

Wednesday, May 8, 2024, 7:00 P.M.

A quorum of Planning Commission will be in attendance at
Tracy City Hall Chambers, 333 Civic Center Plaza, Tracy
Web Site: www.cityoftracy.org

**THIS MEETING WILL BE OPEN TO THE PUBLIC FOR IN-PERSON AND REMOTE
PARTICIPATION PURSUANT TO GOVERNMENT CODE SECTION 54953(e).**

**MEMBERS OF THE PUBLIC MAY PARTICIPATE REMOTELY IN THE MEETING VIA THE
FOLLOWING METHOD:**

As always, the public may view the Planning Commission meetings live on the City of Tracy's website at CityofTracy.org or on Comcast Channel 26/AT&T U-verse Channel 99. To view from the City's website, open the "Government" menu at the top of the City's homepage and select "Planning Commission", then select "[Planning Commission Meeting Videos](#)" under the "Boards and Commissions" section.

If you only wish to watch the meeting and do not wish to address the Planning Commission, the City requests that you stream the meeting through the City's website or watch on Channel 26.

Remote Public Comment:

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:*
 - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following
 - **Event Number: 2550 530 3086** and **Event Password:** Planning
 - **If you would like to participate in the public comment anonymously**, you may submit your comment in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting Anonymous@example.com when prompted to provide an email address.
 - Join by phone by dialing +1-408-418-9388, 2550 530 3086, #75266464# Press *3 to raise the hand icon to speak on an item.
- *Protocols for commenting via WebEx:*
 - *If you wish to comment on the "New Business" or "Items from the Audience" portions of the agenda:*
 - Listen for the Chair 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 "New Business" or "Items from the Audience" portions of the agenda will be accepted until the public comment for that item is closed.*

Comments received on Webex outside of the comment periods outlined above will not be included in the record.

Americans With Disabilities Act – The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Planning Commission meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6105) 24 hours prior to the meeting.

Addressing the Planning Commission on Items on the Agenda – The Brown Act provides that every regular Planning Commission meeting shall provide an opportunity for the public to address the Planning Commission on any item within its jurisdiction before or during the Planning Commission's consideration of the item, provided no action shall be taken on any item not on the agenda. To facilitate the orderly process of public comment and to assist the Planning Commission to conduct its business as efficiently as possible, members of the public wishing to address the Planning Commission are requested to, but not required to, hand a speaker card, which includes the speaker's name or other identifying designation and address to the City Clerk prior to the agenda item being called. Generally, once the Planning Commission begins its consideration of an item, no more speaker cards will be accepted. An individual's failure to present a speaker card or state their name shall not preclude the individual from addressing the Planning Commission. Each citizen will be allowed a maximum of five minutes for input or testimony. In the event there are 15 or more individuals wishing to speak regarding any agenda item including the "Items from the Audience/Public Comment" portion of the agenda and regular items, the maximum amount of time allowed per speaker will be three minutes. When speaking under a specific agenda item, each speaker should avoid repetition of the remarks of the prior speakers. To promote time efficiency and an orderly meeting, the Presiding Officer may request that a spokesperson be designated to represent similar views. A designated spokesperson shall have 10 minutes to speak. At the Presiding Officer's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

Addressing the Planning Commission on Items not on the Agenda – The Brown Act prohibits discussion or action on items not on the posted agenda. The City Council's Meeting Protocols and Rules of Procedure provide that in the interest of allowing Planning Commission to have adequate time to address the agendized items of business, "Items from the Audience/Public Comment" following the Consent Calendar will be limited to 15-minutes maximum period. "Items from the Audience/Public Comment" listed near the end of the agenda will not have a maximum time limit. A five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized 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 Planning Commission. When members of the public address the Planning Commission, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

Notice – A 90-day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a Planning Commission action in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the Planning Commission prior to or at the public hearing.

MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ACTIONS, BY MOTION, OF PLANNING COMMISSION PURSUANT TO AB 2449, IF ANY

ROLL CALL

MINUTES – 03/27/24 Regular Meeting

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Council Meeting Protocols and Rules of Procedure, adopted by Resolution No. 2019-240, a five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized 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.*

1. NEW BUSINESS

- 1.A STAFF RECOMMENDS THAT THE PLANNING COMMISSION CONDUCT A PUBLIC HEARING, AND UPON ITS CONCLUSION, ADOPT A RESOLUTION: (1) APPROVING A DEVELOPMENT REVIEW PERMIT, APPLICATION NUMBER D23-0018, TO CONSTRUCT A 9,435 SQUARE-FOOT EXPANSION OF THE EXISTING SERVICE CENTER CONSISTING OF 12 NEW SERVICE BAYS, FOR TRACY TOYOTA LOCATED AT 2895 NAGLEE ROAD (ASSESSOR'S PARCEL NUMBERS 212-29-004, 212-29-031, 212-29-007), AND (2) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15301 PERTAINING TO MINOR ALTERATIONS OF EXISTING STRUCTURES OR FACILITIES.
- 1.B STAFF RECOMMENDS THAT, FOR THE REAL PROPERTY LOCATED AT 2660 W. BYRON ROAD, ASSESSOR'S PARCEL NUMBER 238-050-13 (PROPERTY), THE PLANNING COMMISSION CONDUCT A PUBLIC HEARING, AND UPON ITS CONCLUSION, RECOMMEND THAT THE CITY COUNCIL: (1) INTRODUCE AN ORDINANCE (R22-0004) APPROVING A REZONE OF THE PROPERTY FROM MEDIUM DENSITY RESIDENTIAL TO MEDIUM DENSITY CLUSTER; (2) ADOPT A RESOLUTION APPROVING A TENTATIVE SUBDIVISION MAP (TSM22-0003) OF THE PROPERTY FOR THE CREATION OF 38 SINGLE-FAMILY LOTS; AND (3) DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15332. THE APPLICANT IS SCHACK & COMPANY, INC. AND THE PROPERTY OWNERS ARE SAI PRATAP NAIDU, SARADADEVI NAIDU, KRISHNA M. KATHIKA, SARALA S. KATHIKA, SRINIVASA R. SAKHAMURI,

KRANTI NELLURI, MANOJ KUMAR POTTURU, JYOTSNA SRI VEMULA, KIRAN SRINIVASA TALLAM, AND PALLAVI VENKATA TALLAM.

2. ITEMS FROM THE AUDIENCE
3. DIRECTOR'S REPORT
4. ITEMS FROM THE COMMISSION
5. ADJOURNMENT

Posted: May 2, 2024

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
REGULAR MEETING
MARCH 27, 2024, 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 Boakye-Boateng, Commissioner English, Commissioner Penning, Vice Chair Atwal, and Chair Orcutt present. Also present were Jeffrey Crosswhite, Assistant City Attorney; Victoria Lombardo, Senior Planner; Kenny Lipich, Acting Senior Planner; and Miranda Aguilar, Administrative Assistant.

MINUTES

Chair Orcutt introduced the Regular Meeting Minutes from the March 13, 2024 Planning Commission Regular Meeting.

ACTION: It was moved by Vice Chair Atwal and seconded by Commissioner Penning to approve the March 13, 2024 Planning Commission Regular Meeting Minutes. A voice vote found Chair Orcutt, Vice Chair Atwal, Commissioner Boakye-Boateng, Commissioner English, and Commissioner Penning in favor. Passed and so ordered; 5-0-0-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

None.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

A. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION:

(1) FINDING GOOD CAUSE UNDER TMC SECTION 10.08.4360 FOR APPLICANT'S RENEWAL OF CONDITIONAL USE PERMIT;

(2) APPROVING RENEWAL (EXT23-0007) OF CONDITIONAL USE PERMIT CUP22-0017 FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 775 W. CLOVER RD. (ASSESSOR'S PARCEL NUMBER 214-180-16) TO DECEMBER 8, 2024; AND;

(3) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

THE APPLICANT IS AUTHENTIC TRACY, LLC AND THE PROPERTY OWNER IS UNITED HOLDING GROUP, LLC / RAJWINDER KAUR, APPLICATION NUMBER EXT23-0007.

Kenny Lipich, Acting Senior Planner, presented the staff report and addressed questions from the Commission.

Victoria Lombardo, Senior Planner, addressed questions from the Commission.

Jeffrey Crosswhite, Assistant City Attorney, addressed questions from the Commission.

Chair Orcutt opened the Public Hearing at 7:23 p.m.

Seeing as no one came forward, Chair Orcutt closed the Public Hearing at 7:24 p.m.

ACTION: It was moved by Vice Chair Atwal and seconded by Commissioner Boakye-Boateng that the Planning Commission adopt a resolution:

- (1) Finding good cause under TMC Section 10.08.4360 for applicant's renewal of Conditional Use Permit;
- (2) Approving renewal (EXT23-0007) of Conditional Use Permit CUP22-0017 for a cannabis storefront retailer (dispensary) at 775 W. Clover Road (Assessor's Parcel Number 214-180-16) to December 8, 2024; and
- (3) Determining that this project is categorically exempt from the California Environmental Quality Act.

A roll call vote found Chair Orcutt, Vice Chair Atwal, Commissioner Boakye-Boateng, Commissioner English, and Commissioner Penning all in favor. Passed and so ordered; 5-0-0-0.

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

Victoria Lombardo, Senior Planner, requested to confirm whether Commissioners will be present for the 4/10/24 Planning Commission Meeting. It seems there will not be a quorum present for the 4/10/24 Meeting. Planning Commission will meet again for the 4/24/24 Meeting.

4. ITEMS FROM THE COMMISSION

Commissioner English announced that the Sam Matthews Celebration of Life will be at The Grand Theatre Center for the Arts at 11:00 a.m. on Friday, March 29, 2024.

5. ADJOURNMENT

ACTION: It was moved by Chair Orcutt and seconded by Vice Chair Atwal to adjourn.
A voice vote found all in favor. Passed and so ordered; 5-0-0-0.

Time: 7:32 p.m.

CHAIR

STAFF LIAISON

Agenda Item 1.A

RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing, and upon its conclusion, adopt a Resolution:

- 1. Approving a Development Review Permit, Application Number D23-0018, to construct a 9,435 square-foot expansion of the existing service center consisting of 12 new service bays, for Tracy Toyota located at 2895 Naglee Road (Assessor's Parcel Numbers 212-29-004, 212-29-031, 212-29-007), and**
- 2. Determining that this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 pertaining to minor alterations of existing structures or facilities.**

EXECUTIVE SUMMARY

This agenda item involves a public hearing to consider approving a Development Review Permit to construct a 9,435 square-foot expansion of the existing service center, consisting of 12 new service bays and landscaping improvements, for Tracy Toyota located at 2895 Naglee Road. The Tracy Toyota building also includes an approximately 35,000 square-foot showroom that will remain and is not a part of this project. An existing 2,208 square foot detached oil change center located on the southwest portion of the site will be demolished as part of the project. The applicant is Devcon Construction, and the Property owner is Tracy Auto Land LLC, Application Number D23-0018.

BACKGROUND

On July 6, 1999, the City Council approved a Conditional Use Permit and a Development Review Permit (Application Numbers 6-99-CUP & 6-99-D) to allow construction of a 27,660 square-foot auto dealership building for Tracy Toyota consisting of a showroom, and a service center with 13 interior service bays, along with related site improvements, on a 4.31-acre site. The project site is located on the east side of Pavilion Parkway Road, Assessor's Parcel Numbers 212-040-46, -48, and -49, and is within the General Commercial zone of the I-205 Specific Plan and designated Commercial in the General Plan. This initial development approval and site plan did not extend all the way to the intersection of Naglee Road and Pavilion Parkway due to different property ownership.

On January 17, 2003, the Development and Engineering Services Director approved a minor amendment to the Tracy Toyota Final Development Plan to include an 80,450 square-foot vehicle display parking lot on the vacant land between the existing Tracy Toyota dealership and the intersection of Naglee Road and Pavilion Parkway, Application Number 40-02-D. The amendment allowed this vacant land to be included in the development plan approval from 1999, due to Tracy Toyota acquiring this property. No new buildings were approved as part of this development approval.

On February 17, 2004, the City Council approved a Development Review Permit (Application Number 38-03-D) for a new, detached proposed 3,672 square-foot pre-owned vehicle sales

office and a proposed 2,208 square-foot oil change center located on the Tracy Toyota property, Assessor's Parcel Number 212-290-07 and 212-290-31. The oil change center will be demolished as part of this project.

On August 5, 2008, the City Council approved a Development Review Permit (Application Number 9-07-D), for a 22,913 square-foot addition to the existing showroom and service center, as well as site improvements consisting of additional landscaping to complement the proposed expansion and the new employee and customer parking areas located on the existing Tracy Toyota property at 2995 Naglee Road, Assessor's Parcel Numbers 212-290-04, -05, -07, and -31. None of the construction or expansions from this approval occurred and the Development Review Permit expired.

On September 24, 2020, the Development Services Director approved a Development Review Permit (Application, D20-0010), for façade improvements consisting of new exterior showroom windows on the east and west sides of the building, a new mansard façade wrap along the east and west sides of the building, and re-painting the exterior of the building, as well as adding a new, detached 3,960 square-foot service building consisting of six new service bays. All exterior modifications to the showroom building have been completed and the applicant is no longer constructing the detached service building from this approval.

ANALYSIS

A. Proposed Improvements

This development project (D23-0018) is proposing to demolish an existing, underutilized 2,208 square-foot detached oil change center and is proposing to expand the existing service center portion of the Tracy Toyota building by 9,435 square-feet to include 12 new service bays, located at 2895 Naglee Road. Attachment A provides a location map for reference. Attachment B includes the proposed development plans. The expansion will accommodate additional auto services and repairs for their clientele. The proposed building expansion of 9,435 square-feet and related site improvement modifications will result in new landscape improvements to the existing customer parking area including a minimum of 30 new shade trees, new shrubs, and new groundcover, due to the service center building expansion and the relocation of the exterior storage parking area in the rear. The landscape improvements will predominately occur on the north side of the property, where the designated customer and employee parking areas are located. Additional landscaping, including trees, new shrubs, and groundcover, will occur all along the south end of the newly expanded service center. New landscaping will also be included around the new CMU wall that shields the service-holding parking area lot from public view. The new CMU wall and landscaping will be designed to complement the existing site design. Recommended condition of approval B.3 for this project will require all proposed landscaping to be compliant with City Standards, including shade tree requirements in parking areas and a 2-year landscape agreement to maintain all landscaping on this site. Attachment B includes the proposed Landscape Plan, and the Conditions of Approval are included in Attachment 2 of Attachment C.

Re-striping of parking spaces and minor changes in circulation due to the service center expansion and re-location of the service holding parking area will occur predominantly on the

southern end of the parcel. No major issues or changes in circulation will occur that will impede these proposed improvements. Recommended condition of approval B.1 for this project will require all parking spaces and circulation access to be consistent with City Standards.

B. Land Use

The project site is located within the General Commercial land use designation of the I-205 Corridor Specific Plan and has a General Plan designation of Commercial. The proposed auto sales and services uses are well suited for this location, as this site is located within the General Commercial land use designated area of the I-205 Specific Plan. Additionally, under the I-205 Specific Plan, this site is within the Tracy Auto Plaza designated area and is adjacent to several auto dealerships and other automotive related uses, such auto sales and repair services. Within the Auto Plaza area of the I-205 Specific Plan, auto sales and services are primary allowable uses. The proposed use is also consistent with the General Plan designation of Commercial.

C. Architecture

The proposed changes on the south, east, and west elevations include an expansion of the service center with a parapet wall to screen all roof-mounted equipment from the public right-of-way. The expanded service center, including the new parapet wall, is 24 feet in height, and will be constructed to match the existing service center height, colors, and designs to create uniformity and consistency among the existing architectural style.

The proposed architectural changes on the north and south elevation include adding new decorative metal panels to the existing service entrance canopy. All colors and finishes of the improvements will be constructed to match existing service entrance canopy to ensure uniformity and consistency in colors and architecture. The south elevation also includes the service center expansion with a height of 24 feet, a new trash enclosure, and a new 4-foot-high CMU wall with a sliding metal gate to screen the relocated service-holding parking area lot. The new CMU wall and sliding metal gate will be designed and painted to match the existing building and create uniformity.

Exterior building materials to match the existing building include cement plaster, concrete block with single score and fluted treatments. Exterior colors to match the existing building include white for the body of the building, with the columns painted gray. On the south elevation, the existing service center includes Toyota's iconic white portals that expands 116 feet horizontally on the building, to create an architectural break and enhance the architectural elements of the site. The proposed exterior materials, colors, and architectural elements are consistent with the guidelines within the I-205 Specific Plan and the City's Design, Goals and Standards.

Recommended condition of approval B.5 requires that all screening of utilities and equipment be consistent with City Standards. The proposed elevations are included in Attachment B.

D. Development Review

Due to the Tracy Toyota project site being located within 500 feet of the I-205 freeway, this development project falls under a Tier 2 Development Review requiring review and approval by the Planning Commission, per Section 10.08.3950.(b).2. of the Tracy Municipal Code.

E. Required Findings for Approval of Development Review Permit

Development Review Permits must meet the requirements set forth in TMC Article 30, including a noticed public hearing. Pursuant to TMC Section 10.08.3960, before approving a Development Review Permit, the Planning Commission must review application materials and public comments submitted prior to or at the public hearing, and consider the following several site-specific factors set forth in TMC 10.08.3960:

- general site considerations including height, bulk, and size of buildings;
- physical and architectural relationship with the existing and proposed structures;
- site layout, orientation, and location of the buildings and relationships with open areas and topography;
- location and type of landscaping;
- off-street parking areas;
- height, materials, colors and variations in boundary walls, fences, and screen plantings;
- appropriateness of the sign design and exterior lighting; and
- appropriate City utilities, public infrastructure, circulation, and roadway access.

After the consideration of the entire record, under TMC 10.08.3960 the Planning Commission may approve the Development Review Permit if the facts on the record support the following findings:

- (a) 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; and
- (b) The proposal conforms to the Tracy Municipal Code Zoning Regulations, the General Plan, any applicable specific plans, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations.

Staff recommends that the Planning Commission make the requisite findings for the Development Review Permit based on the evidence in the record, including, without limitation, the following:

- (a) 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 as the proposed improvements will utilize high quality building materials which will be consistent with the existing improvements and are complementary to the surrounding area. Additionally, landscaping improvements on the northwest portion of the site will increase tree canopy coverage and will help screen the parking area from the public right-of-way along Pavilion Parkway.
- (b) The proposal conforms to the Tracy Municipal Code Zoning Regulations, the General Plan, any applicable specific plans, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations as the

Commercial designation of the General Plan and the General Commercial designation in the I-205 Corridor Specific Plan permit auto sales and services and this project does not change the existing land use. The Design Goals and Standards architectural design standards for retail buildings have been satisfied providing visual interest by using façade breaks and a variety of colors and building materials and the customer and employee parking lots and service areas are visually screened using berms, landscaping, walls, or fencing.

F. Development Impact Fees

To date, there are outstanding Development Impact Fees due by Tracy Toyota from previous project approvals. Condition of Approval C.3 (included in Exhibit 2) requires the applicant to pay any owed Development Impact Fees prior to issuance of a building permit.

PUBLIC OUTREACH/ INTEREST

A public hearing notice for the project was mailed to all property owners within a 300-foot radius of the project site and posted on the City website. A public hearing notice was also published in the city's local newspaper, Tracy Press on April 26, 2024. The Planning Commission agenda packet was also published on the City's website, provided at City Hall, and the Tracy Branch Library.

COORDINATION

This development application was reviewed by multiple City Divisions and Departments, the South San Joaquin County Fire Authority, Pacific Gas & Electric, the San Joaquin County Air Pollution Control District, San Joaquin Council of Governments, Tracy Delta Disposal, and the San Joaquin County Environmental Health Department as part of the City's normal application review process. This staff report was prepared by the Development Services Planning Division.

CEQA DETERMINATION

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which pertains to minor alterations and additions less than 10,000 square feet in size to existing structures in an area where all public services and facilities are available, and which is not environmentally sensitive. In accordance with CEQA Guidelines, no further environmental assessment is required.

ACTION REQUESTED OF THE PLANNING COMMISSION

Staff recommends that the Planning Commission conduct a public hearing, and upon its conclusion, adopt a Resolution:

1. Approving a Development Review Permit, Application Number D23-0018, to construct a 9,435 square-foot expansion of the existing service center consisting of 12 new service bays, for Tracy Toyota located at 2895 Naglee Road (Assessor's Parcel Numbers 212-29-004, 212-29-031, 212-29-007); and

2. Determining that this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 pertaining to minor alterations of existing structures.

Prepared by: Ilse Lopez-Narvaez, Assistant Planner

Reviewed by: Genevieve Federighi, Acting Senior Planner
Scott Claar, Acting Assistant Development Services Director

Approved by: Karin Schnaider, Interim Development Services Director

ATTACHMENTS

Attachment A – Project Location Map

Attachment B – Proposed Development Plans received February 12, 2024

Attachment C – Planning Commission Resolution

Exhibit 1 – Findings

Exhibit 2 – Conditions of Approval

Attachment A

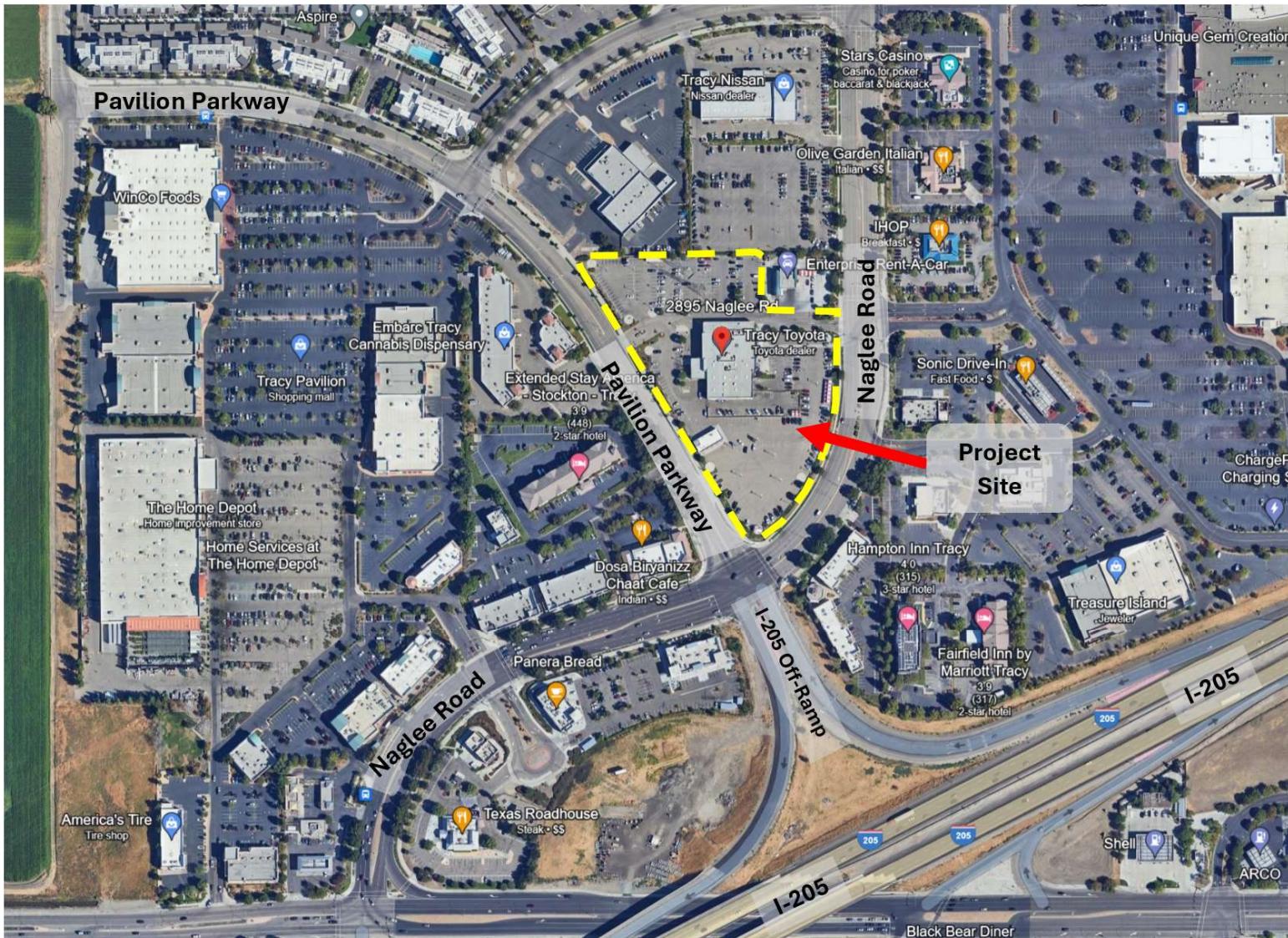
Project Location Map

2895 Naglee Road

Assessor's Parcel Number:
212-29-004, -031, and -007

6.6-acre site

Existing Tracy Toyota Auto
Dealership



PROJECT DIRECTORY:

OWNER:
TRACY TOYOTA LLC
2895 NAGLEE ROAD
TRACY, CA 95304
PHONE: (650) 743-1201
CONTACT: RONALD M LOTT
EMAIL: RONNIE@LOTTAUTOVENTURES.COM

GENERAL CONTRACTOR:
DEVCON CONSTRUCTION INC.
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
PHONE: (408) 942-9200
FAX: (408) 262-2342
CONTACT: ANDY BLOOM
EMAIL: ABLOOM@DEVCON-CONST.COM

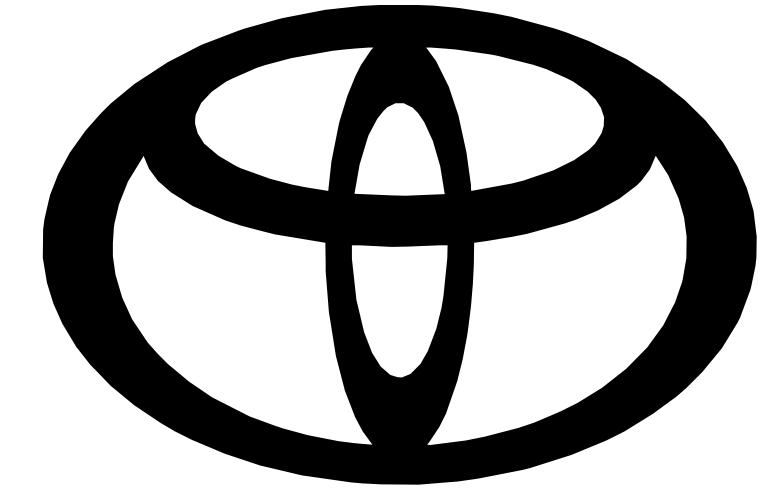
ARCHITECT OF RECORD:
DEVCON CONSTRUCTION INC.
690 GIBRALTAR DRIVE
MILPITAS, CA 95035
PHONE: (408) 942-8200
FAX: (408) 262-2342
CONTACT: JUAN SOLIS
EMAIL: JSOLIS@DEVCON-CONST.COM
CONTACT: SYLVESTER RAMIREZ
EMAIL: SRAMIREZ@DEVCON-CONST.COM

CIVIL ENGINEER:
SIEGFRIED ENGINEERS
3428 BROOKSIDE ROAD
STOCKTON, CA 95354
PHONE: (209) 943-2021
FAX: (209) 942-0214
CONTACT: ADAM MERRILL
EMAIL: AMERRILL@SIEGFRIEDENG.COM

VICINITY MAP



RECEIVED
February 12, 2024
City of Tracy
Development Services



TRACY TOYOTA

SERVICE CENTER EXPANSION

2895 NAGLEE ROAD
TRACY, CA 95304

DEVCON
CONSTRUCTION
INCORPORATED
690 Gibraltar Drive
Milpitas, California 95035
(408)942-8200
Lic. #399163

CONSTRUCTION
INCORPORATED

690 Gibraltar Drive
Milpitas, California 95035
(408)942-8200
Lic. #399163



SERVICE CENTER EXPANSION

2895 NAGLEE ROAD, TRACY, CA 95304

DESIGN MILESTONES:
10.26.23 DEVELOPMENT REVIEW SUBMITTAL

GENERAL NOTES

ABBREVIATIONS

PROJECT SUMMARY

INDEX OF DRAWINGS

1 ALL PRODUCTS AND MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH INDUSTRY STANDARDS AND MANUFACTURER'S RECOMMENDATIONS.
2 DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS AND ELEVATIONS SHALL ALWAYS TAKE PRECEDENCE OVER SCALE DIMENSIONS INFORM THE ARCHITECT OF ANY DISCREPANCIES.
3 DIMENSIONS SHOWN ON ARCH. PLANS ARE TO FACE OF WOOD STUD/CENTERLINE OF METAL STUD, UNLESS OTHERWISE NOTED OR INDICATED.
4 DIMENSIONS MARKED +/- ARE FLEXIBLE AND CAN CHANGE AS REQ'D. TO FIT. DIMENSIONS NOT SO MARKED SHALL TAKE PRECEDENCE OVER +/- DIMENSIONS.
5 REPORT ANY DISCREPANCIES IN DIMENSION TO ARCHITECT FOR CLARIFICATION.
6 PRIOR TO START OF WORK, IF ANY DISCREPANCIES OCCUR BETWEEN THE DRAWINGS AND ACTUAL FIELD CONDITIONS, NOTIFY THE ARCHITECT AT ONCE.
7 THE CONTRACTOR SHALL MAINTAIN SUBSTANTIALLY IN COMPLIANCE WITH CALIF. TITLE 24 REQUIREMENTS, TO BE VERIFIED IN FIELD. IF NOTED APPLICABLE PLANS, DETAILS & SPECIFICATIONS MUST BE APPROVED PRIOR TO FINAL INSPECTION.
8 CONFORM TO THE RECOMMENDATIONS OF THE SOILS REPORT PREPARED BY.
9 CONNECTIONS TO EXISTING PUBLIC UTILITIES SHALL BE DONE WITH APPROVAL AND IN ACCORDANCE WITH THE UTILITY CO. REQUIREMENTS.
10 CONTRACTORS SHALL PROTECT ALL EXISTING SITE IMPROVEMENTS NOT SCHEDULED FOR REMOVAL DURING CONSTRUCTION. THEY SHALL REPAIR ANY DAMAGE TO NEW CONSTRUCTION AT THEIR EXPENSE.
11 DO NOT CONNECT OR SUSPEND ANY ITEM FROM STRUCTURE WITHOUT PRIOR APPROVAL FROM THE STRUCTURAL ENGINEER PARTITION CONNECTION & ANCHORING TO FIRE SAFING IS NOT ALLOWED.
12 WORK MAY BE OBSERVED BY THE ARCHITECT AND THE OWNER'S REPRESENTATIVES FOR CONFORMITY WITH THE CONSTRUCTION DOCUMENTS AND SCOPE OF WORK. WORK COVERED OR CONCEALED BEFORE BEING OBSERVED SHALL BE OPENED AND UNCOVERED UPON REQUEST. THE CONTRACTOR IS RESPONSIBLE FOR NOTIFYING THE ARCHITECT AND THE OWNER'S REPRESENTATIVES OF CONDITIONS IN ADVANCE. NO ALLOWANCE SHALL BE SUBSEQUENTLY MADE IN THE CONTRACTOR'S BEHALF FOR ANY NEGLECT IN ADHERING TO THIS REQUIREMENT.
13 FOR METAL STUD/INTERIOR PARTITION WALL SIZE, GAUGE AND SPACING, SEE WALL DETAILS AND SCHEDULE.
14 GYPSUM BOARD FOR NON-FIRE RESISTIVE WALLS TO BE 5/8" THICK U.N.O.
15 GYPSUM BOARD FOR FIRE RESISTIVE WALLS TO BE TYPE 'X' 5/8" THICK U.N.O.
16 ALL FIRE RESISTIVE PARTITIONS SHALL BE CONSTRUCTED IN COMPLIANCE WITH ULTESTING REQUIREMENTS AND MANUFACTURER'S RECOMMENDATIONS FOR CONDITIONS AS REQUIRED.
17 USE 5/8" THICK MOISTURE RESISTANT GYPSUM BOARD AT ALL WALLS IN TOILET ROOMS AND SHOWER AREAS AND AT ALL WALLS SCHEDULED TO RECEIVE CERAMIC TILE.
18 ALL DUCT AND CONDUIT PENETRATIONS THROUGH PARTITIONS SHALL BE FIRE SEALED OR ACoustical SEALED.
19 ALL SHAFT ENCLOSURES CONTAINING AIR NOT IN DUCTS SHALL BE SEALED AIRTIGHT.
20 TAPE, BED AND FINISH ALL DRYWALL CORNERS AND JOINTS READY FOR FINISH.
21 HEIGHT OF FURNITURE PARTITIONS IN OPEN OFFICE AREA SHALL NOT EXCEED 5'-9".
22 LIGHT SWITCH/MOTION SENSOR ASSEMBLIES SHALL BE PROVIDED IN APPROPRIATE GANG BOX TO MEET TITLE 24.
23 ALL RECEPTACLES & PHONE/DATA JACKS SHALL BE STANDARD PLATES IN MANUFACTURER'S STANDARD TRIM COLOR, TO BE APPROVED BY ARCHITECT, MOUNTED VERTICALLY LEVEL WITH ELECTRICAL RECEPTACLES. U.N.O.
24 EXIT SIGNAGE TO BE GREEN LED. IN WHITE THERMOPLASTIC HOUSING. T.I. TO MATCH SHELL STANDARD.

ACOUS	ACOUSTICAL	JAN	JANITOR
ADJ	ADJUSTABLE	LAM	LAMINATE
AFF	ABOVE FINISH FLOOR	LAV	LAVATORY
ALUM.	ALUMINUM	LT	LIGHT
ALT	ALTERNATE	MAX	MAXIMUM
ARCH	ARCHITECT	MIN	MINIMUM
AC	ASPHALTIC CONCRETE	MEZZ	MEZZANINE
@/C	AIR CONDITIONING	MISC	MISCELLANEOUS
@/AT	AT	MTL	METAL
8	AND	(N)	NEW
BSMT	BASEMENT	NIC	NOT IN CONTRACT
BLK/G	BLOCKING	NO	NUMBER
BOT	BOTTOM	NTS	NOT TO SCALE
BM	BEAM	OC	ON CENTER
CLG	CEILING	OD	OVERFLOW DRAIN
CLR	CLEAR	OPNG	OPENING
CL	CENTER LINE	PIP	POURED IN PLACE
CT	CERAMIC TILE	R	RADIUS
CO	CLEAN OUT	RD	ROOF DRAIN
CONT	CONTINUOUS	RM	ROOM
DIA	DIAMETER	REF	REFERENCE
DIM	DIMENSION	REQ'D	REQUIRED
DISP	DISPENSER	SBO	SUPPLIED BY OWNER
(E)	EXISTING	SCH	SCHEDULE
EL	ELEVATION	SHT	SHEET
EQ	EQUAL	SHWR	SHOWER
EXT	EXTERIOR	SIM	SIMILAR
FF	FINISH FLOOR	SOG	SLAB ON GRADE
FLUOR	FLUORESCENT	SS	STAINLESS STEEL
FOC	FACE OF CONCRETE	SERVICE SINK	SANITARY SEWER
FOS	FACE OF STUD	SH	SHELF
FP	FACE OF PLY	SUSP	SUSPENDED
FS	FACE OF STUD	TBD	TO BE DETERMINED
FURR	FURRING	T&B	TOP & BOTTOM
GA	GAUGE	TEL	TELEPHONE
GB	GYPSUM BOARD	TEMP	TEMPORARY
GL	GLASS	TYP	TYPICAL
GSM	GALVANIZED SHEET MTL	UON	UNLESS OTHERWISE NOTED
GYP BD	GYPSUM BOARD	UNO	UNLESS NOTED OTHERWISE
HT	HEIGHT	VIF	VERIFY IN FIELD
HM	HOLLOW METAL	VCT	VINYL COMPOSITION TILE
HR	HOUR	W	WIDE
HC	HANDICAPPED	W/	WITH
HDWD	HARDWOOD	WC	WALL COVERING
HDW	HARDWARE	WCLOSET	WATER CLOSET
INSUL	INSULATION	WG	WIRE GLASS
INT	INTERIOR		

DESCRIPTION OF WORK:

THIS PROJECT CONSISTS OF A 9,435 SF EXPANSION TO THE EXISTING SERVICE CENTER, AS WELL AS THE DEMOLITION OF THE EXISTING DETACHED QUICK LUBE BUILDING TO THE SOUTH-WEST OF THE SERVICE BUILDING.

BUILDING FAÇADE DESIGN SHALL MATCH THE APPEARANCE OF THE EXISTING SERVICE BUILDING.

SITE / ZONING INFORMATION

PROJECT ADDRESS: 2895 NAGLEE ROAD, TRACY, CA 95304

ASSESSORS PARCEL NO: LOT 1: 212-29-004

LOT 2: 212-29-007

LOT 3: 212-29-031

SITE AREA: LOT 1: 192,009 SF

LOT 2: 25,102 SF

LOT 3: 54,450 SF

TOTAL: 271,561 SF

DEVELOPMENT INFORMATION

BUILDING AREA: DEALERSHIP BUILDING:

(E) SHOWROOM/SALES: 10,141 SF
(E) BUSINESS/OFFICE: 2,591 SF

(E) STORAGE: 1,340 SF

(E) SERVICE BAYS: 8,352 SF

(N) SERVICE BAYS: 9,435 SF

LEVEL 1 TOTAL: 31,859 SF

NUMBER OF STORIES 2

AREA PER STORY 32,670 SF

ALLOWABLE: 32,670 SF

PROPOSED AREA: 9,435 SF

TYPE OF CONSTRUCTION: V-B

OCCUPANCY: B, M, S-1

FIRE SPRINKLERED: YES

*IT IS THE INTENTION THAT THE ABOVE CODES & REGULATIONS REFER TO THE LATEST EDITION OR REVISION IN FORCE ON THE DATE OF THESE DRAWINGS.

ALLOWABLE AREA CALCULATIONS

Aa = (At + Ns x f) (EQUATION 5-1)

Aa = ALLOWABLE AREA

At = TABULAR ALLOWABLE AREA PER STORY FROM TABLE 506.2

Ns = TABULAR ALLOWABLE AREA FOR NON-SPRINKLERED BUILDING

If = TABULAR FRONTEAGE INCREASE FACTOR FROM TABLE 506.3

(SHORTEST DISTANCE TO ANOTHER BUILDING = 25'-0")

(PERCENTAGE OF BUILDING PERIMETER OPEN = 100%)

(FACTOR = 0.63)

Aa = (27,000 SF + [9,000 SF x 0.63]) = 32,670 MAXIMUM SQUARE FEET PER STORY

PARKING ANALYSIS

CUSTOMER AND EMPLOYEE PARKING:

FACTOR AREA SPACES

(E) VEHICLE SALES/OFFICE 1/250 SF 20,660 SF 83

(E) SERVICE CENTER 1/600 SF 8,467 SF 14

(N) SERVICE CENTER 1/600 SF 9,435 SF 16

TOTAL REQUIRED: 113

LEVEL 1:

OCCUPANCY AREA RATIO

B 2,591 SF 0.079

M 10,141 SF 0.310

S-1 17,787 SF 0.544

0.933

TOTAL PROVIDED: 120

5 ACCESSIBLE PARKING SPACES REQUIRED PER CBC TABLE 11B-208.2

LEVEL 2:

OCCUPANCY AREA RATIO

B 3,069 SF 0.094

M 0 SF 0.000

S-1 3,634 SF 0.111

0.205

TOTAL PROVIDED: 10

274

VEHICLE STORAGE AND DISPLAY:

VEHICLE STORAGE LOT (NORTH-WEST) 6

VEHICLE STORAGE LOT (NORTH) 75

VEHICLE DISPLAY LOT (WEST) 27

VEHICLE DISPLAY LOT (EAST) 27

VEHICLE DISPLAY LOT (SOUTH) 74

VEHICLE DISPLAY SPACES (NAGLEE FRONTAGE) 55

VEHICLE DISPLAY PADS 10

TOTAL PROVIDED: 274

NOT FOR CONSTRUCTION

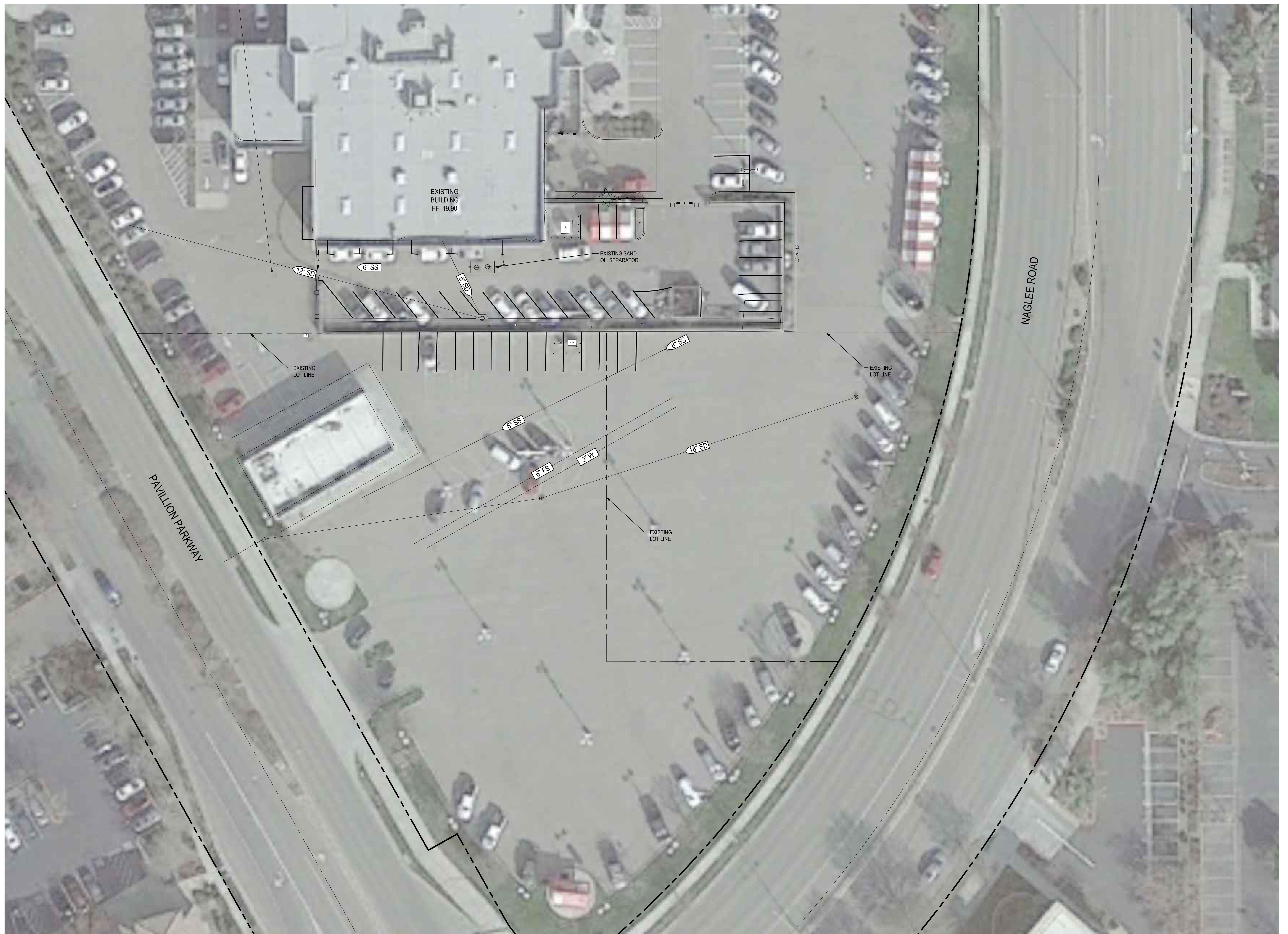
REVISIONS

NO. DATE DESCRIPTION BY

10.26.23 DESIGN REVIEW SUBMITTAL

1 11.28.23 DESIGN REVIEW REVISIONS

COVER SHEET



LEGEND

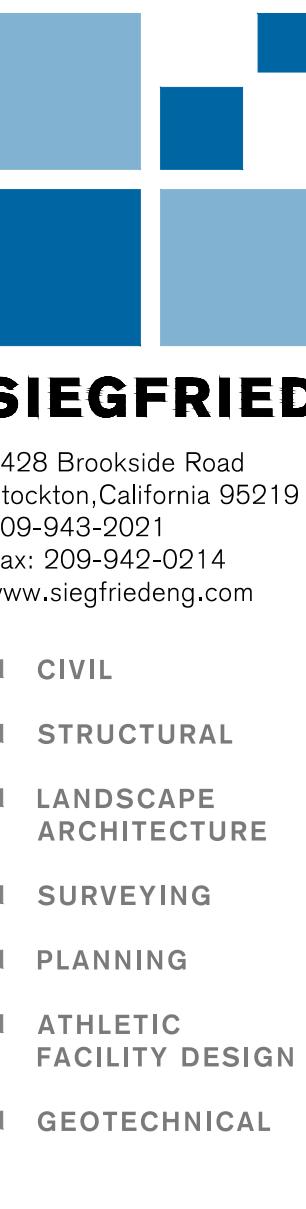
GROUND CONTOUR	3.0
CONCRETE ELEVATION	11.93EC
PAVEMENT ELEVATION	15.50EP
FLOWLINE ELEVATION	15.50EFL
GROUND ELEVATION	15.50EG
TOP OF CURB/ FLOWLINE ELEVATION	15.50ETC /15.00EFL
EASEMENT LINE	
PROPERTY & RW LINE	
CENTERLINE	
TOP	
TOE	
EDGE OF PAVEMENT	
LIGHT POLE	
UTILITY POLE	
ANCHOR GUY	
CHAIN LINK FENCE	
SIGN	
STORM DRAIN LINE	
SANITARY SEWER LINE	
WATER LINE	
FIRE SERVICE LINE	
RAIN WATER LEADER LINE	
FIRE HYDRANT	
BOLLARD	
MAINTENANCE HOLE	
STORM DRAIN JUNCTION BOX	
CLEANOUT	
WATER METER	
BACKFLOW PREVENTER	
CURB INLET	
STORM DRAIN INLET	
GATE VALVE	
ELECTRICAL PULL BOX	
ELECTRICAL TRANSFORMER	
TREE	
PROJECT	

TRACY TOYOTA
SERVICE BAY
EXPANSION

SHEET TITLE

TOPOGRAPHIC
SURVEY

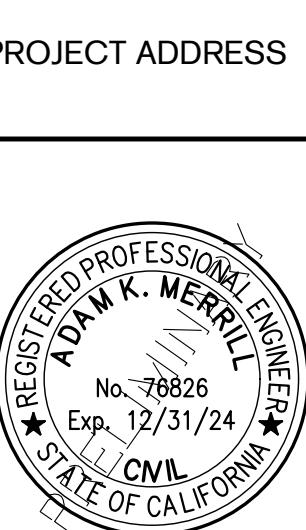
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Date 10/23/2023
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Sheet: C1.0
811
Know what's below.
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REVISIONS
No. Date Description

PROJECT

TRACY TOYOTA
SERVICE BAY
EXPANSION



SHEET TITLE

DEMOLITION PLAN

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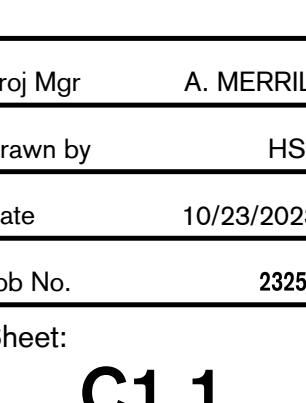
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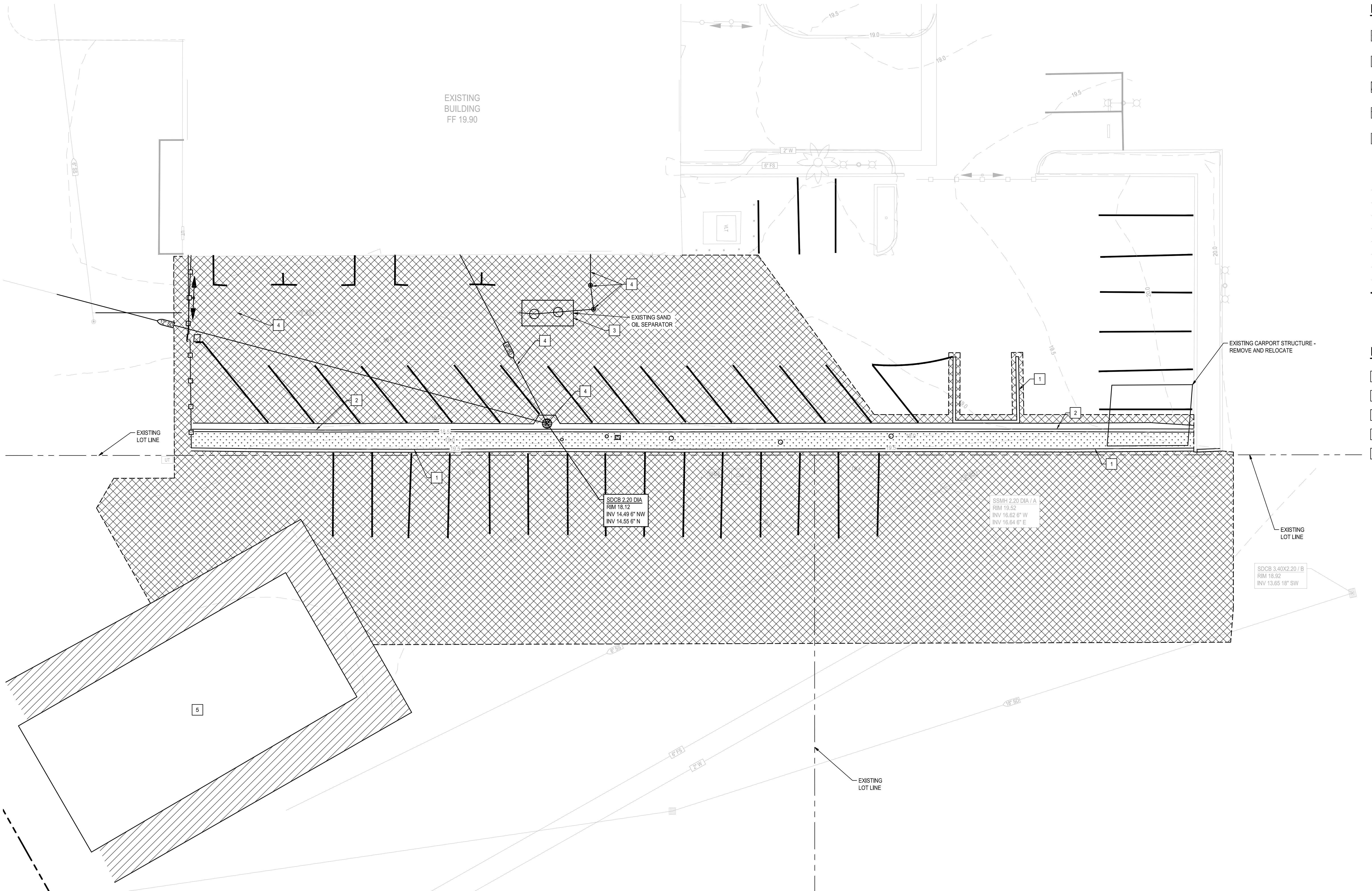
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DEMOLITION LEGEND

	EXISTING LANDSCAPING TO REMAIN, PROTECT IN PLACE
	EXISTING CONCRETE PAVEMENT TO REMAIN, PROTECT IN PLACE
	REMOVE AND DISPOSE OF EXISTING ASPHALT PAVEMENT AND SUBGRADE TO ACCOMMODATE THE PROPOSED IMPROVEMENTS
	REMOVE AND DISPOSE OF EXISTING CONCRETE PAVEMENT AND SUBGRADE TO ACCOMMODATE THE PROPOSED IMPROVEMENTS
	CLEAR AND REMOVE AND DISPOSE OF EXISTING LANDSCAPE TO ACCOMMODATE THE PROPOSED IMPROVEMENTS
	REMOVE AND DISPOSE OF EXISTING TREE, INCLUDING STUMP AND ROOTS
	EXISTING STORM DRAIN LINE
	EXISTING SANITARY SEWER LINE
	EXISTING WATER LINE
	EXISTING GAS LINE
	EXISTING ELECTRICAL LINE
	EXISTING STREET LIGHT LINE
	EXISTING AT&T TELEPHONE LINE
	EXISTING OVERHEAD LINE
	EXISTING PROPERTY LINE

DEMOLITION KEYNOTES

- 1 REMOVE EXISTING WALL
- 2 REMOVE EXISTING CURB AND GUTTER
- 3 REMOVE AND RELOCATE EXISTING SAND OIL SEPARATOR
- 4 REMOVE AND DISPOSE OF EXISTING UTILITY LINE AND/OR STRUCTURE
- 5 REMOVE AND DISPOSE OF EXISTING BUILDING

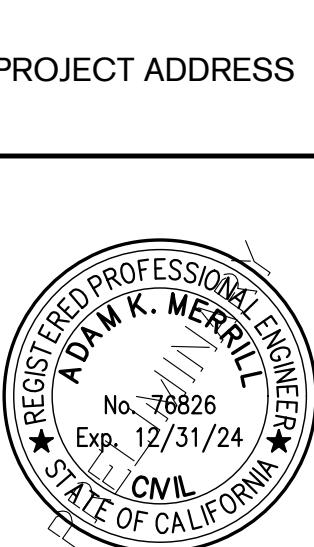




■ CIVIL
■ STRUCTURAL
■ LANDSCAPE ARCHITECTURE
■ SURVEYING
■ PLANNING
■ ATHLETIC FACILITY DESIGN
■ GEOTECHNICAL

REVISIONS
No. Date Description

TRACY TOYOTA
SERVICE BAY
EXPANSION



SHEET TITLE

PRELIMINARY
GRADING AND
DRAINAGE PLAN

Proj Mgr A. MERRILL

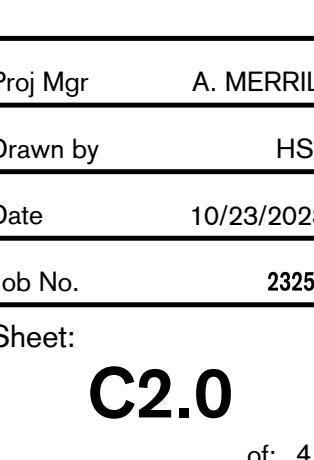
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of: 4



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GRADING LEGEND

	GRADE SLOPE PERCENTAGE
	EXISTING GROUND CONTOUR
	PROPOSED GROUND CONTOUR
	GRADE BREAK
	RIDGE

ABBREVIATION DESCRIPTION

BW	BACK OF WALK
BOW	BOTTOM OF WALL
CO	COULD
DG	DECOMPOSED GRANITE
EC	EXISTING CONCRETE
EFL	EXISTING FLOWLINE
EG	EXISTING GROUND
EL	ELEVATION
EP	EXISTING PAVEMENT
EX.	EXISTING
FF	FINISHED FLOOR ELEVATION
FG	FINISH GROUND
FP	FINISH PAD ELEVATION
FL	FLOWLINE
G	GROUN
GB	GRADE BREAK
HP	HIGH POINT
LB	LIGHT BASE
LP	LOW POINT
MAX	MAXIMUM
MIN	MINIMUM
P	PAVEMENT
TC	TOP OF CURB
TOW	TOP OF WALL
TYP	TYPICAL

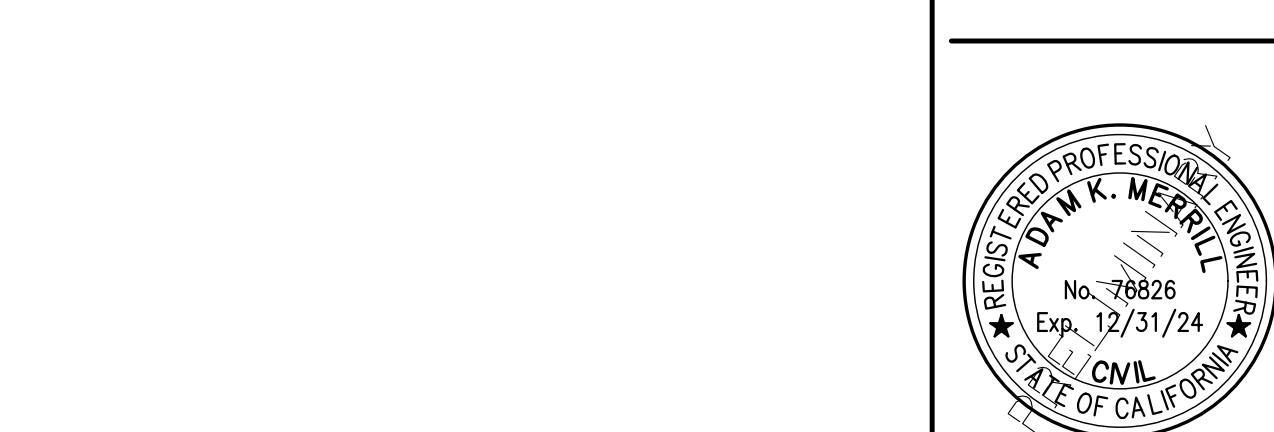
PAVING LEGEND

	PROPOSED ASPHALT CONCRETE SECTION (TH=4.5)
	PROPOSED LIGHT DUTY CONCRETE (TH=4.5)

SITE KEYNOTES

	PROPOSED VERTICAL CURB
	PROPOSED TRASH ENCLOSURE
	PROPOSED SITE LIGHT
	PROPOSED STRIPING
	PROPOSED WALL WITH METAL FENCE TO MATCH EXISTING

PROJECT ADDRESS



SHEET TITLE

PRELIMINARY
GRADING AND
DRAINAGE PLAN

Proj Mgr A. MERRILL

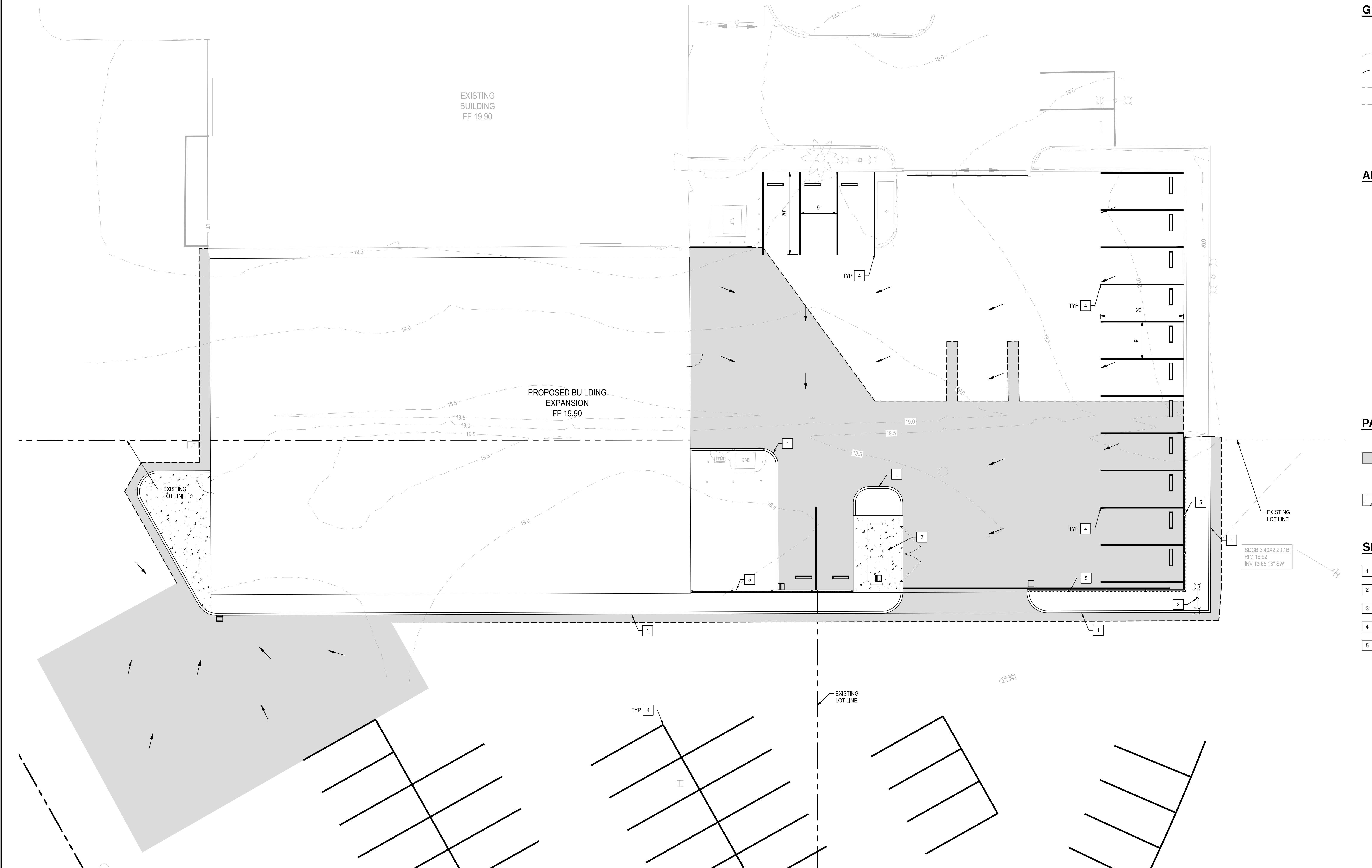
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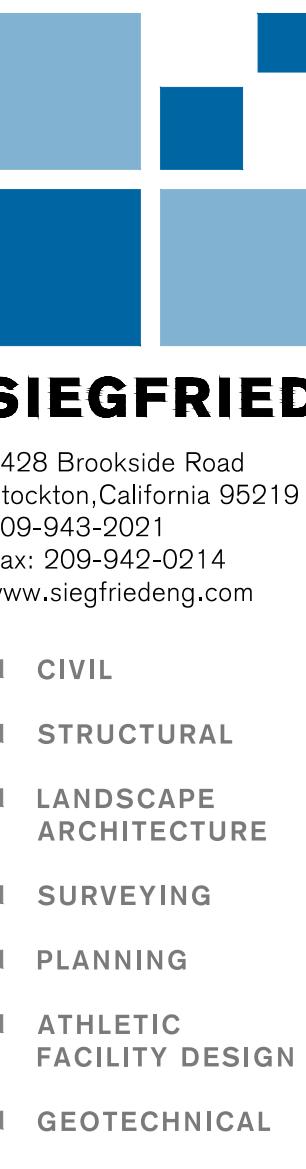
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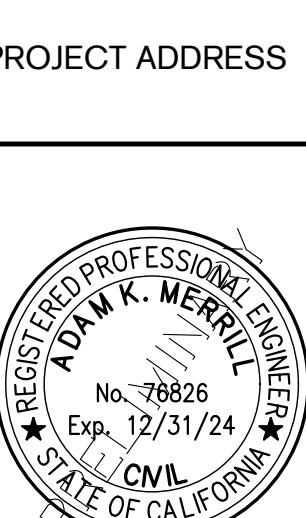


**UTILITY LEGEND**

- PROPOSED MANHOLE
- PROPOSED DRAIN INLET
- PROPOSED DRAIN INLET
- PROPOSED CLEANOUT
- SHUT OFF VALVE
- PROPOSED FIRE DEPARTMENT CONNECTION
- PROPOSED FIRE HYDRANT
- PROPOSED BACKFLOW PREVENTION DEVICE
- SS— PROPOSED SANITARY SEWER LINE
- SD— PROPOSED STORM DRAIN PIPE
- W— PROPOSED WATER LINE
- FS— PROPOSED FIRE SERVICE LINE
- PH— PROPOSED FIRE HYDRANT LINE
- IRR— PROPOSED IRRIGATION LINE
- OH— PROPOSED OVERHEAD LINE
- E— PROPOSED ELECTRIC CONDUIT LINE

REVISIONS

No. Date Description

PROJECTTRACY TOYOTA
SERVICE BAY
EXPANSION**PROJECT ADDRESS****PRELIMINARY
UTILITY PLAN**

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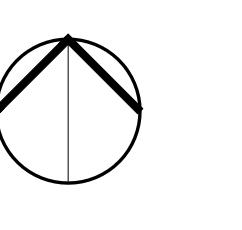
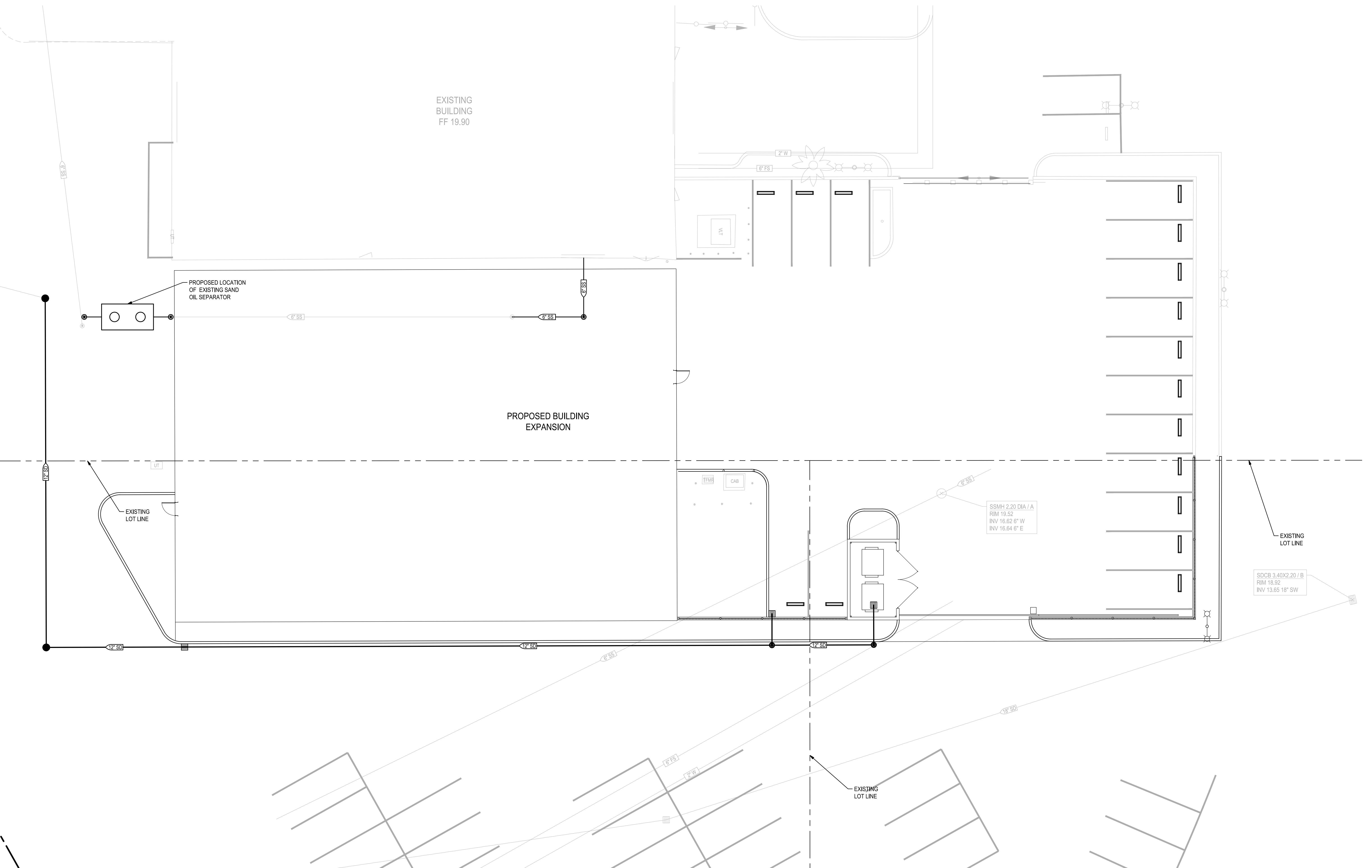
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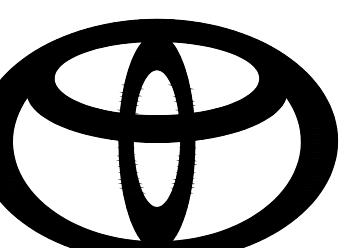
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811
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0' 5' 10' 20'
SCALE: 1"=10'



TRACY TOYOTA
SERVICE CENTER EXPANSION

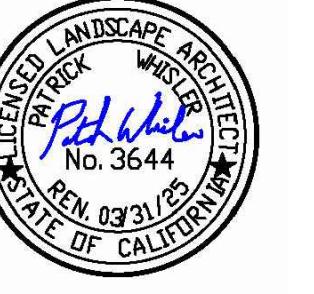
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LANDSCAPE ARCHITECTURE

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SAN RAFAEL, CA 94903
PHONE 415-244-2831
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REVISIONS

NO.	DATE	DESCRIPTION	BY

LANDSCAPE DESIGN
DEVELOPMENT PLAN

JOB NO.	23-136	SHEET NO.
DATE:	02/09/24	
DRAWN:	SG	
CHECKED:	PW	
ISSUE:	SCHEMATIC DESIGN	

L1.0



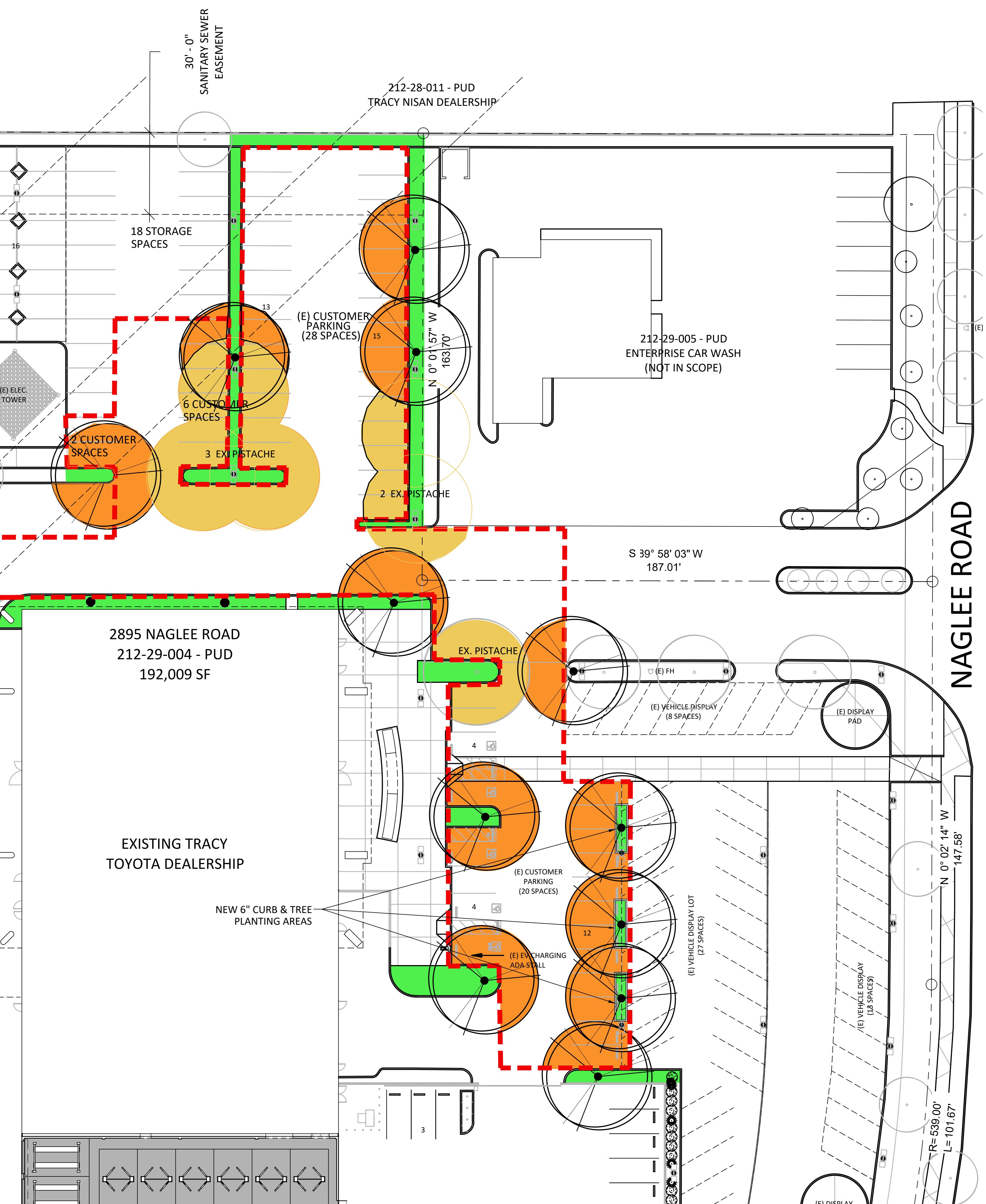
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SCALE: 1"=20'-0"



NORTH

0
1" = 20'-0"
20 40 60 80 feet



DESIGN DEVELOPMENT LEGEND			
SYMBOL	QTY	BOTANICAL / COMMON NAME	REMARKS
PROPOSED TREES			
30	PISTACIA CHINENSIS 'KEITH DAVEY' / KEITH DAVEY CHINESE PISTACHE	24" BOX	LOW WATER USE
NOTE: TREES SHALL BE PLANTED ACCORDING TO THE CITY OF TRACY STANDARD SPECIFICATIONS FOR STREET TREES			
LANDSCAPE REHABILITATION LEGEND & CALCULATION			
SYMBOL	QTY	PERCENTAGES	
PARKING COMPLIANCE			
50,720 sf	100%		
PROPOSED SHRUBS & GROUNDCOVER			
11,770sf	22%		

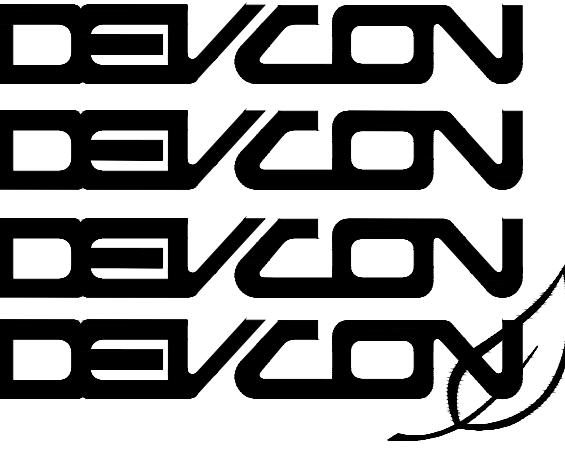
PARKING LOT SHADE LEGEND			
SYMBOL	QTY	BOTANICAL / COMMON NAME	CONT
PROPOSED TREES			
30	PISTACIA CHINENSIS 'KEITH DAVEY' / KEITH DAVEY CHINESE PISTACHE	40 FOOT DIAMETER CANOPY	24" BOX
EXISTING TREES			
9	VARIOUS SPECIES		(Ex)
PARKING LOT SHADING CALCULATIONS			
TOTAL PARKING LOT AREA = 50,720 SQ. FT. 40% OF PARKING LOT AREA = 20,288 SQ. FT. SHADE PROVIDED = 20,545 SQ. FT. / 50,720 = 40.5%			
TREE SPECIES			
35 NEW PISTACIA CHINENSIS 'KEITH DAVEY' 9 EX. TREES			

"I agree to comply with the requirements of
the water efficient landscape ordinance and
submit a complete Landscape Document
Package."
DATED: 02/06/24
BY: Patrick Whisler



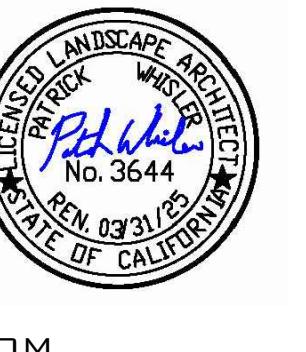
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DSCAPE ARCHITECTURE
COBBLESTONE DRIVE
RAFAEL, CA 94903
INE 415-244-2831
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11. *What is the primary purpose of the following statement?*

PROPOSED PLANT SCHEDULE

<u>SYMBOL</u>	<u>CODE</u>	<u>BOTANICAL / COMMON NAME</u>	<u>CONT</u>	<u>REMARKS</u>	
TREES					
	PIS KEI	PISTACIA CHINENSIS 'KEITH DAVEY' / KEITH DAVEY CHINESE PISTACHE	24" BOX	WATER USE LOW	
SHRUBS					
	ANI GOL	ANIGOZANTHOS X 'GOLD VELVET' / YELLOW KANGAROO PAW	1 GAL	WATER USE LOW	
	CAL LIT	CALLISTEMON CITRINUS 'LITTLE JOHN' / LITTLE JOHN DWARF BOTTLEBRUSH	1 GAL	LOW	
	CAR DIV	CAREX DIVULSA / EUROPEAN GREY SEDGE	1 GAL	LOW	
	CIS PRO	CISTUS SALVIIFOLIUS 'PROSTRATUS' / SAGELEAF ROCKROSE	1 GAL	LOW	
	DIA REV	DIANELLA REVOLUTA 'VARIEGATED' / VARIEGATED FLAX LILY	1 GAL	LOW	
	DIE VEG	DIETES VEGETA / AFRICAN IRIS	1 GAL	LOW	
	EUO MIC	EUONYMUS JAPONICUS 'MICROPHYLLUS' / BOXLEAF EUNONYMUS	1 GAL	LOW	
	LAV PRO	LAVANDULA X INTERMEDIA 'PROVENCE' / PROVENCE LAVENDIN	1 GAL	LOW	
	LOM CON	LOMANDRA CONFERTIFOLIA 'FINESCAPE' / FINESCAPE SMALL MAT RUSH	1 GAL	LOW	
	MUH CAP	MUHLENBERGIA CAPILLARIS / PINK MUHLY	1 GAL	LOW	
	OLE MON	OLEA EUROPAEA 'MONTRA' / LITTLE OLIVE	5 GAL	V. LOW	
	PER HYB	PEROVSKIA ABROTANOIDES 'HYBRIDA' / RUSSIAN SAGE	1 GAL.	LOW	
	ROS DWA	ROSMARINUS OFFICINALIS 'PROSTRATUS' / DWARF ROSEMARY	5 GAL	LOW	
	ZAU LAT	ZAUSCHNERIA CALIFORNICA LATIFOLIA / CALIFORNIA FUCHSIA	5 GAL	LOW	
<u>SYMBOL</u>	<u>CODE</u>	<u>BOTANICAL / COMMON NAME</u>	<u>CONT</u>	<u>SPACING</u>	<u>REMARKS</u>
GROUND COVERS					
	ERI PRO	ERIGERON KARVINSKIANUS 'PROFUSION' / SANTA BARBARA DAISY	1 GAL	24" o.c.	WATER USE LOW
	SAL BEE	SALVIA X 'BEE'S BLISS' / SAGE	1 GAL	72" o.c.	LOW

GENERAL NOTES:
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DRAWINGS MUST BE REPORTED TO THE ARCHITECT. DETAILS INDICATED ON THE DRAWINGS ARE
REPRESENTATIVE AND TYPICAL. ALL ATTACHMENTS AND CONNECTIONS SHALL CONFORM TO BEST
PRACTICE AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.

IS DRAWING EMBODIES IDEAS, DESIGNS, ARRANGEMENTS, PLANS AND SPECIFICATIONS WHICH ARE PROPRIETARY TO DEVCON CONSTRUCTION, INC. AND WHICH WERE DESIGNED, CREATED, EVOLVED AND DEVELOPED FOR USE SOLELY IN CONNECTION WITH THE SPECIFIED PROJECT. NO TRANSFER OF ANY RIGHTS HEREIN IS INTENDED OR EFFECTED BY DELIVERY HEREOF, AND EXCEPT UPON THE WRITTEN PERMISSION OF DEVCON CONSTRUCTION INC. THE DRAWING IS NOT TO BE DISCLOSED TO OTHERS, REPRODUCED OR COPIED WHOLE OR IN PART, OR USED IN THE FABRICATION OR CONSTRUCTION OF BUILDINGS, STRUCTURES, FOUNDATIONS, OR ANY PORTIONS THEREOF, FOR OTHER THAN THE SPECIFIED PROJECT.

WELO (MODEL WATER EFFICIENT LANDSCAPE ORDINANCE) NOTES:

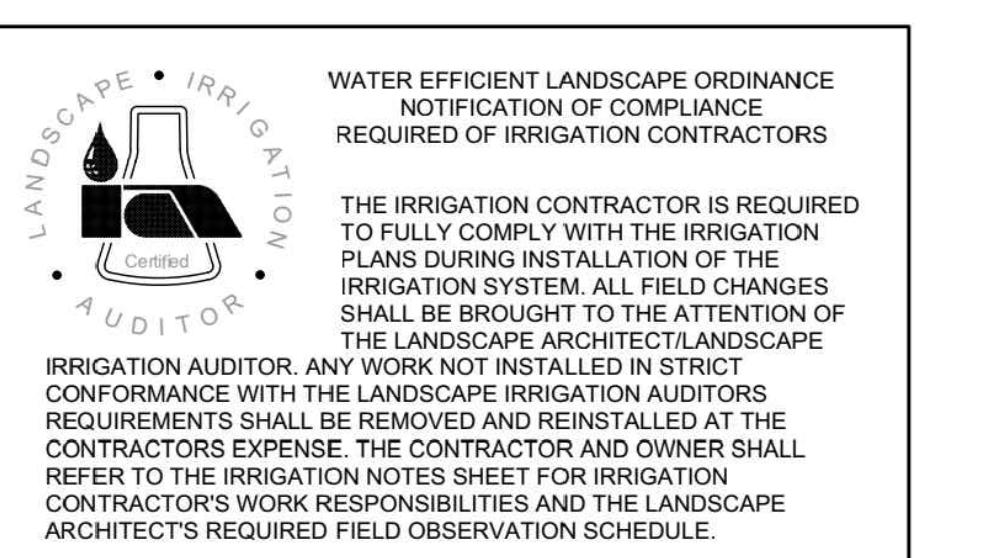
CERTIFICATION OF COMPLETION REQUIREMENTS:

CERTIFICATION OF COMPLETION REQUIREMENTS:

1. UPON COMPLETION OF LANDSCAPE AND IRRIGATION INSTALLATION THE LANDSCAPE CONTRACTOR SHALL SUBMIT THE FOLLOWING AS REQUIRED BY CALIFORNIA MODEL CERTIFICATION FROM LANDSCAPE ARCHITECT FOR INSTALLATION ACCORDING TO THE APPROVED LANDSCAPE DOCUMENTATION PACKAGE.
2. SOIL MANAGEMENT REPORT AND RECEIPTS FOR SOIL IMPROVEMENT PRODUCTS.
3. LANDSCAPE MAINTENANCE MANAGEMENT REPORT.
4. IRRIGATION MAINTENANCE MANAGEMENT REPORT.
5. IRRIGATION SCHEDULE FOR NEW AND ESTABLISHED PLANT MATERIALS
6. IRRIGATION AUDIT REPORT INDICATING SITE IRRIGATION EFFICIENCY,
7. IRRIGATION DISTRIBUTION UNIFORMITY, ALL INSTALLED EQUIPMENT
COMPLIES WITH APPROVED MWELD GUIDELINES.
8. CERTIFICATE OF COMPLETION (COC) FORM.

CONTACT LOCAL ENFORCING AGENCY FOR APPROVED SUBMITTAL FORMS AND PROCEDURES.

LANDSCAPE IRRIGATION AUDIT IS REQUIRED. THIS AUDIT MUST BE COMPLETED BY CERTIFIED LANDSCAPE IRRIGATION AUDITOR, NOT THE DESIGNER OR INSTALLER. THE AUDIT MUST BE SUBMITTED TO THE BUILDING DEPARTMENT, WITH A CERTIFICATE OF COMPLETION (APPENDIX C) AS REQUIRED BY THE DEPARTMENT OF WATER RESOURCES, PRIOR TO SCHEDULING A FINAL INSPECTION OF THE WATER EFFICIENT LANDSCAPE PERMIT.”



MWELO GENERAL NOTES:

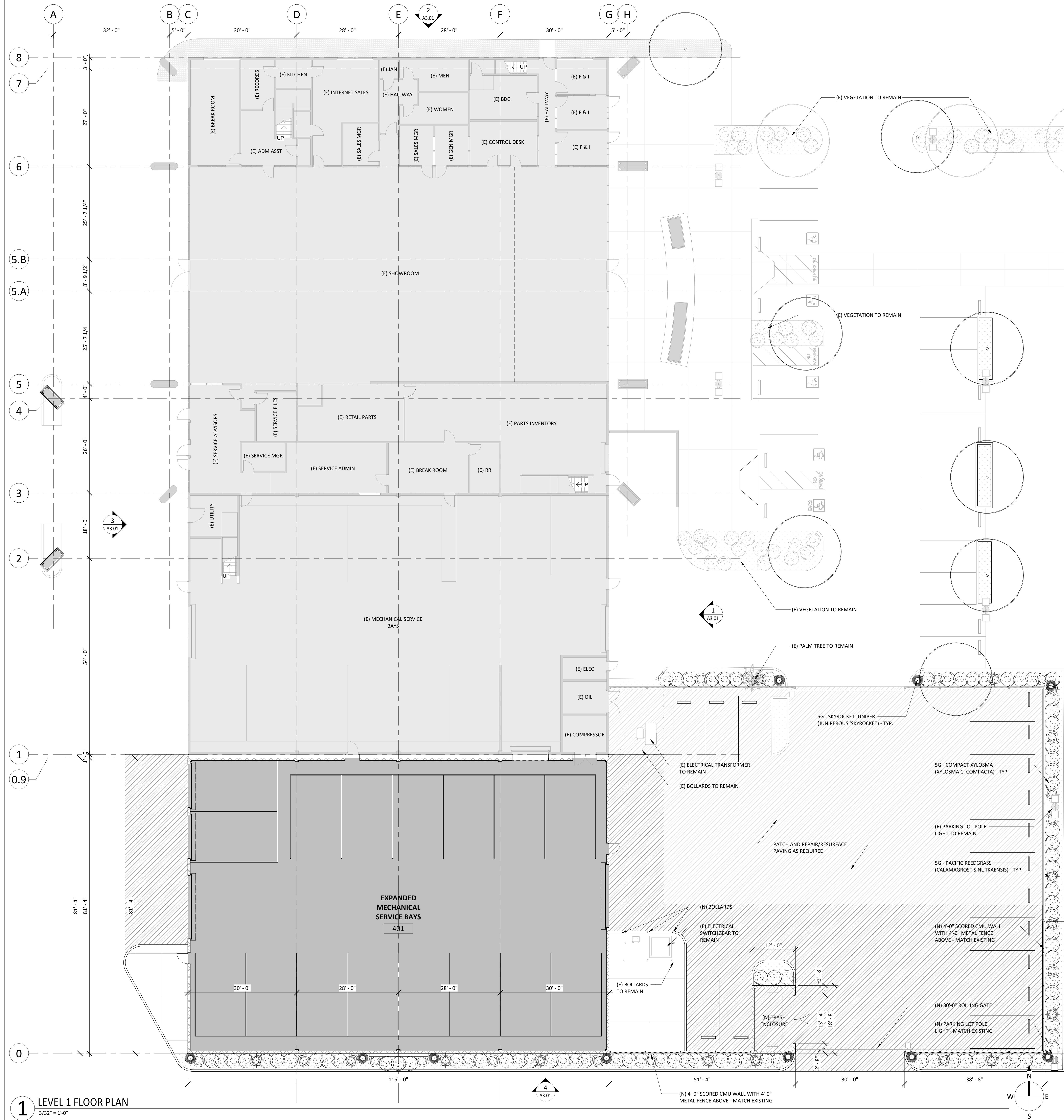
- A CERTIFICATE OF COMPLETION SHALL BE COMPLETED BY EITHER THE OWNER, THE DESIGNER OF THE LANDSCAPE PLANS OR BY THE LICENSED INSTALLING CONTRACTOR.
- AN AS BUILT DIAGRAM OF THE INSTALLED IRRIGATION SHOWING NUMBERED ZONES, VALVE LOCATION, MAINLINE LOCATION, IRRIGATION CONTROLLER AND P.O.C LOCATION SHALL BE KEPT WITH THE CONTROLLER FOR SUBSEQUENT MANAGEMENT PURPOSES.
- CHECK VALVES ARE REQUIRED ON ALL SPRINKLER HEADS WHERE LOW HEAD DRAINAGE COULD OCCUR.
- PRESSURE REGULATING DEVICES ARE REQUIRED IF WATER OPTIMUM PRESSURE OF THE SPECIFIED IRRIGATION DEVICE PRESSURE EXCEEDS THE OPERATING RECOMMENDATIONS.
- NO OVERHEAD IRRIGATION IS PERMITTED IN LANDSCAPE AREAS THAT ARE LESS THAN 10' WIDE. DRIP OR LOW FLOW BUBBLER IRRIGATION MUST BE USED AS AN ALTERNATIVE.
- INSTALLING CONTRACTOR IS RESPONSIBLE FOR INSTALLING AND PROGRAMMING ALL SELF ADJUSTING WEATHER/SOIL MOISTURE SENSING BASED CONTROLLERS. RAIN SENSORS ARE TO BE INSTALLED WITH ANY CONTROLLER WHERE AN OFFSITE WEATHER STATION IS USED.
- ALL SPECIFIED FLOW SENSORS AND MASTER VALVES MUST BE INSTALLED AND PROGRAMMED AS PER MANUFACTURERS REQUIREMENTS.
- AN IRRIGATION AUDIT AND COMMISSIONING IS REQUIRED ON ALL PROJECTS. CONTACT ANDREW BOLT 209-404-1746 TO SET UP.
- THESE PLANS HAVE BEEN PREPARED BY A CERTIFIED PROFESSIONAL AND ARE MEANT AS A GUIDE ONLY. PIPING AND VALVE PLACEMENT ARE DIAGRAMATIC ONLY. ALL PIPING UNDER HARDCAPES MUST BE SLEEVED WITH SPECIFIED SLEEVING MATERIALS.
- PROTECT ALL EXISTING TREES DURING IRRIGATION TRENCHING AND PIPE INSTALLATION. CONSULT WITH LANDSCAPE ARCHITECT BEFORE CUTTING ANY ROOTS.
- NOTE TO CONTRACTOR: ALL IRRIGATION ZONES HAVE BEEN LAYED OUT AND APPROVED BY THE CITY OR COUNTY BASED ON PLANT WATER USE. SHOULD THE INSTALLING CONTRACTOR CHANGE OR MODIFY THE APPROVED IRRIGATION LAYOUT IN ANYWAY WITHOUT PRIOR AUTHORIZATION THE CONTRACTOR WILL ASSUME ALL LIABILITY AND COST OF ALL CHANGES TO THE IRRIGATION LAYOUT AND ALL ADDITIONAL WATER USAGE OVER AND ABOVE FOR THE LIFE OF THE IRRIGATION SYSTEM(S) AND ALL COSTS THAT ARE ASSOCIATED WITH OVER WATER USAGE.

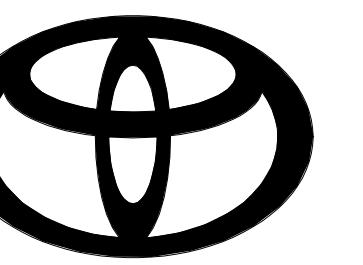
NOT FOR CONSTRUCTION

VISIONS

LANDSCAPE DESIGN DEVELOPMENT LEGEND

NO. 23-136	SHEET NO.
DATE: 02/09/24	
AWN: SG	
CHECKED: PW	
TYPE: SCHEMATIC DESIGN	L1.1





TRACY TOYOTA

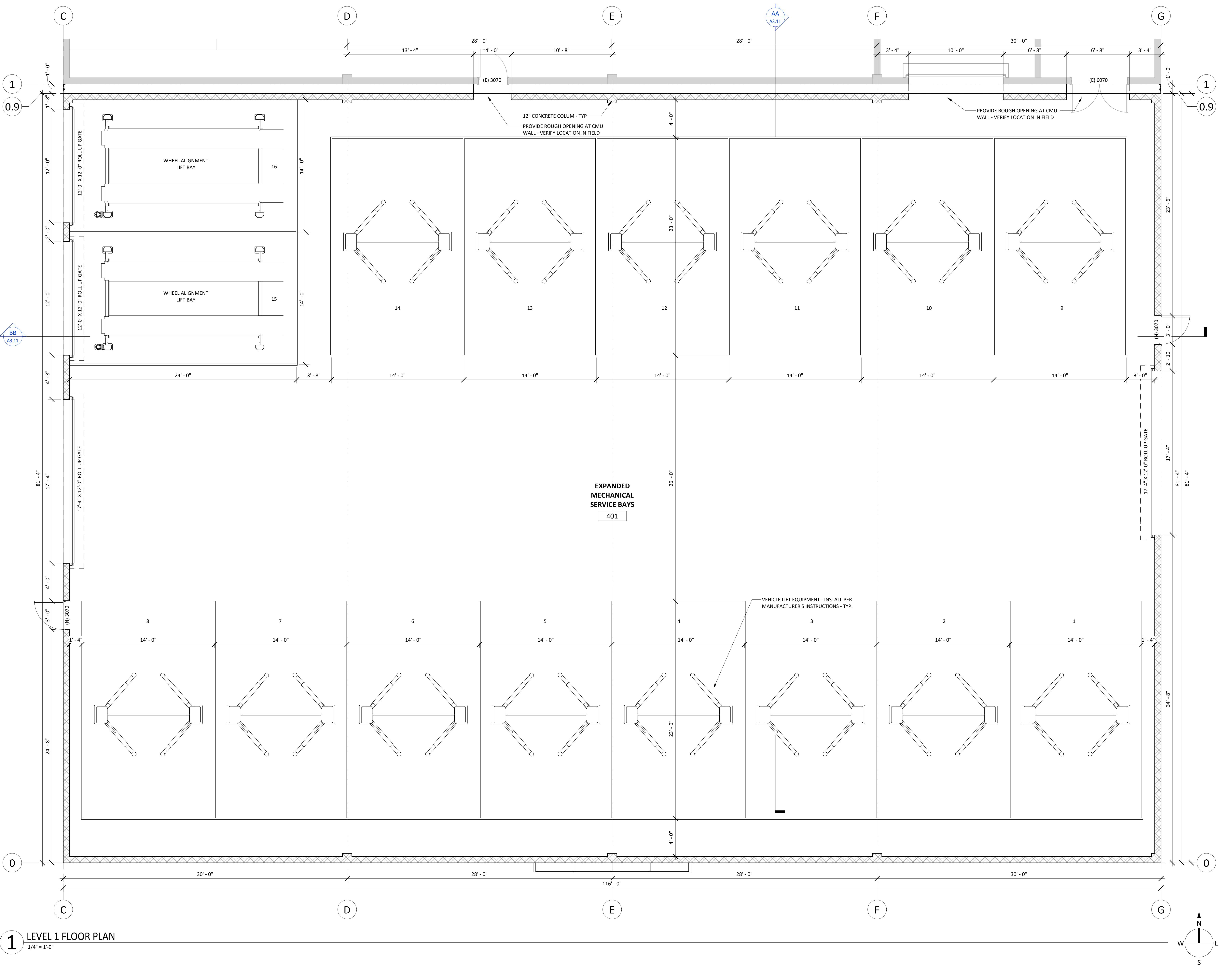
SERVICE CENTER EXPANSION

95 NAGLEE ROAD
TRACY, CA 95304

CONSTRUCTION INCORPORATED

690 Gibraltar Drive
Milpitas, California 95035
(408)942-8200 Lic. #399163

A circular license seal for Juan Solis, a licensed architect in the State of California. The seal is divided into three concentric rings. The outermost ring contains the text "LICENSED ARCHITECT" at the top and "STATE OF CALIFORNIA" at the bottom. The middle ring contains the name "JUAN SOLIS" in the center, with "No. 339914" written vertically to the left of the "J". The innermost ring contains the renewal date "05/31/2025" at the bottom and "RENEWAL DATE" above it. A large, stylized signature of "JUAN SOLIS" is written across the center of the seal, overlapping the name in the middle ring and the renewal date in the inner ring.



GENERAL NOTES:
CONTRACTOR SHALL FIELD VERIFY ALL JOB CONDITIONS AND DIMENSIONS. VARIATIONS THEREOF FROM THE DRAWINGS MUST BE REPORTED TO THE ARCHITECT. DETAILS INDICATED ON THE DRAWINGS ARE REPRESENTATIVE AND TYPICAL. ALL ATTACHMENTS AND CONNECTIONS SHALL CONFORM TO BEST PRACTICE AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.

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EDITIONS

O.	DATE	DESCRIPTION	BY

FIRST FLOOR PLAN

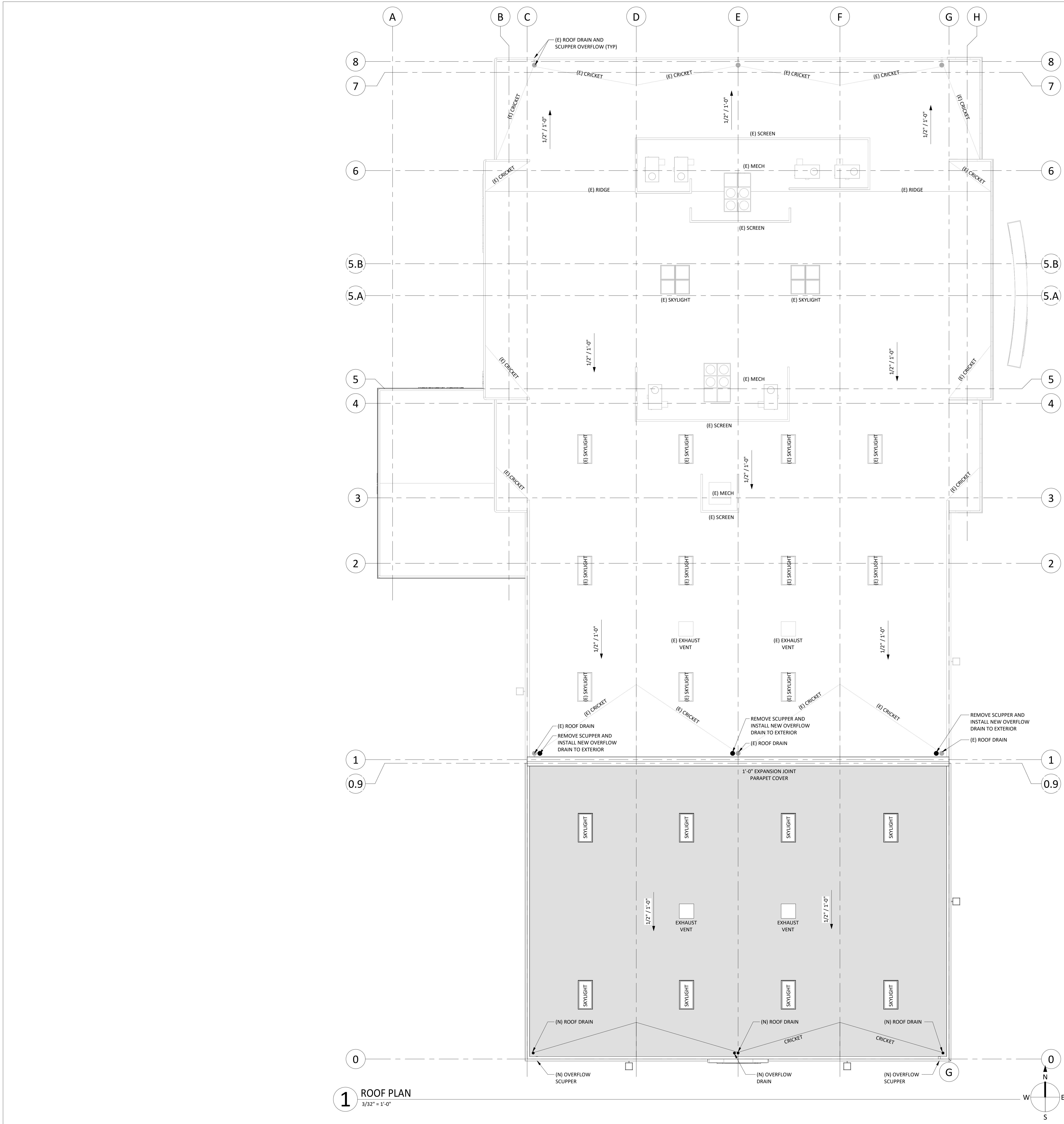
JOB NO.	23-136	SHEET NO.
DATE:	07/14/23	
DRAWN:	JDS	
CHECKED:	SR	
SUITE:	SCHEMATIC DESIGN	

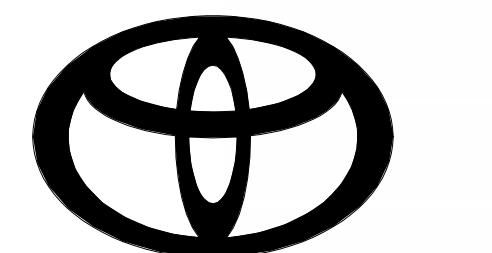
A2.01

A2.01 OF SHEETS

FIRST FLOOR PLAN

A2.01

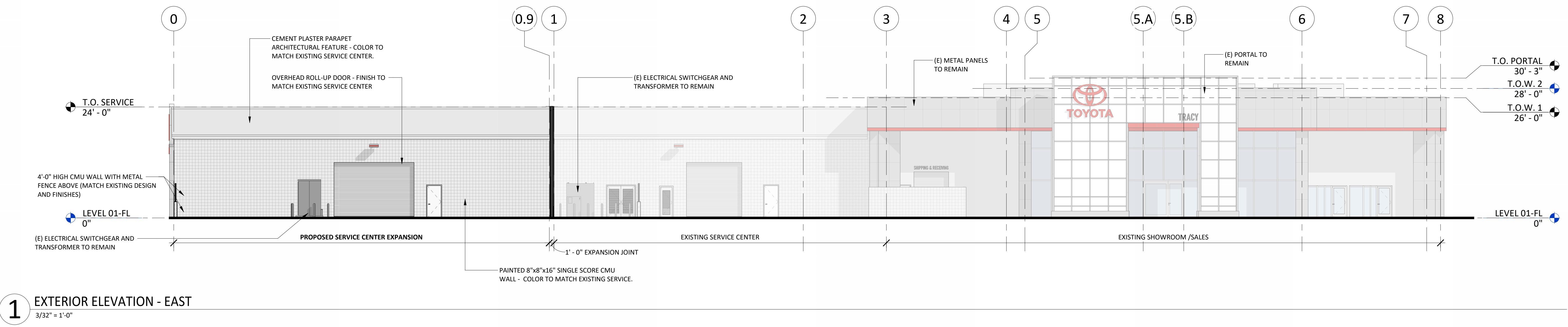




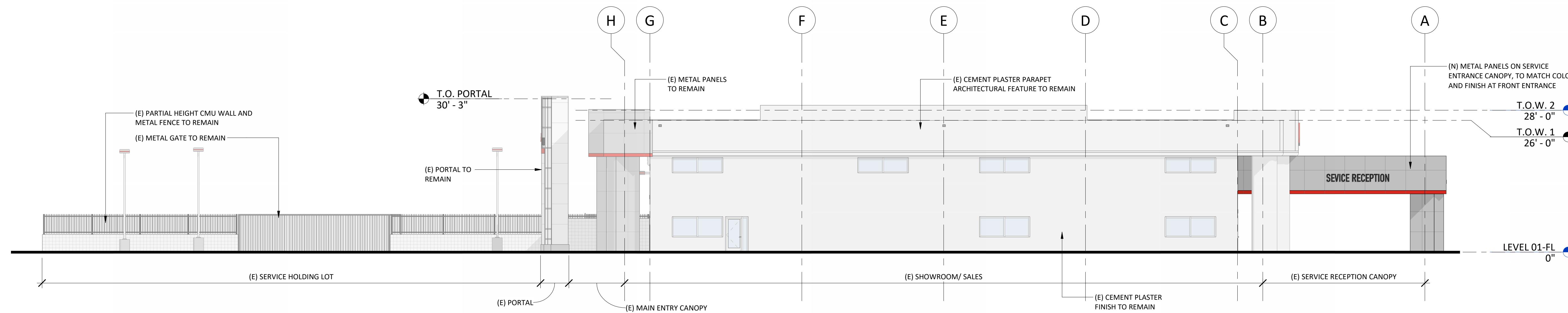
TRACY TOYOTA
SERVICE CENTER
EXPANSION

2895 NAGLEE ROAD
TRACY, CA 95304

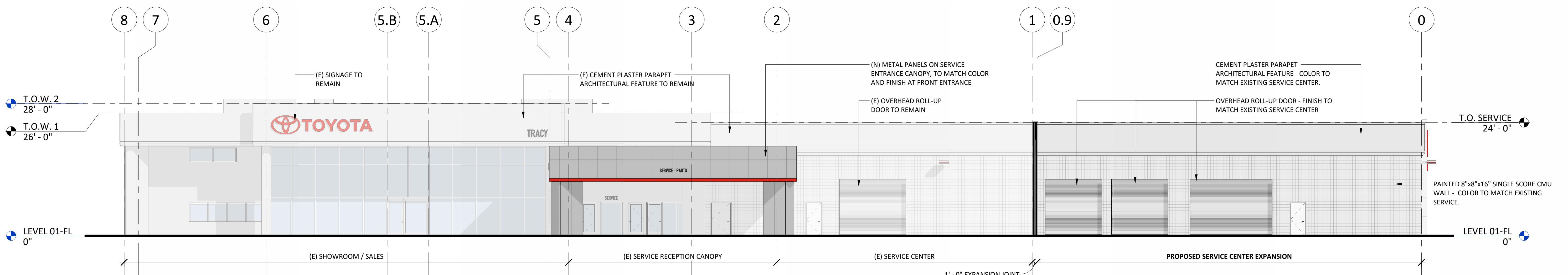
DEVCON
CONSTRUCTION
INCORPORATED
690 Gibraltar Drive
Milpitas, California 95035
(408)942-8200 Lic. #399163



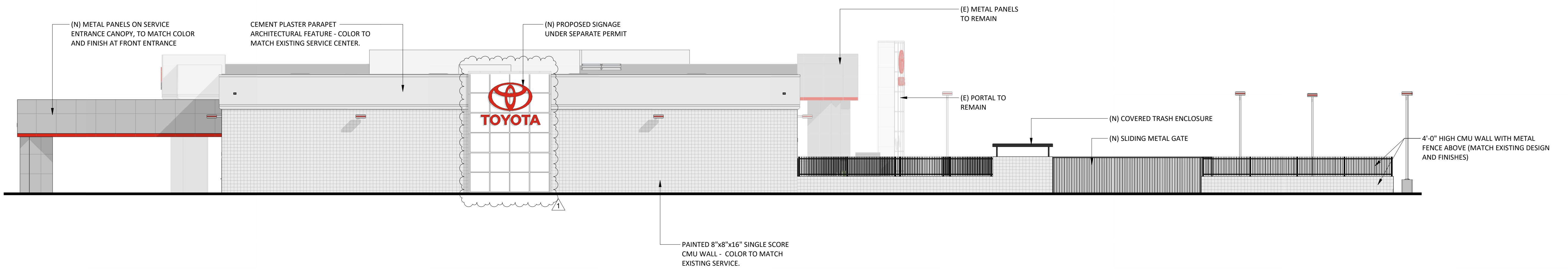
1 EXTERIOR ELEVATION - EAST
3/32" = 1'-0"



2 EXTERIOR ELEVATION - NORTH
3/32" = 1'-0"



3 EXTERIOR ELEVATION - WEST
3/32" = 1'-0"



4 EXTERIOR ELEVATION - SOUTH
3/32" = 1'-0"

GENERAL NOTES:
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SEAL

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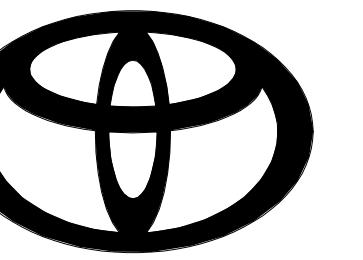
REVISIONS

NO.	DATE	DESCRIPTION	BY
1	11.28.23	DESIGN REVIEW REVISIONS	

JOB NO.	23-136	SHEET NO.
DATE:	07/14/23	
DRAWN:	JDS	
CHECKED:	SR	
ISSUE:	SCHEMATIC DESIGN	

A3.01

A3.01 OF SHEETS



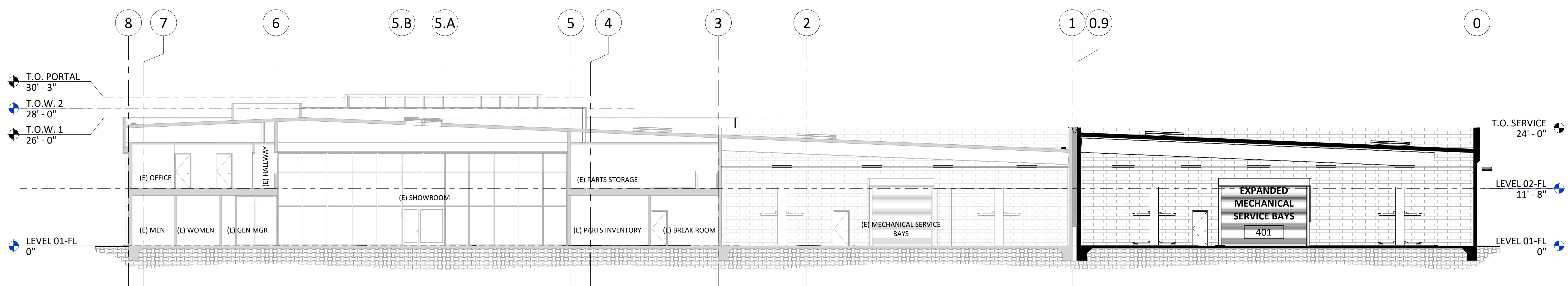
TRACY TOYOTA

SERVICE CENTER EXPANSION

895 NAGLEE ROAD
TRACY, CA 95304

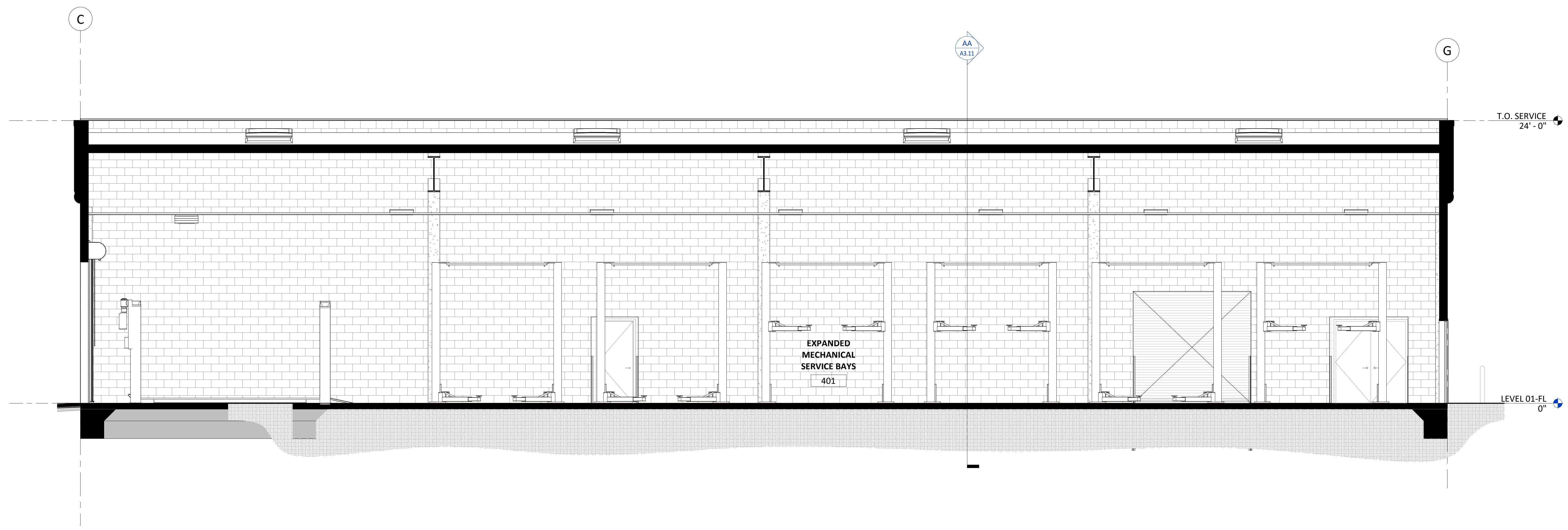
The logo for Devcon Construction Incorporated features the word "DEVCON" in a bold, black, sans-serif font, with each letter partially cut out to reveal a white background. This logo is repeated three times vertically. To the right of the logo, the words "CONSTRUCTION INCORPORATED" are written in a large, black, sans-serif font. Below the address, a small graphic of a green leaf is positioned to the left of the phone number. The address "690 Gibraltar Drive" is on the first line, "Milpitas, California 95035" is on the second line, and the phone number "(408)942-8200" followed by the license number "Lic. #399163" is on the third line.

690 Gibraltar Drive
Milpitas, California 95035
(8)942-8200 Lic. #399163



AA BUILDING SECTION - AA

3/32" = 1'-0"



BUILDING SECTION - BB

GENERAL NOTES:
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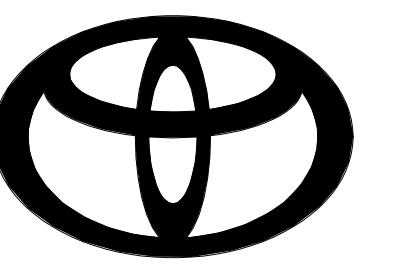
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VISIONS

BUILDING SECTIONS

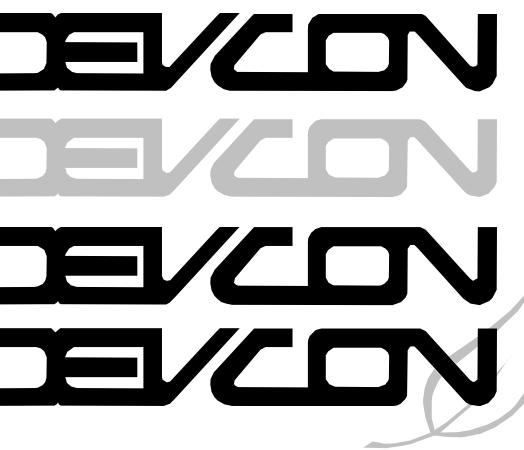
O. 23-136	SHEET NO.
07/14/23	
VN: JDS	
KED: SR	
: SCHEMATIC DESIGN	
A3.11	
A3.11 OF 1 SHEETS	



TRACY TOYOTA

SERVICE CENTER EXPANSION

2895 NAGLEE ROAD
TRACY, CA 95304



CONSTRUCTION INCORPORATED

690 Gibraltar Drive
Milpitas, California 95035
(8)942-8200 Lic. #399163



1 - RENDERING VIEW FROM SOUTH-EAST LOT



5 - RENDERING VIEW FROM SOUTH LOT



2 - RENDERING VIEW FROM EAST LOT



4 - RENDERING BIRDS-EYE VIEW



3 - RENDERING VIEW FROM WEST SERVICE ENTRANCE

GENERAL NOTES:
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REVISIONS

RENDERINGS

OB NO.	23-136	SHEET NO.
DATE:	07/14/23	
DRAWN:	JDS	
CHECKED:	SR	
ISSUE:	SCHEMATIC DESIGN	A9.02 OF 1 SHEETS

A9.02

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION NO. _____

1. APPROVING A DEVELOPMENT REVIEW PERMIT, APPLICATION NUMBER D23-0018, (HEREINAFTER "PROJECT") TO CONSTRUCT A 9,435 SQUARE-FOOT EXPANSION OF THE EXISTING SERVICE CENTER CONSISTING OF 12 NEW SERVICE BAYS, FOR THE TRACY TOYOTA LOCATED AT 2895 NAGLEE ROAD (ASSESSOR'S PARCEL NUMBERS 212-29-004, 212-29-031, 212-29-007); AND
2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15301 PERTAINING TO MINOR ALTERATIONS OF EXISTING STRUCTURES.

WHEREAS, On July 6, 1996, the City Council approved construction of a 27,660 square-foot auto dealership building, along with site improvements on a 4.31-acre site for the Tracy Toyota under 6-99-CUP & 6-99-D; and

WHEREAS, On January 17, 2003, the Development and Engineering Services Director approved a minor amendment to the Tracy Toyota Final Development Plan to allow construction of an 80,450 square-foot vehicle display parking lot located on a vacant site between the existing Tracy Toyota dealership and the intersection of Naglee Road and Pavilion Parkway under 40-02-D; and

WHEREAS, On February 17, 2004, the City Council approved a 3,672 square-foot pre-owned vehicle sales office and a 2,208 square-foot oil change center under 38-03-D; and

WHEREAS, On August 5, 2008, the City Council approved a 22,913 square-foot addition consisting of new building area and landscaping and parking improvements under 9-07-D which ultimately was not constructed; and

WHEREAS, On September 24, 2020, the Development Services Director approved façade improvements and a new, detached 3,960 square-foot service building consisting of six new service bays under D20-0010; and

WHEREAS, The detached 3,960 square-foot service building was not constructed; and

WHEREAS, On October 30, 2023, an application was submitted (D23-0018) for a development review permit to construct a 9,435 square-foot expansion of the existing service center; and

WHEREAS, The Planning Commission may approve a Development Review Permit if the information based on the entire record, including the application and evidence submitted

before and during a public hearing, supports making the requisite findings set forth in TMC Section 10.08.3960; and

WHEREAS, the Statement of Findings, attached hereto as Attachment 1, articulates the requisite findings and the evidentiary support for those findings; and

WHEREAS, The proposed design meets the City's objectives for high quality design as required by the Tracy General Plan and the City of Tracy Design Goals and Standards; and

WHEREAS, The project is categorically exempt from CEQA based on Guidelines Section 15301, which pertains to minor alterations and additions less than 10,000 square feet in size to existing structures in an area where all public services and facilities are available, and which is not environmentally sensitive. In accordance with CEQA Guidelines, no further environmental assessment is required; and

WHEREAS, The Planning Commission conducted a public hearing to receive, review and consider evidence and testimony regarding the subject applications on May 8, 2024;

NOW, THEREFORE, be it

RESOLVED: That the Planning Commission, based upon the facts and findings set forth in the record and Attachment 1, hereto and incorporated herewith pursuant to Tracy Municipal Code Section 10.08.3960, approves Development Review Permit D23-0018 for the Tracy Toyota Service Center expansion comprised of a 9,435 square-foot expansion of the existing service center consisting of 12 new service bays located at 2895 Naglee Road, subject to the Conditions of Approval contained in Attachment 2; and be it

RESOLVED: That the Planning Commission of the City of Tracy hereby determines, based on the evidence in the record and its own independent judgment, that the proposed project is categorically exempt from the California Environmental Quality (CEQA) Act pursuant to Guidelines Section 15301 (Existing Facilities), subject to the Conditions of Approval contained in Attachment 2, because the project pertains to minor alterations and an addition that is less than 10,000 square feet in size to the existing structures in an area where all public services and facilities are available, and which is not environmentally sensitive.

RESOLVED: That the approval of Development Review Permit D23-0018 is contingent upon applicant's final execution of a final written settlement agreement, approved by City Council, that discharges any and all outstanding fees owed by the applicant, including, but not limited to \$464,123.74 arising from previous Development Review Permits, including but not limited to 38-03-D.

* * * * *

The foregoing Resolution 2024-_____ was adopted by the Planning Commission on May 8, 2024, by the following vote:

AYES: COMMISSION MEMBERS:
NOES: COMMISSION MEMBERS:
ABSENT: COMMISSION MEMBERS:
ABSTENTION: COMMISSION MEMBERS:

CHAIR

ATTEST:

STAFF LIAISON

ATTACHMENTS:

Attachment 1 – Statement of Findings in support of Approval of DR23-0018
Attachment 2 – Conditions of Approval

**City of Tracy
Development Review Permit Findings
Application Number D23-0018
Planning Commission – May 8, 2024**

- (a) The proposal increases the quality of the project site and enhances the property in a manner that improves the property in relation to the surrounding area and the citizens of Tracy because the proposed improvements will utilize high quality building materials which will be consistent with the existing improvements and are complementary to the surrounding area. Additionally, landscaping improvements on the northwest portion of the site will increase tree canopy coverage and will help screen the parking area from the public right-of-way along Pavilion Parkway.
- (b) The proposal conforms to the Tracy Municipal Code Zoning Regulations, the General Plan, any applicable specific plans, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations as the Commercial designation of the General Plan and the General Commercial designation in the I-205 Corridor Specific Plan permit auto sales and services and this project does not change the existing land use. The Design Goals and Standards architectural design standards for retail buildings have been satisfied providing visual interest by using façade breaks and a variety of colors and building materials and the customer and employee parking lots and service areas are visually screened using berms, landscaping, walls, or fencing.

**City of Tracy
Conditions of Approval**

Tracy Toyota Service Center Expansion
Development Review Permit, Application Number D23-0018
May 8, 2024

A. General Provisions and Definitions.

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

The Project: To construct a 9,435 square-foot expansion of the existing service center consisting of 12 new service bays, for the Tracy Toyota located at 2895 Naglee Road, Application Number D23-0018.

The Property: 2895 Naglee Road, Assessor's Parcel Number: 212-29-004, 212-29-031, 212-29-007.

A.2. Definitions.

A.2.1 "Applicant" means any person, or other legal entity, defined as a "Developer".

A.2.2 "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.

A.2.3 "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, the Industrial Areas Specific Plan, and the City's Design Documents (including the Standard Plans, Standard Specifications, and relevant Public Facility Master Plans).

A.2.4 "Development Services Director" means the Development Services Director of the City of Tracy Development Services Department, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.

A.2.5 "Conditions of Approval" shall mean the conditions of approval applicable to the Project located at the Property, Application Number D23-0018. The Conditions of Approval shall specifically include all conditions set forth herein.

A.2.6 "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

- A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the project plans received by the Development Services Department on February 12, 2024, to the satisfaction of the Development Services Director.
- A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
- A.5. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
 - the Planning and Zoning Law (Government Code sections 65000, et seq.),
 - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., “CEQA”),
 - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., “CEQA Guidelines”),
 - California Building Code, and
 - California Fire Code
- A.6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, the I-205 Specific Plan, and the City’s Design Goals and Standards.
- A.7. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

B. Development Services Department, Planning Division Conditions

- B.1. Parking Area. Before the approval of a building permit, the applicant shall submit the following to the satisfaction of the Development Services Director:
 - B.1.1 Site plans and construction details that demonstrate 12-inch-wide concrete curbs along the perimeter of landscape planters where such planters are parallel and adjacent to vehicular parking spaces to provide access to vehicles without stepping into the landscape planters.

- B.1.2 Detailed plans that demonstrate the parking stalls are striped in accordance with Standard Plan 141.
- B.1.3 Detailed plans that demonstrate any sidewalk, landscape planters, or bio-retention areas perpendicular to parking stalls shall extend up to 24 inches into the parking stall, including a six-inch concrete curb, in place of wheel stops where feasible. No credit towards parking lot landscape requirements shall be given for the resulting additional landscaping.
- B.1.4 Bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510.
- B.1.5 Detailed plans that demonstrate a minimum of one foot candle power illumination throughout the parking area as defined in TMC Section 10.08.3450.
- B.2. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be designed and installed so that it is directed downward or shielded, onto the parking surface, to prevent glare or spray of light onto the public right-of-way and adjacent properties, to the satisfaction of the Development Services Director.
- B.3. Landscaping & Irrigation. Before the approval of a building permit, the applicant shall provide detailed landscape and irrigation plans consistent with the following to the satisfaction of the Development Services Director:
 - B.3.1 Said plans shall demonstrate compliance with the I-205 Specific Plan, the City of Tracy Design Goals & Standards, and the Tracy Municipal Code Section 10.08.3560 for parking area landscaping. Said plans shall clearly delineate the property line and shall include a planting legend indicating, at minimum, the quantity, planting size, and height and width at maturity.
 - B.3.2 Said plans shall demonstrate that all planters be comprised of trees, shrubs, and live groundcover. Trees shall be a minimum of 24" box size, shrubs shall be a minimum size of 5 gallon, and groundcover shall be a minimum size of 1 gallon at planting. Landscaping shall be continuously maintained to prevent incidence of wildfire.
 - B.3.3 Where trees are planted ten feet or less from a sidewalk or curb, root barriers dimensioned 8 feet long by 24 inches deep shall be provided adjacent to such sidewalk and curb, centered on the tree.
 - B.3.4 Landscape & Irrigation Maintenance. Prior to the issuance of a building permit for each phase, the Developer shall execute a two-year landscape and irrigation maintenance agreement and submit financial security, such as a performance bond, to ensure the success of all on-site landscaping for the term of the agreement. The security amount shall be equal to \$2.50 per square foot of the landscaped area or equal to the actual labor and material

installation cost of all on-site landscaping and irrigation for that phase.

- B.4. Prior to final inspection or certificate of occupancy, all landscaping and irrigation substantially conforming with the development review permit plans and the approved building permit construction plans shall be installed to the satisfaction of the Development Services Director. All existing landscaping to remain shall be preserved and protected during construction and replanted with like-plants if lost during construction.
- B.5. Screening Utilities and Equipment. Prior to final inspection or certificate of occupancy, the applicant shall demonstrate the following:
 - B.5.1 All vents, gutters, downspouts, flashing, and electrical conduits shall be internal to the structures and bollards and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
 - B.5.2 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 any public right-of-way to the satisfaction of the Development Services Director. Plans to demonstrate such compliance shall be submitted to the City prior to the issuance of a building permit.
 - B.5.3 All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or substantially screened from view behind structures or landscaping, to the satisfaction of the Development Services Director.
- B.6. Signs. No business identification signs are approved with this development review permit. All business identification signs shall obtain a sign permit in accordance with the I-205 Specific Plan and the Tracy Municipal Code.
- B.7. 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 7:00p.m. or before 7:00 a.m.
- B.8. Prior to the issuance of a building permit, the developer shall cause to be recorded a lot line adjustment, lot merger, or other instrument to remove the lot lines bisecting the project site resulting in a single lot for the Project site to the satisfaction of the Development Services Director.
- B.9. The Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), to the satisfaction of the APCD.

B.10. The Developer shall comply with all applicable requirements of the San Joaquin County Environmental Health Department, to the satisfaction of the San Joaquin County Environmental Health Department.

C. Public Works Department, Engineering Division Conditions

C.1 Prior to building permit release, Owner is required to merge or alter the existing parcels so that an existing lot line is not beneath a building.

C.2 Prior to building permit release, the trash enclosure drain shall be connected to the sewer lateral and not the storm drain line.

C.3 Approval contingent upon applicant's final execution of a final written settlement agreement, approved by City Council, that discharges any and all outstanding fees owed by the applicant, including, but not limited to \$464,123.74 arising from previous Development Review Permits, including but not limited to 38-03-D.

C.4 Prior to building permit release, Developer shall pay development impact fees.

D. South San Joaquin County Fire Authority (SSJCFA) Conditions

D.1 Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.

D.1.1 Construction documents shall be designed to the current edition of the California Code of Regulations, Title 24, as amended by the City of Tracy Municipal Code.

D.1.2 Deferred submittals for fire sprinkler system, fire protection water supply, and fire alarm system shall be listed on the coversheet. Each deferred submittal shall be submitted, reviewed and approved by SSJCFA prior to installation.

D.1.3 Fire protection water supply application must be submitted separately from construction permit. All piping and installation shall be in accordance with CFC §507 & NFPA standards. Approval of grading and/or on-site improvements does not grant installation of underground fire service.

D.1.4 Fire sprinklers shall be designed by a licensed fire protection contractor or engineer. Hydraulic calculations, specifications and plans shall be submitted prior to issuance of building permit.

D.1.5 A request for fire flow shall be submitted to the South San Joaquin County Fire Authority and results shall be approved by the Fire Marshal prior to construction. Fire flow requirements shall be in accordance with CFC Appendix B.

- D.1.6 Fire department connections shall be installed in accordance with CFC §912 and NFPA standards. A hydrant shall be placed within 100' of the FDC, in accordance with the Tracy Municipal Code. FDC locations shall be approved by the fire code official prior to issuance of construction permit.
- D.1.7 Fire control room locations shall be approved by the fire code official prior to the issuance of construction permit.
- D.1.8 Provide a truck turning template which clearly shows the truck turning radius of 30' inside and 0' outside. Truck turning template shall show all ingress and egress paths available.
- D.2 Engineering and Building Permit Applications received by our offices are subject to the current fee schedule for South San Joaquin County Fire Authority.
 - D.2.1. Application processing fees and minimum plan review fees are due at time of submittal of construction documents.
 - D.2.2 Additional plan review fees, minimum inspection fees and administrative fees are calculated on approval of project and shall be paid prior to issuance of permit.
 - D.2.3 Permit holder is responsible for any additional inspection fees incurred and shall be paid prior to final inspection.
- D.3 Prior to final inspection, emergency radio responder coverage shall be tested to confirm coverage areas. It is beneficial for the applicant to conduct testing at foundation as retrofitting for the conduit is costly. If coverage is inadequate, a separate permit for emergency radio responder coverage shall be submitted to SSJCFA for review and approval prior to installation.
 - D.3.1 Additional improvements may warrant additional testing to be performed. Testing shall be the determination of the fire code official.
- D.4 Additional comments may occur upon submittal of construction documents.

May 8, 2024

Agenda Item 1.B

RECOMMENDATION

Staff recommends that, for the real property located at 2660 W. Byron Road, Assessor's Parcel Number 238-050-13 (Property), the Planning Commission conduct a public hearing, and upon its conclusion, recommend that the City Council:

- (1) Introduce an Ordinance (R22-0004) approving a rezone of the Property from Medium Density Residential to Medium Density Cluster;**
- (2) Adopt a Resolution approving a Tentative Subdivision Map (TSM22-0003) of the Property for the creation of 38 single-family lots; and**
- (3) Determine that this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332.**

The applicant is Schack & Company, INC. and the property owners are Sai Pratap Naidu, Saradadevi Naidu, Krishna M. Kathika, Sarala S. Kathika, Srinivasa R. Sakhamuri, Kranti Nelluri, Manoj Kumar Potturu, Jyotsna Sri Vemula, Kiran Srinivasa Tallam, and Pallavi Venkata Tallam.

EXECUTIVE SUMMARY

Through this item, staff recommends the Planning Commission recommend the City Council approve the following two entitlements for the proposed project: 1) a rezone at 2660 W. Byron Road, Assessor's Parcel Number 238-050-13 (Property/Project Site) from Medium Density Residential (MDR) to Medium Density Cluster (MDC), through an ordinance; and 2) a tentative subdivision map (Byron Estates) for the Property for the creation of 38 single-family lots consistent with the Medium Density Cluster Zone , through a resolution.

BACKGROUND

The Project Site is a 5-acre site located at 2660 W. Byron Road that was annexed into the City of Tracy on January 16, 1995 and designated Residential Medium (RM) in the Tracy General Plan and zoned MDR. The surrounding parcels primarily consist of large-lot ranch-style residential property that was developed prior to annexation into the City of Tracy. The project site contains a single-family home and three accessory structures that are to be demolished. On September 14, 2019, the City of Tracy approved a 60-unit residential project on the site (Byron Apartments, Development Review Permit Application Number D19-0010), but it was not constructed.

On July 8, 2022, the applicant submitted an application for a new project on the site (Byron Estates) consisting of a rezoning from MDR to MDC (Attachment A) and a tentative subdivision map to subdivide the property into 40 residential lots, which was later revised to current proposal of 38 lots, with public roadways as shown in Attachment B.

ANALYSIS

In accordance with Tracy Municipal Code (TMC) Title 10, Article 29, the Planning Commission shall consider rezoning requests and make a recommendation to the City Council.

In accordance with TMC Chapter 12.16, the Planning Commission shall approve, conditionally approve, or deny proposed tentative subdivision maps based on the findings provided further in this staff report below. However, the project requires a zoning amendment, which only can be approved by the City Council and this rezoning is prerequisite for the subdivision of the Property (see further analysis in the Findings section below). To ensure that the project approvals are bundled as one action, the Planning Commission will be acting as a recommending body to the City Council, which will be the approval body for all project entitlements.

Rezoning

The subject site is zoned MDR and surrounded by Byron Road and Union Pacific Railroad (UPRR) property and railroad tracks to the north, the Berg/Byron area to the west and south (zoned MDR), and a market (zoned General Highway Commercial) and a single-family residential neighborhood (Lyon Crossroads Planned Unit Development zone) to the east.

The current MDR zoning would permit medium density residential development of 6,000 square foot or greater sized lots to be developed on the site. The proposed MDC zoning permits medium density residential development of 3,500 square foot or greater sized lots. Both the MDR and MDC zones provide for a gross density of between 5.9 and 12.0 dwelling units per gross acre. Because the applicant desires to build smaller-lot residential development characteristic of MDC-zoned neighborhoods, they have proposed to rezone the site from MDR to MDC. While single-family residential is permitted in both zones, the MDR zone is more suited for multi-family residential development (such as the Byron Apartments project that was previously approved on the site), whereas the MDC zone is better suited for small lot single-family subdivisions, such as that which is proposed in the subject tentative subdivision map.

The MDC zone is consistent with the General Plan land use designation of the site, Residential Medium, therefore the proposed rezoning would be consistent with the Tracy General Plan. The City has processed similar rezonings in the past, including in 2016 on a ten-acre site, the Santosha Subdivision, approximately 500 feet west of the subject property, that is also designated Residential Medium in the General Plan and was rezoned from MDR to MDC for the development of 71 lots (Application Numbers R14-0002 & TSM14-0003).

Subdivision

The Property is a north-south oriented parcel that is situated on the south side of Byron Road and extends south from Byron Road to approximately 148 feet south of Remy Javier Street. The subdivision layout proposes one public street (depicted as Byron Way on Attachment B) that would connect Byron Road to Remy Javier Street and a second public street that would extend Remy Javier Street from the current street stub across the width of the parcel, stubbing at the property line in anticipation of future roadway connection to the west. Thirty-four lots are proposed to front onto future Byron Way north of future Remy Javier Street extension, and four lots (Lots 18, 19, 20, and 21) will be located south of Remy Javier Street. Lots 18 and 21 are reverse corner lots, which means a corner lot whose street side lot line continues on as the front lot line of the first lot to its rear. As depicted in Attachment B, the developer intends to

provide driveway access for Lots 18, 19, 20, and 21 onto future Byron Way.

The proposed lots meet the minimum requirements of the MDC Zone, which include a minimum lot size of 3,500 square feet and a minimum lot width of 45 feet on a street. No architecture is proposed with this application. Prior to construction of houses, the builder must submit plans in accordance with the development standards of the zone and obtain a development review permit approval.

The majority of the surrounding areas have developed over the past 30 years as single-family residential neighborhoods. The applicant's proposal to rezone the site to MDC and develop a small-lot single-family subdivision would be compatible with the neighboring areas.

Findings

TMC Chapter 12.16 provides findings that shall be made for approval of a tentative subdivision map, which can be made as follows:

- (1) The proposed map is consistent with the general plan, any applicable specific plan, and this title.

Here, the proposed map is consistent with Title 12 of the Tracy Municipal Code and the MDC Zone to which the project proposes to rezone, and the MDC Zone is consistent the General Plan Residential Medium land use designation.

- (2) The site is physically suitable for the type of development.

The Project site is located with access to Byron Road and Remy Javier Street. Traffic circulation throughout the subdivision is designed to connect to these streets in accordance with City standards for the proposed density to ensure adequate traffic service levels are met. These qualities of the property make it suitable for residential development in accordance with City standards.

- (3) The Project site is physically suitable for the proposed density of development.

The proposed density of 7.6 dwelling units per gross acre is consistent with the Residential Medium designation of the General Plan, which provides for a density range of 5.9 to 12.0 dwelling units per gross acre.

- (4) The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because there are no fish or known wildlife or habitat at this site. Furthermore, prior to any grading of the site, the subdivider will comply with the San Joaquin County Multi-Species Habitat Conservation & Open Space Plan administered by the San Joaquin Council of Governments.

- (5) The design of the subdivision or the type of improvements will not conflict with

easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

There are no public easements on the property that would conflict with the proposed project. The subdivision will connect to and extend the existing Remy Javier Street stub that currently terminates at the site's eastern property line to allow for the continuation of this street through to the west in accordance with the City's long-term vision for street connectivity.

(6) Complies with all other applicable ordinances, regulations and guidelines of the City, including but not limited to the local floodplain ordinance (Municipal Code Chapter 9.52).

The Property is not located within any floodplain and the project, with conditions, will meet all applicable City design and improvement standards.

PUBLIC OUTREACH/ INTEREST

A public hearing notice for the project was mailed to all property owners within a 300-foot radius of the project site, posted on the City website, and also published in the Tracy Press, and the Planning Commission agenda packet was posted on the City website, City Hall, and the Tracy Branch Library.

COORDINATION

This development application was reviewed by multiple City Departments, the South San Joaquin County Fire Authority, Tracy Delta Disposal, PG&E, San Joaquin Council of Governments, San Joaquin County Environmental Health, and the Air Pollution Control District as part of the City's normal application review process. This staff report was prepared by the Development Services Planning Division.

CEQA DETERMINATION

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332 because the project is characterized as in-fill development and (1) is consistent with the General Plan designation of Residential Medium and all applicable General Plan policies, as well as consistent with the applicable zoning designation and regulations because the rezoning from Medium Density Residential to Medium Density Cluster is not a material change since both zoning districts conform with the Residential Medium General Plan Designation including the density range of 5.9 to 12 dwelling units per gross acre, (2) occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses, (3) has no value as habitat for endangered, rare or threatened species, (4) would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (5) can be adequately served by all required utilities and public services. Therefore, no further environmental review is necessary.

ACTION REQUESTED OF THE PLANNING COMMISSION

Staff recommends that, for the real property located at 2660 W. Byron Road, Assessor's Parcel Number 238-050-13 (Property), the Planning Commission conduct a public hearing, and upon its conclusion, recommend the City Council:

- (1) introduce an Ordinance (R22-0004) approving a rezone of the Property from Medium Density Residential to Medium Density Cluster;
- (2) adopt a resolution approving a Tentative Subdivision Map (TSM22-0003) of the Property for the creation of 38 single-family lots, to take effect only upon the effective date of the rezoning; and
- (3) determine that the project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15332.

Prepared by: Kenny Lipich, Acting Senior Planner

Reviewed by: Scott Claar, Acting Assistant Director of Community and Economic Development

Approved by: Forrest Ebbs, Director of Community and Economic Development

ATTACHMENTS

Attachment A – Existing & Proposed Zoning Exhibit

Attachment B – Tentative Subdivision Map Received October 25, 2023

Attachment C – Planning Commission Resolution recommending City Council approve TSM and introduce an ordinance approving Rezone

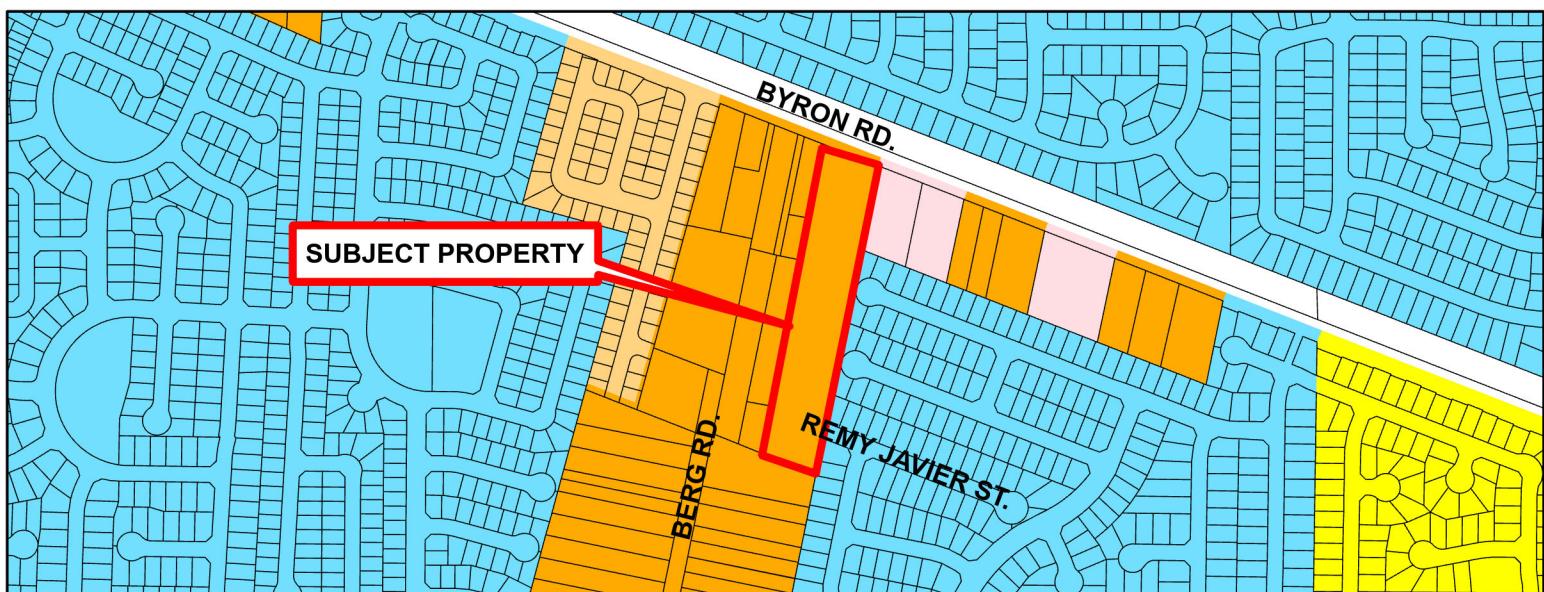
Exhibit 1 – Proposed City Council Ordinance Approving the Rezoning

Exhibit 2 – Proposed City Council Resolution Approving the Tentative Subdivision Map

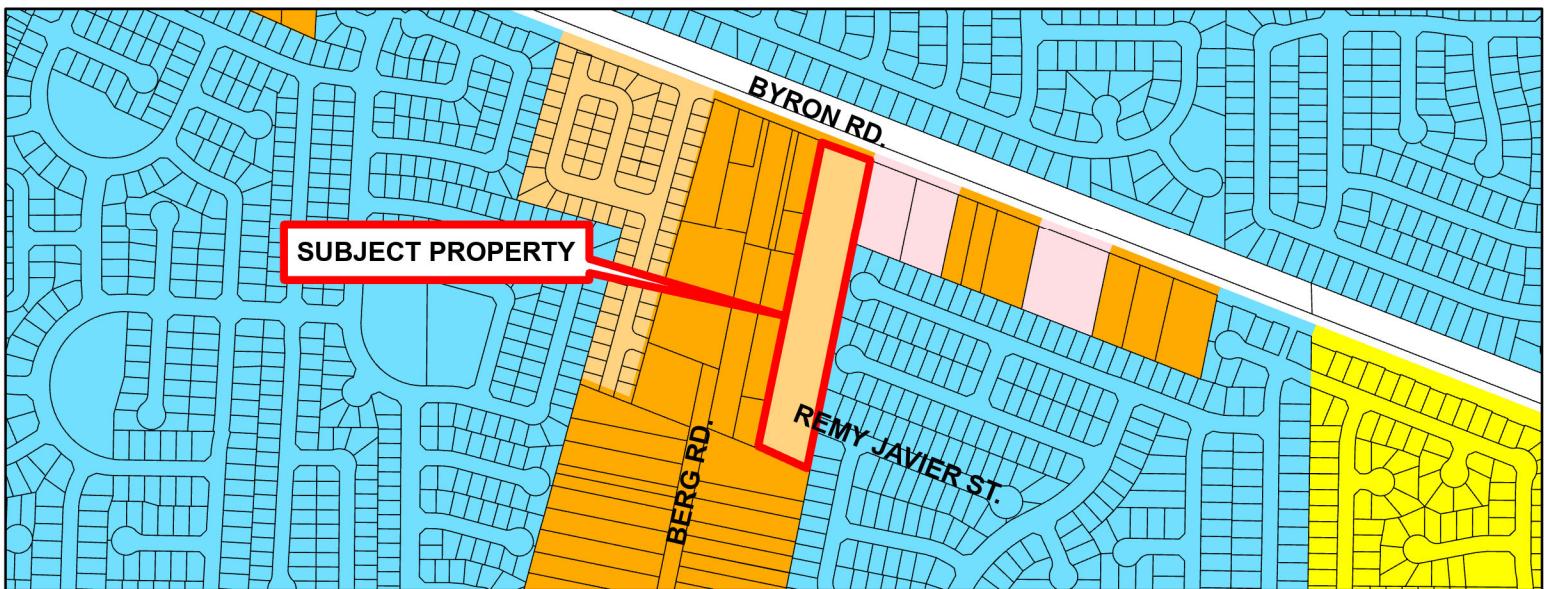
Zoning Districts

ATTACHMENT
A

Existing



Proposed



ZONING DISTRICTS

0 250 500 1,000 1,500 2,000
Feet

- Low Density Residential (LDR)
- Medium Density Residential (MDR)
- Medium Density Cluster (MDC)
- Planned Unit Development (PUD)
- General Highway Commercial (GHC)

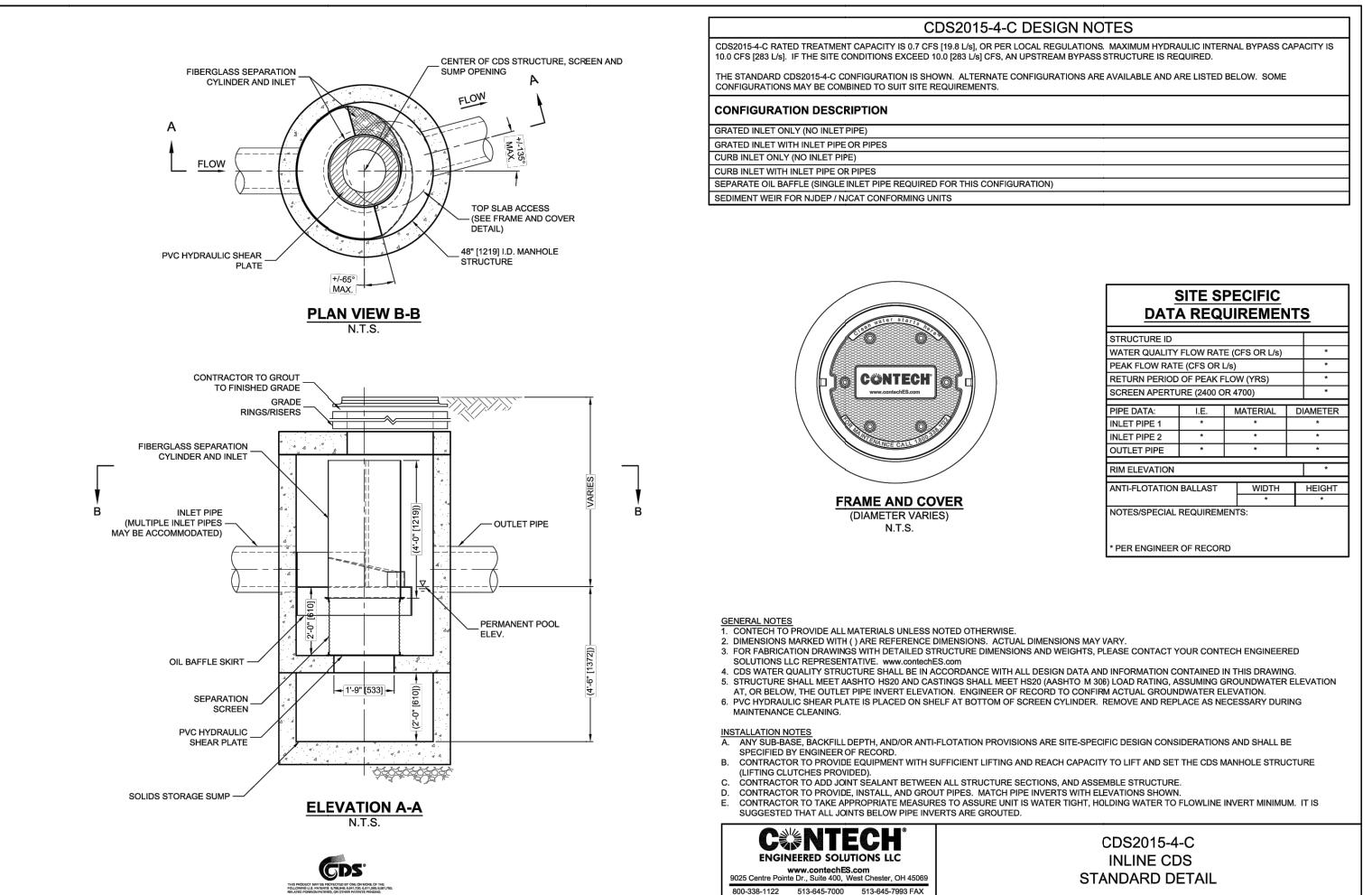


Think Inside the Triangle™

SYMBOL LEGEND		
NEW	EXIST	SYMBOL DESCRIPTION
TPSD	TPSD	STORM DRAIN W/ LINE SIZE (8" OR GREATER)
CB	CB	STORM DRAIN CATCH BASIN
DI	DI	STORM DRAIN DROP INLET
SD	SD	STORM DRAIN MANHOLE
ST	ST	STORM WATER TREATMENT DEVICE
TPSS	TPSS	STORM DRAIN W/ LINE SIZE (SMALLER THAN 8")
SSCO	SSCO	SANITARY SEWER W/ LINE SIZE
SSCO	SSCO	SANITARY SEWER MANHOLE
SCCO	SCCO	SANITARY SEWER CLEAN-OUT
SW	SW	SANITARY SEWER WYE/SWEEP TO SEWER MAIN
WV	WV	WATER W/ LINE SIZE
WM	WM	WATER VALVE
FSW	FSW	WATER METER
FH	FH	FIRE SERVICE W/ LINE SIZE
FDC	FDC	FIRE HYDRANT
BFD	BFD	FIRE DEPARTMENT CONNECTION
SCV	SCV	FIRE SERVICE BACKFLOW PREVENTION DEVICE
JUO	JUO	FIRE SERVICE SINGLE CHECK VALVE
JOU	JOU	JOINT OVERHEAD UTILITIES
GAS	GAS	GAS LINES
PP	PP	POWER POLE, TELEPHONE POLE OR JOINT POLE
TP	TP	STREET LIGHTS (PUBLIC)
JP	JP	SITE LIGHTS (PRIVATE)

RECEIVED
October 25, 2023
City of Tracy
Development Services

**TENTATIVE
TRACT NO. 4145**
SUBDIVISIONS OF SAN JOAQUIN COUNTY
BYRON ESTATES
BEING A PORTION OF THE
SOUTHEAST CORNER OF SECTION 19,
T.2S., R.5E., M.D.B. & M.
CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA
MAY 2022



Schack & Company, Inc.
Professional Design Group



VICINITY MAP

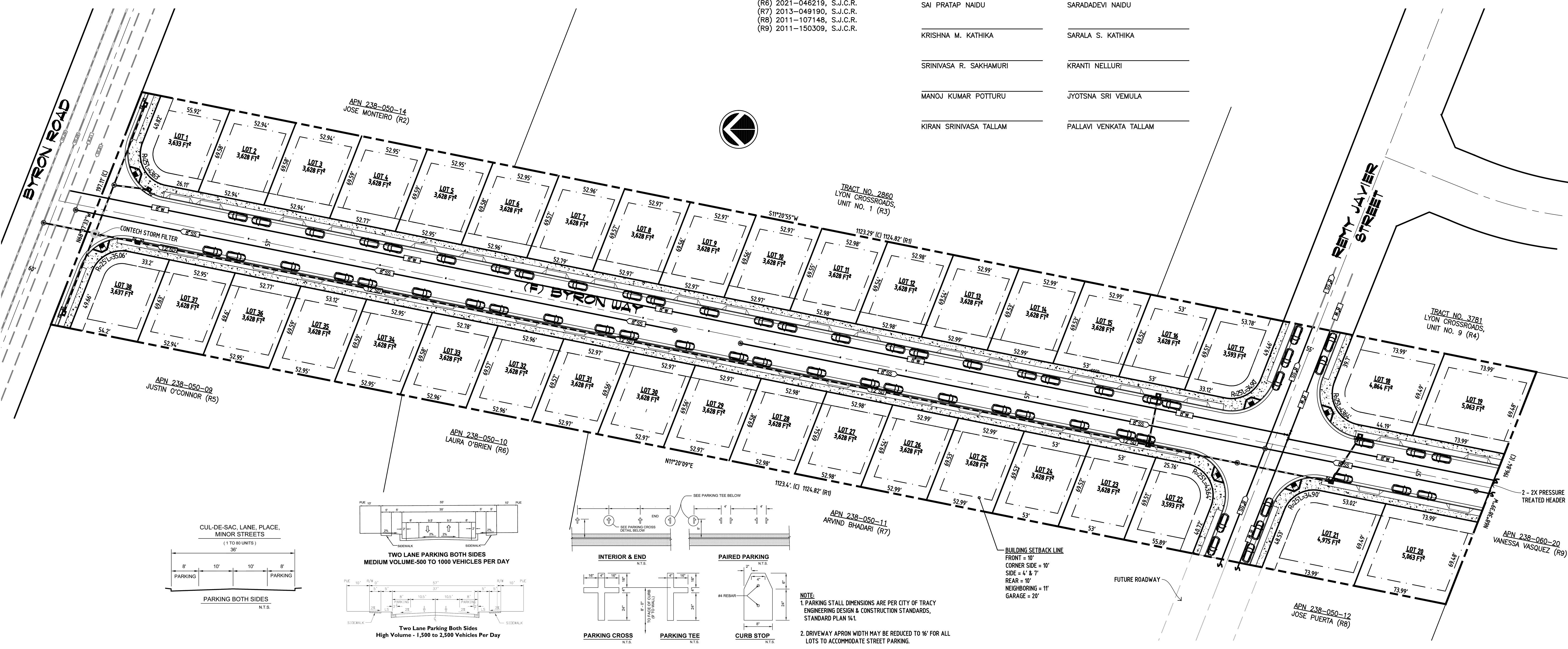
REFERENCES:

- (R1) DOC. NO. 2021-215463, S.J.C.R.
- (R2) DOC. NO. 2009-100653, S.J.C.R.
- (R3) M&P 34-100, S.J.C.R.
- (R4) M&P 42-10, S.J.C.R.
- (R5) 2008-197102, S.J.C.R.
- (R6) 2021-046219, S.J.C.R.
- (R7) 2013-049190, S.J.C.R.
- (R8) 2011-107148, S.J.C.R.
- (R9) 2011-150309, S.J.C.R.

OWNERS' STATEMENT:

THE UNDERSIGNED, HEREBY STATE THAT WE ARE THE OWNERS HAVING RECORD TITLE INTEREST IN THE LANDS SUBDIVIDED AND CONSENT TO THE PREPARATION OF THIS TENTATIVE SUBDIVISION MAP.

SAI PRATAP NAIDU	SARADEEVI NAIDU
KRISHNA M. KATHIKA	SARALA S. KATHIKA
SRINIVASA R. SAKHAMURI	KRANTI NELLURI
MANOJ KUMAR POTTURU	JOYNTNA SRI VEMULA
KIRAN SRINIVASA TALLAM	PALLAVI VENKATA TALLAM



APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION 2024-_____

- (1) RECOMMENDING THAT THE CITY COUNCIL INTRODUCE AN ORDINANCE (R22-0004) APPROVING A REZONE FROM MEDIUM DENSITY RESIDENTIAL TO MEDIUM DENSITY CLUSTER AT 2660 W. BYRON ROAD, ASSESSOR'S PARCEL NUMBER 238-050-13;**
- (2) RECOMMENDING THAT THE CITY COUNCIL ADOPT A RESOLUTION APPROVING A TENTATIVE SUBDIVISION MAP (TSM22-0003) FOR THE CREATION OF 38 SINGLE-FAMILY LOTS AT 2660 W. BYRON ROAD, ASSESSOR'S PARCEL NUMBER 238-050-13; AND**
- (3) RECOMMENDING THAT THE CITY COUNCIL DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15332.**

WHEREAS, The subject property (the "Site") is approximately five acres located at 2660 W. Byron Road (Assessor's Parcel Number 238-050-13); and

WHEREAS, The Site is designated as Residential Medium on the City's General Plan Map and zoned Medium Density Residential; and

WHEREAS, On July 8, 2022, applications were filed and subsequently amended for the rezoning of the Site from Medium Density Residential to Medium Density Cluster (MDC) (Application Number R22-0004) and for a tentative subdivision map for residential development consistent with the MDC Zone (Application Number TSM22-0003); and

WHEREAS, The MDC Zone is consistent with the land use, density, and other provisions of the Residential Medium General Plan designation; and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332 because the project is characterized as in-fill development and (1) is consistent with the General Plan designation of Residential Medium and all applicable General Plan policies, as well as consistent with the applicable zoning designation and regulations because the rezoning from Medium Density Residential to Medium Density Cluster is not a material change since both zoning districts conform with the Residential Medium General Plan Designation including the density range of 5.9 to 12 dwelling units per gross acre, (2) occurs within City limits on a project site of no more than five acres substantially

surrounded by urban uses, (3) has no value as habitat for endangered, rare or threatened species, (4) would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (5) can be adequately served by all required utilities and public services therefore, no further environmental review is necessary; and

WHEREAS, In accordance with Tracy Municipal Code (TMC) Title 10, Article 29, the Planning Commission shall consider rezoning requests and make a recommendation to the City Council; and

WHEREAS, In accordance with TMC Chapter 12.16, the Planning Commission shall approve, conditionally approve, or deny proposed tentative subdivision maps, however, the project requires a zoning amendment, which only can be approved by the City Council and this rezoning is prerequisite for the subdivision of the Property (see further analysis in the Findings section below). To ensure that the project approvals are bundled as one action, the Planning Commission will be acting as a recommending body to the City Council, which will be the approval body for all project entitlements; and

WHEREAS, The Planning Commission conducted a public hearing to receive, review and consider evidence and testimony regarding the subject applications on May 8, 2024; and

NOW, THEREFORE, be it

RESOLVED: That the Planning Commission of the City of Tracy hereby determines, based on the evidence in the record and its own independent judgment, that the proposed project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15332 (In-fill Development), and be it further

RESOLVED: That the Planning Commission hereby recommends that the City Council for the City of Tracy introduce and adopt an Ordinance (R22-0004) approving a rezone from Medium Density Residential to Medium Density Cluster at 2660 W. Byron Road (Assessor's Parcel Number 238-050-13); and be it further

RESOLVED: That the Planning Commission hereby recommends that the City Council for the City of Tracy (1) adopts the findings set forth in Attachment 1, and (2) adopts a Resolution approving the Tentative Subdivision Map (TSM22-0003) subject to the conditions of approval set forth in Attachment 2, for the creation of 38 single-family lots and public streets consistent with the Medium Density Cluster Zone, which shall not take effect until and unless the property is rezoned to Medium Density Cluster Zone.

* * * * *

The foregoing Resolution 2024-_____ was adopted by the Planning Commission on May 8, 2024, by the following vote:

AYES: COMMISSION MEMBERS:
NOES: COMMISSION MEMBERS:
ABSENT: COMMISSION MEMBERS:
ABSTENTION: COMMISSION MEMBERS:

CHAIR

ATTEST:

STAFF LIAISON

ATTACHMENTS:

Attachment 1 – Statement of Findings in support of Approval of TSM22-0003
Attachment 2 – Conditions of Approval

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

ORDINANCE NO. _____

- (1) AMENDING THE ZONE DISTRICT OF THE PROPERTY AT 2660 W. BYRON ROAD (ASSESSOR'S PARCEL NUMBER 238-050-13) FROM MEDIUM DENSITY RESIDENTIAL TO MEDIUM DENSITY CLUSTER, AND**
- (2) DETERMINING THAT THE PROJECT DOES NOT REQUIRE ADDITIONAL CEQA DOCUMENTATION IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15332.**

WHEREAS, The subject property (the "Site") is approximately five acres located at 2660 W. Byron Road (Assessor's Parcel Number 238-050-13); and

WHEREAS, The Site is designated as Residential Medium on the City's General Plan Map and zoned Medium Density Residential; and

WHEREAS, On July 8, 2022, an application was filed for the rezoning of the Site from Medium Density Residential (MDR) to Medium Density Cluster (MDC) (Application Number R22-0004); and

WHEREAS, The MDC Zone is consistent with the land use, density, and other provisions of the Residential Medium General Plan designation; and

WHEREAS, The project is categorically exempt from CEQA based on Guidelines Section 15332, which pertains to certain in-fill development projects. The project is consistent with the General Plan and Zoning because the rezoning from Medium Density Residential to Medium Density Cluster is not a material change since both zoning districts conform with the Residential Medium General Plan Designation including the density range of 5.9 to 12 dwelling units per gross acre, 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 relating 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, and

WHEREAS, In accordance with Tracy Municipal Code (TMC) Title 10, Article 29, the Planning Commission shall consider rezoning requests and make a recommendation to the City Council; and

WHEREAS, The Planning Commission conducted a public hearing to review the proposed

rezoning during their regular meeting of May 8, 2024 and recommended that the City Council adopt an Ordinance amending the property's zone district to MDC; and

WHEREAS, The City Council conducted a public hearing to review and consider the proposed rezoning on _____, 2024.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TRACY DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals/Findings. The City Council of the City of Tracy hereby finds and determines the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City.

SECTION 2. CEQA Determination. The City Council finds and determines this Ordinance does not need additional CEQA review pursuant to CEQA Guidelines section 15332.

SECTION 3. Zoning Map Amendment. The Zoning Map of the City of Tracy is hereby amended to reclassify the following property from Medium Density Residential (MDR) to Medium Density Cluster (MDC):

Approximately five acres located at 2660 W. Byron Road (Assessor's Parcel Number 238-050-13), as indicated on Exhibit 1.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 5. Effective Date. This Ordinance shall become effective upon the thirtieth (30th) day after final adoption.

SECTION 6. Publication. The City Clerk is directed to publish this Ordinance in a manner required by law.

SECTION 8. Codification. This Ordinance shall not be codified in the Tracy Municipal Code.

The foregoing Ordinance 2024-_____ was introduced at a regular meeting of the Tracy City Council on the _____ day of _____ 2024, and finally adopted on the _____ day of _____ 2024, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTENTION: COUNCIL MEMBERS:

NANCY D. YOUNG
Mayor of the City of Tracy, California

ATTEST: _____

ADRIANNE RICHARDSON
City Clerk and Clerk of the Council of
the City of Tracy

Date of Attestation: _____

Exhibit 1 – Property Rezoned from Medium Density Residential to Medium Density Cluster

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION 2024-_____

- (1) APPROVING A TENTATIVE SUBDIVISION MAP (TSM22-0003) FOR THE CREATION OF 38 SINGLE-FAMILY LOTS AT 2660 W. BYRON ROAD, ASSESSOR'S PARCEL NUMBER 238-050-13; AND**
- (2) DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15332.**

WHEREAS, The subject property (the "Site") is approximately five acres located at 2660 W. Byron Road (Assessor's Parcel Number 238-050-13); and

WHEREAS, The Site is designated as Residential Medium on the City's General Plan Map and zoned Medium Density Residential; and

WHEREAS, On July 8, 2022, applications were filed and subsequently amended for the rezoning of the Site from Medium Density Residential to Medium Density Cluster (MDC) (Application Number R22-0004) and for a tentative subdivision map for residential development consistent with the MDC Zone (Application Number TSM22-0003); and

WHEREAS, The MDC Zone is consistent with the land use, density, and other provisions of the Residential Medium General Plan designation; and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332 because the project is characterized as in-fill development and (1) is consistent with the General Plan designation of Residential Medium and all applicable General Plan policies, as well as consistent with the applicable zoning designation and regulations because the rezoning from Medium Density Residential to Medium Density Cluster is not a material change since both zoning districts conform with the Residential Medium General Plan Designation including the density range of 5.9 to 12 dwelling units per gross acre, (2) occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses, (3) has no value as habitat for endangered, rare or threatened species, (4) would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (5) can be adequately served by all required utilities and public services therefore, no further environmental review is necessary; and

WHEREAS, In accordance with Tracy Municipal Code (TMC) Title 10, Article 29, the

Planning Commission shall consider rezoning requests and make a recommendation to the City Council; and

WHEREAS, In accordance with TMC Chapter 12.16, the Planning Commission shall approve, conditionally approve, or deny proposed tentative subdivision maps, however, the project requires a zoning amendment, which only can be approved by the City Council and this rezoning is prerequisite for the subdivision of the Property (see further analysis in the Findings section below). To ensure that the project approvals are bundled as one action, the Planning Commission will be acting as a recommending body to the City Council, which will be the approval body for all project entitlements; and

WHEREAS, The Planning Commission conducted a public hearing to receive, review and consider evidence and testimony regarding the subject applications on May 8, 2024; and

WHEREAS, On June 4, 2024, the City Council conducted a public hearing to review and consider the Tentative Subdivision Map and determine the project is categorically exempt from the California Environmental Quality Act;

NOW, THEREFORE, be it

RESOLVED: That the City Council hereby determines, based on the evidence in the record and its own independent judgment, that the proposed project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15332 (In-fill Development), and be it further

RESOLVED: That the City Council hereby approves the Tentative Subdivision Map (TSM22-0003), based on the findings set forth in Attachment 1 and subject to the conditions of approval set forth in Attachment 2, for the creation of 38 single-family lots and public streets consistent with the Medium Density Cluster Zone, which shall not take effect until and unless the property is rezoned to Medium Density Cluster Zone.

* * * * *

The foregoing Resolution _____ was adopted by the City Council on the 4th day of June 2024, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL
MEMBERS:	ABSTENTION: COUNCIL
MEMBERS:	

NANCY D. YOUNG
Mayor of the City of Tracy, California

ATTEST: _____ ADRIANNE RICHARDSON
City Clerk and Clerk of the Council of the
City of Tracy, California

Date of Attestation: _____

ATTACHMENTS:

Attachment 1 – Statement of Findings in support of Approval of TSM22-0003
Attachment 2 – Conditions of Approval

City of Tracy
Byron Estates Tentative Subdivision Map Findings
Application Number TSM22-0003

(1) The proposed map is consistent with the general plan, any applicable specific plan, and this title.

The proposed map is consistent with Title 12 of the Tracy Municipal Code and the MDC Zone to which the project proposes to rezone, and the MDC Zone is consistent the General Plan Residential Medium land use designation.

(2) The site is physically suitable for the type of development.

The site is located with access to Byron Road and Remy Javier Street. Traffic circulation throughout the subdivision is designed to connect to these streets in accordance with City standards for the proposed density to ensure adequate traffic service levels are met. These qualities of the property make it suitable for residential development in accordance with City standards.

(3) The site is physically suitable for the proposed density of development.

The proposed density of 7.6 dwelling units per gross acre is consistent with the Residential Medium designation of the General Plan, which provides for a density range of 5.9 to 12.0 dwelling units per gross acre.

(4) The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because as conditioned, prior to any grading of the site, the subdivider will demonstrate compliance with the San Joaquin County Multi-Species Habitat Conservation & Open Space Plan administered by the San Joaquin Council of Governments for the protection of any wildlife or habitats found on the site prior to construction.

(5) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

There are no public easements on the property that would conflict with the proposed project. The subdivision will connect to and extend the existing Remy Javier Street stub that currently terminates at the site's eastern property line to allow for the continuation of this street through to the west in accordance with the City's long-term vision for street connectivity.

(6) Complies with all other applicable ordinances, regulations and guidelines of the City, including but not limited to the local floodplain ordinance (Municipal Code Chapter 9.52).

The subject property is not located within any floodplain and the project, with conditions, will meet all applicable City design and improvement standards.

City of Tracy
Conditions of Approval
Byron Estates Tentative Subdivision Map
Application Number TSM22-0003
May 8th, 2024

A. General Provisions and Definitions.

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

The Project: Byron Estates Tentative Subdivision Map to create 38 single-family residential lots and public streets

The Property: A five-acre site located at 2660 W. Byron Road (Assessor's Parcel Number 238-050-13)

A.2. Definitions.

- a. "Applicable Law" means all State and federal laws applicable to development of the Project, including without limitation the relevant provisions of the California Planning and Zoning Laws, the California Subdivision Map Act, and the California Environmental Quality Act, all City Regulations.
- b. "Applicant" means any person, or other legal entity, defined as a "Subdivider."
- c. "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.
- d. "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 StandardPlans, 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).
- e. "Development Services Director" means the Development Services Department 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.
- f. "Conditions of Approval" shall mean the conditions of approval applicable to the Project. The Conditions of Approval shall specifically include all Development Services Department conditions set forth herein.
- g. "Subdivider" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries.

A.3. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.

A.4. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:

- the Planning and Zoning Law (Government Code sections 65000, et seq.)
- the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
- the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
- the applicable CBC, CRC, CPC, CMC, CEC, CFC, CEC, and CA Green Building Standards Code.

A.5. Compliance with City Regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations, including, but not limited to, Tracy Municipal Code (TMC), Standard Plans, and the City's Design Goals and Standards.

A.6. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Subdivider that the 90-day approval period (in which the Subdivider may protest the imposition of any fees, dedications, reservations, or other exactions that are within the purview of the Mitigation Fee Act [Government Code section 66000 et seq.] ("Exactions") and imposed on this Project by these Conditions of Approval) shall commence on the date of the conditional approval of this Project. If the Subdivider fails to file a protest of the Exactions within this 90-day period, which protest complies with all of the requirements of Government Code Section 66020, the Subdivider will be legally barred from later challenging any of the Exactions. The terms of this paragraph shall not affect any other deadlines or statutes of limitations set forth in the Mitigation Fee Act or other applicable law, or constitute a waiver of any affirmative defenses available to the Developer.

B. Planning Division Conditions

Contact: Kenny Lipich (209) 831-6443 kenneth.lipich@cityoftracy.org

B.1. Compliance with submitted plans. Except as otherwise modified herein, the Final Map shall be in substantial conformance with the tentative subdivision map received by the Development Services Department on October 25, 2023.

C. Engineering Division Conditions

Contact: Al Gali (209) 831-6436 al.gali@cityoftracy.org

C.1. General Conditions

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

- 1) NONE

C.2 Tentative Subdivision Map

Prior to signature of the Tentative Subdivision Map by the City Engineer, Developer shall comply with the requirements set forth in this section, to the satisfaction of the City Engineer.

C.2.1 At the Public Hearing developer shall submit one (1) paper copy of the approved tentative subdivision map for the Project. The owner of the Property must consent to the preparation of the Tentative Subdivision Map, and the proposed subdivision of the Property by signing the tentative map. The Tentative Subdivision Map shall contain all the appropriate signature blocks. If the Public Hearing officer finds that changes to the final tentative subdivision map is needed, Developer shall provide the revised tentative subdivision map within ten (10) days after Public Hearing.

C.2.2 Revise the Tentative Subdivision Map to show restricted access (relinquish abutter's rights) to prevent future homeowners from accessing nearby public streets. The restrictions are summarized below:

C.2.2.a. Restrict access to Byron Road along the northern property line of Lot 1 and Lot 38; and

C.2.2.b. Restrict access to Remy Javier Street along the southern property line of Lot 17 and Lot 22; and the northern property line of Lot 18 and Lot 21.

C.2.3 Developer shall obtain City approval regarding the street name.

C.2.4 Developer shall depict a Public Utility Easements (PUE) that is ten (10) feet wide minimum as per Section 3.02(c) pg. 18 of the 2020 Design Standards on each proposed lot.

C.2.5 Developer shall depict a storm water pretreatment device on the storm drain line.

C.3 Final Subdivision Map

Prior to scheduling the final subdivision map for approval with City Council, the Developer will demonstrate, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, the following:

C.3.1 Developer has completed all the requirements set forth in this section, and Condition C.2, above.

- C.3.2 The Final Subdivision Map prepared in accordance with the applicable requirements of the Tracy Municipal Code (TMC), the City Design Standards, and in substantial conformance with the Tentative Subdivision Map for the Project. Said Final Subdivision Map shall be in substantial conformance with the City Council approved Tentative Subdivision Map.
- C.3.3 The Final Subdivision Map shall include dedications or offers of dedication of all right(s)-of-way, if applicable; Public Access Easements; and/or Public Utility Easements (PUE) required to serve the Project described by the Final Subdivision Map submittal, in accordance with State Laws, City Regulations, and these Conditions of Approval. Said PUE shall be ten (10) feet wide minimum as measured from the edge of the PUE to edge of PUE on the opposite side of the street. PUE shall be continuous along each lot's frontage along every right-of-way.
- C.3.4 All proposed right-of-way dedication for the internal in-tract street shall conform to Standard Detail 101 of the 2020 Design Standards for in-fill residential street with a right-of-way width of fifty-seven (57) feet, excluding the P.U.E. from Byron Road to Remy Javier Street; and fifty-five (55) feet, excluding the P.U.E. from Remy Javier to the terminus of the subdivision.
- C.3.5 Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three (3) second (2nd) order Class-1 control points establishing the "Basis of Bearing" and shown as such on the final map. The final map shall also identify surveyed ties from two of the horizontal control points to a minimum of two (2) separate points adjacent to or within the Property described by the Final Map.
- C.3.6 A construction cost estimate of subdivision improvements and for all required public facilities, prepared in accordance with City Regulations to be used for calculating engineering review fees and for bonding purposes. In determining the total construction cost, add ten percent (10%) for construction contingencies.
- C.3.7 Developer has constructed, and the City has accepted all the conditions public improvements. If all required improvements are not constructed, the Developer will have fully execute improvement agreement(s) with improvement security, and insurance, as required by the Government Code, the TMC, and these Conditions.
- C.3.8 Developer will include slope easement with the final map submittal to address slopes among the lots to address grade differentials.
- C.3.9 Payment of final map checking fees and all fees required by these Conditions of Approval and City Regulations.
- C.3.10 At the conclusion of the City's review, Developer shall submit one (1) mylar copy of the approved Final Subdivision Map for signature.

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. Prior to the release of the Grading Permit, Developer shall provide 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 20-pound bond paper. 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 plans including signatures by the Fire Marshal prior to submitting the plans 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 In-tract 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 (SJCOCG).
- C.4.12 Developer shall provide a copy of the approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) from San Joaquin Valley Air Pollution Control District (SJVAPCD).
- C.4.13 Developer shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, are required to remain to serve existing adjacent agricultural uses, the Developer will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Developer.
- C.4.14 If the Project contains overhead utilities, the Developer shall underground existing overhead utilities such as electric, TV cable, telephone, and others.

Each dry utility shall be installed at the location approved by the respective owner(s) of dry utility and the Developer shall coordinate such activities with each utility owner. All costs associated with the undergrounding shall be the sole responsibility of the Developer and no reimbursement will be due from the City. Developer shall submit undergrounding plans.

C.4.15 If at any point during grading that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

C.5. Improvement Agreement(s) and Encroachment Permits

All construction activity involving public improvements, prior to a final map approval, will require a fully executed improvement agreement (Off-site, and/or Subdivision) and an encroachment permit. Any construction activity involving public improvements within the public right-of-way without written approval from the City is prohibited. All public improvements shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Civil Engineer of Record, Geotechnical Report, City Regulations, City Design Documents, and these Conditions. Prior to the City writing any improvement agreement or scheduling any improvement agreement to be approved by City Council for the Project the Developer will provide all documents related to said improvements required by City Regulations, City Design Documents, and these Conditions, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.5.1. On-site, Private, and/or Public Infrastructure Improvement Plans prepared on a twenty-four (24) inch x thirty-six (36) inch size 20-pound bond paper 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 plans including signatures by Fire Marshal to submitting the plans 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 Geotechnical/Soils Report prepared or signed and stamped by a Registered Geotechnical Engineer. The technical report must include relevant information related to street pavement thickness, materials, compaction and other pertinent information.

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. The proposed improvements shall be in substantial conformance with the approved tentative map.

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.

Developer shall design/construct a storm water pre-treatment system to the satisfaction of the City Engineer.

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. The proposed improvements shall be in substantial conformance with the approved tentative map.

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.f. 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. The proposed improvements shall be in substantial conformance with the approved tentative map.

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.g. Hydrants – Location and construction details of fire service line including the 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.

C.5.1.h. 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 proposed improvements shall be in substantial conformance with the approved tentative map.

All proposed residential street widths and cross sections shall conform to the City Council approved TSM. The sidewalk shall be located as per said TSM. All proposed right-of-way dedication for the internal in-tract street shall conform to Standard Detail 101 of the 2020 Design Standards for in-fill residential street with a right-of-way width of fifty-seven (57) feet, excluding the P.U.E., from Byron Road to Remy Javier Street and fifty-five (55) feet, excluding the P.U.E., from Remy Javier Street to the terminus of the public road. Beyond the right-of-way, the Developer shall also dedicate ten (10) feet wide P.U.E.

Since construction traffic will be on the Project's road, as per Section 3.04(A) of the 2020 Design Standards, the road's Traffic Index will be nine (9) and will have a minimum street structural section of 0.4-feet of asphalt-concrete over 1.80-feet of compacted aggregate base. Per the Design Standards Section 3.04(C), the final lift of asphalt concrete shall be placed after the homes (or building structure) are

constructed and prior to tract acceptance.

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

- C.5.2. Joint Trench Plans and Composite Utility Plans, prepared on a twenty-four (24) inch x thirty-six (36) inch size 20-pound paper bond 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.5.4. 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.
- C.5.5. 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 On-site, in-tract Public Improvements - Prior to the City's approval of the Final Subdivision Map, and prior to the Developer commencing construction of on-site, in-tract public and improvements, Developer shall possess a fully executed Subdivision Improvement Agreement (SIA). 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 submitted a complete application for a Final Subdivision Map which is served by the required public improvements, and the Final Subdivision Map has been approved by the City Engineer.

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. Monumentation Bonds shall be seven hundred fifty (\$750.00) dollars multiplied by the total number of street centerline monuments plus one hundred twenty-five (\$125) dollars multiplied by the total number of legal lots that are shown on the Final Map.

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

C.5.9 Off-site Public Improvements, If Applicable - Prior to the Developer commencing construction of off-site public improvements, Developer shall possess a fully executed Off-site Improvement Agreement (OIA). Developer shall also complete all of the following requirements to the satisfaction of the City Engineer:

Developer has received City signed improvement plans.

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

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

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

C.6. Building Permit

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

- C.6.1 Developer has completed all requirements set forth in Condition C.1, through C.5, above.
- C.6.2 Developer pays the applicable development impact fees as required in the TMC, these Conditions of Approval, and City Regulations.

C.7 Acceptance of Public Improvements

Public improvements will not be considered for City Council's acceptance until after the Developer demonstrates to the reasonable satisfaction of the City Engineer, completion of the following:

- C.7.1 Developer has satisfied all the requirements set forth in these Conditions of Approval.
- C.7.2 Developer submitted the Storm Water Treatment Facilities Maintenance Agreement (STFMA) to the Utilities Department.
- C.7.3 Developer has 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 plans 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 AutoCAD file, including referenced documents.
- C.7.6 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.7.7 Developer has completed the ninety (90) day public landscaping maintenance period.
- C.7.8 Release of Improvement Security – Release of improvement security shall be in accordance with the requirements of Title 12 of the TMC. Monumentation Bond will be released to the Developer after City Council's acceptance of the public improvements and if the Developer meets the terms set in Section 66497(c) of the Subdivision Map Act. All survey monuments shown on the Final Map must be installed. Any altered, damaged, or destroyed survey monuments and/or benchmarks shall be re-established. Developer shall submit centerline tie sheets or a record of survey for the following: new public streets; re-established survey monuments, and/or benchmarks. If the Developer destroyed, altered, and/or reconstructed any existing curb returns, Developer shall also submit corner records. Any survey document will be submitted the City and to the San Joaquin County Surveyor to comply with California Business and Professions Code Section 8771(c). Said work shall be executed by a California licensed Land Surveyor at the Developer's sole expense.

C.8 Special Conditions

- C.8.1 When street cuts are made for the installation of utilities, the Developer shall conform to Section 3.14 of the 2008 Design Standards and is required install a two (2) inch thick asphalt concrete (AC) overlay with reinforcing fabric at least twenty-five (25) feet from all sides of each utility trench. A two (2) inch deep grind on the existing AC pavement will be required where the AC overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. This pavement repair requirement is when cuts/trenches are perpendicular and parallel to the street's direction.
- 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 Model Complex: Developer shall maintain an ADA compliant path of travel that is vertical separated from the vehicle travelway. Developer shall not enclose or include the sidewalk to be part of the model complex.
- C.8.6 These Conditions are non-transferrable to any party not a part of the application to the Project.

D. Utilities Department

Contact: Stephanie Reyna-Hiestand 209.831.6320 stephanie.hiestand@cityoftracy.org

- D.1. Prior to approval of the Final Map, the developer shall demonstrate compliance with the 2015 Post-Construction Stormwater Standards (PCSWS) Manual and obtain approval through the following:

- D.1.1. Develop a Project Stormwater Plan (PSP) that identifies the methods to be employed to reduce or eliminate stormwater pollutant discharges through the construction, operation and maintenance of source control measures, low impact development design, site design measures, stormwater treatment control measures and hydromodification control measures.
 - D.1.1.a. Design and sizing requirements shall comply with PCSWS Manual.
 - D.1.1.b. Demand Management Areas must be clearly designated along with identification of pollutants of concern.
 - D.1.1.c. Calculations of the Stormwater Design Volume and/or Design Flow with results from the Post-Construction Stormwater Runoff Calculator must be submitted in the PSP for approval.
 - D.1.1.d. Per the PCSWS Manual, include a hydromodification management plan ensuring the post-project runoff flow rate shall not exceed estimated pre-project flow rate for the 2-year, 24 hour storm.
 - D.1.1.e. Submit one (1) hard copy of the PSP and an electronic copy to the Utilities Department (WaterResources@cityoftracy.org), include the project name, address and Project # and/or Permit # in the title or subject line.
 - D.1.2 Construct the approved stormwater treatment device(s) and receive final approval by Utilities. This shall include periodic inspection by Utilities to ensure that installation and construction are to standard.

- D.1.3 Develop and electronically submit to the Utilities Department for approval (WaterResources@cityoftracy.org) a preliminary Operations and Maintenance (O & M) Plan that identifies the operation, maintenance, and inspection requirements for all stormwater treatment and baseline hydromodification control measures identified in the approved PSP.
- D.1.2. No later than two (2) months after approval notification of the submitted PSP, the applicant shall electronically submit the following information to the Utilities Department (WaterResources@cityoftracy.org) for development of a draft stormwater maintenance access agreement, in accordance with the MAPCSWS:
 - i. Property Owner(s) name and title report; or Corporate name(s) and binding documents (resolutions, etc) designating ability to sign agreement
 - ii. Property Address
 - iii. Exhibit A – legal property description
 - iv. Exhibit B – approved O & M Plan
- D.2. Project shall always be in compliance with Federal, State and Local mandates with potable water, recycled water and water quality.

E. The following conditions provide the applicant with options for funding required Citywide services.

Contact: Guadalupe Pena 209.831.6834 Guadalupe.pena@cityoftracy.org

E.1. Streets, Streetlights and Sidewalks

Before approval of the Final Map or issuance of any building permit for the Property (except for up to ten (10) model homes), Subdivider shall provide for perpetual funding of the on-going costs of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping on the Property (including all costs required by PG&E), by doing one or more of the following, subject to the approval of the City's Finance Director:

a. Community Facilities District. Subdivider shall enter into an agreement with the City, to be signed by the Finance Director, which shall be recorded against the Property, which requires that prior to the issuance of a certificate of occupancy for a residential dwelling unit, Subdivider shall complete the annexation of the Property to City of Tracy Community Facilities District in compliance with the requirements of the Mello – Roos Community Facilities Act of 1982 (Gov. Code § 53311 et seq.) including, without limitation, affirmative votes, and the recordation of a Notice of Special Tax Lien. Subdivider shall be responsible for all costs associated with the CFD proceedings.

Or

b. HOA and dormant CFD. If the HOA is the chosen funding mechanism, the Subdivider must do the following:

- (1) Form a Homeowner's Association (HOA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going costs of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping on the Property (including all costs required by PG&E);
- (2) Cause the HOA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property prior to the final inspection or occupancy of the first dwelling (except for up to ten (10) model homes), setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) to ensure the long-term operation, maintenance and replacement by the HOA for the traffic signals, streetlights, and street sweeping on the Property;
- (3) Before final inspection or occupancy of the first dwelling (except for up to ten (10) model homes), annex into a CFD in a "dormant" capacity, to be triggered if the HOA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping on the Property. The dormant tax or assessment shall be disclosed to all homebuyers and non-residential property owners, even during the dormant period.

c. Direct funding. Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which requires that prior to issuance of a certificate of occupancy for a residential dwelling unit, Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the on-going costs of operation, maintenance and replacement for the streets, streetlights, and sidewalks on the Property (including all costs required by PG&E).

If the provisions for adequate funding of the on-going costs of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping on the Property (including all costs required by PG&E) are met prior to issuance of the first building permit for the Property, subject to the Finance Director's review and approval, the terms of this condition shall be considered to have been met and this condition shall become null and void.

E.2. Police/Public Safety & Public Works

Before approval of the Final Map or issuance of any building permit for the Property (except for up to ten (10) model homes), Subdivider shall provide for perpetual funding of the on-going costs of providing Police and public safety and Public Works services for the Property, by doing one of the following, subject to the approval of the City's Finance Director:

- a. Community Facilities District. Subdivider shall enter into an agreement with the City, to be signed by the Finance Director, which shall be recorded against the Property, which requires that prior to the issuance of a certificate of occupancy for a residential dwelling unit, Subdivider shall complete the annexation of the

Property to City of Tracy Community Facilities District in compliance with the requirements of the Mello – Roos Community Facilities Act of 1982 (Gov. Code § 53311 et seq.) including, without limitation, affirmative votes, and the recordation of a Notice of Special Tax Lien. Subdivider shall be responsible for all costs associated with the CFD proceedings.

Or

- b. Direct funding. Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which requires that prior to issuance of a certificate of occupancy for a residential dwelling unit, Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the on-going costs of providing Police and public safety and Public Works services for the Property.

If the provisions for adequate funding of the on-going costs of providing Police and public safety and Public Works services for the Property are met prior to issuance of the first building permit for the Property, subject to the Finance Director's review and approval, the terms of this condition shall be considered to have been met and this condition shall become null and void.

E.3. Landscaping Maintenance

Before approval of the Final Map or issuance of any building permit for the Property (except for up to ten (10) model homes), Subdivider shall provide for perpetual funding of the on-going costs of maintenance and replacement for public landscaping for the Property (but shall exclude the community park), by doing one or more of the following, subject to the approval of the City's Finance Director:

- a. CFD or other funding mechanism. The Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates the following:
 - b. (1) Prior to issuance of a building permit, the Subdivider shall form a Community Facilities District (CFD) for funding the on-going maintenance costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan;
 - (2) The items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage, and electrical systems; masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channels, public parks and public open space areas;
 - (3) The developer/owner shall provide all data for features within the public right-of-way and/or park within the property;
 - (4) Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien;

- (5) Upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment;
- (6) Prior to issuance of a building permit, the Subdivider shall deposit an amount equal to the first year's taxes; and
- (7) The Subdivider shall be responsible for all costs associated with formation of the CFD.

b. HOA and dormant CFD. If the HOA is the chosen funding mechanism, the Subdivider must do the following:

- (1) Form a Homeowner's Association (HOA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going maintenance of all public landscaping areas within the entire tentative subdivision map area;
- (2) Cause the HOA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property prior to the final inspection or occupancy of the first dwelling (except for up to ten (10) model homes), setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) to ensure the long-term maintenance by the HOA of all public landscape areas within the entire tentative subdivision map area;
- (3) For each Final Map, make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas within the Final Map area;
- (4) Before final inspection or occupancy of the first dwelling (except for up to ten (10) model homes), annex into a CFD in a "dormant" capacity, to be triggered if the HOA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of public landscape maintenance. The dormant tax or assessment shall be disclosed to all homebuyers and non-residential property owners, even during the dormant period.

Or

c. Direct funding. The Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates that prior to issuance of a building permit, the Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full on-going maintenance costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan. The items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems, masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks and public open space areas.