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, June 24, 2020
7:00 P.M. (or as soon thereafter as possible)Location:City Hall
333 Civic Center Plaza, Tracy

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.

THIS REGULAR MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-29-20 WHICH SUSPENDS CERTAIN REQUIREMENTS OF THE RALPH M. BROWN ACT

RESIDENTS ARE STRONGLY ENCOURAGED TO PARTICIPATE REMOTELY AT THE JUNE 24, 2020 MEETING

Remote Access to City of Tracy Planning Commission Meeting:

In accordance with the guidelines provided in Executive Order N-29-20 on social distancing measures, the City of Tracy will allow for remote participation at the upcoming Planning Commission meeting on Wednesday, June 24, 2020.

Remote Public Comment:

Public comment via email **will only be accepted for agendized items before the start of the Planning Commission meeting at 7:00 p.m. Please send an email to** <u>publiccomment@cityoftracy.org</u>. Identify the item you wish to comment on in your email's subject line

During the upcoming Planning Commission meeting public comment will be accepted via the options listed below. If you would like to comment remotely, please follow the protocols below:

- Comments via:
 - o Phone by dialing (209) 831-6010, or
 - Online by visiting <u>https://cityoftracyevents.webex.com</u> and using the following Event Number: 126 899 7375 and Event Password: Planning
 - If you would like to participate in the public comment anonymously, you may submit your comment via phone or in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting <u>Anonymous@example.com</u> when prompted to provide an email address.

Planning Commission Agenda June 24, 2020 Page 2

- Protocols for submitting comments by **phone**:
 - Identify the item you wish to comment on to staff when calling in. Comments received by phone will be accepted for the "Items from the Audience/Public Comment" and "New Business" portions of the agenda.
 - Comments received by phone for the "Items from the Audience/Public Comment" portion of the agenda must be received by the time the Chairperson opens that portion of the agenda for discussion.
 - Comments received by phone on each "New Business" will be accepted until the Chairperson announces that public comment for that item is closed.
- Protocols for commenting via WebEx:
 - If you wish to comment on the "Items from the Audience/Public Comment" or "New Business" portions of the agenda:
 - Listen for the Chairperson to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.
 - If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.
 - Comments for the "Items from the Agenda/Public Comment" or "New Business" portions of the agenda will be accepted until the public comment for that item is closed.
- <u>The total allotted time for public comment will be as follows:</u>
 - o Items from the Audience: **15 minutes**
 - New Business: **10 minutes**

Comments received by <u>publiccomment@cityoftracy.org</u>, phone call, or on Webex outside of the comment periods outlined above will not be included in the record.

REGULAR MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES - 6/10/20

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with <u>Council Meeting Protocols and Rules of</u> <u>Procedure</u>, adopted by Resolution 2019-240, a five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For nonagendized items, Planning Commissioners may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to the Planning Commission.* Planning Commission Agenda June 24, 2020 Page 3

- 1. NEW BUSINESS.
 - A. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AND A DEVELOPMENT REVIEW PERMIT FOR THE ESTABLISHMENT OF A 24-UNIT MULTI-FAMILY RESIDENTIAL PROJECT, INCLUDING PARKING AND RELATED ON-SITE IMPROVEMENTS, ON APPROXIMATELY 0.7 ACRES LOCATED ON THE SOUTH SIDE OF GRANT LINE ROAD AT 508 AND 522 W. GRANT LINE ROAD, APNS 233-030-09 AND 10; APPLICANT/OWNERS ARE SOOSAN ROD AND RAMNEEK SINGH APPLICATION NUMBERS CUP18-0004 AND D18-0028
- 2. ITEMS FROM THE AUDIENCE
- 3. DIRECTOR'S REPORT
- 4. ITEMS FROM THE COMMISSION
- 5. ADJOURNMENT

Posted: June 18, 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 via the City of Tracy website at www.cityoftracy.org.

MINUTES TRACY CITY PLANNING COMMISSION JUNE 10, 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: Bianca Rodriguez, Assistant City Attorney; Bill Dean, Assistant Development Services Director; Robert Armijo, City Engineer; Scott Claar, Senior Planner; Victoria Lombardo, Senior Planner; Kimberly Matlock, Associate Planner; Gina Peace, Executive Assistant; and Paula Venegas, Recording Secretary.

MINUTES

Chair Orcutt introduced the Minutes from the March 11, 2020 meeting.

ACTION: It was moved by Chair Orcutt and seconded by Vice Chair Hudson to approve the Planning Commission meeting minutes from March 11, 2020. A voice vote found all in favor, passed and so ordered; 5-0-0-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

Development Services Assistant Director Bill Dean welcomed everyone back. He also thanked the Commissioners and staff for their efforts in making the Webex Planning Commission meetings possible.

ITEMS FROM THE AUDIENCE

There were no comments from the Public.

1. NEW BUSINESS

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TRACY HILLS SPECIFIC PLAN REGARDING HOUSES WITH THREE-CAR GARAGES. THE APPLICANT IS JOHN PALMER. APPLICATION NUMBER SPA20-0002

Scott Claar, Senior Planner, delivered the staff report.

Chair Orcutt opened the Public Hearing at 7:24 p.m.

John Palmer, Applicant, addressed the Commission. Sarah Bai, resident, called in to express her support in favor of the Project.

Chair Orcutt closed the Public Hearing at 7:37 p.m.

Commission and Staff discussion followed.

- ACTION: It was moved by Vice Chair Hudson and seconded by Commissioner Wood to recommend that City Council approve an amendment to the Tracy Hills Specific Plan regarding houses with three-car garages. A roll call vote found all in favor; passed and so ordered; 5-0-0-0.
 - B. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR AN EXTENSION OF THE TRACY VILLAGE VESTING TENTATIVE SUBDIVISION MAP FOR 590 LOTS TO MAY 15, 2022. THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW AND VALPICO ROADS, ASSESSOR'S PARCEL NUMBERS 244-030-01, 244-030-02, AND 240-040-01. THE APPLICANT AND PROPERTY OWNERS ARE JC TRACY GROUP, LLC AND PONDEROSA HOMES. APPLICATION NUMBER EXT20-0001.

Victoria Lombardo, Senior Planner, delivered the staff report.

Chair Orcutt opened the Public Hearing at 7:50 p.m.

Jeff Schroeder, Applicant, addressed the Commission.

Chair Orcutt closed the Public Hearing at 7:57 p.m.

ACTION: It was moved by Commissioner Wood and seconded by Vice Chair Hudson to approve an application for an extension of the Tracy Village Tentative Subdivision Map for 590 lots to May 15, 2020. The Project is located at the Southeast corner of Corral Hollow and Valpico Roads, Assessor's Parcel Numbers 244-030-01, 244-030-02, and 240-040-01. A roll call vote found all in favor; passed and so ordered; 5-0-0-0.

C. PUBLIC HEARING TO CONSIDER APPLICATIONS FOR REZONING THE APPROXIMATELY 10.92-ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND MIDDLEFIELD DRIVE, ASSESSOR'S PARCEL NUMBER 244-020-31, FROM PUD TO NS AND FOR A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW PERMIT FOR AN AUTOMOTIVE SERVICE STATION, ELECTRIC VEHICLE CHARTING STATION, AND CONVENIENCE STORE. APPLICANT IS SCHACK AND COMPANY AND PROPERTY OWNERS ARE HARPREET SINGH & VARINDER PAL SINGH - APPLICATION NUMBERS R19-0001, CUP19-0013, AND D19-0031

Kimberly Matlock, Associate Planner, delivered the staff report.

Chair Orcutt opened the Public Hearing at 8:26 p.m.

Gina Peace, City staff, read 7 e-mails into record. E-mails received from Esperanza Garcia, Amrik Wander, Robert Rockett, Deep Dhillon, Pat Nadeau, and Gerilyn Featherston were in favor of the Project. The e-mail received from Thomas Amato was opposed to the Project.

Dan Schack, Applicant, addressed the Commission. Raquel Fairfield, resident, expressed her support of the Project. Christine Gonzaga, resident, expressed her support of the Project. Alice English, resident, addressed the Commission in support of the Project. Richard, resident, called to say he was in support of the Project.

Chair Orcutt closed the Public Hearing at 8:50 p.m.

Commission and Staff discussion followed.

ACTION: It was moved by Vice Chair Hudson and seconded by Commissioner Wood to:

- 1. Recommend that the City Council rezone the subject property from Planned Unit Development (PUD) Zone to Neighborhood Shopping (NS) Zone, and
- 2. Approve Conditional Use Permit application CUP19-0013 for an automotive service station with associated electric vehicle charging station, not to take effect until and unless the Project site is rezoned to NS Zone following the City Council approval of the rezone request, and
- 3. Recommend that the City Council approve Development Review Permit application D19-00312 for a 3,884 sf convenience store building, an automotive service station with six dispensers and a 2,880 sf canopy, an electric vehicle charging station consisting of seven stations, and associated parking area and landscaping improvements on the approximately 2.44-acre northwestern portion of the Project site, not to take effect until and unless the Project site is rezoned to the NS Zone following City Council approval of the rezone request.
- A roll call vote found all in favor; passed and so ordered; 5-0-0-0.

Planning Commission Minutes June 10, 2020 Page 4

2. ITEMS FROM THE AUDIENCE

There were no comments from the Public.

3. DIRECTOR'S REPORT

Assistant Director Bill Dean again thanked everyone for their patience while conducting Commission meetings in this new virtual format. He also commented about the fact Chair Orcutt was dressed in camouflage military attire.

4. ITEMS FROM THE COMMISSION

Chair Orcutt followed up on Mr. Dean's comment stating he was on active duty, serving the U.S. military during this current week.

5. ADJOURNMENT

ACTION: It was moved by Vice Chair Hudson and seconded by Chair Orcutt to adjourn. A voice vote found all in favor; passed and so ordered.

Time: 9:02 p.m.

CHAIR

STAFF LIAISON

AGENDA ITEM 1.A

REQUEST

PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AND A DEVELOPMENT REVIEW PERMIT FOR THE ESTABLISHMENT OF A 24-UNIT MULTI-FAMILY RESIDENTIAL PROJECT, INCLUDING PARKING AND RELATED ON-SITE IMPROVEMENTS, ON APPROXIMATELY 0.7 ACRES LOCATED ON THE SOUTH SIDE OF GRANT LINE ROAD AT 508 AND 522 W. GRANT LINE ROAD, APNS 233-030-09 AND 10; APPLICANT/OWNERS ARE SOOSAN ROD AND RAMNEEK SINGH APPLICATION NUMBERS CUP18-0004 AND D18-0028

DISCUSSION

Background and Project Description

The proposal is to construct a 24-unit residential apartment project located at 508 and 522 W Grant Line Road, which is situated on the south side of Grant Line Road, between Tracy Boulevard and Bessie Avenue. Two adjacent lots will each have a 12-unit apartment building with shared access along the center of the site creating a 24-unit multi-family apartment complex. Of the 24 units, two will be one-bedroom units, and 20 will be-two bedroom units. The units range in size from 846 square feet to 1208 square feet.

The architecture is a modern design featuring exterior materials of stucco, with relief being created by the use of horizontal and vertical elements using stone. A variation of colors will also enhance the visual interest of the building. Horizontal and vertical interest and variety is also created by varying roof heights, faux balconies, a decorative cornice, and the large use of windows. The trash enclosure will also be finished with the stone material to be consistent with the design of the main buildings. Building Elevations are included as Attachment A.

The site is 0.7 acres, situated on the south side of West Grant Line Road and includes a vacant lot, and a lot that has two single-family homes, one of which has previously been deemed uninhabitable. All existing structures will be demolished as part of this project.

The narrow shape of the two existing properties poses an obstacle to developing them individually. The shared use of the drive aisle along the center of the development alleviates the access constraint if the owners were to develop separately. Without such an access drive, or some other shared access with adjoining property, it is unlikely that development of this site could occur at the required minimum density of the General Plan Commercial designation, which is 12.1 dwelling units per acre.

Site Plan

The project site will be accessed by a 26-foot wide driveway situated along the center of the site, bisected by the property line between the two lots. If the property line is not removed, easements for access, parking, and utilities will be required between the two lots. Historically, the property was accessed from the south side of the lot through the Ritter Family Ball Park parking lot. Vehicles will no longer access the site through the park parking lot with the exception of an emergency access point, as described in

recommended Condition of Approval Number B.17, which requires the applicant to execute an agreement, covenant, or other instrument, as approved by the Parks and Recreation and Fire Departments. This access point is located at the south of the property with a gate that will be available as an emergency access point through the adjacent Ritter Family Ball Park parking lot allowing the project to satisfy the Fire Marshal's requirement for a secondary point of emergency access to the site.

A total of two residential, three-story buildings are to be constructed with one building on each of the two adjacent properties. Covered parking is to be located on the ground level with the residential units directly above on the second and third levels. Attachment B provides a site plan and floor plans.

A 15-foot wide landscape area is proposed along Grant Line Road to soften the appearance of the proposed structures. A decorative fence and gate constructed of quality materials, including stone veneer and wrought iron, is also proposed to be constructed at the north end of the site, behind the landscape area. The property will be fully enclosed to provide security to the residences. The units are accessible by elevator or by exterior stair cases.

Landscaping Improvements

As it pertains to landscaping, a variety of ground cover, trees and shrubs will be utilized throughout the development. Approximately 16 trees will be planted on the site. Landscaping will be provided along the entire perimeter of the site with the exception of the drive aisle and parking areas at the north and south ends of the property. All trees to be planted per the planting plan are to be 24-inch box trees. The planting plan calls for the use of Burgundy Lace Japanese Maple, Flowering Dogwood, Crape Myrtle, and Saratoga Laurel. A preliminary landscape plan can be found in Attachment C.

Parking

The proposal includes 24 units with two units each containing one bedroom and twenty units each containing two bedrooms. Pursuant to Section 10.08.3480 of the Tracy Municipal Code, parking regulations call for one and a half parking spaces for each one-bedroom unit, and two spaces for each two bedroom unit, with one covered space per unit for both unit types, plus one space marked "guest" for every five residential units. Based on the parking requirements contained within the Zoning Ordinance, a total of 51 on-site parking spaces are required for the proposed development. A total of 52 parking spaces are provided.

Land Use Compatibility

The site is bordered by single-family residential to the west, a City park to the south, and commercial uses to the east and the north (across Grant Line Road). It should be noted that there is 6-foot high wall along the entirety of the east and west property boundaries that will separate the development from the commercial uses to the east to provide a physical barrier between the residential and commercial use. The multi-family residential development is adjacent to a City park which will provide an additional amenity benefitting the development and future residents.

Public Schools

The Project site is located within the Tracy Unified School District related to K through 12th grade education. School age children who reside within the Rod-Singh Apartments would be in the attendance boundary areas for Central Elementary School, North School, and West High School. The school district has adequate capacity in their existing facilities to accommodate students from the proposed homes.

General Plan and Zoning Consistency

The subject property has a General Plan Land Use designation of "Commercial" and a zoning designation of General Highway Commercial (GHC). The Commercial land use designation allows for a relatively wide range of uses but focuses primarily on retail and consumer service activities. Appropriately scaled and designed residential development in the density ranges permitted in Residential High (RH) may be allowed in the General Plan "Commercial" designation.

As noted in the Zoning Ordinance, the General Highway Commercial (GHC) Zone is to provide areas for commercial activities which are automobile oriented or for those uses which seek independent locations outside shopping centers or other business clusters. Although the GHC Zone is primarily intended for commercial use types, it does permit for multi-family residential uses, which are seen as use types that would not only benefit from the close proximity of the commercial development, but as properties developed at higher densities it continues to provide a population base for the commercial uses as well.

Pursuant to Section 10.08.2510(b) of the Tracy Municipal Code, multi-family uses are permitted in the GHC zone only upon approval of a Conditional Use Permit. The subject property is located adjacent to a mix of residential and commercial uses. The development of the site as high density is in keeping with provisions of the Commercial General Plan land use designation, and Conditions of Approval for the proposed use established by the Conditional Use Permit and Development Review will ensure that the proposal will be compatible with the surrounding area/neighborhood. The proposed use will provide a transition from the adjacent residential neighborhood to the south, to the commercial uses to the north. The multi-family project is also situated adjacent to a City park which will allow the residents to enjoy the existing community amenity.

California Environmental Quality Act Documentation

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

Agenda Item 1.A June 24, 2020 Page 4

RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit and Development Review applications for the 24-unit residential apartment complex.

RECOMENDED MOTION

Move that the Planning Commission approve the Conditional Use Permit and Development Review to allow the establishment of a 24-unit residential apartment complex and associated site improvements, including parking, landscaping and fencing improvements at 508 and 522 W Grant Line Road, Application Numbers CUP18-0004 and D18-0028, subject to conditions and based on findings contained in the Planning Commission Resolution dated June 24, 2020.

Prepared by: Genevieve Federighi, Associate Planner

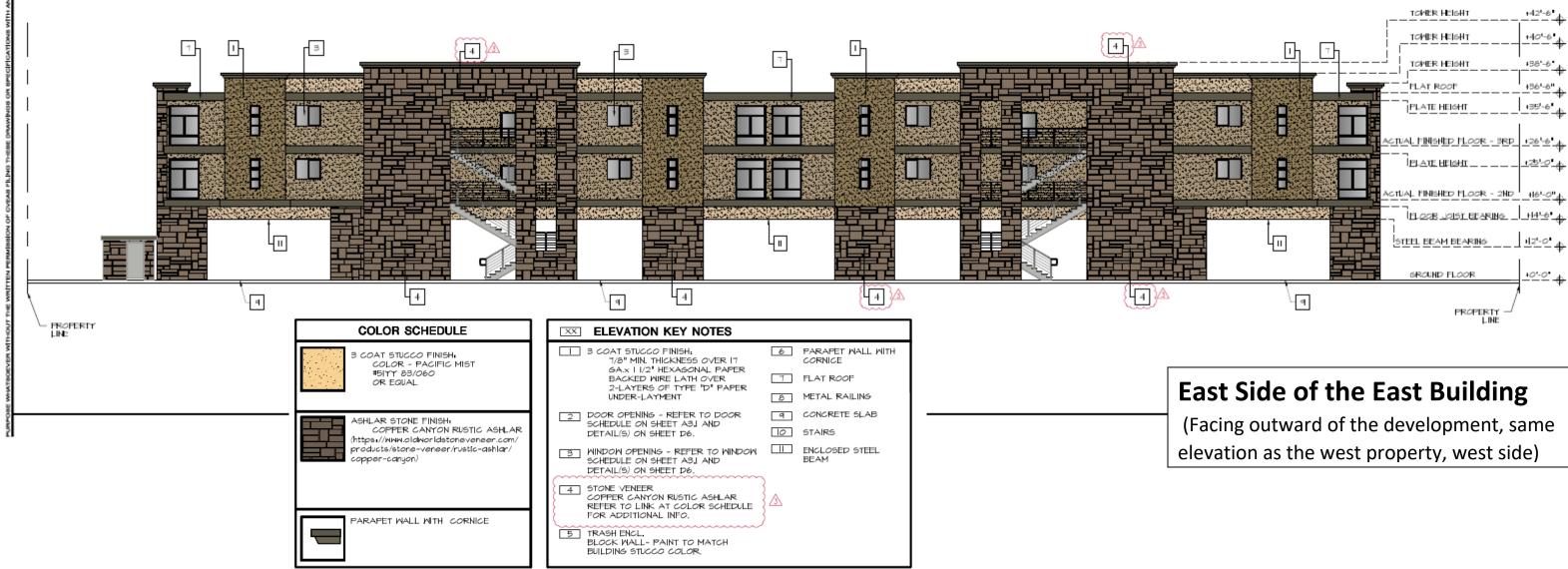
Reviewed by: Alan Bell, Senior

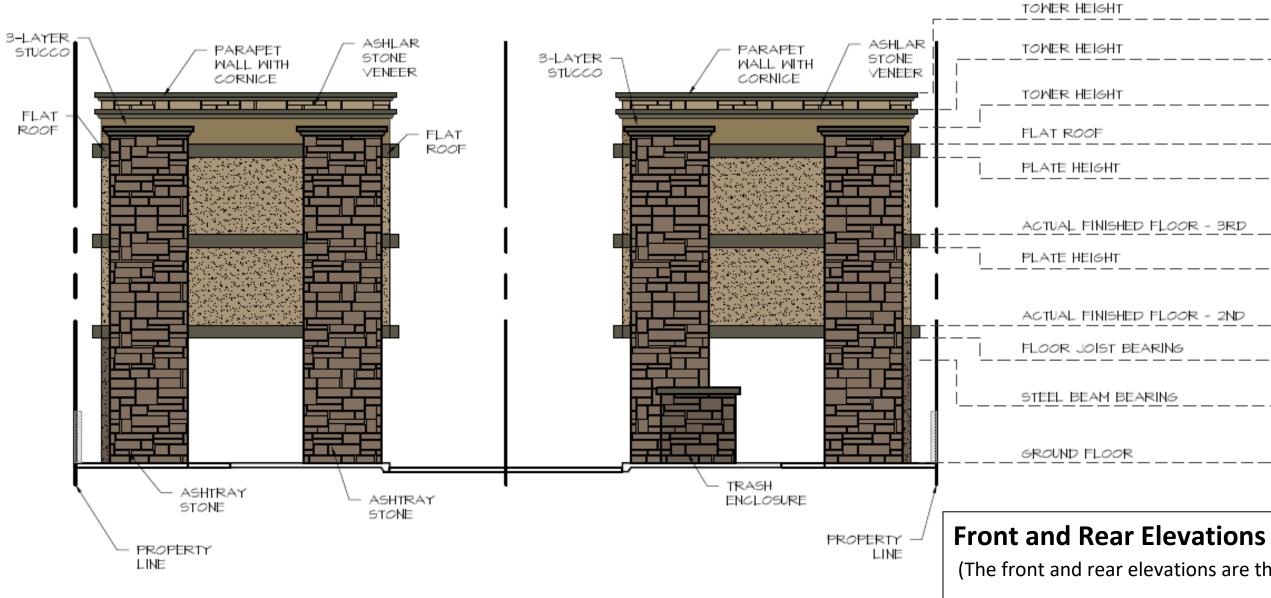
Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENTS

Attachment A – Exterior Elevations Attachment B – Site Plan, Floor Plans Attachment C – Landscape Plan Attachment D – Resolution Approving Conditional Use Permit & Development Review (Including Exhibit 1- Conditions of Approval)

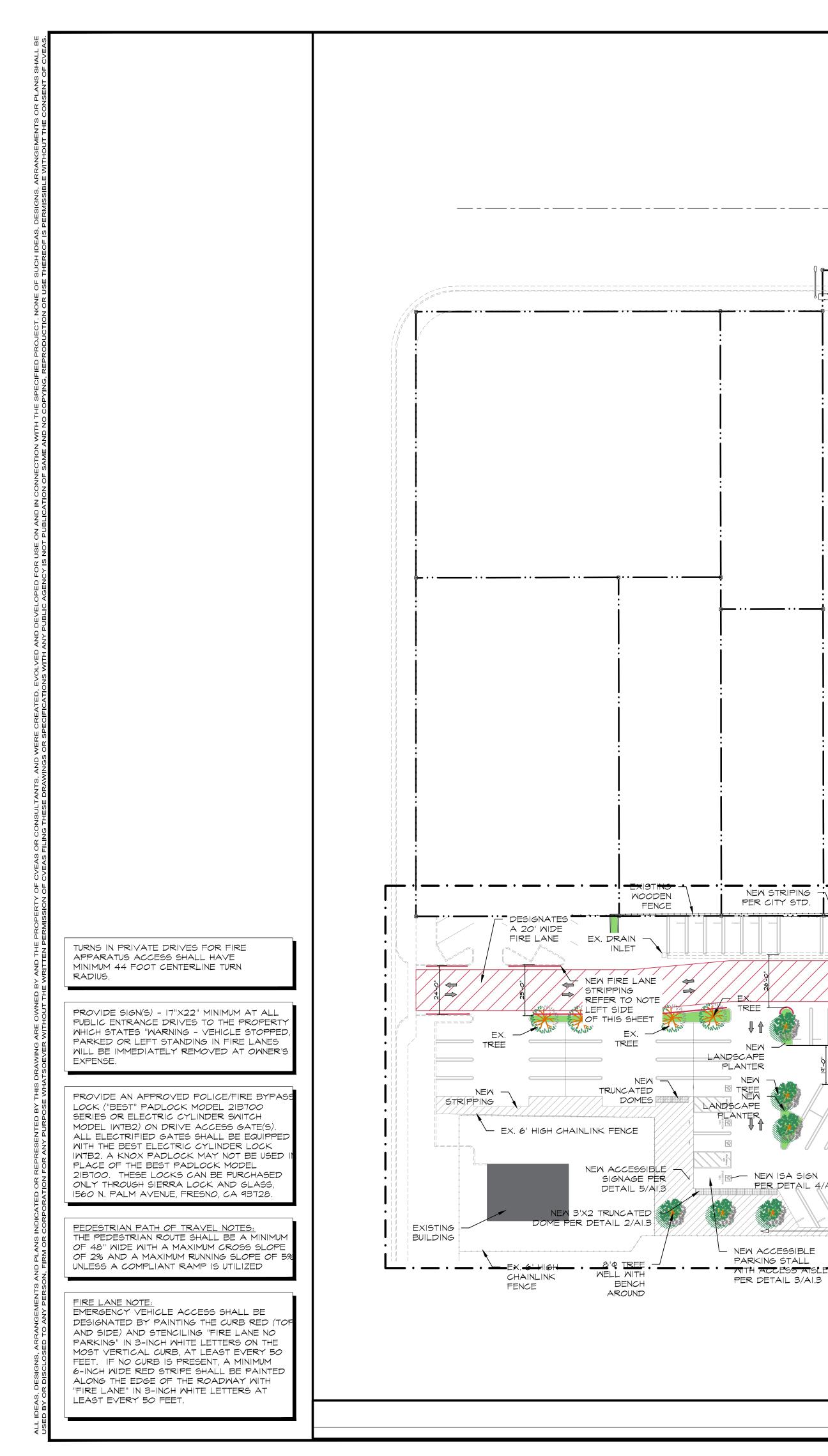






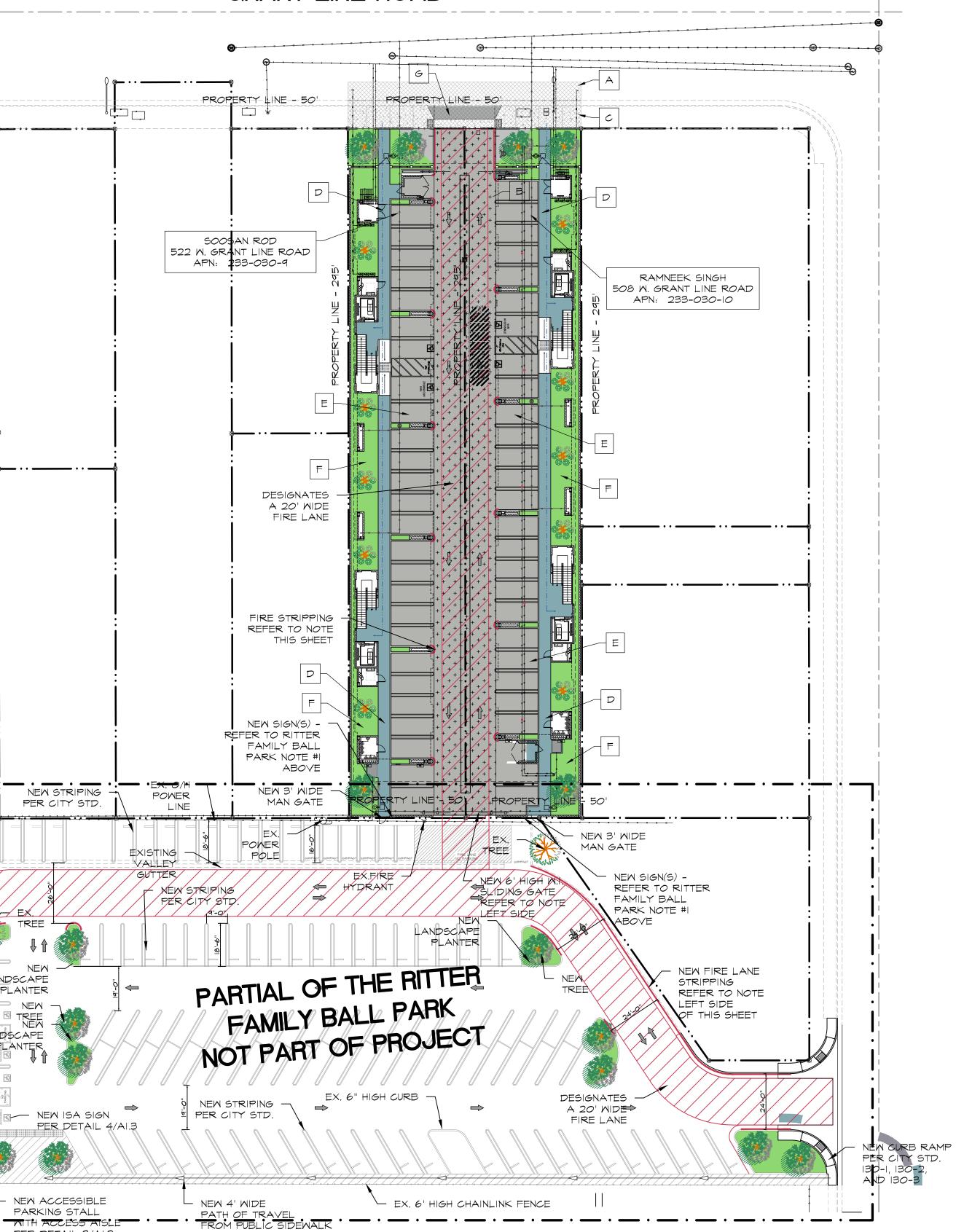
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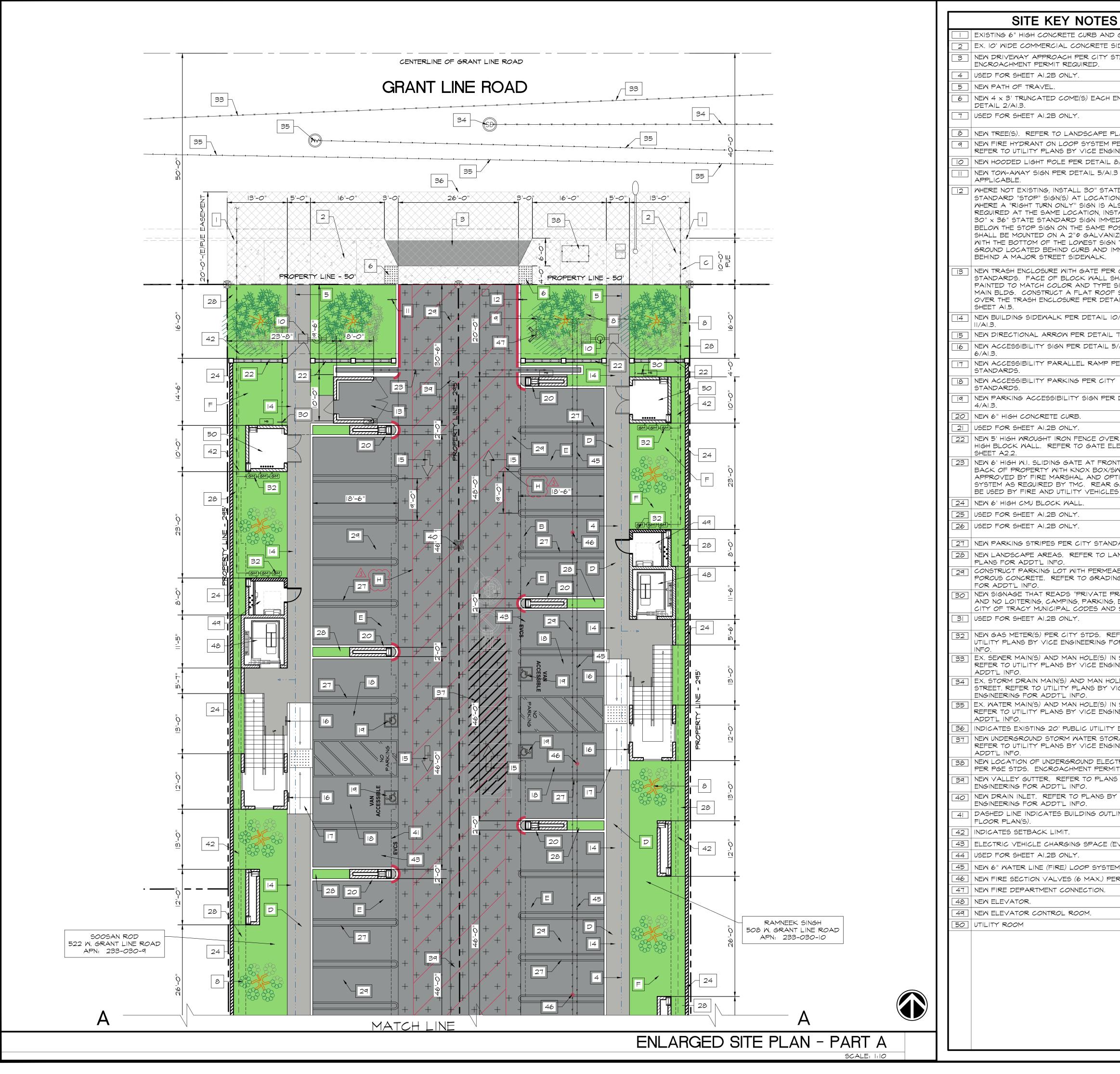


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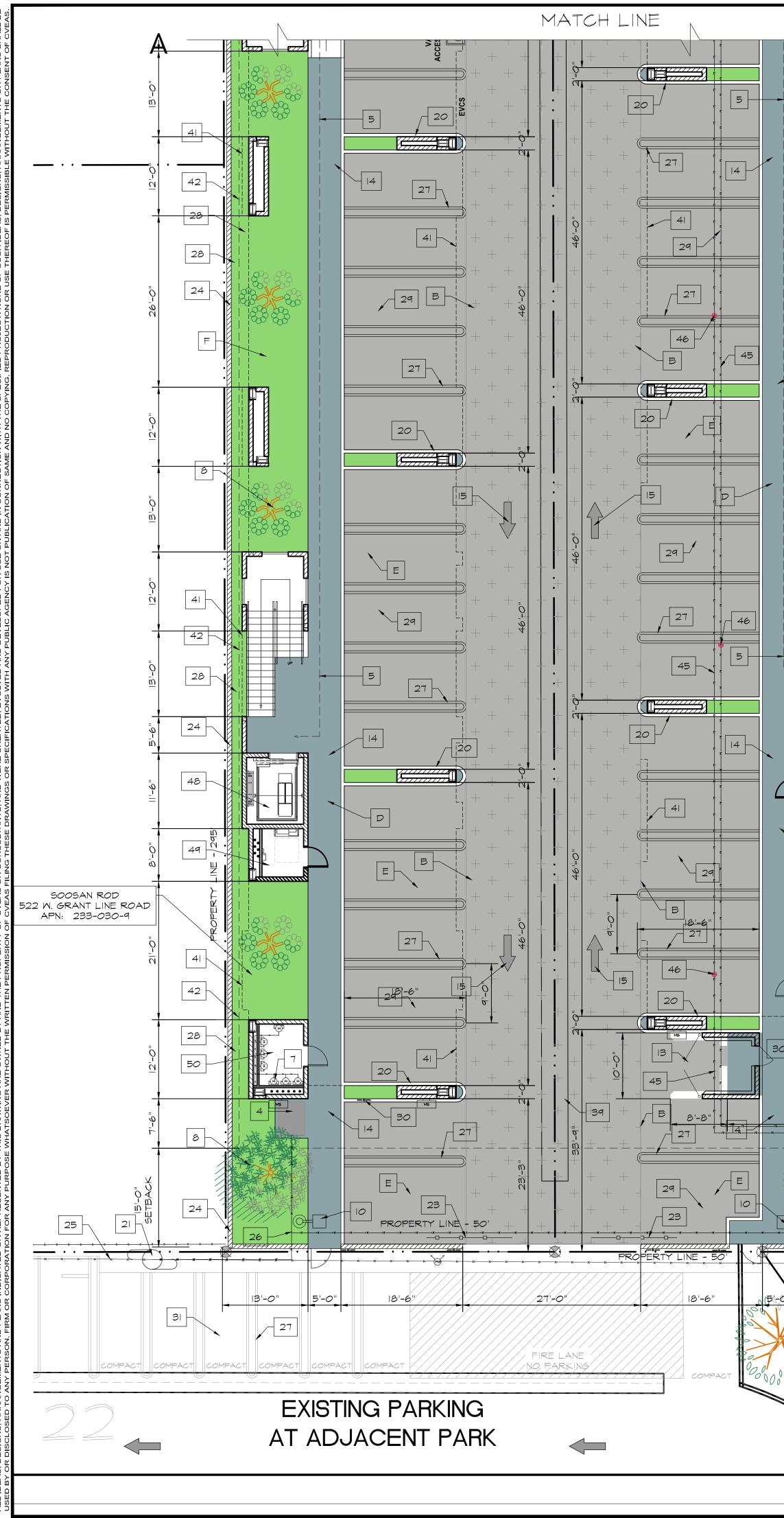




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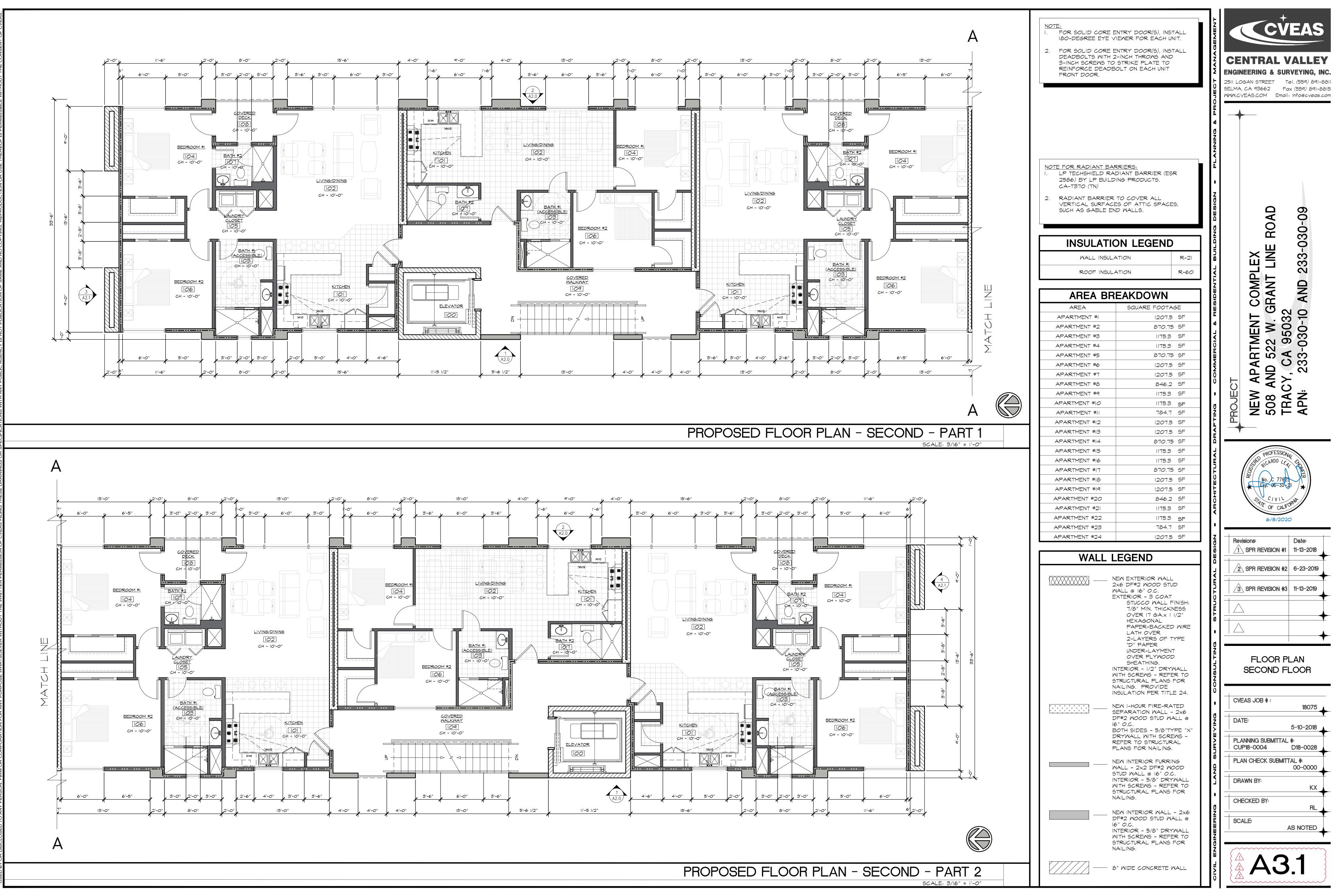


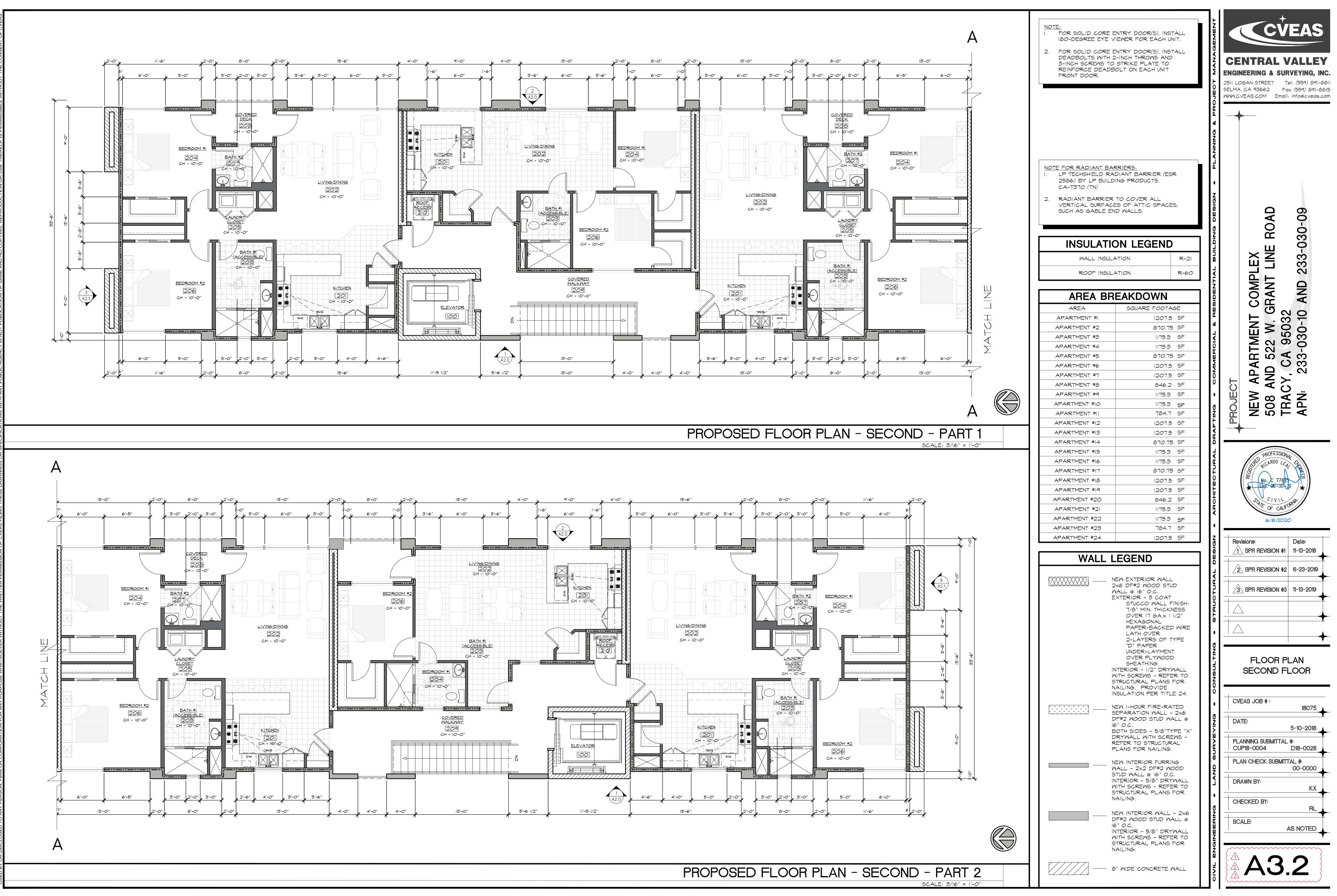
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		SITE KEY NOTES
A A		USED FOR SHEET AL.2A ONLY.
	2	USED FOR SHEET AI.2A ONLY.
	3	USED FOR SHEET AL.2A ONLY.
	4	NEW ELECTRICAL TRANSFORMER PAD.
	5	NEW PATH OF TRAVEL. USED FOR SHEET AI.2A ONLY.
		NEW ELECTRICAL METER(S) PER UTILITY
8		STANDARDS AND SPECIFICATIONS.
	8	NEW TREE(S). REFER TO LANDSCAPE PL
		REFER TO UTILITY PLANS BY VICE ENGIN
		USED FOR SHEET AI.2A ONLY.
	[2]	USED FOR SHEET AI.2A ONLY.
F		
	[3]	NEW TRASH ENCLOSURE WITH GATE PER
		STANDARDS. FACE OF BLOCK WALL SH PAINTED TO MATCH COLOR AND TYPE S
		MAIN BLDG. CONSTRUCT A FLAT ROOF OVER THE TRASH ENCLOSURE PER DETA
		SHEET AI.5. NEW BUILDING SIDEWALK PER DETAIL IO
		II/AI.3.
	15	NEW DIRECTIONAL ARROW PER DETAIL -
	18	USED FOR SHEET ALZA ONLY.
	9	USED FOR SHEET AL.2A ONLY.
		NEW 6" HIGH CONCRETE CURB.
		EX. POWER POLE TO REMAIN. USED FOR SHEET AI.2A ONLY.
	23	NEW 6' HIGH W.I. SLIDING GATE AT FRON' BACK OF PROPERTY WITH KNOX BOX/SM
		APPROVED BY FIRE MARSHAL AND OPT SYSTEM AS REQUIRED BY TMC. REAR G
	24	BE USED BY FIRE AND UTILITY VEHICLES
	25	EX. OVERHEAD POWER LINE.
	26	NEW UNDERGROUND ELECTRICAL LINE PE COMPANY REQUIREMENTS.
		NEW PARKING STRIPES PER CITY STAND
		NEW LANDSCAPE AREAS. REFER TO LA PLANS FOR ADDT'L INFO.
	29	CONSTRUCT PARKING LOT WITH PERMEA POROUS CONCRETE. REFER TO GRADIN
5d5	30	FOR ADDT'L INFO. NEW SIGNAGE THAT READS "PRIVATE PR
		AND NO LOITERING, CAMPING, PARKING, CITY OF TRACY MUNICIPAL CODES AND
	31	NEW ARRANGEMENT OF PARKING STALLS EXISTING ADJACENT PARK.
	32	USED FOR SHEET AI.2A ONLY.
	33	USED FOR SHEET AI.2A ONLY.
	34	USED FOR SHEET ALZA ONLY.
RAMNEEK SINGH	35	USED FOR SHEET AI.2A ONLY.
508 W. GRANT LINE ROAD APN: 233-030-10	36	USED FOR SHEET AI.2A ONLY.
		USED FOR SHEET AI.2A ONLY.
26 28		
		USED FOR SHEET ALLA ONLY.
		NEW VALLEY GUTTER. REFER TO PLANS ENGINEERING FOR ADDT'L INFO.
	40	USED FOR SHEET AL.2A ONLY.
	41	DASHED LINE INDICATES BUILDING OUTLI FLOOR PLAN(S).
24		INDICATES SETBACK LIMIT.
	43	USED FOR SHEET AI.2A ONLY. EXISTING CELL TOWER.
		NEW 6" WATER LINE (FIRE) LOOP SYSTEN
	46	NEW FIRE SECTION VALVES (6 MAX.) PER NEW FIRE DEPARTMENT CONNECTION.
25	48	NEW ELEVATOR.
	49	NEW ELEVATOR CONTROL ROOM.
	50	UTILITY ROOM
ENLARGED SITE PLAN - PART B		
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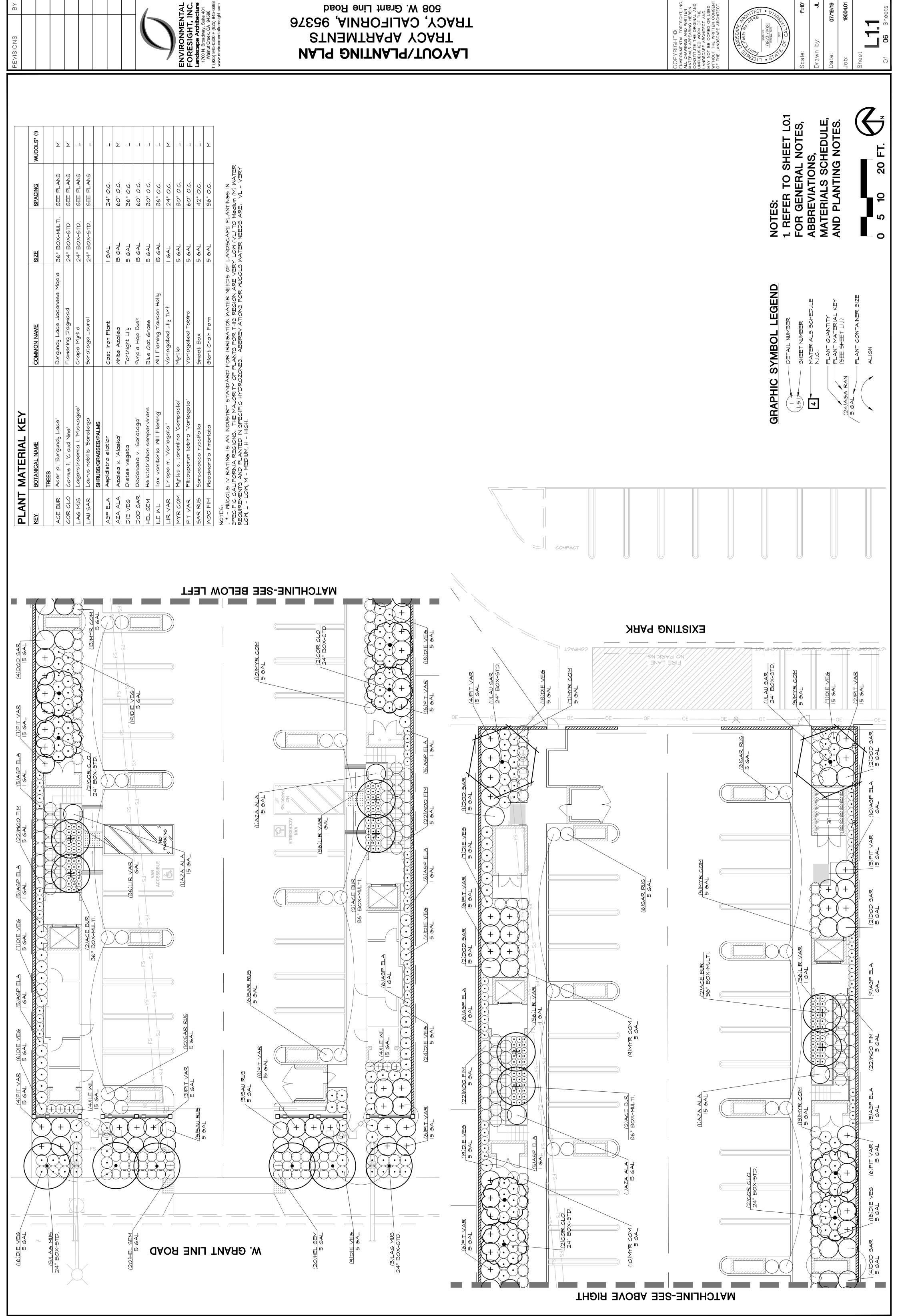
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ERIAL KEY				
CAL NAME	COMMON NAME	SIZE	SPACING	WUCOLS* (1)
v. 'Burgundy Lace'	Burgundy Lace Japanese Maple	36" BOX-MULTI.	SEE PLANS	Σ
F. 'Cloud Nine'	Flowering Dogwood	24" BOX-STD	SEE PLANS	Σ
stroemia i. 'Muskogee'	Crape Myrtle	24" BOX-STD.	SEE PLANS	
nobilis 'Saratoga'	Saratoga Laurel	24" BOX-STD.	SEE PLANS	
%GRASSES/PALMS				
stra elatior	Cast Iron Plant	I GAL	24" O.C.	
t x. 'Alaska'	Mhite Azalea	I5 GAL	60" O.C.	Σ
vegeta	Fortnight Lily	5 GAL	36" O.C.	
aea v. 'Saratoga'	Purple Hop Bush	I5 GAL	60" 0.C.	
trichon sempervirens	Blue Oat Grass	5 GAL	30" O.C.	
mitoria 'Will Fleming'	Mill Fleming Yaupon Holly	I5 GAL	36" O.C.	
: m. 'Variøgata''	Variegated Lily Turf	I GAL	24" O.C.	Σ
c. tarentina 'Compacta'	Myrtle	5 GAL	30" O.C.	
borum tobira 'Variegata'	Variegated Tobira	5 GAL	60" O.C.	
cocca ruscifolia	Sweet Box	5 GAL	42" O.C.	
ardia fimbriata	Giant Chain Fern	5 GAL	36" O.C.	Σ



ATTACHMENT C

RESOLUTION 2020 - 011

APPROVING A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW PERMIT FOR THE ESTABLISHMENT OF A 24-UNIT RESIDENITAL APARTMENT PROJECT, INCLUDING PARKING AND RELATED ON-SITE IMPROVEMENTS ON AN APPROXIMATELY 0.7 ACRE SITE, LOCATED ON THE SOUTH SIDE OF GRANT LINE ROAD AT 508 AND 522 W. GRANT LINE ROAD (APNS 233-030-09 AND 10). APPLICANTS/OWNERS ARE SOOSAN ROD AND RAMNEEK SINGH. APPLICATION NUMBERS CUP18-0004 AND D18-0028

WHEREAS, Soosan Road and Ramneek Singh submitted applications for a Conditional Use Permit and Development Review to allow the establishment of a 24-unit residential apartment project, including parking and related on-site improvements on approximately 0.7 acres, located at 508 and 522 W. Grant Line Road on September 6, 2018, and

WHEREAS, The subject property is zoned General Highway Commercial (GHC), where multi-family uses are classified in Use Group 23, pursuant to Tracy Municipal Code Section 10.08.2510(b), and such uses are conditionally permitted, and

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

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

WHEREAS, The Planning Commission held a public hearing to review and consider the Conditional Use Permit and Development Review applications on June 24, 2020;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does hereby approve the Conditional Use Permit to allow the establishment of a 24-unit residential apartment project, including parking and related on-site improvements on approximately 0.7 acres, classified in Use Group 23 Multi-Family Uses at 508 and 522 W Grant Line Road, based on the following findings and subject to the conditions as stated in Exhibit "1" attached and made part hereof:

- There are circumstances or conditions applicable to the land, structure, or use that make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right because the proposed multifamily use will be compatible with the surrounding neighborhood, including the surrounding retail/commercial uses and that it would not create significant impacts on the surrounding commercial areas. The project location also has the benefit of being adjacent to a city park to provide the residence with an ample open-space area for the enjoyment of the residents.
- 2. The proposed location of the conditional use is in accordance with the objectives and the purposes of the General Highway Commercial Zone in which the site is located because the Zone allows multi-family residential uses upon approval of a Conditional Use Permit,

and the proposed project has complied with the procedural requirements of obtaining a Conditional Use Permit and will comply with the Conditions of Approval and with all improvement and operational requirements of the Tracy Municipal Code, including the establishment of required on-site parking.

- 3. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity because the 24-unit residential apartment development will be compatible with existing similar residential and commercial uses on adjacent neighboring properties, will be designed to be compatible with the neighborhood, and will not significantly impact nearby residences and businesses in respect to noise, light and glare, traffic, parking, or other related areas of conflict.
- 4. The proposed project is in compliance with Chapter 10.08 of the Tracy Municipal Code, because subject to approval by the Planning Commission for a Conditional Use Permit, the proposed project will be required to comply with all applicable provisions including, but not limited to, the Tracy Municipal Code, the California Building Code, the City of Tracy Standard Plans, and the California Fire Code.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Planning Commission does hereby approve the Development Review Permit to allow the establishment of a 24-unit residential apartment project, including parking and related on-site improvements on approximately 0.7 acres, situated on the south side of W Grant Line Road, east of Tracy Boulevard, classified in Use Group 23 Multi-Family Uses at 508 and 522 W Grant Line Road, based on the following findings and subject to the conditions as stated in Exhibit "1" attached and made part hereof:

- 1. The proposal increases the quality of the project site, and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy. Currently, the properties include a vacant lot and two residential units, one of which has previously been determined to be uninhabitable. These structures will be removed as part of this project. The proposed project also includes on-site parking to ensure the use is contained on the proposed site and quality materials are proposed, along with landscape improvements, to provide an attractive development on a highly traveled corridor in the city.
- 2. The proposal conforms to this chapter, the general plan, any applicable specific plan, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations. The project includes site plan and design elements consistent with City design goals and standards, such as building façade elements emphasized by the use of color variation, building materials, texture that include relief to avoid monotonous appearance building elevations and other architectural features including varying roof heights and a decorative cornice to provide additional visual interest. Other City regulations have also been satisfied including: number and design of parking spaces, drainage, circulation, land use, and landscape requirements.

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Resolution 2020 - <u>011</u> Page 3

The foregoing Resolution $2020 - \underline{011}$ was adopted by the Planning Commission on the 24th day of June 2020, by the following vote:

AYES:COMMISSION MEMBERSNOES:COMMISSION MEMBERSABSENT:COMMISSION MEMBERSABSTAIN:COMMISSION MEMBERS

CHAIR

ATTEST:

STAFF LIAISON

Conditions of Approval Rod-Singh Multi-Family Residential Development Application Numbers CUP18-0004 and D18-0028 June 24, 2020

These Conditions of Approval shall apply to the real property described as the Rod-Singh Multifamily Residential Development, Conditional Use Permit CUP18-0004 and Development Review Permit D18-0028. The subject property is located at 508 and 522 W Grant Line Road (APNs 233-030-09 and 233-030-10).

- A. The following definitions shall apply to these Conditions of Approval:
 - 1. "Applicant" means any person, or other legal entity, defined as a "Developer".
 - 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 Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and Relevant Public Facilities Master Plans).
 - 4. "Conditions of Approval" shall mean the conditions of approval applicable to the real property described as Rod-Singh Multi-family Residential Development, Application Numbers CUP18-0004 and D18-0028. The subject property is located at 508 and 522 W Grant Line Road (APNs 233-030-09 and 233-030-10).
 - 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 Development Review Application Numbers CUP18-0004 and D18-0028 located on the real property at 508 and 522 W Grant Line Road (APNs 233-030-09 and 233-030-10).
 - 7. "Property" means the real property located at 508 and 522 W Grant Line Road (APNs 233-030-09 and 233-030-10).
- B. General Conditions of Approval:
 - 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 Developer shall comply with all mitigation measures identified in the General Plan Environmental Impact Report, dated February 1, 2011.
- 3. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions 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.
- 4. Except as otherwise modified herein, all construction shall be consistent with the plans (Attachment A) received by the Development Services Department on June 10, 2020.
- 5. 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 TMC Section 10.08.3560 to the satisfaction of the Development Services Director; and consistent with the applicable portions of TMC Chapter 11.2.8, Article 8 Water Efficient Landscape Ordinance to the satisfaction of the Utilities Director. Said landscape plans shall include documentation which demonstrates there is no less than 40 percent canopy tree coverage of the parking area at tree maturity in accordance with City Regulations. Newly planted, onsite trees shall be a minimum size of 24-inch box and shrubs shall be a minimum size of five gallons. Root barriers (two-feet deep by eight feet long) shall be installed along all buildings or edge of planter where a tree is within ten feet of building or edge of planter.
- 6. Prior to 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. 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.
- 7. No roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from East Grant Line Road, Entrada Way, Portola Way, or any other public right-of-way. All roof mounted equipment shall be contained within the roof well or screened from view from public rights-of-way by the roof or building, to the satisfaction of the Development Services Director.
- 8. All vents, gutters, downspouts, flashing, electrical conduit, gas meters, bollards, electrical panels and doors, and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent building surface to the satisfaction of the

Development Services Director.

- 9. 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 or adjacent or nearby residential property, to the satisfaction of the Development Services Director.
- 10. 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.
- 11. 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.
- 12. 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 (Manual) to the satisfaction of the Utilities Director.
- 13. 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.
- 14. Prior to the issuance of a building permit, the applicant shall demonstrate compliance with City of Tracy and State of California solid waste recycling requirements, to the satisfaction of the Public Works Director. This may include, but not be limited to, storage and access for mixed and yard waste recycling.
- 15. Prior to the issuance of a building permit, the building permit construction documents shall include an enclosure for all trash or recycling receptacles. The trash enclosure exterior wall shall be of masonry construction, finished with stucco material and color to match the existing trash enclosures on site; include solid metal doors painted to match the enclosure; and a solid roof (painted to match the color(s) of the building) to the extent required by City stormwater quality regulations. The enclosure should also contain an interior concrete curb to prevent the trash dumpsters and containers from hitting and damaging the walls.
- 16. Prior to the issuance of a building permit, the developer shall prepare and record easement(s), agreement(s), or other instruments to ensure all lots affected by this project have access to utilities, parking, and circulation, to the satisfaction of the Development Services Director.
- 17. Before issuance of a building permit, the applicant shall cause to be recorded an agreement, covenant, or other instrument related to the second emergency vehicle access including, improvements, maintenance, or other items regarding the City-owned park or parking lot (Ritter Family Ball Park, Assessor's Parcel Number 233-020-01) to the satisfaction of the Parks and Recreation Director and Fire Marshal, and in a form

satisfactory to the City Attorney. A copy of the recorded instrument shall be submitted to the Development Services Department prior to issuance of a building permit.

- 18. Prior to the issuance of a building permit, the project shall provide document(s) demonstrating a permanent, second emergency vehicle access in accordance with the California Fire Code to the satisfaction of the Fire Marshal.
- 19. If the Parks and Recreation Director and Fire Marshal determine the second emergency vehicle access is not required, the applicant shall be notified of the determination in writing, and conditions 17 and 18, above, will be void.

Building Division Conditions of Approval:

- 1. At time of building permit application submittal, structural calculations, structural plans (including details), fire and life safety requirements (including details), and accessibility requirements (including details) will be reviewed for compliance with the standards found in the Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable, to the satisfaction of the Building Official.
- 2. At time of building permit application submittal, applicant shall submit plans that demonstrate compliance with requirements of California Building Code (CBC) Table 705.8. Currently, the proposed apartment buildings are located 3' away from their respective property lines. Per CBC table 705.8 15% of that wall can have protected and unprotected openings. An analysis was performed using the formula found in CBC 705.8.4, to the satisfaction of the Building Official.
- 3. At time of building permit application submittal, applicant shall submit plans that demonstrate compliance with requirements of CBC 11A, CBC 508 for separating the dwelling units above from the carports below and Title 24 California Code of Regulations and City of Tracy Municipal Codes, to the satisfaction of the Building Official.
- 4. Prior to the issuance of demolition permits for existing residential and/or commercial structures on site, applicant must submit and receive approval for the Asbestos Survey Report, Asbestos Notification Form, Demolition Permit Release Form and pay all appropriate fees per San Joaquin County Air Pollution District.

South County Fire Authority:

1. Occupancy classification shall be listed in accordance with CBC Chapter 3. Fire sprinkler and fire alarm systems shall be listed as a deferred submittal on the coversheet of the plans and shall be submitted separately to the South San Joaquin County Fire Authority for review, approval and issuance. Underground fire service shall be submitted to the South San Joaquin County Fire Authority for review and approval prior to installation. Approval of grading and/or on-site improvement plans do not authorize the installation of the underground fire service. Provide fire service lines to both buildings, location of fire department connections. Location of fire department connections shall be in an approved location, located on the street side of buildings, fully accessible without obstructions in accordance with CFC 912. Fire department connections shall have a hydrant within 100'. Elevators shall be sized to accommodate a medical gurney

- 2. Verification that the dedicated fire apparatus access lane on the adjoining property shall be provided by deed, title, etc.
- 3. Provide plans demonstrating that the sectional valves will be provided at appropriate points within piping sections such that the number of fire protection connections between the sectional valves does not exceed six, per NFPA 24, Section 6.6. Post indicator valves shall be used; they shall be located in readily accessible areas that are protected by vehicle impact.
- 4. Where security gates are installed they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. All electrically operated automatic gates across fire apparatus access roads shall be equipped with traffic preempting optical signal receivers compatible with the emitters utilized by the Fire Department, which will activate the gate and override all command functions of the gate controller. Knox Switches shall be provided at automatic gates. The traffic preemptive optical signal receiver and key switch shall be provided on both sides of an automatic access gate where an exit loop is not provided. The automatic gate shall have a battery backup or manual mechanical disconnect readily accessible to emergency personnel in case of power failure. All gates must meet Fire Department standards deemed necessary by the fire code official for rapid, reliable access. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200. All manual gates shall be equipped with a Knox-Box containing a key to the gate, or an approved Knox Padlock.
- 5. New and existing buildings shall be provided with approved address identification. The address identification shall be placed in figures not less than four inches (nominal) high on illuminated background and a minimum of ½-inch stroke width. Addressing shall be illuminated at night.
- 6. Emergency radio responder coverage is required for new structures, and shall be listed as a deferred submittal on the construction documents. Coverage may be tested prior to final inspection. If emergency responder radio coverage is required, applicant shall submit plans and specifications to South San Joaquin County Fire Authority for review, approval and issuance. Inspections will be performed by our offices.

Finance Department

1. Prior to issuance of a building permit, the applicant shall do one of the following, subject to the approval of the Finance Director:

a. CFD or other funding mechanism. The applicant shall enter into an agreement with the City, to be signed by the Finance Director, which shall be recorded against the property, which stipulates that prior to the issuance of the first building permit, the applicant will form or annex into a Community Facilities District (CFD) or establish another lawful funding mechanism that is reasonably acceptable to the City for funding the on-going operational costs of providing Police services, Public Works services and other City services to serve the Project area. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. The applicant shall be responsible for all costs associated with the formation or annexation proceedings. Upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment.

Or

b. Direct funding. The applicant shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that prior to the issuance of the first building permit, the applicant will fund a fiscal impact study to be conducted and approved by the City to determine the long term on-going operational costs of providing Police services, Public Works services and other City services to serve the Project area, and deposit with the City an amount

Engineering Division Conditions of Approval:

C.1. <u>General Conditions</u>

- C.1.1 Developer shall comply with the applicable recommendations of the technical analyses/ reports prepared for the Project listed as follows:
 - a) "Traffic Impact Study for D18-0028/CUP 18-0004", prepared by Vang Inc, Consulting Engineers, dated November 22, 2019.
 - b) "Geotechnical Engineering Investigation Proposed New Apartment Complex 508 and 522 W. Grant Line Road, Tracy, California", prepared by Krazan & Associates, Inc., dated December 10, 2019.

C.2. Grading Permit

The City will not accept grading permit application for the Project until the Developer has provided all relevant 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.2.1. 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.
- C.2.2. 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.

- C.2.3. The Developer shall comply with all the requirements of the applicable Best Management Practices (BMPs) and the applicable provisions of the City's Storm Water Management Program.
- C.2.4. Two (2) sets of the Project's Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California, as required in Condition C.4.1.a, below. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, and elevation of the highest observed groundwater level.
- C.2.5. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD).
- C.2.6. Two (2) sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system and for determining the size of the project's storm drainage connection.
- C.3. <u>Encroachment Permit</u> 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 for all the work within right-of-way and City-owned parcel, to the satisfaction of the City Engineer, including, but not limited to, the following:
 - C.3.1. 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.
 - C.3.2. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.
 - C.3.3. 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.
 - C.3.4. 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 April 15, 2014, per Resolution 2014-059.

- C.3.5. Traffic Control Plan signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.
- C.4. <u>Improvement Plans</u> Improvement Plans shall contain the design, construction details and specifications of public improvements that is/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:

C.4.1. Grading and Storm Drainage Plans

- a. 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 or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) of the retaining wall 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 the grade differential is less than 2 feet and 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 the issuance of the final building certificate of occupancy.
 - d. Site grading shall be designed such that the Project's storm water can surface drain directly to a public street that has a functional storm drainage system with adequate capacity to drain storm water from the Project Site, in the event that the on-site storm drainage system fails or it is clogged. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be improved to the satisfaction of the City Engineer.

b. Storm Drainage

- a. The Developer shall design and install Project's permanent drainage connection(s) to the City's existing storm drain line located on Grant Line Road per City Regulations and as approved by the City Engineer. Storm drainage calculations for the sizing of the on-site storm drainage system and the Project's permanent storm drainage connection must be submitted with the Grading/ Improvement Plans. The design and construction details of the Project's permanent storm drainage connection shall be incorporated in the Offsite Improvement Plans.
- b. The Design and construction of permeable porous concrete in the parking pavement shall comply with the recommendations of the City. The contractor shall be certified by National Read Mix Concrete Association (NRMCA) and also shall be approved by City of Tracy.
- c. The design and construction details of the Project's permanent storm drainage connection shall meet City Regulations and shall comply with the applicable requirements of the *Multi-Agency Post-Construction Stormwater Standards Manual* and storm water regulations that were adopted by the City Council in 2015 and any subsequent amendments. The Developer shall submit report prepared by licensed geotechnical engineer to certify permeability rates, hydrology and hydraulic calculations prior to approval of Grading Permit.
- d. Prior to the final inspection of the first 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. Calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the STFMA and the Grading and Storm Drainage Plans.

C.4.2. Sanitary Sewer

- a. Prior to the issuance of Grading Permit for the Project, Developer shall submit improvement plans and secure approval of plans from the City's Building Division for the design of the on-site sewer improvements.
- b. 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. The 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 Plan No. 203. The City's responsibility to maintain on the sewer lateral is from the wye fitting to the point of connection with the sewer main.

c. The Developer is responsible for the cost of installing the Project's permanent sewer connection(s) to existing sewer line in Grant Line Road including but not limited to, replacing asphalt concrete pavement, application of 2" thick asphalt concrete overlay (25 feet on both sides of the utility trench) where required, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's sewer connection.

C.4.3. Water Distribution System

- a. The Developer shall comply with all recommendations in the Water Analysis to be completed by City's Consultant.
- b. All water connections larger than 2 inches in diameter shall be Ductile Iron Pipe (DIP).
- c. <u>Water Shutdown Plan and Traffic Control Plan</u>: 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 the offsite water mains.
- d. <u>Domestic and Irrigation Water Services</u> The Developer shall design and install domestic and irrigation water service connection, including a remote-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.
 - (1) The domestic and irrigation water service connection(s) must be completed before the final inspection of the building. Sub-metering will be allowed within private property.
 - (2) The City will not perform water consumption reading on sub-meters.
 - (3) The Developer will be responsible for relocating or reinstalling water sub-meters.
 - (4) The City shall maintain water lines from the master water meter to the point of connection with the water distribution main (inclusive) only.

- (5) Repair and maintenance of all on-site water lines, laterals, submeters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer.
- e. <u>Fire Service Line</u> The Developer shall design and install fire hydrants at the locations approved by the Fire Marshal. Prior to the approval of the Improvement Plans, 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 to serve the Project.
- f. During the construction phase 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 required by the City of Tracy Fire Code Official.
- g. All costs associated with the installation of the Project's permanent water connection(s) as identified in the Water 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.

C.4.4. <u>Street Improvements:</u>

- a. <u>Frontage Improvements on Grant Line Road</u>: Prior to issuance of the final certificate of occupancy, the Developer shall design and install improvements on Grant Line Road which shall include replacement of damaged or disturbed curb, gutter and sidewalk, installation of driveways, storm drains, manholes, landscape, sewer and water laterals and other improvements as determined by the City Engineer. In addition, the Developer shall overlay street pavement for all utility trench cuts as required in Condition C.4.5 below.
- b. The roadway improvements described in these Conditions of Approval must be designed and constructed by the Developer to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (HDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), the applicable City Regulations, and these Conditions of Approval prior to final inspection of the first building to be constructed within the Property.
- c. <u>Irrigation and Landscaping Plans</u> All parkway landscaping improvements along the frontage of the Property on Grant Line Road shall be designed and constructed in accordance with City Regulations. Design and

construction details of these improvements shall be included in the Irrigation and Landscaping Plans.

d. <u>Project Driveways:</u> Primary access to the New Apartment Complex Project shall be through a full access 26' wide standard commercial driveway on Grant Line Road located at the middle of the two parcels.

C.4.5. Joint Utility Trench Plans

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.

- a. 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 existing 10-feet wide Public Utility Easement (PUE). 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-feet wide PUE to the extent feasible (and except in the event, that additional space beyond the 10-feet PUE is required, as determined by the utilities owner(s)).
- C.4.6. Offsite Improvement Agreement: Prior to starting any work on Roadway Improvements, the Developer shall sign an improvement agreement (Offsite Improvement Agreement or OIA) and post improvement security in accordance with Section 12.36.080 of the TMC, to guarantee completion of the public improvements. The OIA requires approval from the City Council.

Prior to the approval of the OIA, the Developer will be required to submit Improvement Plans that contains the design, construction details and specifications of all public improvements that are required to serve the Project, prepared in a 24" x 36" size polyester film (mylar), signed and stamped by the Design Engineer, for City's approval and signature. The Developer shall also submit Technical Specifications and Cost Estimates. All engineering calculations for the design of the improvements must be submitted as part of the Improvement Plans.

The Developer will be required to pay Engineering Review Fees which include plan checking, agreement and permit processing, testing, engineering inspection, and program management fees, prior to the approval of the OIA.

- C.5. <u>Building Permit</u> 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:
 - C.5.1. Payment of the Master Plan Fees for Citywide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park adopted by the City Council on January 7, 2014, per Resolution 2014-010, as required by these Conditions of Approval.
 - C.5.2. If applicable, Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC, and these Conditions of Approval.
 - C.5.3. If applicable, Payment of the Agricultural Conversion or Mitigation Fee as required in Chapter 13.28 of the TMC, and these Conditions of Approval.
 - C.5.4. Payment of the Regional Transportation Impact Fees (RTIF) as required in Chapter 13.32 of the TMC, and these Conditions of Approval.
- C.6. <u>Acceptance of Public Improvements</u> Public improvements will not be accepted by the City Council until after the Developer completes construction of the relevant public improvements and demonstrates to the City Engineer satisfactory completion of the following:
 - C.6.1. 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.
 - C.6.2. 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.
- C.7. <u>Temporary or Final Building Certificate of Occupancy</u> No Temporary or 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:
 - C.7.1. The Developer has satisfied all the requirements set forth in Condition C.6 above.
 - C.7.2. 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).

- C.8. <u>Improvement Security</u> 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:
 - C.8.1. Faithful Performance (100% of the estimated cost of constructing the public facilities),
 - C.8.2. Labor & Materials (100% of the estimated cost of constructing the public facilities), and
 - C.8.3. Warranty (10% of the estimated cost of constructing the public facilities)
- C.9. <u>Release of Improvement Security</u> 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:
 - C.9.1. Improvement Security for Faithful Performance, Labor & Materials, and Warranty shall be released to the Developer in accordance with Section 12.36.080 of the TMC.
 - C.9.2. Written request from the Developer and a copy of the recorded Notice of Completion.

C.10. Special Conditions

- C.10.1. The Developers of both the parcels (APN# 233-030-10 and APN# 233-030-09) shall enter into an agreement and record a Reciprocal ingress egress easement in accordance with City Regulations. The said agreement or easement documentation shall be provided prior to the approval of Improvement plans.
- C.10.2. The Developer shall execute agreement with City of Tracy for the use of Tracy Ball park parking lot for Emergency Vehicle Access prior to the issuance of Grading Permit.

- C.10.3. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations and City's Design documents, including 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.
- C.10.4. When street cuts are made for installation of utilities, the Developer is required to install 2 inches thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides and for the entire length of the utility trench. A 2 inch deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. If the utility trench extends beyond the median island, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street.
- C.10.5. 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 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.
- C.10.6. 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.
- C.10.7. 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).
- C.10.8. 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 cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.