

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, March 11, 2020
7:00 P.M. (or as soon thereafter as possible)

Location: City of Tracy Council Chambers and Room 109
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 – 2/26/20

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 A PLANNED UNIT DEVELOPMENT AMENDMENT (APPLICATION NUMBER PUD18-0004) AND DEVELOPMENT REVIEW (APPLICATION NUMBER D18-0033) FOR A FOUR-STORY, 87-ROOM, LA QUINTA HOTEL ON A 1.91-ACRE PARCEL LOCATED ON CLOVER ROAD, APPROXIMATELY 500 FEET EAST OF TRACY BOULEVARD (APN: 214-210-05)
2. ITEMS FROM THE AUDIENCE
3. DIRECTOR'S REPORT
4. ITEMS FROM THE COMMISSION
5. ADJOURNMENT

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Posted: March 6, 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
February 26, 2020, 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: Leticia Ramirez, City Attorney; Bill Dean, Assistant Development Services Director; Robert Armijo, City Engineer; Scott Claar, Senior Planner; Kimberly Matlock, Associate Planner; Nanda Gottipharthy, SNG Consultant; Frederick Venter, SNG Consultant; and Paula Venegas, Recording Secretary.

MINUTES

Chair Orcutt introduced the Minutes from the February 12, 2020 meeting.

ACTION: It was moved by Vice Chair Hudson and seconded by Commissioner Atwal to approve the Planning Commission meeting minutes of February 12, 2020. Voice vote found all in favor, 5-0-0-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

Bill Dean stated it would be a busy season for Planning Commission and thanked the Commission for their patience.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

- A. CONSIDERATION OF A CONDITIONAL USE PERMIT AND A DEVELOPMENT REVIEW PERMIT FOR THE EXPANSION OF THE COSTCO GASOLINE SERVICE STATION AT 3250 W. GRANT LINE ROAD - APPLICANT AND PROPERTY OWNER ARE COSTCO WHOLESALE CORPORATION - APPLICATION NUMBERS CUP19-0011 & D19-0033**

Kimberly Matlock delivered the staff report.

Chair Orcutt questioned staff about the item.

Applicant representative Shawn Anderson addressed the Commission to respond to the question.

Commission/staff questions and discussion followed.

Chair Orcutt opened the Public Hearing at: 7:10 p.m.

There were no public comments.

Chair Orcutt closed the Public Hearing at: 7:10 p.m.

Commission/staff questions and comments followed with recommendation that the project be approved with the addition of Conditions of Approval relative to landscaping obstructions.

ACTION: It was moved by Commissioner Wood and seconded by Vice Chair Hudson to approve the consideration of a conditional use permit and a development review permit for the expansion of the Costco gasoline service station at 3250 W. Grant Line Road *with the addition of Conditions of Approval regarding landscaping details.*

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

B. RECEIVE A REPORT FROM DENOVO PLANNING GROUP REGARDING THE DOWNTOWN TRANSIT-ORIENTED DEVELOPMENT (TOD) STUDY AND PROVIDE INPUT TO STAFF

Scott Claar delivered the staff report.

Martti Eckert, consultant with Denovo Planning, delivered his presentation to the Commission.

Mr. Eckert concluded his presentation.

Chair Orcutt invited the Public to comment at 7:54 p.m.

Michaela Salas, 98 W. 7th St., addressed the Commission with questions and comments regarding the older neighborhoods and traffic.

Pete Mitracos, 363 W. Eaton Ave., addressed the Commission regarding parking.

Greg Cose addressed the Commission in support and anticipation of the TOD project.

Dino Margaros, 20 W. 11th St., representing Tracy City Center Association, addressed the Commission stating his support and excitement of the TOD project.

Mary Mitracos, 363 W. Eaton Ave., addressed the Commission questioning 5-story buildings potentially being built.

Alice English addressed the Commission in support of the TOD project with some concerns about bike lanes and parking.

Chair Orcutt closed the Public comment at 8:08 p.m.

Commission/staff questions and comments followed.

ACTION: No action required.

C. PUBLIC HEARING TO CONSIDER RECOMMENDATIONS TO THE CITY COUNCIL REGARDING THE TRACY HILLS KT PROJECT, WHICH INCLUDES APPROVAL OF A GENERAL PLAN AMENDMENT, APPROVAL OF A TRACY HILLS SPECIFIC PLAN AMENDMENT, AND APPROVAL OF A VESTING TENTATIVE SUBDIVISION MAP TO CREATE APPROXIMATELY 185 SINGLE-FAMILY RESIDENTIAL LOTS, TWO COMMERCIAL PARCELS, AND VARIOUS OTHER PARCELS, INCLUDING A LINEAR PARK AND AN HOA RECREATION AREA, CONSISTING OF APPROXIMATELY 45 ACRES LOCATED EAST OF CORRAL HOLLOW ROAD IN THE VICINITY OF TRACY HILLS DRIVE. THE APPLICANT IS JOHN PALMER. APPLICATION NUMBERS GPA19-0003, SPA19-0004, AND TSM19-0005

Scott Claar delivered the staff report.

Robert Armijo addressed the Commission regarding traffic analysis.

Frederick Venter, Consultant with Kimley-Horn, presented the Traffic Study to the Commission.

Commission questions and comments followed.

John Palmer, Applicant, presented a few slides to the Commission.

Mike Souza, Applicant, addressed the Commission.

Chair Orcutt opened the Public Hearing at 9:30 p.m.

Alice English addressed the Commission in regards to the traffic study.

Chair Orcutt closed the Public Hearing at 9:33 p.m.

Commission/staff questions and comments followed.

ACTION: It was moved by Vice Chair Hudson and seconded by Commissioner Atwal to consider recommendations to the City Council regarding the Tracy Hills KT project, which includes approval of a General Plan Amendment, approval of a Tracy Hills Specific Plan Amendment, and Approval of a Vesting Tentative Subdivision Map to create approximately 185 Single-family residential lots, two commercial parcels,

and various other parcels, including a linear park and an HOA recreation area, consisting of approximately 45 acres located east of Corral Hollow Road in the vicinity of Tracy Hills Drive. A voice vote found all in favor; passed and so ordered. 5-0-0-0

2. ITEMS FROM THE AUDIENCE

3. DIRECTOR'S REPORT

Bill Dean thanked everyone for their diligence.

4. ITEMS FROM THE COMMISSION

5. ADJOURNMENT

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

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

Time: 9:49 p.m.

CHAIR

STAFF LIAISON

March 11, 2020

AGENDA ITEM 1.A

REQUEST

PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT AMENDMENT (APPLICATION NUMBER PUD18-0004) AND DEVELOPMENT REVIEW (APPLICATION NUMBER D18-0033) FOR A FOUR-STORY, 87-ROOM, LA QUINTA HOTEL ON A 1.91-ACRE PARCEL LOCATED ON CLOVER ROAD, APPROXIMATELY 500 FEET EAST OF TRACY BOULEVARD (APN: 214-210-05)

DISCUSSION

Project Description

The proposal is to develop a four-story, 87-room hotel with an outdoor patio area, off-street parking, landscaping, and related site improvements. Each floor of the hotel is approximately 12,000 square feet; the four-story building contains a total of approximately 48,850 square feet.

The proposal includes one driveway accessing the public right-of-way on Clover Road in the middle of the site and the widening of an existing, shared driveway at the southwest corner of the site. The project will also have two drive aisles connecting to the neighboring development to the west. The project proposes 96 parking spaces.

The approximately 1.9-acre subject property is located on Clover Road, approximately 500 feet east of Tracy Boulevard (Attachment A). To the north of the site is the I-205 freeway. The Fountain Plaza retail center is located to the west. Across Clover Road is the Valley Shopping Center and a single-family neighborhood. To the east of this site is a single-family home neighborhood. The nearest homes are approximately 80 feet from the proposed hotel building. The fourth floor windows on the east side of the building are approximately 45 feet above the ground level. The project has a recommended condition of approval (Number B.24) that requires large, evergreen trees be planted along the full length of the east property line to aid in screening the new structure from the existing residential homes. The hotel has also been oriented to have the main entry on the west side of the site in order to minimize noise impacts on the adjacent residences created by guests arriving and departing from the hotel.

The guest rooms range in size from approximately 350 square feet to approximately 500 square foot rooms. In addition to an outdoor patio on the east side of the hotel building, the first floor will contain a fitness center, and an approximately 918 square-foot meeting room. The proposed floor plans, exterior building elevations, and building renderings are contained in Attachment B.

The proposed building exterior includes various colors, cement fiber board, and various textures of stucco. A tower structure is incorporated into the building design, topped with a decorative cornice element. Overall, the architecture includes reasonable design elements to achieve consistency with the City's Design Goals and Standards. Colored elevation are provided in Attachment C.

Neighborhood Input

The applicant held a community meeting on February 16, 2019, to provide information regarding the proposed development and receive comments and concerns from the surrounding neighborhood. City staff did not attend the meeting. The applicant reported back that they received feedback regarding the site design and made adjustments to the proposed project including: relocated the dumpster to the west side of the site rather than the east, all portions of the sound wall will be at least six feet tall meaning the a portion of the wall needs to be raised to meet that height, and large, evergreen trees will be planted along the east property line to provide screening. Another request from the neighborhood was to incorporate a large banquet room, however due to site limitations, the applicant determined that a banquet hall is not feasible.

Planned Unit Development Amendment

On September 12, 1989, the City Council approved a General Plan amendment, a rezone, and a commercial Planned Unit Development (PUD) Concept Development Plan for the area that includes the In N' Out restaurant, the Fountain Plaza multi-tenant retail building, and the subject parcel. Since then, there have been several amendments made to the PUD zone standards as different projects were proposed on the site, including the approval of a two-story, 27,501 square-foot multi-tenant commercial building in 2005; an amendment to permit a one-story, 17,718 square foot multi-tenant building in 2008; and most recently, an amendment to permit two, two-story office buildings totaling 33,474 square feet in 2009. None of these projects were constructed.

The proposed PUD Zone amendment would change the allowable land uses from office uses to also include hotels as a permitted use. The site's indirect access to Tracy Boulevard, proximity to Interstate 205, and proximity to surrounding land uses, such as restaurants and other commercial uses, all contribute to the project site is well suited for a hotel use. Additionally, the City has received an increase in both employment and recreation, with continued development of the North East Industrial Specific Plan area, Cordes Ranch Specific Plan area, and Legacy Fields. Attachment E contains the proposed PUD standards which will supersede all previous PUD standards that have been approved for this site. The PUD standards are for this individual site and will not affect the PUD standards for the two adjacent parcels to the west, also zoned PUD.

The General Plan designation of the site is Commercial. The PUD Zone is consistent with the Commercial General Plan designation, in that it permits hotels, a commercial use consistent with the Commercial General Plan designation.

CEQA Documentation

The project's complete development application and each of the technical studies documents the project effects will not exceed City standards or the development

density established by the General Plan. Therefore, in accordance with CEQA Guidelines Section 15183, no additional CEQA documentation is required for this project.

RECOMMENDATION

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

1. Approve the Planned Unit Development Amendment; and
2. Approve the Development Review permit.

RECOMMENDED MOTION

Move that the Planning Commission recommend the City Council approve the Planned Unit Development Amendment (PUD18-0004) and the Development Review permit (D18-0033) subject to conditions and based on findings contained in the Resolution dated March 11, 2020.

Prepared by: Genevieve Federighi, Associate Planner

Reviewed by: Alan Bell, Senior Planner

Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENTS

Attachment A – Project Vicinity Map

Attachment B – Plan Set (Site Plan, Floor Plans, Elevations)

Attachment C – Colored Elevations

Attachment D – PUD Standards

Attachment E – Planning Commission Resolution (Including Exhibit 1, Conditions of Approval)

(Oversize plans have been provided to the Planning Commission and are available for review at Tracy Development Services Department, 333 Civic Center Plaza, Tracy.

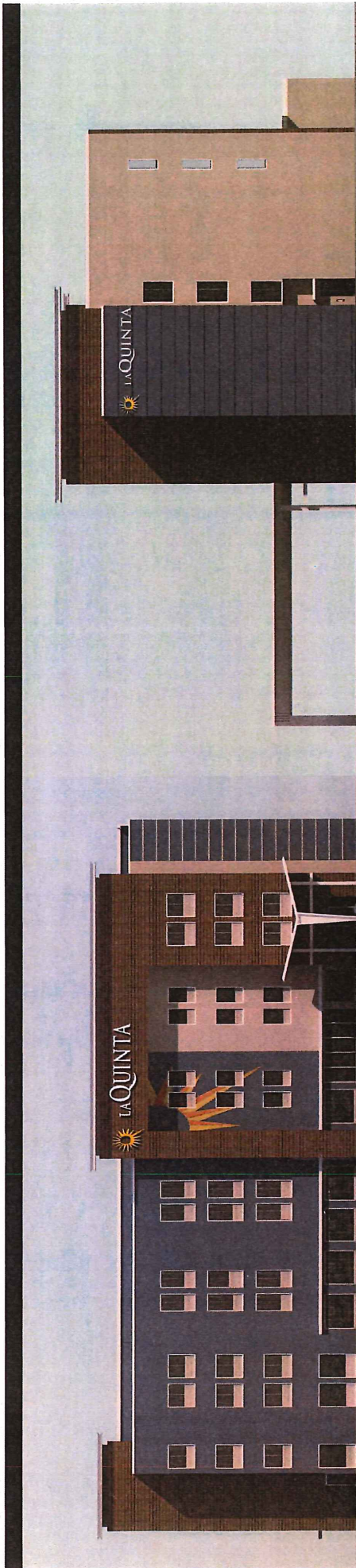
Project Location Exhibit



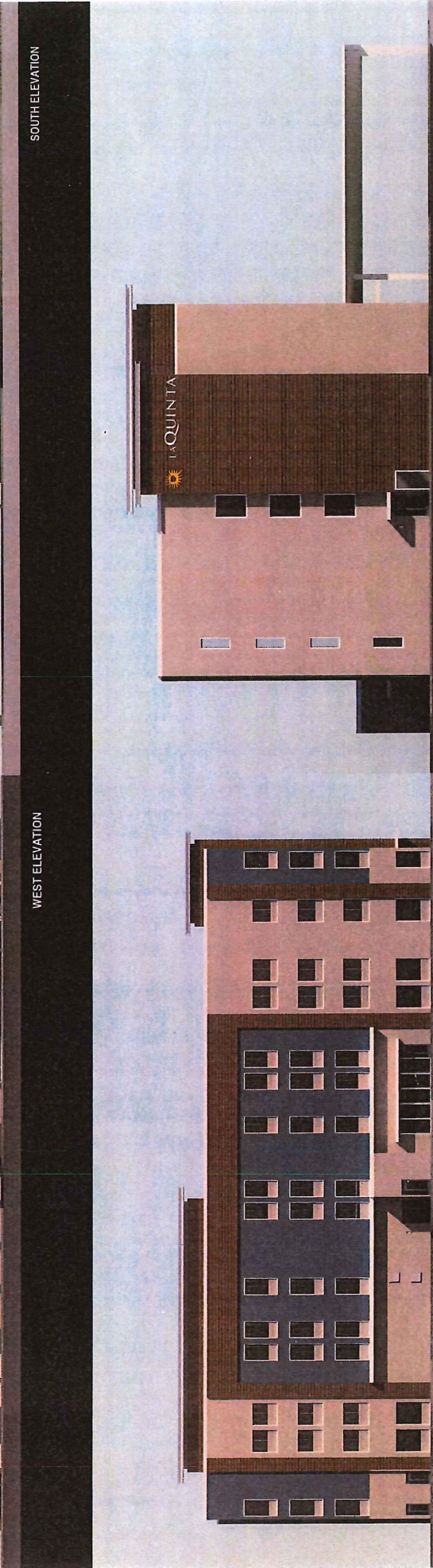
ATTACHMENT B

Plan Set
(Site Plan, Floor Plans, Elevations)

Provided under separate cover



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

CLOVER ROAD HOTEL/OFFICE PLANNED UNIT DEVELOPMENT (PUD)

APN 214-210-05

PUD18-0004

I. Purpose

The purpose of the Clover Road Hotel/Office Planned Unit Development (PUD) Zone is to provide an area for development of a hotel and/or office in close proximity to the freeway that enhances the existing commercial development found in this neighborhood, is compatible with adjacent zones, and provides a land use that benefits the community.

II. Development Standards

Except as otherwise specified herein, all development standards shall be those of the Highway Services (HS) Zone District and other applicable requirements of the Tracy Municipal Code.

The following development standards shall apply to the Clover Road Hotel/Office PUD Zone:

1. Permitted Uses

The land use permitted in the La Quinta PUD Zone shall be limited to Tracy Municipal Code Use Group 41 and hotels.

2. Height

The maximum height of any building in the Clover Road Hotel/Office PUD Zone shall not exceed 65 feet.

III. Signs

All sign standards shall be those of the Tracy Municipal Code Sign Ordinance, Article 35, except for the following:

Freeway signs are prohibited.

RESOLUTION 2020 - 005

RECOMMENDING APPROVAL OF A PLANNED UNIT DEVELOPMENT AMENDMENT (APPLICATION NUMBER PUD18-0004) AND DEVELOPMENT REVIEW (APPLICATION NUMBER D18-0033) FOR A FOUR-STORY, 87-ROOM, LA QUINTA HOTEL ON A 1.9-ACRE PARCEL LOCATED ON CLOVER ROAD, EAST OF TRACY BOULEVARD (APN: 214-210-05)

WHEREAS, On September 12, 1989, the City Council approved a General Plan amendment, a rezone, and a Concept Development Plan for the area that includes the In N' Out Restaurant, Fountain Plaza, and the subject parcel, and

WHEREAS, On August 16, 2005, the City Council approved a Preliminary and Final Development Plan for a two-story, 27,501 square-foot multi-tenant commercial building; on December 18, 2008, the City Council approved amendments to permit a one-story, 17,718 square foot multi-tenant building; and on November 18, 2009, the City Council approved amendments to permit two, two-story office buildings totaling 33,474 square feet, and

WHEREAS, Applications have been filed or initiated to amend the Planned Unit Development Zone Regulations to amend the height maximum from two stories to 65 feet and allow only hotels as a permitted use (PUD18-0004); and to approve the Development Review application (D18-0033), the "Project," and

WHEREAS, The approximately 1.9-acre subject property is located on the north side of Clover Road, south of the I-205 freeway, east of the Greenfield II Single-Family Residential Subdivision, and approximately 500 feet west of Tracy Boulevard, (Assessor's Parcel Number 214-210-05), and

WHEREAS, In addition to retail, office, and other commercial land uses, the General Plan's Commercial land use designation for the Project site provides for hotels.

WHEREAS, The subject property is well suited for a hotel because of its close proximity to retail and consumer services, employment opportunities in the area, availability of public services to the Project site, and convenient access to I-205, and

WHEREAS, In accordance with Tracy Municipal Code Section 10.08.1800, the Planning Commission shall review and make recommendation to the City Council regarding an amendment and approval of a Planned Unit Development Amendment, and

WHEREAS, The Planning Commission conducted a public hearing to receive public input and review the Project on March 11, 2020;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission as follows:

1. Planned Unit Development Amendment (Application Number PUD18-0004)

a. The proposed amendment will allow a four-story hotel to be built on the project site. The site is located between existing commercial land uses to the west and a residential neighborhood to the east, creating an opportunity for a transition to support nearby commercial uses while being sensitive to the adjacent residences. The surrounding commercial uses will benefit from more customers being located near their businesses and the hotel will provide a land use that can be utilized by the citizens of the City, as well as visitors of the City. The proximity to Interstate 205, and proximity to surrounding land uses, such as restaurants and other commercial uses, all contribute to the project site being well suited for a hotel use.

b. The Planning Commission recommends that the City Council approve the Planned Unit Development Amendment (PUD18-0004).

2. Development Review Approval (Application Number D18- 0033)

a. The proposal increases the quality of the project site by developing a vacant lot to provide a land use that can be utilized by the surrounding community and also attract visitors to the City. The design of the building provides visual interest and will be constructed of quality materials, which improves the property in relation to the surrounding area. Creating physical connections to the existing commercial development to the west will provide easy access between the developments. Landscaping will be used to enhance the site and reduce any impacts the new structure will have on the neighboring residential properties to the east.

b. The proposal conforms to the development review chapter of the Municipal Code whose intent is to ensure appropriate building and site design improvements, enhance the health, safety, and welfare of the residents of the City by improving the property from a vacant site and benefits other properties in the area by providing a use that is not currently in this immediate area and whose customers will likely utilize various other businesses in the neighborhood. The hotel use conforms to the General Plan commercial designation of the site. The Design Goals and Standards are met through using varying roof heights and a mix of materials and colors to create visual interest. The project is conforming to any applicable Infrastructure Master Plans which is evident through the City sewer, water, storm drainage and traffic technical studies that provide evidence that the needed infrastructure is available.

c. The Planning Commission recommends that the City Council approve the Development Review Permit (D18-0033), subject to conditions contained in Exhibit 1.

The foregoing Resolution 2020 – 005 was adopted by the Planning Commission on the 11th day of March, 2020, by the following vote:

AYES: Commission Members:
NOES: Commission Members:
ABSENT: Commission Members:
ABSTAIN: Commission Members:

CHAIR

ATTEST:

STAFF LIAISON

Exhibit 1 – Conditions of Approval

**La Quinta Hotel
Conditions of Approval
Application Number D18-0033
Planning Commission – March 11, 2020**

These Conditions of Approval shall apply to the real property described as the La Quinta Hotel Project, Development Review (Application Number D18-0033). The approximately 1.9-acre subject property is a vacant parcel located on Clover Road, approximately 500 feet east of Tracy Boulevard (APN: 214-210-05).

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

1. "Applicant" means any person, or other legal entity, defined as a "Developer", 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.
2. "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.
3. "City Regulations" means all written laws, rules and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design documents (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and the June 2015 Multi-Agency Post Construction Stormwater Standards Manual, and Relevant Public Facilities Master Plans).
4. "Conditions of Approval" shall mean the conditions of approval applicable to the real property described as the La Quinta Hotel, Development Review (Application Number D18-0033). The approximately 1.9-acre subject property is located on the north side of Clover Road, east of Tracy Boulevard, (Assessor's Parcel Number 214-210-05).
5. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
6. "Project" means the real property consisting of approximately 1.9 acres proposed for the La Quinta Hotel Project located on the north side of Clover Road, east of Tracy Boulevard, Tracy (Assessor's Parcel Number 214-210-05).
7. "Property" means the real property located at Assessor's Parcel Number 214-210-05.

B. General Conditions of Approval:

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, *et seq.*), the

Subdivision Map Act (Government Code sections 66410, *et seq.*), the California Environmental Quality Act (Public Resources Code sections 21000, *et seq.*, "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, *et seq.*, "CEQA Guidelines").

2. Unless specifically modified by these Conditions of Approval, the Project shall comply with all City Regulations.
3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the General Plan Environmental Impact Report, dated February 1, 2011.
4. 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.
5. Except as otherwise modified herein, all construction shall be consistent with the plans received by the Development Services Department on March 3, 2020.
6. Prior to the issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, to the satisfaction of the Development Services Director; and with the applicable Department of Water Resources Model Efficient Landscape Ordinance to the satisfaction of the Utilities Director. Said landscape plans shall include documentation which demonstrates there is no less than 20 percent of the parking area in landscaping, 40 percent canopy tree coverage at tree maturity, and canopy shade trees shall be included and evenly distributed throughout the landscape strip along the public right-of-way where compatible with the bio-retention function and in coordination with the location of street trees, in accordance with City Regulations. Newly planted, on-site trees shall be a minimum size of 24-inch box and shrubs shall be a minimum size of five gallons.
7. Where landscape planters are parallel and adjacent to vehicular parking spaces, the planter areas shall incorporate a 12-inch wide concrete curb along their perimeter that is adjacent to the sides of the parking space in order to allow access to vehicles without stepping into landscape planters.
8. Prior to the issuance of a building permit, an Agreement for Maintenance of Landscape and Irrigation Improvements shall be executed and financial security submitted to the Development Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years following Project occupancy. Said security shall be equal to the actual

material and labor costs for installation of the on-site landscape and irrigation improvements, or \$2.50 per square foot of on-site landscape area.

9. No roof mounted equipment, including, but not limited to, HVAC units, fans, antennas, and dishes whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from Tracy Boulevard, Clover Road, Interstate 205F la or any other public right-of-way. All roof-mounted equipment shall be screened from view from the public rights-of-way by the exterior parapet walls, to the satisfaction of the Development Services Director.
10. All vents, gutters, downspouts, flashing, electrical conduit, gas meters, electrical panels and doors, and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
11. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way, to the satisfaction of the Development Services Director.
12. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Development Services Director.
13. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
14. Trash enclosure(s) shall be at least seven feet tall, of masonry construction, with solid metal doors, and exterior colors and materials to match the building exterior to the satisfaction of the Development Services Director. Prior to the issuance of a building permit, the developer shall demonstrate that the trash enclosure contains sufficient space and access for recycled material in accordance with State law and local standards to the satisfaction of the Public Works Director.
15. No signs are approved as part of this development application. Prior to the installation of any signs, the applicant shall submit a sign permit application and receive approval from the Development Services Director in accordance with City Regulations. All signs shall be designed and constructed in accordance with the size, height, and other standards of the Tracy Municipal Code and the Clover Road Hotel/Office PUD Zone standards.
16. Prior to the issuance of a building permit, the developer shall document compliance with the City of Tracy June 2015 Multi-Agency Post Construction Stormwater Standards Manual to the satisfaction of the Utilities Director, which includes submittal of site design and source and treatment controls along with hydromodification.

Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, loading and unloading areas, trash enclosures, parking areas, any wash areas and maintenance areas and compliance with Tracy Municipal Code Chapter 11.34 and the California Green Building Standards Code, Chapter 5.

17. Prior to issuance of a grading or building permit, the applicant shall submit a Department of Water Resources Model Efficient Landscape Ordinance (MWELO) Project Information Sheet prepared in compliance with City standards to the Utilities Director. The submittal must show compliance with the MWELO by choosing either the Prescriptive or Performance Approach through inclusion in submitted plans and documents. The submittal shall demonstrate compliance with Tracy Municipal Code Chapter 11.28 and California Green Building Standards Chapter 5.
18. The project shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit and a pre-construction survey prior to ground disturbance, to the satisfaction of San Joaquin Council of Governments.
19. Prior to construction of any structures, applicant must submit construction documents, plans, specifications and/or calculations to the Building Safety Division which meet all requirements of Title 24 California Code of Regulations, as applicable per Title 24 California Code of Regulations to the satisfaction of the Chief Building Official. Construction documents and plans shall include an accessible path of travel with a cross-slope not to exceed 2% to the public right-of-way and all accessible features on the site, including the trash enclosure. CBC 11B-206.2.2.
20. All parking spaces and drive aisles shall meet the minimum dimensional requirements of the City of Tracy Standard Plan 141. Two-way drive aisles serving 90-degree parking spaces shall be at least 26 feet wide and 90-degree parking spaces shall be at least nine feet wide by 18.5 feet long. Planters or sidewalks at the head of parking spaces may be constructed two feet into the front of parking spaces. Such two-foot overhang of landscape planters into the head of parking spaces is not included in the minimum area of required landscaping.
21. Prior to occupancy or final inspection, bollards constructed on site shall be painted to match the color of the adjacent building, to the satisfaction of the Development Services Director.
22. Consistent with General Plan Noise Element Policy 4 (Goal N-1.2), all construction activity producing any noise beyond the site's property line shall not occur after 7:00 p.m. or before 7:00 a.m.
23. Prior to the issuance of a building permit, the developer shall cause to be recorded an instrument that ensures the site will provide and participate in vehicle and pedestrian access to the property adjacent to the west and provide no less than two connections to the existing, developed site located at 545 W Clover Road. The recorded

instrument shall be consistent with City regulations to the satisfaction of the Development Services Director and in a form satisfactory to the City Attorney.

24. The landscape planter along the entire east property line shall be at least ten feet wide and shall include evergreen, shade trees, spaced no more than 30 feet apart, to provide screening for the adjacent residential development, to the satisfaction of the Development Services Director.

C. Engineering Division Conditions of Approval

C.1. General Conditions

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

- 1) Traffic Memorandum prepared by Kimley-Horn and Associates dated October 7, 2019.
- 2) Storm Drain Memorandum by Storm Water Consultants dated October 24, 2019.
- 3) Water Supply Memorandum by Black Water Consulting Engineers dated October 17, 2019.
- 4) Sanitary Sewer Memorandum by Black Water Consulting Engineers dated January 10, 2020.

C.2. RESERVED

C.3. RESERVED

C.4. Grading Permit

All grading work (on-site and off-site) shall require a Grading Plan. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Geotechnical Engineer. The City will not accept a Grading Permit application for the Project until Developer provides all documents related to said Grading Permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.4.1 Developer has completed all requirements set forth in this section.

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

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

C.4.4 All existing on-site water well(s), septic system(s), and leech field(s), if any, shall be abandoned or removed in accordance with 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 Site buildings should be elevated appropriately above the grade of adjacent parking areas, drives and landscape areas, and a minimum of 1 foot above any HGLs determined from capacity evaluations performed for the onsite SD system by the

Developer's Engineer as a part of the design of the project.

C.5. Encroachment Permit

All construction activity involving public improvements will require an approved encroachment permit. Any construction activity involving public improvements without an approved encroachment permit is prohibited. All public improvements shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Civil Engineer. The City will not start processing any encroachment permit application until the Developer provides all documents related to said improvements required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.5.1. Public Infrastructure Improvement Plans prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick mylar that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block and, if necessary, contain a signature block for the Fire Marshal. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Fire Marshal to submitting the mylars to Engineering Division for City Engineer's signature. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:

C.5.1.a. All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.

C.5.1.b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers such as benchmarks.

C.5.1.c. A PDF copy of the Project's approved Geotechnical/Soils Report that was prepared for the grading permit submittal.

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

Storm drainage release point is a location at the boundary of the Project adjacent public right-of-way where storm water leaves the Property, in a storm event and that

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

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

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

Developer shall connect directly to the existing 42-inch storm drain line on Clover Road with a new manhole per City Standards.

Developer shall provide roughly at least 2,700 cubic-feet of storm water quality treatment.

C.5.1.e. Sanitary Sewer - It is the Developer's responsibility to design and construct the Project's permanent on-site sanitary sewer (sewer) improvements including the Project's sewer connection in accordance with the City's Design Standards, City Regulations and Standard Specifications. Sewer improvements shall include but not limited to, replacing asphalt concrete pavement, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's permanent sewer connection. Developer shall submit improvement plans that include the design of the sewer line from the Property to the point of connection.

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

C.5.1.g. Water Distribution - Developer shall design and construct domestic and irrigation water service that comply with the City Regulations. Water line sizing, layout and looping requirements for this Project shall comply with City Regulations. During the construction of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as approved by the Fire Marshal.

Interruption to the water supply to the existing businesses and other users will not be allowed to facilitate construction of improvements related to the Project. Developer shall be responsible for notifying business owner(s) and users, regarding construction work. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least seventy-two (72) hours before start of work. Prior to starting the work described in this section, the Developer shall submit a Work Plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be used during the installation of the off-site water mains and connections.

The Project's water service connections shall use a remote-read (radio-read) master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City Regulations. The domestic and irrigation water service connection(s) must be completed before the inspection of the building. The location of the meters shall be approved by the City Engineer.

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

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

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

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.

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

Developer shall use all existing driveways as proposed to be used by the project.

Developer shall install R-26(CA) 'no parking' signs along the frontage on Clover Road.

C.5.2. Joint Trench Plans and Composite Utility Plans, prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick mylar for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the twenty-four (24) feet wide to forty-six (46) feet wide [the width varies] PUE to be installed to serve the Project. All private utility services to serve Project must be installed underground or relocated to be underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing or proposed utility easement to the building(s). If necessary, the Developer shall dedicate ten (10) feet wide PUE for access to these new utilities for re-installation, replacement, repair, and maintenance work to be performed by the respective utility owner(s) in the future.

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

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

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

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

businesses. All costs of measures needed to provide safe and functional access shall be borne by the Developer.

C.5.6. No street trench shall be left open, uncovered, and/or unprotected during night hours and when the Developer's contractor is not performing construction activities. Appropriate signs and barricades shall be installed on the street and on all trenches during such times. If the Developer or its contractor elects to use steel plates to cover street trenches, said steel plates will be skid-resistance, and shall be ramped on all sides. Ramps will be a minimum two-foot wide and will run the entire length of each side.

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

C.5.8 RESERVED

C.5.9 Off-site Public Improvements - Prior to the Developer commencing construction of off-site public improvements, Developer, if required, shall possess a fully executed Encroachment Permit. Developer shall also complete all of the following requirements to the satisfaction of the City Engineer:

Developer has received City signed improvement plans.

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

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

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

C.6. Building Permit

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

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

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

C.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 satisfactorily completed construction of all required/conditioned improvements. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.7.4 Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City, at its sole discretion, temporarily release the original mylars of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As-Built" configuration of all improvements.

C.7.5 Developer shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements along the frontage of the Project, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.

C.7.6 Developer has completed the ninety (90) day public landscaping maintenance period.

C.7.7 Per Section 21107.5 of the California Vehicle Code, Developer shall install signs at all entrance(s) of the Project stating that the streets are privately owned and maintained and are not subject to the public traffic regulations or control. Said signs must be conspicuously placed, plainly visible, and legible during daylight hours from a distance of one hundred (100) feet.

C.7.8 Survey Monuments – Any altered, damaged, or destroyed survey monuments and/or benchmarks shall be re-established. Developer shall submit centerline tie sheets or a record of survey for the following: new public streets; re-established survey monuments, and/or benchmarks. If the Developer destroyed, altered, and/or reconstructed any existing curb returns, Developer shall also submit corner records. Any survey document will be submitted the City and to the San Joaquin County Surveyor to comply with California Business and Professions Code Section 8771(c). Said work shall be executed by a California licensed Land Surveyor at the Developer's sole expense.

C.8 Special Conditions

C.8.1 When street cuts are made for the installation of utilities, the Developer shall conform to Section 3.14 of the 2008 Design Standards and is required install a two (2) inch thick asphalt concrete (AC) overlay with reinforcing fabric at least twenty-five (25) feet from all sides of each utility trench. A two (2) inch deep grind on the existing AC pavement will be required where the AC overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. This pavement repair requirement is when cuts/trenches are perpendicular and parallel to the street's direction.

C.8.2 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the improvement plans, prior to the City Engineer's signature on the improvement plans, and prior to issuance of Grading Permit, Encroachment Permit, Building Permit, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

C.8.3 If water is required for the project, the Developer shall obtain an account for the water service and register the water meter with the Finance Department. Developer shall pay all fees associated with obtaining the account number for the water service.

C.8.4 Developer shall obtain an account for the water service to the Project and register the water meter with the Finance Department. Developer shall prepare and submit a map depicting the location of the water meter on a 8.5-inch X 11-inch sheet to Finance Department.

C.8.5 Project Entrance As stipulated by Section 5.17 of the 2008 Design Standards, a PCC valley gutter is prohibited in the City's right-of-way.

C.8.6 If required, Developer shall design or purchase and then construct or install a storm water treatment device and shall be located entirely within private

property. Said installation shall be in a manner that does not impose any additional downstream maintenance burdens to the City. Said design and construction methods shall be to the satisfaction of the City Engineer.

C.8.7 Developer shall preserve and protect the existing sidewalk fronting it's parcel on Clover Road.

C.8.8 Developer shall preserve and protect the existing driveway to the parcel.

C.8.9 Developer may use the existing utility stubs and can replace the existing utility boxes with traffic rated utility boxes.

C.8.10 Developer shall use the existing stubbed entries from the westerly commercial property.

C.8.11 Developer shall use the existing driveway stubs provided by the easterly property.