed single family home.

In accordance with Tracy Municipal Code Section 10.08.3660, before a variance may be granted, conditions for a variance must be evaluated and determined to be valid for the proposed project. Following is a discussion of the required conditions:

(a) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, including size, shape, topography, location, or surroundings;

The shape of the site is an extraordinary circumstance in that it is only 25 feet wide, which prohibits the applicant from meeting all of the zoning code standards, specifically the off-street parking requirement for a single-family home and the side yard minimums for the High Density Residential Zone, without a variance, effectively rendering the property unusable for its intended purpose.

(b) That such exceptional or extraordinary circumstances of the subject property are not due to any action of the applicant subsequent to the application of the zoning regulations contained in this chapter;

The shape of the site occurred before the applicant had any interest in the property and, therefore, is not due to any action of the property owner.

(c) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property in question;

The variance is necessary to allow the construction of a single-family home in the residential zone, within the single-family home neighborhood, in which it is located.

(d) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located; and

The HDR Zone permits a variety of housing types, including single-family homes. The proposed variance would enable the construction of a single-family home that would meet the purpose of the zone (HDR), is consistent with the surrounding neighborhood of single-family homes, and therefore is not detrimental to the public welfare.

(e) That the granting of such variance will not adversely affect the comprehensive General Plan.

The granting of this variance would allow the construction of a single-family home, at a site designated Residential High, where single-family homes are allowed and will not adversely affect the comprehensive General Plan.

In conclusion, all conditions required to grant a variance exist for the project site and therefore support the granting of the variance for a two-car tandem garage.

Appeal

On October 29, 2019, the applicant submitted a request to appeal the Development Services Director's decision on the Project to the Planning Commission (Attachment C).

Development Services Director Public Hearing

On October 15, 2019, the Development Services Director conducted a public hearing to review the Project. Three residents attended and participated in the hearing. The public comments were primarily in regards to the design of the proposed structure not maintaining the character of the neighborhood and privacy concerns with a two-story structure.

CEQA Documentation

The project is categorically exempt from the California Environmental Quality Act, pursuant to Guidelines Section 15303, residential structures of four units or less. In accordance with CEQA Guidelines, no further environmental assessment is required.

RECOMMENDATION

City staff recommends that the Planning Commission uphold the approval of the Project, a variance to allow a tandem garage, as indicated in the attached Planning Commission Resolution dated November 20, 2019.

RECOMMENDED MOTION

Move that the Planning Commission uphold the approval of the Project, a variance to allow a tandem garage, as indicated in the attached Planning Commission Resolution dated November 20, 2019.

Prepared by: Genevieve Federighi, Assistant Planner

Reviewed by: Alan Bell, Senior Planner

Approved by: Bill Dean, Development Services Assistant Director

ATTACHMENTS

Attachment A – Project Vicinity

Attachment B – Proposed Site Plan, Floor Plans, and Exterior Elevations

Attachment C – Appeal Letter

Attachment D – Resolution

Project Vicinity

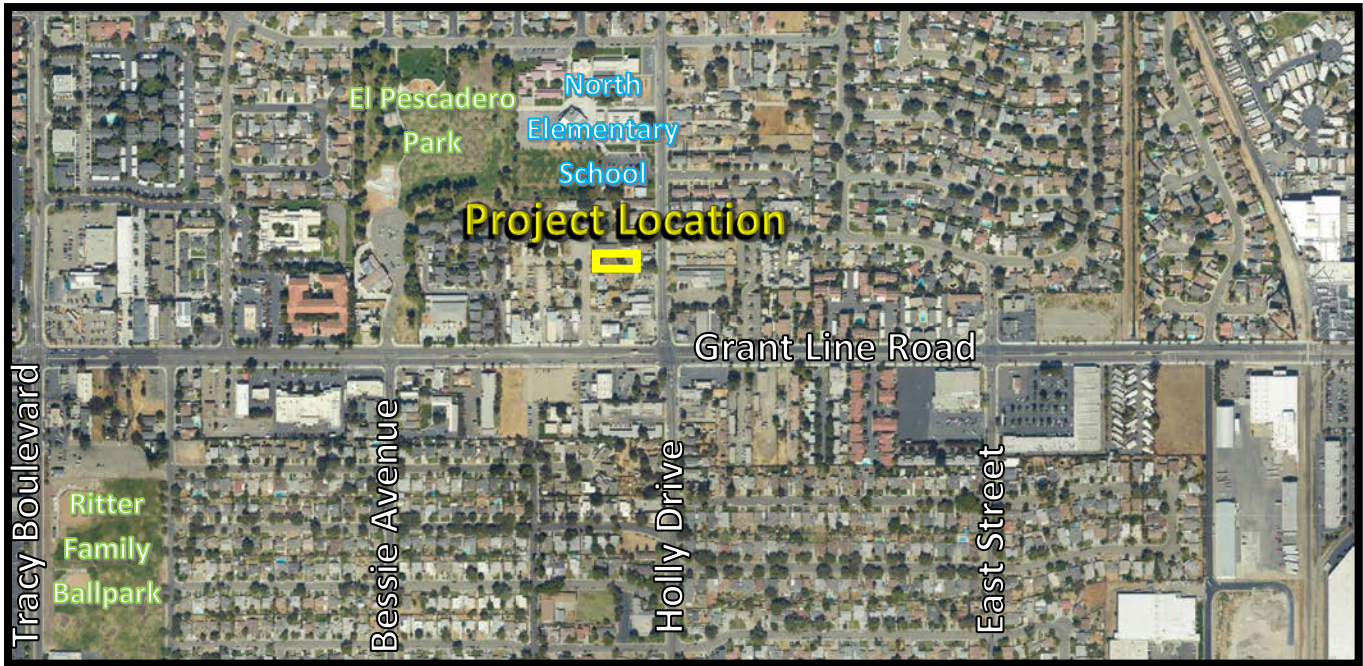
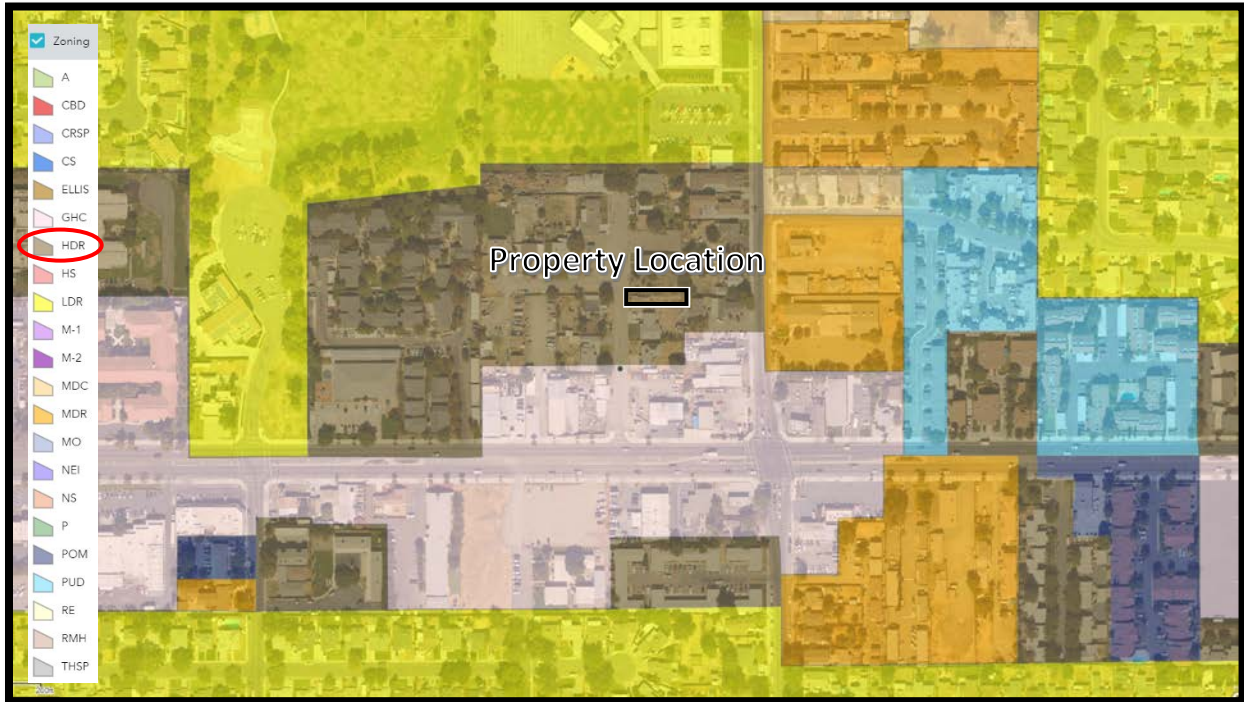


Figure 1. Small Scale Location Map

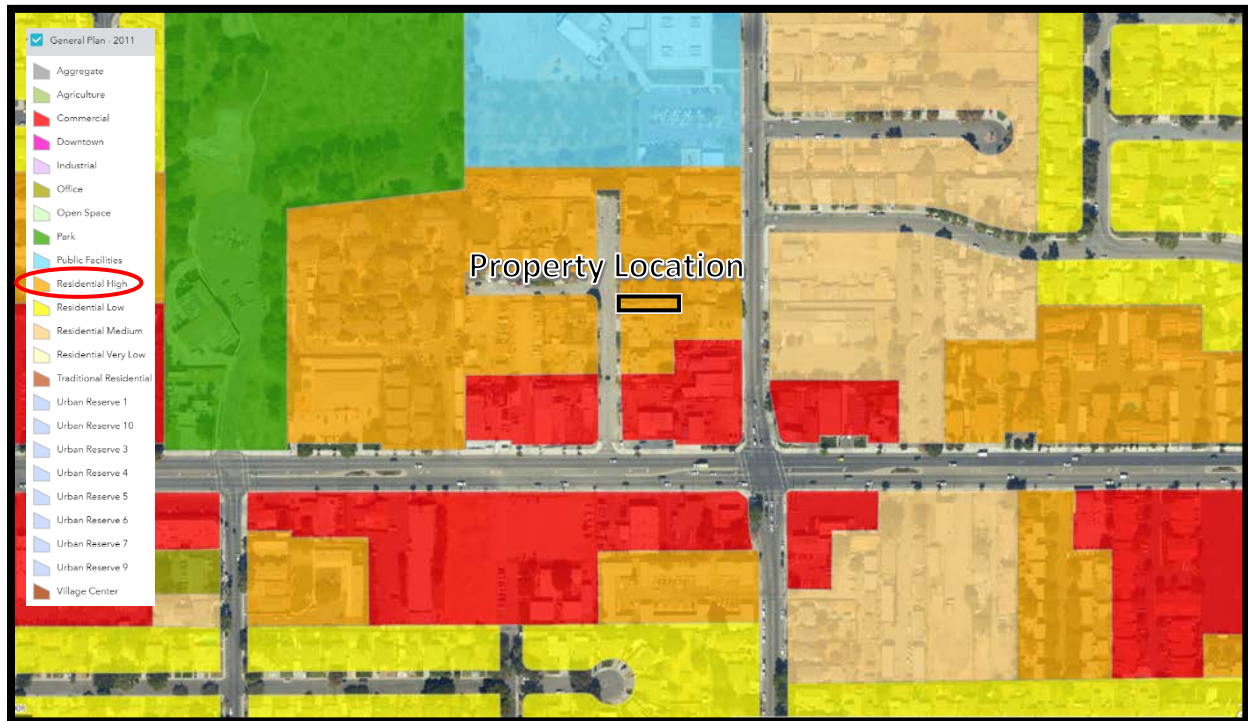


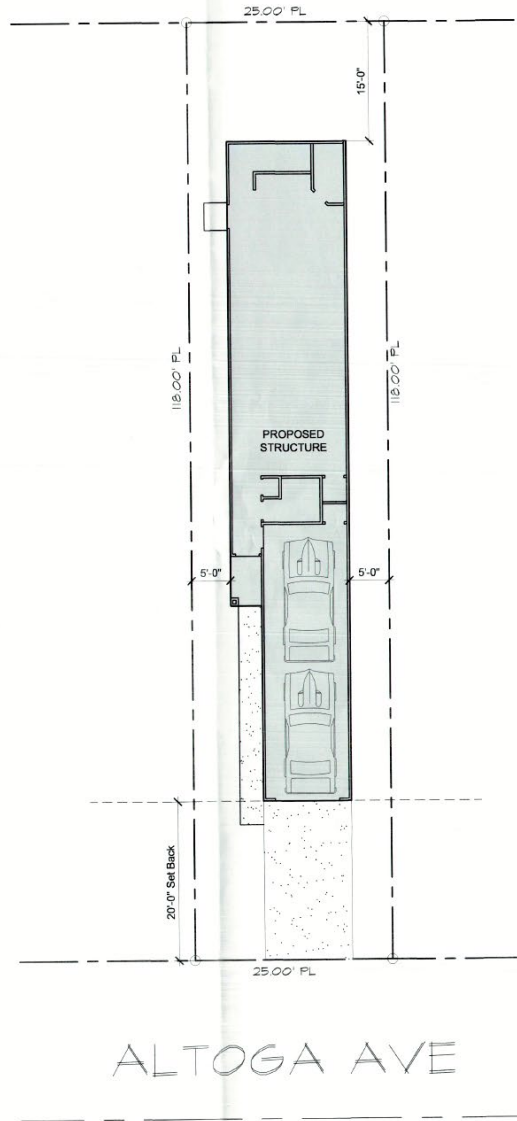
Figure 2. Large Scale Location Map

Zoning Map



General Plan Map





- COVERAGE FOOTAGE**
- 2950 SF EXISTING LOT SIZE
 - 1146 SF STRUCTURE
 - 38.84% BUILDING COVERAGE

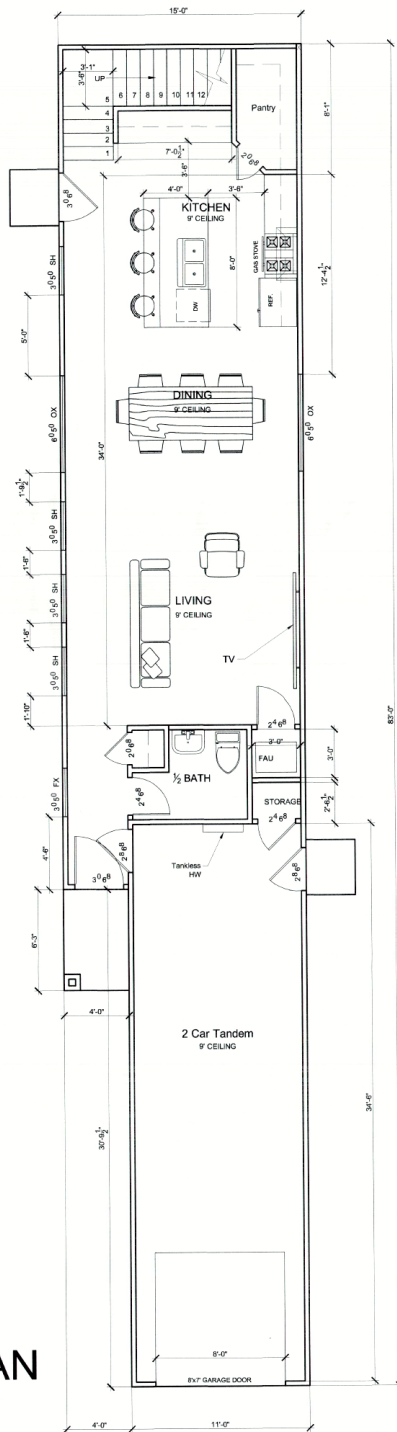


SITE PLAN

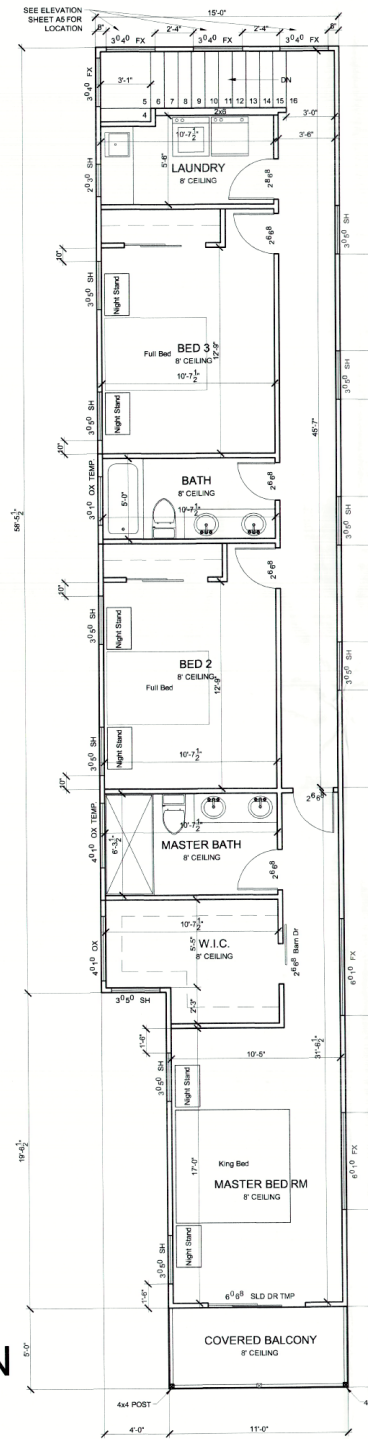
SCALE 1"=10'

Reduction of plans, not to scale

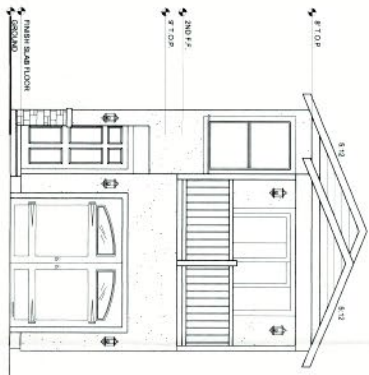
1ST LEVEL 729SF
FLOOR PLAN
 SCALE 1/4" = 1'-0"



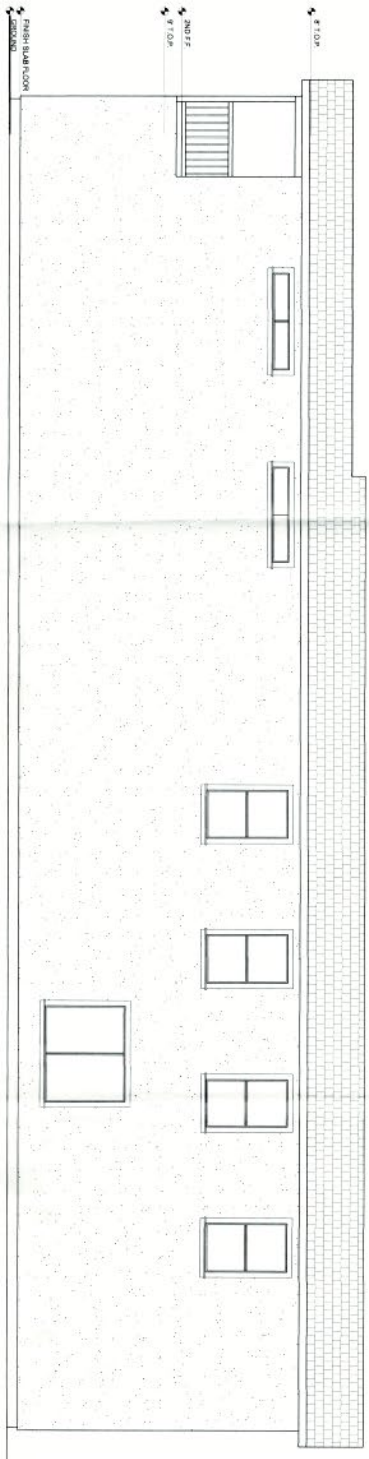
2ND LEVEL 1045 SF
FLOOR PLAN
 SCALE 1/4" = 1'-0"



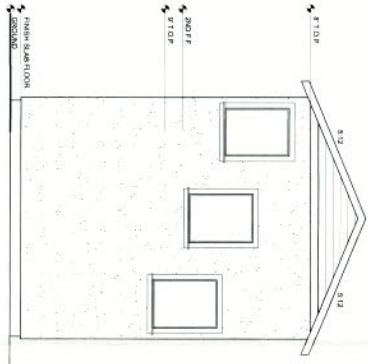
Reduction of plans, not to scale



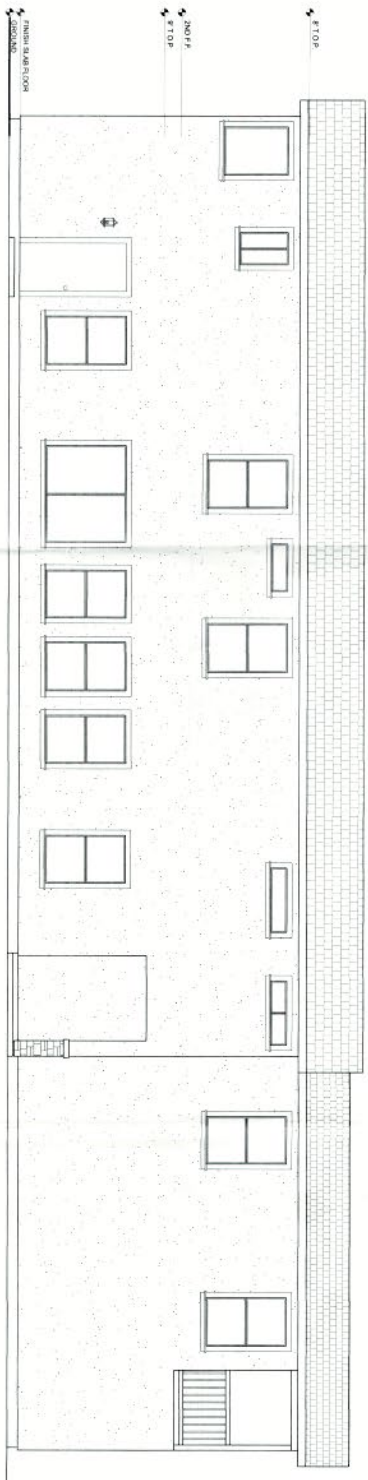
FRONT ELEVATION
SCALE 1/4" = 1'-0"



RIGHT ELEVATION
SCALE 1/4" = 1'-0"



REAR ELEVATION
SCALE 1/4" = 1'-0"



LEFT ELEVATION
SCALE 1/4" = 1'-0"

Reduction of plans, not to scale

RECEIVED

OCT 29 2019

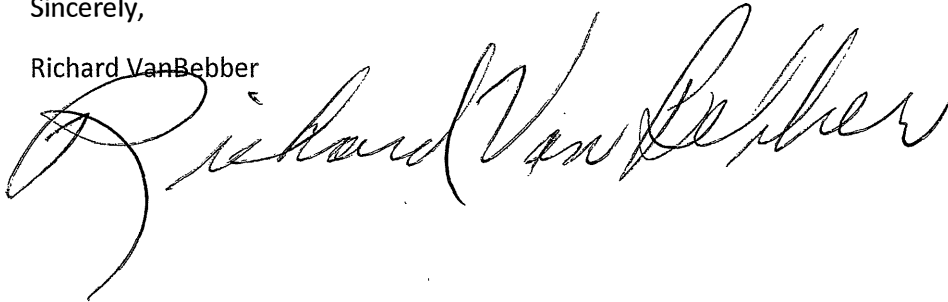
Attention City of Tracy,
(Planning Commission)

CITY OF TRACY
PLANNING COMMISSION

I am sending this letter to appeal the decision to approve the residential structure to be built on 2484 Altoga Ave. Our neighborhood has many concerns about this decision. The new structure will not match the track of homes that already exist in the neighborhood. The structure is too big for the lot size which will create an eyesore in the neighborhood. This will bring the house value down for the existing residents. Please take into consideration your decision in allowing this structure to be built. Thank you for your time.

Sincerely,

Richard VanBebber

A handwritten signature in cursive script that reads "Richard VanBebber". The signature is written in black ink and is positioned below the typed name.

RESOLUTION 2019-_____

UPHOLDING THE APPROVAL OF A VARIANCE FOR A TWO-CAR, TANDEM GARAGE, APPLICATION NUMBER V19-0001 LOCATED AT 2482 ALTOGA AVENUE FOR A SINGLE-FAMILY DWELLING UNIT, ASSESSOR'S PARCEL NUMBER 214-520-12

WHEREAS, On September 05, 2019, Shafique Ahmid, submitted Variance Application Number V19-0001 to allow a single-wide, two-car, tandem garage for a single-family home in place of a side-by-side garage required by Tracy Municipal Code Section 10.08.3480, and

WHEREAS, The approximately 25-foot wide subject property is located at 2482 Altoga Avenue, Assessor's Parcel Number 214-520-12, and

WHEREAS, The Project is categorically exempt from California Environmental Quality Act requirements under Guidelines Section 15303, pertaining to residential structures, and

WHEREAS, On October 15, 2019, the Development Services Director conducted a public hearing and approved the Project, and

WHEREAS, On October 29, 2019, Richard VanBebber appealed the Development Services Director's decision to the Planning Commission, and

WHEREAS, On November 20, 2019, the Planning Commission conducted a public hearing to review and consider the Project;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission of the City of Tracy hereby approves Variance Application Number V19-0001 for a single-family dwelling unit to be constructed with a two-car, tandem garage in place of a two-car side-by-side garage located at 2482 Altoga Avenue (Assessor's Parcel Number 214-520-12), subject to the following conditions contained in Exhibit 1 and based on the following findings:

Conditions:

1. Except as otherwise modified herein, all construction shall be consistent with the plans received by the Development Services Department on September 05, 2019.
2. Prior to occupancy, the Applicant shall obtain all required permits in compliance with the California Building Code to the satisfaction of the Building Official.
3. Prior to the issuance of a building permit, the applicant shall submit building permit plans that indicate the garage dimensions are at least ten-feet wide by forty-feet long.

Findings:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, including size, shape, topography, location, or surroundings.

The subject property is an existing parcel that is 25-feet wide. The Tracy Municipal Code requires a two-car, side-by-side garage that would result in a 20-by-20 foot structure. The

variance allows a tandem garage, proposed to be 11 feet wide, which allows the structure to meet the required side-yard setbacks of the High Density Residential Zone.

2. Such exceptional or extraordinary circumstances of the subject property are not due to any action of the applicant subsequent to the application of the zoning regulations contained in this chapter.

The property's size, shape, topography, and surroundings were created years before the owner obtained an interest in the property and are not due to any action of the applicant.

3. Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone and denied to the property in question.

The variance will allow the owner to construct one new, single-family residence on the property and park vehicles off-street without creating excessive vehicle storage or on-street parking impacts to the neighborhood. The new house is meeting all other standards of the High Density Residential Zone including density, minimum yards, and lot coverage.

4. The granting of such variance will not be detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.

The construction of one single-family residence on this property with a tandem garage will not be detrimental to the public welfare because the property is still providing the two required, enclosed covered parking spaces and a 20-foot deep driveway to provide adequate space for automobile parking on the property.

5. The granting of such variance will not adversely affect the comprehensive General Plan.

Construction of a new house with a tandem garage on this property will not adversely affect the General Plan because the single-family residential use is consistent with the General Plan land use designation (Residential High) and because a single-family residence operating consistently with City standards will not violate transportation, air quality, housing, public utilities or other policies of the General Plan.

* * * * *

The foregoing Resolution 2019-_____ was adopted by the Planning Commission of the City of Tracy on the 20th day of November, 2019, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

AGENDA ITEM 1.B

REQUEST

PUBLIC HEARING TO CONSIDER A DEVELOPMENT REVIEW PERMIT FOR A PARKING LOT EXPANSION AT 2185 W. GRANT LINE ROAD - APPLICANT AND PROPERTY OWNERS ARE KAISER PERMANENTE. APPLICATION NUMBER IS D19-0026

DISCUSSION

Project Description

In 2003, the Planning Commission approved Development Review Application Number 1-03-D for the Kaiser medical office building and associated parking area. The applicant is requesting a permit to enlarge the existing parking area to provide additional parking to their facility.

The subject site is designated Office by the General Plan and zoned General Highway Commercial, under which the use is permitted. Because the Project is located on a site within 500 feet of the I-205 freeway, the Project is a Tier 2 development review permit application subject to Planning Commission review in accordance with Tracy Municipal Code (TMC) Section 10.08.3950.

Separate but related was an application to amend the Tracy Municipal Code off-street parking landscaping ordinance to exempt parking areas with solar panel carports from certain canopy tree shading requirements, which the Planning Commission discussed in a public hearing on September 11, 2019. The ordinance amendment was adopted by the City Council and will be effective on December 5, 2019. The applicant has indicated to City staff that Kaiser will submit a development review permit application in the future for the construction of solar panel carports in their existing parking lot. According to the applicant, Kaiser does not have plans to install solar panel carports in the proposed parking lot expansion area at this time.

Project Analysis

The project site contains an existing medical office facility (Kaiser) on the western portion of the project site. According to the applicant, Kaiser intends to develop a second phase of the medical office facility on the eastern portion of the site in the future. Today, the applicant wishes to construct an additional 139 parking spaces that will serve the existing medical office facility. The proposed parking area is approximately 1.6 acres in size, will be located on the southeast corner of the site, and will include landscaping, lighting, and stormwater quality management as required by the Tracy Municipal Code.

Circulation and Connectivity

The City endeavors to create opportunities for high levels of connectivity throughout the city. To this end, the City has been working on the development of a public access road through the parcels located between Grant Line Road and the recently constructed Kavanagh Court. To accomplish this, public access easements need to be recorded on these properties as they develop, such that overtime, the private roadway will be

realized. Such reciprocal access is common as commercial and office sites develop. The recently approved Home2Suites project was the first property in this area to participate in this endeavor.

Currently, the Kaiser site is accessed through the existing private road commonly referred to as Orchard Parkway/Joe Pombo Parkway, which connects to Grant Line Road. Recognizing that the Kaiser property could further the City's connectivity goals, staff recommends that public access easements be recorded and paved on the Kaiser property that would connect to the planned public access road discussed above. This would result in public vehicular access from Grant Line Road through to the recently constructed Kavanagh Court. This will also grant access to an approximately 0.74-acre landlocked parcel located at 2115 W. Grant Line Road owned by the Naglee Burk Irrigation District (NBID).

Environmental Document

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

RECOMMENDATION

Staff recommends the Planning Commission approve a development review permit for a parking lot expansion to serve an existing medical office facility located at 2185 W. Grant Line Road, based on the findings contained in the Planning Commission Resolution dated November 20, 2019.

SUGGESTED MOTION

Move that the Planning Commission approve a development review permit for a parking lot expansion to serve an existing medical office facility located at 2185 W. Grant Line Road, based on the findings contained in the Planning Commission Resolution dated November 20, 2019.

Prepared by: Kimberly Matlock, Associate Planner

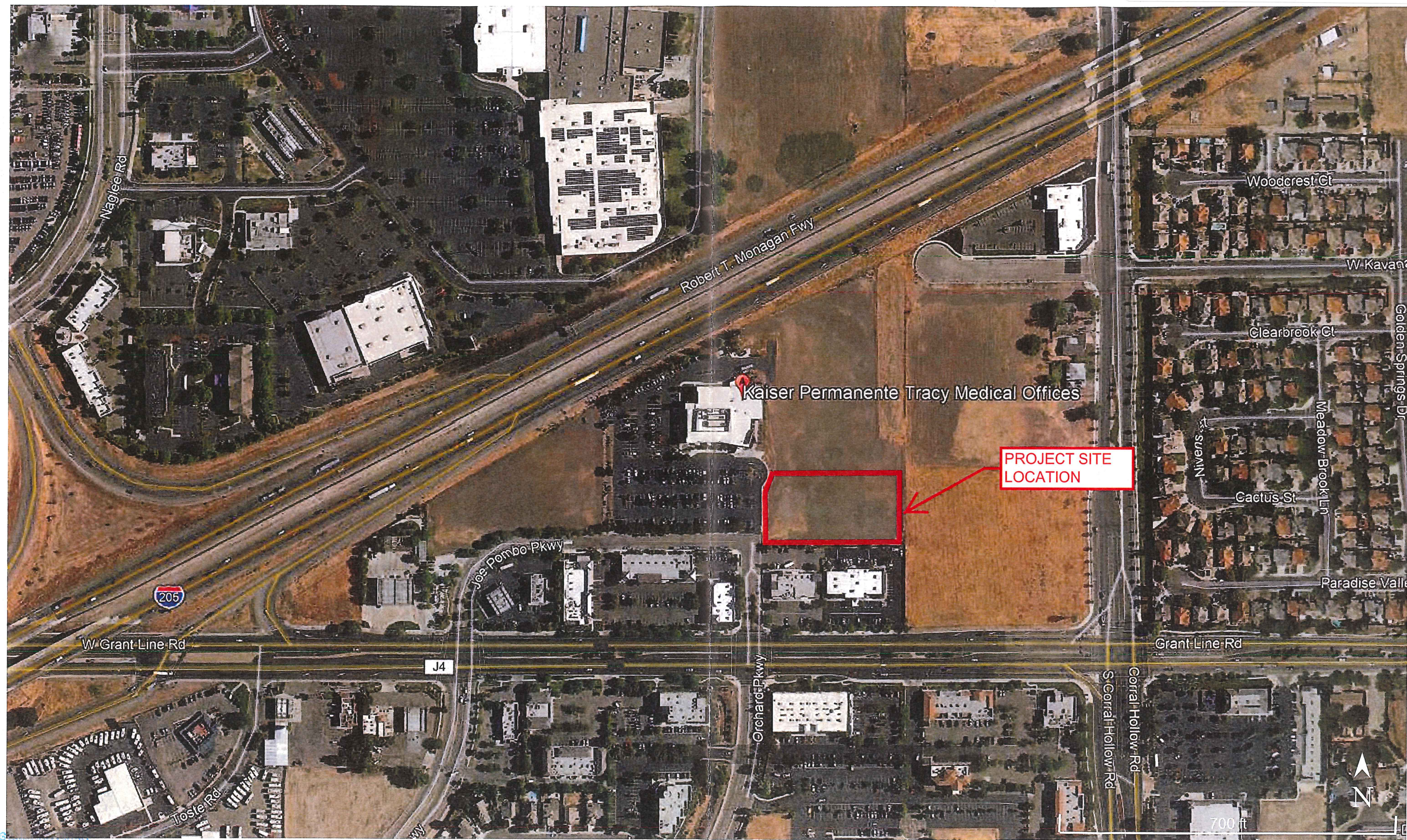
Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENTS

Attachment A – Location Map

Attachment B – Site Plans, Civil Plans, and Landscape Plans dated received on November 12, 2019 (Oversized)

Attachment C – Planning Commission Resolution



ATTACHMENT B

Site Plans, Civil Plans, and Landscape Plans

dated received on November 12, 2019

Provided under separate cover

RESOLUTION 2019-_____

APPROVING A DEVELOPMENT REVIEW PERMIT FOR A PARKING LOT EXPANSION AT 2185 W. GRANT LINE ROAD - APPLICANT AND PROPERTY OWNERS ARE KAISER PERMANENTE. APPLICATION NUMBER IS D19-0026

WHEREAS, In 2003, the Planning Commission approved Development Review Application Number 1-03-D for the Kaiser medical office building and associated parking area on the western portion of the property located at 2185 W. Grant Line Road, and

WHEREAS, On August 9, 2019, the applicant submitted a Development Review Permit application for an expansion of the parking area with associated landscaping, lighting, and stormwater quality management, and

WHEREAS, The proposed expansion requires a Tier 2 Development Review Permit for the construction of new improvements, and

WHEREAS, The Project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15332, pertaining to infill development, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the application on November 20, 2019;

NOW, THEREFORE BE IT RESOLVED, The Planning Commission of the City of Tracy does hereby approve a Development Review Permit for a parking lot expansion to serve an existing medical office facility located at 2185 W. Grant Line Road, Application Number D19-0026, subject to the conditions contained in Exhibit 1 to this Resolution and based on the findings below.

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 proposed project is an expansion of the parking lot that serves an existing medical office facility. The Project will provide additional parking spaces for employees and customers of the site. Furthermore, to increase connectivity amongst properties in the area, the site is conditioned to provide access easements to nearby sites.
2. The proposal, as conditioned, conforms to the Tracy Municipal Code, the City of Tracy General Plan, the Citywide Design Goals and Standards, applicable City Standards, California Building Codes, and California Fire Codes. The parking lot expansion is a permitted use as it is accessory to the existing medical office facility. The parking area will be constructed with good through circulation, lighting, landscaping, and stormwater quality management as required by the Tracy Municipal Code.

* * * * *

The foregoing Resolution 2019-_____ was adopted by the Planning Commission on the 20th 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
Conditions of Approval
Kaiser Permanente Parking Lot Expansion
Application Number D19-0026
November 20, 2019

A. General Provisions and Definitions.

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

The Project: A parking lot expansion with associated landscaping to serve an existing medical office facility

The Property: An approximately 1.6-acre project site located at 2185 W. Grant Line Road, Assessor's Parcel Number 214-020-29

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project, Application Number D19-0026. The Conditions of Approval shall specifically include all conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the plans received by the Development Services Department on November 12, 2019, which include the site, civil, and landscape plans.

A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check

fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.

- A.5. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
 - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
 - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
 - California State Title 24 and Title 19
- A.6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.
- A.7. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

B. Development Services Department, Planning Division Conditions

Contact: Kimberly Matlock (209) 831-6430 Kimberly.Matlock@cityoftracy.org

- B.1. Drive aisles. Before approval of a building permit, the applicant shall submit plans that demonstrate all access easements are paved and accessible by vehicles to the satisfaction of the Development Services Director. Drive aisles that are not yet connected for through circulation shall be provided with a vehicular barrier to the satisfaction of the Development Services Director.
- B.2. Parking area. Before the approval of a building permit, the applicant shall submit the following to the satisfaction of the Development Services Director:
- B.2.1 Site plans and construction details that demonstrate 12-inch wide concrete curbs along the perimeter of landscape planters where such planters are parallel and adjacent to vehicular parking spaces to provide access to vehicles without stepping into the landscape planters.
- B.2.2 Detailed plans that demonstrate the parking stalls are striped in accordance with Standard Plan 154.

- B.2.3 Detailed plans that demonstrate sidewalk, landscape planters, and bio-retention areas perpendicular to parking stalls overhang up to 24 inches into the parking stall in place of wheel stops where feasible. Any landscape planter overhang may not be double-counted toward the required amount of parking area landscaping.
- B.3. Landscaping & irrigation. Before the approval of a building permit, the applicant shall provide detailed landscape and irrigation plans consistent with the following to the satisfaction of the Development Services Director:
 - B.3.1. Said plans shall demonstrate compliance with the Tracy Municipal Code Section 10.08.3560 for parking area landscaping. Said plans shall include a planting legend indicating, at minimum, the quantity, planting size, and height and width at maturity.
 - B.3.2. Each planter shall contain a combination of trees, shrubs, and groundcover. No planter area shall be comprised of solely of mulch or rock.
 - B.3.3. Trees shall be a minimum of 24" box size, shrubs shall be a minimum size of 5 gallon, and groundcover shall be a minimum size of 1 gallon at planting.
 - B.3.4. Where trees are planted ten feet or less from a sidewalk or curb, root barriers dimensioned 8 feet long by 24 inches deep shall be provided adjacent to such sidewalk and curb, centered on the tree.
 - B.3.5. Landscape & Irrigation Maintenance. Prior to the issuance of a building permit, the Developer shall execute a two-year landscape and irrigation maintenance agreement and submit financial security, such as a performance bond, to ensure the success of all on-site landscaping for the term of the agreement. The security amount shall be equal to \$2.50 per square foot of the landscaped area or equal to the actual labor and material installation cost of all on-site landscaping and irrigation.
- B.4. Fencing. No chain link, barbed wire, razor wire, integrated corrugated metal, electronically charged or plain exposed plastic concrete/PCC fences, vinyl slats, and woven fabric are permitted to be used on site.
- B.5. Lighting.
 - B.5.1 Before the issuance of a building permit, the applicant shall submit detailed plans that demonstrate a minimum of one-foot candle throughout the parking area as defined in TMC Section 10.08.3450.
 - B.5.2 Pole footings in traffic areas shall be designed and installed to protect the light standard from potential vehicular damage. The location of light fixtures shall not obstruct circulation paths nor conflict with tree plantings.
 - B.5.3 Before final inspection, all lighting fixtures shall be fully shielded with cut-off fixtures so that there is no glare emitted onto adjacent properties or above the lowest part of the fixture.
- B.6. Habitat conservation. Prior to issuance of any permits for ground disturbance, the applicant shall comply with the San Joaquin County Habitat Conservation Division and

a signed copy of the Incidental Take Minimization Measures shall be submitted to the City as verification of compliance.

C. Development Services Department, Engineering Division Conditions

Contacts: Majeed Mohamed (209) 831-6425 Majeed.Mohamed@cityoftracy.org

C.1. General Conditions

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

1) 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 and these Conditions of Approvals.

C.4.2 Developer has obtained the approval (i.e. recorded easements for slopes, drainage, utilities, access, parking, etc.) of all other public agencies and/or private entities with jurisdiction over the required public and/or private facilities and/or property. Written permission from affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit.

C.4.3 Developer has obtained a demolition permit to remove any existing structure located within the project's limits.

C.4.4 All existing on-site water well(s), septic system(s), and leech field(s), if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s), septic system(s), and leech field(s) including the cost of permit(s) and inspection. Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.

- C.4.5 The Improvement Plans for all improvements to serve the Project (on-site and off-site) including the Grading and Drainage Plans shall be prepared in accordance with the City's Subdivision Ordinance (TMC Chapter 12.36), City Design Documents as defined in Title 12 of the TMC, and these Conditions of Approval.
- C.4.6 On-site Grading/Drainage Plans and Improvement Plans shall be prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick polyester film (mylar). These plans shall use the City's Title Block. Improvement Plans shall be prepared under the supervision of, stamped and signed by a Registered Civil Engineer and Registered Geotechnical Engineer. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by the Fire Marshal prior to submitting the mylars to Engineering Division for City Engineer's signature. Erosion control measures shall be implemented in accordance with the Improvement Plans approved by the City Engineer for all grading work. All grading work not completed before October 15 may be subject to additional requirements as applicable. Improvement Plans shall specify all proposed erosion control methods and construction details to be employed and specify materials to be used during and after the construction.
- C.4.7 Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.
- C.4.8 For Projects on property larger than one (1) acre: Prior to the issuance of the Grading Permit, Developer shall submit to the Utilities Department (stephanie.hiestand@cityoftracy.org) 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) one (1) electronic copy and 1 hard copy of the City of Tracy Erosion and Sediment Control Plan (ESCP) for approval. Cost of preparing the ESCP including any annual storm drainage fees shall be paid by the Developer. Developer shall comply with all the requirements of the ESCP, applicable BMPs and the Post-Construction Stormwater Standards adopted by the City in 2015 and any subsequent amendment(s).

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

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

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

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

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

- C.4.11 Developer shall provide a copy of the approved Incidental Take Minimization Measures (ITMM) habitat survey [San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)] from San Joaquin Council of Governments (SJCOG).

- C.4.12 Developer shall provide a copy of the approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) from San Joaquin Valley Air Pollution Control District (SJVAPCD).
- C.4.13 Developer shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, are required to remain to serve existing adjacent agricultural uses, the Developer will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Developer.
- C.4.14 If the Project contains overhead utilities, the Developer shall underground existing overhead utilities such as electric, TV cable, telephone, and others. Each dry utility shall be installed at the location approved by the respective owner(s) of dry utility and the Developer shall coordinate such activities with each utility owner. All costs associated with the undergrounding shall be the sole responsibility of the Developer and no reimbursement will be due from the City. Developer shall submit undergrounding plans.
- C.4.15 If at any point during grading that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.
- C.4.16 Developer shall redesign the parking lot in such a way that it conforms to these Conditions of Approvals and Developer has the option to relocate, or adjust the dimensions of the storm water quality basin as needed.

C.5. Improvement Agreement(s)

All construction activity involving public improvements will require a fully executed improvement agreement (Off-site, Subdivision, and/or Inspection). Any construction activity involving public improvements without a fully executed improvement agreement is prohibited. All public improvements shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Civil Engineer. The City will not start writing any improvement agreement or schedule any improvement agreement to be approved by City Council for the Project until the Developer provides all documents related to said improvements required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.5.1. 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 private easement 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 private easement 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 parking lot property and shall be at least off-set from the private easement by one (1) foot.

Developer shall remove existing 18-inch storm drain pipe that runs north/south along Orchard Parkway from project site and connects to the existing 72-inch storm drain that runs east/west along Grant Line Road. Developer shall install a 24-inch storm drain pipe per the City's Design Documents. The pipe in the public right-of-way will be RCP (re-enforced concrete pipe). Initiation of this condition shall be in concurrence with Grading Permit release and said storm drain line shall be ready to accept storm water flow on the same day as the new parking lot's asphalt concrete paving.

- 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.
- 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.

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.

Developer shall utilize existing utility stubs for the project's utility connections. If the stubs are not present or additional utility connections are required, the pavement restoration shall conform to C.8.1 of these Conditions.

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 or any subsequently adopted fee at the time of that fee's payment. Developer shall submit payment in the form of a check for the aforementioned fees.

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

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

needed to provide safe and functional access shall be borne by the Developer.

- C.5.6. No street trench shall be left open, uncovered, and/or unprotected during night hours and when the Developer's contractor is not performing construction activities. Appropriate signs and barricades shall be installed on the street and on all trenches during such times. If the Developer or its contractor elects to use steel plates to cover street trenches, said steel plates will be skid-resistance, and shall be ramped on all sides. Ramps will be a minimum two-foot wide and will run the entire length of each side.
- C.5.7. If at any point during utility installation or construction in general that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.
- C.5.8. RESERVED
- C.5.9. Off-site Public Improvements - Prior to the Developer commencing construction of off-site public improvements, Developer shall possess a fully executed Off-site Improvement Agreement (OIA). Developer shall also complete all of the following requirements to the satisfaction of the City Engineer:

Developer has received City signed improvement plans.

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

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

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

C.6. Building Permit

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

- C.6.1 Developer has completed all requirements set forth in Condition C.1, through C.5, above.

- C.6.2 Developer pays the applicable development impact fees as required in the TMC, these Conditions of Approval, and City Regulations.

C.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. Developer shall also provide the Project's CADD files to the City.
- C.7.5 Developer shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements along the frontage of the Project, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.
- C.7.6 Developer has completed the ninety (90) day public landscaping maintenance period.
- C.7.7 Per Section 21107.5 of the California Vehicle Code, Developer shall install signs at all entrance(s) of the Project stating that the streets are privately owned and maintained and are not subject to the public traffic regulations or control. Said signs must be conspicuously placed, plainly visible, and legible during daylight hours from a distance of one hundred (100) feet.
- C.7.8 Release of Improvement Security – Release of improvement security shall be in accordance with the requirements of Title 12 of the TMC. Monumentation Bond will be released to the Developer after City Council's acceptance of the public improvements and if the Developer meets the terms set in Section

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

C.8 Special Conditions

- C.8.1 When street cuts are made for the installation of utilities, the Developer shall conform to Section 3.14 of the 2008 Design Standards and is required install a two (2) inch thick asphalt concrete (AC) overlay with reinforcing fabric at least twenty-five (25) feet from all sides of each utility trench. A two (2) inch deep grind on the existing AC pavement will be required where the AC overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. This pavement repair requirement is when cuts/trenches are perpendicular and parallel to the street's direction. Any damage to existing traffic signal detection loops as a result of the Asphalt Concrete grind shall be repaired and/or replaced at the expense of the Developer.
- 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. 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 Per City of Tracy Design Standards Section 3.05(C), the final lift of asphalt concrete shall be placed prior to acceptance.

- C.8.7 Developer shall provide a paved [finished surface of Asphalt Concrete] public access easement (paved PAE) that would allow the public to travel from Orchard Court/Joe Pombo Parkway to the Naglee-Burke Irrigation District parcel. The paved PAE shall also be a reciprocal access and parking easement among the abutting parcels. The paved PAE's alignment, cross-section, and pavement section shall be to the satisfaction of the City Engineer. The paved PAE's general alignment shall be as follows:
- 1) Along the southerly drive aisle that runs east/west from the southerly driveway fronting Orchard Parkway to the easterly property line. This portion of the paved PAE shall be 26-feet wide. At the easterly property boundary, Developer should install a temporary vehicular barrier.
 - 2) Along the easterly property line from the southerly property line to the Naglee-Burke Irrigation District parcel. This portion of the paved PAE can function as a north/south drive aisle. This portion of the paved PAE shall be 20-feet wide.
- C.8.8 Developer shall dedicate a paved public access easement (paved PAE) to the City of Tracy and said paved PAE will be recorded on the same day as the new parking lot's asphalt concrete paving.

D. Utilities Department, Water Resources Division Conditions

Contact: Stephanie Hiestand (209) 831-6333 Stephanie.Hiestand@cityoftracy.org

- D.1. Stormwater Quality. The Project applicant shall submit a Project Stormwater Plan and information to complete the Stormwater Maintenance Agreement at construction document submittals.
- D.2. Water Efficiency. The Project applicant shall submit the WELO Landscape Document Package at time of construction document submittal.

E. Development Services Department, Building & Fire Safety Conditions

Contact: Kevin Jorgensen (209) 831-6415 Kevin.Jorgensen@cityoftracy.org

- E.1. Prior to permit issuance for the parking lot expansion, applicant shall submit for review construction documents, plans, specifications and/or calculations to the Building Safety Division, which meet all requirements of Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable.
- E.2. Prior to permit issuance for the parking lot expansion, applicant shall submit construction drawings to the South San Joaquin County Fire Authority for review and approval.