

NOTICE OF A REGULAR MEETING

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

Date/Time: Wednesday, January 22, 2020
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 – 12/04/19

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 APPROVAL OF A TENTATIVE SUBDIVISION MAP FOR WEST PARKWAY VILLAGE, CONSISTING OF 14 PARCELS ON APPROXIMATELY 17.6 ACRES, LOCATED ON THE SOUTHEAST CORNER OF INTERSTATE 205 AND INTERNATIONAL PARKWAY, ASSESSOR PARCEL NUMBER 209-460-35. THE APPLICANT IS DREW MICKEL. THE PROPERTY OWNER IS R&B DELTA II LLC. APPLICATION NUMBER TSM18-0002

2. DIRECTOR'S REPORT

3. ITEMS FROM THE COMMISSION

4. ADJOURNMENT

Posted: January 16, 2020

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
December 4, 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; Kenny Lipich, Assistant Planner; and Paula Venegas, Recording Secretary.

MINUTES

11/20/19; it was moved by Commissioner Wood and seconded by Chair Hudson to approve the Planning Commission meeting minutes of November 20, 2019. Voice vote found all in favor, 5-0-0-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

Bill Dean addressed Southgate, a project which was noticed for Planning Commission in error. He noted that the item will be heard on Tuesday, December 10, 2019 at an Administrative Hearing at City Hall in accordance with the Tracy Municipal Code.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

A. PUBLIC HEARING TO CONSIDER APPROVAL OF A DEVELOPMENT REVIEW PERMIT FOR EXTERIOR MODIFICATIONS TO FAIRFIELD INN AT 2410 NAGLEE ROAD – APPLICANT IS DANIEL SAVAGE AND PROPERTY OWNER IS TRACY MALL PARTNERS LP – APPLICATION NUMBER D19-0008

Kenny Lipich delivered the staff report.

There were no comments from the Commission

Chair Orcutt opened the public hearing at 7:04 p.m.

There was no public comment, therefore Chair Orcutt closed the public hearing at 7:05 p.m.

ACTION: It was moved by Vice Chair Hudson and seconded by Commissioner Wood that the Planning Commission approve a development review permit for exterior modifications to Fairfield Inn at 2410 Naglee Road –application number D19-0008.

A voice vote found all in favor; 5-0-0-0; passed and so ordered.

B. CONDUCT A SCOPING MEETING TO OBTAIN COMMENTS FROM PUBLIC AGENCIES OR OTHER INTERESTED PARTIES REGARDING ISSUES TO BE ANALYZED IN THE WESTSIDE SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT – APPLICATION NUMBER SPA19-0001

Bill Dean delivered the staff report.

The Commission had questions regarding the plan. Mr. Dean replied to the questions.

Chair Orcutt opened the public hearing at 7:16 p.m.

Patrick Lewis, 450 W. Larch Rd., addressed the Commission with concerns of new housing developments and traffic.

Wendy Tochini, 23389 Currier Dr., addressed the Commission with concerns of additional residential development.

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

Additional Commission and staff discussion followed.

ACTION: No Action was required.

C. ITEMS FROM THE AUDIENCE

None.

D. DIRECTOR'S REPORT

E. ITEMS FROM THE COMMISSION

None.

F. 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: 7:39 p.m.

CHAIR

STAFF LIAISON

AGENDA ITEM 1.A

REQUEST

PUBLIC HEARING TO CONSIDER APPROVAL OF A TENTATIVE SUBDIVISION MAP FOR WEST PARKWAY VILLAGE, CONSISTING OF 14 PARCELS ON APPROXIMATELY 17.6 ACRES, LOCATED ON THE SOUTHEAST CORNER OF INTERSTATE 205 AND INTERNATIONAL PARKWAY, ASSESSOR PARCEL NUMBER 209-460-35. THE APPLICANT IS DREW MICKEL. THE PROPERTY OWNER IS R&B DELTA II LLC. APPLICATION NUMBER TSM18-0002

DISCUSSION

Tentative Subdivision Map

Reynold & Browns has proposed a Tentative Subdivision Map for 14 parcels within the Cordes Ranch Specific Plan area, identified as West Parkway Village. The subject property consists of approximately 17.6 acres located on the southeast corner of Interstate 205 and International Parkway, Assessor Parcel Number 209-460-35 (Attachment A: Location Map). The proposal is to subdivide the 17.6-acre site into 14 parcels, ranging in size from approximately 32,000 square feet to 85,000 square feet (Attachment B: Tentative Subdivision Map).

The subject property is designated Commercial by the General Plan and General Commercial by the Cordes Ranch Specific Plan. The site is planned as a retail commercial center with uses such as restaurants, retail stores, a fitness club, a hotel, and a gas station. The conceptual grading plan and utility plan include a conceptual layout of potential building locations for illustrative purposes, but such details are conceptual only. A Development Review Permit will be required prior to any development of the site. All site improvements, including building design, building location, parking area, drive aisles, pedestrian paths, and landscaping shall be subject to review and approval through the Development Review Permit process. For any project located on this site that is within 500 feet of I-205, the Planning Commission shall have approval authority of the Development Review Permit. Projects located on this site that are greater than 500 feet from I-205 may be approved by the Development Services Director/ Assistant City Manager.

The proposed Tentative Subdivision Map is consistent with the Cordes Ranch Specific Plan and the General Plan. All utilities and access have been the subject of staff's review. Per Tracy Municipal Code Section 12.16.070, the Planning Commission has approval authority for a Tentative Subdivision Map, rather than making a recommendation for City Council action, as is required for Vesting Tentative Subdivision Maps.

Environmental Document

The project is consistent with the Final Revised Environmental Impact Report (EIR) certified by the City Council on September 3, 2013 for the Cordes Ranch Specific Plan (SCH# 2011122015). Pursuant to CEQA Guidelines Section 15162 and Public Resources Code Section 21166, no subsequent EIR shall be prepared for the project

because the project has a certified EIR and no substantial changes are proposed in the project that would require major revisions to the previous EIR; no substantial changes have occurred with respect to the circumstances under which the project will be undertaken that would require major revisions to the previous EIR; and no new information of substantial importance regarding significant effects, mitigation measures, or alternatives for this project has become known, which was not known at the time the previous EIR was certified as complete. Therefore, no further environmental review is necessary.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Tentative Subdivision Map for West Parkway Village, consisting of 14 parcels on approximately 17.6 acres, located on the southeast corner of Interstate 205 and International Parkway, Assessor Parcel Number 209-460-35, Application Number TSM18-0002, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated January 22, 2020 (Attachment C: Planning Commission Resolution).

MOTION

Move that the Planning Commission approve the Tentative Subdivision Map for West Parkway Village, consisting of 14 parcels on approximately 17.6 acres, located on the southeast corner of Interstate 205 and International Parkway, Assessor Parcel Number 209-460-35, Application Number TSM18-0002, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated January 22, 2020.

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

ATTACHMENTS

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

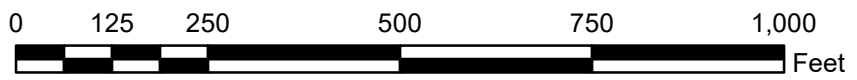
INTERSTATE 205

INTERNATIONAL PARKWAY

Subject
Property



Think Inside the Triangle™



ATTACHMENT B
Tentative Subdivision Map

Provided under separate cover

RESOLUTION 2020 - _____

APPROVING A TENTATIVE SUBDIVISION MAP FOR WEST PARKWAY VILLAGE, CONSISTING OF 14 PARCELS ON APPROXIMATELY 17.6 ACRES, LOCATED ON THE SOUTHEAST CORNER OF INTERSTATE 205 AND INTERNATIONAL PARKWAY, ASSESSOR PARCEL NUMBER 209-460-35. THE APPLICANT IS DREW MICKEL. THE PROPERTY OWNER IS R&B DELTA II LLC. APPLICATION NUMBER TSM18-0002

WHEREAS, Reynold & Brown has proposed a Tentative Subdivision Map for West Parkway Village, consisting of 14 parcels on approximately 17.6 acres, located on the southeast corner of Interstate 205 and International Parkway, Assessor Parcel Number 209-460-35, Application Number TSM18-0002; and

WHEREAS, The subject property is designated General Commercial by the Cordes Ranch Specific Plan; and

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

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

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

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

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

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

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

WHEREAS, Subject to the satisfaction of the conditions of approval, all the public facilities necessary to serve the subdivision will be in place prior to the issuance of building permits. All the public facilities necessary to serve the subdivision or mitigate the impacts created by the

subdivision that are not in place prior to approval of a final map will be assured through a subdivision improvement agreement prior to the approval of a final map; and

WHEREAS, The project is consistent with the Final Revised Environmental Impact Report (EIR) certified by the City Council on September 3, 2013 for the Cordes Ranch Specific Plan (SCH# 2011122015). Pursuant to CEQA Guidelines Section 15162 and Public Resources Code Section 21166, no subsequent EIR shall be prepared for the project because the project has a certified EIR and no substantial changes are proposed in the project that would require major revisions to the previous EIR; no substantial changes have occurred with respect to the circumstances under which the project will be undertaken that would require major revisions to the previous EIR; and no new information of substantial importance regarding significant effects, mitigation measures, or alternatives for this project has become known, which was not known at the time the previous EIR was certified as complete. Therefore, no further environmental review is necessary; and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the proposed Tentative Subdivision Map on January 22, 2020;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission approves the Tentative Subdivision Map for West Parkway Village, consisting of 14 parcels on approximately 17.6 acres, located on the southeast corner of Interstate 205 and International Parkway, Assessor's Parcel Number 209-460-35, Application Number TSM18-0002, subject to the conditions of approval stated in Exhibit "1" attached and made part hereof.

* * * * *

The foregoing Resolution 2020 - _____ was adopted by the Planning Commission on the 22nd day of January, 2020, 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
Tentative Subdivision Map for West Parkway Village
Application Number TSM18-0002
January 22, 2020

These Conditions of Approval shall apply to the 14-parcel Tentative Subdivision Map for West Parkway Village, Application Number TSM18-0002, consisting of approximately 17.6 acres in the Cordes Ranch Specific Plan Area, located on the southeast corner of Interstate 205 and International Parkway, Assessor's Parcel Number 209-460-35.

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

1. "Applicant" means any person, or other legal entity, defined as a "Subdivider".
2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, the Development Services Director, or the City Engineer, to perform the duties set forth herein.
3. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director, to perform the duties set forth herein.
4. "CRSP" means the specific plan (titled "Cordes Ranch Specific Plan") approved by the City Council on September 3, 2013 by Resolution 2013-144, and any amendments.
5. "FEIR" means the Final Revised Environmental Impact Report certified by the City Council on September 3, 2013 for Cordes Ranch Project, as adequate and in compliance with the California Environmental Quality Act (CEQA).
6. "Conditions of Approval" or "Conditions" means these conditions of approval.
7. "Project" means the Tentative Subdivision Map for West Parkway Village, consisting of 14 parcels on approximately 17.6 acres, located on the southeast corner of Interstate 205 and International Parkway, Assessor's Parcel Number 209-460-35, Application Number TSM18-0002.
8. "Property" means the property shown on the 14-parcel Tentative Subdivision Map for West Parkway Village, Application Number TSM18-0002, consisting of approximately 17.6 acres, located on the southeast corner of Interstate 205 and International Parkway, Assessor's Parcel Number 209-460-35.
9. "Subdivider" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. "Subdivider" also means the Developer, which shall include the Owner as described in the Preamble to the EDA, and all successors in interest.

B. Planning Division Conditions of Approval

1. Compliance with laws. The Subdivider shall comply with all Applicable Law.
2. Mitigation Measures. The Subdivider shall comply with all mitigation measures applicable to the Project in the FEIR, which was certified by the City Council on September 3, 2013.
3. Notice of protest period. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Subdivider that the 90-day approval period (in which the Subdivider may protest the imposition of any fees, dedications, reservations, or other exactions that are within the purview of the Mitigation Fee Act [Government Code section 66000 et seq.] (“Exactions”) and imposed on this Project by these Conditions of Approval) shall commence on the date of the conditional approval of this Project. If the Subdivider fails to file a protest of the Exactions within this 90-day period, which protest complies with all of the requirements of Government Code Section 66020, the Subdivider will be legally barred from later challenging any of the Exactions. The terms of this paragraph shall not affect any other deadlines or statutes of limitations set forth in the Mitigation Fee Act or other applicable law, or constitute a waiver of any affirmative defenses available to the Developer.
4. Conformance with Tentative Subdivision Map. All Final Maps shall be in substantial conformance with the approved 14-parcel Tentative Subdivision Map for West Parkway Village, Application Number TSM18-0002, which was received by the Development Services Department on December 19, 2019, and approved by the Planning Commission on January 22, 2020, unless modified herein by these Conditions of Approval.

C. None

D. None

E. Engineering Division Conditions of Approval

E.1. General Conditions

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

- a. “Cordes Ranch Specific Plan” prepared by David Babcock & Associates, dated September 3, 2013 (“Specific Plan”).
- b. “Cordes Ranch Specific Plan Final Environmental Impact Report”, prepared by The Planning Center | DC&E, dated September 3, 2013 (“FEIR”), adopted by City Council on September 3, 2013 (Resolution No. 2013-143).

- c. "Mitigation Measures and Monitoring Program for the Cordes Ranch Specific Plan", adopted by the City Council September 3, 2013 (Resolution No. 2013-143).
- d. "Cordes Ranch Specific Plan – Storm Drainage Technical Report" prepared by Storm Water Consulting, Inc. and Stantec, Inc., dated December 2012, and any subsequent amendments or updates.
- e. "Cordes Ranch Specific Plan Tier 2 Infrastructure Evaluation of Potable and Recycled Water Systems" prepared by West Yost Associates, Inc. dated July 7, 2014, and any amendments or updates.
- f. "Wastewater Master Plan Tier 2 – Cordes Ranch Specific Plan Application Review" prepared by CH2MHill, Inc. dated January 2013, and any subsequent amendments or updates.
- g. "Traffic Study for Implementation of Cordes Ranch Scheme 100" Technical Memorandum prepared by Kimley Horn, dated January 12, 2016, and subsequent amendments, dated September 28, 2018 or updates.
- h. "West Parkway Village Traffic Study" Technical Memorandum prepared by Kimley Horn, dated August 30, 2019, and subsequent amendments or updates. ("Traffic Analysis").
- i. "Hydraulic Evaluation of West Parkway Village" prepared by West Yost Associates, Inc., dated October 23, 2019, as approved by the City Engineer ("*Water System Analysis*"), and any subsequent amendments or updates.

E.2. Final Map

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

- E.2.1. Developer has submitted one (1) reproducible copy of the approved tentative subdivision map for the Project within ten (10) days after Developer's receipt of a notification of approval of the Tentative Subdivision Map. The signature of the owner of the Property on the Tentative Subdivision Map means consent to the preparation of the Tentative Subdivision Map and the proposed subdivision of the Property.
- E.2.2. Each Final Map is prepared in accordance with the applicable requirements of the Tracy Municipal Code, these Conditions of Approval, and in substantial conformance with the Tentative Subdivision Map, and Applicable Law.
- E.2.3. Each Final Map includes and shows offer(s) of dedication of all right(s)-of-way and/or temporary or permanent easement(s) required

to construct and serve the Project described by the Improvement Plans and Final Map, in accordance with Applicable Laws and these Conditions of Approval. If construction easement(s) is/are shown, it/they shall indicate the termination of the construction easement(s).

- a. The Developer shall dedicate a 10-foot wide Public Utility Easement (PUE) along the frontages on International Parkway and Daylight Road for the installation, repair, use, operation, and maintenance of other public utilities such as electric, gas, telephone, cable TV, and others. Larger private utility structures may require additional PUE "bump outs" to accommodate structures.
 - b. The Developer shall coordinate with the respective owner(s) of the utilities including but not limited to PG&E, AT&T, and Comcast, for the design and installation of these utilities within the Property. Engineering design and construction details of these utilities must be prepared as part of the joint utility trench plans to be submitted for City's review.
 - c. The Developer shall obtain the approval of all other public agencies with jurisdiction over the required public facilities.
 - d. Developer shall submit documentation for vacation or abandonment of existing easements that are shown on the Tentative Map to be abandoned.
- E.2.4. If multiple final maps are to be filed, the Improvement Plans, as described above, must be prepared with a detailed phasing plan showing construction limits and logical sequence or order of constructing street and utilities improvements. The phasing plan shall clearly identify the improvements to be constructed with each construction phase.
- E.2.5. Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearing" and shown as such on the Final Map. The Final Map shall also identify surveyed ties from two of the horizontal control points to a minimum of two separate points adjacent to or within the Property described by the Final Map.
- E.2.6. Developer has submitted a signed and stamped Engineer's Estimate that shows construction cost of subdivision improvements to be dedicated to the City.
- E.2.7. Developer has submitted a signed and notarized Subdivision Improvement Agreement (SIA) and Improvement Security, for the completion of improvements that are required to serve the Project as shown on the Improvement Plans. The form and amount of

Improvement Security shall be in accordance with the Applicable Law and the SIA.

- E.2.8. Developer has paid engineering review fees or deposits including improvement plan checking, final map review, agreement processing, and all other deposits, or fees required by these Conditions of Approval and Applicable Laws.
- E.2.9. Developer has submitted technical or materials specifications, cost estimates, and technical reports related to the design of improvements that are shown on the Improvement Plans and as required by these Conditions of Approval.
- E.2.10. Developer has submitted hydrologic and storm drainage calculations for the design and sizing of in-tract storm drainage pipes.
- E.2.11. Developer has submitted signed and stamped Improvement Plans.

E.3. Grading Permit

The City will not accept a Grading Permit application for the Project as complete 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:

- E.3.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer and Geotechnical Engineer.
- E.3.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.
- E.3.3. 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).

- E.3.4. Two (2) sets of the Project's Geotechnical Report signed and stamped by a licensed Geo-technical Engineer licensed to practice in the State of California, as required in Condition E.4.2(a), below. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, percolation rate, and elevation of the highest observed groundwater level.
- E.3.5. Two (2) sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system.
- E.3.6. 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).
- E.3.7. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) as required in Mitigation Measure AQ-1 and AQ-2 of the Mitigation Monitoring and Reporting Program of the Cordes Ranch Specific Plan Final Environmental Impact Report (CRSP EIR).
- E.3.8. Documentation of any necessary authorizations from Regional Water Quality Control Board (RWQCB) as required in the applicable mitigation measures identified in the Cordes Ranch Specific Plan EIR.
- E.3.9. Documentation of construction easement(s) or agreement(s) from owners of adjacent properties for any grading work within their parcels, or for grading work impacting their property.
- E.3.10. Permit(s), agreement(s) and approval of other public agencies that have jurisdiction over the required public facilities, if applicable.

E.4. Encroachment Permit

No applications for encroachment permit will be accepted by the City as complete until the Developer provides all relevant documents related to said encroachment permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- E.4.1. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar) and these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

- a. The City shall obtain all applicable signatures by City departments (where applicable) on the mylars including signatures by Building Official and Fire Code Official prior to Developer submitting the mylars to Engineering Division for City Engineer's approval.
- E.4.2. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.
 - E.4.3. Signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA. The Developer's obligations in the OIA shall be deemed to be satisfied upon City Council's acceptance of the public improvements and release of the Improvement Security.
 - E.4.4. If required, signed and notarized Deferred Improvement Agreement (DIA) and Improvement Security, to allow deferment of completion of improvements as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with the DIA and Section 12.36.080 of the TMC. The Developer's obligations in the DIA shall be deemed to be satisfied upon the release of the Improvement Security.
 - E.4.5. Check payment for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on May 16, 2017, per Resolution 2017-098.
 - E.4.6. Traffic Control Plan shall be prepared under the supervision of and signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.
 - E.4.7. South San Joaquin County Fire Authority's Fire Marshal's signature, if applicable, on the Improvement Plans indicating their approval for the fire service connection and fire and emergency vehicle access for the Project.
- E.5. Improvement Plans
- General: Improvement Plans shall contain the design, construction details and specifications of public improvements that are necessary to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and

stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with City Regulations, these Conditions of Approval, and the following requirements:

- E.5.1. The Improvement Plans shall be prepared in mylar with the City of Tracy standard title and signature block.
- E.5.2. Obtain all applicable signatures by City departments and from outside agencies (where applicable) on the mylar including signatures by the Fire Marshal, prior to the Developer submitting the mylars to Engineering Division for City Engineer's approval.
- E.5.3. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:
 - a. All existing and proposed utilities such as domestic water line, irrigation service, storm drain, and sanitary sewer, including the size and location of the pipes.
 - b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports.
 - c. Two (2) copies of the Project's Geotechnical /Soils Report, prepared or signed and stamped by a Geotechnical Engineer.
 - d. Three (3) sets of the Project's Storm Water Pollution Prevention Plan (SWPPP), Best Management Practices (BMPs) and a copy of the Notice of Intent (NOI) with the State-issued Wastewater Discharge Identification number (WDID#).
- E.5.4. Grading and Storm Drainage Plans
 - Site Grading
 - a. Include all proposed erosion control methods and construction details to be employed and specify materials to be used. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.
 - b. When the grade differential between the Project Site and adjacent property(s) exceeds 12 inches, a reinforced concrete or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) of the retaining walls or masonry wall. The entire retaining wall and footing shall be constructed within the Project Site. A structural calculation shall be submitted with the Grading and Storm Drainage Plans.
 - c. An engineered fill may be accepted as a substitute of a retaining

wall, if any, subject to approval by the City Engineer. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Developer shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s). The slope easement must be recorded, prior to issuance of the final building certificate of occupancy.

- d. Grading for the site shall be designed such that the Project's storm water can overland release to either a public street or to a public storm drainage facility.
- e. Prior to approval of a grading permit for the Project, the Developer shall submit a drainage report and drainage calculations for the project site based on the Master Plan criteria and starting water surface elevation for review by City's consultant. The Developer shall be responsible to pay for the review.
- f. If applicable, show all existing irrigation structure(s), channel(s) and pipe(s) that are to remain or to be relocated or to be removed, if any, after coordinating with the irrigation district or owner of the irrigation facilities. If there are irrigation facilities including tile drains, that are required to remain to serve existing adjacent agricultural uses, the Developer shall design, coordinate and construct required modifications to the improvements, if required, to the reasonable satisfaction of the City.

E.5.5. Permanent storm drainage connection

- a. The Project's permanent storm drainage connection(s) shall be designed and constructed to meet City Standards and the recommendations in the Storm Drainage Technical Report.
- b. Prior to the approval of the Final Map for the Project, the Developer shall provide a Stormwater Quality Control Plan (SWQCP) detailing the methods in which the development will address compliance with the applicable City's *Multi-Agency Post-Construction Stormwater Standards Manual* (Manual). Prior to the issuance of the grading permit for the project, the SWQCP shall be approved by the City Engineer.

E.5.6. Temporary Drainage System – Retention Basin

- a. Temporary retention is required to serve this project until DET LW8 and the downstream outfall system is completed and operational. The Project will utilize DET LW8 to satisfy the requirements for temporary retention set forth in the City Design Standards. Developer shall provide calculations to demonstrate that adequate capacity DET LW8 is available to serve the Project. All costs of design and construction of improvements required for temporary storage shall be paid for by the Developer. No fee

credits or reimbursements will be applicable for these improvements.

- b. In order to convey storm drainage from the Project to DET LW8, the storm drain line from Daylight Road to DET LW8 shall be designed and constructed per City standards. This storm drain shall be located within the easement to be dedicated to the City. Improvements to the maintenance/access road within the easement shall be constructed per approved plans by the City Engineer, and as acceptable to Public Works Department.
- c. Acceptance of the DET LW8 basin parcel by the City will be upon completion of the downstream facilities, and upon the determination by the City Engineer that the basin is constructed and operational per the Storm Drainage Master Plan.
- d. Developer shall be responsible for maintenance of the Retention Basin at LW8 until the downstream drainage facilities are installed and accepted by the City. The Developer shall sign an improvement agreement (Deferred Improvement Agreement), to assure completion of the Developer's obligation to repair and maintain said basin while the storm drainage retention basin is in service and then, if required, to modify storm drainage retention basin to conform to Master Plan requirements at such time they are no longer needed due to the construction of the permanent facilities per the Storm Drainage Master Plan. Prior to the final inspection of the first building to be constructed on the Property, the Developer shall submit a signed and notarized Maintenance Agreement as a guarantee for the performance of Developer's responsibilities towards the repair and maintenance of the retention basin at future DET LW8.
- e. Layout and design of access easements to be dedicated to the City shall be per the requirements of Public Works Department and as approved by the City Engineer.
- f. Parcel maps, Grant Deed documents or other instruments for dedication of the storm drainage basin parcel to the City shall be prepared and executed by the Developer. Acceptance of the basin parcel by the City will be upon completion of the downstream facilities.
- g. As detailed in the Cordes Ranch Specific Plan Tier 2 Storm Drainage Technical Report, the public street system serving the project site will need to include storm water quality treatment provisions. Storm water runoff from International Parkway and Daylight Road shall be treated in conformance with the Multi-Agency Post-Construction Stormwater Standards Manual, dated June 2015. DET LW8 shall be designed to include separate measures for storm water quality treatment for public street storm water runoff.

- h. Calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the Grading and Storm Drainage Plans and approved by City's Stormwater Coordinator prior to issuance of the Grading Permit for the Project.
- i. Prior to the final inspection of the building to be constructed on the Property, the Developer shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Developer's responsibility towards the repair and maintenance of on-site storm water treatment facilities.

E.5.7. Sanitary Sewer Improvement Plans

- a. Prior to the issuance of Building Permit for the Project, Developer shall submit improvement plans and secure approval of plans from the City's Building Division, for the design of on-site sewer improvements. The Developer shall design and install sanitary sewer facilities including the Project's sewer connection in accordance with City Regulations and utility improvement plans approved by the City Engineer.
- b. For any wastewater facilities outside City right-of-way to be public facilities, the Developer shall dedicate easement and enter into a Maintenance Agreement with the City prior to issuance of initial or final occupancy for the first building within the Project.
- c. The Developer shall execute an Off-site Improvement Agreement (OIA) with the security to complete sewer lines from the Project to connect to Lammers System per City of Tracy Wastewater Master Plan and the Improvement Plans prepared by Kier & Wright titled "International Park of Commerce Improvement Plans for Storm Drain Line, Sanitary Sewer Line, Detention Basin LW8, and 43" Culvert – Von Sosten Road".

E.5.8. Water Distribution System.

- a. Developer shall comply with the recommendations for on-site and off-site infrastructure including storage requirements as identified in the Water System Analysis for West Parkway Village. If additional improvements beyond the proposed improvements shown on the preliminary plans submitted with the Development Review Application are identified in the Water System Analysis and approved by the City Engineer, the Developer shall comply with the recommendations in the Water System Analysis. Developer shall prepare improvement plans and construct required improvements identified in the Water System Analysis.
- b. During the construction phases 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 South San Joaquin County Fire Authority's Fire Marshal.

- c. The Developer shall design and install fire hydrants at the locations approved by the South San Joaquin County Fire Authority's Fire Marshal. Prior to the issuance of a Building Permit, the Developer shall submit calculations and plans as required by the Fire Department and obtain written approvals for the proposed fire system 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 to serve the Project.
- d. Prior to issuance of temporary certificate of occupancy (or final certificate of occupancy, if TCO is not requested), the Developer shall demonstrate to the satisfaction of the Fire Marshal that all applicable fire flow parameters are met.
- e. All costs associated with the installation of the Project's permanent water connection(s) as identified in the Water System Analysis including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings, replacing traffic detecting loops, conduits, and wires, relocating existing utilities that may be in conflict with the water connection(s), and other improvements shall be paid by the Developer.
- f. Interruption to the water supply to the existing businesses and other users within International Park of Commerce or Patterson Pass Business Park will not be allowed to facilitate construction of on-site or off-site improvements related to the Project. The Developer shall be responsible for notifying business owner(s) and users, regarding construction work that involves traffic rerouting or other traffic related and access impacts to the existing businesses. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before start of work. Prior to starting the work described in this section, the Developer shall submit a Work Plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be used during the installation of the offsite water mains and connections.
- g. The Developer shall design and install domestic and irrigation water service connection, including a remote-read water meters (the water meter to be located within City's right-of-way or an easement dedicated to the City) and a Reduced Pressure Type back-flow protection device in accordance with City Regulations.

Water main in the loop road shall be designed and constructed per City Standards and dedicated to the City within a 30-foot wide easement. The Developer shall enter into a Maintenance Agreement with the City prior to issuance of Final Certificate of Occupancy for the first building within the Project.

The domestic and irrigation water service connection(s) must be completed before issuance of the final certificate of occupancy of buildings. Sub-metering will be allowed within private property. The City will not perform water consumption reading on sub-meters. The City shall maintain water lines within easements from the master water meter to the point of connection with the water distribution main (inclusive) only. Repair and maintenance of all on-site water lines, laterals, sub-meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer.

h. Water Shutdown Plan and Traffic Control Plan:

If water main shut down is necessary, the City will allow a maximum of four hours water supply shutdown. The Developer shall be responsible for notifying residents or business owner(s), regarding the water main shutdown. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before the water main shutdown. Prior to starting the work described in this section, the Developer shall submit a Water Shutdown Plan and Traffic Control Plan to be used during the installation of any offsite water mains.

i. Domestic and Irrigation Water Services

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

E.5.9. Street Improvements

The Developer shall prepare and submit improvement plans for frontage improvements on International Parkway and Daylight Road in compliance with the Specific Plan, City of Tracy Master Plans and Design Standards. The frontage improvements shall include curb, gutter, sidewalk, driveways, landscape with automatic irrigation, streetlights, fire hydrants and associated improvements between the curb and the street right-of-way.

- a. A turnaround as acceptable to Fire Marshall shall be installed at the east end of Daylight Road.

- b. Developer shall submit improvement plans for the private street/access road within West Parkway Village (where water and sewer line easements will be dedicated to the City) to the City for review and approval. The Private Drive shall be privately owned and maintained by the Developer/owner. Public Access Easement, Emergency Vehicle Access Easement, and utility easements for the private street/ access road shall be dedicated prior to issuance of final certificate of occupancy.
- c. Prior to issuance of temporary/ final certificate of occupancy, acceptance of street improvements and rights-of-way dedication on International Parkway and Daylight Road as identified in the improvement plans titled "International Park of Commerce – Street Improvement Plans – Phase 1G, 1J, prepared by Kier & Wright, Inc., shall be completed.
- d. Developer shall acquire right-of-way required to install frontage improvements on the east side of International Parkway along the frontage of parcel currently owned by PG&E and dedicate it to the City.
- e. The Developer shall design and install Class 1 Bike Trail along the full frontage of the Project on International Parkway at the ultimate location per City Standards and in accordance with recommendations in the memorandum dated December 4, 2019 prepared by Kimley-Horn Associates.

E.5.10. Project Driveways

All recommended improvements for driveways and improvements on International Parkway and Daylight Road recommended in the Traffic Analysis shall be completed prior to issuance of Certificate of Occupancy, or as approved by Deferred Improvement Agreement (DIA).

E.5.11. Within ninety calendar days from the date of approval of the related Offsite Improvement Agreement (OIA) for West Parkway Village by the City Council, the Developer shall record Irrevocable Offer(s) of Dedication (IOD) for rights of way and easements in favor of the City to the satisfaction of the City Engineer and as shown on the Phase 1G, 1J Improvement Plans.

- a. Prior to acceptance of the improvements and IODs by the City, the Developer shall enter into agreement(s) with the City that address the maintenance of the landscaping improvements and access rights to the Developer for maintaining landscaping improvements. The Developer shall also enter into an agreement to install, operate, maintain, repair and replace the private utilities (i.e., fiber optic communications lines and appurtenances) within the City's right-of-way and easements.

- E.5.12. The Developer shall submit a Traffic Control Plan for each phase of work, to show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.
- E.5.13. The Developer shall prepare joint trench plans in compliance with utility companies' requirements and City regulations and obtain approval of the plans. All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities.
- E.5.14. The Developer shall submit Joint Utility Trench Plans for the installation of electric, gas, telephone and TV cable main and service lines that are necessary to be installed to serve the Project. These utilities shall be installed within the 10-foot wide Public Utility Easement (PUE) that will be offered for dedication to the City. The Developer shall coordinate, as feasible, with the respective owner(s) of the utilities for the design of these underground utilities to ensure they can be installed within the 10-foot wide PUE to the extent feasible (and except in the event, that additional space beyond the 10-foot PUE is required, as determined by the utilities owner(s)).
- E.5.15. Pavement cuts or utility trench(s) on existing street(s) for the installation of water distribution main, storm drain, sewer line, electric, gas, cable TV, and telephone will require the application of 2" asphalt concrete overlay and replacement of pavement striping and marking that are disturbed during construction. The limits of asphalt concrete overlay shall be 25 feet from both sides of the trench and shall extend over the entire width of the adjacent travel lane(s) if pavement excavation encroaches to the adjacent travel lane or up to the street centerline or the median curb. If the utility trench extends beyond the street centerline, the asphalt concrete overlay shall be applied over the entire width of the street (to the lip of gutter or edge of pavement, whichever applies).
- E.6. Building Permit - No building permit will be approved by the City until the Developer demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:
- E.6.1. Check payment of the applicable City Wide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park Development Impact Fees (adopted by Resolution 2017-098) as these relate to the Project, and as otherwise required by the Cordes Ranch Development Agreement and these Conditions of Approval.

- E.6.2. Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC, and these Conditions of Approval.
- E.6.3. Check payment of any applicable Regional Transportation Impact Fees (RTIF) as required in Mitigation Measure TRANS-7 of the Mitigation Monitoring and Reporting Program of the Cordes Ranch Final Environmental Impact Report and these Conditions of Approval.
- E.6.4. Check payment of any applicable Agricultural Conversion or Mitigation Fee as required in Chapter 13.28 of the Tracy Municipal Code and Mitigation Measure AG-1 of the Mitigation Monitoring and Reporting Program of the Cordes Ranch Final Environmental Impact Report and these Conditions of Approval.

E.7. Acceptance of Public Improvements

Public improvements, Public Right-of-Way dedications, and Public Easements will not be accepted by the City Council until after the Developer completes construction of the relevant public improvements, and also demonstrates to the City Engineer satisfactory completion of the following:

- E.7.1. Correction of all items listed in the deficiency report prepared by the assigned Engineering Inspector relating to public improvements subject to City Council's acceptance.
- E.7.2. Developer has completed the 90-day public landscaping maintenance period.
- E.7.3. Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City shall temporarily release the originals of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As Built" configuration of all improvements.
- E.7.4. Reasonable written permission from irrigation district or affected owner(s), if applicable. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Developer.
- E.7.5. Completion of off-site water, storm drainage and wastewater facilities required to serve the Project. If the off-site improvements are to be constructed by others, it shall be the Developer's responsibility to coordinate timing of completion of improvements with the responsible party to ensure timely completion.

E.8. Final Building Certificate of Occupancy

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

- E.8.1. The Developer has satisfied all the requirements set forth in Condition E.6, above, or the City has agreed to street by street acceptance for final building certificate and/or occupancy.
- E.8.2. The Developer has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

E.9. Agreements and Improvement Security

- E.9.1. Subdivision Improvement Agreement: - Before the City's approval of the Final Map, the Developer shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the Final Map), post all required improvement security in accordance with Applicable Law.
- E.9.2. Deferred Improvement Agreement: - Before the City's approval of the First Final Map, the Developer shall execute a Deferred Improvement Agreement, if needed, which shall be in substantial conformance with the City's standard form agreement, and in accordance with Applicable Law, by which (among other things) the Developer agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement), under the Applicable Law.
- E.9.3. Offsite Improvement Agreement: - Before the City's approval of the First Final Map, the Developer shall execute an Offsite Improvement Agreement, which shall be in substantial conformance with the City's Standard form agreement, and in accordance with Applicable Law, by which guarantees completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA. The Developer's obligations in the OIA shall be deemed to be satisfied upon City Council's acceptance of the public improvements and release of the Improvement Security.

City may allow other developers or entities to execute agreements with security acceptable to the City for improvements identified in these Conditions of Approval. However, the Developer shall be responsible to complete such improvements if other developers or

entities fail to complete improvements in time for use by the Project. In any event, City shall not be responsible or liable for completion of improvements required to serve the Project. Subsequent discretionary approvals are contingent upon completion and acceptance of Offsite Improvements.

E.10. Improvement Security

The Developer shall provide improvement security for all public facilities, as required by the OIA, and these Conditions of Approval. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with section 12.36.080 of the TMC . The amount of improvement security shall be as follows:

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

E.11. Release of Improvement Security

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

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

E.12. Special Conditions

- E.12.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Design Standards and the City's Facilities Master Plan for storm drainage, roadway,

wastewater and water adopted by the City, or as otherwise specifically approved by the City.

- E.12.2. Prior to beginning of construction, the Developer shall be responsible to obtain any easements, rights-of-way and/or agreements with property owners as applicable for all improvements.
- E.12.3. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.
- E.12.4. The 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. The Developer shall submit report for a site sub-surface investigation for determining the presence of irrigation and drainage tile drains within and around the Project Site, if any, and submit a report prepared and signed by a Geo-technical Engineer. In the event that tile drains exist within and around the Project Site, the Developer has the option to either relocate or abandon the on-site tile drains as required for the proposed development. All existing tile drains and proposed improvements for the relocation or removal of tile drains must be shown on the Grading and Storm Drainage Plans. Any tile drains under the proposed buildings shall be abandoned or relocated as may be required, to the satisfaction of the City. The Developer or the property owner(s) will be responsible for maintenance of tile drains to remain or the relocated tile drains and associated improvements. Additionally, the Developer will be responsible for monitoring the groundwater levels, and for the mitigations, if any, that may be required, by any applicable laws and regulations.
- E.12.5. Any damages to existing improvements within the street right-of-way due to construction related activities shall be repaired or replaced as directed by the City at Developer's cost.
- E.12.6. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Developer's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any

reset monuments (California Business and Professions Code Section 8871).

- E.12.7. Developer shall comply with the requirements relating to Fire Apparatus Access Roads and other Fire Code requirements to the satisfaction of the Fire Department.
- E.12.8. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the Grading Permit, Encroachment Permit, Building Permit, Improvement Plans, OIA, and DIA, 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 costs for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.