TRACY CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, October 4, 2022, 7:00 P.M.

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).

THE CITY OF TRACY REMAINS UNDER A LOCAL EMERGENCY FOR COVID-19 AND IS NOW CONDUCTING TELECONFERENCE MEETINGS PURSUANT TO STATE LAW. TELECONFERENCED LOCATIONS MAY INCLUDE VARIOUS LOCATIONS INCLUDING TRACY CITY HALL. IN ACCORDANCE WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH GUIDELINES, UNIVERSAL MASKING IS RECOMMENDED FOR ALL PERSONS REGARDLESS OF VACCINATION STATUS AND SOCIAL DISTANCING PROTOCOLS WILL BE IN PLACE FOR TRACY CITY HALL.

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

As always, the public may view the City Council 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 "City Council Meeting Videos" under the "City Council" section.

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

***Remote Public Comment**:*

During the upcoming City Council 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: 2554 877 2303** and **Event Password**: TracyCC
  - ***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, enter 25548772303#8722922# Press *3 to raise the hand icon to speak on an item.

- *Protocols for commenting via WebEx:*
  - *If you wish to comment on the "Consent Calendar", "Items from the Audience/Public Comment" or "Regular Agenda" portions of the agenda:*
    - *Listen for the Mayor 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.*

Date Posted: September 29, 2022

- *Comments for the "Consent Calendar" "Items from the Agenda/Public Comment" or "Regular Agenda" 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 Council meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6105) 24 hours prior to the meeting.

Addressing the Council on Items on the Agenda - The Brown Act provides that every regular Council meeting shall provide an opportunity for the public to address the Council on any item within its jurisdiction before or during the Council'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 Council to conduct its business as efficiently as possible, members of the public wishing to address the Council 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 City Council 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 Council. 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.

Consent Calendar - All items listed on the Consent Calendar are considered routine and/or consistent with previous City Council direction. One motion, a second, and a roll call vote may enact the items listed on the Consent Calendar. No separate discussion of Consent Calendar items shall take place unless a member of the City Council, City staff or the public request discussion on a specific item.

Addressing the Council 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 Council 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, Council Members 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 Council. When members of the public address the Council, 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 City Council 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 City Council prior to or at the public hearing.

Full copies of the agenda are available on the City's website: *www.cityoftracy.org*

CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION
ROLL CALL
PRESENTATIONS

1. Police Swearing In
2. Employee of the Month
3. Proclamation - Domestic Violence Awareness Month
4. Proclamation - Arbor Day
5. Proclamation – Recognition of the First Latino and Latina Council Members

1. CONSENT CALENDAR

1.A. Adopt September 20, 2022, Regular Meeting Minutes.

1.B. Adopt a Resolution making findings and re-authorizing remote teleconference meetings of the City Council and all legislative bodies of the City of Tracy for the period from October 5, 2022 through November 3, 2022 pursuant to the Brown Act.

1.C. Adopt a Resolution to approve a Professional Services Agreement (PSA) with Carollo Engineers, Inc. for Clarifier Improvements at the John Jones Water Treatment Plant (JJWTP) for a not to exceed amount of $868,154.

1.D. Approve the Inspection Improvement Agreement for Tract 4134, Tracy Hills Villages 5 & 6, in Tracy Hills Phase 2.

1.E. Waive second reading of full text and adopt an ordinance amending section 3.08.580 regarding special speed zones of the Tracy Municipal Code to update speed limits as required by the California Vehicle Code.

1.F. Adopt a resolution amending the City's Operating and Capital Budget for the Fiscal Year ending June 30,2022.

1.G. Approve the Offsite Improvement Agreement for Tracy Hills Phase 2A – Zone 5/6 Water Tanks and Booster Pump Station Building Improvements.

1.H. Approve the Final Subdivision Tract Map and Subdivision Improvement Agreement for Tracy Village Tract 4005 and authorize the City Clerk to file the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder.

1.I. Approve the Final Subdivision Map and Subdivision Improvement Agreement for Tracy Village Tract 4006 and Authorize the City Clerk to file the Subdivision Improvement Agreement with the office of the San Joaquin County Recorder.

1.J. Approve the Final Subdivision Tract Map and Subdivision Improvement Agreement for Tracy Village Tract 3917, and authorize the City Clerk to file the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder.

2. ITEMS FROM THE AUDIENCE

3. REGULAR AGENDA

3.A. Adopt a Resolution (1) Approving a three-year time extension for the Development Review Permit (D16-0036) To Construct A Five-Unit Residential Project Located at 21, 25, And 29 E. Eighth Street and (2) Determining that The Project is exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332. The applicant is Mark Watrous-Heyliger. Application Number EXT22-0001.

3.B. Adopt a resolution approving the Citywide Parks, Recreation, and Trails Master Plan Update and determining that the update is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15183.

3.C. Adopt a Resolution Accepting the Irrevocable Offer of Dedication of Fee Interest for 16 Acres of Community Park Land for an Aquatic Park (Aquatic Center), generally located at the Intersection of Corral Hollow Road and Summit Drive (Property), from Ellis Village, LLC to the City of Tracy, a Municipal Corporation (City), and directing the City Manager to take Requisite Actions to Effectuate the Acceptance of the Property.

3.D. Adopt a Resolution (1) Reaffirming the program priorities for the Aquatic Center CIP 78054 Project, and (2) Authorizing the City Manager to pursue the progressive design-build delivery method for the project.

3.E. Receive an informational report regarding the City of Tracy's homelessness initiatives.

3.F. Appoint Maurice Francis to the City of Tracy Transportation Advisory Commission to serve the remainder of the vacated term beginning October 5, 2022 and ending April 30, 2025.

4. ITEMS FROM THE AUDIENCE

5. STAFF ITEMS

6. COUNCIL ITEMS

7. ADJOURNMENT

TRACY CITY COUNCIL REGULAR MEETING MINUTES

September 20, 2022, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy *Web Site:* www.cityoftracy.org

Mayor Young called the meeting to order at 7:01 p.m.

Roll call found Council Members Arriola, Davis, Mayor Pro Tem Vargas and Mayor Young present. Council Member Bedolla absent from roll call.

Mayor Young led the Pledge of Allegiance.

Pastor Scott MacFarland, Journey Christian Church offered the invocation.

Council Member Bedolla arrived at 7:07 p.m.

Mayor Young presented Certificate of Appointment to Renu Miles, newly appointed City of Tracy representative on the San Joaquin Mosquito Abatement District Board.

Mayor Young presented a proclamation for Hispanic Heritage History Month to the Southside Community Organization.

1. CONSENT CALENDAR – Adrianne Richardson, City Clerk announced the September 6, 2022 closed session minutes under consent item 1.A should reflect Mayor Pro Tem Vargas as opening the closed session meeting and not Mayor Young. Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt the consent calendar. Roll call found all in favor, passed and so ordered.

   1.A APPROVAL OF SEPTEMBER 6, 2022 CLOSED SESSION AND REGULAR MEETING MINUTES – **Minutes were adopted as amended**.

   1.B WAIVE SECOND READING OF FULL TEXT AND ADOPT AN ORDINANCE OMNIBUS AMENDMENT OF THE TRACY MUNICIPAL CODE TO (A) UPDATE CHAPTER 4.16, "REGULATIONS PERTAINING TO THE USE OF PARK AND RECREATION AREAS AND FACILITIES" AND CHAPTER 5.12, "CAMP CARS AND TRAILERS," AND (B) ADD PROVISIONS PROHIBITING CERTAIN ACTS, CAMPING, AND STORAGE OF PERSONAL PROPERTY IN PARKS AND PUBLIC AREAS – **Ordinance 1332** was adopted.

   1.C ADOPT A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH TOWNSEND PUBLIC AFFAIRS, INCORPORATED, FOR THE PERFORMANCE OF FEDERAL ADVOCACY, INTERGOVERNMENTAL, AND GRANT SERVICES FOR AN INITIAL TERM OF FIVE-YEARS, SUBJECT TO THREE 5-YEAR EXTENSIONS, FOR AN ANNUAL AMOUNT NOT TO EXCEED $60,000 PER YEAR, A MAXIMUM TOTAL AGREEMENT AMOUNT NOT TO EXCEED $1,200,000, AND AUTHORIZING THE CITY MANAGER TO EXECUTE FUTURE AGREEMENT EXTENSIONS– **Resolution 2022-132** approved the Professional Services Agreement with Townsend Public Affairs, Inc.

1.D ADOPT A RESOLUTION AUTHORIZING THE PURCHASE OF VEHICLES AND EQUIPMENT IN THE AMOUNT OF $1,606,536 **– Resolution 2022-133** authorized the purchase of vehicles and equipment.

2. ITEMS FROM THE AUDIENCE – LaVerne Grant-Jackson shared her responsibilities on the team of registered voters to re-elect Nancy Young for Mayor and managing the social media and Facebook page. Ms. Jackson submitted a letter to the City Clerk.

Dan Evans stated people are mad and are losing faith in their elected officials regarding crime, homelessness, and lack of planning for dispensaries. Mr. Evans toured Tracy Interfaith, and almost 100% are community people who are donating their time and stated it is not elected officials that fix problems it is community members.

Amer Hammudi hoped the election will be civil, commended Council for wanting to solve the homeless problem, and reminded Council that people who have homes need their attention also as well as traffic, crime rate, education and technology.

Mary Kennedy-Bracken stated she watched a Council meeting that finished at 1:45 a.m. and how can we function with so many complaints and no solutions. The issue is what is creating the homeless problem. Working together and supporting each other can make a difference. Businesses watch meetings.

Dotty Nygard spoke about the Tracy Earth Project on October 8 in celebration of California Clean Air Day and the planting of 26 sponsored trees and 20 additional trees from the City. Increasing our tree canopy will improve the quality of air. Ms. Nygard provided the following website for information: Tracyearthproject.com and asked for volunteers to plant trees and will meet at 8:30 a.m. at Lincoln Park on Saturday, October 8, 2022.

A parent of a child that goes to North Tracy School expressed concerns regarding the homeless in that neighborhood, shared concerns regarding a woman walking down the road unclothed and no action was taken and students being recorded by homeless. If anyone else did those acts they would be incarcerated. Seems like the law stops once entering El Pescadero Park and it is affecting children.

Andrea Brown stated she has been telling Council about issues at El Pescadero Park, has met with the City Manager and told him about issues and find it weird no one got a letter at home regarding the unclothed lady during school hours. Nothing has been done. Requested Council do better and just care and have a heart.

Robert Tanner shared concerns regarding the vote on the moratorium to revise downtown rules for cannabis stores that failed at the last meeting. Have two dispensaries approved in downtown already but there are two more potentials coming up in the same area. Mr. Tanner added he knows of two stores that sell alcohol downtown, the rest are restaurants, and stated do not compare with alcohol. Cannabis is not regulated by Feds.

Mayor Young disagreed with comments made by the previous speaker.

Victoria stated she received letters regarding addressing the homeless issue. This issue affects the whole country, but we are affected very much. Her children would be

assigned to North School but are home schooled and asked if there is something Tracy citizens can be involved with to bring solution.

Jason Freeman wanted to know the plan for maintenance on City trees in Glenbriar Estates and other neighborhoods in Tracy adding he has reached out to the City but no results. Mr. Freeman requested someone drive through the neighborhood.

Karen Moore spoke about downtown cannabis retail stores stating at the last Planning Commission meeting the ordinance criteria was not applied the same to the three CUP applicants. Ms. Moore requested to start an investigation because of discrimination and corruption in the approval process.

3. REGULAR AGENDA

3.A INTRODUCE AN ORDINANCE AMENDING SECTION 3.08.580 REGARDING SPECIAL SPEED ZONES OF THE TRACY MUNICIPAL CODE TO UPDATE SPEED LIMITS AS REQUIRED BY THE CALIFORNIA VEHICLE CODE

Robert Armijo, Senior Engineer provided a brief introduction on the item and responded to questions.

Anju Pillai, Senior Civil Engineer provided the staff report and responded to questions.

Dotty Nygard stated as a bike rider they are looking for safe routes around town. Speed is an issue and thanked Council for addressing safety.

Karen Moore stated many cities are using vision zero data to determine how to make no deaths happen on city streets, and asked staff what makes them adjust the speed as it did not seem like it was included in the study.

Council questions and comments followed.

Adrianne Richardson, City Clerk read the title of the proposed Ordinance.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Davis to introduce an Ordinance amending Section 3.08.580 regarding special speed zones of the Tracy Municipal Code to update speed limits as required by the California Vehicle Code. Roll call found all in favor; passed and so ordered.

3.B ADOPT THE FOLLOWING RESOLUTIONS TO FURTHER COMPLY WITH THE JUDGMENT AND PEREMPTORY WRIT OF MANDATE IN *MITRACOS V. CITY OF TRACY, ET AL.*, SAN JOAQUIN COUNTY SUPERIOR COURT CASE NO. STK-CV-UWM-2018-5531: (1) A RESOLUTION RESCINDING RESOLUTION NO. 2020-154 APPROVING FINAL AQUATIC CENTER CONCEPTUAL PLAN WITH A NOT-TO-EXCEED AMOUNT OF $65 MILLION INCLUDING CONTINGENCY AND SOFT COSTS; (2) A RESOLUTION RESCINDING RESOLUTION NO. 2019-78 APPROVING THE AGREEMENT FOR DEFERRAL OF CERTAIN

IMPACT FEES FOR ELLIS GARDENS PHASE 1- 3 (TRACT 3877, TRACT 3906, AND TRACT 3907); AND (3) A RESOLUTION RESCINDING RESOLUTION NO. 2021-116 APPROVING THE AGREEMENT FOR DEFERRAL OF CERTAIN IMPACT FEES FOR ELLIS TOWN AND COUNTRY (TRACT 4007)

Council Member Davis announced she will be recusing herself from the item due to proximity of real property.

Bijal Patel, City Attorney provided the staff report and responded to questions.

Karin Schnaider, Assistant City Manager responded to questions.

Council questions and comments followed.

Mayor Young announced 54 emails were received in support of keeping the Aquatic Center Conceptual Plan moving forward.

Tim Favaloro, Northern California Carpenters Union asked if the developer of the Aquatic Park is going to employ responsible contractors that compensate their workers with various standard wages and benefits, prevailing wages set by collective bargaining across northern California.

Robert Tanner asked if that design concept feature could be part of the $10 million, Surland pay the remaining $8 million and keep the concept, asked if there will still be free entry for the homeowners that purchased in Ellis, and added the State is increasing water restrictions and yet we are building a water park during the restrictions.

Pete Mitracos stated he was part of subcommittee of Tracy Tomorrow, shared a history of Tracy Tomorrow and spoke about the opportunity to have a facility the City can afford that provides the basic needs for this community and not continue down the same path.

Michel Bazinet stated he was the Chair of Tracy Tomorrow Committee and provided a history about the aquatic facility in Tracy, added he was involved with Measure V Residents' Oversight Committee and shared perspectives regarding funding for the project. Mr. Bazinet recommended not rescinding the part of the resolution that has to do with the conceptual plan or funding budget and waiting until discussion in October with more information.

Marsha McCray encouraged Council to take the community project over the finish line, shared history and support regarding the Aquatic Center. Ms. McCray urged Council to readopt the design that was based on the community's ideas and contributions and have the priority amenities that were approved and reconfirmed during multiple Council meetings.

Council comments continued.

Adrianne Richardson, City Clerk announced there were also five emails received that were not in favor of moving forward with the Aquatic Center's Conceptual Plan.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2022-134** rescinding Resolution 2020-154 approving final Aquatic Center Conceptual Plan with a not-to-exceed amount of $65 million including contingency and soft costs. Roll call found Council Members Arriola, Bedolla, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Davis abstained.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2022-135** rescinding Resolution 2019-78 approving the Agreement for Deferral of Certain Impact Fees for Ellis Gardens Phase 1-3 (Tract 3877, Tract 3906, and Tract 3907). Roll call found Council Members Arriola, Bedolla, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Davis abstained.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2022-136** rescinding Resolution 2021-116 approving the Agreement for Deferral of Certain Impact Fees for Ellis Town and Country (Tract 4007). Roll call found Council Members Arriola, Bedolla, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Davis abstained.

Council Member Davis rejoined the meeting.

DEVIATION - Mayor Young moved item 3.D before item 3.C.

3.D ADOPT A RESOLUTION APPROVING THE MAYOR'S COMMUNITY YOUTH SUPPORT NETWORK (MCYSN) RECONNECTING OUR YOUTH (ROY) GRANT PROGRAM FOR FISCAL YEAR 2022-2023 IN THE TOTAL AMOUNT OF $175,000 TO EIGHT LOCAL NON-PROFIT ORGANIZATIONS AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE FUNDING AGREEMENTS

Katie Akre, Recreation Program Coordinator provided the staff report.

Karen Moore shared support for this program. The funding will make available refurbishing of bikes.

Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2022-137** approving the Mayor's Community Youth Support Network (MCYSN) Reconnecting Our Youth (ROY) Grant Program for fiscal year 2022-2023 in the total amount of $175,000 to eight local non-profit organizations and authorizing the City Manager to execute the Funding Agreements. Roll call found all in favor; passed and so ordered.

Mayor Young called for a recess at 9:32 p.m.

Mayor Young reconvened the meeting at 9:40 p.m.

3.C ADOPT A RESOLUTION APPROVING THE PROPERTY TRANSFER OPTION AND SALE AGREEMENT WITH JOINT ESCROW INSTRUCTIONS GRANTING TRI-VALLEY – SAN JOAQUIN VALLEY REGIONAL RAIL AUTHORITY A TEN YEAR OPTION TO PURCHASE, FOR INDEPENDENT CONSIDERATION OF $100 FOR APPROXIMATELY 200 ACRES OF CITY-OWNED EXEMPT SURPLUS LAND LOCATED AT 15580 AND 15178 WEST SCHULTE ROAD (APNs 209-230-029 AND 209-230-03

Karin Schnaider, Assistant City Manager provided the staff report.

Council questions and comments followed.

Fire Chief Bradley responded to questions and provided a brief history regarding the site.

Pete Mitracos spoke to safety concerns and shared information regarding the San Bruno incident and comparison to the Schulte Road pipelines. Safety factor is calculated on how many people are there. The City allowed this to go through Ellis and it was not a concern.

Dave Hudson, Mayor of San Ramon, Valley Link Board member and San Joaquin Rail urged Council to adopt the resolution, expressed the importance of the project, and shared experiences with other grants regarding roads and BART.

Dan Evans stated there is enough information to do a preliminary safety review, asked when was last time that section of pipeline was examined by PG&E, what were the findings, and suggested doing a reasonable preliminary safety review.

Mary Mitracos shared support for the project, referred to Strategic Plan supporting Valley Link and high paying jobs and invest in high tech, and stated it is the best thing to make commuting easier and asked to pass the item tonight.

Bernice King Tingle, Mountain House Community Service Board Director and Director on Valley Link Rail project shared her support for the item and urged Council to push the project forward and vote yes on the item.

Ronna Greene, Mountain House Community Service Board candidate stated she was in full support of the Valley Link project, concerns are valid but she believed in the project and shared support of the project and working with Tracy to make this happen.

Adrianne Richardson, City Clerk announced three emails were received in support of the project.

Kevin Sheridan, Valley Link responded to Council questions.

City Council questions and comments continued.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt **Resolution 2022-138** approving the Property Transfer Option and Sale Agreement with joint escrow instructions granting Tri-Valley – San Joaquin Valley Regional Rail Authority a ten-year option to purchase, for independent consideration of $100 for approximately 200 acres of City-owned exempt surplus land located at 15580 and 15178 West Schulte Road (APNs 209-230-029 and 209-230-030). Roll call found Council Members Arriola, Bedolla, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered. Council Member Davis opposed.

3.E ADOPT A RESOLUTION DECLARING CITY OWNED PROPERTY LOCATED AT 729/741 N. CENTRAL AVENUE (APN 235-068-06) AS SURPLUS PROPERTY UNDER GOVERNMENT CODE SECTION 54222 AND ISSUE NOTICE OF AVAILABILITY FOR LEASE OR PURCHASE TO PARTIES DESIGNATED IN THE SURPLUS LANDS ACT

Vanessa Carrera, Assistant to the City Manager provided the staff report.

Council questions and comments followed.

There was no public comment.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Davis to adopt **Resolution 2022-139** declaring City owned property located at 729/741 N. Central Avenue (APN 235-068-06) as surplus property under Government Code Section 54222 and issue Roll call found all in favor; passed and so ordered.

3.F ADOPT A RESOLUTION DECLARING, AS EXEMPT SURPLUS PROPERTY UNDER GOVERNMENT CODE SECTION 54221(G), THE FOLLOWING TWO PROPERTIES OWNED BY THE CITY OF TRACY: 1) 275.43 ACRES OF LAND LOCATED AT 5749 SOUTH TRACY BLVD, APN 25311031/25311016 AT COMMONLY KNOWN AS THE TRACY AIRPORT; AND 2) 393.99 ACRES OF LAND LOCATED AT 505 E. DURHAM FERRY ROAD, APN 25527008 AND COMMONLY KNOWN AS THE NEW JERUSALEM AIRPORT

Karin Schnaider, Assistant City Manager provided the staff report.

Council questions and comments followed.

Mary Mitracos stated she did not understand why the City is declaring the property surplus.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Bedolla to adopt **Resolution 2022-140** declaring, as exempt surplus property under Government Code Section 54221(G), the following two properties owned by the City of Tracy: 1) 275.43 acres of land located at 5749 South Tracy Blvd, APN 25311031/25311016 and commonly known as the Tracy Airport; and 2) 393.99 acres of land located at 505 E. Durham Ferry Road, APN 25527008 and commonly known as the New Jerusalem Airport. Roll call found all in favor; passed and so ordered.

3.G APPOINT, BY MOTION, A SUBCOMMITTEE OF TWO COUNCIL MEMBERS, AND AN ALTERNATE, TO INTERVIEW APPLICANTS TO FILL ONE TERM VACANCY ON THE TRANSPORTATION ADVISORY COMMISSION

Adrianne Richardson, City Clerk provided the staff report.

There was no public comment.

Council questions and comments followed.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Bedolla to appoint Mayor Pro Tem Vargas and Mayor Young as a two-member subcommittee and Council Member Davis as alternate, to interview applicants to fill one term vacancy on the Transportation Advisory Commission. Roll call found all in favor; passed and so ordered.

4. ITEMS FROM THE AUDIENCE – Adrianne Richardson, City Clerk announced an email was received from Jennifer Wood expressing concerns regarding the Planning Commission cannabis vote.

5. STAFF ITEMS – Karin Schnaider, Assistant City Manager reported on the following: Completed close to 12,000 linear feet of crosswalk striping, 82 turn arrows on Schulte and next phase is on 10th Street between Tracy Blvd and City Hall. This week there will be pavement rehabilitation on Tracy Blvd, overlaying and striping on Valpico, Clover and Grant Line Roads through October between hours of 8:30 a.m. and 3:00 p.m. There is night construction from 7:00 p.m. to 4:00 a.m. that has begun to install a temporary traffic signal at the Corral Hollow and Valpico intersection and is expected to continue through December. One lane will be open to all traffic at all times even through construction. If anyone wishes to report anything staff encouraged using the GoTracy App and can be found on the City of Tracy website. Other updates: Utility billing system – taking electronic payments and can set up automatic payments via the City's website. At the Grand - Masters of Hawaiian Music on Saturday. Go to atthegrand.org for more information on presentations at the Grand. Blues, Brews and BBQ on October 1, 2022, from 12:00 p.m. through 6:00 p.m. at the Front Street Plaza.

6. COUNCIL ITEMS – Council Member Bedolla reported his attendance at the League of California Cities Conference in Long Beach from September 7 through 9, 2022.

Mayor Pro Tem Vargas reported on her attendance at the League of California of Cities Conference at Long Beach. Mayor Pro Tem Vargas thanked staff for the revamping of

striping in particular at crossings and schools, spoke about a tree on 10th Street between the music store and Delta Brews that is dying. The sap is ruining all the outdoor furniture belonging to the two restaurants and requested that the tree be removed as soon as possible. Council Member Bedolla seconded the request.

Karin Schnaider, Assistant City Manager responded staff will reach out to Operations Director and have him review the tree and will report out on the status.

Mayor Pro Tem Vargas thanked everyone for matching portion of the donation to have 40 plus trees to be planted in the community, stated there are plenty of requests for trimming and pruning but city trees are suffering from lack of watering and learned the problem is the irrigation. Mayor Pro Tem Vargas requested to look at the irrigation component in particular in the TCCA District and make an effort to fix the broken and aging irrigation that has resulted in five mature trees being cut this year alone and requested support for looking into opportunities and resources and agendize an item for discussion. Council Member Arriola seconded the request.

Mayor Pro Tem Vargas thanked those that came to support Valley Link, stated she has been the Chair for two and a half years and moving project to this huge milestone on having grants. The City is committed to bringing the project through and bringing high tech jobs, infrastructure and high paying jobs, and commended this Council for the vision, for forward thinking and ability to see steps that are necessary to advance this project.

Council Member Arriola reported on his attendance at the California League of Cities Conference at Long Beach. Council Member Arriola stated he approached the City of Stockton Council and Stockton will be a part of EBCE. Tracy will benefit from all of the investments. It is demonstrating and creating an environment to show private businesses that as a city and region we are taking climate change seriously, green renewable energy seriously and sets us up for success.

Council Member Arriola stated because he is concerned about potential legal liability and asked for a private memo on a legal assessment of some of the allegations heard related to any alleged impropriety about the issuance of cannabis permits by the Planning Commission. Mayor Pro Tem Vargas seconded the request.

Council Member Davis reported on her attendance at the League of California Cities Conference in Long Beach. Council Member Davis commended the Southside Community Organization on their Mexican Independence Day cultural celebration. Also attended the wine stroll/art walk, Saint Bernard's Fall Festival. Announced the Gold Star Family Day is this Sunday so take a moment and recognize the Gold Star families. Mentioned some comments made in regard to the indecent exposure at El Pescadero Park and reoccurring events that are upsetting the community, would like a conversation about enforcing laws that are already on the books, so we are not exposing everyone. Mayor Pro Tem Vargas seconded the request.

Mayor Pro Tem Vargas announced the birth of her grandson Dean Scott and wished Mylle Postene who is turning 12 today and is No. 11 on the Tracy Buccaneers who secured a championship.

Mayor Young wished her husband and son Benjamin a happy birthday, congratulated her Godson Torian Montalvo who just got married to Christine. Mayor Young mentioned she met a City Manager at the League of California Cities in Long Beach that successfully launched a cannabis ordinance without a hitch. Thanked those who participated in the success of the 2nd annual Tracy Connects which was spearheaded by the Chamber. Checks were given to the following organizations: Historical Museum received $7,500, PAL received $7,000, and Grand Foundation received $7,000. Thanked the Southside Community Organization for their event. Tracy Press will not be having any candidate forums. NAACP and BWOPA will be having Mayoral candidate forum with two other cities on September 22 it will be virtual. Mayor Young acknowledged the passing of Dr. Teresa Brown from Delta Community College Trustee passed away on September 11, 2022.

7. ADJOURNMENT – Time: 11:32 p.m.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adjourn. Roll call found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on September 15, 2022. The above are action minutes. A recording is available at the office of the City Clerk.

_____
Mayor

ATTEST:

_____
City Clerk

October 4, 2022

Agenda Item 1.B

RECOMMENDATION

Staff recommends that the City Council adopt a Resolution making findings and re-authorizing remote teleconference meetings of the City Council and all legislative bodies of the City of Tracy for the period from October 5, 2022 through November 3, 2022 pursuant to the Brown Act.

EXECUTIVE SUMMARY

AB 361 allows legislative bodies to use abbreviated teleconferencing procedures during a declared state of emergency upon the making of required findings. These abbreviated procedures allow a body to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953 of the Ralph M. Brown Act (Cal. Gov. Code section 54950 – 54963).

BACKGROUND AND LEGISLATIVE HISTORY

On March 17, 2020, the City Council of the City of Tracy ratified the declaration of an emergency by the City Manager due to COVID-19 in accordance with Chapter 3.26 of the Tracy Municipal Code. The City Council subsequently adopted resolutions with requisite findings authorizing remote teleconference meetings of the City Council and all legislative bodies of the City of Tracy, including Boards and Commissions, pursuant to AB 361.

While the City has allowed in-person attendance at City Council meetings, the City is experiencing an increase in rates of COVID-19 cases within the County of San Joaquin and amongst the City staff pool. Due to this increase, the City reinstated social distancing protocols at in-person attendance at City Hall and encouraged the use of teleconferencing for City Council meetings.

On September 6, 2022, City Council adopted Resolution 2022-123, which made findings and authorized remote teleconference meetings of the City Council and all legislative bodies of the City of Tracy, including Boards and Commissions, for the period of September 7, 2022 through October 6, 2022. In order to maintain compliance with Section 54953(e) of the Ralph M. Brown Act (Gov. Code section 54950 – 54963) which allows the continued use of teleconferencing, Council must make the required findings and re-authorize remote teleconferencing meetings of the legislative bodies for the City of Tracy.

This item requests that the City Council approve this proposed action for continued compliance with the Brown Act.

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021, for public agencies to transition back to public meetings held in full compliance with the Brown Act.

As the Delta variant has surged in California, the Legislature took action to extend the COVID-19 exceptions to the Brown Act's teleconference requirements, subject to some additional safeguards. On September 16, 2021, Governor Newsom signed Assembly Bill 361, to allow a local agency to use teleconferencing if certain circumstances exist without complying with the Brown Act's traditional agenda posting, physical access, and quorum requirements for teleconferencing provisions (Attachment A).

The goal of AB 361 is "to improve and enhance public access to local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options" consistent with Executive Order N-29-20. The bill contains an urgency clause, which made the bill effective upon signing with a sunset date of January 1, 2024.

The new Section 54953(e)(1) of the Brown Act, as amended by AB 361, allows legislative bodies to continue to meet via teleconference without complying with the Brown Act's teleconferencing requirements, but only during a state of emergency proclaimed by the Governor, in which, 1) state or local health officials have imposed or recommended measures to promote social distancing, or 2) the legislative body has determined by majority vote that meeting in person would present an imminent risk to the health or safety of the attendees.

A local agency that holds a meeting under these circumstances would be required by AB 361 to follow the steps listed below, in addition to giving notice of the meeting and posting agendas as required under the Brown Act. These additional requirements are intended to protect the public's right to participate in the meetings of local agency legislative bodies.

Pursuant to AB 361 local agencies are required to do all of the following in addition to meeting notice requirements under the Brown Act:

- Allow the public to access the meeting and require that the agenda provide an opportunity for the public to directly address the legislative body pursuant to the Brown Act's other teleconferencing provisions.
- In each instance when the local agency provides notice of the teleconferenced meeting or posts its agenda, give notice for how the public can access the meeting and provide public comment.
- Identify and include in the agenda an opportunity for all persons to attend via a call-in or an internet-based service option; the legislative body needs not provide a physical location for the public to attend or provide comments.
- Conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the public.
- Stop the meeting until public access is restored in the event of a service disruption that either prevents the local agency from broadcasting the meeting to the public using the call-in or internet-based service option or is within the local agency's control and prevents the public from submitting public comments (any actions taken during such a service disruption can be challenged under the Brown Act's existing challenge provisions).
- Not require comments be submitted in advance (though the legislative body may provide that as an option) and provide the opportunity to comment in real-time.
- Provide adequate time for public comment, either by establishing a timed public

comment period or by allowing a reasonable amount of time to comment.

- If the legislative body uses a third-party website or platform to host the teleconference, and the third-party service requires users to register to participate, the legislative body must provide adequate time during the comment period for users to register and may not close the registration comment period until the comment period has elapsed.

ANALYSIS

While the City has allowed in-person attendance at City Council meetings, the City is experiencing an increase in rates of COVID-19 cases within the County of San Joaquin and amongst the City staff pool. The San Joaquin County Public Health Services provided an update to the City Council of this situation at the June 7, 2022 meeting. In addition, the Human Resources Department of the City of Tracy has documented an increase in COVID-19 positive test rates amongst City staff in recent weeks. To minimize the exposure to COVID-19 from this recent surge, the City is reinstating social distancing protocols at in-person attendance at City Hall and encouraging the use of teleconferencing for City Council meetings.

Given these changed circumstances created by the increasing rates of COVID-19, the recommendation is that City Council make the following finds by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules.

If Council approves the proposed resolution, staff will present a staff report to Council every thirty days to verify that the circumstances continue to exist.

FISCAL IMPACT

There is no fiscal impact.

STRATEGIC PLAN

This agenda item relates to the City Council's Strategic Priorities in the area of Public Safety (Goal #1 Support COVID-19 Public Health Recovery).

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a Resolution making findings and re-authorizing remote teleconference meetings of the City Council and all legislative bodies of the City of Tracy for the period from October 5, 2022 through November 3, 2022 pursuant to the Brown Act.

Respectfully submitted,

Adrianne Richardson
City Clerk

Attachments:

A - Assembly Bill

STATE OF CALIFORNIA
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly

resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and

to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 89305.6 is added to the Education Code, to read:

89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing

and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically

or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body

shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter

2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for

the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting

of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting,

members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the

legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint

powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

O

APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION NO. _____

MAKING FINDINGS AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE CITY COUNCIL AND ALL LEGISLATIVE BODIES OF THE CITY OF TRACY FOR THE PERIOD OF OCTOBER 5, 2022, TO NOVEMBER 3, 2022, PURSUANT TO THE BROWN ACT

WHEREAS, The City of Tracy is committed to preserving and nurturing public access and participation in meetings of the City Council; and

WHEREAS, All meetings of the City of Tracy's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code section 54950 – 54963), so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and

WHEREAS, AB 361 allows legislative bodies to use abbreviated teleconferencing procedures during a declared state of emergency upon the making of required findings, so as to allow a body to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953 of Brown Act; and

WHEREAS, On March 17, 2020, the City Council of the City of Tracy ratified the declaration of an emergency by the City Manager due to COVID-19 in accordance with Chapter 3.26 of the Tracy Municipal Code; and

WHEREAS, While the City has allowed in-person attendance at City Council meetings, the City is experiencing an increase in rates of COVID-19 cases within the County of San Joaquin and amongst the City staff pool; and

WHEREAS, The San Joaquin County Public Health Services provided an update of the increasing rates at the June 7, 2022, City Council meeting; and

WHEREAS, The Human Resources Department of the City of Tracy has documented an increase in COVID-19 positive test rates amongst City staff in recent weeks**;** and

WHEREAS, To minimize the exposure to COVID-19 from this recent surge, the City reinstated social distancing protocols at in-person attendance at City Hall and encouraged the use of teleconferencing for City Council meetings; and now therefore be it

RESOLVED:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution as findings of this City Council by this reference.

Section 2. Findings. The City Council hereby finds the following:

A. That due to COVID-19, including the recent surge being experienced in the City of Tracy, holding City Council and other legislative body meetings exclusively in person will present imminent risk to the health and safety of attendees.
B. That COVID-19 has caused, and will continue to cause, conditions of peril to the safety of persons within the City that are likely to be beyond the control of services, personnel, equipment, and facilities of the City, and desires to affirm a local emergency exists and re-ratify the proclamation of a state of emergency by the Governor of the State of California.

Section 3. Remote Teleconference Meetings. The City Council, including Council subcommittees, and all Boards and Commissions of the City of Tracy are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act for the period of October 5, 2022 through November 3, 2022.

* * * * * * * * * * * * * *

The foregoing Resolution 2022-_____ was adopted by the Tracy City Council on October 4, 2022 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

October 4, 2022

Agenda Item 1.C

RECOMMENDATION

Staff recommends that the City Council adopt a Resolution to approve a Professional Services Agreement (PSA) with Carollo Engineers, Inc. for Clarifier Improvements at the John Jones Water Treatment Plant (JJWTP) for a not to exceed amount of $868,154.

EXECUTIVE SUMMARY

The upflow clarifier at the JJWTP is an existing clarifier and a vital component of the City's surface water treatment facility, with a total treatment capacity of 30 million gallons per day (MGD). However, the clarifier is beginning to show its age and is deteriorating due to normal wear and tear. The City desires to thoroughly assess its condition and develop plans for the design and construction of selected improvements. This agenda item requests authorization to enter into a PSA with the most qualified proposer, Carollo Engineers, Inc., who were selected through a Request for Proposal (RFP) process, to provide such services for a not-to-exceed amount of $868,154.

BACKGROUND AND LEGISLATIVE HISTORY

The existing upflow clarifier at the JJWTP was initially constructed in 1978. Minor retrofits and improvements were completed in 1987 to increase its capacity from 10 mgd to 15 mgd. The existing clarifier structure and equipment has deteriorated with age, wear and tear and needs improvements. As a result, the City desires to evaluate the condition of its critical elements to determine the most economical way to continue providing long-term reliable treatment, replace the deteriorated components, improve process maintainability, and address any identified safety concerns. The evaluation will include the preparation of design plans and construction documents for the rehabilitation of the clarifier and its appurtenances.

On February 3, 2022, a Request for Proposal was posted on the City website. A total of two proposals were received for the project on February 28, 2022, from Carollo Engineers, Inc. and West Yost. After careful review of the proposals, the City feels that Carollo Engineers, Inc. demonstrates a higher degree of relevant experience and past performance in completing projects of similar type, size, and complexity in a satisfactory manner.

ANALYSIS

The existing structural concrete of the upflow clarifier is over 40 years old and exhibits evidence of shrinking cracks and historical leakage along its exterior walls. The tube settlers have deteriorated over time and exhibit signs of crushing, cracking and other disfigurations. A thorough condition assessment of the clarifier concrete, coating, mechanical equipment and various other appurtenances; the seismic evaluation of the clarifier; and additional other critical tasks, is recommended to be completed through a PSA with Carollo Engineers, Inc. The evaluation of existing structure and completion of design and construction documents will lead to construction of improvements to enhance the longevity, maintainability, safety, and overall quality of the water system by restoration

of the existing upflow clarifier. If the City required improvements to the upflow clarifier are not completed, it will result in a potential loss of 15 million gallons per day (MGD) of treated water capacity. It is required by the State to conduct this rehabilitation in order to maintain the treatment plant's 30 MGD capacity or else the State could prevent the City from using the clarifier.

FISCAL IMPACT

The clarifier improvements at the JJWTP is an approved Capital Improvement Program project (CIP 75155) and there are sufficient funds in the budget for the PSA with Carollo Engineers, Inc.

PUBLIC OUTREACH/ INTEREST

No public outreach activity was conducted for this agenda item.

COORDINATION

No departments, agencies, and/or consultants, outside of Carollo Engineers, Inc., were consulted with, for this agenda item.

CEQA DETERMINATION

This agenda item is exempt from CEQA requirements.

STRATEGIC PLAN

This agenda item is consistent with the City's Quality of Life Strategy and meets the goals to ensure physical infrastructure and systems necessary for the delivery of safe and clean water.

ACTION REQUESTED OF THE CITY COUNCIL

Adopt a Resolution to approve a Professional Services Agreement with Carollo Engineers, Inc. for clarifier improvements at the John Jones Water Treatment Plant (JJWTP) with a total not-to-exceed amount of $868,154.

Respectfully submitted,

_____
Lemar Saffi
Assistant Engineer

Attachments: A – PSA Carollo Engineers, Inc.

CITY OF TRACY
PROFESSIONAL SERVICES AGREEMENT WITH
Carollo Engineers, Inc. for
Clarifier Improvements at the John Jones Water Treatment Plant (JJWTP)

This Professional Services Agreement (**Agreement**) is entered into between the City of Tracy, a municipal corporation (**City**), and Carollo Engineers, Inc., a Delaware Corporation (**Consultant**). City and Consultant are referred to individually as "Party" and collectively as "Parties."

Recitals

A. City desires to retain Consultant to provide design services for the John Jones Water Treatment Plant Clarifier improvements project; and

B. On February 3, 2022, the City issued a Request for Proposals (RFP) for Clarifier Improvements at the John Jones Water Treatment Plant (JJWTP) (**Project**). On February 28, 2022, Consultant submitted its proposal for the Project to the City. City has determined that Consultant possesses the skills, experience and certification required to provide the services.

C. After negotiations between the City and Consultant, the Parties have reached an agreement for the performance of services in accordance with the terms set forth in this Agreement.

D. This Agreement is being executed pursuant to Resolution No. 22-_____approved by Tracy City Council on September 6, 2022.

Now therefore, the Parties mutually agree as follows:

1. **Scope of Work.** Consultant shall perform the services described in Exhibit "A" attached and incorporated by reference. The services shall be performed by, or under the direct supervision of, Consultant's Authorized Representative: Peter von Bucher, P.E. Consultant shall not replace its Authorized Representative, nor shall Consultant replace any of the personnel listed in Exhibit "A," nor shall Consultant use or replace any subcontractor or subconsultant, without City's prior written consent. A failure to obtain the City's prior written consent for any change or replacement in personnel or subcontractor/subconsultant may result in the termination of this Agreement.

2. **Time of Performance.** Time is of the essence in the performance of services under this Agreement and the timing requirements set forth shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. Consultant shall begin performance, and shall complete all required services no later than the dates set forth in Exhibit "A." Any services for which times for performance are not specified in this Agreement shall be started and completed by Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated to the Consultant. Consultant shall submit all requests for time extensions to the City in writing no later than ten days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due. City shall grant or deny such requests at its sole discretion.

2.1 Term. The term of this Agreement shall begin after receipt of Notice to Proceed by Consultant and end based on Time of Completion referenced in Exhibit A, unless terminated in accordance with Section 6.

3. **Compensation.** City shall pay Consultant on a time and expense basis, at the billing rates set forth in Exhibit "B," attached and incorporated by reference for services performed under this Agreement.

3.1 Not to Exceed Amount. Consultant's total compensation under this Agreement shall not exceed $868,154. Consultant's billing rates shall cover all costs and expenses for Consultant's performance of this Agreement. No work shall be performed by Consultant in excess of the total compensation amount provided in this section without the City's prior written approval.

3.2 Invoices. Consultant shall submit monthly invoice(s) to the City that describe the services performed, including times, dates, and names of persons performing the services.

3.2.1 If Consultant is providing services in response to a development application, separate invoice(s) must be issued for each application and each invoice shall contain the City's designated development application number.

3.2.2 Consultant's failure to submit invoice(s) in accordance with these requirements may result in the City rejecting said invoice(s) and thereby delaying payment to Consultant.

3.3 Payment. Within 30 days after the City's receipt of invoice(s), City shall make payment to the Consultant based upon the services described on the invoice(s) and approved by the City.

4. Indemnification. Consultant shall, to the fullest extent permitted by law, indemnify, defend (with independent counsel approved by the City), and hold harmless the City from and against any claims arising out of Consultant's performance or failure to comply with obligations under this Agreement, except to the extent caused by the sole, active negligence or willful misconduct of the City.

In this section, "City" means the City, its officials, officers, agents, employees and volunteers; "Consultant" means the Consultant, its employees, agents and subcontractors; "Claims" includes claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all related costs and expenses) and any allegations of these; and "Arising out of" includes "pertaining to" and "relating to".

(The duty of a "design professional" to indemnify and defend the City is limited to claims that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of the design professional, under Civ. Code § 2782.8.)

The provisions of this section survive completion of the services or the termination of this Agreement and are not limited by the provisions of Section 5 relating to insurance.

5. Insurance. Consultant shall, throughout the duration of this Agreement, maintain insurance to cover Consultant, its agents, representatives, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.

5.1 Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) "per occurrence" coverage shall be maintained in an amount not less than $4,000,000 general aggregate and $2,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

5.2 Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") "claims made" coverage shall be maintained in an amount not less than $1,000,000 per accident for bodily injury and property damage.

5.3 Workers' Compensation coverage shall be maintained as required by the State of California.

5.4 Professional Liability "claims made" coverage shall be maintained to cover damages that may be the result of errors, omissions, or negligent acts of Consultant in an amount not less than $1,000,000 per claim.

5.5 Endorsements. Consultant shall obtain endorsements to the automobile and commercial general liability insurance policies with the following provisions:

5.5.1 The City (including its elected officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."

5.5.2 For any claims related to this Agreement, Consultant's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.

5.6 Notice of Cancellation. Consultant shall notify the City if the policy is canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation. Consultant shall immediately obtain a replacement policy.

5.7 Authorized Insurers. All insurance companies providing coverage to Consultant shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

5.8 Insurance Certificate. Consultant shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance and endorsements, in a form satisfactory to the City, before the City signs this Agreement.

5.9 Substitute Certificates. Consultant shall provide a substitute certificate of insurance no later than 30 days prior to the policy expiration date of any insurance policy required by this Agreement.

5.10 Consultant's Obligation. Maintenance of insurance by the Consultant as specified in this Agreement shall in no way be interpreted as relieving the Consultant of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Consultant may carry, at its own expense, such additional insurance as it deems necessary. Failure to provide or maintain any insurance policies or endorsements required herein may result in the City terminating this Agreement.

6. Termination. The City may terminate this Agreement by giving ten days' written notice to Consultant. Upon termination, Consultant shall give the City all original documents, including preliminary drafts and supporting documents, prepared by Consultant for this Agreement. The City shall pay Consultant for all services satisfactorily performed in accordance with this Agreement, up to the date notice is given.

7. Dispute Resolution. If any dispute arises between the City and Consultant that cannot be settled after engaging in good faith negotiations, City and Consultant agree to resolve the dispute in accordance with the following:

7.1 Each Party shall designate a senior management or executive level representative to negotiate the dispute;

7.2 The representatives shall attempt, through good faith negotiations, to resolve the dispute by any means within their authority.

7.3 If the issue remains unresolved after fifteen (15) days of good faith negotiations, the Parties shall attempt to resolve the disagreement by negotiations between legal counsel. If the aforementioned process fails, the Parties shall resolve any remaining disputes through mediation to expedite the resolution of the dispute.

7.4 The mediation process shall provide for the selection within fifteen (15) days by both Parties of a disinterested third person as mediator, shall be commenced within thirty (30) days and shall be concluded within fifteen (15) days from the commencement of the mediation.

7.5 The Parties shall equally bear the costs of any third party in any alternative dispute resolution process.

7.6 The dispute resolution process is a material condition to this Agreement and must be exhausted prior to either Party initiating legal action. This dispute resolution process is not intended to nor shall be construed to change the time periods for filing a claim or action specified by Government Code §§ 900 et seq.

8. Ownership of Work. All original documents prepared by Consultant for this Agreement, whether complete or in progress, are the property of the City, and shall be given to the City at the completion of Consultant's services, or upon demand from the City. No such documents shall be revealed or made available by Consultant to any third party without the City's prior written consent.

9. Independent Contractor Status. Consultant is an independent contractor and is solely responsible for the acts of its employees or agents, including any negligent acts or omissions. Consultant is not City's employee and Consultant shall have no authority, express or implied, to act on behalf of the City as an agent, or to bind the City to any obligation, unless the City provides prior written authorization. Consultant is free to work for other entities while under contract with the City. Consultant, and its agents or employees, are not entitled to City benefits.

10. Conflicts of Interest. Consultant (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. If Consultant maintains or acquires such a conflicting interest, the City may terminate any contract (including this Agreement) involving Consultant's conflicting interest.

11. Rebates, Kickbacks, or Other Unlawful Consideration. Consultant warrants that this Agreement was not obtained or secured through rebates, kickbacks, or other unlawful consideration either promised or paid to any City official or employee. For breach of this warranty, City shall have the right, in its sole discretion, to terminate this Agreement without liability; to pay only for the value of the work actually performed; or to deduct from the contract price; or otherwise recover the full amount of such rebate, kickback, or other unlawful consideration.

12. Notices. All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the other party to the addresses listed below. Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated below, or (2) three working days after the deposit in the United States Mail of registered or certified mail, sent to the address designated below.

To City:

Utilities Department
Kul Sharma
3900 Holly Drive
Tracy, CA 95304

With a copy to:
City Attorney
333 Civic Center Plaza
Tracy, CA 95376

To Consultant:

Carollo Engineers, Inc.
Peter von Bucher, P.E.
2795 Mitchell Drive
Walnut Creek, CA 94598

13. Miscellaneous.

13.1 Standard of Care. Unless otherwise specified in this Agreement, the standard of care applicable to Consultant's services will be the degree of skill and diligence ordinarily used by reputable professionals performing in the same or similar time and locality, and under the same or similar circumstances.

13.2 Amendments. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both Parties.

13.3 Waivers. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

13.4 Assignment and Delegation. Consultant may not assign, transfer or delegate this Agreement or any portion of it without the City's written consent. Any attempt to do so will be void. City's consent to one assignment shall not be deemed to be a consent to any subsequent assignment.

13.5 Jurisdiction and Venue. The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

13.6 Compliance with the Law. Consultant shall comply with all applicable local, state, and federal laws, whether or not those laws are expressly stated in this Agreement.

13.6.1 Prevailing Wage Laws. Consultant is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 16000, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates; employment of apprentices (§ 1777.5), certified payroll records (§1776), hours of labor (§1813 and §1815), debarment of contractors and subcontractors (§1777.1) and the performance of other requirements on "public works" and "maintenance" projects. If the services being performed under this Agreement are part of a "public works" or "maintenance" project, as defined in the Prevailing Wage Laws, and if the total compensation is $1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. These prevailing rates are on file with the City and are available online at http://www.dir.ca.gov/DLSR. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents, harmless from any and all claims, costs, penalties, or interests arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

13.6.2 Non-discrimination. Consultant represents and warrants that it is an equal opportunity employer and it shall not discriminate against any subconsultant, employee or applicant for employment because of race, religion, color, national origin, handicap, ancestry, sex or age. Consultant shall also comply with all applicable anti-discrimination federal and state laws, including but not limited to, the California Fair Employment and Housing Act (Gov. Code 12990 (a-f) et seq.).

13.7 Business Entity Status. Consultant is responsible for filing all required documents and/or forms with the California Secretary of State and meeting all requirements of the Franchise Tax Board, to the extent such requirements apply to Consultant. By entering into this Agreement, Consultant represents that it is not a suspended corporation. If Consultant is a suspended corporation at the time it enters this Agreement, City may take steps to have this Agreement declared voidable.

13.8 Business License. Before the City signs this Agreement, Consultant shall obtain a City of Tracy Business License. Consultant shall maintain an active City of Tracy Business License during the term of this Agreement.

13.9 Successors and Assigns. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

13.10 Construction of Agreement. Each Party hereto has had an equivalent opportunity to participate in the drafting of this Agreement and/or to consult with legal counsel. Therefore, the usual construction of an agreement against the drafting Party shall not apply hereto.

13.11 Severability. If a term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in effect.

13.12 Controlling Provisions. In the case of any conflict between the terms of this Agreement and the Exhibits hereto, and Consultant's proposal (if any), the Agreement shall control. In the case of any conflict between the Exhibits hereto and the Consultant's proposal (if any), the Exhibits shall control.

13.13 Entire Agreement. This Agreement and the attached Exhibits comprise the entire integrated understanding between the Parties concerning the services to be performed. This

Agreement supersedes all prior negotiations, representations or agreements. All exhibits attached hereto are incorporated by reference herein.

14. Signatures. The individuals executing this Agreement on behalf of Consultant represent and warrant that they have the right, power, legal capacity and authority to enter into and to execute this Agreement on behalf of Consultant.

[SIGNATURES ON FOLLOWING PAGE]

The Parties agree to the full performance of the terms set forth here.

City of Tracy

By: Nancy D. Young
Title: Mayor
Date: _____

Attest:

Adrianne Richardson, City Clerk

Approved as to form:

Bijal M. Patel, City Attorney

Consultant
Carollo Engineers, Inc., a Delaware Corporation

Peter von Bucher

By: Peter von Bucher
Title: Vice President
Date: _____

Thomas Gillogly

By: Thomas Gillogly
Title: Senior Vice President
Date: _____

Federal Employer Tax ID No. _____

Exhibits:

A Scope of Work, including personnel and time of performance (See Agreement sections 1 and 2.)
B Compensation (See Agreement section 3.)

EXHIBIT A - Scope of Work

The scope of work for this project divided under various tasks includes Task 5 involving design services for a new clarifier structure instead of retrofitting of the existing structure. The determination of the preferred approach will be made by the City after review of the Consultant's assessment report including seismic evaluation and recommendations for the existing clarifier structure. The Consultant acknowledges that Task 5 involving alternative engineering services for the new clarifier structure may be deleted by the City during design of this project and no compensation shall be paid for this task to the Consultant in such event.

Task 1 – Project Management and Meetings

Task 1.1 – Project Management

Consultant shall monitor and track overall project scope, budget, and schedule. Consultant shall prepare and submit a monthly progress report to the City which will include an invoice, show percentage of work completed, and the percentage of contract billed, and summarize the work completed during the month.

Task 1.2 – QA/QC

Consultant shall provide on-going quality assurance and quality control for the duration of the project.

Task 1.3 – Kickoff Meeting

Consultant shall conduct a two-hour Kickoff Meeting with key project participants. Consultant's staff in attendance will be limited to the Project Manager and Project Engineer. The meeting will present the project scope, schedule, and budget, as well as communication and project team roles/responsibilities. After the Kickoff Meeting, Consultant shall conduct a site visit accompanied by the City's Project Manager and other key City staff as necessary to obtain input from staff.

Deliverables

- Monthly invoice
- Kickoff meeting
- Site visit

Assumptions

- Eight (21) month project duration through Task 4 starting September 2022.
- Project schedule assumes City will provide comments to deliverables within 3-weeks of submission.

Task 2 – Condition Assessment

Task 2.1 – Data Collection and Review

Consultant shall gather and review data for the condition assessment.

Task 2.2 – Assessment Protocol

The Consultant shall establish the assessment protocol for the condition assessment. Access, confined space entry requirements, and safety protocol will be discussed and coordinated with the City.

Task 2.3 – Visual Condition Assessment

Consultant will conduct a visual and confined space condition assessment of the clarifier. Input from operations, maintenance, and/or management staff during the assessment process will be critical to understanding issues that are not evident by visual inspection.

Task 2.4 – Technical Memorandum

The Consultant shall summarize the results and findings of the visual condition assessment in a technical memorandum.

Deliverables

- Data request for information (RFI).
- Assessment protocol discussion (MS Teams meeting)
- Site visit (1-day)
- Visual condition assessment Technical Memorandum (draft and final; pdf)

Assumptions

- City will provide available record-as-built drawings, fabrication drawings, previously completed assessment reports, maintenance records, and geotechnical reports for Consultants review. The City may have incomplete and missing information on these documents. The Consultant shall make appropriate assumptions as required.
- Interior and exterior of the clarifier will be visually assessed by Consultant. Interior and exterior concrete surfaces not covered with protective liner, coating system, or equipment, may be further assessed using nondestructive testing.
- Clarifier will have been dewatered and cleaned by City, prior to Consultant entry.
- Entering the clarifier will be considered a confined space entry. Consultant will enter the clarifier under the City's confined space permit. City will provide confined space entry rescue, and provide access, lighting, ventilation, and air quality monitoring equipment.
- Consultant staff entering clarifier will have OSHA confined space, fall preventing, and lock-out-tag-out procedure awareness. Consultant will provide their own personal protective equipment such as hardhats, safety boots, eye protection, high-visibility vest.
- Consultant shall coordinate with the City for making the site ready and available for inspection and assessment by providing sufficient notice to the City.

Task 3 – Basis of Design

Task 3.1 – Seismic Evaluation

Consultant shall conduct a seismic evaluation of the clarifier in accordance with American Concrete Institute: Seismic Design of Liquid-Containing Concrete Structure and Commentary (ACI 305.3-06). Consultant will complete a desktop seismic evaluation using the field observations from the on-site condition assessment.

Task 3.2 – Geotechnical Investigation for Seismic Evaluation

Consultant shall retain a geotechnical firm to conduct preliminary geotechnical investigation to obtain the information necessary for the seismic evaluation. This task will include information gathering, developing a seismic response spectra, and developing California Building Code (CBC 2019) parameters needed for the seismic evaluation.

Task 3.3 – Tubes Replacement Alternatives

Consultant shall evaluate replacement alternatives for the existing tube settlers. Evaluation will include conceptual level cost comparison for up to three alternatives as well as a summary of non-cost factors for the City to consider.

Summary shall be presented to City staff with a workshop setting to select the preferred approach to be codified within the basis of design for detailed design development.

Task 3.4 – Concrete Rehabilitation and Coating Replacement

Consultant shall evaluate concrete rehabilitation and coating replacement alternatives for the clarifier. Consultant shall categorize and quantify the concrete repairs. Consultant shall evaluate complete coating replacement or "touch-up" coating repair alternates.

Task 3.5 – Other Improvements

Consultant shall evaluate options for improving safety and maintainability, focused on City staff access to elements of the clarifier system during regular maintenance (collection troughs for cover operation and maintenance, collection troughs for algae removal, top of tubes for solids removal. A consistent level of equipment safety and maintainability will be used for the development of alternatives in Task 3.2.

Task 3.6 – Basis of Design Workshop

Consultant shall conduct a workshop that presents the draft basis of design for the rehabilitation of the clarifier.

Task 3.7 – Technical Memorandum

Consultant shall document the findings and results of the preceding sub-tasks within a Basis of Design technical memorandum. The Basis of Design will document the design criteria for the rehabilitation of the clarifier. The memorandum will also present rehabilitation alternatives, and associated advantages/disadvantages, planning level construction cost estimates, and basic schematic diagrams as needed.

Deliverables

- Tubes replacement alternatives workshop
- Basis of Design Technical Memorandum (draft and final; PDF)

Assumptions

- Rehabilitation of the existing clarifier does not require major modifications, and thus does not require geotechnical engineering or survey. If additional investigation or major modifications are recommended, additional effort is to be covered within optional Task 5.
- Seismic evaluation of the existing anchorage of the clarifier equipment is not within the scope of this task. Seismic evaluation of the performance of the equipment is not within the scope of this task.
- Does not include site civil or paving and grading improvements.
- Rehabilitation is structurally focused. Electrical and instrumentation engineering is not included.
- City has an existing center drive and desires to replace the installed drive with this shelf spare. Consultant assumes the shelf spare is in good working conditions and is not included in this evaluation.
- A single draft memorandum will be delivered as well as a final memorandum that incorporates the City's comments.

Task 4 – Detailed Design

Consultant shall complete the design (structural, mechanical, electrical, and instrumentation) and develop Contract Documents for the rehabilitation of the clarifier including potential seismic retrofits, tube settler replacement with plates, concrete repairs, and coating repair/replacement. The electrical and instrumentation design shall be limited to electrical components for the clarifier that require modifications/alterations for rehabilitation. Modifications/alterations to the Control Meter Vault located adjacent the clarifier is included in this task. Lighting modifications on the clarifier are included in this task. Modifications to the PLC or MCC for the clarifier are not included in this task. Modifying control strategies or programming is not included in this task.

Consultant shall complete computational fluid dynamic analysis to support the arrangement of plates as the replacement to tube settlers.

Consultant shall conduct a 60% and 90% submittal review meeting to present the design, including construction constraints and the construction cost estimate. Engineer shall provide meeting minutes.

Consultant shall support City's bidding efforts on an as requested basis. Anticipated services include attendance at the pre-bid meeting and preparation of addenda, if necessary.

Deliverables

- 60%
    - Structural plans and sections
    - Mechanical plans
    - Electrical and instrumentation plans
    - Drafts of major specifications
    - Preliminary sequence of work
    - Review meeting and meeting minutes

- 90%
    - All structural drawings and details
    - All mechanical plans and details
    - All electrical and instrumentation plans and sections
    - Final drafts of all specifications
    - Construction schedule and sequence of work
    - Opinion of probable construction cost
    - Review meeting and meeting minutes
- Bid documents
    - Final drawings
    - Final specifications
- Addenda

Assumptions

- City comments received on the 60% shall be incorporated into the 90% documents. City comments received on the 90% documents shall be incorporated into the bid documents.
- Consultant shall make two site visits to review as-built conditions.
- Front end specifications (Divisions 0 and 1) will be based on Citys standard boiler plate specifications. Technical specifications will be based on City's standard boiler plate specifications in CSI 50 divisions format.
- One (1) electronic copy (PDF format) will be provided for each deliverable. Drawings will be half-scale, printable on 11x17 paper.
- Drawings will be prepared using Consultant's standard drafting platforms and procedures.
- Construction schedule will be prepared using Microsoft Project. The schedule will generally depict the estimated construction times and interrelationships between major activities and will not provide critical path items in detail.
- Effort assumes a total of forty-two (42) sheets will be delivered.
- City shall pay for all permits and fees associated with the Project.
- City shall announce, advertise, and post the Project contract documents.
- City shall receive bid phase questions from potential bidders, subcontractors, and suppliers and pass on to the Consultant for review and responses if warranted.
- Scope of work does not include engineering support for bid protests or re-advertisement of contract documents.
- Consultant shall attend the pre-bid conference, prepare two addenda if necessary, and answer questions during bidding, make a recommendation for awarding bid. It is assumed the bid period will be approximately six (6) weeks.
- City will either in-house or through a consultant provide project financing and permitting.
- Engineering services during construction are not included in this scope of work.

Task 5 – Clarifier Alternates Engineering Services

As the project is further defined, the Consultant will develop scope in conjunction with the City to assist with the clarifier improvements. Current scope is based on the following items:

Task 5.1 – Condition Assessment

Depending on the results of the condition assessment or seismic evaluation (Task 2), the City may choose to conduct further destructive testing/evaluation of the concrete in the clarifier. Consultant shall complete field inspection, perform non-destructive and destructive testing, collect core sample(s), complete laboratory testing, and complete a final report summarizing the findings.

Trigger(s):

- Deterioration observed from the visual condition assessment appears significant.

Assumptions

- Clarifier will have been dewatered and cleaned by City, prior to Consultant entry as discussed earlier in these documents.
- Entering the clarifier will be considered a confined space entry. Consultant will enter the clarifier under the City's confined space permit. City will provide confined space entry rescue, and provide access, lighting, ventilation, and air quality monitoring equipment.
- Consultant staff entering clarifier will have OSHA confined space, fall preventing, and lock-out-tag-out procedure awareness. Consultant will provide their own personal protective equipment such as hardhats, safety boots, eye protection, high-visibility vest.

Task 5.2 – Expanded Basis of Design

Based on the City selected tube settler replacement alternative, the Consultant shall provide an expanded basis of design for Technical Memorandum (Task 3.7) that includes additional information to support the detailed design of the selected alternative, up to and including the complete replacement of the clarifier with a new flocculation-sedimentation train matching the currently operational flocculation-sedimentation train in both size and treatment capacity. This could include location of new flocculation-sedimentation train, basis of design criteria (process, structural, instrumentation, electrical), and general construction sequence of construction/demolition to maintain City defined operational treatment capacity requirements.

Trigger(s):

- Estimated rehabilitation construction cost is similar to or greater than the construction cost of a new flocculation-sedimentation train.
- City selects alternative during Task 3.3 workshop that is not the base case (rehabilitation of the existing clarifier without major structural modifications).

Task 5.3 – Geotechnical Investigation

Depending on the results of the visual and detailed condition assessment, seismic evaluation, and the Expanded Basis of Design, the City may select a new clarifier requiring further geotechnical investigation. Consultant shall retain a geotechnical firm to conduct a geotechnical investigation to obtain the information necessary to support the design of a new clarifier. This task would include field investigation and information gathering, field and laboratory testing, geotechnical report development, and geotechnical firm review of project information.

Trigger(s):

- Design of new clarifier/flocculation-sedimentation train or major structural modifications to the existing clarifier.

Task 5.4 – Clarifier Replacement Design

This item includes producing Contract Documents for the design of the City selected tube replacement alternative not identified in Task 3 or major structural modifications to the existing clarifier.

Consultant shall conduct a 60% and 90% submittal review meeting to present the design, including construction constraints and the construction cost estimate. Engineer shall provide meeting minutes.

Consultant shall support City's bidding efforts on an as requested basis. Anticipated services include attendance at the pre-bid meeting and preparation of addenda, if necessary.

Trigger(s):

- Task 5.2 is approved, and City decides to move forward with detailed design of selected alternative.

Deliverables

- 60%
    - Structural plans and sections
    - Mechanical plans
    - Single line diagrams
    - 90% P&IDs
    - Drafts of major specifications
    - Preliminary sequence of work
    - Opinion of probable construction cost
    - Review meeting and meeting minutes
- 90%
    - All structural drawings and details
    - All mechanical plans and details
    - All electrical sheets
    - All instrumentation sheets
    - Final drafts of all specifications
    - Construction schedule and sequence of work
    - Cost estimate
    - Review meeting and meeting minutes
- Bid documents.
    - Final drawings
    - Final specifications
- Addenda

Assumptions

- Paving and grading improvements only in the immediate vicinity of the improvements.
- Modification to the electrical and instrumentation system to support new facility only.
- Small sludge pump station for the new flocculation-sedimentation train.
- City comments received on the 60% shall be incorporated into the 90% documents. City comments received on the 90% documents shall be incorporated into the bid documents.
- Consultant shall make two site visits to review as-built conditions.
- Seismic investigation per ASCE 7-22 will be part of this task.
- Detailed Geotechnical investigations (subtask 5.2) will be required for this task.
- Front end specifications (Divisions 0 and 1) will be based on City's standard boiler plate specifications. Technical specifications will be based on City's standard boiler plate specifications in CSI 50 divisions format.
- One (1) electronic copy (PDF format) will be provided for each deliverable. Drawings will be half-scale, printable on 11x17 paper.
- Drawings will be prepared using Consultant's standard drafting platforms and procedures.
- Construction schedule will be prepared using Microsoft Project. The schedule will generally depict the estimated construction times and interrelationships between major activities and will not provide critical path items in detail.
- Effort assumes a total of ninety-eight (98) sheets will be delivered.
- City shall pay for all permits and fees associated with the Project.
- City shall announce, advertise, and post the Project contract documents.
- City shall receive bid phase questions from potential bidders, subcontractors, and suppliers.
- Scope of work does not include engineering support for bid protests or re-advertisement of contract documents.
- Consultant shall attend the pre-bid conference, prepare two addenda if necessary, and answer questions during bidding, make a recommendation for awarding bid. It is assumed the bid period will be approximately six (6) weeks.
- City will either in-house or through a consultant provide project financing and permitting.
- Engineering services during construction are not included in this scope of work.

General Assumptions

- City shall furnish Consultant available studies, reports and other data pertinent to Engineer's services; obtain or authorize Consultant to obtain or provide additional reports and data as required; furnish to Engineer services of others required for the performance of Consultant s services hereunder, and Consultant shall be entitled to use and rely upon all such information and services provided by the City or others in performing Engineer's services under this Agreement.
- City shall arrange for access to and make all provisions for Consultant to enter upon public and private property as required for Consultant to perform services hereunder.

- In providing opinions of cost, financial analyses, economic feasibility projections, and schedules for potential projects, Consultant has no control over cost or price of labor and material; unknown or latent conditions of existing equipment or structures that may affect operation and maintenance costs; competitive bidding procedures and market conditions; time or quality of performance of third parties; quality, type, management, or direction of operating personnel; and other economic and operational factors that may materially affect the ultimate project cost or schedule. Therefore, Consultant makes no warranty that the City's actual project costs, financial aspects, economic feasibility, or schedules will not vary from Consultant's opinions, analyses, projections, or estimates.
- Consultant shall not be responsible for warranties, guarantees, fitness for a particular purpose, breach of fiduciary duty, loss of anticipated profits or for economic, incidental or consequential damages to the City or any third party arising out of breach of contract or termination. Consultant shall not be responsible for acts and decisions of third parties, including governmental agencies, other than Consultant's subconsultants, that impact project completion and/or success.
- Any reuse of completed documents or use of partially completed documents without written verification or concurrence by Consultant for the specific purpose intended will be at the City's sole risk and without liability or legal exposure to Consultant.

TIME OF COMPLETION

Anticipated schedule for completion of Engineer's scope of services is summarized as follows:

- Notice to Proceed (NTP): September 6, 2022
- Kick-off Meeting: Within 2 weeks of NTP
- Condition Assessment: Within 3 months of NTP
- Basis of Design: Within 11 months of NTP
- 60% Detailed Design Submittal: Within 15 months of NTP
- 90% Detailed Design Submittal: Within 20 months of NTP
- Bid Set: 4 weeks after receipt of City comments on 90% submittal
- City advertisement: 4 weeks after receipt of bid set
- Bid phase services: completed 2 weeks after City receipt of bids.

Note: Schedule does not include optional services or engineering services during construction.

EXHIBIT B – Compensation

Task	Task Description	SP $332	LPP $311	P $245	AP $200	Sr Tech $210	Tech $151	WP $134	Total Hours	Labor Cost	Other Direct Costs (ODC) Subconsultants Name	Amount	PECE $13	Mileage Trips	Mileage Amount	ODC Total	Total Cost
1.0	**Project Management**																
	1.1 - Project management		12						12	$3,732			$156			$156	$3,888
	1.2 - QA/QC	8				8			16	$4,336			$208			$208	$4,544
	1.3 - Kick off meeting	1	2	1	9				13	$2,999			$169	1	$65	$234	$3,233
	Total:	9	14	1	9	8	0	0	41	$11,067		$0	$533	1	$65	$598	$11,665
2.0	**Condition Assessment**																
	2.1 - Data collection and review		2	8	4				14	$3,382			$182			$182	$3,564
	2.2 - Assessment protocol		2	2					4	$1,112			$52			$52	$1,164
	2.3 - Visual condition assessment (1 day)		10	20	8				38	$9,610			$494	1	$65	$559	$10,169
	2.4 - Technical memoradum	2	4	40	4			6	56	$13,312			$728			$728	$14,040
	Total:	2	18	70	16	0	0	6	112	$27,416		$0	$1,456	1	$65	$1,521	$28,937
3.0	**Basis of Design**																
	3.1 - Seismic Evaluation		2	24	4				30	$7,302			$390			$390	$7,692
	3.2 - Geotechnical investigation for Seismic evaluation		2	2	4				8	$1,912	Crawford & Associates	$20,075	$104			$20,179	$22,091
	3.3 - Tubes Replacement Alternatives		8	4	24				36	$8,268			$468			$468	$8,736
	3.4 - Concrete Rehabilitation and Coatings Replacement		1	8	12				21	$4,671			$273			$273	$4,944
	3.5 - Other Improvements		4	4	4				12	$3,024			$156			$156	$3,180
	3.6 - Basis of Design Workshop	2	6	14	18				40	$9,660			$520	1	$65	$585	$10,145
	3.7 - Technical memoradum		8	30	24			8	70	$15,710			$910			$910	$16,620
	Total:	2	31	86	90	0	0	8	217	$50,447		$20,075	$2,821	1	$65	$22,961	$73,408
4.0	**Detailed Design (60%, 90%, Bid)**																
	Total:	3	294	467	168	0	503	43	1,478	$322,160		$0	$19,214	4	$258	$19,472	$341,632
5.0	**Clarifier Alternatives Engineering Services**																
	5.1 - Condition Assessment	1	1	12	4				18	$4,393	Voss Laboratories	$10,500	$234	1	$64	$10,798	$15,191
	5.2 - Expanded Basis of Design	1	2	4	5				12	$2,934	Crawford & Associates	$55,135	$156			$58,291	$61,225
	5.3 - Geotechnical Investigation	6	8	30	16				60	$15,030			$780			$780	$15,810
	5.4 - Clarifier Replacement Design	16	274	432	153		464	40	1378	$302,126			$17,914	2	$128	$18,042	$320,168
	Total:	24	285	478	178	0	464	40	1,468	$324,473		$68,635	$19,084	5	$320	$88,039	$412,512
	TOTAL	40	642	1,102	461	8	967	97	3,316	$735,563		$88,710	$43,108	12	$773	$132,591	$868,154

Legend:
SP Senior Professional (Quality Manager) - Gilogy
LPP Lead Project Professional - Bucher, Dadik, Wicklein
P Professional (Project Engineer) - Chaggar
AP Assistant Professional
Tech CAD Drafter/Graphics
WP Word Processor

Notes:
1. Mileage: Based on 55 miles one direction @ $0.585/mile.
2. PECE - Project equipment and communication expense

NOTE: Refer to Exhibit A – Scope of Work of this agreement for compensation of services for Task 5.

CAROLLO ENGINEERS, INC.
FEE SCHEDULE

As of January 1, 2022
California

	Hourly Rate
Engineers/Scientists	
Assistant Professional	$200.00
Professional	245.00
Project Professional	290.00
Lead Project Professional	311.00
Senior Professional	332.00
Technicians	
Technicians	151.00
Senior Technicians	210.00
Support Staff	
Document Processing / Clerical	134.00
Project Equipment Communication Expense (PECE) Per DL Hour	**13.00**
Other Direct Expenses	
Travel and Subsistence	at cost
Mileage at IRS Reimbursement Rate Effective January 1, 2022	$.585 per mile
Subconsultant	cost + 10%
Other Direct Cost	cost + 10%
Expert Witness	Rate x 2.0

This fee schedule is subject to annual revisions due to labor adjustments.

Signature: Peter VonBucher
Peter VonBucher (Aug 8, 2022 13:41 PDT)
Email: pvonbucher@carollo.com

Signature: Thomas Gillogly
Thomas Gillogly (Aug 8, 2022 17:55 PDT)
Email: tgillogly@carollo.com

APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION 2022-_____

Staff recommends that the City Council adopt a Resolution to approve a Professional Services Agreement (PSA) with Carollo Engineers, Inc. for Clarifier Improvements at the John Jones Water Treatment Plant (JJWTP) for a not to exceed amount of $868,154.

WHEREAS, the upflow clarifier at the JJWTP is a vital component of the City's surface water treatment capabilities, with a treatment capacity of 30 million gallon per day (MGD) and has helped produce reliable treated water for decades; and

WHEREAS, the clarifier is beginning to show its age and the City desires to thoroughly assess its condition and develop plans for the design and construction of selected improvements; and

WHEREAS, the clarifier was constructed in 1978, and retrofitted in 1987 to include tube settlers to improve its settled water quality but has not undergone significant modifications in the subsequent years; and

WHEREAS, on February 3, 2022, a Request for Proposal was posted on the City website and two proposals were received; and

WHEREAS, after careful review of the proposals, the City feels that Carollo Engineers, Inc. demonstrates a higher degree of relevant experience and past performance in completing projects of similar type, size, and complexity in a satisfactory manner; and

WHEREAS, the State requires that the City assess the condition of the clarifier and conduct required rehabilitation work to put it back into operation; and

WHEREAS, if the City required improvements to the upflow clarifier are not completed, it will result in a potential loss of 15 Million Gallons Per Day (MGD) of treated water capacity and it's required by the State to conduct this rehabilitation in order to maintain the treatment plant's 30 MGD capacity; and

WHEREAS, this agenda item is consistent with the City's Quality of Life Strategy and meets the goals to ensure physical infrastructure and systems necessary for the delivery of safe and clean water; and now, therefore, be it

RESOLVED, that the City Council of the City of Tracy adopt a Resolution to approve a Professional Services Agreement with Carollo Engineers, Inc. for clarifier improvements at the John Jones Water Treatment Plant (JJWTP) with a total not-to-exceed amount of $868,154.

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* * * * * * * * * * * * * *

The foregoing Resolution 2022-_____ was adopted by the Tracy City Council on October 4, 2022, 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

October 4, 2022

Agenda Item 1.D

RECOMMENDATION

Staff recommends that the City Council approve the Inspection Improvement Agreement for Tract 4134, Tracy Hills Villages 5 & 6, in Tracy Hills Phase 2.

EXECUTIVE SUMMARY

This item involves the approval of the Inspection Improvement Agreement for Tract 4134, Tracy Hills Villages 5 & 6, in Tracy Hills Phase 2 (Project), which will allow Lennar Homes of California, LLC (Developer) to proceed at Developer's sole and exclusive risk with the construction of public street and utility improvements within the Project, which are ultimately intended to be dedicated to the City, prior to the City's formal approval of the Improvement Plans for such improvements.

BACKGROUND AND LEGISLATIVE HISTORY

Lennar Homes of California, LLC, is the developer of Tract 4134, Tracy Hills Villages 5 & 6, in Tracy Hills Phase 2. The Vesting Tentative Map for Tracy Hills Phase 2 was approved by the City Council on October 19, 2021, by Resolution No. 2021-154, which is on file with the City Clerk and is incorporated here by reference. In accordance with the Conditions of Approval for the Vesting Tentative Map, the Developer is required to complete construction of public streets and utility improvements within Tract 4134, Tracy Hills Villages 5 & 6.

ANALYSIS

Improvement Plans for the required improvements have been prepared on behalf of the Developer and are under review by the City Engineer, with Staff having performed multiple review and comment cycles. In order to meet its development schedule, Developer intends to commence construction of the required public improvements based on the submitted plans before the City completes its review and approval of the plans. Approval of the Inspection Improvement Agreement will facilitate Developer's efforts to meet its development schedule.

Developer acknowledges and agrees that it will be proceeding with the work at its sole and exclusive risk, and that if any of the work completed by Developer does not conform, in the City Engineer's determination, to the Improvement Plans ultimately approved by the City, Developer will be required to remove and/or correct any non-conformities to the reasonable satisfaction of the City Engineer in accordance with the approved plans, at the Developer's sole cost, before the City will approve the Temporary or Final Occupancy of Tract 4134, Tracy Hills Villages 5 and 6.

In an effort to minimize the risk of such non-conformities, the City will periodically inspect Developer's work in constructing the public improvements shown on the unapproved submitted Improvement Plans, and will periodically advise Developer whether the work appears to be proceeding in conformance with the submitted plans.

The Developer will enter into a Subdivision Improvement Agreement with the City at a later date. Staff will return to City Council for approval of the Subdivision Improvement Agreement,

which will supersede the Inspection Improvement Agreement. Subsequent to the approval of Subdivision Improvement Agreement and completion of improvements, acceptance of the public improvements will proceed in accordance with normal City procedures.

The Developer has executed the Inspection Improvement Agreement and has submitted the required security to guarantee completion of the public improvements. The Inspection Improvement Agreement and associated Improvement Plans are on file with the City Engineer.

FISCAL IMPACT

There will be no impact to the General Fund. Developer will pay for the cost of plan checking, engineering inspection and processing of the Inspection Improvement Agreement.

CEQA DETERMINATION

An Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 for the Tracy Hills Specific Plan. This final map is consistent with the Tracy Hills Phase 2 Vesting Tentative Subdivision Map, which was approved by the City Council on October 19, 2021. An Addendum to the EIR was prepared in accordance with the provisions of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 to address the General Plan Amendment, Tracy Hills Specific Plan Amendment, and the Vesting Tentative Subdivision Map for the Tracy Hills Phase 2 Project. No new significant environmental impacts were identified for the Tracy Hills Phase 2 Project. Therefore, no further environmental review is necessary.

STRATEGIC PLAN

This item is consistent with the City Council's approved Economic Development Strategy to ensure that physical infrastructure necessary for development is constructed.

ACTION REQUESTED OF THE CITY COUNCIL

That City Council, by resolution, approve the Inspection Improvement Agreement for Tract 4134, Tracy Hills Villages 5 & 6, in Tracy Hills Phase 2.

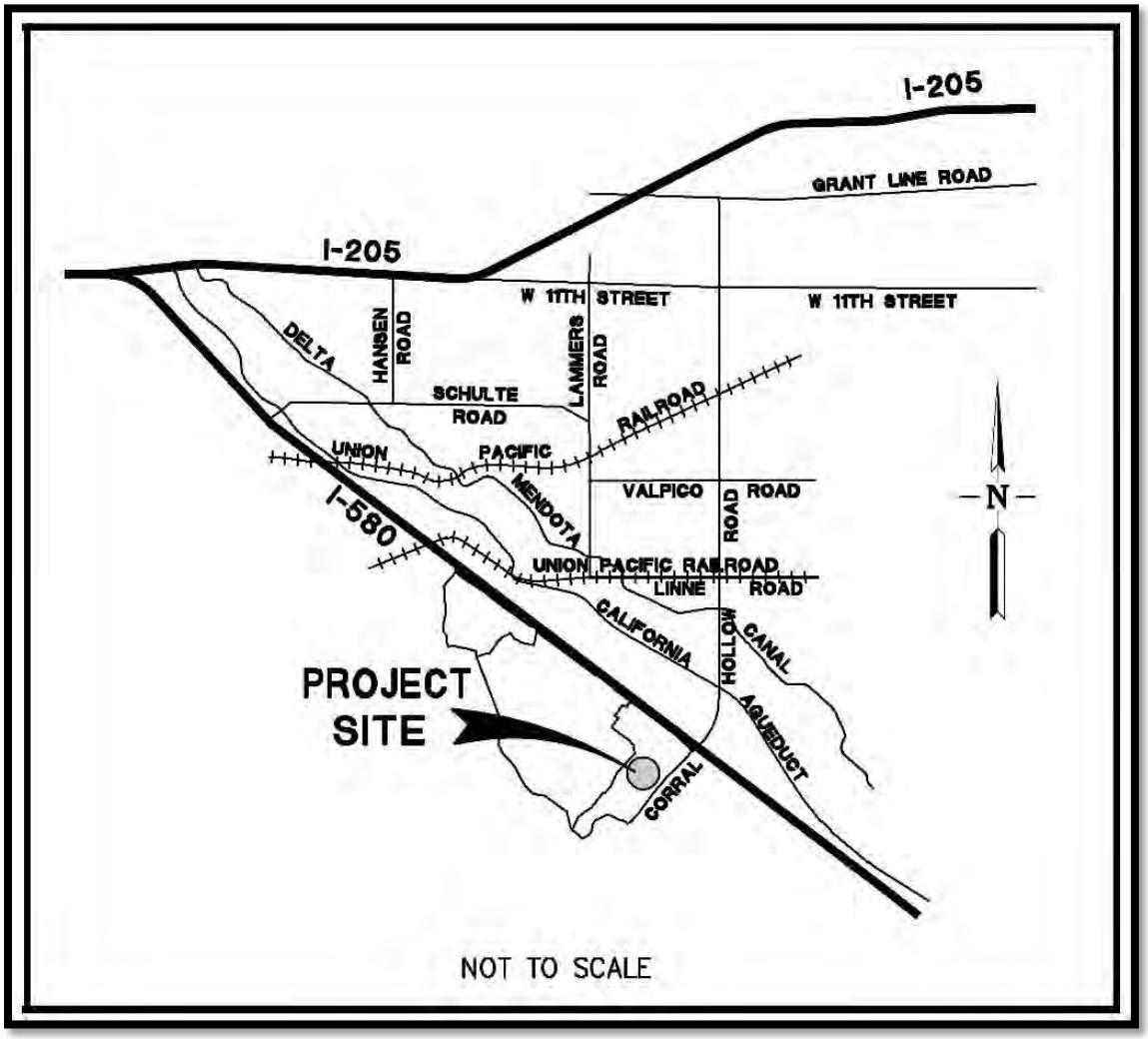
Respectfully submitted,

KRIS BALAJI
Director, Development Services Department

ATTACHMENTS

Attachment A – Location Map
Attachment B – Inspection Improvement Agreement

ATTACHMENT A
Location Map



Attachment B

City of Tracy
INSPECTION IMPROVEMENT AGREEMENT
TRACT 4134 - TRACY HILLS VILLAGES 5 AND 6

This **Inspection Improvement Agreement** ("**Agreement**") is entered into by and between the City of Tracy, a municipal corporation ("**City**"), and **LENNAR HOMES OF CALIFORNIA, LLC**, a California limited liability company ("**Developer**").

Recitals

A. Developer is currently the owner of the real property comprising Tract 4134, Tracy Hills Villages 5 & 6 ("**Property**"), that is situated within the boundaries of that certain tentative map known as Vesting Tentative Map, Tract 4057, Tracy Hills Phase 2, approved by the City Council on October 19, 2021, by Resolution No. 2021-154 (the "**Tentative Map**"). The Property is more particularly depicted in Exhibit "**A**", attached and incorporated herein by its reference.

B. The Tentative Map approval was subject to certain conditions of approval ("**Conditions**"). The Conditions are attached here as Exhibit "**B**" and incorporated by reference.

C. Among other things, the Conditions describe certain improvements that are required for approval of a final subdivision map under the Subdivision Map Act (California Government Code sections 66410, *et seq.*), City's Subdivision Ordinance (Tracy Municipal Code, Title 12), and applicable City Standards.

D. In accordance with the Subdivision Map Act and City's Subdivision Ordinance, Developer has Partially Approved Submitted to City a final map for the project known as Tract No. 4134, Tracy Hills Villages 5 and 6 (the "**Final Map**"). The Final Map is being reviewed by the City Engineer for substantial compliance with the Tentative Map, and the Final Map has not yet been approved by City for recordation.

E. Improvement plans and specifications (which incorporate portions of the City's Standard Specifications) have been prepared on behalf of Developer and are under review by the City Engineer. They describe in more detail the improvements that are required for approval of the Final Map. The Partially Approved Submitted plans and specifications, which are under review by the City Engineer, are on file with the City Engineer under ENG22-0012 (WDID #5S39C396305) and incorporated herein by reference. The term **"Partially Approved Submitted Plans and Specifications"** includes: (a) twenty-one (21) sheets of improvement plans entitled "Crestwick, Tract 4134, Villages 5 & 6, Tracy Hills Phase 2A" prepared by Ruggeri-Jensen-Azar; (b) seven (7) sheets of joint trench plans entitled "Joint Trench Composite Plan, Tracy Hills Phase 2A, Villages 5 & 6" prepared by Power Systems Design and (c) five (5) sheets of street light plans entitled "Street Lighting Plan Set, Tracy Hills, Villages 5 and 6" prepared by Power Systems Design.

DocuSign Envelope ID: B3704A8F-5F80-4B30-8767-8A403BB0CCAC

F. In order to meet Developer's development schedule, Developer intends to commence construction and installation of the required public improvements based on the Partially Approved Submitted Plans and Specifications, but before the City completes its review and approval of the Partially Approved Submitted Plans and Specifications. Developer understands and agrees that it will be proceeding with such improvements at Developer's sole and exclusive risk, and that if the public improvements completed by Developer do not conform, in the City Engineer's reasonable determination, to the plans and specifications ultimately approved by the City (the "**Approved Plans and Specifications**"), Developer may be required to remove or correct any non-conformities to the reasonable satisfaction of the City Engineer, at Developer's sole cost, before the City approves Developer's Final Map.

G. In an effort to minimize the risk of such non-conformities, Developer has asked City to periodically inspect Developer's work in constructing and installing the public improvements described in the Partially Approved Submitted Plans and Specifications, and periodically advise Developer whether the work appears to be proceeding in conformance with the Partially Approved Submitted Plans and Specifications. Developer acknowledges that the City cannot issue a final approval of the work until (a) the City Engineer has fully completed its review and formally approved the Submitted Plans and Specifications; and (b) completed an inspection of the Work based on the Partially Approved Submitted Plans and Specifications. To facilitate City's periodic inspections, Developer agrees to pay all City costs incurred in such inspections.

H. To facilitate Developer's efforts to meet its development schedule, Developer has requested that City enter into this Agreement.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **Scope of Work; Location**. Developer shall perform, or cause to be performed, the work described in the Approved Plans and Specifications and the Conditions (collectively, the "**Work**"), to the satisfaction of the City Engineer. The Work shall be performed, and all materials and labor shall be provided, at Developer's expense, in the manner described in the Approved Plans and Specifications. No change shall be made to the Work unless authorized in writing by the City Engineer. Developer may submit a written request to the City Engineer for a change in the scope of Work, as authorized by Tracy Municipal Code section 12.36.060(f).

   Developer shall perform all Work at the locations and grades shown on the Approved Plans and Specifications. Developer (a) has acquired any necessary easement or right-of-way or (b) has entered into a separate Agreement with the City to acquire the necessary easement or right-of-way at Developer's expense.

   Developer understands and agrees that because the Partially Approved Submitted Plans and Specifications have not been approved by the City Engineer, if any of the completed improvements do not conform to the Approved Plans and Specifications

the Developer may have to remove or correct any non-conformities to the reasonable satisfaction of the City Engineer at Developer's sole cost.

2. **Time of Performance**. Time is of the essence in the performance of the Work, and the timing requirements set forth here shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. Developer shall submit all requests for extensions of time to the City, in writing, no later than ten days after the start of the condition that purportedly caused the delay, and not later than the date on which performance is due.

   2.1. **Commencement of Work.** No later than fifteen (15) days before the beginning of Work, Developer shall provide written notice to the City Engineer of the date on which Developer will begin Work. Developer shall not begin Work until after the notice required by this section is properly provided, and Developer shall not begin Work before the date specified in the written notice.
   2.2. **Schedule of Work.** Concurrently with the written notice of beginning of Work, Developer shall provide the City with a written schedule of Work, which shall be updated in writing as necessary to accurately reflect Developer's prosecution of the Work.
   2.3. **Completion of Work.** Developer shall complete all Work by no later than 365 days after Developer's submittal of its notice of commencement of Work pursuant to Section 2.1 above. If the Work is not completed by this date, City Engineer may grant an extension of time if (a) Developer submits a written request for extension at least ten (10) days prior to expiring date of completion, (b) the City Engineer determines that Work is progressing satisfactorily and an extension is warranted, and (c) Developer pays all processing fees for such time extension.

3. **Improvement Security**. Concurrently with Developer's execution of this Agreement, and before beginning any Work, Developer shall furnish contract security, in a form authorized by the Subdivision Map Act (including Government Code sections 66499 et seq.) and Tracy Municipal Code section 12.36.080, in the following amounts:

   3.1. **Faithful Performance** security in the amount of **$3,886,947.00** to secure faithful performance of this Agreement (until the date on which the City Council accepts the Work as complete) under Government Code sections 66499.1, 66499.4, and 66499.9.
   3.2. **Labor and Material** security in the amount of **$3,886,947.00** to secure payment by Developer to laborers and materialmen under Government Code sections 66499.2, 66499.3, and 66499.4.
   3.3. **Warranty** security in the amount of **$388,695.00** to guarantee improvements against any defective work or labor done or defective materials used in performance of Work for one year from the date on which the City Council accepts the Work as complete, under Government Code sections 66499.1, 66499.4, and 66499.9.

3.4. Monumentation security in the amount of **$32,875.00** to secure faithful performance of setting monuments pursuant to Government Code section 66496.

4. **Indemnification**. Developer shall indemnify, defend, and hold harmless City (including its elected officials, officers, agents and employees) from and against any and all claims, demands, damages, liabilities, costs, and expenses (including court costs and attorney's fees) resulting from the performance of the Work by Developer or Developer's agents, representatives, contractors, subcontractors, or employees, except when caused by the active negligence or willful misconduct of City, until such time as all of the following have occurred: (1) the City Council accepts all of the improvements comprising the Work, (2) the City becomes responsible for the maintenance, operation and repair of all of the improvements comprising the Work, and (3) the one year warranty period set forth in Section 13, below, has expired, at which time the indemnification obligations under this Section 4 shall automatically terminate, with regard to any cause of action arising after such date. For avoidance of doubt, Developer's obligations under this Section 4 are in addition to all other Developer's obligations set forth in this Agreement, and shall not affect Developer's warranty obligations set forth in Section 13, below.

5. **Insurance**. Concurrently with the execution of this Agreement by Developer, and before beginning any Work, Developer shall furnish evidence to the City that the following insurance requirements have been satisfied. The insurance requirements contained in this Section 5 are material terms of this Agreement. These insurance coverage requirements below may be satisfied by umbrella or excess liability policies upon City approval.

5.1. General. Developer shall, throughout the duration of this Agreement, maintain insurance to cover Developer, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.

5.2. Commercial General Liability (with coverage at least as broad as ISO form CG 00 01) coverage shall be maintained in an amount not less than $4,000,000 per occurrence and $8,000,000 general aggregate for general liability, bodily injury, personal injury, and property damage, including without limitation, blanket contractual liability and coverage for explosion, collapse, and underground property hazards.

5.3. Professional Contracts. Developer shall cause its design professionals to maintain professional liability insurance that insures against professional errors and omissions that may be made in performing services related to the Work to be rendered in connection with this Agreement, in the minimum amount of one million dollars ($1,000,000) per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this Agreement, and Developer agrees to cause its design professionals to maintain continuous coverage through a period no less than three years after completion of the services required pursuant to this Agreement.

5.4. Automobile Liability (with coverage at least as broad as ISO form 00 01 07 97 for "any auto" including "hired autos" and "non-owned autos") coverage shall be maintained in an amount not less than $2,000,000 per accident for bodily injury and property damage.

5.4.1. If Developer has no employees, or does not own automobiles, then "hired autos" and "non-owned autos" coverage shall be maintained in an amount not less than $1,000,000 per accident for bodily injury and property damage.

5.5. Workers' Compensation coverage shall be maintained as required by the State of California.

5.6. Endorsements. Developer shall obtain endorsements to the commercial general liability and automobile policies with the following provisions:

5.6.1. The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an Additional Insured on Developer's Commercial General Liability policy utilizing endorsement form CG 20 10 (or its equivalent) for ongoing operations and CG 20 37 (or its equivalent) for products/completed operations.

5.6.2. For any claims related to this Agreement, Developer's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of Developer's insurance and shall not contribute with it.

5.6.3. Developer shall require its contractors and subcontractors providing services required by this Agreement (e.g. general contractors, design professionals) to name it and the City as Additional Insureds.

5.7. Notice of Cancellation. Developer shall notify the City of any cancellation of either the commercial general liability policy or automobile insurance policy before the expiration date. For the purpose of this notice requirement, any material change in the policy before the expiration shall be considered a cancellation. Developer shall immediately obtain a replacement policy.

5.8. Authorized Insurers. All insurance companies providing coverage to Developer shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California, with an AM Best rating of at least A-:VII.

5.9. Insurance Certificate. Developer shall provide evidence of compliance with the commercial general liability insurance and automobile insurance requirements listed above by providing a certificate of insurance and endorsements, in a form satisfactory to the City Attorney before the City executes this Agreement.

5.10. Substitute Certificates. No later than thirty (30) days before the policy expiration date of any insurance policy required by this Agreement, Developer shall provide a substitute certificate of insurance.

5.11. Developer's Obligation. Maintenance of insurance by Developer as specified in this Agreement shall in no way be interpreted as relieving Developer of any responsibility whatsoever (including indemnity obligations under this Agreement), and Developer may carry, at its own expense, such additional insurance as it deems necessary.

6. **Independent Contractor Status**. Developer is an independent contractor and is solely responsible for the acts of its employees, agents, and subcontractors, including any negligent acts or omissions. Developer is not City's employee and Developer shall have no authority, express or implied, to act on behalf of the City as an agent, or to bind the City to any obligation, unless the City provides prior written authorization to Developer.

7. **Default.**

   7.1. Notice. If Developer is in default of this Agreement, as defined in Section 10.2, the City Engineer shall provide written notice to Developer and Developer's surety (if any) describing the default.

   7.2. Events of default. Developer shall be in default of this Agreement if the City Engineer determines that any one of the following conditions exist:

   7.2.1. Developer is insolvent, bankrupt, or makes a general assignment for the benefit of its creditors.

   7.2.2. Developer abandons the Project site.

   7.2.3. Developer fails to perform one or more requirements of this Agreement.

   7.2.4. Developer fails to replace or repair any damage caused by Developer or its agents, representatives, contractors, subcontractors, or employees in connection with performance of the Work.

   7.2.5. Developer violates any legal requirement related to the Work.

   7.3. Cure. If Developer fails to cure the default within five days, or provide adequate written assurance to the satisfaction of the City Engineer that the cure will be promptly started and diligently prosecuted to its completion, the City may, in the discretion of the City Engineer, take any or all of the following actions:

   7.3.1. Cure the default and charge Developer for the costs, including administrative costs and interest in an amount equal to 7% per annum from the date of default.

   7.3.2. Demand Developer complete performance of the Work.

   7.3.3. Demand Developer's surety (if any) complete performance of the Work.

8. **Ownership of Work**. All original documents prepared by Developer for this Agreement are the property of the City, and Developer shall provide them to the City at the completion of Developer's Work, or upon demand from the City.

9. **Repair of any Damage.** In the event and to the extent Developer or its agents, representatives, contractors, subcontractors, or employees, in connection with performance of the Work, cause any damage to property owned by City or other property owners, then Developer shall promptly take all reasonable steps to repair or replace (as necessary) such property to remedy the damage caused thereto.

10. **Inspection by the City; Fees.** In order to permit the City to inspect the Work, Developer shall, at all times, provide to the City proper and safe access to the Project site, and all portions of the Work, and to all shops where portions of the Work are in preparation.

Concurrently with Developer's execution of this Agreement and before the beginning of any Work, Developer shall pay the City Inspection Fees in the amount of 3.5% of the estimated Project costs (as approved by the City Engineer). If the City requires an independent inspection, Developer shall pay all such costs and provide a report directly to the City.

Developer shall be entitled to fee credits consistent with Section 3.3 of that certain Development Agreement by and between the City of Tracy and the Tracy Hills Project Owner, LLC, and Tracy Phase I, LLC, adopted by City of Tracy Ordinance No. 1213 and recorded in the Official Records of San Joaquin County on June 9, 2016, as Document Number 2016-066658, as may be amended from time to time (the "**DA**"), and as provided in greater detail in the Finance and Implementation Plan for the Project pursuant to the DA and Tracy Municipal Code Section 10.20.060(b)(3), as may be amended from time to time.

11. **Developer's Authorized Representative.** At all times during the progress of the Work, Developer shall have a competent foreperson or superintendent (Superintendent) on site with authority to act on behalf of Developer. Developer shall, at all times, keep the City Engineer informed in writing of the names and telephone numbers of: (a) the Superintendent; and (b) all contractors and subcontractors performing the Work. Exhibit "**C**" attached hereto includes the initial contact information referenced in this Section 11.

12. **No Filing of Final Map Until Subdivision Improvement Agreement.** Developer understands and agrees that no final map may be approved or recorded for the Project until after the Developer and the City enter into a Subdivision Improvement Agreement which addresses all requirements of the Conditions. Neither the execution of this Agreement, nor the completion of the Work, shall cause Developer to acquire any vested rights to file, have approved, or to record a final map. It is expressly agreed that Developer shall be subject to all laws and regulations now in force or hereinafter enacted affecting the Project. By executing this Agreement, the Developer fully understands and agrees to comply with these conditions.

13. **Warranty Period.** Developer shall warrant the quality of the Work, in accordance with the terms of the Plans and Specifications, for a period of one year after acceptance of the Work by the City Council. If during the one year warranty period any portion of the Work is determined by the City Engineer to be defective as a result of an obligation of Developer under this Agreement, Developer shall be in default of this Agreement and shall without delay and without any cost to City repair, replace, or reconstruct any defective improvements.

14. Notices.

14.1. All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or electronically mailed to the respective party as follows:

To City	To Developer:
City of Tracy 333 Civic Center Plaza Tracy, CA 95376 Attn: City Engineer notice@cityoftracy.org	Lennar Homes of California, LLC 2603 Camino Ramon, Suite 525 San Ramon, CA 94583 Attn: Bridgit Koller bridgit.koller@lennar.com
With a copy to:	With a copy to:
City Attorney 333 Civic Center Plaza Tracy, CA 95376 Attn: City Engineer attorney@cityoftracy.org	AG Essential Housing CA 1, LP c/o AGWIP Asset Management LLC 8585 E. Hartford Drive, Suite 118 Scottsdale, AZ 85255 Attn: Steven S. Benson, Manager steve.benson@agwipam.com

14.2. Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the email address designated above, or (2) two working days following the deposit in the United States Mail of registered or certified mail, sent to the address designated above.

15. Approvals by City. Any approval or consent by that is to be given by City under this Agreement shall be in writing, and any approval or consent that is not in writing shall not be binding on City.

16. Modifications. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

17. Waivers. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

18. Assignment and Delegation. This Agreement and any portion of it may not be assigned or transferred, nor shall any of Developer's duties be delegated, without the City's prior written consent. Any attempt to assign or delegate this Agreement without the City's written consent shall be void and of no effect. A consent by the City to one assignment shall not be deemed to be a consent to any subsequent assignment.

19. **Jurisdiction and Venue.** The interpretation, validity and enforcement of the Agreement shall be governed by the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

20. **Permits, Licenses, and Compliance with Law.** Developer shall, at Developer's expense, obtain and maintain all necessary permits and licenses for the performance of the Work. Before City signs the Agreement, Developer shall obtain a City of Tracy Business License. Developer shall comply with all local, state, and federal laws, whether or not those laws are expressly stated in this Agreement.

21. **Entire Agreement; Exhibits; Severability.** The recitals and all defined terms in this Agreement are part of this Agreement. This Agreement, including all documents incorporated by reference, comprises the entire integrated understanding between the parties concerning the improvements to be constructed pursuant to this Agreement. This Agreement supersedes all prior negotiations, representations, or agreements. The following Exhibits attached hereto are incorporated into this Agreement and made a part hereof:

    A. Location of Property (Recital A)
    B. Conditions of Approval (Recital B)
    C. Developer's Authorized Representative Information (Section 11)

    If a term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in effect.

22. **Signatures.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity and authority to execute this Agreement. This Agreement shall inure to the benefit of and be binding upon the parties and their successors and assigns.

[signatures on following page]

DocuSign Envelope ID: B3704A8F-5F80-4B30-8767-8A403BB0CCAC

The parties hereby agree to the full performance of the terms set forth herein.

City of Tracy

_____
Nancy D. Young, City Manager

Date: _____

Attest:

_____
By: Adrianne Richardson, City Clerk

Approved As To Form:

_____
By: Bijal M. Patel, City Attorney

Developer

LENNAR HOMES OF CALIFORNIA, LLC
a California limited liability company

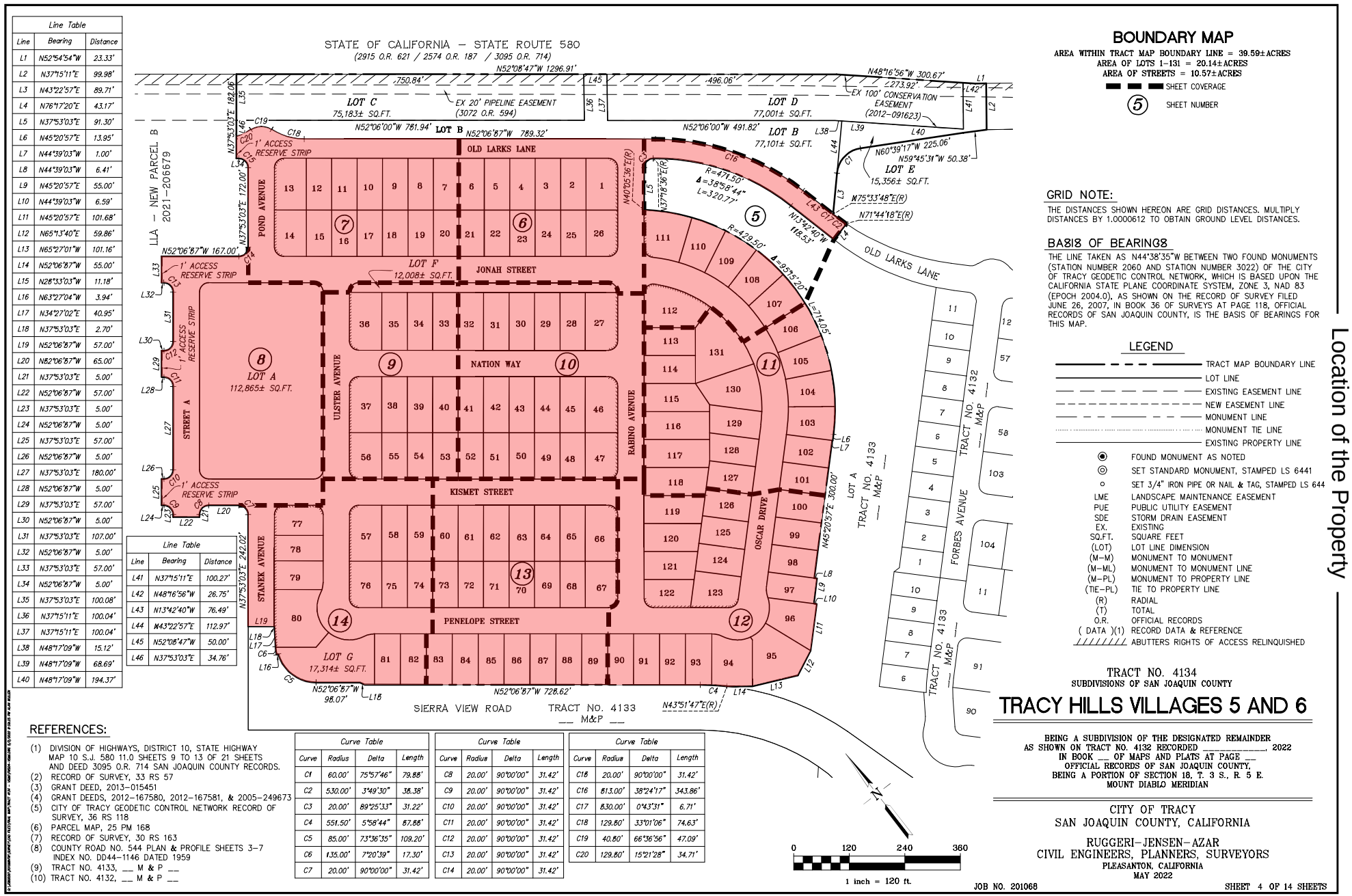
DocuSigned by:
_____
5D50BB66F6A244A...
By: Brigit Koller
Title: Vice President

Date: 9/15/2022

Federal Employer Tax ID No. 93-1223261

EXHIBIT "A"

Location of the Property



BOUNDARY MAP

AREA WITHIN TRACT MAP BOUNDARY LINE = 39.59± ACRES
AREA OF LOTS 1–131 = 20.14± ACRES
AREA OF STREETS = 10.57± ACRES

SHEET COVERAGE

(5) SHEET NUMBER

GRID NOTE:

THE DISTANCES SHOWN HEREON ARE GRID DISTANCES. MULTIPLY DISTANCES BY 1.0000612 TO OBTAIN GROUND LEVEL DISTANCES.

BASIS OF BEARINGS

THE LINE TAKEN AS N44°38'35"W BETWEEN TWO FOUND MONUMENTS (STATION NUMBER 2060 AND STATION NUMBER 3022) OF THE CITY OF TRACY GEODETIC CONTROL NETWORK, WHICH IS BASED UPON THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 3, NAD 83 (EPOCH 2004.0), AS SHOWN ON THE RECORD OF SURVEY FILED JUNE 26, 2007, IN BOOK 36 OF SURVEYS AT PAGE 118, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, IS THE BASIS OF BEARINGS FOR THIS MAP.

LEGEND

	TRACT MAP BOUNDARY LINE
	LOT LINE
	EXISTING EASEMENT LINE
	NEW EASEMENT LINE
	MONUMENT LINE
	MONUMENT TIE LINE
	EXISTING PROPERTY LINE
◉	FOUND MONUMENT AS NOTED
◎	SET STANDARD MONUMENT, STAMPED LS 6441
○	SET 3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 644
LME	LANDSCAPE MAINTENANCE EASEMENT
PUE	PUBLIC UTILITY EASEMENT
SDE	STORM DRAIN EASEMENT
EX.	EXISTING
SQ.FT.	SQUARE FEET
(LOT)	LOT LINE DIMENSION
(M–M)	MONUMENT TO MONUMENT
(M–ML)	MONUMENT TO MONUMENT LINE
(M–PL)	MONUMENT TO PROPERTY LINE
(TIE–PL)	TIE TO PROPERTY LINE
(R)	RADIAL
(T)	TOTAL
O.R.	OFFICIAL RECORDS
(DATA)(1)	RECORD DATA & REFERENCE
////////	ABUTTERS RIGHTS OF ACCESS RELINQUISHED

TRACT NO. 4134
SUBDIVISIONS OF SAN JOAQUIN COUNTY

TRACY HILLS VILLAGES 5 AND 6

BEING A SUBDIVISION OF THE DESIGNATED REMAINDER AS SHOWN ON TRACT NO. 4132 RECORDED _____, 2022 IN BOOK __ OF MAPS AND PLATS AT PAGE __ OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, BEING A PORTION OF SECTION 18, T. 3 S., R. 5 E. MOUNT DIABLO MERIDIAN

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI–JENSEN–AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA

MAY 2022

0 120 240 360
1 inch = 120 ft.

JOB NO. 201068

SHEET 4 OF 14 SHEETS

Line Table		
Line	Bearing	Distance
L1	N52°54'54"W	23.33'
L2	N37°15'11"E	99.98'
L3	N43°22'57"E	89.71'
L4	N76°17'20"E	43.17'
L5	N37°53'03"E	91.30'
L6	N45°20'57"E	13.95'
L7	N44°39'03"W	1.00'
L8	N44°39'03"W	6.41'
L9	N45°20'57"E	55.00'
L10	N44°39'03"W	6.59'
L11	N45°20'57"E	101.68'
L12	N65°13'40"E	59.86'
L13	N65°27'01"W	101.16'
L14	N52°06'87"W	55.00'
L15	N28°33'03"W	11.18'
L16	N63°27'04"W	3.94'
L17	N34°27'02"E	40.95'
L18	N37°53'03"E	2.70'
L19	N52°06'87"W	57.00'
L20	N82°06'87"W	65.00'
L21	N37°53'03"E	5.00'
L22	N52°06'87"W	57.00'
L23	N37°53'03"E	5.00'
L24	N52°06'87"W	5.00'
L25	N37°53'03"E	57.00'
L26	N52°06'87"W	5.00'
L27	N37°53'03"E	180.00'
L28	N52°06'87"W	5.00'
L29	N37°53'03"E	57.00'
L30	N52°06'87"W	5.00'
L31	N37°53'03"E	107.00'
L32	N52°06'87"W	5.00'
L33	N37°53'03"E	57.00'
L34	N52°06'87"W	5.00'
L35	N37°53'03"E	100.08'
L36	N37°15'11"E	100.04'
L37	N37°15'11"E	100.04'
L38	N48°17'09"W	15.12'
L39	N48°17'09"W	68.69'
L40	N48°17'09"W	194.37'

Line Table		
Line	Bearing	Distance
L41	N37°15'11"E	100.27'
L42	N48°16'56"W	26.75'
L43	N13°42'40"W	76.49'
L44	N43°22'57"E	112.97'
L45	N52°08'47"W	50.00'
L46	N37°53'03"E	34.76'

REFERENCES:

(1) DIVISION OF HIGHWAYS, DISTRICT 10, STATE HIGHWAY MAP 10 S.J. 580 11.0 SHEETS 9 TO 13 OF 21 SHEETS AND DEED 3095 O.R. 714 SAN JOAQUIN COUNTY RECORDS.
(2) RECORD OF SURVEY, 33 RS 57
(3) GRANT DEED, 2013–015451
(4) GRANT DEEDS, 2012–167580, 2012–167581, & 2005–249673
(5) CITY OF TRACY GEODETIC CONTROL NETWORK RECORD OF SURVEY, 36 RS 118
(6) PARCEL MAP, 25 PM 168
(7) RECORD OF SURVEY, 30 RS 163
(8) COUNTY ROAD NO. 544 PLAN & PROFILE SHEETS 3–7 INDEX NO. DD44–1146 DATED 1959
(9) TRACT NO. 4133, __ M & P __
(10) TRACT NO. 4132, __ M & P __

Curve Table			
Curve	Radius	Delta	Length
C1	60.00'	75°57'46"	79.88'
C2	530.00'	3°49'30"	35.38'
C3	20.00'	89°25'33"	31.22'
C4	551.50'	5°58'44"	57.88'
C5	85.00'	73°36'35"	109.20'
C6	135.00'	7°20'39"	17.30'
C7	20.00'	90°00'00"	31.42'

Curve Table			
Curve	Radius	Delta	Length
C8	20.00'	90°00'00"	31.42'
C9	20.00'	90°00'00"	31.42'
C10	20.00'	90°00'00"	31.42'
C11	20.00'	90°00'00"	31.42'
C12	20.00'	90°00'00"	31.42'
C13	20.00'	90°00'00"	31.42'
C14	20.00'	90°00'00"	31.42'

Curve Table			
Curve	Radius	Delta	Length
C15	20.00'	90°00'00"	31.42'
C16	613.00'	38°24'17"	343.86'
C17	630.00'	0°43'31"	6.71'
C18	129.80'	33°01'06"	74.63'
C19	40.80'	66°36'56"	47.09'
C20	129.80'	15°21'28"	34.71'

EXHIBIT "B"
Conditions of Approval

Conditions of Approval for Tracy Hills Phase 2
Vesting Tentative Subdivision Map
Application Number TSM20-0003
October 19, 2021

Project: These Conditions of Approval shall apply to the Vesting Tentative Subdivision Map for Tracy Hills Phase 2, Application Number TSM20-0003, including approximately 1,470 single-family residential lots and various other parcels.

Property: The property consists of approximately 1,143 acres located in the Tracy Hills Specific Plan Area, south of I-580, west of Corral Hollow Road, Application Number TSM20-0003.

Community Facilities Districts: Certain conditions of approval herein involve the establishment of one or more Community Facilities Districts (CFDs) to implement the Project. The imposition of conditions requiring or involving the establishment of CFDs on the Property shall not limit the City from establishing additional CFDs over the Property, subject to an affirmative vote of the Property owner(s).

A. **Definitions; Abbreviations.**

The definitions in the City's zoning regulations (Tracy Municipal Code, Title 10, Chapter 10.08) and subdivision ordinance (Tracy Municipal Code, Title 12, Chapter 12.08) apply, and in addition:

1. "Applicant" means any person, or other legal entity, defined as a "Subdivider" by Section 12.08.010 of the City of Tracy Municipal Code.

2. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director, to perform the duties set forth here. (The Development Services Director is also referred to in the Tracy Municipal Code as the Development and Engineering Services Director.)

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 Hills Specific Plan, the Tracy Municipal Code, ordinances, resolutions, written policies, written procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).

4. "Conditions of Approval" or "Conditions" means these conditions of approval.

5. "Property" means the approximately 1,143 acres located in the Tracy Hills Specific Plan Area that is the subject of the Vesting Tentative Subdivision Map for Tracy Hills Phase 2, Application Number TSM20-0003.

The following abbreviations may be used in these Conditions:

EIR	Environmental Impact Report	PI&RA	Park Improvement and Reimbursement Agreement
DIA	Deferred Improvement Agreement	PUE	Public Utility Easement
OIA	Offsite Improvement Agreement	TMC	Tracy Municipal Code

B. Planning Division Conditions of Approval

1. Compliance with laws. The Subdivider shall comply with all laws (federal, state, and local) related to the development of real property within the Project boundaries, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for the California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").

2. City Regulations. Unless specifically modified by these Conditions of Approval, the Subdivider shall comply with all City Regulations.

3. Mitigation Measures. The Subdivider shall comply with all applicable mitigation measures in the Final Subsequent Environmental Impact Report (EIR) for the Tracy Hills Specific Plan Project (State Clearinghouse No. 2013102053), which was certified by the City Council on April 5, 2016, as it may be amended or modified pursuant to CEQA and the CEQA Guidelines.

4. Notice of protest period. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Subdivider that the 90-day approval period (in which the Subdivider may protest the imposition of any fees, dedications, reservations, or other exactions that are within the purview of the Mitigation Fee Act [Government Code section 66000 et seq.] ("Exactions") and imposed on this Project by these Conditions of Approval) shall begin on the date of the conditional approval of this Project. If the Subdivider fails to file a protest of the Exactions complying with all of the requirements of Government Code Section 66020 within this 90-day period, 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 City.

5. Final Maps for Financing Purposes. For the purpose of these Conditions of Approval, if any Final Map or Parcel Map is filed within the boundaries of the Project solely for financing purposes only, and no permits will be requested pursuant to such map, then the requirements listed in these Conditions of Approval shall not apply to the final map or parcel map for financing purposes only.

6. Conformance with Vesting Tentative Subdivision Map. All Final Maps shall be in substantial conformance with the approved Vesting Tentative Subdivision Map (Application Number TSM20-0003), which was received by the Development Services Department on October 12, 2021, unless modified by these Conditions.

7. Streets, Streetlights and Sidewalks

Before approval of the first Final Map or issuance of any building permit for the Property (except for up to fifteen (15) 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 fifteen 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 fifteen 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.

Or

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 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.

8. Police/Public Safety & Public Works

Before approval of the first Final Map or issuance of any building permit for the Property (except for up to fifteen (15) 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.

9. Landscaping Maintenance

Before approval of the first Final Map or issuance of any building permit for the Property (except for up to fifteen (15) 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: (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, channel-ways, public parks and public open space areas; (3) formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien; (4) upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment; (5) prior to issuance of a building permit, the Subdivider shall deposit an amount equal to the first year's taxes; and (6) the Subdivider shall be responsible for all costs

associated with formation of the CFD.

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 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 fifteen 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 fifteen 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.

10. Neighborhood Parks. Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the property, which stipulates the following:

    a. Prior to the issuance of the 125th building permit that allows construction of a dwelling, not including plumbing only permits, the developer shall commence construction of the first neighborhood park. If the construction of the first neighborhood park has not commenced by the issuance of 125th building permit, no further building permits shall be issued until the first neighborhood park construction is commenced;

    b. Prior to the issuance of the 500th building permit that allows construction of a dwelling, not including plumbing only permits, the developer shall commence construction of the second neighborhood park. If the construction of the second neighborhood park has not commenced by the issuance of 500th building permit, no further building permits shall be issued until the second neighborhood park construction is commenced;

    c. Prior to the issuance of the 976th building permit that allows construction of a dwelling, not including plumbing only permits, the developer shall commence construction of the third neighborhood park. If the construction of the third neighborhood park has not commenced by the issuance of 976th building permit, no further building permits shall be issued until the third neighborhood park construction is commenced; and

    d. Prior to the issuance of the 1,226th building permit that allows construction of a dwelling, not including plumbing only permits, the developer shall commence construction of the fourth neighborhood park. If the construction of the fourth neighborhood park has not commenced by the issuance of 1,226th building permit, no further building permits shall be issued until the fourth neighborhood park construction is commenced.

C. **Engineering Division Conditions of Approval**

1. General Conditions

C.1.1 Subdivider shall comply with the applicable requirements of the approved documents, technical analyses/reports prepared for the Project listed as follows:

a) *Tracy Hills Specific Plan* approved by City Council by Resolution No. 2016-063, dated April 5, 2016, and any amendments thereto.

b) *Amendment to the Tracy Hills Specific Plan for Phase 2*, approved by the City Council by Resolution No. 2021-_____ on _____, 2021, including the *Transportation Consistency Analysis* prepared for the Amendment by Kimley-Horn and Associates, dated

September 23, 2021, and any updates or amendments thereto ("Specific Plan Amendment" or "SPA").

c) *Tracy Hills Specific Plan Final Subsequent Environmental Impact Report*, dated January 2016, certified by City Council by Resolution No. 2016-062 on April 5, 2016, and the *Addendum to the Tracy Hills Specific Plan EIR*, prepared by Kimley-Horn and Associates, dated September 2021, including all mitigation measures incorporated therein (hereinafter referred to together as "EIR").

d) *Tracy Hills Phase 2 Traffic Study,* prepared by Kimley-Horn and Associates, dated September 30, 2021, and any updates or amendments thereto ("Traffic Study").

e) *City of Tracy Citywide Roadway and Transportation Master Plan*, prepared by RBF Consulting, dated November 2012 ("TMP")

f) *Tracy Hills Phase 2 VTM Drainage Analysis* prepared by Ruggeri-Jensen-Azar, dated December 17, 2020, and the review of said analysis contained in the *Technical Memorandum* prepared by Wood Rodgers, dated April 26, 2021 (draft), and any updates or amendments to either document ("Storm Drainage Study").

g) *Tracy Hills Storm Drainage Master Plan* prepared by Ruggeri-Jensen-Azar, dated November 2013 ("*Storm Drainage Master Plan*"), as reviewed by Storm Water Consulting, Inc and Stantec Consulting Services, Inc.

h) *Tracy Hills Phase 2 Sanitary Sewer Study Technical Memorandum* prepared by Black Water Consulting Engineers, dated October 1, 2021, and any updates or amendments thereto ("Sanitary Sewer Study").

i) *Peer Review and Hydraulic Evaluation for Tracy Hills Phase 2, 3, and 4* prepared by West Yost, dated July 13, 2021, and any updates or amendments thereto ("Water Study").

j) *Pipeline Safety Hazard Assessment, Tracy Hills Specific Plan* prepared by Place Works, dated September 2014.

k) Any *Finance Implementation Plan* ("*FIP*"), as described in Section 10.20.060(b)(3)(B) of the Tracy Municipal Code, that is approved by the City Council for the property described in the Tracy Hills Phase 2 Vesting Tentative Subdivision Map, Application No. TSM20-0003.

l) Development Agreement, executed between the City of Tracy and the developers of the Tracy Hills Project, approved by the City Council on April 5, 2016, by Ordinance No. 1213, and the First Amendment to the Development Agreement, approved by the City

Council on November 10, 2020, by Ordinance No. 1300 ("Development Agreement").

m) Settlement Agreement, executed between the City of Tracy and the developers of the Tracy Hills Project, having an effective date of December 17, 2019 ("Settlement Agreement").

n) *Agreement to Defer Payment of Development Impact Fees on New Residential Development,* executed between the City of Tracy and the developers of the Tracy Hills Project, dated November 15, 2016 ("Fee Deferral Agreement").

C.1.2 Timing of Compliance: The Applicant shall satisfy each of the following conditions prior to filing the first Final Map unless a different time for compliance is specifically stated in these Conditions of Approval. Any condition requiring an improvement that has already been designed and completed under a City-approved improvement agreement may be considered satisfied at the discretion of the City Engineer.

For the purpose of these Conditions of Approval, if any Final Map or Parcel Map is filed within the boundaries of the Project solely for financing purposes only, and no permits will be requested pursuant to such map, then the requirements listed in these Conditions of Approval shall not apply to the final map or parcel map for financing purposes only.

C.1.3 Revisions to the Vesting Tentative Subdivision Map ("VTSM"): The Subdivider shall incorporate revisions to comply with the recommendations and comments in the Traffic Study prior to signature by the City Engineer on the VTSM.

C.2 Improvement Plans

C.2.1 General

The Subdivider shall complete the Improvement Plans to comply with all applicable laws, including the City Regulations (defined above) and these Conditions of Approval. Improvement Plans shall contain the design, construction details and specifications of improvements that is/are required to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.2.1 Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

C.2.2 Site Grading

C.2.2.1 Grading and Drainage Plans

Submit a Grading and Drainage Plan prepared by a Registered Civil Engineer and accompanied by the Project's Geotechnical /Soils Engineering report. The report shall provide recommendations regarding adequacy of the site relative to the stability of soils such as soil types and classification, percolation rate, soil bearing capacity, highest observed ground water elevation, and others.

C.2.2.2 When the grade differential between the Project site and the adjacent property(s) exceeds 12 inches, a reinforced or masonry block wall, engineered slope, or engineered retaining wall is required for retaining soil. The Subdivider shall submit Retaining Wall Plans that includes the construction detail(s) and structural calculations of the retaining wall or masonry wall for City's review and approval.

C.2.2.3 If an engineered slope is used to retain soil subject to approval by the City Engineer, a slope easement will be necessary from the adjacent property. The Subdivider shall obtain a slope easement from owner(s) of the adjacent and affected property(s) and show the slope easement on the Final Map.

C.2.2.4 Erosion Control

Improvement Plans shall specify the method of erosion control to be employed and materials to be used.

C.2.2.5 If applicable, show all existing irrigation structure(s), channel(s) and pipe(s) that are to remain or relocated or to be removed, if any, after coordinating with the irrigation district or owner of the irrigation facilities. If there are irrigation facilities including tile drains, that are required to remain to serve existing adjacent agricultural uses, the Subdivider shall design, coordinate and construct required modifications to the facilities to the reasonable satisfaction of the owner of the irrigation facilities and the City.

C.2.3 Grading Permit

The City will not accept a grading permit application for the Project as complete until the Subdivider has provided all relevant documents related to the grading permit required by the City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer.

C.2.4 Storm Drainage

C.2.4.1 Site grading shall be designed such that the Project's storm drainage overland release point will be directed to a storm drainage easement or to public streets with a functional storm drainage system and that the storm drainage system within the public streets has adequate capacity to drain storm water from the Property.

C.2.4.2 All permanent underground storm drainage lines, structures and facilities to be maintained by the City shall be located within right-of-way to be dedicated to the City or within an easement. If applicable, interim facilities and storm drain lines and collection basins shall be maintained by the Subdivider.

C.2.4.3 Storm drainage plans are to be submitted with the required hydrologic and hydraulic calculations for the sizing of storm drainage pipe(s) and shall comply with the Storm Drainage Master Plan, Storm Drainage Study and City Regulations.

C.2.4.4 Prior to acceptance of maintenance of any public facilities by the City, the Subdivider shall prepare and obtain approval from the Public Works Department of a maintenance plan for all temporary and permanent storm drainage facilities to be maintained by the Subdivider or the HOA. The maintenance plan shall show the phasing of roadway construction, mass grading, drainage facilities, including collection channels, erosion control and protection of the Crimson crude oil pipeline during construction. A SWPPP may be used as the maintenance plan with approval by the City Engineer.

C.2.4.5 Storm water designs shall show facilities needed for the collection and channeling of surface water runoff and off-site flow-thru surface water runoff to underground storm drainage facilities, such as drainage collection channels, appropriately designed inlet structures and sedimentation/detention ponds. These improvements shall be shown on the Grading Plans and be approved by the City Engineer before the issuance of a Grading Permit.

C.2.4.6 Since the Project will construct terminal retention basins, it has been determined that the Project will be exempt from the Post Construction Stormwater Quality Standards. However, should new Federal or State regulations come into effect during the buildout of the Project that would require future compliance, then the Project may not be exempted from those new requirements.

SWPPP's shall be implemented during project construction. In addition, the Project may implement stormwater control measures such as disconnected roof leaders, non-contiguous street sidewalks (providing landscape strips/parkways), tree planting in parkways and use of drought tolerant landscape with drip irrigation systems and "intelligent" controllers. Similarly, public education measures regarding the damaging effects of pollutants to water quality may also be implemented.

C.2.4.7 All storm water structural and construction details that are not part of the City Standard Plans or City Design Standards shall be provided by the Subdivider and submitted to the City for approval as part of the improvement plans.

C.2.4.8 Storm drainage retention basins shall be contained within a parcel suitable for dedication to the City of Tracy. The basins shall be provided with appropriate fencing with warning signs, access roadways to and from public roadways and access roadways into the basins for maintenance purposes as approved by the City Engineer. All storm drainage inlets into the basins shall have inlet structures with design acceptable to the City Engineer.

C.2.4.9 Fixed vertical sediment depth markers shall be installed near discharge points into the Retention Basin to assist with measurements of sediment deposition over time and future assessments of the need for maintenance activities.

C.2.4.10 Prior to or concurrently with the City's approval of the first Final Map within Project, the Subdivider shall dedicate to the City utility maintenance easements necessary for all storm drainage facilities. All requirements relating to the access and maintenance by the Utilities Department and Public Works Department shall be incorporated into the improvement plans.

C.2.5 Sanitary Sewer

C.2.5.1 All sanitary sewer lines and associated improvements shall be designed and installed in accordance with the Sanitary Sewer Study and City Regulations. Before approval of Final Map(s) for the Project, Subdivider shall submit improvement plans and obtain approval of plans for all on-site and off-site sewer improvements required to serve the Project.

C.2.5.2 As indicated in the Sewer Study, based on the projected sewer demand from approved projects within the Coral Hollow sewer contributory area, the Phase 2 of the Choke Points Improvements for Corral Hollow Road Sewer as

identified in the Wastewater Master Plan (“ Phase 2 Choke Points Improvements”) will be required to serve the Project. The City has commenced the design of Phase 2 Choke Point Improvements. In the event the City does not have adequate funding for Phase 2 Choke Points Improvements the Subdivider will contribute funding as determined by the City Engineer to cover shortfall in funding, so the City can proceed with the construction of the improvement. Building permits will only be issued up to available capacity in the Corral Hollow Sewer system as determined by the City Engineer. Subdivider will be eligible for fee credits and/or reimbursements in accordance with Tracy Municipal Code.

C.2.5.3 Based on the analysis of the capacity of Wastewater Treatment Plant (WWTP) and the projected growth over the next five years, it is estimated that Phase 2C of the WWTP improvements as identified in the Wastewater Master Plan will be required to be constructed and operational in 2023. City has identified a funding shortfall of approximately $33.5 Million for the WWTP Phase 2 improvements. In order for the City to undertake design and construction of the WWTP Phase 2C improvements to provide adequate treatment capacity of the Project, City has identified the need to collect upfront fees from developments within the City.

On or prior to December 31, 2022, the Developer shall pay the City half the amount of the wastewater treatment development impact fees (estimated at approximately $6 Million) for lots within the boundary of Tracy Hills Phase 2 Tentative Map and shall provide a Letter of Credit (or other guarantee) to the satisfaction of the City Engineer for the other half of the wastewater treatment development impact fees. On or prior to December 31, 2023, the Developer shall pay to the City the remaining half the amount of the wastewater treatment development impact fees. After the second payment, the City Engineer may release the Letter of Credit (or other guarantee). For building permits issued prior to December 31, 2022, the Developer shall pay wastewater development impact fees per lot consistent with its agreement with the City and Title 13 of the Tracy Municipal Code. The City Engineer will determine the amount due on December 22, 2022 based on the available wastewater development impact fees collected and the funding shortfall for WWTP Phase 2C improvements. The Developer shall be required to pay wastewater development impact fee up to the amounts as outlined above (for all lots for which building permits have not been issued on December 31, 2022). Building permits will

only be issued up to available capacity in the WWTP, as determined by the City Engineer.

In the event City collects adequate funding from other development projects within the City by December 31, 2022, Developer will not be required to pay the upfront fees as outlined above.

C.2.5.4 The Subdivider shall extend the sanitary sewer facilities within Lammers Road that are intended to serve future phases of the Tracy Hills Project northerly under I-580 and continuing north of I-580 within the Lammers Road right-of-way to connect to the sanitary sewer main stub to be installed with the Tracy Hills Drive improvements for Tracy Hills Phase 1B. Subdivider shall obtain an encroachment permit from Caltrans for the sewer improvements to be installed within the Caltrans right-of-way.

C.2.5.5 No final inspection of any residential building will be performed or certificate of occupancy for commercial building will be issued, with the exception of Model Homes, until all improvements required per the Sanitary Sewer Study and City Regulations are completed and functional, as determined by the City Engineer.

C.2.5.6 Subdivider shall pay impact fees at the time of issuance of building permit or in accordance with the Fee Deferral Agreement.

C.2.5.7 Prior to the City's approval of the first Final Map within Project, the Subdivider shall dedicate to the City utility maintenance easements necessary for all sanitary sewer lines. All requirements relating to the access and maintenance by the Utilities Department and Public Works Department shall be incorporated into the improvement plans.

C.2.6 Water Distribution System

C.2.6.1 All potable and recycled water lines and associated improvements shall be designed and installed in accordance with the Water Study and City Regulations. Before approval of Final Map(s) for the Project, Subdivider shall submit improvement plans and obtain approval of plans for all potable and recycled water lines and associated improvements.

C.2.6.2 During the construction phases (vertical construction) of the Project, the Subdivider shall be 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 Marshall.

C.2.6.3 Prior to approval of each Final Map, the Subdivider shall submit calculations and improvement plans as required by the Fire Marshall and the City Engineer, and obtain a letter from the Fire Marshall that the fire flow parameters per Tracy Design Standards Section 6.02 are met for the phased construction of water lines to the satisfaction of the Fire Marshal.

C.2.6.4 The Subdivider shall complete design and construction of one Zone 5/6 at-grade water storage tank with a holding capacity of at least 2.57 MG and water transition mains as necessary to serve the Project and in accordance the Water Study and City Regulations. These improvements are required to be complete and operational before the final inspection of the first residential building within the Project, unless an earlier time of completion is required to comply with Condition C.2.6.2. above.

All costs related to the design and construction of the water tanks and associated improvement are the responsibility of the Subdivider. Before approval of first Final Map within the Project, the Subdivider shall execute a Deferred Improvement Agreement (DIA) to address timing, scope of work and funding responsibilities. Subdivider may request formation of Benefit District for the water tanks and associated improvements per Condition C.10.4.

C.2.6.5 Subdivider shall install 12-inch and 16-inch recycled water mains in Lammers Road as required to serve the Project and as shown on Figures 9-2 and G-D1 in the draft (2020) Water System Master Plan Update. An approximately 1,150-foot segment of 16-inch recycled water main in Lammers Road under I-580 between the portions of Lammers Road north and south of the freeway will not be constructed with the interim two-lane Lammers Road undercrossing. Timing of the future installation of the above approximately 1,150-foot segment 16-inch recycled water main is to be determined by the City Engineer.

Initially, the recycled water main will be connected to a potable water supply (with a stub in place to future recycled water) as approved by the City until the program backbone recycled water facilities are in place. Once the recycled water system network is online the recycled water distribution main in Lammers Road will be disconnected from the potable water

system and connected to the recycled water system.

C.2.6.6 Domestic and Irrigation Water Services – The HOA will be responsible for the repair and maintenance of all valves, fittings on services related to landscaping on all parcels to be owned by HOA and within HOA easements.

C.2.6.7 Where pressures at individual water services will be 80 psi or more, the Subdivider shall provide pressure reducing valves at the location approved by the City Engineer. The design operation of the individual pressure reducing valves for services shall be subject to approval by the Building Official.

C.2.6.8 Fire Service Line – The Subdivider shall design and install fire hydrants at the locations approved by the Fire Marshall. Before the approval of the Improvement Plans, the Subdivider shall obtain written approval from the Fire Marshall for the design, location and construction details of the fire service connections to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.2.7 Roadway Improvements

C.2.7.1 Subdivider is required to design and construct all applicable on-site, frontage and off-site roadway improvements to serve the Project as identified in the Traffic Study, EIR and these Conditions of Approval. All improvements shall comply with City Regulations, and Tracy Hills Design Standards and Specific Plan Amendments. Such improvements shall include, but are not limited to, roadways, water distribution system, sewer system, storm drainage systems, curb and gutter, sidewalks, street lighting system, traffic signals, ITS systems, pavement and crosswalk striping, bicycle lanes and trails, roadway signage and street signs, fire hydrants, median islands, turn lanes, landscaping, and all necessary related improvements as required by the City. Timing of completion of roadway improvements shall comply with these Conditions of Approval and as outlined in the Mitigation Measures listed in the EIR.

In the case of a discrepancy between the information shown on the Vesting Tentative Subdivision Map (“VTSM”) and/or Specific Plan Amendment and the right-of-way and street improvement requirements in the Traffic Study, the Traffic Study shall govern unless determined otherwise by the City Engineer.

C.2.7.2 Lammers Road and Other In-tract Streets – Right-of-Way

The Subdivider shall dedicate all rights-of-way that are necessary to construct Lammers Road, between Tracy Hills Drive and Corral Hollow Road, and all the in-tract streets, based on their respective cross sections shown on the VTSM and in accordance the Traffic Study, with the Final Map for the respective phase. The width of travel lanes, turn lanes, street median, landscaping strips and sidewalks shall be in accordance with the VTSM and the Traffic Study.

C.2.7.3 Lammers Road and Other In-tract Streets – Improvements

Design and construction details for Lammers Road, between Tracy Hills Drive and Corral Hollow Road, and the in-tract streets such as asphalt concrete pavement, curb, gutter, median curb, sidewalks, street lights, fire hydrants, landscaping with automatic irrigation system, storm drains, catch basin and drop inlets, sanitary sewer mains and laterals, water mains, individual water services and meters, pavement marking and striping, traffic signs, driveways, curb ramps and all other street improvements shall comply with VTSM, Traffic Study and City Regulations, and shall be shown on the Improvement Plans. Interim improvements under I-580 include 5’ wide sidewalk on east side only.

Improvements along Lammers Road and certain in-tract streets shall also include Class I bikeways or Class II bike lanes in accordance with the VTSM and Traffic Study. Interim improvements under I-580 do not include Class 1 bikeway or Class II bike lanes.

Lammers Road and Street B improvements adjacent to the school site on Lot H shall be constructed in accordance with the VTSM and Traffic Study and are subject to the review and approval of the Jefferson School District.

C.2.7.4 Corral Hollow Road - Right of Way

Per the TMP and SPA, Corral Hollow Road will be a 4-lane major arterial roadway with 11’ wide raised median, sidewalk/Class I bikeway on west side and landscaping between I-580 and Lammers Road and 2-lane arterial with sidewalk/Class I bikeway on west side and landscaping south of Lammers Road to the Project boundary. The Subdivider shall dedicate all rights-of-way along the Project frontage necessary for the widening of Corral Hollow Road per TMP and including any additional right-of-way required for the construction of roundabout improvements, turn lanes and transitions at the intersection of Corral Hollow Road and

Lammers Road in accordance with the VTSM and Traffic Study.

The width of travel lanes, turn lanes, street median, landscaping strips and sidewalks shall be in accordance with the VTSM and the Traffic Study.

The Subdivider may be eligible for fee Credits and/or reimbursements for right-of-way dedication beyond Project's frontage obligation per the TMP requirements. Temporary or interim improvements are not eligible for fee credits or reimbursements.

C.2.7.5 Corral Hollow Road - Improvements

Design and construction details for Corral Hollow Road such as asphalt concrete pavement, curb, gutter, median curb, sidewalks, street lights, fire hydrants, landscaping with automatic irrigation system, storm drains, catch basin and drop inlets, pavement marking and striping, traffic signs, curb ramps and all other street improvements shall comply with VTSM, SPA, Traffic Study and City Regulations, and shall be shown on the Improvement Plans.

Improvements along Corral Hollow Road shall also include Class I bikeway in accordance with the VTSM and Traffic Study.

C.2.7.6 Subdivider shall prepare improvement plans for Lammers Road and Corral Hollow Road improvements and obtain approval by the City Engineer. The timing and scope of the improvements to be shown on the improvement plans for Lammers Road and Corral Hollow Road shall be as determined by the City Engineer.

In order to guarantee completion of the Lammers Road and Corral Hollow Road Improvements, the Subdivider shall enter into an improvement agreement (SIA or OIA) and post an improvement security in the amounts and form in accordance with section 12.36.080 of the TMC and as required by these Conditions of Approval. The Subdivider shall submit the signed and notarized SIA or OIA with the necessary improvement security at the time of approval of the Final Map that triggers the need for improvements as determined by the City Engineer.

C.2.7.7 For any Corral Hollow Road Improvements considered frontage improvements (such as Subdivider's Frontage Obligation per the TMP and landscape improvements behind

the curb) and improvements within Caltrans right-of-way at I-580/Corral Hollow Road interchange that are not constructed or security posted with OIA at the time of approval of the first Final Map, the Subdivider shall enter into a DIA with the City.

The Subdivider shall submit the signed and notarized DIA before approval of the first Final Map within the Project. The Subdivider shall post improvement security in the amounts and form in accordance with TMC section 12.36.080 at the times specified in the DIA.

C.2.7.8 Roadway Improvement Obligations per Traffic Study

The following roadway, intersection and interchange improvements are to be constructed by the Project:

a. I-580 & CORRAL HOLLOW ROAD RAMP TERMINALS.

Subdivider shall construct the I-580/Corral Hollow Road interchange improvements in accordance with the TMP, EIR and Traffic Study. Per the Traffic Study, interchange improvements are required to be completed prior to occupancy of the first residential unit within the Project because the interchange is already operating at a deficient level of service. Subdivider shall, in collaboration with the City Engineer and Caltrans, commence with the engineering design for the interchange improvements and initiate the Caltrans review, approval and permitting process no later than ninety (90) calendar days following approval of the Vesting Tentative Subdivision Map ("VSTM") for the Project.

If the Subdivider is unable to complete construction of the interchange prior to occupancy of the first residential unit, primarily as a consequence of the Caltrans approval and permitting process, City may issue occupancy permits including and beyond the first residential unit provided that the Subdivider has, to the reasonable satisfaction of the City Engineer, diligently pursued its efforts to obtain the required Caltrans permits and complete construction of the interchange improvements and has collaborated closely with City staff in this effort.

Funding of these improvements are the primary responsibility of the developer per the Tracy Municipal Code, the EIR, and the City's TMP. However, some funding may be provided in accordance with the Settlement Agreement and Development Agreement.

Funding sources may also include other regional transportation funds and/or grants that may become available, subject to eligibility and approval by the City and other approving agencies. Developer will be eligible for fee credits in accordance with Tracy Municipal Code provisions and Development Agreement.

b. LAMMERS ROAD - BETWEEN TRACY HILLS DRIVE AND CORRAL HOLLOW ROAD.

Subdivider shall construct Lammers Road between Tracy Hills Drive and Corral Hollow Road in accordance with the TMP, Traffic Study and per Conditions C.2.7.2 and C.2.7.3.

c. CORRAL HOLLOW ROAD/LAMMERS ROAD INTERSECTION.

Concurrent with the construction of Lammers Road between Tracy Hills Drive and Corral Hollow Road as described above and in Condition C.2.7.3, the Subdivider shall construct the Corral Hollow Road and Lammers Road intersection improvements, consisting of a two-lane roundabout and all associated improvements.

d. CORRAL HOLLOW ROAD WIDENING - FROM LINNE ROAD INTERSECTION TO THE AQUEDUCT.

Subdivider shall widen Corral Hollow Road to provide two lanes in each direction, including pedestrian and bicycle facilities, from the southern terminus of bridge crossing the California Aqueduct to the Linne Road intersection, including canal crossings, in accordance with the adopted Corral Hollow Road Precise Plan, the TMP, and the Traffic Study.

Construction of the above Corral Hollow Road Widening improvements shall commence upon or prior to the final inspection of the two thousand six hundredth (2,600th) dwelling unit within the project boundary (as defined in the Development Agreement).

e. CORRAL HOLLOW ROAD - I-580 TO LAMMERS ROAD.

Subdivider shall widen Corral Hollow Road to provide two lanes in each direction, including pedestrian and bicycle facilities, between I-580 and Lammers Road in accordance with the TMP, SPA, Traffic Study and Conditions C.2.7.4 and C.2.7.5.

C.2.7.9 The Subdivider shall construct an all-whether, emergency vehicle access across Lot CC as shown on the VTSM and in accordance with South San Joaquin County Fire Authority requirements.

C.2.7.10 Bus shelters on Lammers Road

The bus shelters (and turnouts if deemed necessary by the City) shall be constructed as part of the Lammers Road Improvements. Up to three bus shelters shall be placed on each side of Lammers Road between Corral Hollow Road and I-580 at the locations to be determined by the City Engineer. Timing of construction of bus shelters will be determined in the future based on the extension of TRACER's Fixed Route to serve the Project. In order to assure completion of construction of the bus shelters, the Subdivider may either enter into a DIA with security, or pay to the City the estimated cost for up to six bus shelters at the time of approval of the first Final Map within the Project.

C.2.7.11 Traffic Control Plan

Before starting any work within the project, the Subdivider shall submit a Traffic Control Plan for each phase of work, to show the method and type of construction signs to be used for regulating traffic at the work areas and within existing streets accessing the work areas. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

C.2.7.12 Encroachment Permit

Before starting any work to be performed and improvements to be constructed within City's right-of-way, the Subdivider shall obtain an Encroachment Permit from the City. The Subdivider or its authorized representative shall submit all documents that are required to process the Encroachment Permit including but not limited to, approved Improvement Plans, Traffic Control Plan, payment of engineering review fees, copy of the Contractor's license, Contractor's Tracy business license, and certificate of insurance naming the City of Tracy as additional insured or as a certificate holder.

C.2.7.13 Dead-End Streets

A standard barricade and guardrail with appropriate traffic sign will be required at street ends. Alternatively, turnarounds/ hammerheads meeting the requirements of Fire Marshall shall be provided at the dead-end streets.

C.2.7.14 All intersections shall be designed to accommodate fire truck movements as required by the Fire Department.

C.2.7.15 Subdivider must provide and verify sight distances, where applicable, with regard to intersections, reverse lots and fence placements as required by the City Engineer.

C.2.8 EIR Mitigation Measures

The EIR identifies Project impacts that are to be mitigated by the Subdivider. The mitigation measures are summarized in the Mitigation, Monitoring and Reporting Matrix contained in the EIR as referenced under Item C.1.1.c above. Subdivider shall comply with all applicable mitigation measures as outlined in the EIR.

C.2.9 Neighborhood and Community Parks

C.2.9.1 The Subdivider shall offer for dedication Parcels “G”, “M”, “P” and “Q” for neighborhood park purposes and Parcel “N” for community park purposes on the Final Map that corresponds to the timing of completion of respective parks as identified in the Planning Department’s Conditions of Approval.

The Subdivider shall design and construct the park improvements consistent with the Tracy Hills Specific Plan, Specific Plan Amendment, Development Agreement and City Regulations. The Subdivider shall be eligible for park fee credits in accordance with the Title 13 of the TMC and the Park Improvement and Reimbursement Agreement (“PI&RA”) and Development Agreement.

C.2.9.2 The Subdivider shall submit park improvement plans, signed and notarized PI&RA, and Improvement Security in the amount and type specified in the City Regulations at the time of approval of the Final Map that corresponds to the timing of completion of the park improvements specified in Planning Division’s Conditions of Approval or at such time as may be specified in the Deferred Improvement Agreement.

C.2.10 Public Utility Easements

C.2.10.1 Undergrounding of Overhead Utilities. Any existing overhead lines and poles within the Project boundaries shall be removed or undergrounded.

C.2.10.2 All private utility services to serve the Project such as electric, telephone and cable TV to the building must be

installed underground, within right-of-way or a dedicated Public Utility Easement (PUE) and at the location approved by the City and the respective owner(s) of the utilities.

The Subdivider shall submit improvement plans for the installation of electric, gas, telephone and TV cable lines that are to be installed under the sidewalk or within the PUE. Underground utility conduits may be installed under the sidewalks, and underground boxes and structures may be located in the landscaped parkway next to the curb. All above-ground boxes and facilities shall be behind the sidewalk and within the PUE. Pop-outs to provide additional width of PUE where required to accommodate larger above-ground structures will be permitted subject to review and approval by Public Works Director and the City Engineer. Before approval of the first Final Map, the Subdivider shall complete the necessary coordination work with the respective owner(s) of the utilities for approval.

C.2.10.3 Public Utility Easements on side yard lots shall be adjusted in final neighborhood designs based on actual joint trench design requirements.

C.2.11 Crimson (formerly Shell) Crude Oil Pipeline Easement and Facilities

C.2.11.1 A minimum of 72-hours prior to the beginning of grading operations that may impact the existing Crimson underground facilities within the Project, the Subdivider shall notify the appropriate person at Crimson of the impending work. Grading and improvements affecting Crimson facilities shall comply with applicable Crimson pipeline encroachment permit and construction specifications.

C.2.11.2 The Subdivider shall notify in writing the future buyers of lots about the existing Crimson crude oil pipeline and any requirements or restrictions relating to the existence of the pipeline as required by Crimson, State or Federal regulations .The Disclosure Statement(s) shall be made part of the Sale Deeds and recorded in compliance with the applicable law.

C.3 Final Map

The City will not approve any Final Map until the Subdivider demonstrates, to the satisfaction of the City Engineer, that all the requirements set forth in these Conditions of Approval are completed, including, but not limited to the following:

C.3.1 Subdivider has submitted one reproducible (mylar) copy of the approved tentative subdivision map for the Project after Subdivider's receipt of a notification of approval of the Tentative Subdivision Map. The signature of the owner of the Property on the Tentative Subdivision Map shall indicate the owner's consent to the preparation of the Tentative Subdivision Map and the proposed subdivision of the Property.

C.3.2 Each Final Map is prepared in accordance with the applicable requirements of the Tracy Municipal Code, these Conditions of Approval, all other applicable City Regulations, and in substantial conformance with the Tentative Subdivision Map.

C.3.3 Each Final Map includes and shows offer(s) of dedication of all right(s)-of-way and/or temporary or permanent easement(s) required by the Improvement Plans and Final Map, in accordance with City Regulations and these Conditions. If construction easement(s) is/are shown, it/they shall indicate the termination date of the construction easement(s).

C.3.4 Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearings" and shown as such on the Final Map. The Final Map shall also identify surveyed ties from two of the horizontal control points to a minimum of two separate points adjacent to or within the Property described by the Final Map.

C.3.5 Subdivider has submitted a signed and stamped Engineer's Estimate that show construction cost of subdivision improvements that are described in Conditions C.2 above plus 10% for construction contingencies.

C.3.6 Subdivision Improvement Agreement.

Before the City's approval of any Final Map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the Final Map) and post all required improvement security in accordance with City Regulations.

C.3.7 Final Map Phasing Plan

Prior to Subdivider's submittal to the City of the first Final Map for City approval, Subdivider shall submit for the City Engineer's review and reasonable approval a phasing plan for the submittal of all Final Maps to be filed for this Vesting Tentative Subdivision Map. The phasing plan may be subject to subsequent modifications based on market conditions, the rate of development, and Subdivider's disposition of the parcels created by the Final Maps.

C.3.8 Deferred Improvement Agreement

Prior to the City's approval of the first Final Map within the Project, the Subdivider shall execute a Deferred Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement) which are required by these Conditions of Approval. The Deferred Improvement Agreement shall identify timing requirements for construction of all remaining public facilities, in conformance with the phasing plan submitted by the Subdivider and approved by the City Engineer. The form and amount of Improvement Security shall be in accordance with the DIA and Section 12.36.080 of the TMC.

C.3.9 Off-Site Improvement Agreement

Prior to the City's approval of the first Final Map within the Project, or as otherwise provided for in a Deferred Improvement Agreement, the Subdivider shall execute an Off-Site Improvement Agreement, in substantial conformance with the City's standard form agreement, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with the OIA and Section 12.36.080 of the TMC.

C.3.10 Improvement Security.

The Subdivider shall provide improvement security for all public facilities as required by Subdivision Improvement Agreement, Offsite Improvement Agreement or Deferred Improvement Agreement. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with City Regulations. The amount of the improvement security shall be as follows:

C.3.10.1 Faithful Performance (100% of the estimated cost of constructing the public facilities),

C.3.10.2 Labor & Material (100% of the estimated cost of constructing the public facilities), and

C.3.10.3 Warranty (10% of the estimated cost of constructing the public facilities)

C.3.10.4 Monumentation ($750 multiplied by the total number of street centerline monuments that are shown on the Final Map)

C.3.11 Subdivider has paid engineering review fees including improvement plan checking, final map review, agreement processing, and all other fees required by these Conditions of Approval and City Regulations.

C.3.12 Subdivider has submitted technical or materials specifications, cost estimate, and technical reports related to the design of improvements that are shown on the Improvement Plans and as required by these Conditions.

C.3.13 Subdivider has submitted hydrologic and storm drainage calculations for the design and sizing of in-tract storm drainage pipes located within the Project.

C.3.14 Subdivider has submitted signed and stamped Improvement Plans as required in Condition C.2 above.

C.4 Grading and Encroachment Permits

No applications for grading and encroachment permits will be accepted by the City as complete until the Subdivider has provided all documents required by these Conditions and City Regulations, to the reasonable satisfaction of the City Engineer, including, but not limited to, the following:

C.4.1 Grading and Drainage Plans prepared on a 24” x 36” size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer.

C.4.2 Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.

C.4.3 Three sets of the Storm Water Pollution Prevention Plan (SWPPP) identical to the reports submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID). After the completion of the Project, the Subdivider 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.

C.4.4 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 Subdivider. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008 and any subsequent amendment(s), and the City Regulations.

C.4.5 Two sets of the Project’s Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity,

percolation rate, roadway section construction recommendations and elevation of the highest observed groundwater level.

C.4.6 A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) as required in Mitigation Monitoring and Reporting Program of the Tracy Hills Specific Plan Final Environmental Impact Report (TH-EIR).

C.4.7 Two sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system shall be provided with the submittal of the Improvement Plans. Partial submittal of Hydrologic and Storm Drainage Calculations may be required for Grading Plan review at the discretion of the City Engineer.

C.4.8 Reasonable written permission from irrigation district or affected owner(s), if applicable. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.

C.4.9 Written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), if applicable. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection.

C.4.10 Improvement Plans prepared on a 24” x 36” size 4-mil thick polyester film (mylar) that incorporate all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.4.11 Two sets of structural calculations for drainage structures and retaining walls within street right-of-way and retention basins signed and stamped by a Structural Engineer licensed in the State of California shall be submitted to the Building Safety Division at the time of building permit application for said structures.

C.4.12 Check payment for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the current fee rate adopted by the City Council.

C.4.13 Traffic Control Plan for each phase signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.

C.4.14 As required per Mitigation Measure 4.8-2a of the EIR, the Subdivider shall submit, prior to issuance of grading permits, a Phase II ESA focused on soil sampling conducted near the location of the underground crude oil pipelines, as determined by a qualified Phase II/Site Characterization specialist.

C.4.15 As required per Mitigation Measure 4.8-2b of the EIR, prior to issuance of grading permits, the Subdivider shall work with Crimson to implement and observe a site damage prevention plan to the satisfaction of the City of Tracy Engineering Division.

C.4.16 Grading Permit Security to guarantee completion of the grading improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Grading Permit Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC).

C.5 Building Permit

The City will not approve any building permit within the Project boundaries, (except for up to ten model homes and except for a plumbing permit issued for the purpose of perfecting a RGA) until a Final Map is approved by the City Council and it is recorded at the San Joaquin County Recorder's Office, and the Subdivider demonstrates, to the reasonable satisfaction of the City Engineer, compliance with all the required Conditions of Approval and payment of fees in accordance with the Fee Deferral Agreement including but not limited to the following:

C.5.1 Payment of the applicable current City-Wide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park Development Impact Fees as these relate to the Project and as required by these Conditions of Approval.

C.5.2 Payment of applicable Regional Transportation Impact Fees (RTIF) as required in the Mitigation, Monitoring and Reporting Program of the EIR, these Conditions of Approval, and the Settlement Agreement.

C.5.3 Payment of any applicable Agricultural Mitigation Fee as required in Chapter 13.28 of the Tracy Municipal Code and Mitigation Measure AG 4.2.1 of the EIR and these Conditions of Approval.

C.5.4 Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC.

C.6 Final Building Inspection

The City will not perform final building inspection (except for model homes) until after the Subdivider provides documentation which demonstrates, to the reasonable satisfaction of the City Engineer, that:

C.6.1 The Subdivider has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested, or a final building inspection has to be performed unless otherwise defined herein. Unless specifically provided in these Conditions, or the City Regulations, the Subdivider shall take all actions necessary to construct all public facilities required to serve the Project, and the Subdivider 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 Temporary or Final Building Certificate of Occupancy

No Final Building Inspection shall be performed or a Temporary or Final Building Certificate of Occupancy will be issued by the City (except for model homes) until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

C.7.1. The Subdivider has satisfied all the requirements set forth in these Conditions of Approval.

C.7.2 The Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested, unless otherwise defined herein. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Subdivider shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Subdivider shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.8 Acceptance of Public Improvements

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

C.8.1 All the public improvements shown on the Improvement Plans are completed and all the deficiencies listed in the deficiency report prepared by the assigned Engineering Inspector are all corrected.

C.8.2 Subdivider has completed the 90-day public landscaping maintenance period.

C.8.3 Subdivider has submitted Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider so that the Subdivider will be able

to document revisions to show the "As Built" configuration of all improvements.

C.8.4 Where applicable, signed and notarized Grant Deed(s) with legal description(s) and plat maps for the offer of dedication of right-of-way, and Grant of Easements as required per these Conditions of Approval and City Regulations, or dedications shown on the Final Map.

C.9 Release of Improvement Security

City will release Improvement Security(s) to the Subdivider after City Council's acceptance of public improvements, both on-site and off-site, in accordance with TMC section 12.36.080, upon written request and submittal of the recorded Notice of Completion.

C.10 Special Conditions

C.10.1 All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, except as otherwise specifically approved in the Tracy Hills Specific Plan.

C.10.2 When street cuts are made for installation of utilities, the Subdivider is required to install 2 inches thick asphalt concrete overlay with reinforcing fabric at least 25-feet from all sides and for the entire length of the utility trench. A 2-inch deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. If the utility trench extends beyond the median island, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street.

C.10.3 All improvement plans shall contain a note stating that the Subdivider (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Subdivider's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).

C.10.4 Benefit District

The Subdivider may make a written request to the City for the formation of a Benefit District before the approval of the final map and improvement plans for the public facility(s) considered to be oversized that benefits other property(s) or development(s). Reimbursement request(s) will be processed in accordance with TMC Chapter 12.60.

C.10.5 The CFD or HOA shall include future costs of maintenance including PG&E charges for all new streetlights to be installed by the Project.

C.10.6 Nothing contained in these Conditions shall be construed to permit any violation of City Regulations. Subject, however, to City Regulations, this Condition does not preclude the City from requiring pertinent revisions and additional requirements to the final map, improvement agreements, and improvement plans, before the City Engineer's signature on the final map and improvement plans, if the City Engineer finds it necessary due to public health and safety reasons. (Government Code section 66498.6.) The Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

EXHIBIT "C"
Authorized Representative Contact Information

Initial Contact Information for Subdivider's Authorized Representative:

Bridget Koller
Lennar Homes of California, LLC
2603 Camino Ramon, Suite 525
San Ramon, CA 94583
(925) 242-0811
bridgit.koller@lennar.com

APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION 2022-____

APPROVING THE INSPECTION IMPROVEMENT AGREEMENT FOR TRACT 4134, TRACY HILLS VILLAGES 5 & 6, IN TRACY HILLS PHASE 2

WHEREAS, Lennar Homes of California, LLC, is the developer of Tract 4134, Tracy Hills Villages 5 & 6, being situated within the boundaries of that certain Vesting Tentative Map, Tract 4057, Tracy Hills Phase 2, approved by the City Council on October 19, 2021, by Resolution No. 2021-154; and

WHEREAS, Developer is required to complete construction of public streets and utility improvements within Tract 4134, Tracy Hills Villages 5 & 6, and has submitted Improvement Plans for said improvements which are currently under review by the City Engineer but are not yet approved; and

WHEREAS, In order to meet its development schedule, developer intends to commence construction of the required public improvements based on the submitted plans before the City completes its review and approval of the plans, in accordance with the terms and conditions of the Inspection Improvement Agreement; and

WHEREAS, Developer acknowledges and agrees that it will be proceeding with the work at its sole and exclusive risk, and that if any of the work completed by developer under the Inspection Improvement Agreement does not conform, in the City Engineer's determination, to the Improvement Plans ultimately approved by the City, developer will be required to remove and/or correct any non-conformities to the reasonable satisfaction of the City Engineer; and

WHEREAS, The Improvement and Inspection Agreement will be superseded by a Subdivision Improvement Agreement to be executed by the developer at a later date and the City will continue with the inspection and acceptance of the public improvements in accordance with normal City procedures under the Subdivision Improvement Agreement; and

WHEREAS, The Developer has executed the Inspection Improvement Agreement and has submitted the required security to guarantee completion of the public improvements; now, therefore, be it

RESOLVED: That the City Council of the City of Tracy hereby approves the Inspection Improvement Agreement for Tract 4134, Tracy Hills Villages 5 & 6, in Tracy Hills Phase 2.

* * * * * * * * * * * * * * *

The foregoing Resolution 2022-_____ was adopted by the Tracy City Council on the 4th day of October 2022 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

October 4, 2022

Agenda Item 1.E

RECOMMENDATION

Staff recommends that the City Council waive second reading of full text and adopt an ordinance amending section 3.08.580 regarding special speed zones of the Tracy Municipal Code to update speed limits as required by the California Vehicle Code.

EXECUTIVE SUMMARY

The proposed ordinance will amend Section 3.08.580, Article 12 of the Tracy Municipal Code to establish speed limits on street segments in accordance with the requirements of the California Vehicle Code (CVC).

BACKGROUND AND LEGISLATIVE HISTORY

The use of radar equipment is one of the most effective tools for enforcing speed limits and traffic safety on City streets. Subsection (c) of California Vehicle Code Section 40803 provides that evidence of conducting a speed zone survey within the last five years to establish the prima facie speed for a local street or road shall constitute a prima facie case that such local street or road is not a speed trap for the purposes of radar enforcement.

City staff completed an Engineering & Traffic survey in December 2021 of 21 segments of 16 arterial and collector streets. The survey shows prima facie speed limits for all surveyed street segments remain unchanged and it is observed that the some of the surveyed segments were sub-part of longer segments of the roadway in the Tracy Municipal Code for radar enforcement. To differentiate the speed limits on the surveyed segments, it is necessary to add the sub-parts separately and delete the larger segments.

FISCAL IMPACT

Enforcement of speed limits is a budgeted item and is the Police Department's responsibility. The current speed survey does not require any signing or striping changes and hence there will be no impact to the existing traffic signing and signage operation budget.

COORDINATION

City staff competed an Engineering and Traffic Survey, an updated Special Speed Zone Table in the TMC, and the Speed Zone Report. All which were coordinated with the Police Department and the Operations and Utilities Department. These reports assist the Police Department in the speed enforcement efforts and assists the Operations and Utilities Department to determine any speed limit sign updates in the field.

CEQA DETERMINATION

The proposed item is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15301, which pertains to existing highways and streets. In accordance with CEQA Guidelines, no further environmental assessment is required.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Quality of Life Strategic Priority, which is to provide an outstanding quality of life by enhancing the City's amenities, business mix and services and cultivating connections to promote positive change and progress in our community .

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council waive second reading of full text and adopt an ordinance amending section 3.08.580 regarding special speed zones of the Tracy Municipal Code to update speed limits as required by the California Vehicle Code.

Respectfully submitted,

Necy Lopez
Deputy City Clerk

Attachments: Ordinance - amending section 3.08.580 regarding special speed zones of the Tracy Municipal Code to update speed limits as required by the California Vehicle Code

APPROVED AS TO FORM AND LEGALITY

_____

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

ORDINANCE NO. _____

AMENDING SECTION 3.08.580 REGARDING SPECIAL SPEED ZONES OF THE TRACY MUNICIPAL CODE TO UPDATE SPEED LIMITS AS REQUIRED BY THE CALIFORNIA VEHICLE CODE

WHEREAS, The use of radar equipment is one of the most effective tools for enforcing speed limits and traffic safety on City streets; and

WHEREAS, Subsection (c) of California Vehicle Code Section 40803 provides that evidence of conducting a speed zone survey within the last five years to establish the prima facie speed for a local street or road shall constitute a prima facie case that such local street or road is not a speed trap for the purposes of radar enforcement; and

WHEREAS, City staff completed an Engineering & Traffic survey in December 2021 of 21 segments of 16 arterial and collector streets; and

WHEREAS, The survey shows prima facie speed limits for all surveyed street segments remain unchanged; and

WHEREAS, It is observed that the some of the surveyed segments were sub-part of longer segments of the roadway in the Tracy Municipal Code for radar enforcement; and

WHEREAS, In order to differentiate the speed limits on the surveyed segments, it is necessary to add the sub-parts separately and delete the larger segments; and

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

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

SECTION 2. Amended Sections. Section 3.08.580 of Chapter 3.08 of Title 3 of the Tracy Municipal Code is hereby amended to add the four street portions described below and their established Declared Prima Facie Speed Limit (Miles per Hour) (with additions underlined, and deletions in ~~strikethrough~~):

Name of Street and Portion Affected	Declared Prima Facie Speed Limit (Miles per Hour)
- **Clover Road** West City limits to Tracy Boulevard	25
- **Clover Road** Tracy Boulevard to Holly Drive	25
- **Eaton Avenue** Richard Drive to Tracy Boulevard	25
- **Eaton Avenue** Tracy Boulevard to East Street	25

SECTION 3. Amended Sections. Section 3.08.580 of Chapter 3.08 of Title 3 of the Tracy Municipal Code is hereby amended to delete the five street portions described below to avoid duplication of street segments:

Name of Street and Portion Affected	Declared Prima Facie Speed Limit (Miles per Hour)
~~- **Balboa Drive** Portola Way to Kavanagh Avenue~~	~~25~~
~~- **Clover Road** West City limits to Holly Drive~~	~~25~~
~~- **Eaton Avenue** Richard Drive to East Street~~	~~25~~
~~- **Portola Way** Balboa Drive to Entrada Way~~	~~25~~
~~- **Tenth Street** Tracy Boulevard to MacArthur Drive~~	~~25~~

SECTION 4. Remaining Sections. Except as herein added or changed, the remaining sections of the Tracy Municipal Code, including the Declared Prima Facie Speed Limit (Miles per Hour) for the portions of streets not set forth above, shall remain in full force.

SECTION 5. Constitutionality. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. CEQA Determination. The City Council finds that this Ordinance is exempt from CEQA Guidelines in accordance with CEQA Guidelines section 15301, which pertains to existing highways and streets.

SECTION 7. 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 Chapter. 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 8. Effective Date. This ordinance shall become effective upon the thirtieth (30th) day after final adoption.

SECTION 9. Publication. The City Clerk is directed to publish this ordinance in a manner required by law.

SECTION 10. Codification. This Ordinance shall be codified in the Tracy Municipal Code.

* * * * * * * * * * * * *

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the 20th day of September 2022, and finally adopted on the 4th day of October 2022, 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: _____

NOTICE AND DIGEST

ORDINANCE AMENDING SECTION 3.08.580 REGARDING SPECIAL SPEED ZONES OF THE TRACY MUNICIPAL CODE TO UPDATE SPEED LIMITS AS REQUIRED BY THE CALIFORNIA VEHICLE CODE

This Ordinance (Ordinance) amends Section 3.08.580 regarding special speed zones of the Tracy Municipal Code to update speed limits as required by the California Vehicle Code section 40803. Based on a Speed Zone Report, this Ordinance does not change any of the posted speed limits in the Special Speed Zones of the Tracy Municipal Code. This Ordinance only breaks up Special Speed Zones to differentiate the speed limits on the surveyed segments, which is necessary to add sub-parts separately and delete the larger segments of Tracy Streets.

October 4, 2022

Agenda Item 1.F

RECOMMENDATION

Staff recommends that the City Council adopt a resolution amending the City's Operating and Capital Budget for the Fiscal Year ending June 30, 2022.

EXECUTIVE SUMMARY

On May 18, 2021, Council adopted the FY 2021-22 Operating and Capital Budget. This report provides an update of the City's current un-audited financial performance, for Fourth Quarter (Q4), through June 30, 2022. This financial summary identifies Q4 General Fund revenue and expenditure actuals and encumbrances, and amendments to the FY 2021-22 budget.

BACKGROUND

Quarterly, staff prepares a report to the City Council on the year-to-date revenues and expenditures as compared to the amended budget. This report provides an update and summary of the City's current financial performance, for FY 2021-22 Fourth Quarter (Q4) through June 30, 2022, and requests that Council amend revenue and expenditures for the FY 2021-22 budget.

ANALYSIS

FY 2021-22 General Fund Budget to Actuals (Unaudited)

General Fund revenues have increased by $9.4M (8%) from the amended Third Quarter update (Q3). This comes from an increase of Sales Tax of $7.9M, and other revenues (this includes charges for services and grants) with a $1.4M increase. Measure V Revenues were lower than projected primarily due to a re-payment of misallocated funds reported to the California Department of Tax and Fee Administration (CDTFA).

Expenses have decreased by $2.3M (3%) as well from Q3, purchased services and supplies decreased by $2.8M while personnel expenses did increase overall by $1M. This increase is attributed to the actual expenses during FY2021-22 for retiree medical benefits. Transfers out have increased to adjust for the year end surplus revenues to be set aside for future deferred maintenance and capital improvement projects.

The following table provides comparisons to the amended FY2020-21, the adopted FY2021-22, the amended budget as of Q3, increases or decreases for the amended year end referred to as Q4.

REVENUES (in thousands)	FY 20/21 Actual	FY 21/22 Adopted	FY 21/22 Amended as of Q3	FY 21/22 Changes	FY 21/22 Actual Q4	% of Budget
Property Tax	$ 27,249	$ 28,114	$ 28,114	$ 749	$ 28,863	102.66%
Sales Tax	42,806	29,222	54,222	7,873	62,095	114.52%
Sales Tax Measure V	13,843	12,000	14,000	(983)	13,017	92.98%
Other Taxes	2,718	2,370	2,720	448	3,168	116.47%
Other Revenues	18,359	18,232	18,782	1,357	20,139	107.23%
TOTAL REVENUES	**$104,975**	**$ 89,938**	**$117,838**	**$ 9,444**	**$127,282**	
EXPENDITURES (in thousands)						% of Budget
Personnel	$ 46,114	$ 43,993	$ 47,966	$ 1,009	$ 48,975	102.10%
Purchased Services and Supplies	28,709	30,739	35,265	(2,780)	32,485	92.12%
Utilities	2,026	2,168	2,171	99	2,270	104.55%
Capital	0	-	840	(461)	379	45.12%
Debt	1,121	1,121	1,121	(122)	999	89.08%
TOTAL EXPENDITURES	**$ 77,970**	**$ 78,021**	**$ 87,363**	**$ (2,255)**	**$ 85,108**	
Transfers In	$ 56	$ 60	$ 60	$ 10	$ 70	116.67%
Transfers Out	(2,723)	(2,361)	(6,546)	(23,045)	(29,591)	452.05%
Transfers Out: Measure V Capital	(13,332)	(11,812)	(11,812)	(841)	(12,653)	107.12%
TOTAL NET TRANSFERS IN/(OUT)	(15,999)	(14,113)	(18,298)	(23,876)	(42,174)	
Total Change in Net Position	**$ 11,006**	**$ (2,196)**	**$ 12,177**	**$ (12,177)**	**$ -**	
Prior Year Reserves	$ 23,047	$ 34,030	$ 34,030		$ 34,030	
Use of Reserves						
Non-Spendable Reserves	62	62	62	-	62	
Contingency/Emergency Reserves (17%)*	13,064	13,264	14,852	-	14,468	
Economic/Budget Stability Reserves (13%)*	9,990	10,143	11,357	-	11,064	
Prior Year Carryover	360					
Unassigned	10,554	10,562	7,759		8,436	
Year End Reserves	**$ 34,030**	**$ 34,030**	**$ 34,030**		**$ 34,030**	

FISCAL IMPACT

Quarterly, staff prepares a report to the City Council on the year-to-date revenues and expenditures as compared to the amended budget as of June 30, 2022 (Fourth Quarter Q4). Staff is recommending amendments to the City Operating and Capital Budget for FY 2021-22.

STRATEGIC PLAN

This agenda item supports the City's Governance Strategic Priority, with Goal 2: Ensure short and long-term fiscal health.

ACTION REQUESTED OF THE CITY COUNCIL

The City Council adopt a resolution amending the City's Operating and Capital Improvement Projects (CIP) Budget for Fiscal Year 2021-22.

Respectfully submitted,

_____
Felicia Galindo
Budget Officer

APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION NO. _____

ADOPT A RESOLUTION AMENDING THE CITY'S OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2022

WHEREAS, The City Council, on May 18, 2021, adopted the FY 2021-22 Operating and Capital Budget for the City of Tracy, and

WHEREAS, Based upon a review of revenues and expenditures, the City Manager has prepared and proposed additional amendments to the FY 2021-22 budget, and

WHEREAS, The City Council has considered information related to these matters, as presented at a public meeting of the City Council, including any supporting documents and reports by City staff, and any information provided during that public meeting, and

WHEREAS, The City Council has reviewed the level of budgeting control needed by the City Manager to ensure efficiency in managing the operations of the City, including the authorization of budget transfers between funds; now, therefore, be it

RESOLVED: That the City Council of the City of Tracy hereby adopts the Amended Operating and Capital Budget for Fiscal Year 2021-22 as evidenced by the attached summary of FY2021-22 Revised General Fund Budget.

* * * * * * * * * * * * * *

The foregoing Resolution 2022-_____ was adopted by the Tracy City Council on _____, 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

Exhibit A

REVENUES (in thousands)	FY 20/21 Actual	FY 21/22 Adopted	FY 21/22 Amended as of Q3	FY 21/22 Changes	FY 21/22 Actual Q4	% of Budget
Property Tax	$ 27,249	$ 28,114	$ 28,114	$ 749	$ 28,863	102.66%
Sales Tax	42,806	29,222	54,222	7,873	62,095	114.52%
Sales Tax Measure V	13,843	12,000	14,000	(983)	13,017	92.98%
Other Taxes	2,718	2,370	2,720	448	3,168	116.47%
Other Revenues	18,359	18,232	18,782	1,357	20,139	107.23%
TOTAL REVENUES	**$104,975**	**$ 89,938**	**$117,838**	**$ 9,444**	**$127,282**	
EXPENDITURES (in thousands)						% of Budget
Personnel	$ 46,114	$ 43,993	$ 47,966	$ 1,009	$ 48,975	102.10%
Purchased Services and Supplies	28,709	30,739	35,265	(2,780)	32,485	92.12%
Utilities	2,026	2,168	2,171	99	2,270	104.55%
Capital	0	-	840	(461)	379	45.12%
Debt	1,121	1,121	1,121	(122)	999	89.08%
TOTAL EXPENDITURES	**$ 77,970**	**$ 78,021**	**$ 87,363**	**$ (2,255)**	**$ 85,108**	
Transfers In	$ 56	$ 60	$ 60	$ 10	$ 70	116.67%
Transfers Out	(2,723)	(2,361)	(6,546)	(23,045)	(29,591)	452.05%
Transfers Out: Measure V Capital	(13,332)	(11,812)	(11,812)	(841)	(12,653)	107.12%
TOTAL NET TRANSFERS IN/(OUT)	(15,999)	(14,113)	(18,298)	(23,876)	(42,174)	
Total Change in Net Position	**$ 11,006**	**$ (2,196)**	**$ 12,177**	**$ (12,177)**	**$ -**	
Prior Year Reserves	$ 23,047	$ 34,030	$ 34,030		$ 34,030	
Use of Reserves						
Non-Spendable Reserves	62	62	62	-	62	
Contingency/Emergency Reserves (17%)*	13,064	13,264	14,852	-	14,468	
Economic/Budget Stability Reserves (13%)*	9,990	10,143	11,357	-	11,064	
Prior Year Carryover	360					
Unassigned	10,554	10,562	7,759		8,436	
Year End Reserves	**$ 34,030**	**$ 34,030**	**$ 34,030**		**$ 34,030**	

Less Transfers (in thousands)	2020/2021 (Actuals)	2021/2022 (Adopted)	2021/22 (Amended as of Q3)	2021/22 (Changes)	2021/22 (Actual Q4)
GENERAL FUND	104,975	89,938	117,839	9,442	127,281
DEVELOPMENT SERVICES	11,203	11,751	17,049	35	17,084
SCFA	0	9,419	9,419	16,138	25,557
GAS TAX	3,834	4,172	3,167	1,123	4,290
SPECIAL REVENUE	9,684	5,069	32,977	(17,697)	15,280
GEN FUND CAPITAL	78	0	0	18	18
CAPITAL	33,008	497	35,910	18,734	54,644
DEBT	4,354	6,179	6,179	18,089	24,268
INTERNAL SERVICES FUND	13,386	14,107	16,425	20	16,445
WASTEWATER	17,331	15,289	16,086	468	16,554
WATER	25,206	21,252	23,010	818	23,828
SOLID WASTE	24,284	22,115	22,115	484	22,599
STORM DRAIN	4,321	729	729	21	750
AIRPORT	1,020	943	954	167	1,121
TRANSIT	8,122	5,611	5,611	(2)	5,609
Total Revenue	**260,806**	**207,071**	**307,470**	**47,858**	**355,328**
GENERAL FUND	77,970	78,021	86,620	(1,511)	85,109
DEVELOPMENT SERVICES	12,025	13,760	17,135	(5,433)	11,702
SCFA	0	25,148	26,049	(492)	25,557
GAS TAX	4,061	4,136	8,379	13	8,392
SPECIAL REVENUE	6,185	26,821	48,356	(3,060)	45,296
GEN FUND CAPITAL	903	17,400	30,079	0	30,079
CAPITAL	6,053	3,861	35,069	(40)	35,029
DEBT	2,724	4,488	4,488	69	4,557
INTERNAL SERVICES FUND	15,995	15,282	18,826	890	19,716
WASTEWATER	21,238	47,365	59,710	(500)	59,210
WATER	21,226	20,544	24,719	56	24,775
SOLID WASTE	25,986	24,523	25,640	2,364	28,004
STORM DRAIN	2,195	705	739	(157)	582
AIRPORT	1,144	788	1,240	92	1,332
TRANSIT	5,352	7,017	8,431	(1,234)	7,197
Total Expenses	**203,057**	**289,859**	**395,480**	**-8,943**	**386,537**
Surplus/(Deficit)	57,749	(82,788)	(88,010)	56,801	(31,209)

**Includes increases/decreases for Non-General Fund revenues and expenditures*

October 4, 2022

Agenda Item 1.G

RECOMMENDATION

Staff recommends that City Council approve the Offsite Improvement Agreement for Tracy Hills Phase 2A – Zone 5/6 Water Tanks and Booster Pump Station Building Improvements.

EXECUTIVE SUMMARY

This item involves the approval of the Offsite Improvement Agreement (OIA) for the Tracy Hills Phase 2A - Zone 5/6 Water Tanks and Booster Pump Station Building Improvements which will allow Tracy Phase 2, LLC (Developer) to proceed with the construction of the water tank, booster pump station building, and associated improvements needed to provide potable water service initially to Tracy Hills Phase 2A and ultimately to other Tracy Hills phases and adjacent developments.

BACKGROUND AND LEGISLATIVE HISTORY

On October 19, 2021, the City Council adopted the Tracy Hills Specific Plan Amendment for Tracy Hills Phase 2 and approved various related land use entitlements, including that certain Vesting Tentative Subdivision Map for Tracy Hills Phase 2, Tract 4057, processed under Application No. TSM20-0003 and approved by Resolution No. 2021-154. The Tracy Hills Phase 2 project is generally bordered by Interstate 580 to the north and Corral Hollow Road to the east.

ANALYSIS

The Conditions of Approval for the Vesting Tentative Subdivision Map require the Developer to design and construct the Zone 5 water storage tank and Zone 5 water transmission main as necessary to serve the project and in accordance with the Hydraulic Evaluation prepared for the project by the City's Water Consultant, West Yost. The Zone 5 tank and transmission main are required to be complete and operational prior to occupancy of the first residential building within the Tracy Hills Phase 2 project.

The Zone 5 water tank will be constructed by the Developer on land to be dedicated to the City. The site is designed to provide a graded pad to accommodate the future construction of a second water storage tank for Pressure Zone 6 which will serve future phases of the Tracy Hills project and other adjacent developments. The Developer will also construct a pump station building on the site which will accommodate the future installation of booster pumps required for the Zone 6 system. Potable water to fill the Zone 5/6 water tanks will be provided from the John Jones Water Treatment Plant via the new Zone 5 water transmission main that is being constructed by the Developer under a separate project.

Improvement plans and specifications, which describe in more detail the improvements which are required under the subject OIA, were prepared on behalf of the Developer and have been approved by the City Engineer.

The Developer has executed the Offsite Improvement Agreement and has submitted the

required security to guarantee completion of the subject improvements. The Offsite Improvement Agreement and associated Improvement Plans are on file with the City Engineer.

FISCAL IMPACT

There will be no impact to the General Fund. Developer will pay for the cost of plan checking, engineering inspection and processing of the Offsite Improvement Agreement.

CEQA DETERMINATION

An Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 for the Tracy Hills Specific Plan. This final map is consistent with the Tracy Hills Phase 2 Vesting Tentative Subdivision Map, which was approved by the City Council on October 19, 2021. An Addendum to the EIR was prepared in accordance with the provisions of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 to address the General Plan Amendment, Tracy Hills Specific Plan Amendment, and the Vesting Tentative Subdivision Map for the Tracy Hills Phase 2 Project. No new significant environmental impacts were identified for the Tracy Hills Phase 2 Project. Therefore, no further environmental review is necessary.

STRATEGIC PLAN

This item is consistent with the City Council's approved Economic Development Strategy to ensure that physical infrastructure necessary for development is constructed.

ACTION REQUESTED OF THE CITY COUNCIL

That City Council, by resolution, approve the Offsite Improvement Agreement for Tracy Hills Phase 2A – Zone 5/6 Water Tanks and Booster Pump Station Building Improvements.

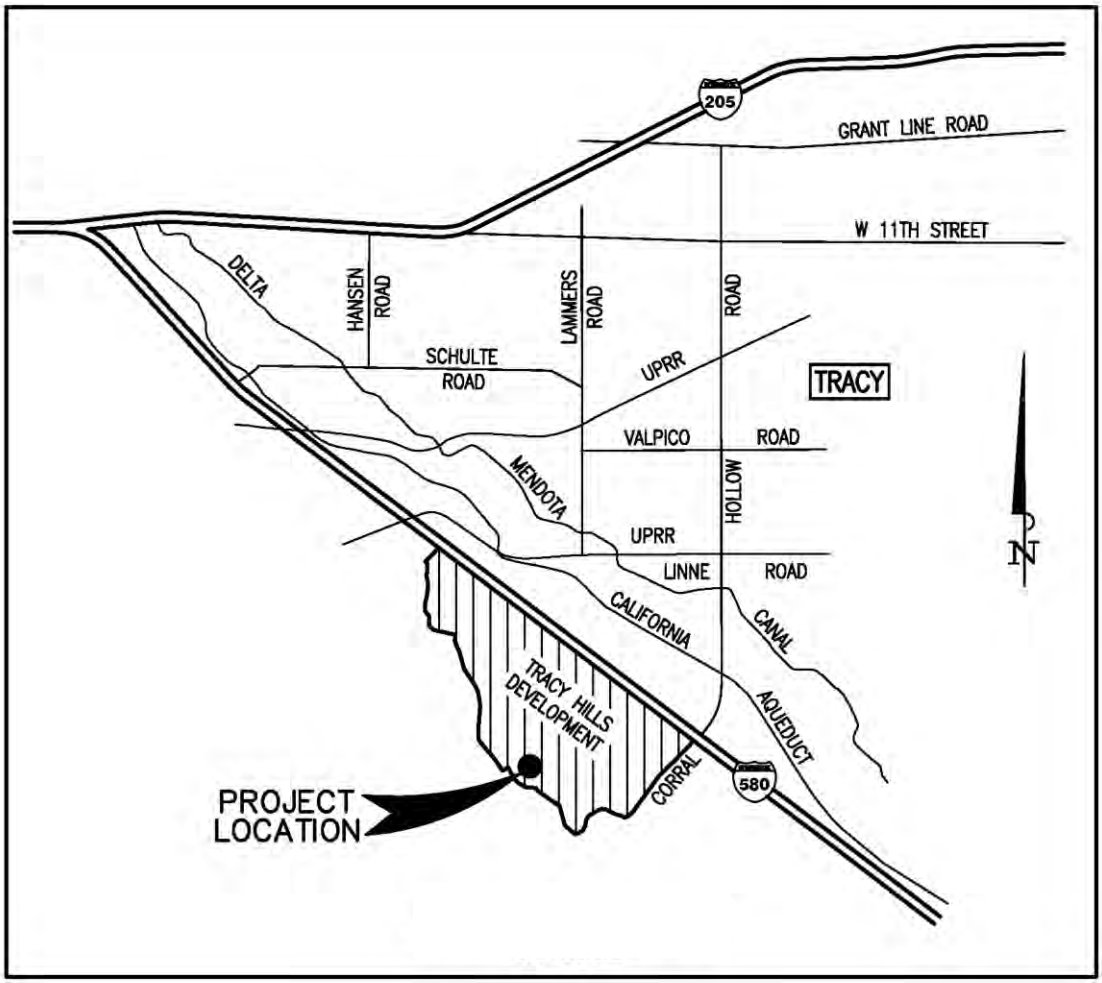
Respectfully submitted,

KRIS BALAJI
Director, Development Services Department

ATTACHMENTS

Attachment A – Location Map
Attachment B – Offsite Improvement Agreement

ATTACHMENT A
Location Map



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CITY OF TRACY
OFFSITE IMPROVEMENT AGREEMENT
FOR TRACY HILLS PHASE 2A - ZONE 5/6 WATER TANKS
AND BOOSTER PUMP STATION BUILDING IMPROVEMENTS

This **OFFSITE IMPROVEMENT AGREEMENT FOR TRACY HILLS PHASE 2A - ZONE 5/6 WATER TANKS AND BOOSTER PUMP STATION BUILDING IMPROVEMENTS** ("**Agreement**") is made and entered into by and between the **CITY OF TRACY**, a municipal corporation ("**City**") and **LENNAR HOMES OF CALIFORNIA, LLC,** a Californiae limited liability company (referred to as "**Developer**").

RECITALS

A. Developer is the owner of the real property generally bordered by Interstate 580 to the north and Corral Hollow Road to the east, and being more particularly described in Exhibit "A" ("**Property**").

B. On October 19, 2021, the Tracy City Council ("**City Council**") adopted the Tracy Hills Specific Plan Amendment for Tracy Hills Phase 2 and approved various related land use entitlements, including that certain Vesting Tentative Subdivision Map for Tracy Hills Phase 2, Tract 4057, processed under Application No. TSM20-0003 and approved by Resolution No. 2021-154 ("**Tentative Map**").

C. The approval of the Tentative Map by the City Council was subject to specified conditions of approval ("**Conditions of Approval**"). The Conditions of Approval, attached hereto as Exhibit "B", describe, among other things, improvements that are required for approval of the Final Subdivision Map(s) pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City Standards.

D. In accordance with the Conditions of Approval, improvement plans and specifications for the Project (which incorporate portions of the City's Standard Specifications) have been prepared on behalf of the Developer, and approved by the City Engineer, which describe in more detail the improvements which are required in this Agreement. The Plans and Specifications, as approved by the City Engineer, are on file with the City Engineer (ENG 21-0025), and are incorporated herein by reference. The term "**Plans and Specifications**" includes: seventy-three (73) sheets of improvement plans titled "Tracy Hills – Phase 2A, Zone 5/6 Tanks", prepared by Coleman Engineering and various sub-consultants.

E. The Project will be constructed by Developer on land to be dedicated to the City. The site is designed to provide graded pad to accommodate the future construction of a second water storage tank for Pressure Zone 6, which will server future Tracy Hills projects.

F. The Developer will also construct a pump station building on the site which will accommodate the future installation of booster pumps required for the Zone 6 system. Potable water to fill Zone 5/6 water tanks will be provided from John Jones Water Treatment Plant via a new Zone 5 water transmission main that is being constructed by Developer.

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G. Since the required improvments, as described above and in the Plans and Specifications, have not been completed, Developer has requested to execute this Agreement as authorized by Government Code Section 66462.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. SCOPE OF WORK. Developer shall perform, or cause to be performed, the work described in the Plans and Specifications and Conditions of Approval (hereinafter **"Work"**), to the satisfaction of the City Engineer, pursuant to this Agreement. The Work shall be performed, and all materials and labor shall be provided, at Developer's expense, in the manner described in the Plans and Specifications. No material change shall be made to the scope of Work unless authorized in writing by the City Engineer, such approval not to be unreasonably withheld. Developer may submit a written request to the City Engineer for a change in the scope of the Work, as required by Tracy Municipal Code Section 12.36.060(f). To the extent applicable, all of the Work shall be performed by the Developer in accordance with the requirements of the State prevailing wage laws.

2. DEVELOPER'S AUTHORIZED REPRESENTATIVE. At all times during the progress of the Work, Developer shall have a competent foreman or superintendent ("**Authorized Representative**") on site with authority to act on Developer's behalf. Developer shall, at all times, keep the City Engineer informed in writing of the name and telephone number of the Authorized Representative. Developer shall, at all times, keep the City Engineer reasonably informed in writing of the names and telephone numbers of all contractors and subcontractors performing the Work. Exhibit "C" attached hereto includes the initial contact information referenced herein.

3. LOCATION OF PERFORMANCE. Developer shall perform the Work at the locations and grades shown on the Plans and Specifications or as otherwise approved by the City Engineer. Any easement or right-of-way necessary for the performance of the Work shall be acquired by the Developer at the Developer's sole cost and expense.

4. IMPROVEMENT SECURITY. Concurrently with the execution of this Agreement, and prior to the commencement of any Work, Developer shall furnish contract security, in a form authorized by the Subdivision Map Act (including Government Code Sections 66499 *et seq*.) and Tracy Municipal Code Section 12.36.080, in the following amounts:

   4.1. Faithful Performance security in the amount of **$8,563,000.00** to secure faithful performance of this Agreement (until the day following the date upon which the City Council accepts the Work as complete).

   4.2. Labor and Material security in the amount of **$8,563,000.00** to secure payment by Developer to laborers and materialmen (until the day following the date upon which any and all claims in connection with the Work are required to be made by laborers and materialmen in accordance with applicable laws).

   4.3. Warranty security in the amount of **$856,300.00** to guarantee improvements against any defective work or labor done or defective materials used in the performance of Work (from the day following the date upon which the City Council accepts the Work as complete through and including the same date in the following year).

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5. INSURANCE. Concurrently with the execution of this Agreement, and prior to the commencement of any Work, Developer shall furnish evidence to City that all of the following insurance requirements have been satisfied by the Developer or its general contractor responsible for the Work. The insurance coverage requirements below can also be covered by umbrella policies if approved by the City.

5.1. General. Developer shall, throughout the duration of this Agreement, maintain or cause to be maintained insurance to cover Developer, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services for the Work covered by this Agreement at the minimum levels set forth herein.

5.2. Commercial General Liability. Developer shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than four million dollars ($4,000,000) per occurrence and eight million dollars ($8,000,000) general aggregate for general liability, bodily injury, personal injury, and property damage, including without limitation, blanket contractual liability and coverage for explosion, collapse and underground property damage hazards. Developer's general liability policies shall be primary and non-contributory, and be endorsed using Insurance Services Office form CG 20 10 to provide that City and its officers, officials, employees, and agents shall be additional insureds under such policies. For construction contracts, an endorsement providing completed operations to the additional insured, ISO form CG 20 37, is also required.

5.3. Automobile Liability. Developer shall provide auto liability coverage for owned, non-owned, and hired autos using ISO Business Auto Coverage form CA 00 01, or the exact equivalent, with a limit of no less than two million dollars ($2,000,000) per accident for bodily injury and property damage.

5.3.1. If Developer has no employees, or does not own automobiles, then non-owned and hired autos coverage shall be maintained in an amount not less than $1,000,000 per accident for bodily injury and property damage.

5.4. Workers' Compensation. Developer shall maintain Workers' Compensation Insurance as required by the State of California.

5.5. Professional Liability. Developer shall cause its design professionals to maintain professional liability insurance that insures against professional errors and omissions that may be made in performing services to be rendered in connection with this Agreement, in the minimum amount of one million dollars ($1,000,000) per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this Agreement, and Developer agrees to cause its design professionals to maintain continuous coverage through a period no less than three years after completion of the services required by this Agreement.

5.6. Endorsements. Developer shall obtain endorsements to the commercial general liability and automobile policies with the following provisions:

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5.6.1. The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an Additional Insured on Developer's Commercial General Liability policy utilizing endorsement form CG 20 10 (or its equivalent) for ongoing operations and CG 20 37 (or its equivalent) for products/completed operations.

5.6.2. For any claims related to this Agreement, Developer's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of Developer's insurance and shall not contribute with it.

5.6.3. Developer shall require its contractors and subcontractors providing services required by this Agreement (e.g. general contractors, design professionals) to name it and the City as Additional Insureds.

5.7. Notice of Cancellation. Developer shall obtain endorsements to all insurance policies by which each insurer is required to provide thirty (30) days' prior written notice to City should the policy be canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation.

5.8. Authorized Insurers. All insurance companies providing coverage to Developer shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

5.9. Insurance Certificate. Developer shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form reasonably satisfactory to the City Attorney.

5.10. Substitute Certificates. No later than five (5) calendar days prior to the policy expiration date of any insurance policy required by this Agreement, Developer shall provide City with a substitute certificate of insurance.

5.11. Developer's Obligation. Maintenance of insurance by Developer as specified in this Agreement shall in no way be interpreted as relieving Developer of any of its obligations hereunder (including indemnity obligations under this Agreement), and Developer may carry, at its own expense, such additional insurance as it deems necessary or desirable.

6. PERMITS, LICENSES AND COMPLIANCE WITH LAW. Developer shall, at its expense, obtain and maintain all necessary permits, approvals and licenses for performance of the Work. In its performance of the Work, Developer shall comply with all applicable local, state, and federal laws, whether or not said laws are expressly stated in this Agreement.

7. TIME OF PERFORMANCE. Time is of the essence in the performance of the Work, and Developer and the City shall with diligence and in good faith adhere to the timing requirements set forth herein unless otherwise modified in writing in accordance with this Agreement. Developer shall submit all requests for extensions of time to City, in writing, no later than ten (10) days after the start of the condition that purportedly caused the delay, and not later than the date on which performance is due.

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7.1. Commencement of Work. No later than fifteen (15) days prior to the commencement of the Work, Developer shall provide written notice to the City Engineer of the date on which Developer intends to commence the Work. Developer shall not commence the Work until after the notice required by this Section 7.1 is provided, and Developer shall not commence Work prior to the date specified in said written notice.

7.2. Schedule of Work. Concurrently with the written notice of commencement of Work, Developer shall provide City with a written schedule of Work that is acceptable to the City Engineer in its reasonable discretion, which shall be updated in writing as necessary to accurately reflect Developer's prosecution of the Work.

7.3. Completion of Work. Developer shall complete all Work described in the Plans and Specifications no later than three hundred sixty-five (365) calendar days after Developer's submittal of its notice of commencement of Work pursuant to Section 7.1 above. If the Work is not completed by this date, City Engineer may grant an extension of time if (a) Developer submits a written request for extension at least ten (10) days prior to expiring date of completion, (b) the City Engineer determines that Work is progressing satisfactorily and an extension is warranted, and (c) Developer pays all processing fees for such time extension.

8. INSPECTION BY CITY. To permit City to inspect the Work, Developer shall, at all times, provide to City reasonable and safe access to the Work site, and all portions of the Work, and to all shops wherein portions of the Work are in preparation. Concurrently with Developer's execution of this Agreement and before the beginning of any Work, Developer shall pay the City Inspection Fees in the amount of three and one-half percent (3.5%) of the estimated Project costs (as approved by the City Engineer). If the City requires an independent inspection, Developer shall pay all such costs and provide a report directly to the City.

9. FEES AND FEE CREDITS. Developer shall pay all fees due to City in connection with the Work, and shall be eligible for fee credits, in accordance with Section 3.3 of the Development Agreement (DA), adopted by Ordinance 1213, as may be amended from time to time, and as provided in greater detail in the Finance and Implementation Plan (FIP) for the Project pursuant to the DA, and Chapter 10 of the Tracy Municipal Code, as may be amended from time to time.

10. DEFAULT.

10.1. Notice of Default. In the event that Developer is in default of this Agreement, as defined in this Section 10, the City Engineer shall provide written notice to Developer and Developer's surety (if any) in which the default is described.

10.2. Material Breach. Developer shall be in default of this Agreement if the City Engineer determines that any one of the following conditions exist (which conditions are not intended to constitute the exclusive bases for default):

10.2.1. The Developer is insolvent, bankrupt, or makes a general assignment for the benefit of its creditors.

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10.2.2. The Developer abandons the Work site.
10.2.3. The Developer fails to perform one or more material requirements of this Agreement, and fails to cure any such non-performance pursuant to Section 10.3, below.
10.2.4. Developer fails to replace or repair any damage caused by Developer or its agents, representatives, contractors, subcontractors, or employees in connection with performance of the Work.
10.2.5. The Developer violates any legal requirements related to the Work, and fails to cure such violation pursuant to Section 10.3, below.

10.3. Cure of Default. In the event that Developer fails, within thirty (30) calendar days after receipt of written notice from the City, to either cure the default or provide adequate written assurance to the reasonable satisfaction of the City Engineer that the cure will be promptly commenced and diligently prosecuted to its completion, the City may, in its discretion, take any or all of the following actions:

10.3.1. Cure the default and charge Developer for the costs, including administrative costs and interest in an amount equal to 7% per annum from the date of default.
10.3.2. Demand that Developer complete performance of the Work.
10.3.3. Demand that Developer's surety (if any) complete performance of the Work.
10.3.4. Any other judicial remedies available to the City.

11. REPAIR OF ANY DAMAGE. In the event and to the extent Developer or its agents, representatives, contractors, subcontractors, or employees, in connection with performance of the Work, cause any damage to property owned by City or other property owners, then Developer shall promptly take all reasonable steps to repair or replace (as necessary) such property to remedy the damage caused thereto.

12. ACCEPTANCE OF WORK. Before the City Council's acceptance of the Work, Developer is solely responsible for maintaining the quality of the Work and maintaining safety at the Project site. Developer's obligation to perform the Work is not satisfied until after the City Engineer has made a written determination that all obligations of the Agreement have been satisfied, all outstanding fees and charges have been paid, and the City Council has accepted the Work as complete.

13. WARRANTY PERIOD. Developer shall warrant the quality of the Work, in accordance with the Plans and Specifications, for a period of one (1) year after final acceptance of the Work by the City Council, consistent with Section 4.3 above. If during the one-year warranty period any portion of the Work is determined by the City Engineer to be defective as a result of an obligation of Developer under this Agreement, Developer shall be in default of this Agreement and shall without delay and without any cost to City repair, replace, or reconstruct any defective improvements.

14. INDEPENDENT CONTRACTOR STATUS. Developer is an independent contractor, and the parties agree that City shall have no responsibility for any acts of Developer's employees, agents, representatives, contractors or subcontractors, including any negligent acts or omissions. Developer is not City's employee and Developer shall have no authority, express or implied, to act on behalf of City as an agent, or to bind City to any obligation whatsoever, unless City provides prior written authorization to Developer.

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15. OWNERSHIP OF WORK. All original documents prepared by Developer for this Agreement shall be given to City upon City's final acceptance of the Work; provided, however, ownership of said documents shall be determined in accordance with applicable laws and with Developer's contracts with its design professionals.

16. INDEMNIFICATION. Developer shall indemnify, defend, and hold harmless City (including its elected officials, officers, agents and employees) from and against any and all claims, demands, damages, liabilities, costs, and expenses (including court costs and attorney's fees) resulting from the performance of the Work by Developer or Developer's agents, representatives, contractors, subcontractors, or employees until such time as all of the following have occurred: (1) the City Council accepts all of the improvements comprising the Work, (2) the City becomes responsible for the maintenance, operation and repair of all of the improvements comprising the Work, and (3) the one year warranty period set forth in Section 13, above, has expired, at which time the indemnification obligations under this Section 16 shall automatically terminate, with regard to any cause of action arising after such date. For avoidance of doubt, Developer's obligations under this Section 16 are in addition to all other Developer obligations set forth in this Agreement, and shall not affect Developer's warranty obligations set forth in Section 13, above.

17. ASSIGNMENT AND DELEGATION. This Agreement and any portion thereof shall not be assigned or transferred, nor shall any of Developer's duties be delegated, without the prior written consent of City. Any attempt to assign or delegate this Agreement without City's written consent shall be void and of no force and effect. Consent by City to one assignment shall not be deemed to be consent to any subsequent assignment.

18. NOTICES.

18.1. Notice in Writing. All notices, demands, or other communications that this Agreement contemplates, authorizes or requires shall be in writing and shall be personally delivered and electronically mailed to the respective party as follows:

To City:

City of Tracy
333 Civic Center Plaza
Tracy, CA 95376
Attn: City Engineer
notice@cityoftracy.org

Copy to:

City Attorney's Office
333 Civic Center Plaza
Tracy, CA 95376
Attn: City Attorney
attorney@cityoftracy.org

To Developer:

Lennar Homes of California, LLC
2603 Camino Ramon, Suite 525
San Ramon, CA 94583
Attn: Bridgit Koller
bridgit.koller@lennar.com

Copy to:

AG Essential Housing CA 1, LP
c/o AGWIP Asset Management LLC
8585 E. Hartford Drive, Suite 118
Scottsdale, AZ 85255
Attn: Steven S. Benson, Manager
steve.benson@agwipam.com

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18.2. Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the email address designated above, or (2) two working days following the deposit in the United States Mail of registered or certified mail, sent to the address designated above.

19. MODIFICATIONS. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

20. WAIVERS. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

21. SEVERABILITY. In the event a court of competent jurisdiction holds any term of this Agreement invalid, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect.

22. JURISDICTION AND VENUE. The interpretation, validity and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

23. ENTIRE AGREEMENT. This Agreement, including all documents incorporated by reference, comprises the entire integrated understanding between the parties concerning the Work. This Agreement supersedes all prior negotiations, representations or agreements as such may relate to performance of the Work.

24. SIGNATURES. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of Developer and City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

[SIGNATURES ON NEXT PAGE]

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IN WITNESS WHEREOF the parties do hereby agree to the full performance of the terms set forth herein.

CITY OF TRACY

_____
Nancy D. Young, Mayor

Date:_____

Approved by City Council on _____
by Resolution No. _____.

Approved as to form:

_____
Bijal Patel, City Attorney

DEVELOPER

LENNAR HOMES OF CALIFORNIA, LLC
a California limited liability company

DocuSigned by:
_____
5D5[illegible]

By: Bridgit Koller

Title: Vice President

Date: 9/14/2022

Federal Employer Tax ID No. 93-1223261

Exhibits

A: Description of Property (Recital A)
B: Conditions of Approval (Recital C)
C: Developer's Authorized Representative Information (Section 2)

EXHIBIT "A"
Description of Property

LEGAL DESCRIPTION

Real property in the City of Tracy, County of San Joaquin, State of California, described as follows:

PARCEL A OF CERTIFICATE OF COMPLIANCE FOR LOT LINE ADJUSTMENT LLA NO. MS21-0011 RECORDED NOVEMBER 17, 2021 AS INSTRUMENT NO. 2021-192160 OF OFFICIAL RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REAL PROPERTY SITUATE IN THE CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA, AND BEING A PORTION OF PARCEL 1 AS SHOWN ON THE PARCEL MAP FILED ON MARCH 24, 2017 IN BOOK 26 OF PARCEL MAPS AT PAGE 77, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF SAID PARCEL 1; THENCE ALONG THE EAST LINE OF PARCEL 1 FOR THE FOLLOWING TEN (10) COURSES: (1) SOUTH 32° 39' 09" WEST - 345.17 FEET, (2) SOUTH 46° 56' 35" WEST - 485.86 FEET, (3) SOUTH 46° 33' 30" WEST - 834.10 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, (4) IN A SOUTHWESTERLY DIRECTION WITH SAID CURVE TURNING TO THE LEFT AN ARC LENGTH OF 735.10 FEET, HAVING A RADIUS OF 4327.18 FEET AND THROUGH A CENTRAL ANGLE OF 09° 44' 00", (5) SOUTH 36° 49' 30" WEST - 1101.00 FEET, (6) IN A SOUTHWESTERLY DIRECTION WITH SAID CURVE TURNING TO THE RIGHT AN ARC LENGTH OF 384.77 FEET, HAVING A RADIUS OF 1879.86 FEET AND THROUGH A CENTRAL ANGLE OF 11° 43' 38", (7) SOUTH 52° 46' 09" WEST - 96.17 FEET, (8) SOUTH 61° 50' 09" WEST - 98.89 FEET, (9) SOUTH 65° 38' 09" WEST - 49.80 FEET, AND (10) SOUTH 59° 37' 09" WEST - 40.51 FEET TO A COMMON CORNER OF PARCEL 1 AND RESULTANT PARCEL 2 DESCRIBED IN THAT GRANT DEED TO AKT TRACY HILLS 3430 LLC RECORDED ON AUGUST 11, 2016 UNDER RECORDER'S SERIES NUMBER 2016-093955, OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE COMMON LINES OF PARCEL 1 AND RESULTANT PARCEL 2 FOR THE FOLLOWING TWENTY-FOUR (24) COURSES: (1) NORTH 32° 43' 30" WEST - 135.17 FEET, (2) NORTH 84° 24' 22" WEST - 137.28 FEET, (3) NORTH 67° 10' 21" WEST - 100.10 FEET, (4) NORTH 62° 34' 20" WEST - 398.95 FEET, (5) NORTH 81° 29' 36" WEST - 192.76 FEET, (6) SOUTH 64°38' 03" WEST - 516.59 FEET, (7) SOUTH 35° 36' 18" WEST - 218.42 FEET, (8) SOUTH 11° 25' 54" WEST - 251.48 FEET, (9) SOUTH 32° 39' 14" WEST - 223.33 FEET, (10) SOUTH 63° 24' 24" WEST - 294.92 FEET, (11) NORTH 47° 29' 28" WEST - 552.61 FEET, (12) NORTH 24° 55' 34" EAST - 584.76 FEET, (13) NORTH 52° 45' 16" EAST - 351.21 FEET, (14) NORTH 59° 11' 07" EAST - 321.51 FEET, (15) NORTH 38° 54' 59" EAST - 414.80 FEET, (16) NORTH 39° 06' 11" EAST - 369.49 FEET, (17) NORTH 74° 42' 18" EAST - 233.47 FEET, (18) NORTH 33° 15' 21" EAST - 152.01 FEET, (19) NORTH 23° 35' 09" EAST - 297.88 FEET, (20) NORTH 26° 13' 48" EAST - 245.35 FEET, (21) NORTH 31° 42' 56" EAST - 169.52 FEET, (22) NORTH 43° 45' 21" EAST - 540.42 FEET, (23) NORTH 44° 45' 50" EAST - 572.00 FEET, AND (24) NORTH 17° 14' 59" WEST - 277.55 FEET; THENCE CROSSING THROUGH PARCEL 1 FOR THE FOLLOWING THIRTY-ONE (31) COURSES: (1) NORTH 41° 52' 32" EAST - 55.73 FEET FOR THE BEGINNING OF A CURVE TO THE LEFT FROM WHICH POINT THE CENTER BEARS SOUTH 72° 07' 24" WEST , (2) IN A NORTHWESTERLY DIRECTION WITH SAID CURVE TURNING TO THE LEFT AN ARC LENGTH OF 271.01 FEET, HAVING A RADIUS OF 453.50 FEET AND THROUGH A CENTRAL ANGLE OF 34° 14' 22", (3) NORTH 52° 06' 57" WEST - 977.69 FEET, (4) NORTH 37° 53' 03" EAST - 466.00 FEET FOR THE BEGINNING OF A CURVE TO THE LEFT, (5) IN A NORTHERLY DIRECTION WITH SAID CURVE TURNING TO THE LEFT AN ARC LENGTH OF 31.42 FEET, HAVING A RADIUS OF 20.00 FEET AND THROUGH A CENTRAL ANGLE OF 90° 00' 00", (6) NORTH 52° 06' 57" WEST - 65.00 FEET FOR THE BEGINNING OF A CURVE TO THE LEFT, (7) IN A SOUTHWESTERLY DIRECTION WITH SAID CURVE TURNING TO THE LEFT AN ARC LENGTH OF 31.42 FEET, HAVING A RADIUS OF 20.00 FEET AND THROUGH A CENTRAL ANGLE OF 90°00' 00", (8) SOUTH 37° 53' 03" WEST - 5.00 FEET, (9) NORTH 52° 06' 57" WEST - 57.00 FEET, (10) NORTH 37° 53' 03" EAST - 5.00 FEET FOR THE BEGINNING OF A CURVE TO THE LEFT, (11) IN A NORTHERLY DIRECTION WITH SAID CURVE TURNING TO THE LEFT AN ARC LENGTH OF 31.42 FEET, HAVING A RADIUS OF 20.00 FEET AND THROUGH A CENTRAL ANGLE OF 90° 00' 00", (12) NORTH 52°06' 57" WEST - 5.00 FEET, (13) NORTH 37° 53' 03" EAST - 57.00 FEET, (14) SOUTH 52° 06' 57" EAST - 5.00 FEET

FOR THE BEGINNING OF A CURVE TO THE LEFT, (15) IN A EASTERLY DIRECTION WITH SAID CURVE TURNING TO THE LEFT AN ARC LENGTH OF 31.42 FEET, HAVING A RADIUS OF 20.00 FEET AND THROUGH A CENTRAL ANGLE OF 90° 00' 00", (16) NORTH 37° 53' 03" EAST - 180.00 FEET FOR THE BEGINNING OF A CURVE TO THE LEFT, (17) IN A NORTHERLY DIRECTION WITH SAID CURVE TURNING TO THE LEFT AN ARC LENGTH OF 31.42 FEET, HAVING A RADIUS OF 20.00 FEET AND THROUGH A CENTRAL ANGLE OF 90° 00' 00", (18) NORTH 52° 06' 57" WEST - 5.00 FEET, (19) NORTH 37° 53' 03" EAST - 57.00 FEET, (20) SOUTH 52° 06' 57" EAST - 5.00 FEET FOR THE BEGINNING OF A CURVE TO THE LEFT, (21) IN A EASTERLY DIRECTION WITH SAID CURVE TURNING TO THE LEFT AN ARC LENGTH OF 31.42 FEET, HAVING A RADIUS OF 20.00 FEET AND THROUGH A CENTRAL ANGLE OF 90° 00' 00", (22) NORTH 37° 53' 03" EAST - 107.00 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, (23) IN A NORTHERLY DIRECTION WITH SAID CURVE TURNING TO THE LEFT AN ARC LENGTH OF 31.42 FEET, HAVING A RADIUS OF 20.00 FEET AND THROUGH A CENTRAL ANGLE OF 90° 00' 00", (24) NORTH 52° 06' 57" WEST - 5.00 FEET, (25) NORTH 37° 53' 03" EAST - 57.00 FEET, (26) SOUTH 52° 06' 57" EAST - 167.00 FEET FOR THE BEGINNING OF A CURVE TO THE LEFT, (27) IN AN EASTERLY DIRECTION WITH SAID CURVE TURNING TO THE LEFT AN ARC LENGTH OF 31.42 FEET, HAVING A RADIUS OF 20.00 FEET AND THROUGH A CENTRAL ANGLE OF 90° 00' 00", (28) NORTH 37° 53' 03" EAST - 172.00 FEET FOR THE BEGINNING OF A CURVE TO THE LEFT, (29) IN A NORTHERLY DIRECTION WITH SAID CURVE TURNING TO THE LEFT AN ARC LENGTH OF 31.42 FEET, HAVING A RADIUS OF 20.00 FEET AND THROUGH A CENTRAL ANGLE OF 90° 00' 00", (30) NORTH 52° 06' 57" WEST - 5.00 FEET, AND (31) NORTH 37° 53' 03" EAST - 182.06 FEET TO A POINT ON THE NORTH LINE OF SAID PARCEL 1; THENCE ALONG SAID NORTH LINE FOR THE FOLLOWING SIX (6) COURSES: (1) SOUTH 52° 05' 47" EAST - 1296.91 FEET, (2) SOUTH 48° 16' 56" EAST - 300.67 FEET, (3) SOUTH 52° 54' 54" EAST - 700.07 FEET, (4) SOUTH 46° 00' 54" EAST - 497.16 FEET, (5) SOUTH 47° 20' 32" EAST - 301.33 FEET, AND (6) SOUTH 35° 37' 15" EAST - 201.48 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT THEREFROM ALL OIL, GAS, MINERAL AND HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 500 FEET BELOW THE SURFACE, WITHOUT THE RIGHT OF SURFACE ENTRY, AS RESERVED IN THE DEED RECORDED JULY 20, 1992 AS DOCUMENT NO. 92083244 SAN JOAQUIN COUNTY RECORDS, AS TO THE PORTION OF SAID LAND DESCRIBED THEREIN.

ALSO EXCEPT THEREFROM ALL OIL, GAS, AND MINERAL RIGHTS LYING BELOW A DEPTH OF 500 FEET BELOW THE SURFACE, WITHOUT THE RIGHT OF SURFACE ENTRY, AS RESERVED IN THE DEED RECORDED FEBRUARY 23, 2006, INSTRUMENT NO. 2006-040904, OF OFFICIAL RECORDS, AS TO THE PORTION OF SAID LAND DESCRIBED THEREIN

APN: 251-060-120-000 (A portion of the land, with other property) and 251-060-130-000 (A portion of the land)

EXHIBIT "B"
Conditions of Approval

Conditions of Approval for Tracy Hills Phase 2
Vesting Tentative Subdivision Map
Application Number TSM20-0003
October 19, 2021

Project: These Conditions of Approval shall apply to the Vesting Tentative Subdivision Map for Tracy Hills Phase 2, Application Number TSM20-0003, including approximately 1,470 single-family residential lots and various other parcels.

Property: The property consists of approximately 1,143 acres located in the Tracy Hills Specific Plan Area, south of I-580, west of Corral Hollow Road, Application Number TSM20-0003.

Community Facilities Districts: Certain conditions of approval herein involve the establishment of one or more Community Facilities Districts (CFDs) to implement the Project. The imposition of conditions requiring or involving the establishment of CFDs on the Property shall not limit the City from establishing additional CFDs over the Property, subject to an affirmative vote of the Property owner(s).

A. **Definitions; Abbreviations.**

The definitions in the City's zoning regulations (Tracy Municipal Code, Title 10, Chapter 10.08) and subdivision ordinance (Tracy Municipal Code, Title 12, Chapter 12.08) apply, and in addition:

1. "Applicant" means any person, or other legal entity, defined as a "Subdivider" by Section 12.08.010 of the City of Tracy Municipal Code.

2. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director, to perform the duties set forth here. (The Development Services Director is also referred to in the Tracy Municipal Code as the Development and Engineering Services Director.)

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 Hills Specific Plan, the Tracy Municipal Code, ordinances, resolutions, written policies, written procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).

4. "Conditions of Approval" or "Conditions" means these conditions of approval.

5. "Property" means the approximately 1,143 acres located in the Tracy Hills Specific Plan Area that is the subject of the Vesting Tentative Subdivision Map for Tracy Hills Phase 2, Application Number TSM20-0003.

The following abbreviations may be used in these Conditions:

EIR	Environmental Impact Report	PI&RA	Park Improvement and Reimbursement Agreement
DIA	Deferred Improvement Agreement	PUE	Public Utility Easement
OIA	Offsite Improvement Agreement	TMC	Tracy Municipal Code

B. Planning Division Conditions of Approval

1. Compliance with laws. The Subdivider shall comply with all laws (federal, state, and local) related to the development of real property within the Project boundaries, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for the California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").

2. City Regulations. Unless specifically modified by these Conditions of Approval, the Subdivider shall comply with all City Regulations.

3. Mitigation Measures. The Subdivider shall comply with all applicable mitigation measures in the Final Subsequent Environmental Impact Report (EIR) for the Tracy Hills Specific Plan Project (State Clearinghouse No. 2013102053), which was certified by the City Council on April 5, 2016, as it may be amended or modified pursuant to CEQA and the CEQA Guidelines.

4. Notice of protest period. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Subdivider that the 90-day approval period (in which the Subdivider may protest the imposition of any fees, dedications, reservations, or other exactions that are within the purview of the Mitigation Fee Act [Government Code section 66000 et seq.] ("Exactions") and imposed on this Project by these Conditions of Approval) shall begin on the date of the conditional approval of this Project. If the Subdivider fails to file a protest of the Exactions complying with all of the requirements of Government Code Section 66020 within this 90-day period, 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 City.

5. Final Maps for Financing Purposes. For the purpose of these Conditions of Approval, if any Final Map or Parcel Map is filed within the boundaries of the Project solely for financing purposes only, and no permits will be requested pursuant to such map, then the requirements listed in these Conditions of Approval shall not apply to the final map or parcel map for financing purposes only.

6. Conformance with Vesting Tentative Subdivision Map. All Final Maps shall be in substantial conformance with the approved Vesting Tentative Subdivision Map (Application Number TSM20-0003), which was received by the Development Services Department on October 12, 2021, unless modified by these Conditions.

7. Streets, Streetlights and Sidewalks

Before approval of the first Final Map or issuance of any building permit for the Property (except for up to fifteen (15) 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 fifteen 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 fifteen 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.

Or

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 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.

8. Police/Public Safety & Public Works

Before approval of the first Final Map or issuance of any building permit for the Property (except for up to fifteen (15) 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.

9. Landscaping Maintenance

Before approval of the first Final Map or issuance of any building permit for the Property (except for up to fifteen (15) 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: (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, channel-ways, public parks and public open space areas; (3) formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien; (4) upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment; (5) prior to issuance of a building permit, the Subdivider shall deposit an amount equal to the first year's taxes; and (6) the Subdivider shall be responsible for all costs

associated with formation of the CFD.

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 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 fifteen 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 fifteen 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.

10. Neighborhood Parks. Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the property, which stipulates the following:

a. Prior to the issuance of the 125th building permit that allows construction of a dwelling, not including plumbing only permits, the developer shall commence construction of the first neighborhood park. If the construction of the first neighborhood park has not commenced by the issuance of 125th building permit, no further building permits shall be issued until the first neighborhood park construction is commenced;

b. Prior to the issuance of the 500th building permit that allows construction of a dwelling, not including plumbing only permits, the developer shall commence construction of the second neighborhood park. If the construction of the second neighborhood park has not commenced by the issuance of 500th building permit, no further building permits shall be issued until the second neighborhood park construction is commenced;

c. Prior to the issuance of the 976th building permit that allows construction of a dwelling, not including plumbing only permits, the developer shall commence construction of the third neighborhood park. If the construction of the third neighborhood park has not commenced by the issuance of 976th building permit, no further building permits shall be issued until the third neighborhood park construction is commenced; and

d. Prior to the issuance of the 1,226th building permit that allows construction of a dwelling, not including plumbing only permits, the developer shall commence construction of the fourth neighborhood park. If the construction of the fourth neighborhood park has not commenced by the issuance of 1,226th building permit, no further building permits shall be issued until the fourth neighborhood park construction is commenced.

C. **Engineering Division Conditions of Approval**

1. General Conditions

C.1.1 Subdivider shall comply with the applicable requirements of the approved documents, technical analyses/reports prepared for the Project listed as follows:

a) *Tracy Hills Specific Plan* approved by City Council by Resolution No. 2016-063, dated April 5, 2016, and any amendments thereto.

b) *Amendment to the Tracy Hills Specific Plan for Phase 2*, approved by the City Council by Resolution No. 2021-_____ on _____, 2021, including the *Transportation Consistency Analysis* prepared for the Amendment by Kimley-Horn and Associates, dated

September 23, 2021, and any updates or amendments thereto ("Specific Plan Amendment" or "SPA").

c) *Tracy Hills Specific Plan Final Subsequent Environmental Impact Report*, dated January 2016, certified by City Council by Resolution No. 2016-062 on April 5, 2016, and the *Addendum to the Tracy Hills Specific Plan EIR*, prepared by Kimley-Horn and Associates, dated September 2021, including all mitigation measures incorporated therein (hereinafter referred to together as "EIR").

d) *Tracy Hills Phase 2 Traffic Study,* prepared by Kimley-Horn and Associates, dated September 30, 2021, and any updates or amendments thereto ("Traffic Study").

e) *City of Tracy Citywide Roadway and Transportation Master Plan*, prepared by RBF Consulting, dated November 2012 ("TMP")

f) *Tracy Hills Phase 2 VTM Drainage Analysis* prepared by Ruggeri-Jensen-Azar, dated December 17, 2020, and the review of said analysis contained in the *Technical Memorandum* prepared by Wood Rodgers, dated April 26, 2021 (draft), and any updates or amendments to either document ("Storm Drainage Study").

g) *Tracy Hills Storm Drainage Master Plan* prepared by Ruggeri-Jensen-Azar, dated November 2013 ("*Storm Drainage Master Plan*"), as reviewed by Storm Water Consulting, Inc and Stantec Consulting Services, Inc.

h) *Tracy Hills Phase 2 Sanitary Sewer Study Technical Memorandum* prepared by Black Water Consulting Engineers, dated October 1, 2021, and any updates or amendments thereto ("Sanitary Sewer Study").

i) *Peer Review and Hydraulic Evaluation for Tracy Hills Phase 2, 3, and 4* prepared by West Yost, dated July 13, 2021, and any updates or amendments thereto ("Water Study").

j) *Pipeline Safety Hazard Assessment, Tracy Hills Specific Plan* prepared by Place Works, dated September 2014.

k) Any *Finance Implementation Plan* ("*FIP*"), as described in Section 10.20.060(b)(3)(B) of the Tracy Municipal Code, that is approved by the City Council for the property described in the Tracy Hills Phase 2 Vesting Tentative Subdivision Map, Application No. TSM20-0003.

l) Development Agreement, executed between the City of Tracy and the developers of the Tracy Hills Project, approved by the City Council on April 5, 2016, by Ordinance No. 1213, and the First Amendment to the Development Agreement, approved by the City

Council on November 10, 2020, by Ordinance No. 1300 ("Development Agreement").

m) Settlement Agreement, executed between the City of Tracy and the developers of the Tracy Hills Project, having an effective date of December 17, 2019 ("Settlement Agreement").

n) *Agreement to Defer Payment of Development Impact Fees on New Residential Development,* executed between the City of Tracy and the developers of the Tracy Hills Project, dated November 15, 2016 ("Fee Deferral Agreement").

C.1.2 Timing of Compliance: The Applicant shall satisfy each of the following conditions prior to filing the first Final Map unless a different time for compliance is specifically stated in these Conditions of Approval. Any condition requiring an improvement that has already been designed and completed under a City-approved improvement agreement may be considered satisfied at the discretion of the City Engineer.

For the purpose of these Conditions of Approval, if any Final Map or Parcel Map is filed within the boundaries of the Project solely for financing purposes only, and no permits will be requested pursuant to such map, then the requirements listed in these Conditions of Approval shall not apply to the final map or parcel map for financing purposes only.

C.1.3 Revisions to the Vesting Tentative Subdivision Map ("VTSM"): The Subdivider shall incorporate revisions to comply with the recommendations and comments in the Traffic Study prior to signature by the City Engineer on the VTSM.

C.2 Improvement Plans

C.2.1 General

The Subdivider shall complete the Improvement Plans to comply with all applicable laws, including the City Regulations (defined above) and these Conditions of Approval. Improvement Plans shall contain the design, construction details and specifications of improvements that is/are required to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.2.1 Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

C.2.2 Site Grading

C.2.2.1 Grading and Drainage Plans

Submit a Grading and Drainage Plan prepared by a Registered Civil Engineer and accompanied by the Project's Geotechnical /Soils Engineering report. The report shall provide recommendations regarding adequacy of the site relative to the stability of soils such as soil types and classification, percolation rate, soil bearing capacity, highest observed ground water elevation, and others.

C.2.2.2 When the grade differential between the Project site and the adjacent property(s) exceeds 12 inches, a reinforced or masonry block wall, engineered slope, or engineered retaining wall is required for retaining soil. The Subdivider shall submit Retaining Wall Plans that includes the construction detail(s) and structural calculations of the retaining wall or masonry wall for City's review and approval.

C.2.2.3 If an engineered slope is used to retain soil subject to approval by the City Engineer, a slope easement will be necessary from the adjacent property. The Subdivider shall obtain a slope easement from owner(s) of the adjacent and affected property(s) and show the slope easement on the Final Map.

C.2.2.4 Erosion Control

Improvement Plans shall specify the method of erosion control to be employed and materials to be used.

C.2.2.5 If applicable, show all existing irrigation structure(s), channel(s) and pipe(s) that are to remain or relocated or to be removed, if any, after coordinating with the irrigation district or owner of the irrigation facilities. If there are irrigation facilities including tile drains, that are required to remain to serve existing adjacent agricultural uses, the Subdivider shall design, coordinate and construct required modifications to the facilities to the reasonable satisfaction of the owner of the irrigation facilities and the City.

C.2.3 Grading Permit

The City will not accept a grading permit application for the Project as complete until the Subdivider has provided all relevant documents related to the grading permit required by the City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer.

C.2.4 Storm Drainage

C.2.4.1 Site grading shall be designed such that the Project's storm drainage overland release point will be directed to a storm drainage easement or to public streets with a functional storm drainage system and that the storm drainage system within the public streets has adequate capacity to drain storm water from the Property.

C.2.4.2 All permanent underground storm drainage lines, structures and facilities to be maintained by the City shall be located within right-of-way to be dedicated to the City or within an easement. If applicable, interim facilities and storm drain lines and collection basins shall be maintained by the Subdivider.

C.2.4.3 Storm drainage plans are to be submitted with the required hydrologic and hydraulic calculations for the sizing of storm drainage pipe(s) and shall comply with the Storm Drainage Master Plan, Storm Drainage Study and City Regulations.

C.2.4.4 Prior to acceptance of maintenance of any public facilities by the City, the Subdivider shall prepare and obtain approval from the Public Works Department of a maintenance plan for all temporary and permanent storm drainage facilities to be maintained by the Subdivider or the HOA. The maintenance plan shall show the phasing of roadway construction, mass grading, drainage facilities, including collection channels, erosion control and protection of the Crimson crude oil pipeline during construction. A SWPPP may be used as the maintenance plan with approval by the City Engineer.

C.2.4.5 Storm water designs shall show facilities needed for the collection and channeling of surface water runoff and off-site flow-thru surface water runoff to underground storm drainage facilities, such as drainage collection channels, appropriately designed inlet structures and sedimentation/detention ponds. These improvements shall be shown on the Grading Plans and be approved by the City Engineer before the issuance of a Grading Permit.

C.2.4.6 Since the Project will construct terminal retention basins, it has been determined that the Project will be exempt from the Post Construction Stormwater Quality Standards. However, should new Federal or State regulations come into effect during the buildout of the Project that would require future compliance, then the Project may not be exempted from those new requirements.

SWPPP's shall be implemented during project construction. In addition, the Project may implement stormwater control measures such as disconnected roof leaders, non-contiguous street sidewalks (providing landscape strips/parkways), tree planting in parkways and use of drought tolerant landscape with drip irrigation systems and "intelligent" controllers. Similarly, public education measures regarding the damaging effects of pollutants to water quality may also be implemented.

C.2.4.7 All storm water structural and construction details that are not part of the City Standard Plans or City Design Standards shall be provided by the Subdivider and submitted to the City for approval as part of the improvement plans.

C.2.4.8 Storm drainage retention basins shall be contained within a parcel suitable for dedication to the City of Tracy. The basins shall be provided with appropriate fencing with warning signs, access roadways to and from public roadways and access roadways into the basins for maintenance purposes as approved by the City Engineer. All storm drainage inlets into the basins shall have inlet structures with design acceptable to the City Engineer.

C.2.4.9 Fixed vertical sediment depth markers shall be installed near discharge points into the Retention Basin to assist with measurements of sediment deposition over time and future assessments of the need for maintenance activities.

C.2.4.10 Prior to or concurrently with the City's approval of the first Final Map within Project, the Subdivider shall dedicate to the City utility maintenance easements necessary for all storm drainage facilities. All requirements relating to the access and maintenance by the Utilities Department and Public Works Department shall be incorporated into the improvement plans.

C.2.5 Sanitary Sewer

C.2.5.1 All sanitary sewer lines and associated improvements shall be designed and installed in accordance with the Sanitary Sewer Study and City Regulations. Before approval of Final Map(s) for the Project, Subdivider shall submit improvement plans and obtain approval of plans for all on-site and off-site sewer improvements required to serve the Project.

C.2.5.2 As indicated in the Sewer Study, based on the projected sewer demand from approved projects within the Coral Hollow sewer contributory area, the Phase 2 of the Choke Points Improvements for Corral Hollow Road Sewer as

identified in the Wastewater Master Plan (“ Phase 2 Choke Points Improvements”) will be required to serve the Project. The City has commenced the design of Phase 2 Choke Point Improvements. In the event the City does not have adequate funding for Phase 2 Choke Points Improvements the Subdivider will contribute funding as determined by the City Engineer to cover shortfall in funding, so the City can proceed with the construction of the improvement. Building permits will only be issued up to available capacity in the Corral Hollow Sewer system as determined by the City Engineer. Subdivider will be eligible for fee credits and/or reimbursements in accordance with Tracy Municipal Code.

C.2.5.3 Based on the analysis of the capacity of Wastewater Treatment Plant (WWTP) and the projected growth over the next five years, it is estimated that Phase 2C of the WWTP improvements as identified in the Wastewater Master Plan will be required to be constructed and operational in 2023. City has identified a funding shortfall of approximately $33.5 Million for the WWTP Phase 2 improvements. In order for the City to undertake design and construction of the WWTP Phase 2C improvements to provide adequate treatment capacity of the Project, City has identified the need to collect upfront fees from developments within the City.

On or prior to December 31, 2022, the Developer shall pay the City half the amount of the wastewater treatment development impact fees (estimated at approximately $6 Million) for lots within the boundary of Tracy Hills Phase 2 Tentative Map and shall provide a Letter of Credit (or other guarantee) to the satisfaction of the City Engineer for the other half of the wastewater treatment development impact fees. On or prior to December 31, 2023, the Developer shall pay to the City the remaining half the amount of the wastewater treatment development impact fees. After the second payment, the City Engineer may release the Letter of Credit (or other guarantee). For building permits issued prior to December 31, 2022, the Developer shall pay wastewater development impact fees per lot consistent with its agreement with the City and Title 13 of the Tracy Municipal Code. The City Engineer will determine the amount due on December 22, 2022 based on the available wastewater development impact fees collected and the funding shortfall for WWTP Phase 2C improvements. The Developer shall be required to pay wastewater development impact fee up to the amounts as outlined above (for all lots for which building permits have not been issued on December 31, 2022). Building permits will

only be issued up to available capacity in the WWTP, as determined by the City Engineer.

In the event City collects adequate funding from other development projects within the City by December 31, 2022, Developer will not be required to pay the upfront fees as outlined above.

C.2.5.4 The Subdivider shall extend the sanitary sewer facilities within Lammers Road that are intended to serve future phases of the Tracy Hills Project northerly under I-580 and continuing north of I-580 within the Lammers Road right-of-way to connect to the sanitary sewer main stub to be installed with the Tracy Hills Drive improvements for Tracy Hills Phase 1B. Subdivider shall obtain an encroachment permit from Caltrans for the sewer improvements to be installed within the Caltrans right-of-way.

C.2.5.5 No final inspection of any residential building will be performed or certificate of occupancy for commercial building will be issued, with the exception of Model Homes, until all improvements required per the Sanitary Sewer Study and City Regulations are completed and functional, as determined by the City Engineer.

C.2.5.6 Subdivider shall pay impact fees at the time of issuance of building permit or in accordance with the Fee Deferral Agreement.

C.2.5.7 Prior to the City's approval of the first Final Map within Project, the Subdivider shall dedicate to the City utility maintenance easements necessary for all sanitary sewer lines. All requirements relating to the access and maintenance by the Utilities Department and Public Works Department shall be incorporated into the improvement plans.

C.2.6 Water Distribution System

C.2.6.1 All potable and recycled water lines and associated improvements shall be designed and installed in accordance with the Water Study and City Regulations. Before approval of Final Map(s) for the Project, Subdivider shall submit improvement plans and obtain approval of plans for all potable and recycled water lines and associated improvements.

C.2.6.2 During the construction phases (vertical construction) of the Project, the Subdivider shall be 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 Marshall.

C.2.6.3 Prior to approval of each Final Map, the Subdivider shall submit calculations and improvement plans as required by the Fire Marshall and the City Engineer, and obtain a letter from the Fire Marshall that the fire flow parameters per Tracy Design Standards Section 6.02 are met for the phased construction of water lines to the satisfaction of the Fire Marshal.

C.2.6.4 The Subdivider shall complete design and construction of one Zone 5/6 at-grade water storage tank with a holding capacity of at least 2.57 MG and water transition mains as necessary to serve the Project and in accordance the Water Study and City Regulations. These improvements are required to be complete and operational before the final inspection of the first residential building within the Project, unless an earlier time of completion is required to comply with Condition C.2.6.2. above.

All costs related to the design and construction of the water tanks and associated improvement are the responsibility of the Subdivider. Before approval of first Final Map within the Project, the Subdivider shall execute a Deferred Improvement Agreement (DIA) to address timing, scope of work and funding responsibilities. Subdivider may request formation of Benefit District for the water tanks and associated improvements per Condition C.10.4.

C.2.6.5 Subdivider shall install 12-inch and 16-inch recycled water mains in Lammers Road as required to serve the Project and as shown on Figures 9-2 and G-D1 in the draft (2020) Water System Master Plan Update. An approximately 1,150-foot segment of 16-inch recycled water main in Lammers Road under I-580 between the portions of Lammers Road north and south of the freeway will not be constructed with the interim two-lane Lammers Road undercrossing. Timing of the future installation of the above approximately 1,150-foot segment 16-inch recycled water main is to be determined by the City Engineer.

Initially, the recycled water main will be connected to a potable water supply (with a stub in place to future recycled water) as approved by the City until the program backbone recycled water facilities are in place. Once the recycled water system network is online the recycled water distribution main in Lammers Road will be disconnected from the potable water

system and connected to the recycled water system.

C.2.6.6 Domestic and Irrigation Water Services – The HOA will be responsible for the repair and maintenance of all valves, fittings on services related to landscaping on all parcels to be owned by HOA and within HOA easements.

C.2.6.7 Where pressures at individual water services will be 80 psi or more, the Subdivider shall provide pressure reducing valves at the location approved by the City Engineer. The design operation of the individual pressure reducing valves for services shall be subject to approval by the Building Official.

C.2.6.8 Fire Service Line – The Subdivider shall design and install fire hydrants at the locations approved by the Fire Marshall. Before the approval of the Improvement Plans, the Subdivider shall obtain written approval from the Fire Marshall for the design, location and construction details of the fire service connections to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.2.7 Roadway Improvements

C.2.7.1 Subdivider is required to design and construct all applicable on-site, frontage and off-site roadway improvements to serve the Project as identified in the Traffic Study, EIR and these Conditions of Approval. All improvements shall comply with City Regulations, and Tracy Hills Design Standards and Specific Plan Amendments. Such improvements shall include, but are not limited to, roadways, water distribution system, sewer system, storm drainage systems, curb and gutter, sidewalks, street lighting system, traffic signals, ITS systems, pavement and crosswalk striping, bicycle lanes and trails, roadway signage and street signs, fire hydrants, median islands, turn lanes, landscaping, and all necessary related improvements as required by the City. Timing of completion of roadway improvements shall comply with these Conditions of Approval and as outlined in the Mitigation Measures listed in the EIR.

In the case of a discrepancy between the information shown on the Vesting Tentative Subdivision Map (“VTSM”) and/or Specific Plan Amendment and the right-of-way and street improvement requirements in the Traffic Study, the Traffic Study shall govern unless determined otherwise by the City Engineer.

C.2.7.2 Lammers Road and Other In-tract Streets – Right-of-Way

The Subdivider shall dedicate all rights-of-way that are necessary to construct Lammers Road, between Tracy Hills Drive and Corral Hollow Road, and all the in-tract streets, based on their respective cross sections shown on the VTSM and in accordance the Traffic Study, with the Final Map for the respective phase. The width of travel lanes, turn lanes, street median, landscaping strips and sidewalks shall be in accordance with the VTSM and the Traffic Study.

C.2.7.3 Lammers Road and Other In-tract Streets – Improvements

Design and construction details for Lammers Road, between Tracy Hills Drive and Corral Hollow Road, and the in-tract streets such as asphalt concrete pavement, curb, gutter, median curb, sidewalks, street lights, fire hydrants, landscaping with automatic irrigation system, storm drains, catch basin and drop inlets, sanitary sewer mains and laterals, water mains, individual water services and meters, pavement marking and striping, traffic signs, driveways, curb ramps and all other street improvements shall comply with VTSM, Traffic Study and City Regulations, and shall be shown on the Improvement Plans. Interim improvements under I-580 include 5’ wide sidewalk on east side only.

Improvements along Lammers Road and certain in-tract streets shall also include Class I bikeways or Class II bike lanes in accordance with the VTSM and Traffic Study. Interim improvements under I-580 do not include Class 1 bikeway or Class II bike lanes.

Lammers Road and Street B improvements adjacent to the school site on Lot H shall be constructed in accordance with the VTSM and Traffic Study and are subject to the review and approval of the Jefferson School District.

C.2.7.4 Corral Hollow Road - Right of Way

Per the TMP and SPA, Corral Hollow Road will be a 4-lane major arterial roadway with 11’ wide raised median, sidewalk/Class I bikeway on west side and landscaping between I-580 and Lammers Road and 2-lane arterial with sidewalk/Class I bikeway on west side and landscaping south of Lammers Road to the Project boundary. The Subdivider shall dedicate all rights-of-way along the Project frontage necessary for the widening of Corral Hollow Road per TMP and including any additional right-of-way required for the construction of roundabout improvements, turn lanes and transitions at the intersection of Corral Hollow Road and

Lammers Road in accordance with the VTSM and Traffic Study.

The width of travel lanes, turn lanes, street median, landscaping strips and sidewalks shall be in accordance with the VTSM and the Traffic Study.

The Subdivider may be eligible for fee Credits and/or reimbursements for right-of-way dedication beyond Project's frontage obligation per the TMP requirements. Temporary or interim improvements are not eligible for fee credits or reimbursements.

C.2.7.5 Corral Hollow Road - Improvements

Design and construction details for Corral Hollow Road such as asphalt concrete pavement, curb, gutter, median curb, sidewalks, street lights, fire hydrants, landscaping with automatic irrigation system, storm drains, catch basin and drop inlets, pavement marking and striping, traffic signs, curb ramps and all other street improvements shall comply with VTSM, SPA, Traffic Study and City Regulations, and shall be shown on the Improvement Plans.

Improvements along Corral Hollow Road shall also include Class I bikeway in accordance with the VTSM and Traffic Study.

C.2.7.6 Subdivider shall prepare improvement plans for Lammers Road and Corral Hollow Road improvements and obtain approval by the City Engineer. The timing and scope of the improvements to be shown on the improvement plans for Lammers Road and Corral Hollow Road shall be as determined by the City Engineer.

In order to guarantee completion of the Lammers Road and Corral Hollow Road Improvements, the Subdivider shall enter into an improvement agreement (SIA or OIA) and post an improvement security in the amounts and form in accordance with section 12.36.080 of the TMC and as required by these Conditions of Approval. The Subdivider shall submit the signed and notarized SIA or OIA with the necessary improvement security at the time of approval of the Final Map that triggers the need for improvements as determined by the City Engineer.

C.2.7.7 For any Corral Hollow Road Improvements considered frontage improvements (such as Subdivider's Frontage Obligation per the TMP and landscape improvements behind

the curb) and improvements within Caltrans right-of-way at I-580/Corral Hollow Road interchange that are not constructed or security posted with OIA at the time of approval of the first Final Map, the Subdivider shall enter into a DIA with the City.

The Subdivider shall submit the signed and notarized DIA before approval of the first Final Map within the Project. The Subdivider shall post improvement security in the amounts and form in accordance with TMC section 12.36.080 at the times specified in the DIA.

C.2.7.8 Roadway Improvement Obligations per Traffic Study

The following roadway, intersection and interchange improvements are to be constructed by the Project:

a. I-580 & CORRAL HOLLOW ROAD RAMP TERMINALS.

Subdivider shall construct the I-580/Corral Hollow Road interchange improvements in accordance with the TMP, EIR and Traffic Study. Per the Traffic Study, interchange improvements are required to be completed prior to occupancy of the first residential unit within the Project because the interchange is already operating at a deficient level of service. Subdivider shall, in collaboration with the City Engineer and Caltrans, commence with the engineering design for the interchange improvements and initiate the Caltrans review, approval and permitting process no later than ninety (90) calendar days following approval of the Vesting Tentative Subdivision Map ("VSTM") for the Project.

If the Subdivider is unable to complete construction of the interchange prior to occupancy of the first residential unit, primarily as a consequence of the Caltrans approval and permitting process, City may issue occupancy permits including and beyond the first residential unit provided that the Subdivider has, to the reasonable satisfaction of the City Engineer, diligently pursued its efforts to obtain the required Caltrans permits and complete construction of the interchange improvements and has collaborated closely with City staff in this effort.

Funding of these improvements are the primary responsibility of the developer per the Tracy Municipal Code, the EIR, and the City's TMP. However, some funding may be provided in accordance with the Settlement Agreement and Development Agreement.

Funding sources may also include other regional transportation funds and/or grants that may become available, subject to eligibility and approval by the City and other approving agencies. Developer will be eligible for fee credits in accordance with Tracy Municipal Code provisions and Development Agreement.

b. LAMMERS ROAD - BETWEEN TRACY HILLS DRIVE AND CORRAL HOLLOW ROAD.

Subdivider shall construct Lammers Road between Tracy Hills Drive and Corral Hollow Road in accordance with the TMP, Traffic Study and per Conditions C.2.7.2 and C.2.7.3.

c. CORRAL HOLLOW ROAD/LAMMERS ROAD INTERSECTION.

Concurrent with the construction of Lammers Road between Tracy Hills Drive and Corral Hollow Road as described above and in Condition C.2.7.3, the Subdivider shall construct the Corral Hollow Road and Lammers Road intersection improvements, consisting of a two-lane roundabout and all associated improvements.

d. CORRAL HOLLOW ROAD WIDENING - FROM LINNE ROAD INTERSECTION TO THE AQUEDUCT.

Subdivider shall widen Corral Hollow Road to provide two lanes in each direction, including pedestrian and bicycle facilities, from the southern terminus of bridge crossing the California Aqueduct to the Linne Road intersection, including canal crossings, in accordance with the adopted Corral Hollow Road Precise Plan, the TMP, and the Traffic Study.

Construction of the above Corral Hollow Road Widening improvements shall commence upon or prior to the final inspection of the two thousand six hundredth (2,600th) dwelling unit within the project boundary (as defined in the Development Agreement).

e. CORRAL HOLLOW ROAD - I-580 TO LAMMERS ROAD.

Subdivider shall widen Corral Hollow Road to provide two lanes in each direction, including pedestrian and bicycle facilities, between I-580 and Lammers Road in accordance with the TMP, SPA, Traffic Study and Conditions C.2.7.4 and C.2.7.5.

C.2.7.9 The Subdivider shall construct an all-whether, emergency vehicle access across Lot CC as shown on the VTSM and in accordance with South San Joaquin County Fire Authority requirements.

C.2.7.10 Bus shelters on Lammers Road

The bus shelters (and turnouts if deemed necessary by the City) shall be constructed as part of the Lammers Road Improvements. Up to three bus shelters shall be placed on each side of Lammers Road between Corral Hollow Road and I-580 at the locations to be determined by the City Engineer. Timing of construction of bus shelters will be determined in the future based on the extension of TRACER's Fixed Route to serve the Project. In order to assure completion of construction of the bus shelters, the Subdivider may either enter into a DIA with security, or pay to the City the estimated cost for up to six bus shelters at the time of approval of the first Final Map within the Project.

C.2.7.11 Traffic Control Plan

Before starting any work within the project, the Subdivider shall submit a Traffic Control Plan for each phase of work, to show the method and type of construction signs to be used for regulating traffic at the work areas and within existing streets accessing the work areas. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

C.2.7.12 Encroachment Permit

Before starting any work to be performed and improvements to be constructed within City's right-of-way, the Subdivider shall obtain an Encroachment Permit from the City. The Subdivider or its authorized representative shall submit all documents that are required to process the Encroachment Permit including but not limited to, approved Improvement Plans, Traffic Control Plan, payment of engineering review fees, copy of the Contractor's license, Contractor's Tracy business license, and certificate of insurance naming the City of Tracy as additional insured or as a certificate holder.

C.2.7.13 Dead-End Streets

A standard barricade and guardrail with appropriate traffic sign will be required at street ends. Alternatively, turnarounds/ hammerheads meeting the requirements of Fire Marshall shall be provided at the dead-end streets.

C.2.7.14 All intersections shall be designed to accommodate fire truck movements as required by the Fire Department.

C.2.7.15 Subdivider must provide and verify sight distances, where applicable, with regard to intersections, reverse lots and fence placements as required by the City Engineer.

C.2.8 EIR Mitigation Measures

The EIR identifies Project impacts that are to be mitigated by the Subdivider. The mitigation measures are summarized in the Mitigation, Monitoring and Reporting Matrix contained in the EIR as referenced under Item C.1.1.c above. Subdivider shall comply with all applicable mitigation measures as outlined in the EIR.

C.2.9 Neighborhood and Community Parks

C.2.9.1 The Subdivider shall offer for dedication Parcels “G”, “M”, “P” and “Q” for neighborhood park purposes and Parcel “N” for community park purposes on the Final Map that corresponds to the timing of completion of respective parks as identified in the Planning Department’s Conditions of Approval.

The Subdivider shall design and construct the park improvements consistent with the Tracy Hills Specific Plan, Specific Plan Amendment, Development Agreement and City Regulations. The Subdivider shall be eligible for park fee credits in accordance with the Title 13 of the TMC and the Park Improvement and Reimbursement Agreement (“PI&RA”) and Development Agreement.

C.2.9.2 The Subdivider shall submit park improvement plans, signed and notarized PI&RA, and Improvement Security in the amount and type specified in the City Regulations at the time of approval of the Final Map that corresponds to the timing of completion of the park improvements specified in Planning Division’s Conditions of Approval or at such time as may be specified in the Deferred Improvement Agreement.

C.2.10 Public Utility Easements

C.2.10.1 Undergrounding of Overhead Utilities. Any existing overhead lines and poles within the Project boundaries shall be removed or undergrounded.

C.2.10.2 All private utility services to serve the Project such as electric, telephone and cable TV to the building must be

installed underground, within right-of-way or a dedicated Public Utility Easement (PUE) and at the location approved by the City and the respective owner(s) of the utilities.

The Subdivider shall submit improvement plans for the installation of electric, gas, telephone and TV cable lines that are to be installed under the sidewalk or within the PUE. Underground utility conduits may be installed under the sidewalks, and underground boxes and structures may be located in the landscaped parkway next to the curb. All above-ground boxes and facilities shall be behind the sidewalk and within the PUE. Pop-outs to provide additional width of PUE where required to accommodate larger above-ground structures will be permitted subject to review and approval by Public Works Director and the City Engineer. Before approval of the first Final Map, the Subdivider shall complete the necessary coordination work with the respective owner(s) of the utilities for approval.

C.2.10.3 Public Utility Easements on side yard lots shall be adjusted in final neighborhood designs based on actual joint trench design requirements.

C.2.11 Crimson (formerly Shell) Crude Oil Pipeline Easement and Facilities

C.2.11.1 A minimum of 72-hours prior to the beginning of grading operations that may impact the existing Crimson underground facilities within the Project, the Subdivider shall notify the appropriate person at Crimson of the impending work. Grading and improvements affecting Crimson facilities shall comply with applicable Crimson pipeline encroachment permit and construction specifications.

C.2.11.2 The Subdivider shall notify in writing the future buyers of lots about the existing Crimson crude oil pipeline and any requirements or restrictions relating to the existence of the pipeline as required by Crimson, State or Federal regulations .The Disclosure Statement(s) shall be made part of the Sale Deeds and recorded in compliance with the applicable law.

C.3 Final Map

The City will not approve any Final Map until the Subdivider demonstrates, to the satisfaction of the City Engineer, that all the requirements set forth in these Conditions of Approval are completed, including, but not limited to the following:

C.3.1 Subdivider has submitted one reproducible (mylar) copy of the approved tentative subdivision map for the Project after Subdivider's receipt of a notification of approval of the Tentative Subdivision Map. The signature of the owner of the Property on the Tentative Subdivision Map shall indicate the owner's consent to the preparation of the Tentative Subdivision Map and the proposed subdivision of the Property.

C.3.2 Each Final Map is prepared in accordance with the applicable requirements of the Tracy Municipal Code, these Conditions of Approval, all other applicable City Regulations, and in substantial conformance with the Tentative Subdivision Map.

C.3.3 Each Final Map includes and shows offer(s) of dedication of all right(s)-of-way and/or temporary or permanent easement(s) required by the Improvement Plans and Final Map, in accordance with City Regulations and these Conditions. If construction easement(s) is/are shown, it/they shall indicate the termination date of the construction easement(s).

C.3.4 Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearings" and shown as such on the Final Map. The Final Map shall also identify surveyed ties from two of the horizontal control points to a minimum of two separate points adjacent to or within the Property described by the Final Map.

C.3.5 Subdivider has submitted a signed and stamped Engineer's Estimate that show construction cost of subdivision improvements that are described in Conditions C.2 above plus 10% for construction contingencies.

C.3.6 Subdivision Improvement Agreement.

Before the City's approval of any Final Map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the Final Map) and post all required improvement security in accordance with City Regulations.

C.3.7 Final Map Phasing Plan

Prior to Subdivider's submittal to the City of the first Final Map for City approval, Subdivider shall submit for the City Engineer's review and reasonable approval a phasing plan for the submittal of all Final Maps to be filed for this Vesting Tentative Subdivision Map. The phasing plan may be subject to subsequent modifications based on market conditions, the rate of development, and Subdivider's disposition of the parcels created by the Final Maps.

C.3.8 Deferred Improvement Agreement

Prior to the City's approval of the first Final Map within the Project, the Subdivider shall execute a Deferred Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement) which are required by these Conditions of Approval. The Deferred Improvement Agreement shall identify timing requirements for construction of all remaining public facilities, in conformance with the phasing plan submitted by the Subdivider and approved by the City Engineer. The form and amount of Improvement Security shall be in accordance with the DIA and Section 12.36.080 of the TMC.

C.3.9 Off-Site Improvement Agreement

Prior to the City's approval of the first Final Map within the Project, or as otherwise provided for in a Deferred Improvement Agreement, the Subdivider shall execute an Off-Site Improvement Agreement, in substantial conformance with the City's standard form agreement, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with the OIA and Section 12.36.080 of the TMC.

C.3.10 Improvement Security.

The Subdivider shall provide improvement security for all public facilities as required by Subdivision Improvement Agreement, Offsite Improvement Agreement or Deferred Improvement Agreement. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with City Regulations. The amount of the improvement security shall be as follows:

C.3.10.1 Faithful Performance (100% of the estimated cost of constructing the public facilities),

C.3.10.2 Labor & Material (100% of the estimated cost of constructing the public facilities), and

C.3.10.3 Warranty (10% of the estimated cost of constructing the public facilities)

C.3.10.4 Monumentation ($750 multiplied by the total number of street centerline monuments that are shown on the Final Map)

C.3.11 Subdivider has paid engineering review fees including improvement plan checking, final map review, agreement processing, and all other fees required by these Conditions of Approval and City Regulations.

C.3.12 Subdivider has submitted technical or materials specifications, cost estimate, and technical reports related to the design of improvements that are shown on the Improvement Plans and as required by these Conditions.

C.3.13 Subdivider has submitted hydrologic and storm drainage calculations for the design and sizing of in-tract storm drainage pipes located within the Project.

C.3.14 Subdivider has submitted signed and stamped Improvement Plans as required in Condition C.2 above.

C.4 Grading and Encroachment Permits

No applications for grading and encroachment permits will be accepted by the City as complete until the Subdivider has provided all documents required by these Conditions and City Regulations, to the reasonable satisfaction of the City Engineer, including, but not limited to, the following:

C.4.1 Grading and Drainage Plans prepared on a 24” x 36” size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer.

C.4.2 Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.

C.4.3 Three sets of the Storm Water Pollution Prevention Plan (SWPPP) identical to the reports submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID). After the completion of the Project, the Subdivider 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.

C.4.4 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 Subdivider. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008 and any subsequent amendment(s), and the City Regulations.

C.4.5 Two sets of the Project’s Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity,

percolation rate, roadway section construction recommendations and elevation of the highest observed groundwater level.

C.4.6 A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) as required in Mitigation Monitoring and Reporting Program of the Tracy Hills Specific Plan Final Environmental Impact Report (TH-EIR).

C.4.7 Two sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system shall be provided with the submittal of the Improvement Plans. Partial submittal of Hydrologic and Storm Drainage Calculations may be required for Grading Plan review at the discretion of the City Engineer.

C.4.8 Reasonable written permission from irrigation district or affected owner(s), if applicable. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.

C.4.9 Written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), if applicable. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection.

C.4.10 Improvement Plans prepared on a 24” x 36” size 4-mil thick polyester film (mylar) that incorporate all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.4.11 Two sets of structural calculations for drainage structures and retaining walls within street right-of-way and retention basins signed and stamped by a Structural Engineer licensed in the State of California shall be submitted to the Building Safety Division at the time of building permit application for said structures.

C.4.12 Check payment for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the current fee rate adopted by the City Council.

C.4.13 Traffic Control Plan for each phase signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.

C.4.14 As required per Mitigation Measure 4.8-2a of the EIR, the Subdivider shall submit, prior to issuance of grading permits, a Phase II ESA focused on soil sampling conducted near the location of the underground crude oil pipelines, as determined by a qualified Phase II/Site Characterization specialist.

C.4.15 As required per Mitigation Measure 4.8-2b of the EIR, prior to issuance of grading permits, the Subdivider shall work with Crimson to implement and observe a site damage prevention plan to the satisfaction of the City of Tracy Engineering Division.

C.4.16 Grading Permit Security to guarantee completion of the grading improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Grading Permit Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC).

C.5 Building Permit

The City will not approve any building permit within the Project boundaries, (except for up to ten model homes and except for a plumbing permit issued for the purpose of perfecting a RGA) until a Final Map is approved by the City Council and it is recorded at the San Joaquin County Recorder's Office, and the Subdivider demonstrates, to the reasonable satisfaction of the City Engineer, compliance with all the required Conditions of Approval and payment of fees in accordance with the Fee Deferral Agreement including but not limited to the following:

C.5.1 Payment of the applicable current City-Wide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park Development Impact Fees as these relate to the Project and as required by these Conditions of Approval.

C.5.2 Payment of applicable Regional Transportation Impact Fees (RTIF) as required in the Mitigation, Monitoring and Reporting Program of the EIR, these Conditions of Approval, and the Settlement Agreement.

C.5.3 Payment of any applicable Agricultural Mitigation Fee as required in Chapter 13.28 of the Tracy Municipal Code and Mitigation Measure AG 4.2.1 of the EIR and these Conditions of Approval.

C.5.4 Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC.

C.6 Final Building Inspection

The City will not perform final building inspection (except for model homes) until after the Subdivider provides documentation which demonstrates, to the reasonable satisfaction of the City Engineer, that:

C.6.1 The Subdivider has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested, or a final building inspection has to be performed unless otherwise defined herein. Unless specifically provided in these Conditions, or the City Regulations, the Subdivider shall take all actions necessary to construct all public facilities required to serve the Project, and the Subdivider 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 Temporary or Final Building Certificate of Occupancy

No Final Building Inspection shall be performed or a Temporary or Final Building Certificate of Occupancy will be issued by the City (except for model homes) until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

C.7.1. The Subdivider has satisfied all the requirements set forth in these Conditions of Approval.

C.7.2 The Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested, unless otherwise defined herein. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Subdivider shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Subdivider shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.8 Acceptance of Public Improvements

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

C.8.1 All the public improvements shown on the Improvement Plans are completed and all the deficiencies listed in the deficiency report prepared by the assigned Engineering Inspector are all corrected.

C.8.2 Subdivider has completed the 90-day public landscaping maintenance period.

C.8.3 Subdivider has submitted Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider so that the Subdivider will be able

to document revisions to show the "As Built" configuration of all improvements.

C.8.4 Where applicable, signed and notarized Grant Deed(s) with legal description(s) and plat maps for the offer of dedication of right-of-way, and Grant of Easements as required per these Conditions of Approval and City Regulations, or dedications shown on the Final Map.

C.9 Release of Improvement Security

City will release Improvement Security(s) to the Subdivider after City Council's acceptance of public improvements, both on-site and off-site, in accordance with TMC section 12.36.080, upon written request and submittal of the recorded Notice of Completion.

C.10 Special Conditions

C.10.1 All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, except as otherwise specifically approved in the Tracy Hills Specific Plan.

C.10.2 When street cuts are made for installation of utilities, the Subdivider is required to install 2 inches thick asphalt concrete overlay with reinforcing fabric at least 25-feet from all sides and for the entire length of the utility trench. A 2-inch deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. If the utility trench extends beyond the median island, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street.

C.10.3 All improvement plans shall contain a note stating that the Subdivider (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Subdivider's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).

C.10.4 Benefit District

The Subdivider may make a written request to the City for the formation of a Benefit District before the approval of the final map and improvement plans for the public facility(s) considered to be oversized that benefits other property(s) or development(s). Reimbursement request(s) will be processed in accordance with TMC Chapter 12.60.

C.10.5 The CFD or HOA shall include future costs of maintenance including PG&E charges for all new streetlights to be installed by the Project.

C.10.6 Nothing contained in these Conditions shall be construed to permit any violation of City Regulations. Subject, however, to City Regulations, this Condition does not preclude the City from requiring pertinent revisions and additional requirements to the final map, improvement agreements, and improvement plans, before the City Engineer's signature on the final map and improvement plans, if the City Engineer finds it necessary due to public health and safety reasons. (Government Code section 66498.6.) The Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

EXHIBIT "C"
DEVELOPER'S AUTHORIZED REPRESENTATIVE INFORMATION

Contact Information for Developer's Authorized Representative:

Lisa Mikelonis
Integral Communities / Tracy Hills
24 W. 10th Street
Tracy, CA 95376
(925) 260-4753
lmikelonis@integralcommunities.com

APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION 2022-____

APPROVING THE OFFSITE IMPROVEMENT AGREEMENT FOR TRACY HILLS PHASE 2A – ZONE 5/6 WATER TANKS AND BOOSTER PUMP STATION BUILDING IMPROVMENTS

WHEREAS, On October 19, 2021, the City Council adopted the Tracy Hills Specific Plan Amendment for Tracy Hills Phase 2 and approved various related land use entitlements, including that certain Vesting Tentative Subdivision Map for Tracy Hills Phase 2, Tract 4057, processed under Application No. TSM20-0003 and approved by Resolution No. 2021-154; and

WHEREAS, The Conditions of Approval for the Tracy Hills Phase 2 Vesting Tentative Subdivision Map require the Developer, Tracy Phase 2, LLC, to design and construct the Zone 5 water storage tank and Zone 5 water transmission main as necessary to serve the project; and

WHEREAS, The Zone 5 tank and transmission main are required to be complete and operational prior to occupancy of the first residential building within the Tracy Hills Phase 2 project; and

WHEREAS, The Zone 5 water tank will be constructed by the Developer on land to be dedicated to the City and the site is designed to provide a graded pad to accommodate the future construction of a second water storage tank for Pressure Zone 6 which will serve future phases of the Tracy Hills project and other adjacent developments; and

WHEREAS, Potable water to fill the Zone 5/6 water tanks will be provided from the John Jones Water Treatment Plant via the new Zone 5 water transmission main that is being constructed by the Developer under a separate project; and

WHEREAS, Improvement plans and specifications, which describe in more detail the improvements which are required under the Offsite Improvement Agreement, were prepared on behalf of the Developer and have been approved by the City Engineer; and

WHEREAS, The Developer has executed the Offsite Improvement Agreement and has submitted the required security to guarantee completion of the required improvements; now, therefore, be it

RESOLVED: That the City Council of the City of Tracy hereby approves the Offsite Improvement Agreement for Tracy Hills Phase 2A – Zone 5/6 Water Tanks and Booster Pump Station Building Improvements.

* * * * * * * * * * * * * *

The foregoing Resolution 2022-_____ was adopted by the Tracy City Council on the 4th day of October 2022 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

October 4, 2022

AGENDA ITEM 1.H

RECOMMENDATION

Staff recommends that the City Council approve the Final Subdivision Tract Map and Subdivision Improvement Agreement for Tracy Village Tract 4005 and authorize the City Clerk to file the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder.

EXECUTIVE SUMMARY

City staff requests that the City Council approve the Final Subdivision Tract Map for Tract 4005 – Tracy Village Neighborhood 5B (Tract 4005). Tract 4005 is a 73 single-family residential lot subdivision. Approval will facilitate recordation of the Final Subdivision Tract Map, the construction of on-site improvements, and acceptance of improvements. Ultimately, City Council approval will result in the issuance of building permits to construct the residential units. Toll Brothers West, Inc., a Delaware corporation (Subdivider), has signed the Subdivision Improvement Agreement (SIA) and posted the required security to guarantee completion of the improvements required as a condition of approval of the Final Subdivision Map.

BACKGROUND AND LEGISLATIVE HISTORY

On May 15, 2018, pursuant to Resolution No. 2018-087, the City Council approved the following:

1) Submission of a San Joaquin Local Agency Formation Commission (LAFCo) annexation application to annex several parcels into the City of Tracy, A/P13-0002;
2) The Tracy Village Specific Plan, SPA18-0001; and
3) A Vesting Tentative Subdivision Tract Map (VTSM), TSM17-0003; and
4) Certification of the Tracy Village Environmental Impact Report.

ANALYSIS

All items are to approve the Tracy Village project which is for the construction of an age restricted gated community consisting of 590 single-family detached residential homes on 135.2 acres, located on the south side of Valpico Road and east of Corral Hollow Road (Attachment A).

The Subdivider is requesting to phase the VTSM. The Subdivider is requesting approval of the first phase: Final Subdivision Tract Map for Tract 4005 (Attachment B). Tract 4005 will subdivide a portion of the VTSM to create 73 single-family residential lots located within the boundaries with the VTSM and Tracy Village Specific Plan. The Final Subdivision Tract Map for Tract 4005 has been prepared by Carlson Barbee and Gibson Civil Engineers on behalf of the Developer and reviewed by the Engineering Division. The Final Subdivision Tract Map is in substantial compliance with the approved VTSM.

The Conditions of Approval for the VTSM require the Developer to design and construct certain on-site public utility improvements connected with the approval of the Final Subdivision Tract Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City

Standards. Improvement Plans for the required on-site private street improvements and public utility improvements have been prepared by Carlson Barbee and Gibson Civil Engineers on behalf of the Developer and approved by the City Engineer. Since the required improvements will not be completed prior to the recordation of the Final Subdivision Tract Map, the Developer has executed an SIA (Attachment C) and provided the appropriate sureties to guarantee completion of the improvements. The sureties are approved to form by the City Attorney as stipulated by the Subdivision Map Act and City Municipal Code. The Developer is requesting the City to execute and record the SIA to guarantee the completion of the improvements as authorized by Government Code Section 66462.

This Subdivision Improvement Agreement replaces the Inspection Improvement Agreement that was approved by the City Manager in June 2022.

Upon completion of all improvements, the City will accept the public utility improvements for maintenance and complete acceptance of all irrevocable offers of dedication of public easements, right-of-way, and other public parcels at that time. The streets will remain private and will be owned and maintained by a private homeowners' association. The City and City services will have easements to enter the private streets to maintain, repair, and reconstruct.

The Improvement Plans are on file with the City Engineer and are available for review upon request.

FISCAL IMPACT

There will be no impact to the General Fund. The Subdivider has paid the applicable engineering plan check fees which include the cost of review of the Improvement Plans and Final Subdivision Tract Map and processing the Agreement. The Subdivider has also paid the applicable engineering inspection fees to allow construction inspection.

CEQA DETERMINATION

Tract 4005 is consistent with the Final Revised Environmental Impact Report (EIR), certified by the City Council on May 15, 2018, for the Tracy Village Specific Plan, which included the Tracy Village Specific Plan (SCH#2016112016). Pursuant to CEQA Guidelines Section 15162 and Public Resources Code Section 21166, no subsequent EIR shall be prepared for the project because the project has a certified EIR and no substantial changes are proposed in the project that would require major revisions to the previous EIR; no substantial changes have occurred with respect to the circumstances under which the project will be undertaken that would require major revisions to the previous EIR; and no new information of substantial importance regarding significant effects, mitigation measures, or alternatives for this project has become known, which was not known at the time the previous EIR was certified as complete. Furthermore, as a residential subdivision that is consistent with a specific plan for which an EIR was certified after January 1, 1980, the project is exempt from the requirements of CEQA pursuant to California Government Code Section 65457. Therefore, no further environmental review is necessary.

STRATEGIC PLAN

This agenda item is consistent with the Council approved Economic Development Strategy to ensure physical infrastructure necessary for development.

ACTION REQUESTED OF THE CITY COUNCIL

That City Council, by resolution, approve the Final Subdivision Tract Map and Subdivision Improvement Agreement for Tract 4005 – Tracy Village Neighborhood 5B and authorize the City Clerk to file the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder.

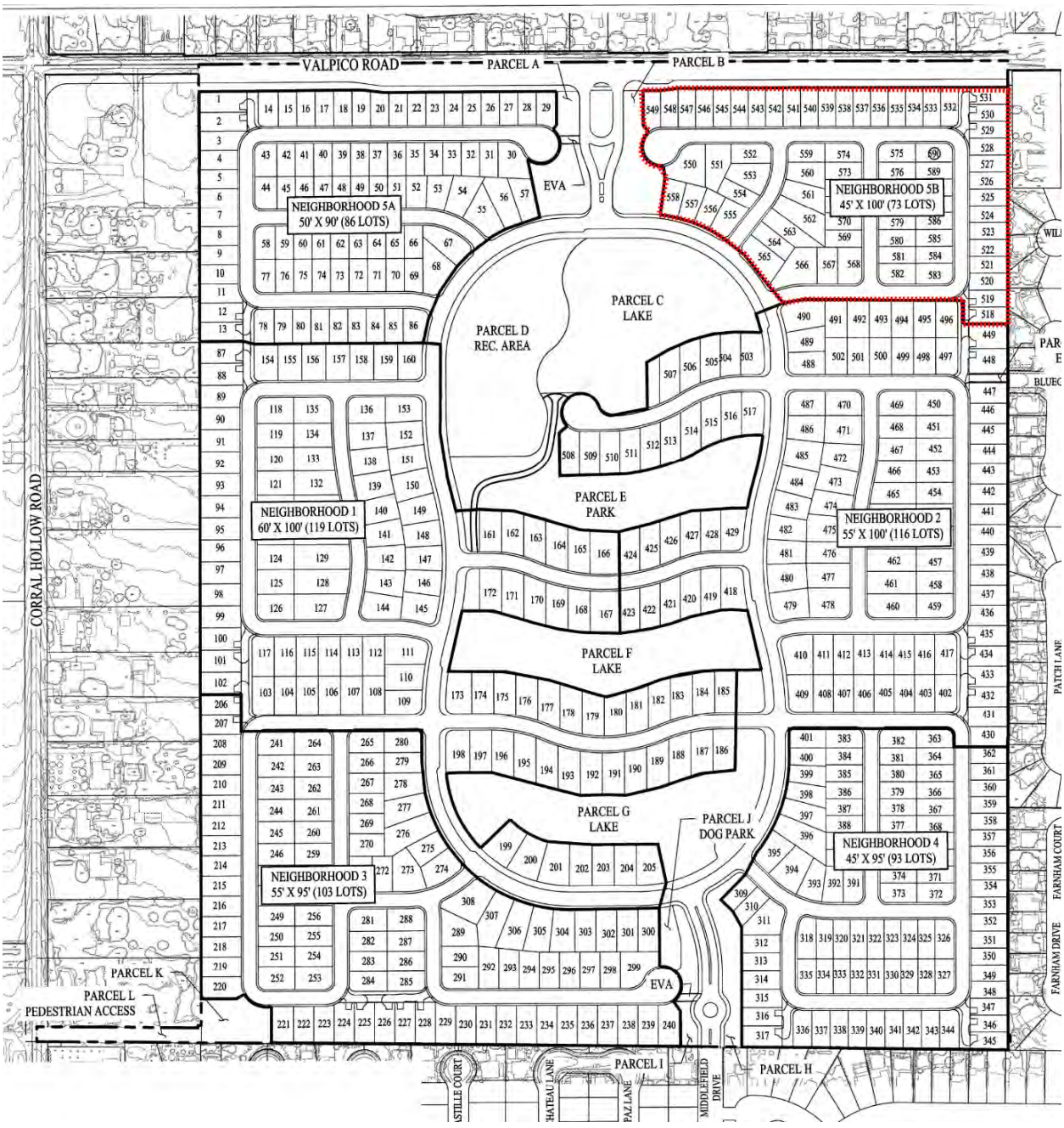
Respectfully submitted,

KRIS BALAJI
Director, Development Services Department

ATTACHMENTS

Attachment A – Vicinity Map
Attachment B – Final Subdivision Map
Attachment C – Subdivision Improvement Agreement

Attachment A



TRACT NO. 4005

SUBDIVISIONS OF SAN JOAQUIN COUNTY, CALIFORNIA

TRACY VILLAGE NEIGHBORHOOD 5B

CONSISTING OF 10 SHEETS

BEING A SUBDIVISION OF PARCEL J, AS SAID PARCEL J IS SHOWN ON TRACT NO. 3917 (___ M & P ___)

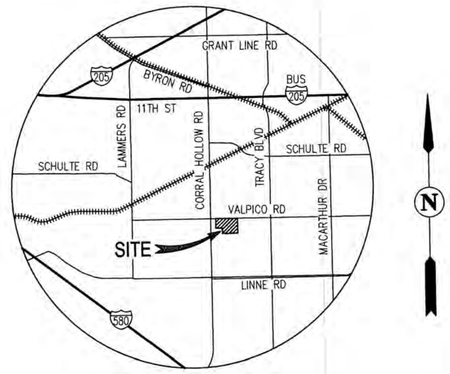
BEING A PORTION OF SECTION 5, T3S, R5E, MDB&M

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

cbg CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS

SAN RAMON ▪ (925) 866-0322
SACRAMENTO ▪ (916) 375-1877
WWW.CBANDG.COM

APRIL 2022



VICINITY MAP

NOT TO SCALE

OWNER'S STATEMENT

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE ALL THE PARTIES HAVING RECORD TITLE INTEREST IN THE LANDS SUBDIVIDED AND SHOWN ON THIS FINAL MAP OF "TRACT NO. 4005, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY VILLAGE NEIGHBORHOOD 5B, CITY OF TRACY, CALIFORNIA", AND WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS MAP IN THE OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, CALIFORNIA.

THE FOLLOWING DESCRIBED PROPERTY IS HEREBY DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES:

1) ALL PUBLIC UTILITY EASEMENTS AS SHOWN ON THIS FINAL MAP.
2) ALL EMERGENCY VEHICLE ACCESS EASEMENTS AS SHOWN ON THIS FINAL MAP.
3) ALL SANITARY SEWER EASEMENTS AS SHOWN ON THIS FINAL MAP.
4) ALL WATER LINE EASEMENTS AS SHOWN ON THIS FINAL MAP.

WE HEREBY STATE THAT PARCELS A AND B ARE FOR PRIVATE INGRESS AND EGRESS PURPOSES AND SHALL BE GRANTED TO THE HOMEOWNERS ASSOCIATION.

WE HEREBY STATE THAT PARCEL C IS A PRIVATE ROADWAY NOT INTENDED FOR PUBLIC DEDICATION AND SHALL BE GRANTED TO THE HOMEOWNERS ASSOCIATION.

WE HEREBY STATE THAT ALL PRIVATE ACCESS EASEMENTS ARE INTENDED FOR PRIVATE PEDESTRIAN AND VEHICULAR INGRESS, EGRESS, AND CIRCULATION, ARE NOT INTENDED FOR PUBLIC DEDICATION, AND SHALL BE GRANTED TO THE HOMEOWNERS ASSOCIATION.

AS OWNER: DRP CA 6, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: Houdin Honarvar

NAME: Houdin Honarvar

TITLE: Authorized Signatory

DATE: April 5, 2022

OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF New York } SS.
COUNTY OF New York }

ON April 5, 2022, BEFORE ME, Kevin Childs, A NOTARY PUBLIC, PERSONALLY APPEARED Houdin Honarvar, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF ~~CALIFORNIA~~ NEW YORK THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: [signature]

NAME (PRINT): Kevin Childs

PRINCIPAL COUNTY OF BUSINESS: New York

MY COMMISSION NUMBER: NO. 01CH6267728

MY COMMISSION EXPIRES: 08/20/2024

OPTIONEE'S STATEMENT

THE UNDERSIGNED CORPORATION, AS OPTIONEE UNDER THE MEMORANDUM OF OPTION RECORDED ON MAY 21, 2021, DOCUMENT NUMBER 2021-088970 OF OFFICIAL RECORDS, SAN JOAQUIN COUNTY, CALIFORNIA; DOES HEREBY JOIN IN AND CONSENT TO THE FOREGOING OWNERS STATEMENT AND ALL DEDICATIONS SHOWN HEREIN.

TOLL WEST INC. WHICH WILL DO BUSINESS IN CALIFORNIA AS TOLL BROTHERS WEST INC., A DELAWARE CORPORATION

BY: [signature]

NAME: TODD CALLAHAN

TITLE: DIVISION PRESIDENT

DATE: 4/6/22

OPTIONEE'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF California } SS.
COUNTY OF Alameda }

ON April 6, 2022, BEFORE ME, Rosana Haydee Martinez Sedano, A NOTARY PUBLIC, PERSONALLY APPEARED Todd Callahan., WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/~~HER/THEIR~~ AUTHORIZED CAPACITY(IES), AND THAT BY HIS/~~HER/THEIR~~ SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: [signature]

NAME (PRINT): Rosana Haydee Martinez Sedano

PRINCIPAL COUNTY OF BUSINESS: Alameda

MY COMMISSION NUMBER: 2241260

MY COMMISSION EXPIRES: May 5, 2022.

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 202____, AT _____

____.M. IN BOOK_____OF MAPS AND PLATS, AT PAGE _____, AT THE REQUEST OF

FIRST AMERICAN TITLE COMPANY.

FEE: $ _____

_____
STEVE J. BESTOLARIDES
ASSESSOR-RECORDER-COUNTY CLERK

BY: _____
ASSISTANT/DEPUTY RECORDER

JOB NO. 2043-000

TRACT NO. 4005

SUBDIVISIONS OF SAN JOAQUIN COUNTY, CALIFORNIA

TRACY VILLAGE NEIGHBORHOOD 5B

CONSISTING OF 10 SHEETS

BEING A SUBDIVISION OF PARCEL J, AS SAID PARCEL J IS SHOWN ON TRACT NO. 3917 (___M & P___)

BEING A PORTION OF SECTION 5, T3S, R5E, MDB&M

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

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APRIL 2022

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF DRP CA 6, LLC. IN MAY 2021. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE DECEMBER 31, 2024; AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED AND THAT THIS TRACT MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

8/15/2022
DATE

LICENSED LAND SURVEYOR MARK H. WEHBER 7960 STATE OF CALIFORNIA

MARK H. WEHBER, P.L.S.
L.S. NO. 7960

STATEMENT OF THE SURVEYOR FOR THE CITY

I, DAVID W. ENKE, HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT NO. 4005, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY VILLAGE NEIGHBORHOOD 5B, CITY OF TRACY, CALIFORNIA", AND THAT THE SUBDIVISION SHOWN HEREON COMPLIES WITH ALL THE PROVISIONS OF CHAPTER 2 OF THE CALIFORNIA SUBDIVISION MAP ACT, AS AMENDED, AND THAT THIS FINAL MAP IS TECHNICALLY CORRECT.

DAVID W. ENKE, L.S. 4071
SURVEYOR FOR THE CITY

8/23/22
DATE

LICENSED LAND SURVEYOR DAVID W. ENKE 4071 STATE OF CALIFORNIA

CITY ENGINEER'S STATEMENT

I ROBERT ARMIJO, HEREBY STATE THAT I AM THE CITY ENGINEER OF THE CITY OF TRACY, CALIFORNIA AND THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT NO. 4005, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY VILLAGE NEIGHBORHOOD 5B, CITY OF TRACY, CALIFORNIA", AND THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF CHAPTER 2 OF THE SUBDIVISION MAP ACT AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

ROBERT ARMIJO, R.C.E. 63173
CITY ENGINEER

12SEP22
DATE:

REGISTERED PROFESSIONAL ENGINEER ROBERT ARMIJO 63173 EXP. 6/30/24 CIVIL STATE OF CALIFORNIA

SOILS REPORT

A SOILS REPORT WAS PREPARED BY ENGEO INCORPORATED, DATED APRIL 12, 2017, PROJECT NO. 10091.000.000, SIGNED BY STEVE HARRIS, GE AND HAS BEEN FILED AT THE OFFICE OF THE CITY ENGINEER.

NOTES:

1. APPROVAL OF THIS FINAL MAP IS SUBJECT TO THE APPLICABLE REQUIREMENTS OF THE TENTATIVE SUBDIVISION MAP FOR TRACY VILLAGE, TRACT NO 3917 CONDITIONS OF APPROVAL THAT WAS APPROVED BY THE CITY COUNCIL ON MAY 15, 2018, PURSUANT TO RESOLUTION 2018-087.

2. THE SAN JOAQUIN COUNTY AIRPORT LAND USE COMMISSION'S AIRPORT LAND USE COMPATIBILITY PLAN IDENTIFIES THE TRACY MUNICIPAL AIRPORT'S AIRPORT INFLUENCE AREA. PROPERTIES WITHIN THIS AREA ARE ROUTINELY SUBJECT TO OVERFLIGHTS BY AIRCRAFT USING THIS PUBLIC-USE AIRPORT AND, AS A RESULT, RESIDENTS MAY EXPERIENCE INCONVENIENCE, ANNOYANCE, OR DISCOMFORT ARISING FROM THE NOISE OF SUCH OPERATIONS. STATE LAW (PUBLIC UTILITIES CODE SECTION 21670 ET SEQ.) ESTABLISHES THE IMPORTANCE OF PUBLIC USE AIRPORTS TO THE PUBLIC INTEREST OF THE PEOPLE OF THE STATE OF CALIFORNIA. RESIDENTS OF PROPERTY NEAR SUCH AIRPORTS SHOULD THEREFORE BE PREPARED TO ACCEPT THE INCONVENIENCE, ANNOYANCE, OR DISCOMFORT FROM NORMAL AIRCRAFT OPERATIONS. RESIDENTS ALSO SHOULD BE AWARE THAT THE CURRENT VOLUME OF AIRCRAFT ACTIVITY MAY INCREASE IN THE FUTURE. ANY SUBSEQUENT DEED CONVEYING THIS PARCEL OR SUBDIVISIONS THEREOF SHALL CONTAIN A STATEMENT IN SUBSTANTIALLY THIS FORM.

3. ALL PERSONS PURCHASING LOTS WITHIN THE BOUNDARIES OF THIS APPROVED MAP SHOULD BE PREPARED TO ACCEPT THE INCONVENIENCES OR DISCOMFORTS ASSOCIATED WITH AGRICULTURAL OPERATIONS OR ACTIVITIES, SUCH AS NOISE, ODORS, INSECTS, DUST OR FUMES. SAN JOAQUIN COUNTY HAS DETERMINED THAT SUCH INCONVENIENCES OR DISCOMFORTS SHALL NOT BE CONSIDERED TO BE A NUISANCE.

CITY CLERK'S STATEMENT

THIS IS TO STATE THAT AT ITS REGULARLY HELD MEETING ON THE _____DAY OF _____, 20_____, THE CITY COUNCIL OF THE CITY OF TRACY, CALIFORNIA PER COUNCIL RESOLUTION NO. _____ APPROVED THIS FINAL MAP OF "TRACT NO. 4005, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY VILLAGE NEIGHBORHOOD 5B, CITY OF TRACY, CALIFORNIA", ACCEPTED ON BEHALF OF THE PUBLIC FOR PUBLIC USE THE OFFERS OF DEDICATION OF ALL PUBLIC UTILITY EASEMENTS, EMERGENCY VEHICLE ACCESS EASEMENTS, SANITARY SEWER EASEMENTS, AND WATER LINE EASEMENTS AS SHOWN ON THIS FINAL MAP, SUBJECT TO SATISFACTORY COMPLETION OF IMPROVEMENTS THEREON OF SAID STREET RIGHTS-OF-WAY IN ACCORDANCE WITH TITLES 10 AND 12 OF THE TRACY MUNICIPAL CODE, AND ANY AMENDMENTS THERETO, APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP.

ADRIANNE RICHARDSON
CITY CLERK AND CLERK OF THE COUNCIL

DATE

TRACT NO. 4005

SUBDIVISIONS OF SAN JOAQUIN COUNTY, CALIFORNIA

TRACY VILLAGE NEIGHBORHOOD 5B

CONSISTING OF 10 SHEETS

BEING A SUBDIVISION OF PARCEL J, AS SAID PARCEL J IS SHOWN ON TRACT NO. 3917 (___M & P ___)

BEING A PORTION OF SECTION 5, T3S, R5E, MDB&M

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

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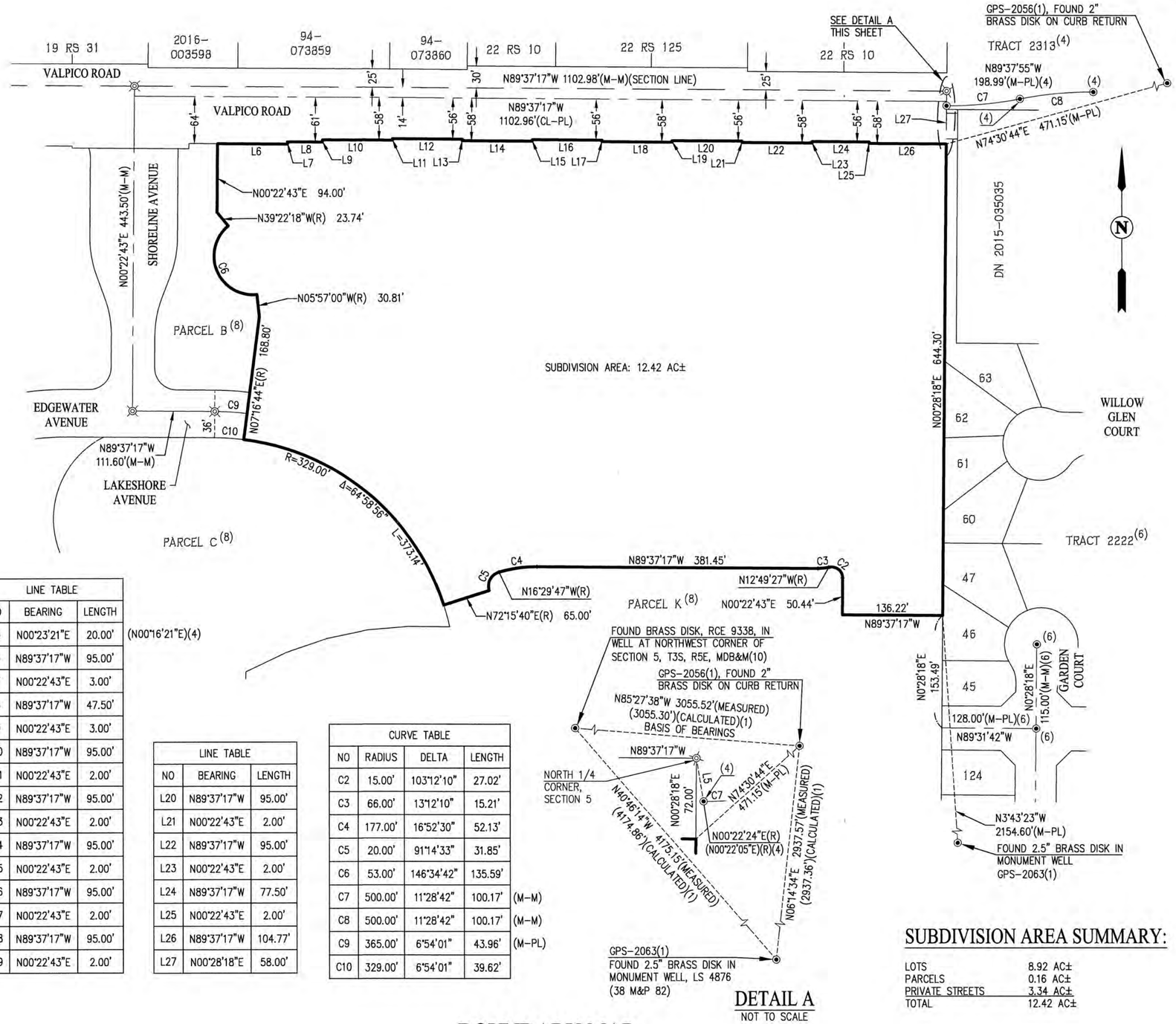
SCALE: 1" = 100' APRIL 2022

100' 0' 50' 100' 200' 400'

GRAPHIC SCALE



LINE TABLE		
NO	BEARING	LENGTH
L5	N00°23'21"E	20.00' (N00°16'21"E)(4)
L6	N89°37'17"W	95.00'
L7	N00°22'43"E	3.00'
L8	N89°37'17"W	47.50'
L9	N00°22'43"E	3.00'
L10	N89°37'17"W	95.00'
L11	N00°22'43"E	2.00'
L12	N89°37'17"W	95.00'
L13	N00°22'43"E	2.00'
L14	N89°37'17"W	95.00'
L15	N00°22'43"E	2.00'
L16	N89°37'17"W	95.00'
L17	N00°22'43"E	2.00'
L18	N89°37'17"W	95.00'
L19	N00°22'43"E	2.00'

LINE TABLE		
NO	BEARING	LENGTH
L20	N89°37'17"W	95.00'
L21	N00°22'43"E	2.00'
L22	N89°37'17"W	95.00'
L23	N00°22'43"E	2.00'
L24	N89°37'17"W	77.50'
L25	N00°22'43"E	2.00'
L26	N89°37'17"W	104.77'
L27	N00°28'18"E	58.00'

CURVE TABLE				
NO	RADIUS	DELTA	LENGTH	
C2	15.00'	103°12'10"	27.02'	
C3	66.00'	13°12'10"	15.21'	
C4	177.00'	16°52'30"	52.13'	
C5	20.00'	91°14'33"	31.85'	
C6	53.00'	146°34'42"	135.59'	
C7	500.00'	11°28'42"	100.17'	(M-M)
C8	500.00'	11°28'42"	100.17'	(M-M)
C9	365.00'	6°54'01"	43.96'	(M-PL)
C10	329.00'	6°54'01"	39.62'	

DETAIL A

NOT TO SCALE

BOUNDARY MAP

SUBDIVISION AREA SUMMARY:

LOTS	8.92 AC±
PARCELS	0.16 AC±
PRIVATE STREETS	3.34 AC±
TOTAL	12.42 AC±

BASIS OF BEARINGS:

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LEGEND

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———	LOT LINE
- - - - - -	EASEMENT LINE
——— – ———	CENTERLINE
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(R)	RADIAL
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PUE	PUBLIC UTILITY EASEMENT
SSE	SANITARY SEWER EASEMENT
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NOTE:

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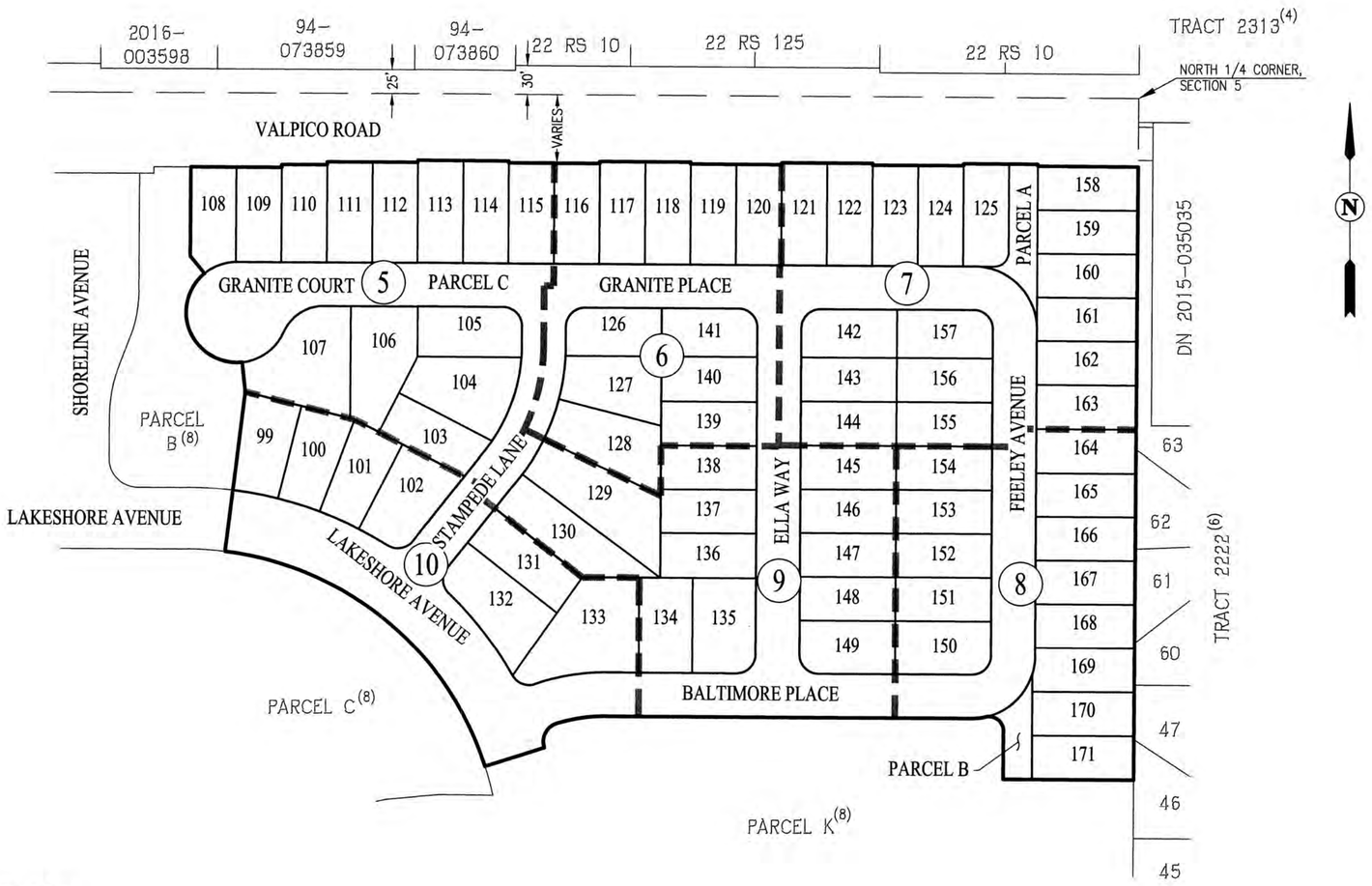

INDEX MAP

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WLE	WATER LINE EASEMENT
▬ ▬ ▬ ▬	SHEET LIMIT
(16)	SHEET NUMBER

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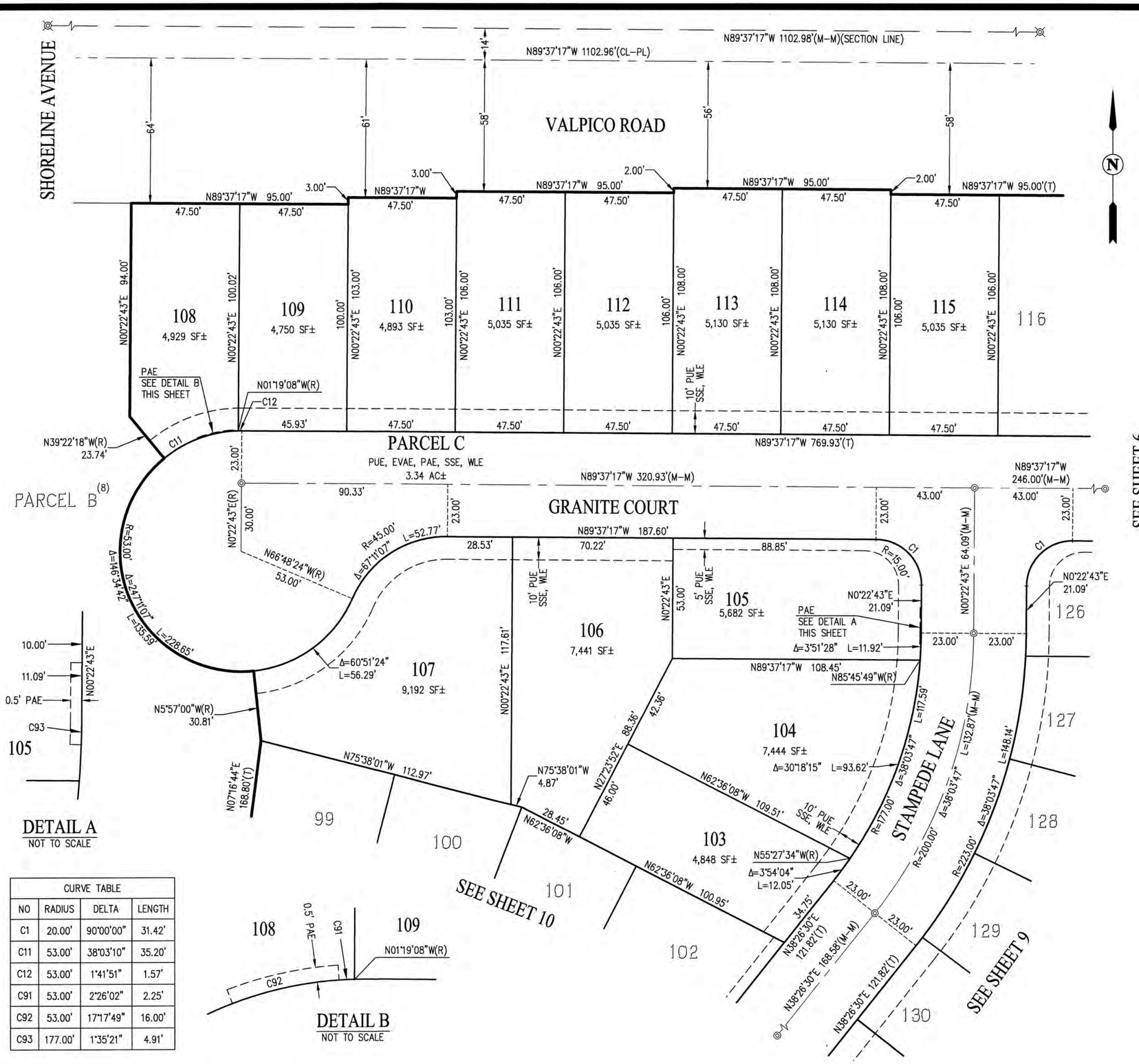

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C12	53.00'	1°41'51"	1.57'
C91	53.00'	2°26'02"	2.25'
C92	53.00'	17°17'49"	16.00'
C93	177.00'	1°35'21"	4.91'

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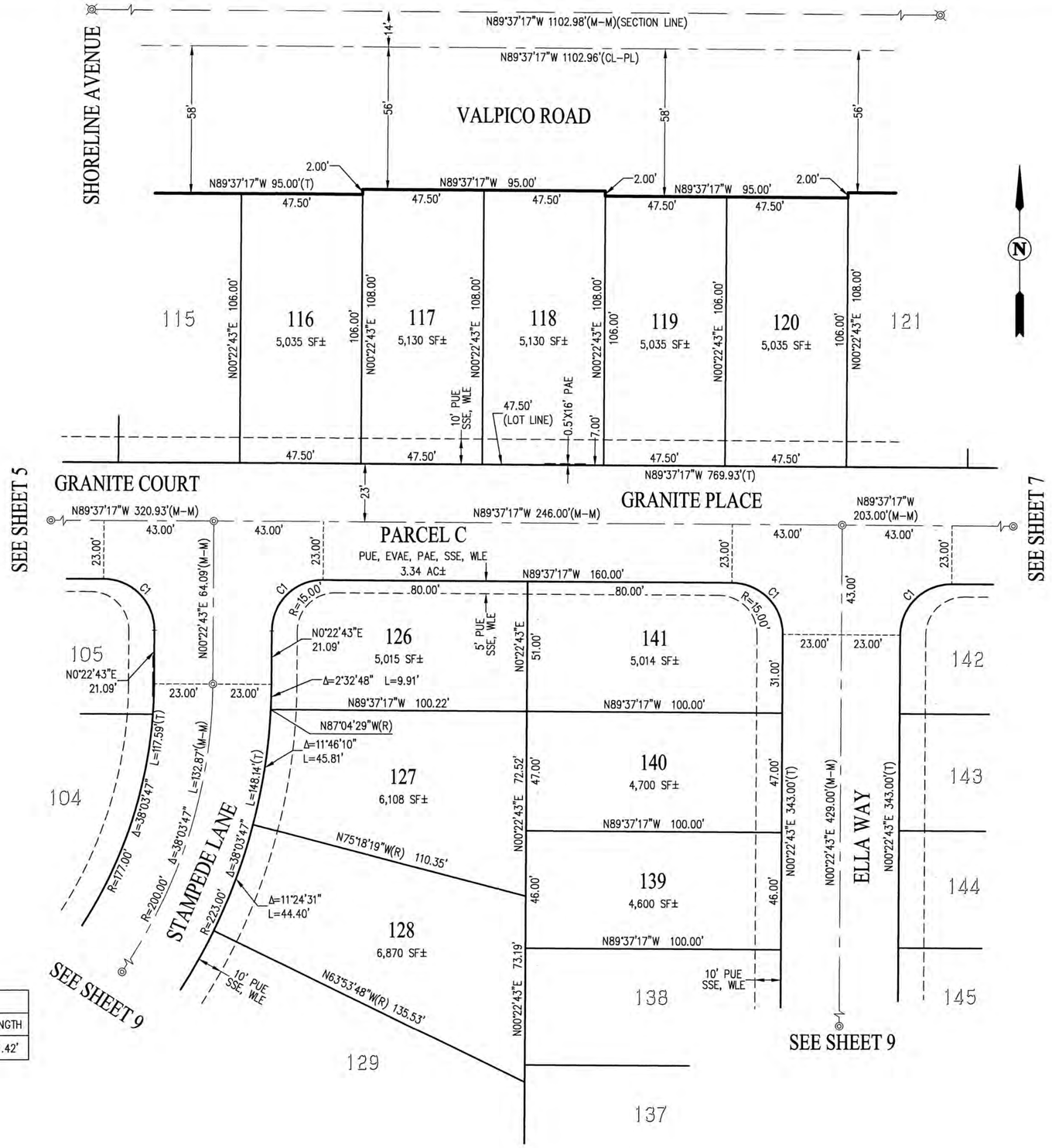

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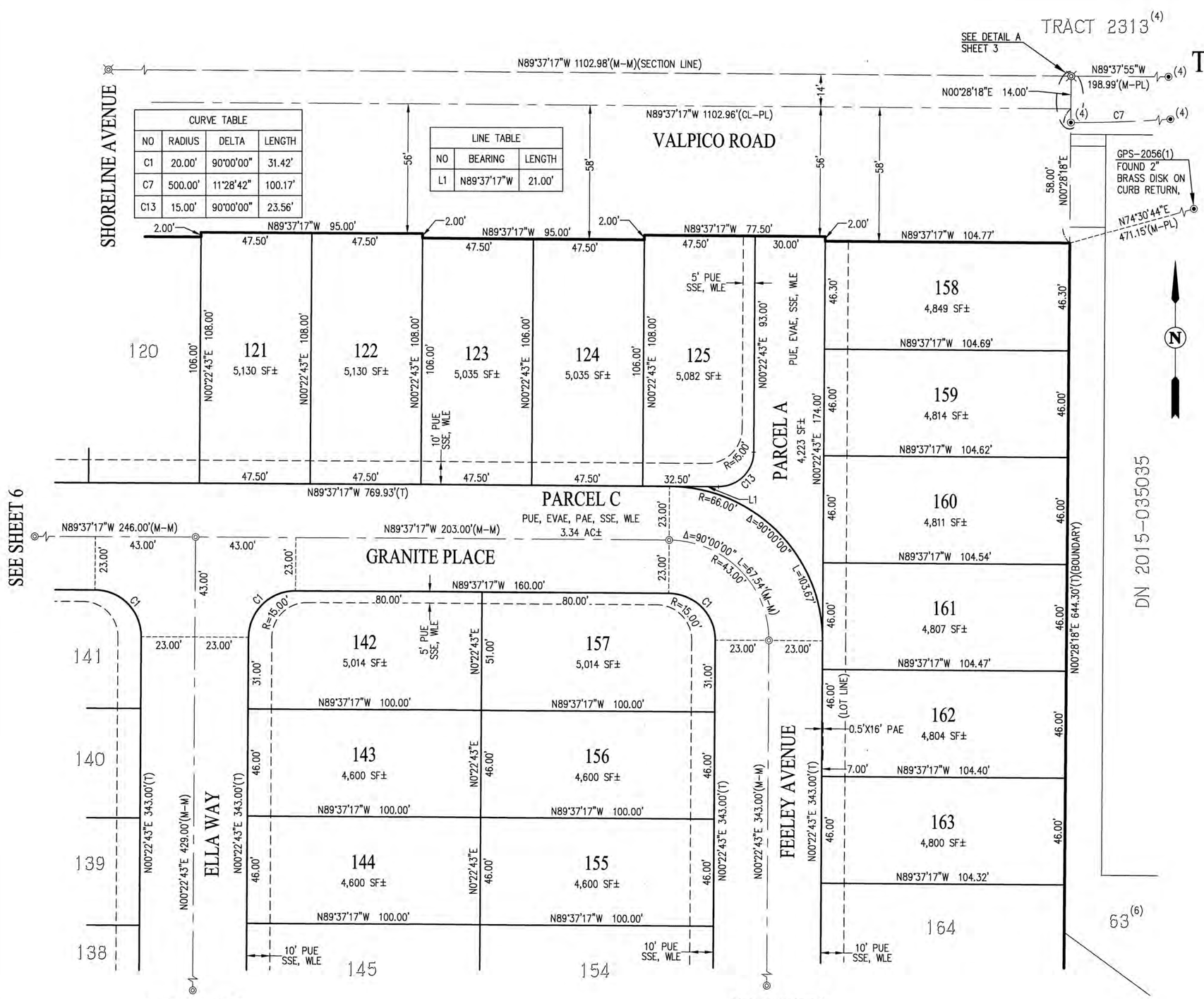

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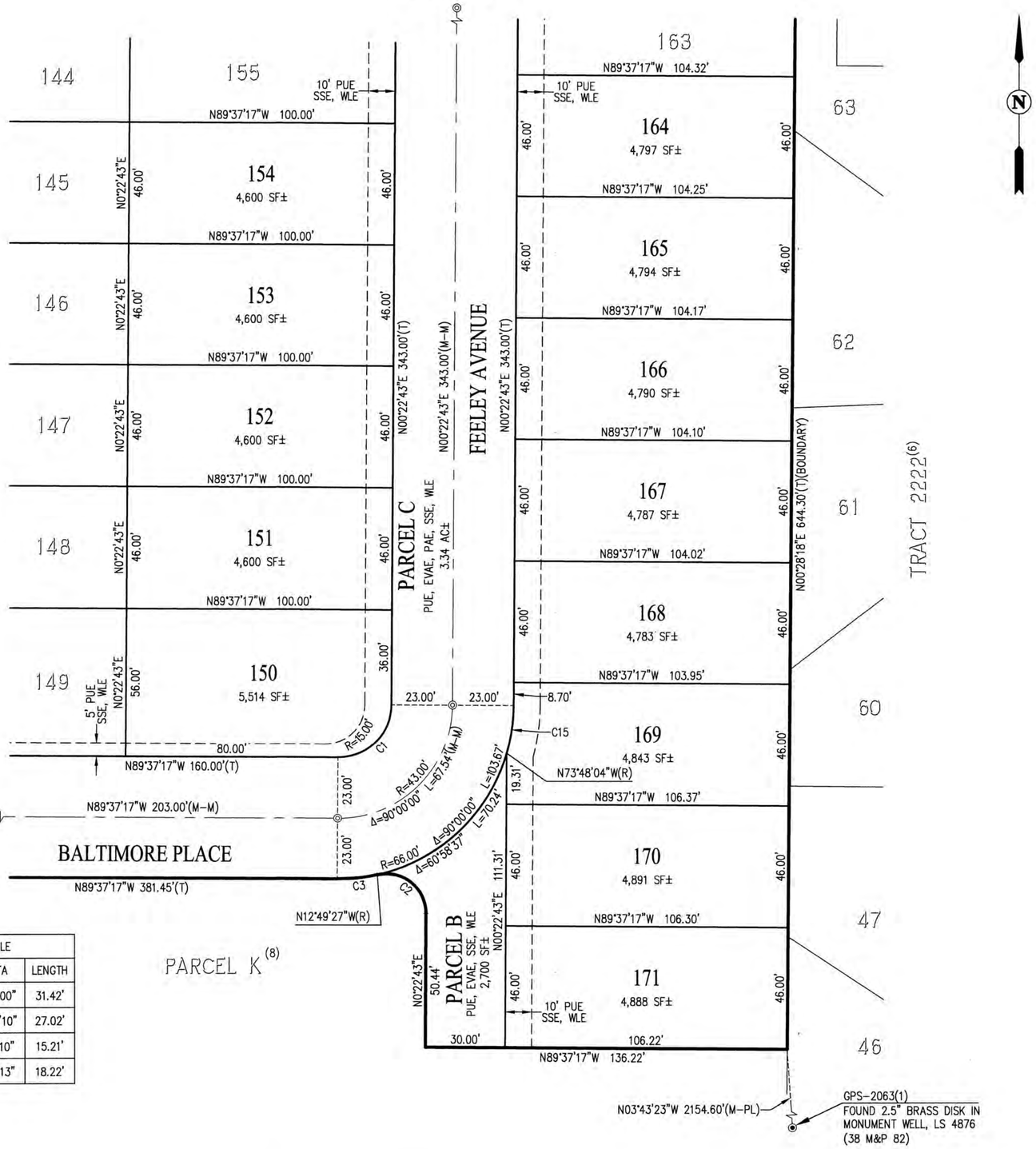

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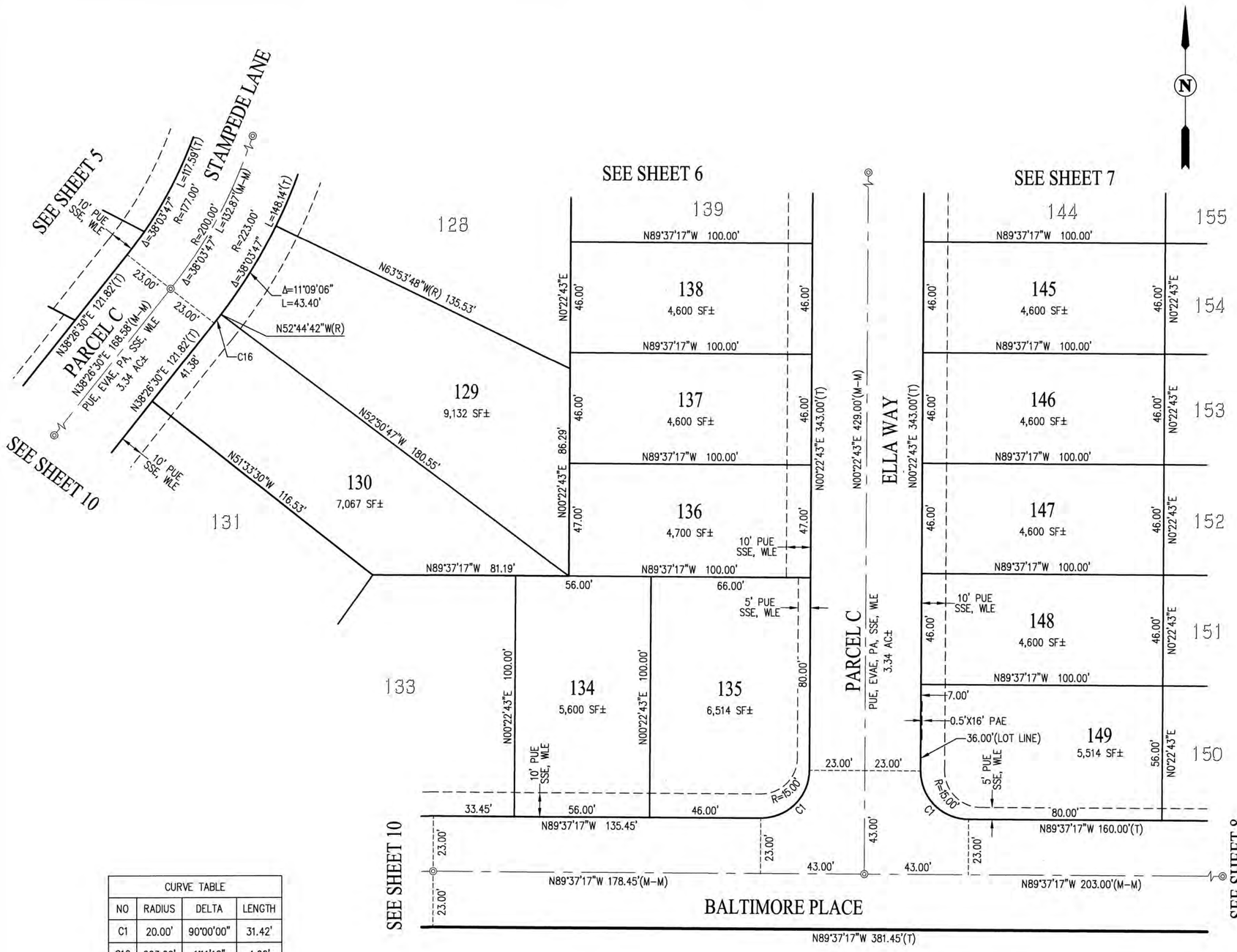

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———	LOT LINE
– – – – – –	EASEMENT LINE
——— – ———	CENTERLINE
(T)	TOTAL
(R)	RADIAL
(CL–PL)	CENTERLINE TO PROPERTY LINE
(M–M)	MONUMENT TO MONUMENT
(M–PL)	MONUMENT TO PROPERTY LINE
◉	FOUND STANDARD STREET MONUMENT, AS NOTED
⊠	STANDARD STREET MONUMENT, LS 7960, TO BE SET PER TRACT 3917
◎	SET STANDARD STREET MONUMENT, LS 7960
⊗, SNF	SEARCHED FOR, NOT FOUND
DN	DOCUMENT NUMBER
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
PAE	PRIVATE ACCESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT

NOTE:

1. ALL DISTANCES SHOWN ARE MEASURED UNLESS OTHERWISE NOTED
2. SEE SHEET 2 FOR ADDITIONAL NOTES.

REFERENCES:

(#) INDICATES REFERENCE NUMBER
(1) RECORD OF SURVEY (36 RS 118)
(2) PARCEL MAP (4 PM 34)
(3) RECORD OF SURVEY (13 RS 13)
(4) TRACT NO. 2313 (32 M&P 38)
(5) RECORD OF SURVEY (24 RS 170)
(6) TRACT NO. 2222 (29 M&P 61)
(7) TRACT NO. 2322 (30 M&P 66)
(8) TRACT NO. 3917 (___ M&P ___)

TRACT NO. 4005

SUBDIVISIONS OF SAN JOAQUIN COUNTY, CALIFORNIA

TRACY VILLAGE NEIGHBORHOOD 5B

CONSISTING OF 10 SHEETS

BEING A SUBDIVISION OF PARCEL J, AS SAID PARCEL J IS SHOWN ON TRACT NO. 3917 (____M & P ____)

BEING A PORTION OF SECTION 5, T3S, R5E, MDB&M

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

cbg

SAN RAMON ▪ (925) 866-0322

SACRAMENTO ▪ (916) 375-1877

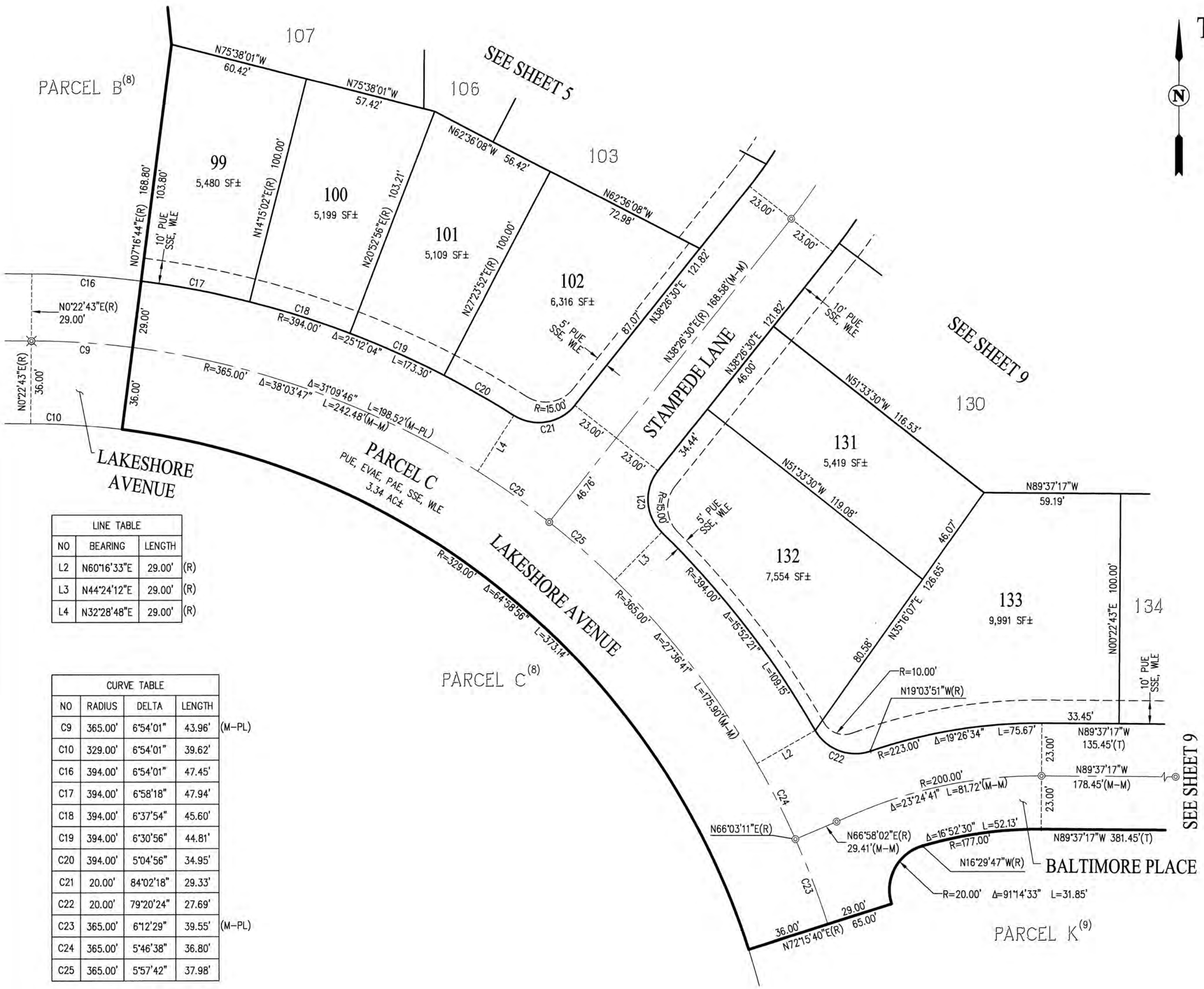
WWW.CBANDG.COM

CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS

SCALE: 1" = 30' APRIL 2022

30' 0' 15' 30' 60' 120'

GRAPHIC SCALE



LINE TABLE			
NO	BEARING	LENGTH	
L2	N60°16'33"E	29.00'	(R)
L3	N44°24'12"E	29.00'	(R)
L4	N32°28'48"E	29.00'	(R)

CURVE TABLE				
NO	RADIUS	DELTA	LENGTH	
C9	365.00'	6°54'01"	43.96'	(M-PL)
C10	329.00'	6°54'01"	39.62'	
C16	394.00'	6°54'01"	47.45'	
C17	394.00'	6°58'18"	47.94'	
C18	394.00'	6°37'54"	45.60'	
C19	394.00'	6°30'56"	44.81'	
C20	394.00'	5°04'56"	34.95'	
C21	20.00'	84°02'18"	29.33'	
C22	20.00'	79°20'24"	27.69'	
C23	365.00'	6°12'29"	39.55'	(M-PL)
C24	365.00'	5°46'38"	36.80'	
C25	365.00'	5°57'42"	37.98'	

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS SHOWN HEREON: THE BEARING BEING N85°27'38"W (CALCULATED) BETWEEN THE CITY OF TRACY GPS POINT 9 AND GPS POINT 2056 AS SHOWN ON RECORD OF SURVEY (36 SURVEYS 118), NAD83, EPOCH 2004.0. DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN US SURVEY FEET. TO OBTAIN GRID DISTANCES, MULTIPLY GROUND DISTANCES BY 0.9999388.

LEGEND

———	SUBDIVISION BOUNDARY LINE
———	RIGHT OF WAY LINE
———	LOT LINE
- - - - - -	EASEMENT LINE
——— – ———	CENTERLINE
(T)	TOTAL
(R)	RADIAL
(CL–PL)	CENTERLINE TO PROPERTY LINE
(M–M)	MONUMENT TO MONUMENT
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⊙	FOUND STANDARD STREET MONUMENT, AS NOTED
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SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT

NOTE:

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2. SEE SHEET 2 FOR ADDITIONAL NOTES.

REFERENCES:

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(3) RECORD OF SURVEY (13 RS 13)
(4) TRACT NO. 2313 (32 M&P 38)
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(6) TRACT NO. 2222 (29 M&P 61)
(7) TRACT NO. 2322 (30 M&P 66)
(8) TRACT NO. 3917 (____ M&P ____)

Recording Requested By:

City of Tracy
Development Services
333 Civic Center Plaza
Tracy, CA 95376

And When Recorded Mail To:

City of Tracy
Office of the City Clerk
333 Civic Center Plaza
Tracy, CA 95376
Attn: Adrianne Richardson

SPACE ABOVE THIS LINE FOR RECORDER'S INFORMATION

CITY OF TRACY
SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 4005, TRACY VILLAGE PHASE 1

This **SUBDIVISION IMPROVEMENT AGREEMENT** (hereinafter "Agreement") is made and entered into by and between the **CITY OF TRACY**, a municipal corporation (hereinafter "City"), and **TOLL WEST INC**. which will do business in California as Toll Brothers West Inc., a Delaware corporation (hereinafter "Subdivider").

RECITALS

A. The Subdivider is the owner of the real property more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (hereinafter "***Property***"), said Property comprising the subject "Tract 3917 Tentative Map, Tracy Village, Tracy, California".

B. On May 15, 2018, the Tracy City Council ("***City Council***") adopted the Tracy Village Specific Plan and approved various related land use entitlements including Application No. TSM17-0003 and approved by Resolution No. 2018-087 (the "***Tentative Subdivision Map for Tracy Village, Tract No 3917***"). The project includes 590 single-family dwelling units and would include three man-made lakes totaling approximately 10 acres, along with a community recreation center with pool, spa and bocce courts, open space and trails/pathways. The project also includes the proposed annexations into the City of an additional 42 residential properties. The Tentative Subdivision Map is on file with the City Clerk and is incorporated herein by this reference.

C. The approval of the Final Map by the City Council was subject to specified conditions of approval ("***Conditions of Approval***"). The Conditions describe, among other things, improvements that are required for approval of the Tentative Subdivision Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City

Standards. The Conditions of Approval are attached hereto as Exhibit "B" and are incorporated herein by reference.

D. The Final Subdivision Map includes approximately 73 single-family detached residential homes. Exhibit "C" shows the overall Tracy Villages project area and the location of the Final Subdivision Map for Tracy Villages, hereinafter "***Project***" or "***Project site***".

E. In accordance with the Conditions of Approval, the Subdivider has prepared and the City Engineer has approved certain improvement plans and specifications (which incorporate portions of the City's Standard Specifications), which describe the improvements which are required for approval of the Final Subdivision Map and are incorporated herein by reference. The approved plans and specifications (the "***Plans and Specifications***") include thirteen (13) sheets of rough grading plans titled "Tracy Village Phase 1Rough Grading Plans Tract 3917, 4005 & 4006" prepared by CBG Civil Engineers, thirty-five (35) sheets of improvement plans titled "Tracy Village Phase 1 Improvement Plans Tract 3917, 4005 & 4006" prepared by CBG Civil Engineers, thirty-one (31) sheets of Landscape plans titled "Tracy Village Tract #3917 Entry and Loop Road Landscape Improvement Plans" prepared by SMP Environmental Design, six (6) sheets of Joint trench plans titled "Toll Brothers Inc. Tracy Village Phase 1 Neighborhood 5B – Tract 4005" prepared by Giacalone Design Services. Collectively, these Plans and Specifications are referred to herein as the "***Scope of Work***" or "***Work***".

F. Since the Work has not been completed in accordance with the Conditions of Approval, the Subdivider has requested to execute this Agreement as authorized by Government Code section 66462.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **SCOPE OF WORK.** The Subdivider shall perform, or cause to be performed, the Work to the satisfaction of the City Engineer. The Work shall be performed, and all materials and labor shall be provided, at the Subdivider's expense, in the manner described in the Plans and Specifications. No change shall be made to the Scope of Work unless authorized in writing by the City Engineer. The Subdivider may submit a written request to the City Engineer for a change in the Scope of Work, as required by Tracy Municipal Code section 12.36.060(f). Any portion(s) of the Work that are performed within existing City's right(s)-of-way and/or easement(s) are to be performed by the Subdivider in accordance with the requirements of the State prevailing wage laws, in the event and to the extent applicable.

2. **GRADING AND STREET MAINTENANCE.**

2.1. Until all the Work is accepted by the City as complete, the Subdivider shall diligently perform the necessary maintenance of the entire Project site, including streets constructed within the Project, to the satisfaction of the City Engineer, at the Subdivider's own cost.

2.2. All infrastructure constructed under this Agreement will be maintained by the Subdivider until accepted by the City.

3. **SUBDIVIDER'S AUTHORIZED REPRESENTATIVE.** At all times during the progress of the Work, Subdivider shall have a competent foreman or superintendent (hereinafter "Authorized Representative") on site or available by cell phone with authority to act on behalf of the Subdivider. The Subdivider shall, at all times, keep the City Engineer reasonably informed in writing of the name and telephone number of the Authorized Representative. The Authorized Representative shall be on site approximately 60% of the time the Work is occurring. The Subdivider may designate an employee of its general contractor as the Authorized Representative. The Subdivider shall, at all times, keep the City Engineer reasonably informed in writing of the names and telephone numbers of all contractors and subcontractors performing the Work.

4. **LOCATION OF PERFORMANCE.** The Subdivider shall perform all Work at the locations and grades shown on the Plans and Specifications. The Subdivider shall acquire at the Subdivider's sole cost and expense, any easement or right-of-way necessary for the performance of the Work, with no credit or reimbursement from the City.

5. **IMPROVEMENT SECURITY.** Concurrently with the execution of this Agreement by the Subdivider, and prior to the commencement of any Work, the Subdivider shall furnish contract security, in a form authorized by the Subdivision Map Act (including Government Code sections 66499 *et seq.*) and Tracy Municipal Code Section 12.36.080, in the following amounts:

5.1. **Faithful Performance** security in the amount of **$1,163,000.00** in accordance with the cost estimates approved by City to secure faithful performance of this Agreement (until the date on which the City Council accepts the Work as complete).

5.2. **Labor and Material** security in the amount of **$1,163,000.00** in accordance with the cost estimates approved by City to secure payment by the Subdivider to laborers and materialmen (until the date on which claims are required to be made by laborers and materialmen).

5.3. **Warranty** security in the amount of **$116,300.00** in accordance with the cost estimates approved by City to secure faithful performance of this Agreement (from the date on which the City Council accepts the Work as complete until one year thereafter).

5.4. **Monumentation** security in the amount of **$12,000.00** to secure faithful performance of setting monuments as described in the Final Map within one year from the date this of Agreement pursuant to Government Code section 66496.

6. **INSURANCE.** Concurrently with the execution of this Agreement by the Subdivider, and prior to the commencement of any Work, the Subdivider shall furnish evidence to the City that all of the following insurance requirements have been satisfied.

6.1. General. The Subdivider shall, throughout the duration of this Agreement, maintain insurance to cover Subdivider, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.

6.2. Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) coverage shall be maintained in an amount not less than $5,000,000 per occurrence, and $10,000,000 in the general aggregate for general liability, bodily injury, personal injury, and property damage, including completed operation coverage.

6.3. Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto" including "hired autos" and "non-owned autos") coverage in an amount not less than $1,000,000 per accident for bodily injury and property damage. If Subdivider has no employees, or does not own automobiles, then "hired autos" and "non-owned autos" coverage shall be maintained in an amount not less than $1,000,000 per accident for bodily injury and property damage.

6.4. Workers' Compensation coverage for employees shall be maintained as required by the State of California.

6.5. Endorsements. Subdivider shall obtain endorsements to the automobile and commercial general liability insurance policies with the following provisions:

6.5.1. The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."

6.5.2. For any claims related to this Agreement, Subdivider's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Subdivider's insurance and shall not contribute with it.

6.6. Notice of Cancellation. Subdivider shall obtain endorsements to all insurance policies by which each insurer is required to provide thirty (30) days prior written notice to the City should the policy be canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation.

6.7. Authorized Insurers. All insurance companies providing coverage to Subdivider shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

6.8. **Insurance Certificate.** Subdivider shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City Attorney.

6.9. **Substitute Certificates.** No later than thirty calendar (30) days prior to the policy expiration date of any insurance policy required by this Agreement, Subdivider shall provide a substitute certificate of insurance.

6.10. **Subdivider's Obligation.** Maintenance of insurance by the Subdivider as specified in this Agreement shall in no way be interpreted as relieving the Subdivider of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Subdivider may carry, at its own expense, such additional insurance as it deems necessary.

7. **PERMITS, LICENSES, AND COMPLIANCE WITH LAW.** The Subdivider shall, at the Subdivider's expense, obtain and maintain all necessary permits and licenses for the performance of the Work. Prior to the commencement of the Work, the Subdivider shall obtain a City of Tracy Business License. The Subdivider shall comply with all local, state, and federal laws, whether or not said laws are expressly stated in this Agreement.

8. **TIME OF PERFORMANCE.** Time is of the essence in the performance of the Work, and the timing requirements set forth herein shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. The Subdivider shall submit all requests for extensions of time to the City, in writing, no later than ten (10) days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due.

8.1. **Commencement of Work.** No later than fifteen (15) days prior to the commencement of Work, the Subdivider shall provide written notice to the City Engineer of the date on which the Subdivider shall commence Work. The Subdivider shall not commence Work until after the notice required by this section is properly provided, and the Subdivider shall not commence Work prior to the date specified in the written notice.

8.2. **Schedule of Work.** Concurrently with the written notice of commencement of Work, the Subdivider shall provide the City with a written schedule of Work, which shall be updated in writing as necessary to accurately reflect the Subdivider's prosecution of the Work.

8.3. **Completion of Work.** The Subdivider shall complete all Work by no later than three hundred sixty-five (365) days after the City's execution of this Agreement. If the Work is not completed and accepted by City Council by this date, City Engineer may grant an extension of time if (a) the Subdivider submits a written request for extension at least ten (10) days prior to expiring date of completion, (b) the City Engineer determines that Work is progressing satisfactorily and an extension is warranted, and (c) the Subdivider pays all processing fees for such time extension.

8.4. Reversion to Acreage. In the event that the Subdivider fails to commence the Work prior to the date on which completion is due, the Subdivider shall, upon written request by the City, consent to the reversion to acreage of all real property described by the Final Map, and the Subdivider shall bear all costs thereof.

9. INSPECTION BY THE CITY. In order to permit the City to inspect the Work, the Subdivider shall, at all times, provide to the City proper and safe access to the Project site, and all portions of the Work, and to all shops wherein portions of the Work are in preparation.

10. INSPECTION FEES. Concurrently with the execution of this Agreement by the Subdivider, and prior to the commencement of any Work, the Subdivider shall pay the City Inspection Fees in the amount of three and one-half percent (3-1/2%) of the estimated Project costs (as approved by the City Engineer).

In the event that the City requires an independent inspection, the City may retain an independent inspector, Subdivider shall pay all costs associated with the independent inspection, and the independent inspector shall provide a report directly to the City.

11. DEFAULT.

11.1. In the event that the Subdivider is in default of this Agreement, as defined in this section, the City Engineer shall provide written notice to the Subdivider and the Subdivider's surety (if any) in which the default is described with appropriate specificity.

11.2. The Subdivider shall be in default of this Agreement if the City Engineer determines that any one of the following conditions exist:

11.2.1. The Subdivider is insolvent, bankrupt, or makes a general assignment for the benefit of its creditors.

11.2.2. The Subdivider abandons the Project site.

11.2.3. The Subdivider fails to perform one or more requirements of this Agreement.

11.2.4. The Subdivider fails to replace or repair any damage caused by Subdivider or its agents, representatives, contractors, subcontractors, or employees in connection with performance of the Work.

11.2.5. The Subdivider violates any legal requirement related to the Work.

11.3. In the event that the Subdivider fails to cure the default within thirty (30) days, or provide adequate written assurance to the satisfaction of the City Engineer that the cure will be promptly commenced and diligently prosecuted to its

completion, the City may, in the discretion of the City Engineer, take any or all of the following actions:

11.3.1. Cure the default and charge the Subdivider for the costs therefore, including administrative costs and interest in an amount equal to seven percent (7%) per annum from the date of default.

11.3.2. Demand the Subdivider to complete performance of the Work.

11.3.3. Demand the Subdivider's surety (if any) to complete performance of the Work.

11.3.4. Commence a legal action to enforce the terms of this Agreement.

12. **ACCEPTANCE OF WORK.** Prior to acceptance of the Work by the City Council, the Subdivider shall be solely responsible for maintaining the quality of the Work, and maintaining safety at the Project site. The Subdivider's obligation to perform the Work shall not be satisfied until after the City Engineer has made a written determination that all obligations of the Agreement have been satisfied and all outstanding fees and charges have been paid, and the City Council has accepted the Work as complete.

13. **WARRANTY PERIOD.** The Subdivider shall warrant the quality of the Work, in accordance with the terms of the Plans and Specifications, for a period of one year after acceptance of the Work by the City Council. In the event that (during the one year warranty period) any portion of the Work is determined by the City Engineer to be defective as a result of an obligation of the Subdivider under this Agreement, the Subdivider shall be in default.

14. **INDEPENDENT CONTRACTOR STATUS.** Subdivider is an independent contractor and is solely responsible for all acts of its employees, agents, or subcontractors, including any negligent acts or omissions. Subdivider is not City's employee and Subdivider shall have no authority, express or implied, to act on behalf of the City as an agent, or to bind the City to any obligation whatsoever, unless the City provides prior written authorization to Subdivider.

15. **OWNERSHIP OF WORK.** All original documents prepared by Subdivider for this Agreement shall be given to City upon City's acceptance of the Work; provided, however, ownership of said documents shall be determined in accordance with applicable laws. Prior to acceptance of the Work, the Subdivider shall submit the as-built drawings in Auto-CAD format Release-14 or higher in a compact disc (CD).

16. **ASSIGNMENT AND DELEGATION.** This Agreement and any portion thereof shall not be assigned or transferred, nor shall any of the Subdivider's duties be delegated, without the written consent of the City. Any attempt to assign or delegate this Agreement without the written consent of the City shall be void and of no force and effect. Consent by the City to one assignment shall not be deemed to be consent to any subsequent assignment.

17. **NOTICES.**

17.1. All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the respective party as follows:

City: City of Tracy
Attn: City Engineer
333 Civic Center Plaza
Tracy, CA 95376

Copy to: City Attorney's Office
Attn: City Attorney
333 Civic Center Plaza
Tracy, CA 95376

attorney@cityoftracy.org

Subdivider: Toll West Inc. which will do business in California as Toll Brothers West Inc., a Delaware corporation

Attn: Todd Callahan, Division President
6800 Koll Center Parkway,
Ste. 320, Pleasanton, CA, 94566

Tel: (925) 249-6047
Email: tcallahan@tollbrothers.com

Copy to: Toll West Inc.
Attn: Scott M. Cwiertny,
AVP and Counsel
725 W. Town and Country Rd.,
Suite 200 Orange, CA, 92868

Tel: (714) 347-1321
Email: scwiertny@tollbrothers.com

17.2. Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated above, or (2) three working days following the deposit in the United States Mail of registered or certified mail, sent to the address designated above.

18. **MODIFICATIONS.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

19. **WAIVERS.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

20. **SEVERABILITY.** In the event, any term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect.

21. **JURISDICTION AND VENUE.** The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

22. **INDEMNIFICATION.** Subdivider shall indemnify, defend and hold harmless the City (including its elected officials, officers, agents and employees) from and against any and all claims, demands, liabilities, costs and expenses (including court costs and attorney's fees) resulting from or arising out of the performance of the Work by Subdivider or Subdivider's agents, representatives, contractors, subcontractors or employees except to the extent caused by the sole, active negligence or willful misconduct of the City.

    In this section, "City" means the City, its officials, officers, agents, employees and volunteers; "Subdivider" means the Subdivider, its employees, agents and subcontractors; "Claims" includes claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all related costs and expenses in connection therein) and any allegations of these; and "Arising out of" includes "pertaining to" and "relating to".

    The provisions of this section survive completion of the services or the termination of this contract and are not limited by the provisions of Section 6 relating to insurance.

23. **ENTIRE AGREEMENT.** This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the parties concerning the improvements to be constructed for this Project. This Agreement supersedes all prior negotiations, representations, or agreements.

24. **SIGNATURES.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the Subdivider and the City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

[remainder of this page intentionally left blank]

IN WITNESS WHEREOF the parties do hereby agree to the full performance of the terms set forth herein.

City of Tracy

_____

Nancy Young, Mayor

Date: _____

Approved by City Council on _____ by Resolution No. _____.]

Attest:

_____

By: Adrianne Richardson, City Clerk

Approved As To Form:

_____

By: Bijal Patel, City Attorney

Subdivider

Toll West Inc. which will do business in California as Toll Brothers West Inc., a Delaware corporation

By: _____

Todd Callahan
Division President

Date: 4/22/22

Federal Employer Tax ID No.
83-3070946

EXHIBITS

A – Legal Property Description
B – Conditions of Approval
C – Location of Project Site

EXHIBIT "A"
(Legal Description of Property)

Real property in the City of Tracy, County of San Joaquin, State of California, described as follows:

Tract 4005, being a subdivision of Parcel J as Said Parcel J is shown on Tract 3917 ___ M&P)_

APN: 244-040-018-000.

EXHIBIT B

Exhibit 5

City of Tracy
Conditions of Approval

Tracy Village
Application Number (Tract 3917)
May 15, 2018

These Conditions of Approval shall apply to the real property described as the Tracy Village Development. The Tracy Village Development Project is proposed as a gated community consisting of 590 single-family detached residential homes, and would include three man-made lakes totaling approximately 10 acres, along with a community recreation center with pool, spa and bocce courts, open space and trails/pathways (Assessor's Parcel Number 244-040-01 and 244-030-01 and 02), located on the south side of Valpico Road, east of Corral Hollow Road. The project also includes the proposed annexation into the City of an additional 42 residential properties (Residential Annexation Area) fronting Corral Hollow Road and Valpico Road, and an adjoining drainage canal north of Valpico Road (Parcel Numbers 244-030-03 through 22 and 242-050-01 through 21, and 242-040-29).

The following definitions shall apply to these Conditions of Approval:

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

2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.

3. "City Regulations" means all written laws, rules and policies established by the City, including those set forth in the City of Tracy General Plan (also known as Urban Management Plan), the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design documents (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and Relevant Public Facilities Master Plans).

4. "Conditions of Approval" shall mean the conditions of approval applicable to the Tracy Village Development project. The Conditions of Approval shall specifically include all Development Services Department, including Planning, Engineering, and Building Divisions, Finance Department, Fire Department, and Public Works conditions set forth herein.

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

6. "Project" means the real property consisting of approximately 135 acres located on the south side of Valpico Road, east of Corral Hollow Road, Assessor's Parcel Number 244-040-01, and 244-030-01 and 02, and 42 residential properties fronting Corral Hollow Road and Valpico Road (Parcel Numbers 244-030-03 through 22 and 242-050-01 through 21 and 242-040-29).

7. "Property" means the real property generally located on the south side of Valpico Road, east of Corral Hollow Road, Assessor's Parcel Number 244-040-01, 244-030-01 and 02, and 42 residential properties fronting Corral Hollow Road and Valpico Road (Parcel Numbers 244-030-03 through 22 and 242-050-01 through 21, and 242-040-29).

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

B. Planning Division Conditions of Approval:

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, *et seq.*), the Subdivision Map Act (Government Code sections 66410, *et seq.*), the California Environmental Quality Act (Public Resources Code sections 21000, *et seq.*, "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, *et seq.*, "CEQA Guidelines").

2. Unless specifically modified by these Conditions of Approval, the Project shall comply with all City Regulations.

3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the Tracy Village Development Project Environmental Impact Report dated April 11, 2018.

4. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) will begin on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

5. Except as otherwise modified herein, all construction shall be consistent with the Vesting Tentative Subdivision Map received by the Development and Engineering Services Department on April 2, 2018 and as modified on the project site plan and Tracy Village Specific Plan dated March 2018.

6. Prior to the issuance of any building permits for the community buildings, the applicant shall provide a detailed landscape and irrigation plan consistent with City landscape and irrigation standards and the approved plan, including, but not limited to Tracy

Municipal Code Section 10.08.3560, the City's Design Goals and Standards, and the applicable Department of Water Resources Model Efficient Landscape Ordinance on private property, and the Parks and Parkways Design Manual for public property, to the satisfaction of the Development Services Director. Newly planted, on-site trees shall be a minimum size of 24-inch box and shrubs shall be a minimum size of five gallons.

7. No signs are approved as a part of this development application. Prior to the installation of any signs, the applicant shall submit a sign permit application and receive approval from the Development Services Director in accordance with City Regulations.

8. Prior to the issuance of any building permits, the developer shall document compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual) to the satisfaction of the Public Works Director, which includes the requirement for Site Design Control Measures, Source Control Measures and Treatment Control Measures under the guidelines in a project Stormwater Quality Control Plan (SWQCP). Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, trash enclosures, parking areas, any wash areas and maintenance areas. The SWQCP must conform to the content and format requirements indicated in Appendix D of the Manual and must be approved by the Public Works Director prior to issuance of grading or building permits. Stormwater treatment shall be consistent with the approved plans, subject to approval by the City's Utility Department.

9. The project shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit and a pre-construction survey prior to ground disturbance, to the satisfaction of San Joaquin Council of Governments.

10. The developer shall design and construct all buildings with fire sprinklers in accordance with City Regulations to the satisfaction of the Fire Marshal.

11. Development of the 42 residential properties (Residential Annexation Area) shall be governed by the following: The majority of the 42 lots are developed with detached single-family residences, and are served by private wells and septic systems. Connection to city water and sewer systems shall be voluntary, unless new residential development (building permits for new construction) is proposed by the property owners.

12. The project shall utilize the building elevations as shown in the Tracy Village Specific Plan for the Tracy Village residential community, consistent with requirements of the City Design Standards and Guidelines and the project Planned Unit Development provisions. The final design plans shall be subject to review and approval of the Development services Director prior to first building permit issuance.

13. All of the houses that border existing developed lots on the west, east and south sides of the Tracy Village project shall be limited to a single-story in height.

14. All common area lots and open spaces, including landscaping, shall be maintained by the Project homeowner's association (HOA). Final covenants, conditions and restrictions (CC&Rs) shall be submitted to the City for review and approval prior to their recordation. The CC&Rs shall be recorded prior to City issuance of a grading plan or improvement plans for the Project.

15. All proposed Emergency Vehicle Access (EVA) points connecting the project to public streets shall be built subject to Fire Department and Engineering Division approval, including with respect to width, loads, turn radius, and use of gates or other barriers.

16. All vents, gutters, downspouts, flashing, electrical conduit, and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.

17. All ground-mounted equipment, including, but not limited to air conditioning units, water heaters, gas meter and utility boxes shall be screened form view from common areas with decorative walls, fences or landscaping, to the satisfaction of the Development Services Director.

18. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into any adjacent properties, to the satisfaction of the Development Services Director.

19. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.

20. Prior to the issuance of a building permit, the Developer shall submit detailed trash and recycling enclosure plans which include the following, to the satisfaction of the Development Services Director: the walls shall be of masonry construction, at least eight feet in height, include solid metal doors, a solid roof, and an interior perimeter concrete curb. The enclosures shall include exterior color and material compatible with adjacent or nearby building exteriors of the project.

21. Prior to the issuance of a building permit, the developer shall design a recycling program consistent with State Assembly Bill 341, to the satisfaction of the Public Works Director. The program shall include or have access to enclosures with adequate space for both refuse and recycling and shall be incorporated with the trash and recycling enclosures. Each enclosure shall have signs that clearly indicate refuse and recycling locations as well as prohibition of scavenging. The program shall include recycling options or elements at the pool area and other common areas for the residents.

22. The developer shall be required to pay all applicable City impact fees, including park fees. No fee credit shall be given for the developer private parks and facilities within the Tracy Village Development.

C. Finance Department Conditions of Approval

1. Prior to recording the Final Map, the applicant shall do one of the following, subject to the approval of the Finance Director:

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

Or

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

If the provisions for adequate funding of the on-going operational costs of providing Police services, Public Works services and other City services are met prior to issuance of the first building permit for the project, 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.

D. Building Division Conditions of Approval

1. The developer shall demonstrate that the proposed residential buildings are designed and constructed in conformance with all applicable City and State Regulations to the satisfaction of the Chief Building Official, including but not limited to CalGreen Building Standards and Title 24-11A accessibility standards.

2. The developer shall demonstrate that all improvements, in-tract and offsite, required to serve the Project Site described by the final map and Vesting Tentative Subdivision Map are in accordance with the City Regulations. The Improvement Plans shall specifically include all the requirements specified below.
    a. The Improvement Plans shall consist of the Grading and Storm Drainage Plans, Irrigation and Landscaping Plans, Composite / Joint Utility Plans, In-tract Civil and Utility Plans, Street Lighting Plans, Sewer Plans, Water Distribution Plans, Fire Hydrant distribution Plans, Signing and Striping Plans, Masonry Wall Plans, and Storm Water Plans, Curb, Sidewalk, Gutter, Fire Department EVA road and additional associated features, Road profiles and construction details, Handicap Accessibility Plans and construction details in accordance with City of Tracy Standards and Regulations.
    b. Improvement plans shall also include Lake Construction plans to include but not limited to retaining walls, all applicable distribution features, piping, pumps, out-fall structures, inlets and connection to City storm water.
    c. All supporting engineering calculations, soils reports, material and technical specifications, and reports related to the design of the subdivision improvements, and as required by the City Engineer shall be provided. The engineering calculations shall include calculations for determining the size and capacity of sewer, water and storm drainage facilities.
3. No Temporary or Final Building Certificate of Occupancy will be issued by the City (excluding model homes) until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that the Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval.
4. All gates are to be accessible by the Fire Department in the case of an emergency, by means such as a Knox box, Knox padlock, Opticon sensors or other means to the satisfaction of the Fire Chief and Chief Building Official.
5. All hydrants, FDCs and DDCVs shall be provided with a minimum of three feet of clearance at all times. Therefore, landscaping shall be designed so that no adjacent plants can grow into and obscure these pieces of equipment.

E. Engineering Division Conditions of Approval

E.1. General Conditions

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

a) "Tracy Village Traffic Impact Impact Analysis", prepared by Kimley-Horn

Associates, dated March 14, 2018, and Memorandum titled "Tracy-Village – Tentative Map Review" prepared by Kimley-Horn Associates, dated February 12, 2018 and any subsequent amendments and updates (Collectively "Traffic Report").

b) "Tracy Village Water Distribution System Hydraulic Network Analysis", prepared by West Yost Associates, dated February 16, 2018, and any subsequent amendments and updates. ("Water Report")

c) Technical Memorandum by Storm Water Consulting, Inc., dated January 8, 2018, and any subsequent amendments and updates. ("Storm Drainage Report").

E.2. Grading Permit

The Subdivider shall submit all relevant documents related to grading permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

E.2.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer.

a) The Subdivider shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Building Official and Fire Code Official prior to submitting the mylars to Engineering Division for City Engineer's approval.

b) Prior to the issuance of Grading Permit for the Project, Subdivider shall submit improvement plans and secure approval of plans from the City's Building Division, for the design of on-site sewer improvements and the Project's sewer connection.

E.2.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.

E.2.3. Two (2) copies of the Project's Geo-technical /Soils Report prepared by Geo-technical Engineer.

E.2.4. Copy of recorded slope easements or construction/grading easements on adjacent properties (if applicable).

E.2.5. Three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) for the Project with a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any relevant documentation or written approvals from the SWQCB, including the Wastewater Discharge Identification Number (WDID#).

a. After the completion of the Project, the Subdivider is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Subdivider shall provide the City with a copy of the completed Notice of Termination.

b. The cost of preparing the SWPPP, NOI and NOT, including the filing fee of the NOI and NOT, shall be paid by the Subdivider.

c. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the applicable provisions of the City's Storm Water Management Program.
E.2.6. Two (2) sets of the Project's Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California.

a. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, pavement design recommendations, and elevation of the highest observed groundwater level.

E.2.7. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) as required in Mitigation Measure AQ-1 of the Mitigation Monitoring and Reporting Program of the Environmental Impact Report (EIR).

E.2.8. A copy of the approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) from San Joaquin Valley Air Pollution Control District (SJVAPCD).

E.2.9. Two (2) sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system and for determining the size of the project's storm drainage connection, as required in Conditions E.4.2.d and E.4.3.k, below.

E.3. Encroachment Permit – Subdivider shall submit all relevant documents related to encroachment permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

E.3.1. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar), if necessary that incorporate all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

a. The Subdivider shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Building Official and Fire Code Official prior to submitting the mylars to Engineering Division for City Engineer's approval.
E.3.2. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

E.3.3. Traffic Control Plan shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California, as required in Condition E.4, below.

E.3.4. Tracy's Fire Official's signature on the Improvement Plans indicating their approval for the fire service connection and fire and emergency vehicle access for the Project.

E.3.5. Signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement

Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA. The Subdivider's obligations in the OIA shall be deemed to be satisfied upon City Council's acceptance of the public improvements and release of the Improvement Security.

E.3.6. Check payment for the applicable of engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on May 17, 2016, per Resolution 2016-094.

E.4. Improvement Plans - Improvement Plans shall contain the design, construction details and specifications of public improvements and all subdivision improvements that are required to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with City Regulations, these Conditions of Approval, and the following requirements:

E.4.1. The Improvement Plans including the Grading and Drainage Plans prepared in accordance with the City's Subdivision Ordinance and Design Standards. The improvement plans for all improvements (onsite and off-site) required to serve the Project in accordance with the City Design Documents, and these Conditions of Approval.

a. The Improvement Plans shall be prepared in mylar with the standard title and signature block.

b. The Subdivider shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylar including signatures by the Chief Building Official and Fire Code Official or Fire Safety Officer, prior to submitting the mylars to Engineering Division for City Engineer's approval.

E.4.2. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:

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

b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports.

c. Two (2) copies of the Project's Geotechnical /Soils Report, prepared or signed and stamped by a Geotechnical Engineer.

d. The Project's on-site drainage connections to City's storm drainage system and on-site storm water treatment as approved by the City Engineer. Improvement Plans to be submitted with the hydrology and storm drainage calculations for the sizing of the on-site storm drainage system.

e. Three (3) sets of the Project's Storm Water Pollution Prevention Plan (SWPPP), Best

Management Practices (BMPs) and a copy of the Notice of Intent (NOI) with the State-issued Wastewater Discharge Identification number (WDID#).

E.4.3. Grading and Storm Drainage Plans

Site Grading

a. Include all proposed erosion control methods and construction details to be employed and specify materials to be used.

b. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.

c. Site grading shall be designed such that the Project's storm water can gravity drain directly to an existing storm drain system with adequate capacity to drain storm water from the Project Site in the event that the on-site storm drainage system fails or is clogged. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be improved to the satisfaction of the City Engineer.

d. When the grade differential between the Project Site and adjacent property(s) exceeds 12 inches, a reinforced or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) of the retaining wall or masonry wall. The entire retaining wall and footing shall be constructed within the Project Site. A structural calculation shall be submitted with the Grading and Storm Drainage Plans.

e. An engineered fill between the Project site and adjacent properties may be accepted as a substitute of a retaining wall, if the grade differential is less than 2 feet and subject to approval by the City Engineer. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Subdivider shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s). The slope easement must be recorded, prior to the issuance of the final building certificate of occupancy.

Storm Drainage

f. The Subdivider shall design and install the Project's storm drainage connection(s) to the City's storm drain facilities per the City of Tracy Citywide Stormwater Master Plan and the "Storm Drainage Study" and as required by the City Engineer.

g. The Subdivider shall submit design calculations and obtain approval of improvement plans for the off-site storm drain line to connect to existing channel at Sycamore Parkway. The Subdivider shall execute Offsite Improvement Agreement prior to beginning of work. The Subdivider will be required to overlay half street section on Valpico Road along the full length of the storm drain line after completion of installation of the storm drain line.

h. All on-site SD facilities, lakes, channels and associated facilities including the proposed connection(s) to the City's public drainage facilities, shall be owned and maintained by the HOA.

i. The Subdivider shall provide a Stormwater Quality Control Plan (SWQCP) detailing the methods in which the development will address compliance with the applicable City's Multi-Agency Post-Construction Stormwater Standards Manual (Manual).

The proposed stormwater treatment within the lake system will be subject review and approval by the City. Prior to the issuance of the grading permit for the project, the SWQCP shall be approved by the City Engineer.

j. Prior to the final inspection of the first building to be constructed on the Property, the Subdivider shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Subdivider's responsibility towards the repair and maintenance of on-site storm water treatment facilities. Calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the STFMA and the Grading and Storm Drainage Plans.

E.4.4. Sanitary Sewer Facilities

a. The Subdivider shall design and install sanitary sewer facilities including the Project's sewer connection in accordance with City Regulations and utility improvement plans approved by the City Engineer.

b. The Subdivider shall build and dedicate, to the satisfaction of the City Engineer, public sewer mains, manholes and associated improvements required to serve the entire subdivision. All public infrastructure shall be located in the private subdivision roadways. The Subdivider shall provide easements, to the satisfaction of the City Engineer, across the entire road plus 5 feet on either side as measured from the back of curb. Repair and maintenance of all sewer lines outside of easements which includes (but it not limited to) laterals and appurtenances shall be a private maintenance obligation either from the fronting property owner, HOA, or another City approved maintenance entity.

c. In the event the permanent sewer main in Corral Hollow Road and downstream improvements required to provide permanent capacity for the Project have not been constructed (by others) at the time of request for first building permit within the Project, the Subdivider shall complete the design and install master plan facilities within Corral Hollow Road from the Project to Node 4W-1 as shown in Figure 5-1 of Tracy Wastewater Master Plan.

d. Interim capacity in the existing sewer main north of Node 4W-1 may be temporarily available and the Project may be permitted to utilize existing capacity in the system north of Node 4W-1 subject to verification of availability of capacity in the existing facilities by completion of a technical analysis by City's Consultant ("Interim Sewer Capacity Analysis"). The cost of the Interim Sewer Capacity Analysis shall be funded by the Subdivider, and shall be completed prior to issuance of first building permit. If the Interim Sewer Capacity Analysis indicates that there is no capacity available for the Project, the Subdivider shall design and construct master plan facilities to provide additional capacity per the Wastewater Master Plan.

e. The Subdivider shall design and install wastewater services to existing homes on the north side of Valpico Road as part of the Offsite Improvements. The subdivider will be eligible for fee credits for the cost of installation of the water services.

f. In order to facilitate installation of wastewater service connections to existing homes fronting Corral Hollow Road as part of City's CIP project, a funding requirement in the amount of $100,000 has been identified. The Subdivider shall pay to the City the amount specified above within 30 days from written request from the City Engineer. City will identify funding source for reimbursement of the amount to the Subdivider, and enter into a Reimbursement Agreement prior to payment by the Subdivider.

g. The Subdivider is hereby notified that the City has limited wastewater treatment capacity in the City's Wastewater Treatment Plant until current and future expansion capital improvement projects are completed and operational. As of January 2017, the City had an unused capacity of approximately 1851 EDU's within its wastewater treatment plant available to new development within the City on a first come-first served basis. These EDU's are currently available to serve the proposed project, but as other development projects within the City come forward and building permits are issued, this remaining capacity will be reduced.

E.4.5. Water Distribution System

a. Water line sizing, layout and looping requirements for this Project shall comply with recommendations of the analysis by the City's Water Consultant.

b. If development of the Project is phased (e.g., the north part of the Project is developed as Phase 1 and the south part of the Project is developed as Phase 2), both connections to the City's existing potable water system (at Valpico Road and at Middlefield Drive), should be constructed with the first phase of development to provide for water supply redundancy and ensure adequate fire flow availability under all phases of Project development.

c. All water connections that are bigger than 2 inches in diameter shall be Ductile Iron Pipe (DIP).

d. During the construction of the Project, the Subdivider 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 City of Tracy Fire Code Official.

e. All costs associated with the installation of the Project's permanent water connection(s) as identified in the Water Study including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings, replacing traffic detecting loops, conduits, and wires, relocating existing utilities that may be in conflict with the water connection(s), and other improvements shall be paid by the Subdivider.

f. Subdivider shall obtain an account for the water service to the Project and register the water meter with the Finance Department. Subdivider shall prepare and submit a map depicting the location of the water meter(s) to Finance Department.

g. If water main shut down is necessary, the City will allow a maximum of 4-hour water supply shutdown. The Subdivider shall be responsible for notifying residents or business owner(s), regarding the water main shutdown. The written notice, as approved by the City

Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before the water main shutdown. Prior to starting the work described in this section, the Subdivider shall submit a Water Shutdown Plan and Traffic Control Plan to be used during the installation of the offsite water mains.

h. The Subdivider shall design and install domestic water service connections, including remote-read water meter (the water meter to be located within City's easement) in accordance with City Regulations.

i. The Subdivider shall build and dedicate, to the satisfaction of the City Engineer, public water mains, valves, fittings, fire hydrants and associated improvements required to serve the entire subdivision. All public infrastructure shall be located in the private subdivision roadways. The Subdivider shall provide easements, to the satisfaction of the City Engineer, across the entire road plus 5 feet on either side as measured from the back of curb to maintain the valves, fitting, fire hydrants and other associated improvements. Repair and maintenance of all water lines outside of easements which includes (but it not limited to) laterals, meters and appurtenances shall be a private maintenance obligation either from the fronting property owner, HOA, or another City approved maintenance entity.

j. The Subdivider shall design and install fire hydrants at the locations approved by the City's Fire Safety Officer and Chief Building Official. Prior to the approval of the Improvement Plans, the Subdivider shall obtain written approval from the City's Fire Safety Officer and Chief Building Official, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

k. The Subdivider shall design and install water services to existing homes on the north side of Valpico Road as part of the Offsite Improvements. The Subdivider will be eligible for fee credits for the cost of installation of the water services.

l. In order to facilitate installation of water service connections to existing homes fronting Corral Hollow Road as part of City's CIP project, a funding requirement in the amount of $100,000 has been identified. The Subdivider shall pay to the City the amount specified above within 30 days from written request from the City Engineer. City will identify funding source for reimbursement of the amount to the Subdivider, and enter into a Reimbursement Agreement prior to payment by the Subdivider.

m. Recycled Water

On-site Recycled Water is proposed to fill and maintain the water levels in the proposed project's lakes. On-site and off-site recycled water lines shall be designed per City Standards and applicable Regulations. The Subdivider shall install Recycled Water main in Valpico Road with construction of required roadway improvements on Valpico Road.

City will be installing Recycled Water facilities from the Wastewater Treatment Plant upto the intersection of Lammers Road and Old Schulte Road. Prior to final inspection of 150th home excluding model homes, the Subdivider shall complete installation of Recycled Water facilities from the Project to the intersection of Lammers Road and Old Schulte Road to connect

to Recycled Water line, if City's project has installed the Recycled Water Mains from the WWTP upto this junction.

If City's Recycled Water facilities are not completed, or are partially completed prior to final inspection of 150th home excluding model homes, the Subdivider shall construct needed facilities to extend Recycled Water facilities to connect the Project to Recycled Water lines. If no Recycled Water facilities are available to connect, the Subdivider shall demonstrate that City's domestic water supplies and water network are adequate to provide water to the Project and lakes. In such event, City's consultant will prepare a report with recommendations for any improvements to the City's water system or other means of addressing the additional demand on City's domestic water system. The Subdivider shall be responsible for costs of full compliance with the recommendations.

If the Subdivider installs Recycled Water Facilities that are funded by the Development Impact Fees or other sources, the Subdivider will be eligible to request fee credits and/or reimbursements pursuant to Tracy Municipal Code.

E.4.6. Utility Easements

a. Utilities within private streets shall be located within utility easements dedicated to the City, and shall be subject to review and approval by the City Engineer. Proposed Maintenance access roads or curb cuts shall be reviewed and approved by the City Engineer.

b. The Subdivider shall coordinate with local service providers and dedicate necessary Public Utility Easements (PUE) along the Project's frontage on Valpico Road and within the Project for Joint Trench Utilities to serve the Project.

E.4.7 Street Improvements:

a) Right of Way on Valpico Road Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by the City Council on November 26, 2012, pursuant to Resolution 2012-240, Valpico Road will be a 4-lane major arterial street with a minimum right-of-way of 99 feet. The street section proposed consists of 102' wide right-of-way.

The Subdivider shall dedicate 47 feet right-of-way from the existing right-of-way line of Valpico Road towards the Property along the entire frontage of the Property on Valpico Road, for the construction of Valpico Road Frontage Improvements. The Subdivider shall dedicate the right-of-way on Final Map, or execute a Grant Deed to convey the land in fee title and submit legal description and plat map that describes the area to be dedicated, prior to the issuance of the Grading Permit. The cost of preparing the legal description and plat map will be the sole responsibility of the Subdivider.

Subdivider shall acquire right-of-way required on the north side of Valpico Road (County parcels) to install the roadway and sidewalk improvements including undergrounding of overhead utilities. City may assist Subdivider in acquisition of the right-of-way. Cost of acquisition of right-of-way shall be reimbursable to the Subdivider from the program fees as determined by the City Engineer.

Subdivider will be eligible to request fee credits and/or reimbursements for the cost of right-of-way in excess of Subdivider's obligation as defined in Traffic Master Plan and pursuant to Tracy Municipal Code requirements.

The City will assume responsibility to maintain the public improvements and accept the offer of dedication for right-of-way on Valpico Road after the City Council accepts the public improvements.

b) Frontage Improvements on Valpico Road – The Subdivider shall design and construct all roadway improvements on Valpico Road that are necessary to provide safe and functional access(s) to the Project for each phase and at Project's build-out condition, as described by the Traffic Report, and as required by the Conditions of Approval.

(i) The Frontage Improvements involve the widening of the south side of Valpico Road along the frontage of the Project and pavement transitions on both sides on Valpico Road and other improvements which include but not limited to, the installation of new asphalt concrete pavement, concrete curb, gutter, sidewalk, Class I bike lane, handicap ramp(s), crosswalk, bus shelter with turnout and associated improvements, parkway landscaping improvements with automatic irrigation system, storm drainage, catch basin/ drop inlet, fire hydrant, domestic, irrigation and fire services, street lights traffic sign(s), pavement marking and striping along the entire frontage on Valpico Road, and other improvements such as barricades, signing, and striping that are necessary to provide a safe transition to and from existing roadway section of Valpico Road (Frontage Improvements).

(ii) The roadway improvements shall also include the installation of a traffic signal at the Main Entry Street at Valpico Road. The intersection improvements will include but not limited to, traffic detection loops, pull boxes, conduits and wires, audible pedestrian warning, electronic sign, crosswalk, pavement legends and markings, lane markings, traffic signs, and other improvements as determined by the City Engineer that are deemed to be necessary to have a safe and functional traffic signal. The traffic signal is not included in funded improvements in City's fee program, and hence costs of design, acquisition of right-of-way (if required) and installation of the traffic signal is not eligible for fee credits or reimbursements.

(iii) The sidewalk along the frontage of the project shall be extended east of the Project boundary to connect to the existing sidewalk. Cost of acquiring right-of-way or easements and installation of the sidewalk shall be the responsibility of the Subdivider.

(iv) Subdivider shall design and install improvements on Valpico Road west of the Project to provide safe transitions to existing improvements. Subdivider shall acquire needed right-of-way on both sides of Valpico Road. Scope of roadway improvements shall be as determined by the City Engineer during the review of the improvement plans for the Project.

(v) Subdivider will be eligible to request fee credits and/or reimbursements for the cost of design and construction of improvements on Valpico Road that are in excess of Subdivider's obligation as defined in Traffic Master Plan and pursuant to Tracy Municipal Code requirements.

(vi) The Subdivider may request formation of a benefit district for recovering cost of right-of-way and construction of improvements beyond the Subdivider's frontage responsibility and not

included in City's fee program. The City will collect administrative fee, formation cost, and program management fees for forming, administering, and managing the benefit district. The Subdivider is responsible for submitting all documents such as materials receipts, payroll, equipment rental and others to show actual construction cost or expenses incurred or to support claim for reimbursement.

(vii) Improvement plans to be prepared for Valpico Road improvements shall include transition paving, widening, striping and signage, modification or removal of the existing guard rail (if required) to the east of the Project to conform to existing 4-lane street section in compliance with applicable standards to ensure safe transition for eastbound and westbound traffic on Valpico Road. The improvement plans shall also include transition paving, widening, striping and signage, modification or removal of the existing private improvements, relocation of existing overhead utility poles (if required) to the west of the Project to conform to existing street section in compliance with applicable standards to ensure safe transition for eastbound and westbound traffic on Valpico Road. The improvements shall be as approved by the City Engineer.

(viii) City has approved improvement plans to construct improvements on Corral Hollow Road to widen the street section to 4-lane configuration. The improvements on Valpico Road to be installed with the Project shall match the improvements per the approved improvement plans for Corral Hollow Road Improvements project at the intersection of Corral Hollow Road and Valpico Road. If the improvements at the intersection of Corral Hollow Road and Valpico Road are completed by the City at the time of construction of Valpico Road improvements by the Subdivider, the Subdivider shall design and construct improvements on Valpico Road to match the intersection improvements.

(ix) The construction details and specifications of bus turnout and bus shelter on Valpico Road shall be submitted for City's review at the time of review of Offsite Improvement Plans. The cost of the bus shelters and turnout and associated improvements are to be paid by the Subdivider without any reimbursement from the City.

(x) The Subdivider shall dedicate an easement for maintenance of traffic signal loops within Entry Street 1 on the Final Map, or execute a Grant Of Easement to the City, and submit legal description and plat map that describes the easement area.

(xi) Any travel lane(s) or left-turn and right-turn lane(s) and traffic signal at Entry Street 1 are considered to be site specific offsite improvements and they are Subdivider's responsibility to design and construct without any fee credits or reimbursements.

(xii) Prior to the issuance of a Building Permit for the project, the Subdivider shall dedicate a Public Utility Easement (PUE) along the full frontage of the Project on Valpico Road.

(xiii) CMU wall that is proposed to be constructed along the frontage of the project shall be located behind the right-of-way on Valpico Road. Maintenance of the wall, monument and decorative pavement at Entry Street 1 shall be the responsibility of the HOA.

c. Roadway Improvements on North side of Valpico Road- The Subdivider shall design and construct all roadway improvements on north side Valpico Road per the Valpico Road Typical

section shown on the Tentative Map and City Standards.

(i) Improvement plans to be prepared for Valpico Road improvements shall include improvements required to construct 4-lane arterial section with 5' wide Class II bike lane, curb and gutter, 5' wide sidewalk and improvements behind the sidewalk within the 3' setback to the right-of-way on the north side of Valpico Road. The improvement plans shall also include modification or removal of the existing private improvements as required to construct improvements and undergrounding of existing overhead utility poles in compliance with applicable standards. The improvement plans shall show modifications of driveways, landscape, fences, walls, mailboxes and other structures that may be impacted with the construction of the improvements.

The Subdivider shall coordinate modifications with property owners to minimize impacts to the parcels. City may require preparation of detailed exhibits for each of the parcels to provide necessary information to the owners.

d. All roadway improvements described in these Conditions of Approval must be designed and constructed by the Subdivider to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (HDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), all applicable City Regulations, and these Conditions of Approval.

The Subdivider may complete the construction of improvements on Valpico Road in two phases:

First phase consisting of design and construction of Frontage Improvements on the south side of Valpico Road, four traffic lanes (two lanes for eastbound and two lanes for westbound traffic) with interim asphalt curb on the north side of Valpico Road, and installation of the traffic signal shall be completed by the Subdivider prior to issuance of 100th building permit within the Property.

Second phase consisting of removal of interim improvements, undergrounding of overhead utilities and sidewalk on the northside of Valpico Road shall be completed by the Subdivider prior to issuance of 200th building permit within the Property.

e. The Subdivider shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements on Valpico Road, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.

f. If the Subdivider completes the construction of roadway improvements on Valpico Road as described in these Conditions of Approval that are beyond the frontage responsibility of the Project, the Subdivider may be entitled to fee credits and/or reimbursement for the program portion of the roadway improvements on Valpico Road in accordance with the OIA and Title 13 of the Tracy Municipal Code. The amount of fee credit and/or reimbursement shall be determined during the review of improvement plans.

E.4.8. Project Access and Traffic Circulation

a. Design and construction of all streets and Entry Street 1 and 2 shall comply with the findings of the Traffic Analysis by Kimley-Horn Associates, and applicable City Standards.

b. The Subdivider shall construct complete street improvements for the Private internal streets and alleys as generally shown in the Tentative Map Tract No. 3917. Subdivider shall comply with the requirements of Fire Department and Public Works Department for access and design of structural pavement for Maintenance Access roads and Fire Lane access Roads within the Development. Improvement Plans shall be submitted to Engineering Division for review and approval by the City Engineer.

i) Private Streets and alleys will be maintained by the HOA.

ii) The Subdivider shall prepare a Signing and Striping Plan for the on-site private streets and alleys. The Signing and Striping Plan shall include all stop bars, stop legends, stop signs, right-turn or left turn arrows, centerline stripes, traffic control signage, etc. as necessary for internal traffic circulation.

iii) Striping and signage for on-street parking on the internal private streets and for designated parking lots for resident, guest, employees, and visitor parking shall comply with City's standards for Off Street Parking.

iv) The Subdivider shall submit detailed plans for Parcel L, Pedestrian Access to Corral Hollow Road. The improvements proposed within Parcel L shall be submitted for review and approval by City Engineer, Public Works Director and Police Chief.

E.4.9. Irrigation and Landscaping Plans

a. All parkway landscaping improvements along the frontage of the Property on Valpico Road shall be designed and constructed in accordance with City Regulations and completed as part of the Valpico Road Frontage Improvements. Design and construction details of these improvements shall be included in the Irrigation and Landscaping Plans. Parkway landscaping shall be maintained by the HOA as part of the Long-Term Maintenance Agreement between the City and Subdivider or HOA. The parkway landscape planting and irrigation system shall be separate from the onsite landscaping plan, including a separate irrigation meter, irrigation main(s), and irrigation controller(s). Parkway landscape improvements shall conform to City standards.

b. The Subdivider shall design and install public and private improvements, including street trees, monument signs, decorative fences and walls, and other improvements at locations that shall meet requirements related to horizontal sight distance.

E.4.10. Undergrounding of Overhead Existing Overhead Utilities

a. The Subdivider shall design and underground existing utilities on the north side of Valpico Road across from the Project as part of the Frontage Improvements. The Subdivider shall coordinate design and installation of underground utilities with the utility companies and the property owners. Undergrounding of services to the existing homes shall be completed with the undergrounding. City will provide assistance in seeking cooperation of the property owners in

undergrounding of services to homes. The Subdivider shall acquire easements if required to install the underground utilities. If the Subdivider is unable to acquire the necessary easements, City may extend its power of eminent domain subject approval of the City Council.

b. Pursuant to Tracy Municipal Code, Subdivider is responsible for 50% of the cost of undergrounding of overhead utilities on the north side of Valpico Road. City may reimburse the Subdivider for costs in excess of Subdivider's obligation towards the cost of undergrounding subject to availability of funds. At the time of approval of this Development Application, City has not identified funding sources for reimbursement. City will continue its evaluation of funding sources including Rule 20-A funding.

E.4.11. Offsite Improvement Agreement

a. Prior to starting any work on Valpico Road Frontage Improvements, the Subdivider shall sign an improvement agreement (Offsite Improvement Agreement or OIA) and post improvement security in accordance with Section 12.36.080 of the TMC, to guarantee completion of the public improvements. The OIA requires approval from the City Council.

E.4.12. Traffic Impact Mitigations

a. All Applicable traffic impact mitigations identified in the Environmental Impact Report shall be complied with.

E.4.13. Traffic Control Plan - Prior to starting the work, the Subdivider shall submit a Traffic Control Plan, to show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

E.4.14. Joint Utility Trench Plans – The Subdivider shall prepare joint trench plans in compliance with utility companies' requirements and City regulations, and obtain approval of the plans. All private utility services to serve Project, including electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities.

a. The Subdivider shall submit Joint Utility Trench Plans for the installation of electric, gas, telephone and TV cable main and service lines that are necessary to be installed to serve the Project. These utilities shall be installed within the Public Utility Easement (PUE) that will be offered for dedication to the City. The Subdivider shall coordinate, as feasible, with the respective owner(s) of the utilities for the design of these underground utilities to ensure they can be installed within the PUE to the extent feasible (and except in the event, that additional space beyond the PUE is required, as determined by the utilities owner(s)).

b. The Subdivider shall verify with the respective utility owner(s) if they will allow the installation of private landscaping within the public utility easement. Subdivider shall provide the utilities' owner(s) written notification and receive permission to construct the improvements, prior to the approval of the building permit.

E.5. Building Permit - No building permit will be approved by the City until the Subdivider

demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

E.5.1. Payment of the Master Plan Fees for Citywide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park adopted by the City Council on January 7, 2014, per Resolution 2014-010.

E.5.2. Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC, and these Conditions of Approval.

E.5.3. Payment of the Agricultural Conversion or Mitigation Fee as required in Chapter 13.28 of the TMC, and these Conditions of Approval.

E.5.4. Payment of the Regional Transportation Impact Fees (RTIF) as required in Chapter 13.32 of the TMC, and these Conditions of Approval.

E.6. Acceptance of Public Improvements - Public improvements will not be accepted by the City Council until after the Subdivider completes construction of the relevant public improvements, and also demonstrates to the City Engineer satisfactory completion of the following:

E.6.1. Correction of all items listed in the deficiency report prepared by the assigned Engineering Inspector relating to public improvements subject to City Council's acceptance.

E.6.2. Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements.

E.6.3. Reasonable written permission from irrigation district or affected owner(s), if applicable, as required in Condition E.10.3, below. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.

E.7. Temporary or Final Building Certificate of Occupancy or Final Building Inspection - No Temporary or Final Building Certificate of Occupancy will be issued by the City until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

E.7.1. The Subdivider has satisfied all applicable requirements set forth in Condition E.6, above.

E.7.2. The Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Subdivider shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Subdivider shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition,

program implementation, and contingency).

E.7.3. Unless dedicated on the Final Map, signed and notarized Grant Deed with the legal description and plat map that describes the area to be dedicated to the City, for the construction of Valpico Road Improvements.

E.7.4. Unless dedicated on the Final Map, signed and notarized Grant of Public Access Easements, Emergency Vehicle Access Easements, and Utility Easements with legal description and plat maps as applicable.

E.8. Improvement Security – The Subdivider shall provide improvement security for all public facilities, as required by the OIA and these Conditions of Approval. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with section 12.36.080 of the TMC. The amount of improvement security shall be as follows:

E.8.1. Faithful Performance (100% of the estimated cost of constructing the public facilities),

E.8.2. Labor & Materials (100% of the estimated cost of constructing the public facilities), and

E.8.3. Warranty (10% of the estimated cost of constructing the public facilities)

E.9. Release of Improvement Security - Improvement Security(s) described herein shall be released to the Subdivider after City Council's acceptance of public improvements, and after the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance of these Conditions of Approval, and completion of the following:

E.9.1. Improvement Security for Faithful Performance, Labor & Materials, and Warranty shall be released to the Subdivider in accordance with Section 12.36.080 of the TMC.

E.9.2. Written request from the Subdivider and a copy of the recorded Notice of Completion.

E.10. Special Conditions

E.10.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design documents including the City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City.

E.10.2. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Subdivider shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.

E.10.3. The Subdivider 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 Subdivider 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 Subdivider.

E.10.4. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or another public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the Grading Permit, Encroachment Permit, Building Permit, Improvement Plans, and OIA, 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 Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

F. Fire Department Conditions of Approval

1. Prior to occupancy of any structures, monitored NFPA 13-R automatic sprinkler and smoke alarm systems must be installed.
2. Trees planted along fire apparatus access roads or alleys shall be maintained/pruned to provide the minimum 13.5 feet of clear vertical height or the variety provided shall be the type which will not naturally encroach into this right-of-way for emergency vehicle access.
3. Any cul-de-sac bulb that cannot accommodate fire truck turning with on-street parking shall be striped and signed "no parking" to the satisfaction of the Fire Chief.
4. All alleys shall be signed and striped "no parking" to ensure a 20-foot clear travel way at all times for emergency vehicle access.

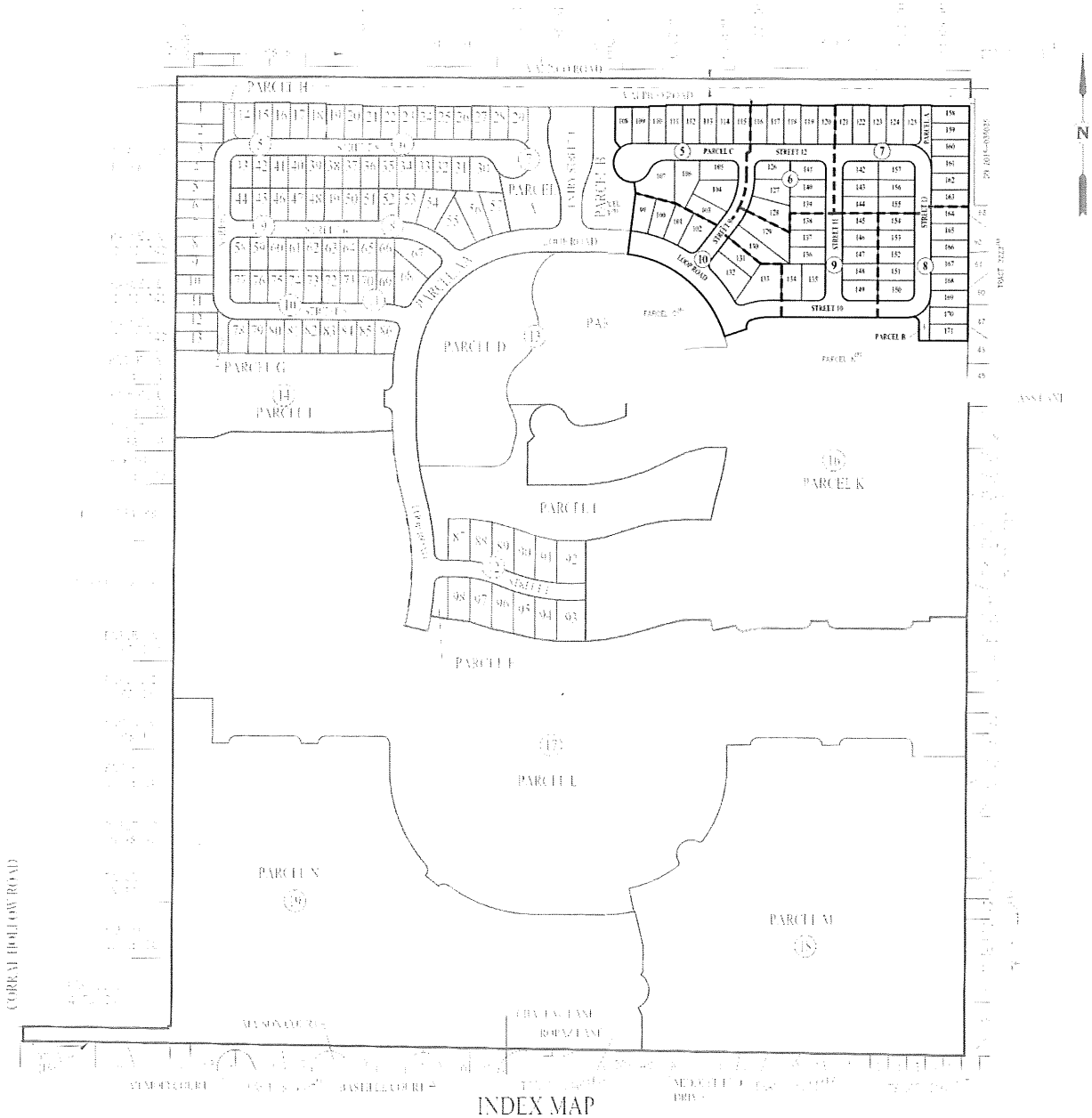
G. Public Works Conditions of Approval

1. The City requires that the Tracy Village Development project homeowners association (HOA) provide for maintenance of all landscape areas within the project boundaries, and shall join a Community Facilities district (CFD) for landscape maintenance adjacent to the project within the City's right-of-way along both Corral Hollow and Valpico Roads. While required to join the CFD, it will be kept in a "dormant" status for the private streets landscape maintenance and only activated if the HOA does not provide for maintenance as needed. Landscape maintenance on each privately owned lot will be the responsibility of the individual homeowners.

2. Landscaping shall be provided consistent with standard details of the City Master Plans.

3. The developer shall coordinate with the City's trash collector (currently Tracy Delta disposal) to allow for access through the entry gates, and shall either plan for manual collection on the alley-loaded lots, or ensure that the toters are located for pick-up by the trucks on the right hand side only.

EXHIBIT "C"
(Location Map)



INDEX MAP

APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION 2022-_____

APPROVING THE FINAL SUBDIVISION TRACT MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 4005 – TRACY VILLAGE NEIGHBORHOOD 5B, AND AUTHORIZING THE CITY CLERK TO FILE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH THE SAN JOAQUIN COUNTY RECORDER

WHEREAS, on May 15, 2018, pursuant to Resolution No. 2018-087, City Council approved a San Joaquin Local Agency Formation Commission (LAFCo) annexation application to annex several parcels; approved the Tracy Village Specific Plan; approved a Vesting Tentative Subdivision Tract Map (VTSM) for Tracy Village; and certified the environmental impact report (SCH#2016112016); and

WHEREAS, the project consists of 590 single-family residential homes on 135.2 acres located on the south side of Valpico Road and east of Corral Hollow Road; and

WHEREAS, the Subdivider is requesting to phase the Vesting Tentative Subdivision Tract Map (VTSM). The first phase is Final Subdivision Tract Map for Tract 4005 – Tracy Village Neighborhood 5B which consists of 73 single-family residential homes, private streets, and other parcels to be owned and maintained by the homeowners' association; and

WHEREAS, the Conditions of Approval for the Tracy Village VTSM require the Developer to construct certain on-site public improvements connected with the approval of the Final Subdivision Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City Standards; and

WHEREAS, the Subdivider executed an Improvement Inspection Agreement (IIA) with the City in June 2022 to permit the Subdivider to begin construction of onsite improvements for the Subdivision; and

WHEREAS, the public improvements are not completed and Subdivider has executed the Subdivision Improvement Agreement (SIA) to replace the IIA and has posted the required sureties to guarantee completion of the improvements; and

WHEREAS, the Improvement Plans for the required public and private street and public utility improvements have been prepared on behalf of the Developer; have been reviewed by the City; and are approved by the City Engineer and are incorporated into the SIA for Tract 3917 by reference; and be it

RESOLVED: That City Council hereby approves the Final Subdivision Map and Subdivision Improvement Agreement between the City and Toll Brothers West, Inc., a Delaware corporation, and authorizes the City Clerk to file the Subdivision Improvement Agreement with the San Joaquin County Recorder; and be it

FURTHER RESOLVED: That upon completion of all improvements, the City will accept the public improvements and accept all offers of dedication of public easements, public right-of-way and other public parcels; and be it

FURTHER RESOLVED: That there will be no impact to the General Fund. The Developer will pay for the cost of inspection and processing the agreement.

* * * * * * * * * * * * * *

The foregoing Resolution 2022-_____ was adopted by the Tracy City Council on the 4th day of October, 2022 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

October 4, 2022

AGENDA ITEM 1.I

RECOMMENDATION

Staff recommends that the City Council approve the Final Subdivision Map and Subdivision Improvement Agreement for Tracy Village Tract 4006 and Authorize the City Clerk to file the Subdivision Improvement Agreement with the office of the San Joaquin County Recorder.

EXECUTIVE SUMMARY

City staff requests that the City Council approve the Final Subdivision Tract Map for Tract 4006 – Tracy Village Neighborhood 2 (Tract 4006). Tract 4006 is a 93 single-family residential lot subdivision. Approval will facilitate recordation of the Final Subdivision Tract Map, the construction of on-site improvements, and acceptance of improvements. Ultimately, City Council approval will result in the issuance of building permits to construct the residential units. Toll Brothers West, Inc., a Delaware corporation (Subdivider), has signed the Subdivision Improvement Agreement (SIA) and posted the required security to guarantee completion of the improvements required as a condition of approval of the Final Subdivision Map.

BACKGROUND AND LEGISLATIVE HISTORY

On May 15, 2018, pursuant to Resolution No. 2018-087, the City Council approved the following:

1) Submission of a San Joaquin Local Agency Formation Commission (LAFCo) annexation application to annex several parcels into the City of Tracy, A/P13-0002;
2) The Tracy Village Specific Plan, SPA18-0001; and
3) A Vesting Tentative Subdivision Tract Map (VTSM), TSM17-0003; and
4) Certification of the Tracy Village Environmental Impact Report.

ANALYSIS

All items are to approve the Tracy Village project which is for the construction of an age restricted gated community consisting of 590 single-family detached residential homes on 135.2 acres, located on the south side of Valpico Road and east of Corral Hollow Road (Attachment A).

The Subdivider is requesting to phase the VTSM. The Subdivider is requesting approval of the first phase: Final Subdivision Tract Map for Tract 4006 (Attachment B). Tract 4006 will subdivide a portion of the VTSM to create 93 single-family residential lots located within the boundaries with the VTSM and Tracy Village Specific Plan. The Final Subdivision Tract Map for Tract 4006 has been prepared by Carlson Barbee and Gibson Civil Engineers on behalf of the Developer and reviewed by the Engineering Division. The Final Subdivision Tract Map is in substantial compliance with the approved VTSM.

The Conditions of Approval for the VTSM require the Developer to design and construct certain on-site public utility improvements connected with the approval of the Final Subdivision Tract Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City

Standards. Improvement Plans for the required on-site private street improvements and public utility improvements have been prepared by Carlson Barbee and Gibson Civil Engineers on behalf of the Developer and approved by the City Engineer. Since the required improvements will not be completed prior to the recordation of the Final Subdivision Tract Map, the Developer has executed an SIA (Attachment C) and provided the appropriate sureties to guarantee completion of the improvements. The sureties are approved to form by the City Attorney as stipulated by the Subdivision Map Act and City Municipal Code. The Developer is requesting the City to execute and record the SIA to guarantee the completion of the improvements as authorized by Government Code Section 66462.

This Subdivision Improvement Agreement replaces the Inspection Improvement Agreement that was approved by the City Manager in June 2022.

Upon completion of all improvements, the City will accept the public utility improvements for maintenance and complete acceptance of all irrevocable offers of dedication of public easements, right-of-way, and other public parcels at that time. The streets will remain private and will be owned and maintained by a private homeowners' association. The City and City services will have easements to enter the private streets to maintain, repair, and reconstruct.

The Improvement Plans are on file with the City Engineer and are available for review upon request.

FISCAL IMPACT

There will be no impact to the General Fund. The Subdivider has paid the applicable engineering plan check fees which include the cost of review of the Improvement Plans and Final Subdivision Tract Map and processing the Agreement. The Subdivider has also paid the applicable engineering inspection fees to allow construction inspection.

CEQA DETERMINATION

Tract 4006 is consistent with the Final Revised Environmental Impact Report (EIR), certified by the City Council on May 15, 2018, for the Tracy Village Specific Plan, which included the Tracy Village Specific Plan (SCH#2016112016). Pursuant to CEQA Guidelines Section 15162 and Public Resources Code Section 21166, no subsequent EIR shall be prepared for the project because the project has a certified EIR and no substantial changes are proposed in the project that would require major revisions to the previous EIR; no substantial changes have occurred with respect to the circumstances under which the project will be undertaken that would require major revisions to the previous EIR; and no new information of substantial importance regarding significant effects, mitigation measures, or alternatives for this project has become known, which was not known at the time the previous EIR was certified as complete. Furthermore, as a residential subdivision that is consistent with a specific plan for which an EIR was certified after January 1, 1980, the project is exempt from the requirements of CEQA pursuant to California Government Code Section 65457. Therefore, no further environmental review is necessary.

STRATEGIC PLAN

This agenda item is consistent with the Council approved Economic Development Strategy to ensure physical infrastructure necessary for development.

RECOMMENDATION

That City Council, by resolution, approve the Final Subdivision Tract Map and Subdivision Improvement Agreement for Tract 4006 – Tracy Village Neighborhood 2 and authorize the City Clerk to file the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder.

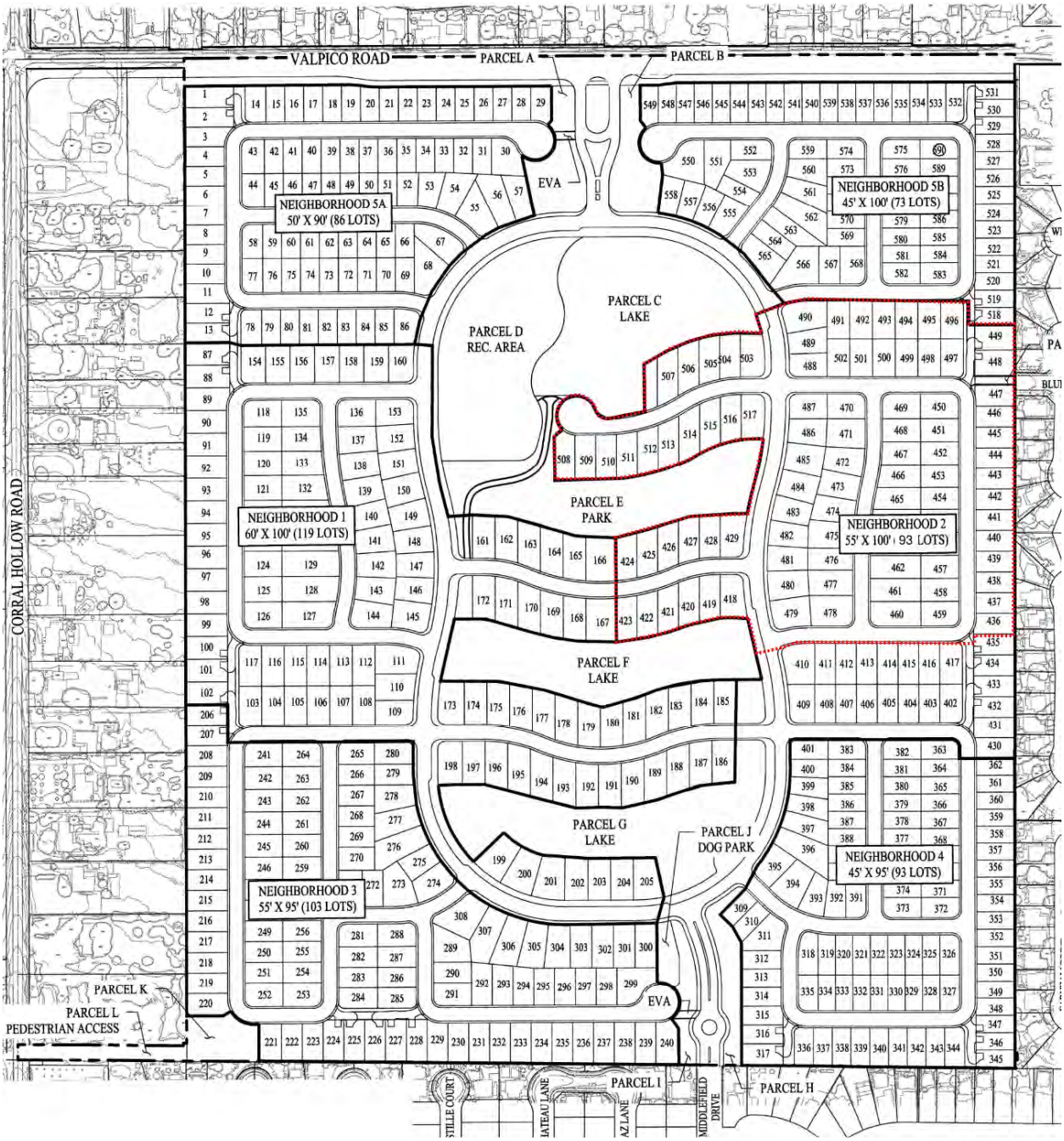
Respectfully submitted,

KRIS BALAJI
Director, Development Services Department

ATTACHMENTS

Attachment A – Vicinity Map
Attachment B – Final Subdivision Map
Attachment C – Subdivision Improvement Agreement

Attachment A



TRACT NO. 4006

SUBDIVISIONS OF SAN JOAQUIN COUNTY, CALIFORNIA

TRACY VILLAGE NEIGHBORHOOD 2

CONSISTING OF 12 SHEETS

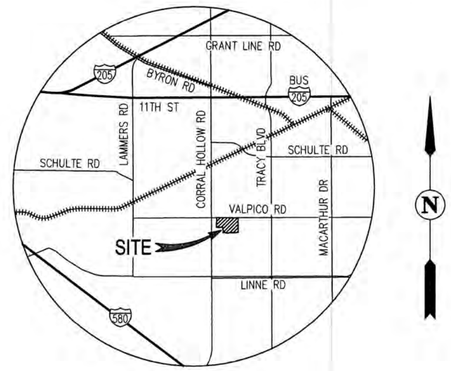
BEING A SUBDIVISION OF PARCEL K, AS SAID PARCEL K IS SHOWN ON TRACT NO. 3917 (___M & P ___)

BEING A PORTION OF SECTION 5, T3S, R5E, MDB&M

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

cbg
CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS
SAN RAMON ▪ (925) 866-0322
SACRAMENTO ▪ (916) 375-1877
WWW.CBANDG.COM

APRIL 2022



VICINITY MAP

NOT TO SCALE

OWNER'S STATEMENT

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE ALL THE PARTIES HAVING RECORD TITLE INTEREST IN THE LANDS SUBDIVIDED AND SHOWN ON THIS FINAL MAP OF "TRACT NO. 4006, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY VILLAGE NEIGHBORHOOD 2, CITY OF TRACY, CALIFORNIA", AND WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS MAP IN THE OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, CALIFORNIA.

THE FOLLOWING DESCRIBED PROPERTY IS HEREBY DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES:

1) ALL PUBLIC UTILITY EASEMENTS AS SHOWN ON THIS FINAL MAP.
2) ALL EMERGENCY VEHICLE ACCESS EASEMENTS AS SHOWN ON THIS FINAL MAP.
3) ALL SANITARY SEWER EASEMENTS AS SHOWN ON THIS FINAL MAP.
4) ALL WATER LINE EASEMENTS AS SHOWN ON THIS FINAL MAP

WE HEREBY STATE THAT PARCELS A AND B ARE FOR PRIVATE INGRESS AND EGRESS PURPOSES AND SHALL BE GRANTED TO THE HOMEOWNERS ASSOCIATION.

WE HEREBY STATE THAT PARCEL C IS A PRIVATE ROADWAY NOT INTENDED FOR PUBLIC DEDICATION AND SHALL BE GRANTED TO THE HOMEOWNERS ASSOCIATION.

WE HEREBY STATE THAT ALL PRIVATE ACCESS EASEMENTS ARE INTENDED FOR PRIVATE PEDESTRIAN AND VEHICULAR INGRESS, EGRESS, AND CIRCULATION, ARE NOT INTENDED FOR PUBLIC DEDICATION, AND SHALL BE GRANTED TO THE HOMEOWNERS ASSOCIATION.

AS OWNER: DRP CA 6, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: Houdin Honarvar

NAME: HOUDIN HONARVAR

TITLE: AUTHORIZED SIGNATORY

DATE: APRIL 5, 2022

OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF NEW YORK } SS.
COUNTY OF NEW YORK }

ON APRIL 5, 2022, BEFORE ME, Kevin Childs, A NOTARY PUBLIC, PERSONALLY APPEARED HOUDIN HONARVAR, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF ~~CALIFORNIA~~ NEW YORK THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: _____

NAME (PRINT): Kevin Childs

PRINCIPAL COUNTY OF BUSINESS: New York

MY COMMISSION NUMBER: NO. 01CH6267728

MY COMMISSION EXPIRES: 08/20/2024

OPTIONEE'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF California } SS.
COUNTY OF Alameda }

ON April 6, 2022, BEFORE ME, Rosana Haydee Martinez Sedano, A NOTARY PUBLIC, PERSONALLY APPEARED Todd Callahan., WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/~~ARE~~ SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/~~SHE~~/~~THEY~~ EXECUTED THE SAME IN HIS/~~HER~~/~~THEIR~~ AUTHORIZED CAPACITY(~~IES~~), AND THAT BY HIS/~~HER~~/~~THEIR~~ SIGNATURE(~~S~~) ON THE INSTRUMENT THE PERSON(~~S~~), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(~~S~~) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: Rmartinez

NAME (PRINT): Rosana Haydee Martinez Sedano

PRINCIPAL COUNTY OF BUSINESS: Alameda

MY COMMISSION NUMBER: 2241260

MY COMMISSION EXPIRES: May 5, 2022

OPTIONEE'S STATEMENT

THE UNDERSIGNED CORPORATION, AS OPTIONEE UNDER THE MEMORANDUM OF OPTION RECORDED ON MAY 21, 2021, DOCUMENT NUMBER 2021-088970 OF OFFICIAL RECORDS, SAN JOAQUIN COUNTY, CALIFORNIA; DOES HEREBY JOIN IN AND CONSENT TO THE FOREGOING OWNERS STATEMENT AND ALL DEDICATIONS SHOWN HEREIN.

TOLL WEST INC. WHICH WILL DO BUSINESS IN CALIFORNIA AS TOLL BROTHERS WEST INC., A DELAWARE CORPORATION

BY: _____

NAME: TODD CALLAHAN

TITLE: DIVISION PRESIDENT

DATE: 4/6/22

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 202____, AT _____

____.M. IN BOOK_____OF MAPS AND PLATS, AT PAGE _____, AT THE REQUEST OF

FIRST AMERICAN TITLE COMPANY.

FEE: $ _____

_____ BY: _____

STEVE J. BESTOLARIDES
ASSESSOR-RECORDER-COUNTY CLERK

ASSISTANT/DEPUTY RECORDER

TRACT NO. 4006

SUBDIVISIONS OF SAN JOAQUIN COUNTY, CALIFORNIA

TRACY VILLAGE NEIGHBORHOOD 2

CONSISTING OF 12 SHEETS

BEING A SUBDIVISION OF PARCEL K, AS SAID PARCEL K IS SHOWN ON TRACT NO. 3917 (___M & P ___)

BEING A PORTION OF SECTION 5, T3S, R5E, MDB&M

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

cbg
CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS
SAN RAMON ▪ (925) 866-0322
SACRAMENTO ▪ (916) 375-1877
WWW.CBANDG.COM

APRIL 2022

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF DRP CA 6, LLC. IN MAY 2021. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE DECEMBER 31, 2024; AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED AND THAT THIS TRACT MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

8/15/2022
DATE

LICENSED LAND SURVEYOR
MARK H. WEHBER
7960
STATE OF CALIFORNIA

MARK H. WEHBER, P.L.S.
L.S. NO. 7960

STATEMENT OF THE SURVEYOR FOR THE CITY

I, DAVID W. ENKE, HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT NO. 4006, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY VILLAGE NEIGHBORHOOD 2, CITY OF TRACY, CALIFORNIA", AND THAT THE SUBDIVISION SHOWN HEREON COMPLIES WITH ALL THE PROVISIONS OF CHAPTER 2 OF THE CALIFORNIA SUBDIVISION MAP ACT, AS AMENDED, AND THAT THIS FINAL MAP IS TECHNICALLY CORRECT.

David W. Enke
DAVID W. ENKE, L.S. 4071
SURVEYOR FOR THE CITY

8/23/22
DATE

LICENSED LAND SURVEYOR
DAVID W. ENKE
4071
STATE OF CALIFORNIA

CITY ENGINEER'S STATEMENT

I ROBERT ARMIJO, HEREBY STATE THAT I AM THE CITY ENGINEER OF THE CITY OF TRACY, CALIFORNIA AND THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT NO. 4006, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY VILLAGE NEIGHBORHOOD 2, CITY OF TRACY, CALIFORNIA", AND THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF CHAPTER 2 OF THE SUBDIVISION MAP ACT AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

Robert Armijo
ROBERT ARMIJO, R.C.E. 63173
CITY ENGINEER

12SEP22
DATE:

REGISTERED PROFESSIONAL ENGINEER
ROBERT ARMIJO
63173
EXP. 6/30/24
CIVIL
STATE OF CALIFORNIA

SOILS REPORT

A SOILS REPORT WAS PREPARED BY ENGEO INCORPORATED, DATED APRIL 12, 2017, PROJECT NO. 10091.000.000, SIGNED BY STEVE HARRIS, GE AND HAS BEEN FILED AT THE OFFICE OF THE CITY ENGINEER.

NOTES:

1. APPROVAL OF THIS FINAL MAP IS SUBJECT TO THE APPLICABLE REQUIREMENTS OF THE TENTATIVE SUBDIVISION MAP FOR TRACY VILLAGE, TRACT NO 3917 CONDITIONS OF APPROVAL THAT WAS APPROVED BY THE CITY COUNCIL ON MAY 15, 2018, PURSUANT TO RESOLUTION 2018-087.

2. THE SAN JOAQUIN COUNTY AIRPORT LAND USE COMMISSION'S AIRPORT LAND USE COMPATIBILITY PLAN IDENTIFIES THE TRACY MUNICIPAL AIRPORT'S AIRPORT INFLUENCE AREA. PROPERTIES WITHIN THIS AREA ARE ROUTINELY SUBJECT TO OVERFLIGHTS BY AIRCRAFT USING THIS PUBLIC-USE AIRPORT AND, AS A RESULT, RESIDENTS MAY EXPERIENCE INCONVENIENCE, ANNOYANCE, OR DISCOMFORT ARISING FROM THE NOISE OF SUCH OPERATIONS. STATE LAW (PUBLIC UTILITIES CODE SECTION 21670 ET SEQ.) ESTABLISHES THE IMPORTANCE OF PUBLIC USE AIRPORTS TO THE PUBLIC INTEREST OF THE PEOPLE OF THE STATE OF CALIFORNIA. RESIDENTS OF PROPERTY NEAR SUCH AIRPORTS SHOULD THEREFORE BE PREPARED TO ACCEPT THE INCONVENIENCE, ANNOYANCE, OR DISCOMFORT FROM NORMAL AIRCRAFT OPERATIONS. RESIDENTS ALSO SHOULD BE AWARE THAT THE CURRENT VOLUME OF AIRCRAFT ACTIVITY MAY INCREASE IN THE FUTURE. ANY SUBSEQUENT DEED CONVEYING THIS PARCEL OR SUBDIVISIONS THEREOF SHALL CONTAIN A STATEMENT IN SUBSTANTIALLY THIS FORM.

3. ALL PERSONS PURCHASING LOTS WITHIN THE BOUNDARIES OF THIS APPROVED MAP SHOULD BE PREPARED TO ACCEPT THE INCONVENIENCES OR DISCOMFORTS ASSOCIATED WITH AGRICULTURAL OPERATIONS OR ACTIVITIES, SUCH AS NOISE, ODORS, INSECTS, DUST OR FUMES. SAN JOAQUIN COUNTY HAS DETERMINED THAT SUCH INCONVENIENCES OR DISCOMFORTS SHALL NOT BE CONSIDERED TO BE A NUISANCE.

CITY CLERK'S STATEMENT

THIS IS TO STATE THAT AT ITS REGULARLY HELD MEETING ON THE _____DAY OF _____, 20_____, THE CITY COUNCIL OF THE CITY OF TRACY, CALIFORNIA PER COUNCIL RESOLUTION NO. _____ APPROVED THIS FINAL MAP OF "TRACT NO. 4006, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY VILLAGE NEIGHBORHOOD 2, CITY OF TRACY, CALIFORNIA", ACCEPTED ON BEHALF OF THE PUBLIC FOR PUBLIC USE THE OFFERS OF DEDICATION OF ALL PUBLIC UTILITY EASEMENTS, EMERGENCY VEHICLE ACCESS EASEMENTS, SANITARY SEWER EASEMENTS, AND WATER LINE EASEMENTS AS SHOWN ON THIS FINAL MAP, SUBJECT TO SATISFACTORY COMPLETION OF IMPROVEMENTS THEREON OF SAID STREET RIGHTS-OF-WAY IN ACCORDANCE WITH TITLES 10 AND 12 OF THE TRACY MUNICIPAL CODE, AND ANY AMENDMENTS THERETO, APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP.

_____ _____
ADRIANNE RICHARDSON DATE
CITY CLERK AND CLERK OF THE COUNCIL

TRACT NO. 4006

SUBDIVISIONS OF SAN JOAQUIN COUNTY, CALIFORNIA

TRACY VILLAGE NEIGHBORHOOD 2

CONSISTING OF 12 SHEETS

BEING A SUBDIVISION OF PARCEL K, AS SAID PARCEL K IS SHOWN ON TRACT NO. 3917 (____M & P ____)

BEING A PORTION OF SECTION 5, T3S, R5E, MDB&M

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

cbg

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SACRAMENTO ▪ (916) 375-1877

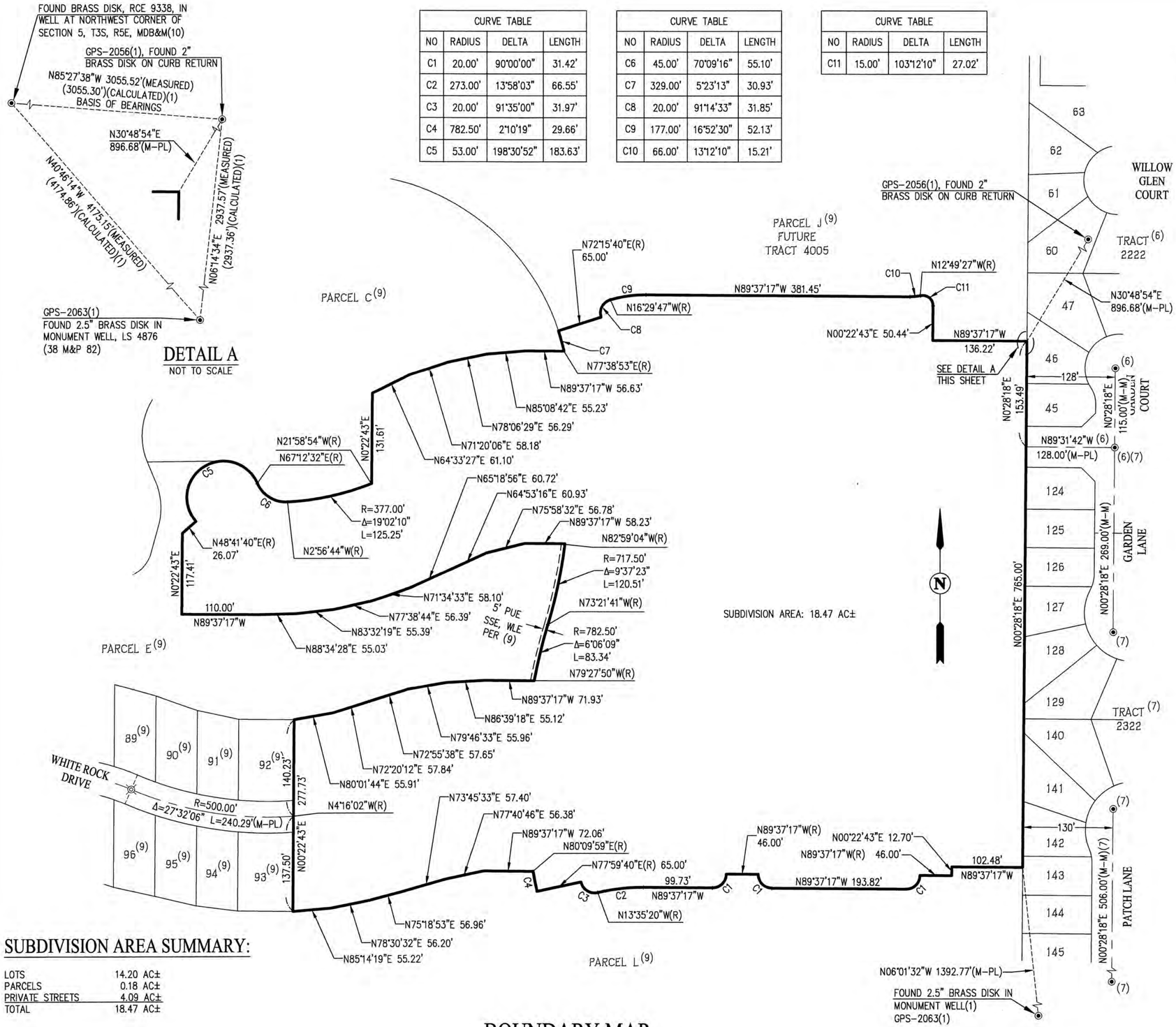
WWW.CBANDG.COM

CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS

SCALE: 1" = 100' APRIL 2022

100' 0' 50' 100' 200' 400'

GRAPHIC SCALE



CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	20.00'	90°00'00"	31.42'
C2	273.00'	13°58'03"	66.55'
C3	20.00'	91°35'00"	31.97'
C4	782.50'	2°10'19"	29.66'
C5	53.00'	198°30'52"	183.63'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C6	45.00'	70°09'16"	55.10'
C7	329.00'	5°23'13"	30.93'
C8	20.00'	91°14'33"	31.85'
C9	177.00'	16°52'30"	52.13'
C10	66.00'	13°12'10"	15.21'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C11	15.00'	103°12'10"	27.02'

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS SHOWN HEREON: THE BEARING BEING N85°27'38"W (CALCULATED) BETWEEN THE CITY OF TRACY GPS POINT 9 AND GPS POINT 2056 AS SHOWN ON RECORD OF SURVEY (36 SURVEYS 118), NAD83, EPOCH 2004.0. DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN US SURVEY FEET. TO OBTAIN GRID DISTANCES, MULTIPLY GROUND DISTANCES BY 0.9999388.

LEGEND

———	SUBDIVISION BOUNDARY LINE
———	RIGHT OF WAY LINE
———	LOT LINE
- - - - - - - - - -	EASEMENT LINE
——— — ———	CENTERLINE
(T)	TOTAL
(R)	RADIAL
(M-M)	MONUMENT TO MONUMENT
(M-PL)	MONUMENT TO PROPERTY LINE
◉	FOUND STANDARD STREET MONUMENT
⊠	STANDARD STREET MONUMENT, LS 7960, TO BE SET PER TRACT 3917
◎	SET STANDARD STREET MONUMENT, LS 7960
DN	DOCUMENT NUMBER
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
PAE	PRIVATE ACCESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT

NOTE:

1. ALL DISTANCES SHOWN ARE MEASURED UNLESS OTHERWISE NOTED
2. SEE SHEET 2 FOR ADDITIONAL NOTES.

REFERENCES:

(#)	INDICATES REFERENCE NUMBER
(1)	RECORD OF SURVEY (36 RS 118)
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(5)	RECORD OF SURVEY (24 RS 170)
(6)	TRACT NO. 2222 (29 M&P 61)
(7)	TRACT NO. 2322 (30 M&P 66)
(8)	INTENTIONALLY OMITTED
(9)	TRACT NO. 3917 (____ M&P ____)

SUBDIVISION AREA SUMMARY:

LOTS	14.20 AC±
PARCELS	0.18 AC±
PRIVATE STREETS	4.09 AC±
TOTAL	18.47 AC±

BOUNDARY MAP

TRACT NO. 4006

SUBDIVISIONS OF SAN JOAQUIN COUNTY, CALIFORNIA

TRACY VILLAGE NEIGHBORHOOD 2

CONSISTING OF 12 SHEETS

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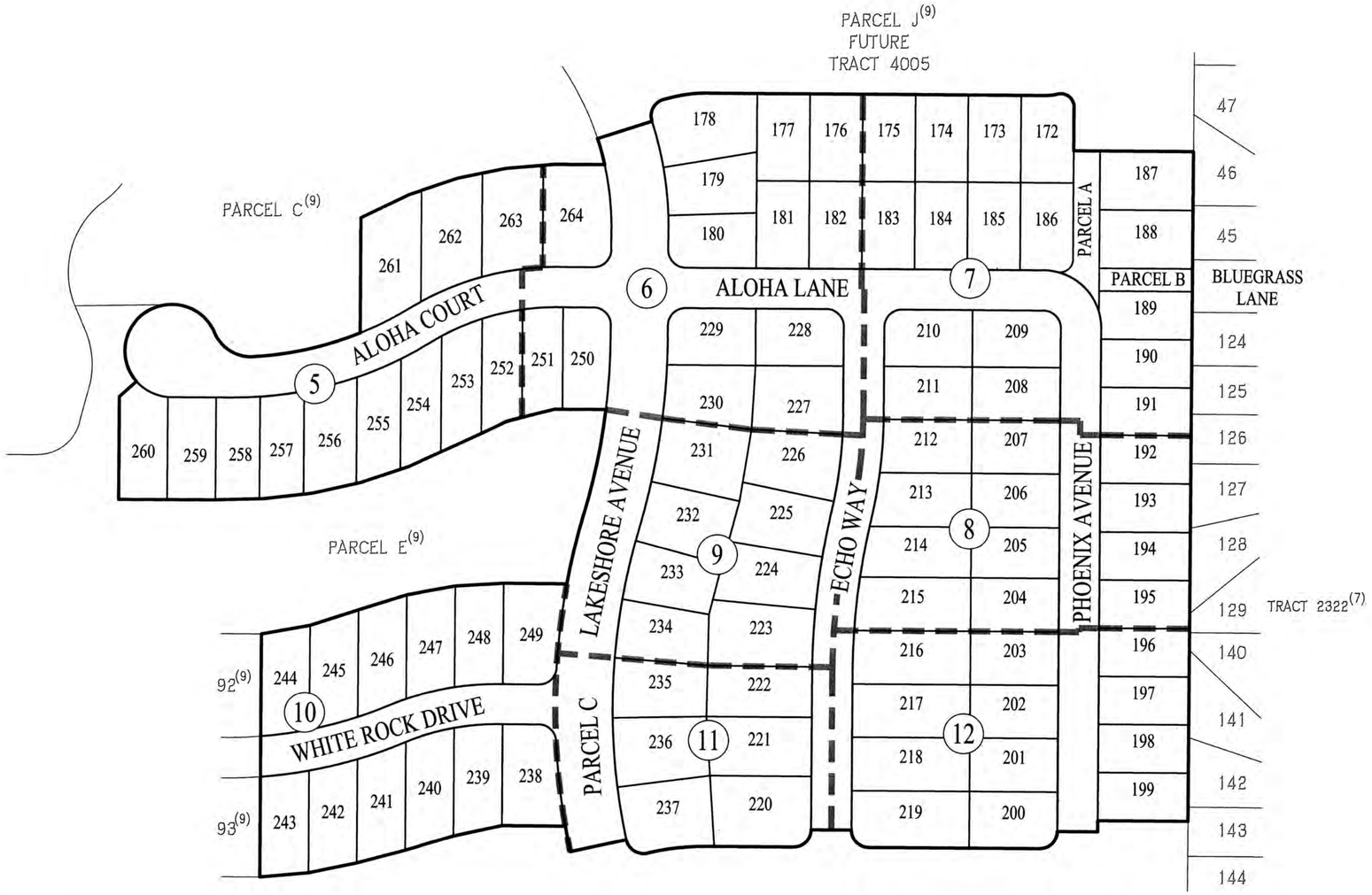
SCALE: 1" = 100' APRIL 2022

100' 0' 50' 100' 200' 400'

GRAPHIC SCALE



INDEX MAP

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LEGEND

———	SUBDIVISION BOUNDARY LINE
———	RIGHT OF WAY LINE
———	LOT LINE
- - - - - - - - - -	EASEMENT LINE
——— _ ———	CENTERLINE
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(R)	RADIAL
(M–M)	MONUMENT TO MONUMENT
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DN	DOCUMENT NUMBER
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PAE	PRIVATE ACCESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT
- - - -	SHEET LIMIT
(16)	SHEET NUMBER

REFERENCES:

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NOTES:

1. ALL DISTANCES SHOWN ARE MEASURED UNLESS OTHERWISE NOTED
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3. ALL FRONT LOT CORNERS ARE TO BE REFERENCED WITH A 1" BRASS DISK SET IN THE SIDEWALK OR A REBAR AND CAP SET IN DIRT, SET 1' FROM LOT CORNER ON SIDE LOT LINE PROJECTION. REAR CORNERS ARE TO BE REFERENCED WITH A REBAR AND CAP OR NAIL AND TAG.

TRACT NO. 4006

SUBDIVISIONS OF SAN JOAQUIN COUNTY, CALIFORNIA

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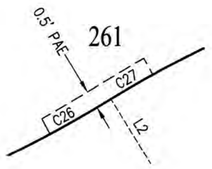
SCALE: 1" = 30' APRIL 2022

30' 0' 15' 30' 60' 120'

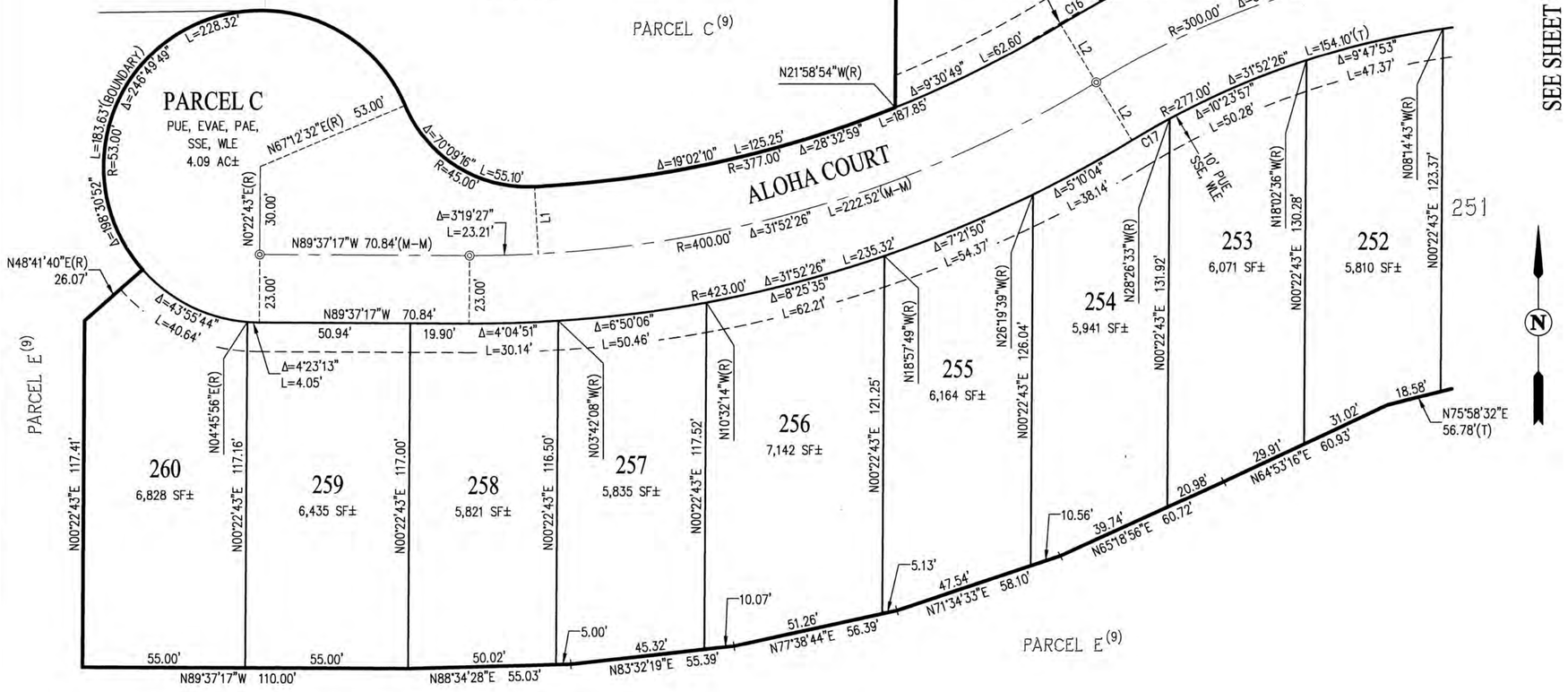
GRAPHIC SCALE

LINE TABLE			
NO	BEARING	LENGTH	
L1	N02°56'44"W	23.00'	(R)
L2	N31°29'43"W	23.00'	(R)

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C16	323.00'	2°44'52"	15.49'
C17	277.00'	3°03'10"	14.76'
C26	377.00'	1°37'06"	10.65'
C27	323.00'	1°18'16"	7.35'



DETAIL A
NOT TO SCALE



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GRAPHIC SCALE

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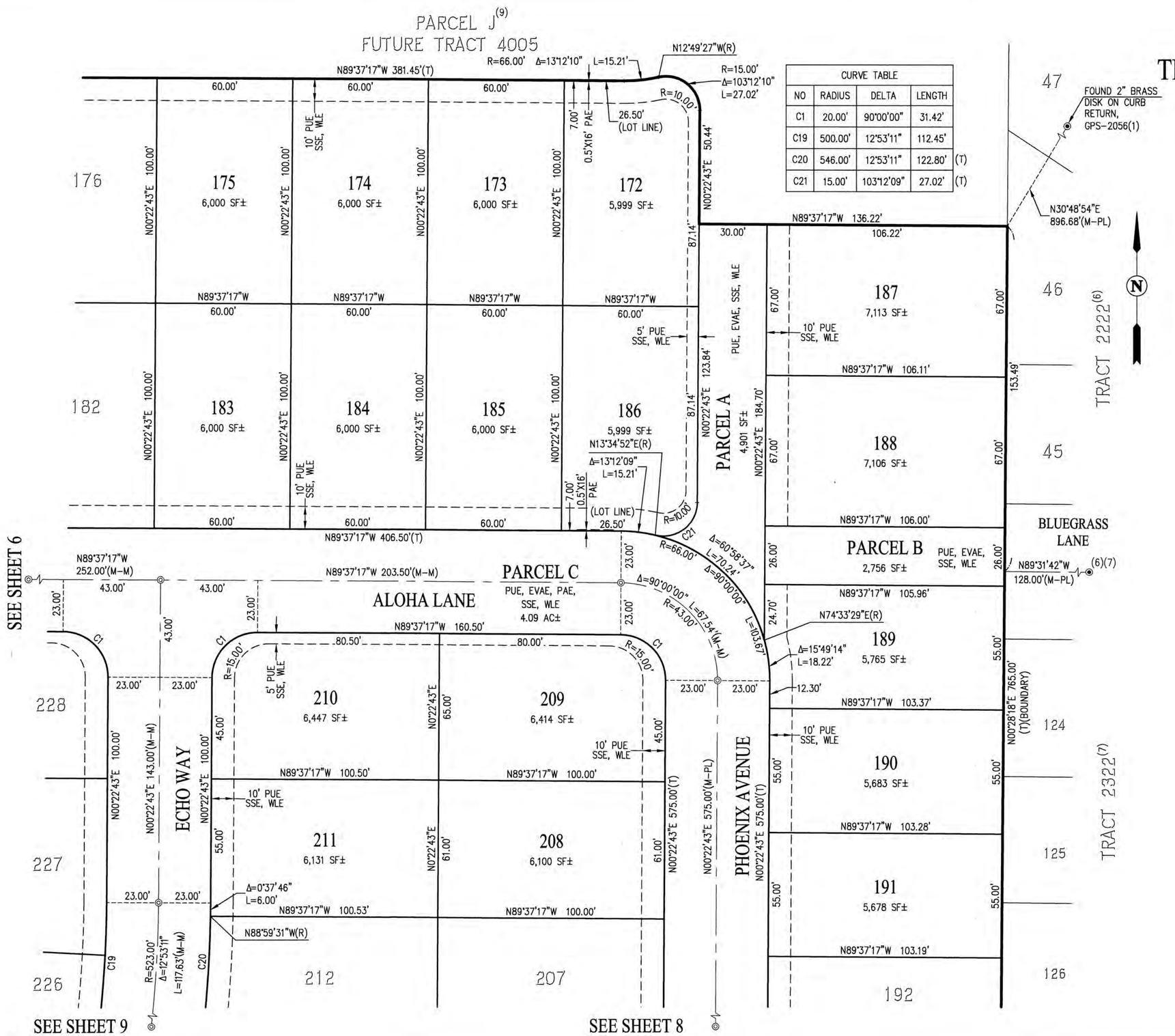
DETAIL A
NOT TO SCALE

CURVE TABLE				
NO	RADIUS	DELTA	LENGTH	
C1	20.00'	90°00'00"	31.42'	
C19	500.00'	12°53'11"	112.45'	(T)
C20	546.00'	12°53'11"	122.80'	(T)

SEE SHEET 5
SEE SHEET 7
SEE SHEET 9
SEE SHEET 8



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TRACY VILLAGE NEIGHBORHOOD 2

CONSISTING OF 12 SHEETS

BEING A SUBDIVISION OF PARCEL K, AS SAID PARCEL K IS SHOWN ON TRACT NO. 3917 (___M & P ___)

BEING A PORTION OF SECTION 5, T3S, R5E, MDB&M

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

cbg
SAN RAMON ▪ (925) 866-0322
SACRAMENTO ▪ (916) 375-1877
WWW.CBANDG.COM
CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS

SCALE: 1" = 30' APRIL 2022

BASIS OF BEARINGS:

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LEGEND

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———	RIGHT OF WAY LINE
———	LOT LINE
- - - - - -	EASEMENT LINE
——— · ———	CENTERLINE
(T)	TOTAL
(R)	RADIAL
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TRACT NO. 4006

SUBDIVISIONS OF SAN JOAQUIN COUNTY, CALIFORNIA

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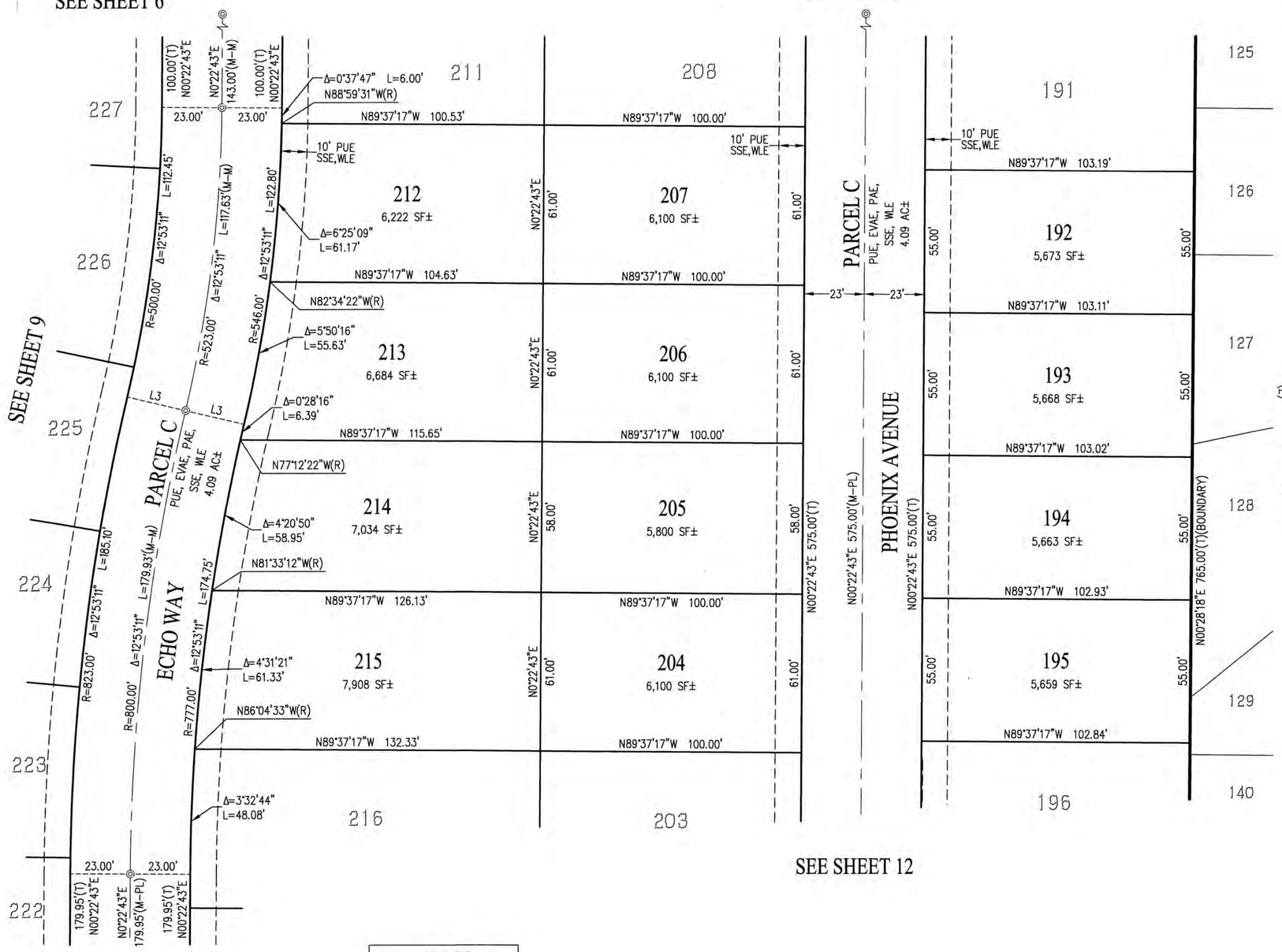
30' 0' 15' 30' 60' 120'

GRAPHIC SCALE



LINE TABLE			
NO	BEARING	LENGTH	
L3	N76°44'06"W	23.00'	(R)

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SCALE: 1" = 30' APRIL 2022

30' 0' 15' 30' 60' 120'

GRAPHIC SCALE

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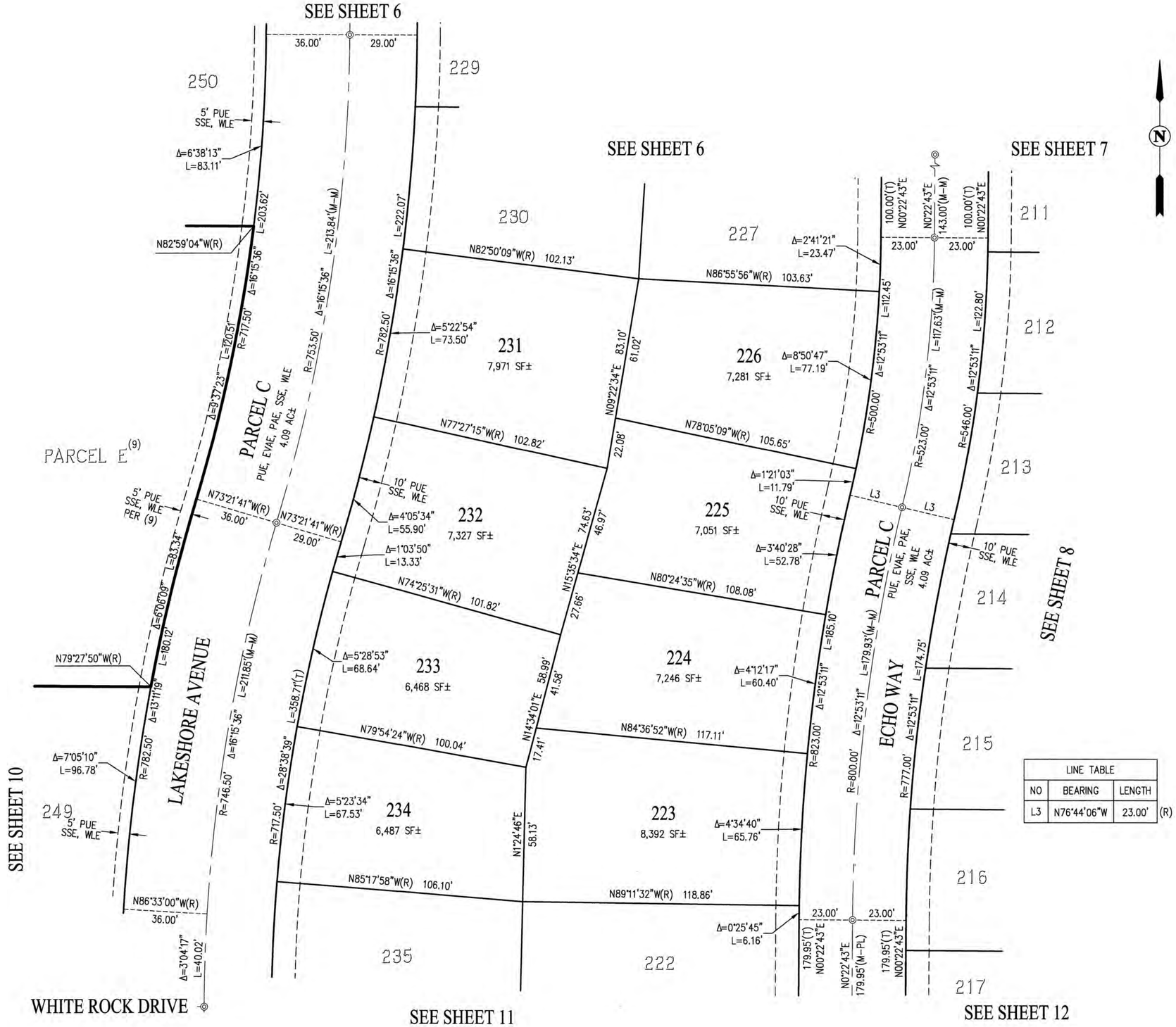

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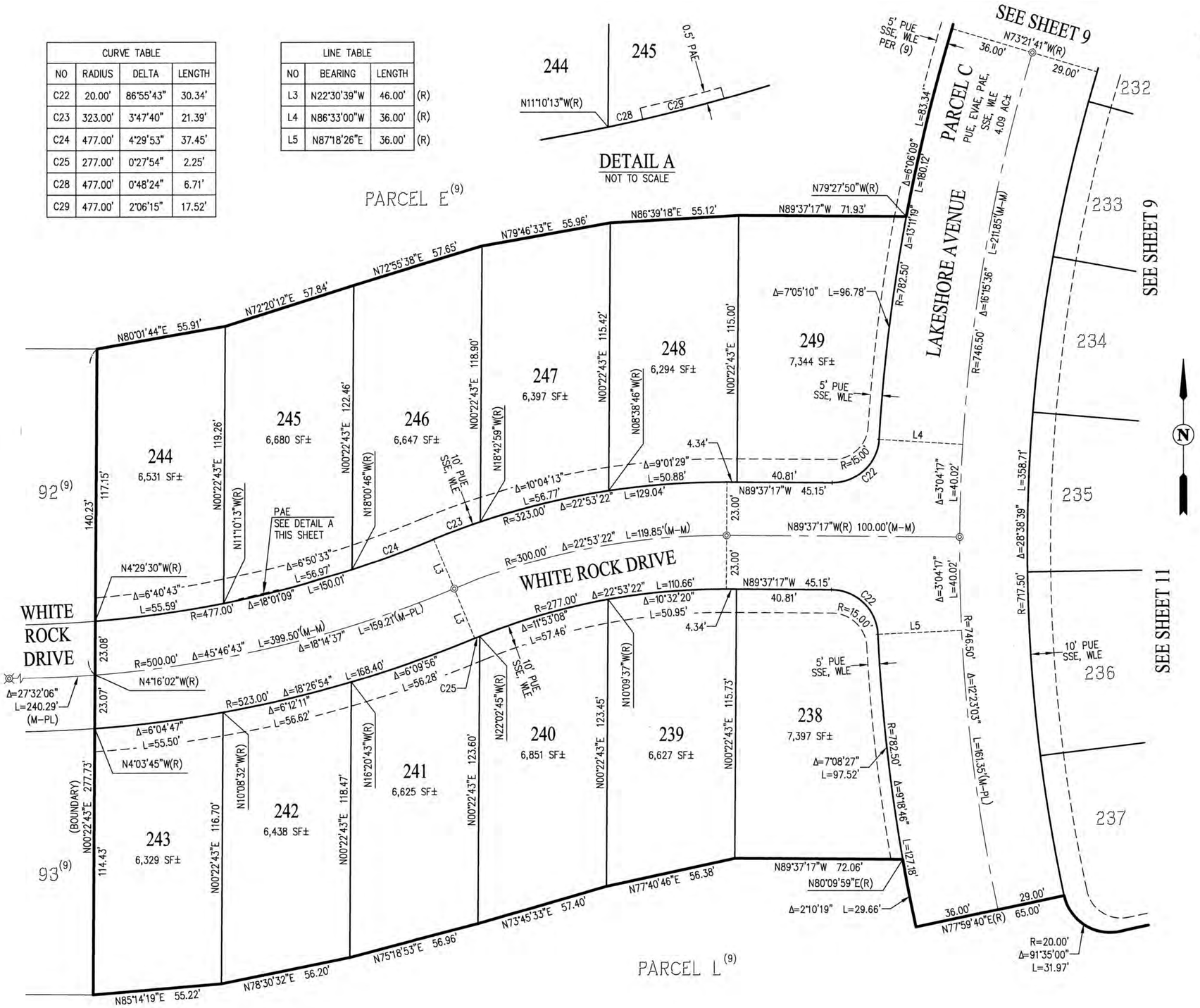
SCALE: 1" = 30' APRIL 2022

30' 0' 15' 30' 60' 120'

GRAPHIC SCALE

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C22	20.00'	86°55'43"	30.34'
C23	323.00'	3°47'40"	21.39'
C24	477.00'	4°29'53"	37.45'
C25	277.00'	0°27'54"	2.25'
C28	477.00'	0°48'24"	6.71'
C29	477.00'	2°06'15"	17.52'

LINE TABLE			
NO	BEARING	LENGTH	
L3	N22°30'39"W	46.00'	(R)
L4	N86°33'00"W	36.00'	(R)
L5	N87°18'26"E	36.00'	(R)



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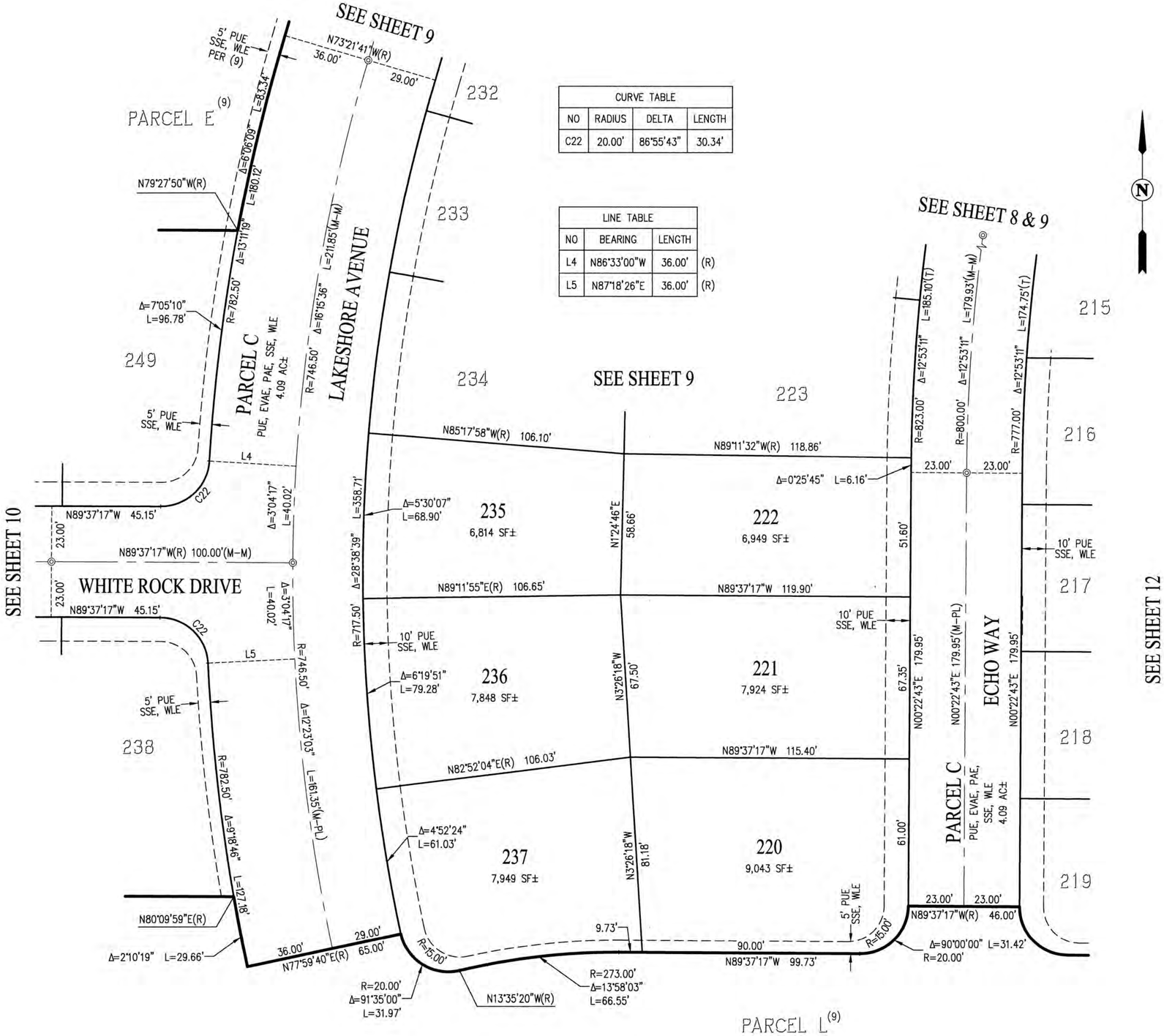

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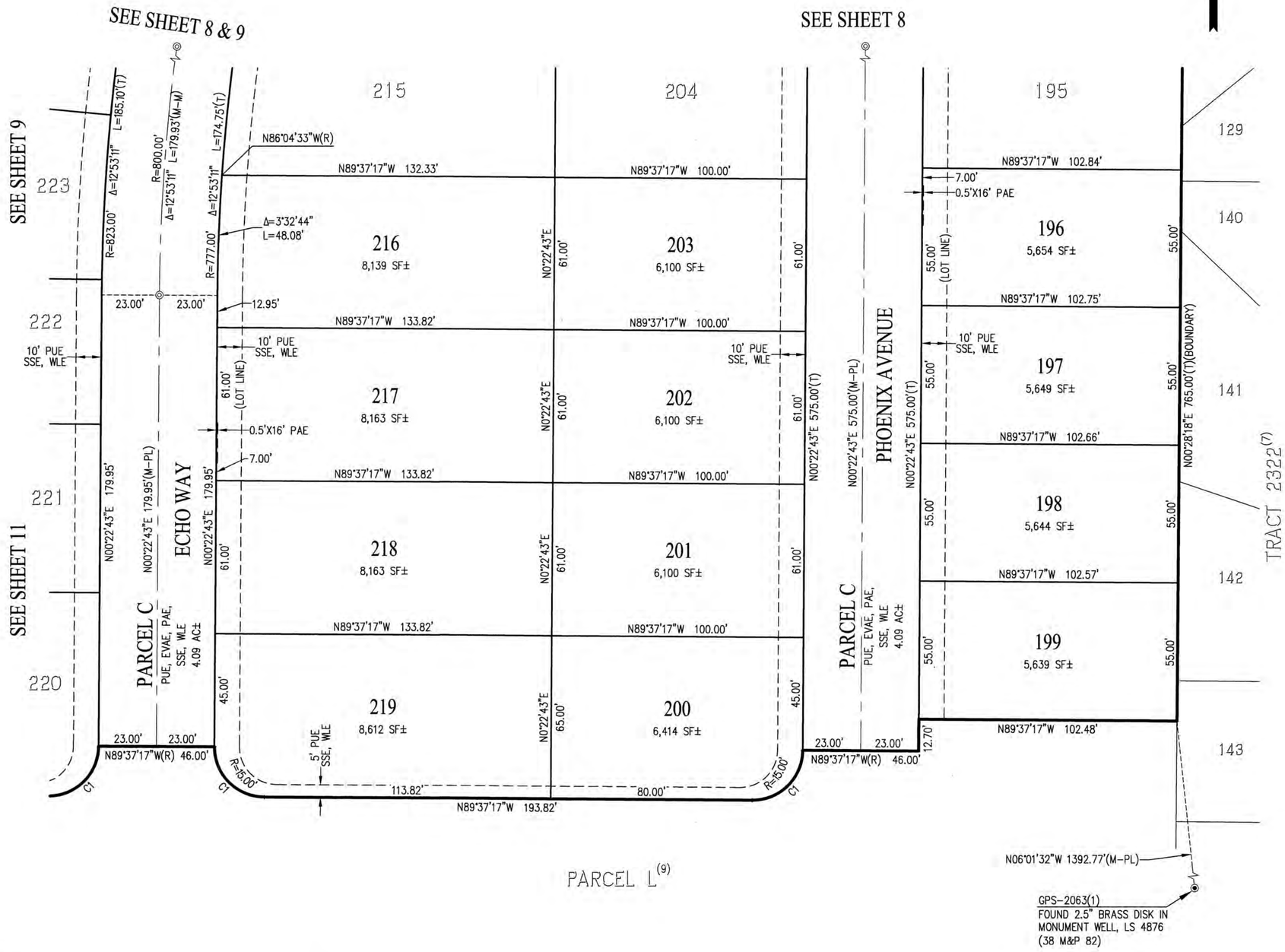
NO	RADIUS	DELTA	LENGTH
C1	20.00'	90°00'00"	31.42'



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Recording Requested By:

City of Tracy
Development Services
333 Civic Center Plaza
Tracy, CA 95376

And When Recorded Mail To:

City of Tracy
Office of the City Clerk
333 Civic Center Plaza
Tracy, CA 95376
Attn: Adrianne Richardson

SPACE ABOVE THIS LINE FOR RECORDER'S INFORMATION

CITY OF TRACY
SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 4006, TRACY VILLAGE NEIGHBORHOOD 2

This **SUBDIVISION IMPROVEMENT AGREEMENT** (hereinafter "Agreement") is made and entered into by and between the **CITY OF TRACY**, a municipal corporation (hereinafter "City"), and **TOLL WEST INC**. which will do business in California as Toll Brothers West Inc., a Delaware corporation (hereinafter "Subdivider").

RECITALS

A. The Subdivider is the owner of the real property more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (hereinafter "***Property***"), said Property comprising the subject "Tract 3917 Tentative Map, Tracy Village, Tracy, California".

B. On May 15, 2018, the Tracy City Council ("***City Council***") adopted the Tracy Village Specific Plan and approved various related land use entitlements including Application No. TSM17-0003 and approved by Resolution No. 2018-087 (the "***Tentative Subdivision Map for Tracy Village, Tract No 3917***"). The project includes 590 single-family dwelling units and would include three man-made lakes totaling approximately 10 acres, along with a community recreation center with pool, spa and bocce courts, open space and trails/pathways. The project also includes the proposed annexations into the City of an additional 42 residential properties. The Tentative Subdivision Map is on file with the City Clerk, and is incorporated herein by this reference.

C. The approval of the Final Map by the City Council was subject to specified conditions of approval ("***Conditions of Approval***"). The Conditions describe, among other things, improvements that are required for approval of the Tentative Subdivision Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City

Standards. The Conditions of Approval are attached hereto as Exhibit "B", and are incorporated herein by reference.

D. The Final Subdivision Map includes approximately 93 single-family detached residential homes. Exhibit "C" shows the overall Tracy Villages project area and the location of the Final Subdivision Map for Tracy Villages, hereinafter "***Project***" or "***Project site***".

E. In accordance with the Conditions of Approval, the Subdivider has prepared and the City Engineer has approved certain improvement plans and specifications (which incorporate portions of the City's Standard Specifications), which describe the improvements which are required for approval of the Final Subdivision Map and are incorporated herein by reference. The approved plans and specifications (the "***Plans and Specifications***") include thirteen (13) sheets of rough grading plans titled "Tracy Village Phase 1Rough Grading Plans Tract 3917, 4005 & 4006" prepared by CBG Civil Engineers, thirty-five (35) sheets of improvement plans titled "Tracy Village Phase 1 Improvement Plans Tract 3917, 4005 & 4006" prepared by CBG Civil Engineers, thirty-one (31) sheets of Landscape plans titled ""Tracy Village Tract #3917 Entry and Loop Road Landscape Improvement Plans" prepared by SMP Environmental Design, seven (7) sheets of Joint trench plans titled "Toll Brothers, Inc. Tracy Lakes Phase 1 Neighborhood 2 – Tract 4006" prepared by Giacalone Design Services, Inc. Collectively, these Plans and Specifications are referred to herein as the "***Scope of Work***" or "***Work***".

F. Since the Work has not been completed in accordance with the Conditions of Approval, the Subdivider has requested to execute this Agreement as authorized by Government Code section 66462.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. SCOPE OF WORK. The Subdivider shall perform, or cause to be performed, the Work to the satisfaction of the City Engineer. The Work shall be performed, and all materials and labor shall be provided, at the Subdivider's expense, in the manner described in the Plans and Specifications. No change shall be made to the Scope of Work unless authorized in writing by the City Engineer. The Subdivider may submit a written request to the City Engineer for a change in the Scope of Work, as required by Tracy Municipal Code section 12.36.060(f). Any portion(s) of the Work that are performed within existing City's right(s)-of-way and/or easement(s) are to be performed by the Subdivider in accordance with the requirements of the State prevailing wage laws, in the event and to the extent applicable.

2. GRADING AND STREET MAINTENANCE.

2.1. Until all the Work is accepted by the City as complete, the Subdivider shall diligently perform the necessary maintenance of the entire Project site, including streets constructed within the Project, to the satisfaction of the City Engineer, at the Subdivider's own cost.

2.2. All infrastructure constructed under this Agreement will be maintained by the Subdivider until accepted by the City.

3. **SUBDIVIDER'S AUTHORIZED REPRESENTATIVE.** At all times during the progress of the Work, Subdivider shall have a competent foreman or superintendent (hereinafter "Authorized Representative") on site or available by cell phone with authority to act on behalf of the Subdivider. The Subdivider shall, at all times, keep the City Engineer reasonably informed in writing of the name and telephone number of the Authorized Representative. The Authorized Representative shall be on site approximately 60% of the time the Work is occurring. The Subdivider may designate an employee of its general contractor as the Authorized Representative. The Subdivider shall, at all times, keep the City Engineer reasonably informed in writing of the names and telephone numbers of all contractors and subcontractors performing the Work.

4. **LOCATION OF PERFORMANCE.** The Subdivider shall perform all Work at the locations and grades shown on the Plans and Specifications. The Subdivider shall acquire at the Subdivider's sole cost and expense, any easement or right-of-way necessary for the performance of the Work, with no credit or reimbursement from the City.

5. **IMPROVEMENT SECURITY.** Concurrently with the execution of this Agreement by the Subdivider, and prior to the commencement of any Work, the Subdivider shall furnish contract security, in a form authorized by the Subdivision Map Act (including Government Code sections 66499 *et seq.*) and Tracy Municipal Code Section 12.36.080, in the following amounts:

5.1. **Faithful Performance** security in the amount of **$1,527,000.00** in accordance with the cost estimates approved by City to secure faithful performance of this Agreement (until the date on which the City Council accepts the Work as complete).

5.2. **Labor and Material** security in the amount of **$1,527,000.00** in accordance with the cost estimates approved by City to secure payment by the Subdivider to laborers and materialmen (until the date on which claims are required to be made by laborers and materialmen).

5.3. **Warranty** security in the amount of **$152,700.00** in accordance with the cost estimates approved by City to secure faithful performance of this Agreement (from the date on which the City Council accepts the Work as complete until one year thereafter).

5.4. **Monumentation** security in the amount of **$12,750.00** to secure faithful performance of setting monuments as described in the Final Map within one year from the date this of Agreement pursuant to Government Code section 66496.

6. INSURANCE. Concurrently with the execution of this Agreement by the Subdivider, and prior to the commencement of any Work, the Subdivider shall furnish evidence to the City that all of the following insurance requirements have been satisfied.

6.1. General. The Subdivider shall, throughout the duration of this Agreement, maintain insurance to cover Subdivider, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.

6.2. Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) coverage shall be maintained in an amount not less than $5,000,000 per occurrence, and $10,000,000 in the general aggregate for general liability, bodily injury, personal injury, and property damage, including completed operation coverage.

6.3. Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto" including "hired autos" and "non-owned autos") coverage in an amount not less than $1,000,000 per accident for bodily injury and property damage. If Subdivider has no employees, or does not own automobiles, then "hired autos" and "non-owned autos" coverage shall be maintained in an amount not less than $1,000,000 per accident for bodily injury and property damage.

6.4. Workers' Compensation coverage for employees shall be maintained as required by the State of California.

6.5. Endorsements. Subdivider shall obtain endorsements to the automobile and commercial general liability insurance policies with the following provisions:

6.5.1. The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."

6.5.2. For any claims related to this Agreement, Subdivider's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Subdivider's insurance and shall not contribute with it.

6.6. Notice of Cancellation. Subdivider shall obtain endorsements to all insurance policies by which each insurer is required to provide thirty (30) days prior written notice to the City should the policy be canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation.

6.7. Authorized Insurers. All insurance companies providing coverage to Subdivider shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

6.8. **Insurance Certificate.** Subdivider shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City Attorney.

6.9. **Substitute Certificates.** No later than thirty calendar (30) days prior to the policy expiration date of any insurance policy required by this Agreement, Subdivider shall provide a substitute certificate of insurance.

6.10. **Subdivider's Obligation.** Maintenance of insurance by the Subdivider as specified in this Agreement shall in no way be interpreted as relieving the Subdivider of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Subdivider may carry, at its own expense, such additional insurance as it deems necessary.

7. **PERMITS, LICENSES, AND COMPLIANCE WITH LAW.** The Subdivider shall, at the Subdivider's expense, obtain and maintain all necessary permits and licenses for the performance of the Work. Prior to the commencement of the Work, the Subdivider shall obtain a City of Tracy Business License. The Subdivider shall comply with all local, state, and federal laws, whether or not said laws are expressly stated in this Agreement.

8. **TIME OF PERFORMANCE.** Time is of the essence in the performance of the Work, and the timing requirements set forth herein shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. The Subdivider shall submit all requests for extensions of time to the City, in writing, no later than ten (10) days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due.

8.1. **Commencement of Work.** No later than fifteen (15) days prior to the commencement of Work, the Subdivider shall provide written notice to the City Engineer of the date on which the Subdivider shall commence Work. The Subdivider shall not commence Work until after the notice required by this section is properly provided, and the Subdivider shall not commence Work prior to the date specified in the written notice.

8.2. **Schedule of Work.** Concurrently with the written notice of commencement of Work, the Subdivider shall provide the City with a written schedule of Work, which shall be updated in writing as necessary to accurately reflect the Subdivider's prosecution of the Work.

8.3. **Completion of Work.** The Subdivider shall complete all Work by no later than three hundred sixty-five (365) days after the City's execution of this Agreement. If the Work is not completed and accepted by City Council by this date, City Engineer may grant an extension of time if (a) the Subdivider submits a written request for extension at least ten (10) days prior to expiring date of completion, (b) the City Engineer determines that Work is progressing satisfactorily and an extension is warranted, and (c) the Subdivider pays all processing fees for such time extension.

8.4. **Reversion to Acreage.** In the event that the Subdivider fails to commence the Work prior to the date on which completion is due, the Subdivider shall, upon written request by the City, consent to the reversion to acreage of all real property described by the Final Map, and the Subdivider shall bear all costs thereof.

9. **INSPECTION BY THE CITY.** In order to permit the City to inspect the Work, the Subdivider shall, at all times, provide to the City proper and safe access to the Project site, and all portions of the Work, and to all shops wherein portions of the Work are in preparation.

10. **INSPECTION FEES.** Concurrently with the execution of this Agreement by the Subdivider, and prior to the commencement of any Work, the Subdivider shall pay the City Inspection Fees in the amount of three and one-half percent (3-1/2%) of the estimated Project costs (as approved by the City Engineer).

In the event that the City requires an independent inspection, the City may retain an independent inspector, Subdivider shall pay all costs associated with the independent inspection, and the independent inspector shall provide a report directly to the City.

11. **DEFAULT.**

11.1. In the event that the Subdivider is in default of this Agreement, as defined in this section, the City Engineer shall provide written notice to the Subdivider and the Subdivider's surety (if any) in which the default is described with appropriate specificity.

11.2. The Subdivider shall be in default of this Agreement if the City Engineer determines that any one of the following conditions exist:

11.2.1. The Subdivider is insolvent, bankrupt, or makes a general assignment for the benefit of its creditors.

11.2.2. The Subdivider abandons the Project site.

11.2.3. The Subdivider fails to perform one or more requirements of this Agreement.

11.2.4. The Subdivider fails to replace or repair any damage caused by Subdivider or its agents, representatives, contractors, subcontractors, or employees in connection with performance of the Work.

11.2.5. The Subdivider violates any legal requirement related to the Work.

11.3. In the event that the Subdivider fails to cure the default within thirty (30) days, or provide adequate written assurance to the satisfaction of the City Engineer that the cure will be promptly commenced and diligently prosecuted to its

completion, the City may, in the discretion of the City Engineer, take any or all of the following actions:

11.3.1. Cure the default and charge the Subdivider for the costs therefore, including administrative costs and interest in an amount equal to seven percent (7%) per annum from the date of default.

11.3.2. Demand the Subdivider to complete performance of the Work.

11.3.3. Demand the Subdivider's surety (if any) to complete performance of the Work.

11.3.4. Commence a legal action to enforce the terms of this Agreement.

12. ACCEPTANCE OF WORK. Prior to acceptance of the Work by the City Council, the Subdivider shall be solely responsible for maintaining the quality of the Work, and maintaining safety at the Project site. The Subdivider's obligation to perform the Work shall not be satisfied until after the City Engineer has made a written determination that all obligations of the Agreement have been satisfied and all outstanding fees and charges have been paid, and the City Council has accepted the Work as complete.

13. WARRANTY PERIOD. The Subdivider shall warrant the quality of the Work, in accordance with the terms of the Plans and Specifications, for a period of one year after acceptance of the Work by the City Council. In the event that (during the one year warranty period) any portion of the Work is determined by the City Engineer to be defective as a result of an obligation of the Subdivider under this Agreement, the Subdivider shall be in default.

14. INDEPENDENT CONTRACTOR STATUS. Subdivider is an independent contractor and is solely responsible for all acts of its employees, agents, or subcontractors, including any negligent acts or omissions. Subdivider is not City's employee and Subdivider shall have no authority, express or implied, to act on behalf of the City as an agent, or to bind the City to any obligation whatsoever, unless the City provides prior written authorization to Subdivider.

15. OWNERSHIP OF WORK. All original documents prepared by Subdivider for this Agreement shall be given to City upon City's acceptance of the Work; provided, however, ownership of said documents shall be determined in accordance with applicable laws. Prior to acceptance of the Work, the Subdivider shall submit the as-built drawings in Auto-CAD format Release-14 or higher in a compact disc (CD).

16. ASSIGNMENT AND DELEGATION. This Agreement and any portion thereof shall not be assigned or transferred, nor shall any of the Subdivider's duties be delegated, without the written consent of the City. Any attempt to assign or delegate this Agreement without the written consent of the City shall be void and of no force and effect. Consent by the City to one assignment shall not be deemed to be consent to any subsequent assignment.

17. **NOTICES.**

17.1. All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the respective party as follows:

City: City of Tracy
Attn: City Engineer
333 Civic Center Plaza
Tracy, CA 95376

Copy to: City Attorney's Office
Attn: City Attorney
333 Civic Center Plaza
Tracy, CA 95376

attorney@cityoftracy.org

Subdivider: Toll West Inc. which will do business in California as Toll Brothers West Inc., a Delaware corporation

Attn: Todd Callahan, Division President
6800 Koll Center Parkway,
Ste. 320, Pleasanton, CA, 94566

Tel: (925) 249-6047
Email: tcallahan@tollbrothers.com

Copy to: Toll West Inc.
Attn: Scott M. Cwiertny,
AVP and Counsel
725 W. Town and Country Rd.,
Suite 200 Orange, CA, 92868

Tel: (714) 347-1321
Email: scwiertny@tollbrothers.com

17.2. Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated above, or (2) three working days following the deposit in the United States Mail of registered or certified mail, sent to the address designated above.

MODIFICATIONS. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

18. **WAIVERS.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

19. **SEVERABILITY.** In the event, any term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect.

20. **JURISDICTION AND VENUE.** The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

21. **INDEMNIFICATION.** Subdivider shall indemnify, defend and hold harmless the City (including its elected officials, officers, agents and employees) from and against any and all claims, demands, liabilities, costs and expenses (including court costs and attorney's fees) resulting from or arising out of the performance of the Work by Subdivider or Subdivider's agents, representatives, contractors, subcontractors or employees except to the extent caused by the sole, active negligence or willful misconduct of the City.

    In this section, "City" means the City, its officials, officers, agents, employees and volunteers; "Subdivider" means the Subdivider, its employees, agents and subcontractors; "Claims" includes claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all related costs and expenses in connection therein) and any allegations of these; and "Arising out of" includes "pertaining to" and "relating to".

    The provisions of this section survive completion of the services or the termination of this contract and are not limited by the provisions of Section 6 relating to insurance.

22. **ENTIRE AGREEMENT.** This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the parties concerning the improvements to be constructed for this Project. This Agreement supersedes all prior negotiations, representations, or agreements.

23. **SIGNATURES.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the Subdivider and the City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

[remainder of this page intentionally left blank]

IN WITNESS WHEREOF the parties do hereby agree to the full performance of the terms set forth herein.

City of Tracy

_____

Nancy Young, Mayor

Date: _____

Approved by City Council on _____ by Resolution No. _____.]

Attest:

_____

By: Adrianne Richardson, City Clerk

Approved As To Form:

_____

By: Bijal Patel, City Attorney

Subdivider

Toll West Inc. which will do business in California as Toll Brothers West Inc., a Delaware corporation

By: _____

Todd Callahan
Division President

Date: 4/22/22

Federal Employer Tax ID No.
83-3070946

EXHIBITS

A – Legal Property Description
B – Conditions of Approval
C – Location of Project Site

EXHIBIT "A"
(Legal Description of Property)

Real property in the City of Tracy, County of San Joaquin, State of California, described as follows:

Tract 4006, being a subdivision of Parcel K as Said Parcel K is shown on Tract 3917 ___ M&P)_

APN: 244-040-018-000.

EXHIBIT B

Exhibit 5

City of Tracy
Conditions of Approval

Tracy Village
Application Number (Tract 3917)
May 15, 2018

These Conditions of Approval shall apply to the real property described as the Tracy Village Development. The Tracy Village Development Project is proposed as a gated community consisting of 590 single-family detached residential homes, and would include three man-made lakes totaling approximately 10 acres, along with a community recreation center with pool, spa and bocce courts, open space and trails/pathways (Assessor's Parcel Number 244-040-01 and 244-030-01 and 02), located on the south side of Valpico Road, east of Corral Hollow Road. The project also includes the proposed annexation into the City of an additional 42 residential properties (Residential Annexation Area) fronting Corral Hollow Road and Valpico Road, and an adjoining drainage canal north of Valpico Road (Parcel Numbers 244-030-03 through 22 and 242-050-01 through 21, and 242-040-29).

The following definitions shall apply to these Conditions of Approval:

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

2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.

3. "City Regulations" means all written laws, rules and policies established by the City, including those set forth in the City of Tracy General Plan (also known as Urban Management Plan), the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design documents (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and Relevant Public Facilities Master Plans).

4. "Conditions of Approval" shall mean the conditions of approval applicable to the Tracy Village Development project. The Conditions of Approval shall specifically include all Development Services Department, including Planning, Engineering, and Building Divisions, Finance Department, Fire Department, and Public Works conditions set forth herein.

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

6. "Project" means the real property consisting of approximately 135 acres located on the south side of Valpico Road, east of Corral Hollow Road, Assessor's Parcel Number 244-040-01, and 244-030-01 and 02, and 42 residential properties fronting Corral Hollow Road and Valpico Road (Parcel Numbers 244-030-03 through 22 and 242-050-01 through 21 and 242-040-29).

7. "Property" means the real property generally located on the south side of Valpico Road, east of Corral Hollow Road, Assessor's Parcel Number 244-040-01, 244-030-01 and 02, and 42 residential properties fronting Corral Hollow Road and Valpico Road (Parcel Numbers 244-030-03 through 22 and 242-050-01 through 21, and 242-040-29).

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

B. Planning Division Conditions of Approval:

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, *et seq.*), the Subdivision Map Act (Government Code sections 66410, *et seq.*), the California Environmental Quality Act (Public Resources Code sections 21000, *et seq.*, "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, *et seq.*, "CEQA Guidelines").

2. Unless specifically modified by these Conditions of Approval, the Project shall comply with all City Regulations.

3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the Tracy Village Development Project Environmental Impact Report dated April 11, 2018.

4. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) will begin on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

5. Except as otherwise modified herein, all construction shall be consistent with the Vesting Tentative Subdivision Map received by the Development and Engineering Services Department on April 2, 2018 and as modified on the project site plan and Tracy Village Specific Plan dated March 2018.

6. Prior to the issuance of any building permits for the community buildings, the applicant shall provide a detailed landscape and irrigation plan consistent with City landscape and irrigation standards and the approved plan, including, but not limited to Tracy

Municipal Code Section 10.08.3560, the City's Design Goals and Standards, and the applicable Department of Water Resources Model Efficient Landscape Ordinance on private property, and the Parks and Parkways Design Manual for public property, to the satisfaction of the Development Services Director. Newly planted, on-site trees shall be a minimum size of 24-inch box and shrubs shall be a minimum size of five gallons.

7. No signs are approved as a part of this development application. Prior to the installation of any signs, the applicant shall submit a sign permit application and receive approval from the Development Services Director in accordance with City Regulations.

8. Prior to the issuance of any building permits, the developer shall document compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual) to the satisfaction of the Public Works Director, which includes the requirement for Site Design Control Measures, Source Control Measures and Treatment Control Measures under the guidelines in a project Stormwater Quality Control Plan (SWQCP). Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, trash enclosures, parking areas, any wash areas and maintenance areas. The SWQCP must conform to the content and format requirements indicated in Appendix D of the Manual and must be approved by the Public Works Director prior to issuance of grading or building permits. Stormwater treatment shall be consistent with the approved plans, subject to approval by the City's Utility Department.

9. The project shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit and a pre-construction survey prior to ground disturbance, to the satisfaction of San Joaquin Council of Governments.

10. The developer shall design and construct all buildings with fire sprinklers in accordance with City Regulations to the satisfaction of the Fire Marshal.

11. Development of the 42 residential properties (Residential Annexation Area) shall be governed by the following: The majority of the 42 lots are developed with detached single-family residences, and are served by private wells and septic systems. Connection to city water and sewer systems shall be voluntary, unless new residential development (building permits for new construction) is proposed by the property owners.

12. The project shall utilize the building elevations as shown in the Tracy Village Specific Plan for the Tracy Village residential community, consistent with requirements of the City Design Standards and Guidelines and the project Planned Unit Development provisions. The final design plans shall be subject to review and approval of the Development services Director prior to first building permit issuance.

13. All of the houses that border existing developed lots on the west, east and south sides of the Tracy Village project shall be limited to a single-story in height.

14. All common area lots and open spaces, including landscaping, shall be maintained by the Project homeowner's association (HOA). Final covenants, conditions and restrictions (CC&Rs) shall be submitted to the City for review and approval prior to their recordation. The CC&Rs shall be recorded prior to City issuance of a grading plan or improvement plans for the Project.

15. All proposed Emergency Vehicle Access (EVA) points connecting the project to public streets shall be built subject to Fire Department and Engineering Division approval, including with respect to width, loads, turn radius, and use of gates or other barriers.

16. All vents, gutters, downspouts, flashing, electrical conduit, and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.

17. All ground-mounted equipment, including, but not limited to air conditioning units, water heaters, gas meter and utility boxes shall be screened form view from common areas with decorative walls, fences or landscaping, to the satisfaction of the Development Services Director.

18. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into any adjacent properties, to the satisfaction of the Development Services Director.

19. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.

20. Prior to the issuance of a building permit, the Developer shall submit detailed trash and recycling enclosure plans which include the following, to the satisfaction of the Development Services Director: the walls shall be of masonry construction, at least eight feet in height, include solid metal doors, a solid roof, and an interior perimeter concrete curb. The enclosures shall include exterior color and material compatible with adjacent or nearby building exteriors of the project.

21. Prior to the issuance of a building permit, the developer shall design a recycling program consistent with State Assembly Bill 341, to the satisfaction of the Public Works Director. The program shall include or have access to enclosures with adequate space for both refuse and recycling and shall be incorporated with the trash and recycling enclosures. Each enclosure shall have signs that clearly indicate refuse and recycling locations as well as prohibition of scavenging. The program shall include recycling options or elements at the pool area and other common areas for the residents.

22. The developer shall be required to pay all applicable City impact fees, including park fees. No fee credit shall be given for the developer private parks and facilities within the Tracy Village Development.

C. Finance Department Conditions of Approval

1. Prior to recording the Final Map, the applicant shall do one of the following, subject to the approval of the Finance Director:

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

Or

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

If the provisions for adequate funding of the on-going operational costs of providing Police services, Public Works services and other City services are met prior to issuance of the first building permit for the project, 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.

D. Building Division Conditions of Approval

1. The developer shall demonstrate that the proposed residential buildings are designed and constructed in conformance with all applicable City and State Regulations to the satisfaction of the Chief Building Official, including but not limited to CalGreen Building Standards and Title 24-11A accessibility standards.

2. The developer shall demonstrate that all improvements, in-tract and offsite, required to serve the Project Site described by the final map and Vesting Tentative Subdivision Map are in accordance with the City Regulations. The Improvement Plans shall specifically include all the requirements specified below.
    a. The Improvement Plans shall consist of the Grading and Storm Drainage Plans, Irrigation and Landscaping Plans, Composite / Joint Utility Plans, In-tract Civil and Utility Plans, Street Lighting Plans, Sewer Plans, Water Distribution Plans, Fire Hydrant distribution Plans, Signing and Striping Plans, Masonry Wall Plans, and Storm Water Plans, Curb, Sidewalk, Gutter, Fire Department EVA road and additional associated features, Road profiles and construction details, Handicap Accessibility Plans and construction details in accordance with City of Tracy Standards and Regulations.
    b. Improvement plans shall also include Lake Construction plans to include but not limited to retaining walls, all applicable distribution features, piping, pumps, out-fall structures, inlets and connection to City storm water.
    c. All supporting engineering calculations, soils reports, material and technical specifications, and reports related to the design of the subdivision improvements, and as required by the City Engineer shall be provided. The engineering calculations shall include calculations for determining the size and capacity of sewer, water and storm drainage facilities.
3. No Temporary or Final Building Certificate of Occupancy will be issued by the City (excluding model homes) until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that the Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval.
4. All gates are to be accessible by the Fire Department in the case of an emergency, by means such as a Knox box, Knox padlock, Opticon sensors or other means to the satisfaction of the Fire Chief and Chief Building Official.
5. All hydrants, FDCs and DDCVs shall be provided with a minimum of three feet of clearance at all times. Therefore, landscaping shall be designed so that no adjacent plants can grow into and obscure these pieces of equipment.

E. Engineering Division Conditions of Approval

E.1. General Conditions

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

a) "Tracy Village Traffic Impact Impact Analysis", prepared by Kimley-Horn

Associates, dated March 14, 2018, and Memorandum titled "Tracy-Village – Tentative Map Review" prepared by Kimley-Horn Associates, dated February 12, 2018 and any subsequent amendments and updates (Collectively "Traffic Report").

b) "Tracy Village Water Distribution System Hydraulic Network Analysis", prepared by West Yost Associates, dated February 16, 2018, and any subsequent amendments and updates. ("Water Report")

c) Technical Memorandum by Storm Water Consulting, Inc., dated January 8, 2018, and any subsequent amendments and updates. ("Storm Drainage Report").

E.2. Grading Permit

The Subdivider shall submit all relevant documents related to grading permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

E.2.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer.

a) The Subdivider shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Building Official and Fire Code Official prior to submitting the mylars to Engineering Division for City Engineer's approval.

b) Prior to the issuance of Grading Permit for the Project, Subdivider shall submit improvement plans and secure approval of plans from the City's Building Division, for the design of on-site sewer improvements and the Project's sewer connection.

E.2.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.

E.2.3. Two (2) copies of the Project's Geo-technical /Soils Report prepared by Geo-technical Engineer.

E.2.4. Copy of recorded slope easements or construction/grading easements on adjacent properties (if applicable).

E.2.5. Three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) for the Project with a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any relevant documentation or written approvals from the SWQCB, including the Wastewater Discharge Identification Number (WDID#).

a. After the completion of the Project, the Subdivider is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Subdivider shall provide the City with a copy of the completed Notice of Termination.

b. The cost of preparing the SWPPP, NOI and NOT, including the filing fee of the NOI and NOT, shall be paid by the Subdivider.

c. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the applicable provisions of the City's Storm Water Management Program.
E.2.6. Two (2) sets of the Project's Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California.

a. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, pavement design recommendations, and elevation of the highest observed groundwater level.

E.2.7. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) as required in Mitigation Measure AQ-1 of the Mitigation Monitoring and Reporting Program of the Environmental Impact Report (EIR).

E.2.8. A copy of the approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) from San Joaquin Valley Air Pollution Control District (SJVAPCD).

E.2.9. Two (2) sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system and for determining the size of the project's storm drainage connection, as required in Conditions E.4.2.d and E.4.3.k, below.

E.3. Encroachment Permit – Subdivider shall submit all relevant documents related to encroachment permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

E.3.1. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar), if necessary that incorporate all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

a. The Subdivider shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Building Official and Fire Code Official prior to submitting the mylars to Engineering Division for City Engineer's approval.
E.3.2. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

E.3.3. Traffic Control Plan shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California, as required in Condition E.4, below.

E.3.4. Tracy's Fire Official's signature on the Improvement Plans indicating their approval for the fire service connection and fire and emergency vehicle access for the Project.

E.3.5. Signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement

Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA. The Subdivider's obligations in the OIA shall be deemed to be satisfied upon City Council's acceptance of the public improvements and release of the Improvement Security.

E.3.6. Check payment for the applicable of engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on May 17, 2016, per Resolution 2016-094.

E.4. Improvement Plans - Improvement Plans shall contain the design, construction details and specifications of public improvements and all subdivision improvements that are required to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with City Regulations, these Conditions of Approval, and the following requirements:

E.4.1. The Improvement Plans including the Grading and Drainage Plans prepared in accordance with the City's Subdivision Ordinance and Design Standards. The improvement plans for all improvements (onsite and off-site) required to serve the Project in accordance with the City Design Documents, and these Conditions of Approval.

a. The Improvement Plans shall be prepared in mylar with the standard title and signature block.

b. The Subdivider shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylar including signatures by the Chief Building Official and Fire Code Official or Fire Safety Officer, prior to submitting the mylars to Engineering Division for City Engineer's approval.

E.4.2. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:

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

b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports.

c. Two (2) copies of the Project's Geotechnical /Soils Report, prepared or signed and stamped by a Geotechnical Engineer.

d. The Project's on-site drainage connections to City's storm drainage system and on-site storm water treatment as approved by the City Engineer. Improvement Plans to be submitted with the hydrology and storm drainage calculations for the sizing of the on-site storm drainage system.

e. Three (3) sets of the Project's Storm Water Pollution Prevention Plan (SWPPP), Best

Management Practices (BMPs) and a copy of the Notice of Intent (NOI) with the State-issued Wastewater Discharge Identification number (WDID#).

E.4.3. Grading and Storm Drainage Plans

Site Grading

a. Include all proposed erosion control methods and construction details to be employed and specify materials to be used.

b. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.

c. Site grading shall be designed such that the Project's storm water can gravity drain directly to an existing storm drain system with adequate capacity to drain storm water from the Project Site in the event that the on-site storm drainage system fails or is clogged. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be improved to the satisfaction of the City Engineer.

d. When the grade differential between the Project Site and adjacent property(s) exceeds 12 inches, a reinforced or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) of the retaining wall or masonry wall. The entire retaining wall and footing shall be constructed within the Project Site. A structural calculation shall be submitted with the Grading and Storm Drainage Plans.

e. An engineered fill between the Project site and adjacent properties may be accepted as a substitute of a retaining wall, if the grade differential is less than 2 feet and subject to approval by the City Engineer. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Subdivider shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s). The slope easement must be recorded, prior to the issuance of the final building certificate of occupancy.

Storm Drainage

f. The Subdivider shall design and install the Project's storm drainage connection(s) to the City's storm drain facilities per the City of Tracy Citywide Stormwater Master Plan and the "Storm Drainage Study" and as required by the City Engineer.

g. The Subdivider shall submit design calculations and obtain approval of improvement plans for the off-site storm drain line to connect to existing channel at Sycamore Parkway. The Subdivider shall execute Offsite Improvement Agreement prior to beginning of work. The Subdivider will be required to overlay half street section on Valpico Road along the full length of the storm drain line after completion of installation of the storm drain line.

h. All on-site SD facilities, lakes, channels and associated facilities including the proposed connection(s) to the City's public drainage facilities, shall be owned and maintained by the HOA.

i. The Subdivider shall provide a Stormwater Quality Control Plan (SWQCP) detailing the methods in which the development will address compliance with the applicable City's Multi-Agency Post-Construction Stormwater Standards Manual (Manual).

The proposed stormwater treatment within the lake system will be subject review and approval by the City. Prior to the issuance of the grading permit for the project, the SWQCP shall be approved by the City Engineer.

j. Prior to the final inspection of the first building to be constructed on the Property, the Subdivider shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Subdivider's responsibility towards the repair and maintenance of on-site storm water treatment facilities. Calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the STFMA and the Grading and Storm Drainage Plans.

E.4.4. Sanitary Sewer Facilities

a. The Subdivider shall design and install sanitary sewer facilities including the Project's sewer connection in accordance with City Regulations and utility improvement plans approved by the City Engineer.

b. The Subdivider shall build and dedicate, to the satisfaction of the City Engineer, public sewer mains, manholes and associated improvements required to serve the entire subdivision. All public infrastructure shall be located in the private subdivision roadways. The Subdivider shall provide easements, to the satisfaction of the City Engineer, across the entire road plus 5 feet on either side as measured from the back of curb. Repair and maintenance of all sewer lines outside of easements which includes (but it not limited to) laterals and appurtenances shall be a private maintenance obligation either from the fronting property owner, HOA, or another City approved maintenance entity.

c. In the event the permanent sewer main in Corral Hollow Road and downstream improvements required to provide permanent capacity for the Project have not been constructed (by others) at the time of request for first building permit within the Project, the Subdivider shall complete the design and install master plan facilities within Corral Hollow Road from the Project to Node 4W-1 as shown in Figure 5-1 of Tracy Wastewater Master Plan.

d. Interim capacity in the existing sewer main north of Node 4W-1 may be temporarily available and the Project may be permitted to utilize existing capacity in the system north of Node 4W-1 subject to verification of availability of capacity in the existing facilities by completion of a technical analysis by City's Consultant ("Interim Sewer Capacity Analysis"). The cost of the Interim Sewer Capacity Analysis shall be funded by the Subdivider, and shall be completed prior to issuance of first building permit. If the Interim Sewer Capacity Analysis indicates that there is no capacity available for the Project, the Subdivider shall design and construct master plan facilities to provide additional capacity per the Wastewater Master Plan.

e. The Subdivider shall design and install wastewater services to existing homes on the north side of Valpico Road as part of the Offsite Improvements. The subdivider will be eligible for fee credits for the cost of installation of the water services.

f. In order to facilitate installation of wastewater service connections to existing homes fronting Corral Hollow Road as part of City's CIP project, a funding requirement in the amount of $100,000 has been identified. The Subdivider shall pay to the City the amount specified above within 30 days from written request from the City Engineer. City will identify funding source for reimbursement of the amount to the Subdivider, and enter into a Reimbursement Agreement prior to payment by the Subdivider.

g. The Subdivider is hereby notified that the City has limited wastewater treatment capacity in the City's Wastewater Treatment Plant until current and future expansion capital improvement projects are completed and operational. As of January 2017, the City had an unused capacity of approximately 1851 EDU's within its wastewater treatment plant available to new development within the City on a first come-first served basis. These EDU's are currently available to serve the proposed project, but as other development projects within the City come forward and building permits are issued, this remaining capacity will be reduced.

E.4.5. Water Distribution System

a. Water line sizing, layout and looping requirements for this Project shall comply with recommendations of the analysis by the City's Water Consultant.

b. If development of the Project is phased (e.g., the north part of the Project is developed as Phase 1 and the south part of the Project is developed as Phase 2), both connections to the City's existing potable water system (at Valpico Road and at Middlefield Drive), should be constructed with the first phase of development to provide for water supply redundancy and ensure adequate fire flow availability under all phases of Project development.

c. All water connections that are bigger than 2 inches in diameter shall be Ductile Iron Pipe (DIP).

d. During the construction of the Project, the Subdivider 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 City of Tracy Fire Code Official.

e. All costs associated with the installation of the Project's permanent water connection(s) as identified in the Water Study including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings, replacing traffic detecting loops, conduits, and wires, relocating existing utilities that may be in conflict with the water connection(s), and other improvements shall be paid by the Subdivider.

f. Subdivider shall obtain an account for the water service to the Project and register the water meter with the Finance Department. Subdivider shall prepare and submit a map depicting the location of the water meter(s) to Finance Department.

g. If water main shut down is necessary, the City will allow a maximum of 4-hour water supply shutdown. The Subdivider shall be responsible for notifying residents or business owner(s), regarding the water main shutdown. The written notice, as approved by the City

Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before the water main shutdown. Prior to starting the work described in this section, the Subdivider shall submit a Water Shutdown Plan and Traffic Control Plan to be used during the installation of the offsite water mains.

h. The Subdivider shall design and install domestic water service connections, including remote-read water meter (the water meter to be located within City's easement) in accordance with City Regulations.

i. The Subdivider shall build and dedicate, to the satisfaction of the City Engineer, public water mains, valves, fittings, fire hydrants and associated improvements required to serve the entire subdivision. All public infrastructure shall be located in the private subdivision roadways. The Subdivider shall provide easements, to the satisfaction of the City Engineer, across the entire road plus 5 feet on either side as measured from the back of curb to maintain the valves, fitting, fire hydrants and other associated improvements. Repair and maintenance of all water lines outside of easements which includes (but it not limited to) laterals, meters and appurtenances shall be a private maintenance obligation either from the fronting property owner, HOA, or another City approved maintenance entity.

j. The Subdivider shall design and install fire hydrants at the locations approved by the City's Fire Safety Officer and Chief Building Official. Prior to the approval of the Improvement Plans, the Subdivider shall obtain written approval from the City's Fire Safety Officer and Chief Building Official, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

k. The Subdivider shall design and install water services to existing homes on the north side of Valpico Road as part of the Offsite Improvements. The Subdivider will be eligible for fee credits for the cost of installation of the water services.

l. In order to facilitate installation of water service connections to existing homes fronting Corral Hollow Road as part of City's CIP project, a funding requirement in the amount of $100,000 has been identified. The Subdivider shall pay to the City the amount specified above within 30 days from written request from the City Engineer. City will identify funding source for reimbursement of the amount to the Subdivider, and enter into a Reimbursement Agreement prior to payment by the Subdivider.

m. Recycled Water

On-site Recycled Water is proposed to fill and maintain the water levels in the proposed project's lakes. On-site and off-site recycled water lines shall be designed per City Standards and applicable Regulations. The Subdivider shall install Recycled Water main in Valpico Road with construction of required roadway improvements on Valpico Road.

City will be installing Recycled Water facilities from the Wastewater Treatment Plant upto the intersection of Lammers Road and Old Schulte Road. Prior to final inspection of 150th home excluding model homes, the Subdivider shall complete installation of Recycled Water facilities from the Project to the intersection of Lammers Road and Old Schulte Road to connect

to Recycled Water line, if City's project has installed the Recycled Water Mains from the WWTP upto this junction.

If City's Recycled Water facilities are not completed, or are partially completed prior to final inspection of 150th home excluding model homes, the Subdivider shall construct needed facilities to extend Recycled Water facilities to connect the Project to Recycled Water lines. If no Recycled Water facilities are available to connect, the Subdivider shall demonstrate that City's domestic water supplies and water network are adequate to provide water to the Project and lakes. In such event, City's consultant will prepare a report with recommendations for any improvements to the City's water system or other means of addressing the additional demand on City's domestic water system. The Subdivider shall be responsible for costs of full compliance with the recommendations.

If the Subdivider installs Recycled Water Facilities that are funded by the Development Impact Fees or other sources, the Subdivider will be eligible to request fee credits and/or reimbursements pursuant to Tracy Municipal Code.

E.4.6. Utility Easements

a. Utilities within private streets shall be located within utility easements dedicated to the City, and shall be subject to review and approval by the City Engineer. Proposed Maintenance access roads or curb cuts shall be reviewed and approved by the City Engineer.

b. The Subdivider shall coordinate with local service providers and dedicate necessary Public Utility Easements (PUE) along the Project's frontage on Valpico Road and within the Project for Joint Trench Utilities to serve the Project.

E.4.7 Street Improvements:

a) Right of Way on Valpico Road Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by the City Council on November 26, 2012, pursuant to Resolution 2012-240, Valpico Road will be a 4-lane major arterial street with a minimum right-of-way of 99 feet. The street section proposed consists of 102' wide right-of-way.

The Subdivider shall dedicate 47 feet right-of-way from the existing right-of-way line of Valpico Road towards the Property along the entire frontage of the Property on Valpico Road, for the construction of Valpico Road Frontage Improvements. The Subdivider shall dedicate the right-of-way on Final Map, or execute a Grant Deed to convey the land in fee title and submit legal description and plat map that describes the area to be dedicated, prior to the issuance of the Grading Permit. The cost of preparing the legal description and plat map will be the sole responsibility of the Subdivider.

Subdivider shall acquire right-of-way required on the north side of Valpico Road (County parcels) to install the roadway and sidewalk improvements including undergrounding of overhead utilities. City may assist Subdivider in acquisition of the right-of-way. Cost of acquisition of right-of-way shall be reimbursable to the Subdivider from the program fees as determined by the City Engineer.

Subdivider will be eligible to request fee credits and/or reimbursements for the cost of right-of-way in excess of Subdivider's obligation as defined in Traffic Master Plan and pursuant to Tracy Municipal Code requirements.

The City will assume responsibility to maintain the public improvements and accept the offer of dedication for right-of-way on Valpico Road after the City Council accepts the public improvements.

b) Frontage Improvements on Valpico Road – The Subdivider shall design and construct all roadway improvements on Valpico Road that are necessary to provide safe and functional access(s) to the Project for each phase and at Project's build-out condition, as described by the Traffic Report, and as required by the Conditions of Approval.

(i) The Frontage Improvements involve the widening of the south side of Valpico Road along the frontage of the Project and pavement transitions on both sides on Valpico Road and other improvements which include but not limited to, the installation of new asphalt concrete pavement, concrete curb, gutter, sidewalk, Class I bike lane, handicap ramp(s), crosswalk, bus shelter with turnout and associated improvements, parkway landscaping improvements with automatic irrigation system, storm drainage, catch basin/ drop inlet, fire hydrant, domestic, irrigation and fire services, street lights traffic sign(s), pavement marking and striping along the entire frontage on Valpico Road, and other improvements such as barricades, signing, and striping that are necessary to provide a safe transition to and from existing roadway section of Valpico Road (Frontage Improvements).

(ii) The roadway improvements shall also include the installation of a traffic signal at the Main Entry Street at Valpico Road. The intersection improvements will include but not limited to, traffic detection loops, pull boxes, conduits and wires, audible pedestrian warning, electronic sign, crosswalk, pavement legends and markings, lane markings, traffic signs, and other improvements as determined by the City Engineer that are deemed to be necessary to have a safe and functional traffic signal. The traffic signal is not included in funded improvements in City's fee program, and hence costs of design, acquisition of right-of-way (if required) and installation of the traffic signal is not eligible for fee credits or reimbursements.

(iii) The sidewalk along the frontage of the project shall be extended east of the Project boundary to connect to the existing sidewalk. Cost of acquiring right-of-way or easements and installation of the sidewalk shall be the responsibility of the Subdivider.

(iv) Subdivider shall design and install improvements on Valpico Road west of the Project to provide safe transitions to existing improvements. Subdivider shall acquire needed right-of-way on both sides of Valpico Road. Scope of roadway improvements shall be as determined by the City Engineer during the review of the improvement plans for the Project.

(v) Subdivider will be eligible to request fee credits and/or reimbursements for the cost of design and construction of improvements on Valpico Road that are in excess of Subdivider's obligation as defined in Traffic Master Plan and pursuant to Tracy Municipal Code requirements.

(vi) The Subdivider may request formation of a benefit district for recovering cost of right-of-way and construction of improvements beyond the Subdivider's frontage responsibility and not

included in City's fee program. The City will collect administrative fee, formation cost, and program management fees for forming, administering, and managing the benefit district. The Subdivider is responsible for submitting all documents such as materials receipts, payroll, equipment rental and others to show actual construction cost or expenses incurred or to support claim for reimbursement.

(vii) Improvement plans to be prepared for Valpico Road improvements shall include transition paving, widening, striping and signage, modification or removal of the existing guard rail (if required) to the east of the Project to conform to existing 4-lane street section in compliance with applicable standards to ensure safe transition for eastbound and westbound traffic on Valpico Road. The improvement plans shall also include transition paving, widening, striping and signage, modification or removal of the existing private improvements, relocation of existing overhead utility poles (if required) to the west of the Project to conform to existing street section in compliance with applicable standards to ensure safe transition for eastbound and westbound traffic on Valpico Road. The improvements shall be as approved by the City Engineer.

(viii) City has approved improvement plans to construct improvements on Corral Hollow Road to widen the street section to 4-lane configuration. The improvements on Valpico Road to be installed with the Project shall match the improvements per the approved improvement plans for Corral Hollow Road Improvements project at the intersection of Corral Hollow Road and Valpico Road. If the improvements at the intersection of Corral Hollow Road and Valpico Road are completed by the City at the time of construction of Valpico Road improvements by the Subdivider, the Subdivider shall design and construct improvements on Valpico Road to match the intersection improvements.

(ix) The construction details and specifications of bus turnout and bus shelter on Valpico Road shall be submitted for City's review at the time of review of Offsite Improvement Plans. The cost of the bus shelters and turnout and associated improvements are to be paid by the Subdivider without any reimbursement from the City.

(x) The Subdivider shall dedicate an easement for maintenance of traffic signal loops within Entry Street 1 on the Final Map, or execute a Grant Of Easement to the City, and submit legal description and plat map that describes the easement area.

(xi) Any travel lane(s) or left-turn and right-turn lane(s) and traffic signal at Entry Street 1 are considered to be site specific offsite improvements and they are Subdivider's responsibility to design and construct without any fee credits or reimbursements.

(xii) Prior to the issuance of a Building Permit for the project, the Subdivider shall dedicate a Public Utility Easement (PUE) along the full frontage of the Project on Valpico Road.

(xiii) CMU wall that is proposed to be constructed along the frontage of the project shall be located behind the right-of-way on Valpico Road. Maintenance of the wall, monument and decorative pavement at Entry Street 1 shall be the responsibility of the HOA.

c. Roadway Improvements on North side of Valpico Road- The Subdivider shall design and construct all roadway improvements on north side Valpico Road per the Valpico Road Typical

section shown on the Tentative Map and City Standards.

(i) Improvement plans to be prepared for Valpico Road improvements shall include improvements required to construct 4-lane arterial section with 5' wide Class II bike lane, curb and gutter, 5' wide sidewalk and improvements behind the sidewalk within the 3' setback to the right-of-way on the north side of Valpico Road. The improvement plans shall also include modification or removal of the existing private improvements as required to construct improvements and undergrounding of existing overhead utility poles in compliance with applicable standards. The improvement plans shall show modifications of driveways, landscape, fences, walls, mailboxes and other structures that may be impacted with the construction of the improvements.

The Subdivider shall coordinate modifications with property owners to minimize impacts to the parcels. City may require preparation of detailed exhibits for each of the parcels to provide necessary information to the owners.

d. All roadway improvements described in these Conditions of Approval must be designed and constructed by the Subdivider to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (HDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), all applicable City Regulations, and these Conditions of Approval.

The Subdivider may complete the construction of improvements on Valpico Road in two phases:

First phase consisting of design and construction of Frontage Improvements on the south side of Valpico Road, four traffic lanes (two lanes for eastbound and two lanes for westbound traffic) with interim asphalt curb on the north side of Valpico Road, and installation of the traffic signal shall be completed by the Subdivider prior to issuance of 100th building permit within the Property.

Second phase consisting of removal of interim improvements, undergrounding of overhead utilities and sidewalk on the northside of Valpico Road shall be completed by the Subdivider prior to issuance of 200th building permit within the Property.

e. The Subdivider shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements on Valpico Road, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.

f. If the Subdivider completes the construction of roadway improvements on Valpico Road as described in these Conditions of Approval that are beyond the frontage responsibility of the Project, the Subdivider may be entitled to fee credits and/or reimbursement for the program portion of the roadway improvements on Valpico Road in accordance with the OIA and Title 13 of the Tracy Municipal Code. The amount of fee credit and/or reimbursement shall be determined during the review of improvement plans.

E.4.8. Project Access and Traffic Circulation

a. Design and construction of all streets and Entry Street 1 and 2 shall comply with the findings of the Traffic Analysis by Kimley-Horn Associates, and applicable City Standards.

b. The Subdivider shall construct complete street improvements for the Private internal streets and alleys as generally shown in the Tentative Map Tract No. 3917. Subdivider shall comply with the requirements of Fire Department and Public Works Department for access and design of structural pavement for Maintenance Access roads and Fire Lane access Roads within the Development. Improvement Plans shall be submitted to Engineering Division for review and approval by the City Engineer.

i) Private Streets and alleys will be maintained by the HOA.

ii) The Subdivider shall prepare a Signing and Striping Plan for the on-site private streets and alleys. The Signing and Striping Plan shall include all stop bars, stop legends, stop signs, right-turn or left turn arrows, centerline stripes, traffic control signage, etc. as necessary for internal traffic circulation.

iii) Striping and signage for on-street parking on the internal private streets and for designated parking lots for resident, guest, employees, and visitor parking shall comply with City's standards for Off Street Parking.

iv) The Subdivider shall submit detailed plans for Parcel L, Pedestrian Access to Corral Hollow Road. The improvements proposed within Parcel L shall be submitted for review and approval by City Engineer, Public Works Director and Police Chief.

E.4.9. Irrigation and Landscaping Plans

a. All parkway landscaping improvements along the frontage of the Property on Valpico Road shall be designed and constructed in accordance with City Regulations and completed as part of the Valpico Road Frontage Improvements. Design and construction details of these improvements shall be included in the Irrigation and Landscaping Plans. Parkway landscaping shall be maintained by the HOA as part of the Long-Term Maintenance Agreement between the City and Subdivider or HOA. The parkway landscape planting and irrigation system shall be separate from the onsite landscaping plan, including a separate irrigation meter, irrigation main(s), and irrigation controller(s). Parkway landscape improvements shall conform to City standards.

b. The Subdivider shall design and install public and private improvements, including street trees, monument signs, decorative fences and walls, and other improvements at locations that shall meet requirements related to horizontal sight distance.

E.4.10. Undergrounding of Overhead Existing Overhead Utilities

a. The Subdivider shall design and underground existing utilities on the north side of Valpico Road across from the Project as part of the Frontage Improvements. The Subdivider shall coordinate design and installation of underground utilities with the utility companies and the property owners. Undergrounding of services to the existing homes shall be completed with the undergrounding. City will provide assistance in seeking cooperation of the property owners in

undergrounding of services to homes. The Subdivider shall acquire easements if required to install the underground utilities. If the Subdivider is unable to acquire the necessary easements, City may extend its power of eminent domain subject approval of the City Council.

b. Pursuant to Tracy Municipal Code, Subdivider is responsible for 50% of the cost of undergrounding of overhead utilities on the north side of Valpico Road. City may reimburse the Subdivider for costs in excess of Subdivider's obligation towards the cost of undergrounding subject to availability of funds. At the time of approval of this Development Application, City has not identified funding sources for reimbursement. City will continue its evaluation of funding sources including Rule 20-A funding.

E.4.11. Offsite Improvement Agreement

a. Prior to starting any work on Valpico Road Frontage Improvements, the Subdivider shall sign an improvement agreement (Offsite Improvement Agreement or OIA) and post improvement security in accordance with Section 12.36.080 of the TMC, to guarantee completion of the public improvements. The OIA requires approval from the City Council.

E.4.12.Traffic Impact Mitigations

a. All Applicable traffic impact mitigations identified in the Environmental Impact Report shall be complied with.

E.4.13.Traffic Control Plan - Prior to starting the work, the Subdivider shall submit a Traffic Control Plan, to show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

E.4.14.Joint Utility Trench Plans – The Subdivider shall prepare joint trench plans in compliance with utility companies' requirements and City regulations, and obtain approval of the plans. All private utility services to serve Project, including electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities.

a. The Subdivider shall submit Joint Utility Trench Plans for the installation of electric, gas, telephone and TV cable main and service lines that are necessary to be installed to serve the Project. These utilities shall be installed within the Public Utility Easement (PUE) that will be offered for dedication to the City. The Subdivider shall coordinate, as feasible, with the respective owner(s) of the utilities for the design of these underground utilities to ensure they can be installed within the PUE to the extent feasible (and except in the event, that additional space beyond the PUE is required, as determined by the utilities owner(s)).

b. The Subdivider shall verify with the respective utility owner(s) if they will allow the installation of private landscaping within the public utility easement. Subdivider shall provide the utilities' owner(s) written notification and receive permission to construct the improvements, prior to the approval of the building permit.

E.5. Building Permit - No building permit will be approved by the City until the Subdivider

demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

E.5.1. Payment of the Master Plan Fees for Citywide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park adopted by the City Council on January 7, 2014, per Resolution 2014-010.

E.5.2. Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC, and these Conditions of Approval.

E.5.3. Payment of the Agricultural Conversion or Mitigation Fee as required in Chapter 13.28 of the TMC, and these Conditions of Approval.

E.5.4. Payment of the Regional Transportation Impact Fees (RTIF) as required in Chapter 13.32 of the TMC, and these Conditions of Approval.

E.6. Acceptance of Public Improvements - Public improvements will not be accepted by the City Council until after the Subdivider completes construction of the relevant public improvements, and also demonstrates to the City Engineer satisfactory completion of the following:

E.6.1. Correction of all items listed in the deficiency report prepared by the assigned Engineering Inspector relating to public improvements subject to City Council's acceptance.

E.6.2. Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements.

E.6.3. Reasonable written permission from irrigation district or affected owner(s), if applicable, as required in Condition E.10.3, below. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.

E.7. Temporary or Final Building Certificate of Occupancy or Final Building Inspection - No Temporary or Final Building Certificate of Occupancy will be issued by the City until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

E.7.1. The Subdivider has satisfied all applicable requirements set forth in Condition E.6, above.

E.7.2. The Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Subdivider shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Subdivider shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition,

program implementation, and contingency).

E.7.3. Unless dedicated on the Final Map, signed and notarized Grant Deed with the legal description and plat map that describes the area to be dedicated to the City, for the construction of Valpico Road Improvements.

E.7.4. Unless dedicated on the Final Map, signed and notarized Grant of Public Access Easements, Emergency Vehicle Access Easements, and Utility Easements with legal description and plat maps as applicable.

E.8. Improvement Security – The Subdivider shall provide improvement security for all public facilities, as required by the OIA and these Conditions of Approval. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with section 12.36.080 of the TMC. The amount of improvement security shall be as follows:

E.8.1. Faithful Performance (100% of the estimated cost of constructing the public facilities),

E.8.2. Labor & Materials (100% of the estimated cost of constructing the public facilities), and

E.8.3. Warranty (10% of the estimated cost of constructing the public facilities)

E.9. Release of Improvement Security - Improvement Security(s) described herein shall be released to the Subdivider after City Council's acceptance of public improvements, and after the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance of these Conditions of Approval, and completion of the following:

E.9.1. Improvement Security for Faithful Performance, Labor & Materials, and Warranty shall be released to the Subdivider in accordance with Section 12.36.080 of the TMC.

E.9.2. Written request from the Subdivider and a copy of the recorded Notice of Completion.

E.10. Special Conditions

E.10.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design documents including the City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City.

E.10.2. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Subdivider shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.

E.10.3. The Subdivider 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 Subdivider 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 Subdivider.

E.10.4. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or another public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the Grading Permit, Encroachment Permit, Building Permit, Improvement Plans, and OIA, 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 Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

F. Fire Department Conditions of Approval

1. Prior to occupancy of any structures, monitored NFPA 13-R automatic sprinkler and smoke alarm systems must be installed.
2. Trees planted along fire apparatus access roads or alleys shall be maintained/pruned to provide the minimum 13.5 feet of clear vertical height or the variety provided shall be the type which will not naturally encroach into this right-of-way for emergency vehicle access.
3. Any cul-de-sac bulb that cannot accommodate fire truck turning with on-street parking shall be striped and signed "no parking" to the satisfaction of the Fire Chief.
4. All alleys shall be signed and striped "no parking" to ensure a 20-foot clear travel way at all times for emergency vehicle access.

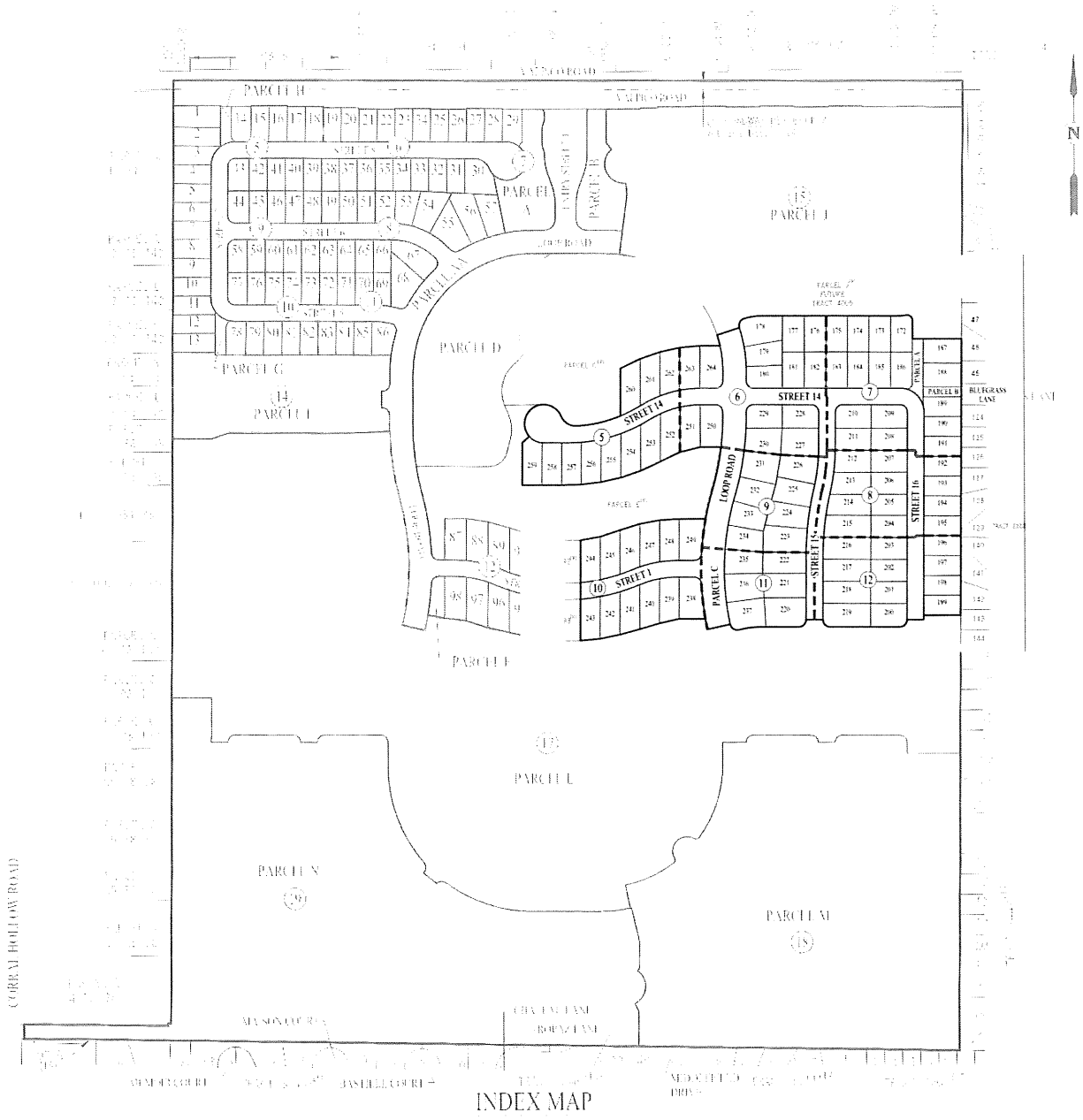
G. Public Works Conditions of Approval

1. The City requires that the Tracy Village Development project homeowners association (HOA) provide for maintenance of all landscape areas within the project boundaries, and shall join a Community Facilities district (CFD) for landscape maintenance adjacent to the project within the City's right-of-way along both Corral Hollow and Valpico Roads. While required to join the CFD, it will be kept in a "dormant" status for the private streets landscape maintenance and only activated if the HOA does not provide for maintenance as needed. Landscape maintenance on each privately owned lot will be the responsibility of the individual homeowners.

2. Landscaping shall be provided consistent with standard details of the City Master Plans.

3. The developer shall coordinate with the City's trash collector (currently Tracy Delta disposal) to allow for access through the entry gates, and shall either plan for manual collection on the alley-loaded lots, or ensure that the toters are located for pick-up by the trucks on the right hand side only.

EXHIBIT "C"
(Location Map)



INDEX MAP

APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION 2022-_____

APPROVING THE FINAL SUBDIVISION TRACT MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 4006 – TRACY VILLAGE NEIGHBORHOOD 2, AND AUTHORIZING THE CITY CLERK TO FILE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH THE SAN JOAQUIN COUNTY RECORDER

WHEREAS, on May 15, 2018, pursuant to Resolution No. 2018-087, City Council approved a San Joaquin Local Agency Formation Commission (LAFCo) annexation application to annex several parcels; approved the Tracy Village Specific Plan; approved a Vesting Tentative Subdivision Tract Map (VTSM) for Tracy Village; and certified the Environmental Impact Report (SCH#2016112016); and

WHEREAS, the project consists of 590 single-family residential homes on 135.2 acres located on the south side of Valpico Road and east of Corral Hollow Road; and

WHEREAS, the Subdivider is requesting to phase the VTSM. The first phase is Final Subdivision Tract Map for Tract 4006 – Tracy Village Neighborhood 5B which consists of 93 single-family residential homes, private streets, and other parcels to be owned and maintained by the homeowners' association; and

WHEREAS, Tract 4006 is consistent with the Final Revised Environmental Impact Report (EIR), certified by the City Council on May 15, 2018, for the Tracy Village Specific Plan, which included the Tracy Village Specific Plan (SCH#2016112016). Pursuant to CEQA Guidelines Section 15162 and Public Resources Code Section 21166, no subsequent EIR shall be prepared for the project because the project has a certified EIR and no substantial changes are proposed in the project that would require major revisions to the previous EIR; no substantial changes have occurred with respect to the circumstances under which the project will be undertaken that would require major revisions to the previous EIR; and no new information of substantial importance regarding significant effects, mitigation measures, or alternatives for this project has become known, which was not known at the time the previous EIR was certified as complete. Furthermore, as a residential subdivision that is consistent with a specific plan for which an EIR was certified after January 1, 1980, the project is exempt from the requirements of CEQA pursuant to California Government Code Section 65457. Therefore, no further environmental review is necessary; and

WHEREAS, the Conditions of Approval for the Tracy Village VTSM require the Developer to construct certain on-site public improvements connected with the approval of the Final Subdivision Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City Standards; and

WHEREAS, the Subdivider executed an Improvement Inspection Agreement (IIA) with the City in June 2022 to permit the Subdivider to begin construction of onsite improvements for the Subdivision; and

WHEREAS, the public improvements are not completed and Subdivider has executed the Subdivision Improvement Agreement (SIA) to replace the IIA and has posted the required sureties to guarantee completion of the improvements; and

WHEREAS, the Improvement Plans for the required public and private street and public utility improvements have been prepared on behalf of the Developer; have been reviewed by the City; and are approved by the City Engineer and are incorporated into the SIA for Tract 4006 by reference; now, therefore, be it

RESOLVED: That the City Council of the City of Tracy hereby approves the Final Subdivision Map and Subdivision Improvement Agreement between the City and Toll Brothers West, Inc., a Delaware corporation, and authorizes the City Clerk to file the Subdivision Improvement Agreement with the San Joaquin County Recorder; and be it

FURTHER RESOLVED: That upon completion of all improvements, the City will accept the public improvements and accept all offers of dedication of public easements, public right-of-way and other public parcels; and be it

FURTHER RESOLVED: Tract 4006 is consistent with the Final Revised Environmental Impact Report (EIR), certified by the City Council on May 15, 2018, for the Tracy Village Specific Plan, which included the Tracy Village Specific Plan (SCH#2016112016). Pursuant to CEQA Guidelines Section 15162, no further environmental review is necessary, and be it

FURTHER RESOLVED: That there will be no impact to the General Fund. The Developer will pay for the cost of inspection and processing the agreement.

* * * * * * * * * * * * * *

The foregoing Resolution 2022-_____ was adopted by the Tracy City Council on the 4th day of October 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

October 4, 2022

AGENDA ITEM 1.J

RECOMMENDATION

Staff recommends that the City Council approve the Final Subdivision Tract Map and Subdivision Improvement Agreement for Tracy Village Tract 3917 and authorize the City Clerk to file the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder.

EXECUTIVE SUMMARY

City staff requests that the City Council approve the Final Subdivision Tract Map for Tract 3917 – Tracy Village Neighborhood 5A (Tract 3917). Tract 3917 is a 98 single-family residential lot and 13 lettered parcels subdivision. Approval will facilitate recordation of the Final Subdivision Tract Map, the construction of on-site improvements, and acceptance of improvements. Ultimately, City Council approval will result in the issuance of building permits to construct the residential units. Toll Brothers West, Inc., a Delaware corporation (Subdivider), has signed the Subdivision Improvement Agreement (SIA) and posted the required security to guarantee completion of the improvements required as a condition of approval of the Final Subdivision Map.

BACKGROUND AND LEGISLATIVE HISTORY

On May 15, 2018, pursuant to Resolution No. 2018-087, the City Council approved the following:

1) Submission of a San Joaquin Local Agency Formation Commission (LAFCo) annexation application to annex several parcels into the City of Tracy, A/P13-0002; and
2) The Tracy Village Specific Plan, SPA18-0001; and
3) A Vesting Tentative Subdivision Tract Map (VTSM), TSM17-0003; and
4) Certification of the Tracy Village Environmental Impact Report.

ANALYSIS

All items are to approve the Tracy Village project which is for the construction of an age restricted gated community consisting of 590 single-family detached residential homes on 135.2 acres, located on the south side of Valpico Road and east of Corral Hollow Road (Attachment A).

The Subdivider is requesting to phase the VTSM. The Subdivider is requesting approval of the first phase: Final Subdivision Tract Map for Tract 3917 (Attachment B). Tract 3917 will subdivide a portion of the VTSM to create 98 single-family residential lots and other associated parcels located within the boundaries with the VTSM and Tracy Village Specific Plan. The Final Subdivision Tract Map for Tract 3917 has been prepared by Carlson Barbee and Gibson Civil Engineers on behalf of the Developer and reviewed by the Engineering Division. The Final Subdivision Tract Map is in substantial compliance with the approved VTSM.

The Conditions of Approval for the VTSM require the Developer to design and construct certain on-site public utility improvements connected with the approval of the Final Subdivision Tract Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City Standards. Improvement Plans for the required on-site private street improvements and public utility improvements have been prepared by Carlson Barbee and Gibson Civil Engineers on behalf of the Developer and approved by the City Engineer. Since the required improvements will not be completed prior to the recordation of the Final Subdivision Tract Map, the Developer has executed an SIA (Attachment C) and provided the appropriate sureties to guarantee completion of the improvements. The sureties are approved to form by the City Attorney as stipulated by the Subdivision Map Act and City Municipal Code. The Developer is requesting the City execute and record the SIA to guarantee the completion of the improvements as authorized by Government Code Section 66462.

This Subdivision Improvement Agreement replaces the Inspection Improvement Agreement (IIA) that was approved by the City Manager in June 2022.

Upon completion of all improvements, the City will accept the public utility improvements for maintenance and complete acceptance of all irrevocable offers of dedication of public easements, right-of-way, and other public parcels at that time. The streets will remain private and will be owned and maintained by a private homeowners' association. The City and City services will have easements to enter the private streets to maintain, repair, and reconstruct.

The Improvement Plans are on file with the City Engineer and are available for review upon request.

FISCAL IMPACT

There will be no impact to the General Fund. The Subdivider has paid the applicable engineering plan check fees which include the cost of review of the Improvement Plans and Final Subdivision Tract Map and processing the Agreement. The Subdivider has also paid the applicable engineering inspection fees to allow construction inspection.

CEQA DETERMINATION

Tract 3917 is consistent with the Final Revised Environmental Impact Report (EIR), certified by the City Council on May 15, 2018, for the Tracy Village Specific Plan, which included the Tracy Village Specific Plan (SCH#2016112016). Pursuant to CEQA Guidelines Section 15162 and Public Resources Code Section 21166, no subsequent EIR shall be prepared for the project because the project has a certified EIR and no substantial changes are proposed in the project that would require major revisions to the previous EIR; no substantial changes have occurred with respect to the circumstances under which the project will be undertaken that would require major revisions to the previous EIR; and no new information of substantial importance regarding significant effects, mitigation measures, or alternatives for this project has become known, which was not known at the time the previous EIR was certified as complete. Furthermore, as a residential subdivision that is consistent with a specific plan for which an EIR was certified after January 1, 1980, the project is exempt from the requirements of CEQA pursuant to California Government Code Section 65457. Therefore, no further environmental review is necessary.

STRATEGIC PLAN

This agenda item is consistent with the Council approved Economic Development Strategy to ensure physical infrastructure necessary for development.

ACTION REQUESTED OF THE CITY COUNCIL

That City Council, by resolution, approve the Final Subdivision Tract Map and Subdivision Improvement Agreement for Tract 3917 – Tracy Village Neighborhood 5A and authorize the City Clerk to file the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder.

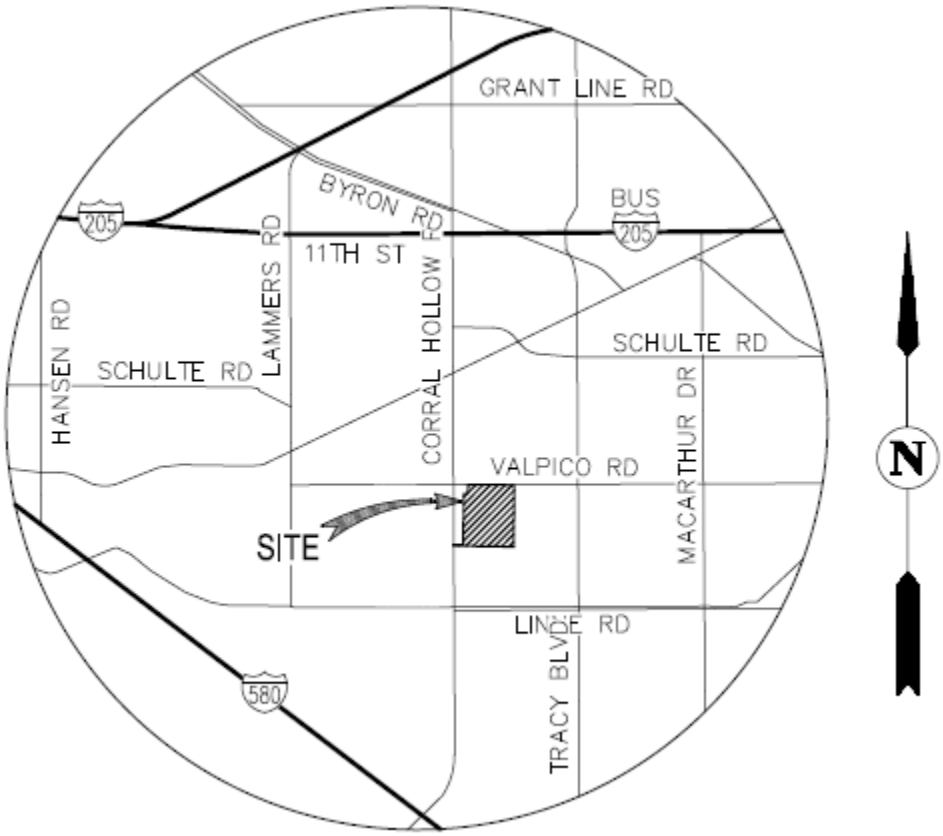
Respectfully submitted,

KRIS BALAJI
Director, Development Services Department

ATTACHMENTS

Attachment A – Vicinity Map
Attachment B – Final Subdivision Map
Attachment C – Subdivision Improvement Agreement

Attachment A



TRACT NO. 3917

SUBDIVISIONS OF SAN JOAQUIN COUNTY, CALIFORNIA

TRACY VILLAGE NEIGHBORHOOD 5A

CONSISTING OF 19 SHEETS

BEING A SUBDIVISION OF PARCELS B AND C OF THE PARCEL MAP RECORDED FEBRUARY 24, 1977, IN BOOK 4 OF PARCEL MAPS, AT PAGE 34, S.J.C.R.

BEING A PORTION OF SECTION 5, T3S, R5E, MDB&M

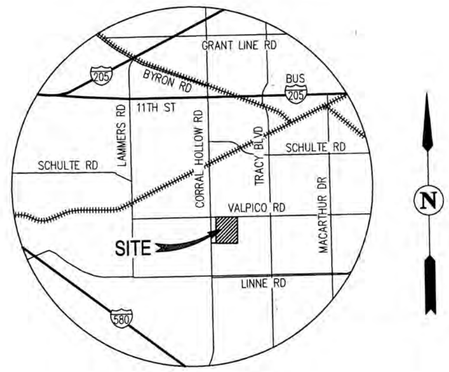
CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

cbg CIVIL ENGINEERS

SAN RAMON ▪ (925) 866-0322
SACRAMENTO ▪ (916) 375-1877
WWW.CBANDG.COM

SURVEYORS ▪ PLANNERS

APRIL 2022



VICINITY MAP

NOT TO SCALE

OWNER'S STATEMENT

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE ALL THE PARTIES HAVING RECORD TITLE INTEREST IN THE LANDS SUBDIVIDED AND SHOWN ON THIS FINAL MAP OF "TRACT NO. 3917, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY VILLAGE NEIGHBORHOOD 5A, CITY OF TRACY, CALIFORNIA", AND WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS MAP IN THE OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, CALIFORNIA.

THE FOLLOWING DESCRIBED PROPERTY IS HEREBY DEDICATED IN FEE FOR PUBLIC PURPOSES:

1) VALPICO ROAD, FOR ROADWAY AND UTILITY PURPOSES.

THE FOLLOWING DESCRIBED PROPERTY IS HEREBY DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES:

1) ALL PUBLIC UTILITY EASEMENTS AS SHOWN ON THIS FINAL MAP.
2) ALL EMERGENCY VEHICLE ACCESS EASEMENTS AS SHOWN ON THIS FINAL MAP.
3) ALL TRAFFIC SIGNAL LOOP EASEMENTS AS SHOWN ON THIS FINAL MAP.
4) ALL SANITARY SEWER EASEMENTS AS SHOWN ON THIS FINAL MAP.
5) ALL WATER LINE EASEMENTS AS SHOWN ON THIS FINAL MAP.

WE HEREBY STATE THAT PARCELS A, B, C, D, E, AND F ARE FOR PRIVATE PARK AND RECREATION PURPOSES AND SHALL BE GRANTED TO THE HOMEOWNERS ASSOCIATION.

WE ALSO HEREBY STATE THAT PARCELS G AND H ARE FOR PRIVATE INGRESS AND EGRESS PURPOSES AND SHALL BE GRANTED TO THE HOMEOWNERS ASSOCIATION.

WE HEREBY STATE THAT PARCEL AA IS A PRIVATE ROADWAY NOT INTENDED FOR PUBLIC DEDICATION AND SHALL BE GRANTED TO THE HOMEOWNERS ASSOCIATION.

WE HEREBY STATE THAT ALL PRIVATE ACCESS EASEMENTS ARE INTENDED FOR PRIVATE PEDESTRIAN AND VEHICULAR INGRESS, EGRESS, AND CIRCULATION, ARE NOT INTENDED FOR PUBLIC DEDICATION, AND SHALL BE GRANTED TO THE HOMEOWNERS ASSOCIATION.

PARCELS I, J, K, L, M, AND N ARE RESERVED FOR FUTURE DEVELOPMENT.

AS OWNER: DRP CA 6, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: Houdin Honarvar

NAME: HOUDIN HONARVAR

TITLE: AUTHORIZED SIGNATORY

DATE: APRIL 5, 2022

OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF NEW YORK } SS.
COUNTY OF NEW YORK }

ON APRIL 5, 2022, BEFORE ME, Kevin Childs, A NOTARY PUBLIC, PERSONALLY APPEARED HOUDIN HONARVAR, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF ~~CALIFORNIA~~ NEW YORK THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL:

SIGNATURE: K Childs

NAME (PRINT): Kevin Childs

PRINCIPAL COUNTY OF BUSINESS: New York

MY COMMISSION NUMBER: NO. 01CH6267728

MY COMMISSION EXPIRES: 08/20/2024

OPTIONEE'S STATEMENT

THE UNDERSIGNED CORPORATION, AS OPTIONEE UNDER THE MEMORANDUM OF OPTION RECORDED ON MAY 21, 2021, DOCUMENT NUMBER 2021-088970 OF OFFICIAL RECORDS, SAN JOAQUIN COUNTY, CALIFORNIA; DOES HEREBY JOIN IN AND CONSENT TO THE FOREGOING OWNERS STATEMENT AND ALL DEDICATIONS SHOWN HEREIN.

TOLL WEST INC. WHICH WILL DO BUSINESS IN CALIFORNIA AS TOLL BROTHERS WEST INC., A DELAWARE CORPORATION

BY:

NAME: TODD CALLAHAN

TITLE: DIVISION PRESIDENT

DATE: 4/6/22

OPTIONEE'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF California } SS.
COUNTY OF Alameda }

ON April 06, 2022, BEFORE ME, Rosana Haydee Martinez Sedano, A NOTARY PUBLIC, PERSONALLY APPEARED Todd Callahan, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/~~SHE/THEY~~ EXECUTED THE SAME IN HIS/~~HER/THEIR~~ AUTHORIZED CAPACITY(~~IES~~), AND THAT BY HIS/~~HER/THEIR~~ SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL:

SIGNATURE: Martinez

NAME (PRINT): Rosana Haydee Martinez Sedano

PRINCIPAL COUNTY OF BUSINESS: Alameda

MY COMMISSION NUMBER: 2241260

MY COMMISSION EXPIRES: May 5, 2022

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 202____, AT _____

____M. IN BOOK_____OF MAPS AND PLATS, AT PAGE _____, AT THE REQUEST OF FIRST AMERICAN TITLE COMPANY.

FEE: $ _____

_____
STEVE J. BESTOLARIDES
ASSESSOR-RECORDER-COUNTY CLERK

BY: _____
ASSISTANT/DEPUTY RECORDER

JOB NO. 2043-000

TRACT NO. 3917

SUBDIVISIONS OF SAN JOAQUIN COUNTY, CALIFORNIA

TRACY VILLAGE NEIGHBORHOOD 5A

CONSISTING OF 19 SHEETS

BEING A SUBDIVISION OF PARCELS B AND C OF THE PARCEL MAP RECORDED FEBRUARY 24, 1977, IN BOOK 4 OF PARCEL MAPS, AT PAGE 34, S.J.C.R.

BEING A PORTION OF SECTION 5, T3S, R5E, MDB&M

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

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CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS
SAN RAMON ▪ (925) 866-0322
SACRAMENTO ▪ (916) 375-1877
WWW.CBANDG.COM

APRIL 2022

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF DRP CA 6, LLC. IN MAY 2021. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE DECEMBER 31, 2024; AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED AND THAT THIS TRACT MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

4/4/2022
DATE

LICENSED LAND SURVEYOR MARK H. WEHBER 7960 STATE OF CALIFORNIA

MARK H. WEHBER, P.L.S.
L.S. NO. 7960

STATEMENT OF THE SURVEYOR FOR THE CITY

I, DAVID W. ENKE, HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT NO. 3917, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY VILLAGE NEIGHBORHOOD 5A, CITY OF TRACY, CALIFORNIA", AND THAT THE SUBDIVISION SHOWN HEREON COMPLIES WITH ALL THE PROVISIONS OF CHAPTER 2 OF THE CALIFORNIA SUBDIVISION MAP ACT, AS AMENDED, AND THAT THIS FINAL MAP IS TECHNICALLY CORRECT.

DAVID W. ENKE, L.S. 4071
SURVEYOR FOR THE CITY

DATE

LICENSED LAND SURVEYOR DAVID W. ENKE 4071 STATE OF CALIFORNIA

CITY ENGINEER'S STATEMENT

I ROBERT ARMIJO, HEREBY STATE THAT I AM THE CITY ENGINEER OF THE CITY OF TRACY, CALIFORNIA AND THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT NO. 3917, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY VILLAGE NEIGHBORHOOD 5A, CITY OF TRACY, CALIFORNIA", AND THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF CHAPTER 2 OF THE SUBDIVISION MAP ACT AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

ROBERT ARMIJO, R.C.E. 63173
CITY ENGINEER

DATE:

SOILS REPORT

A SOILS REPORT WAS PREPARED BY ENGEO INCORPORATED, DATED APRIL 12, 2017, PROJECT NO. 10091.000.000, SIGNED BY STEVE HARRIS, GE AND HAS BEEN FILED AT THE OFFICE OF THE CITY ENGINEER.

NOTES:

1. APPROVAL OF THIS FINAL MAP IS SUBJECT TO THE APPLICABLE REQUIREMENTS OF THE TENTATIVE SUBDIVISION MAP FOR TRACY VILLAGE, TRACT NO 3917 CONDITIONS OF APPROVAL THAT WAS APPROVED BY THE CITY COUNCIL ON MAY 15, 2018, PURSUANT TO RESOLUTION 2018-087.

2. THE SAN JOAQUIN COUNTY AIRPORT LAND USE COMMISSION'S AIRPORT LAND USE COMPATIBILITY PLAN IDENTIFIES THE TRACY MUNICIPAL AIRPORT'S AIRPORT INFLUENCE AREA. PROPERTIES WITHIN THIS AREA ARE ROUTINELY SUBJECT TO OVERFLIGHTS BY AIRCRAFT USING THIS PUBLIC-USE AIRPORT AND, AS A RESULT, RESIDENTS MAY EXPERIENCE INCONVENIENCE, ANNOYANCE, OR DISCOMFORT ARISING FROM THE NOISE OF SUCH OPERATIONS. STATE LAW (PUBLIC UTILITIES CODE SECTION 21670 ET SEQ.) ESTABLISHES THE IMPORTANCE OF PUBLIC USE AIRPORTS TO THE PUBLIC INTEREST OF THE PEOPLE OF THE STATE OF CALIFORNIA. RESIDENTS OF PROPERTY NEAR SUCH AIRPORTS SHOULD THEREFORE BE PREPARED TO ACCEPT THE INCONVENIENCE, ANNOYANCE, OR DISCOMFORT FROM NORMAL AIRCRAFT OPERATIONS. RESIDENTS ALSO SHOULD BE AWARE THAT THE CURRENT VOLUME OF AIRCRAFT ACTIVITY MAY INCREASE IN THE FUTURE. ANY SUBSEQUENT DEED CONVEYING THIS PARCEL OR SUBDIVISIONS THEREOF SHALL CONTAIN A STATEMENT IN SUBSTANTIALLY THIS FORM.

3. ALL PERSONS PURCHASING LOTS WITHIN THE BOUNDARIES OF THIS APPROVED MAP SHOULD BE PREPARED TO ACCEPT THE INCONVENIENCES OR DISCOMFORTS ASSOCIATED WITH AGRICULTURAL OPERATIONS OR ACTIVITIES, SUCH AS NOISE, ODORS, INSECTS, DUST OR FUMES. SAN JOAQUIN COUNTY HAS DETERMINED THAT SUCH INCONVENIENCES OR DISCOMFORTS SHALL NOT BE CONSIDERED TO BE A NUISANCE.

4. UPON REVIEW OF 13 RS 13, 2890 OR 264, 24 RS 170, AND 4 PM 34, IT WAS DETERMINED THAT THERE IS NO JOG AT THE SOUTHEAST CORNER OF PARCEL B, 4 PM 34, AND THAT THE INTENTION OF THE DEEDS WAS TO FOLLOW THE MID-SECTION LINE OF SECTION 5, WHICH WAS SURVEYED IN A DIFFERENT LOCATION SUBSEQUENT TO THE ORIGINAL DEEDS.

CITY CLERK'S STATEMENT

THIS IS TO STATE THAT AT ITS REGULARLY HELD MEETING ON THE _____DAY OF _____, 20_____, THE CITY COUNCIL OF THE CITY OF TRACY, CALIFORNIA PER COUNCIL RESOLUTION NO. _____ APPROVED THIS FINAL MAP OF "TRACT NO. 3917, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY VILLAGE NEIGHBORHOOD 5A, CITY OF TRACY, CALIFORNIA", ACCEPTED ON BEHALF OF THE PUBLIC FOR PUBLIC USE THE OFFER OF DEDICATION IN FEE OF VALPICO ROAD, SUBJECT TO SATISFACTORY COMPLETION OF IMPROVEMENTS THEREON OF SAID STREET RIGHTS-OF-WAY IN ACCORDANCE WITH TITLES 10 AND 12 OF THE TRACY MUNICIPAL CODE, AND ANY AMENDMENTS THERETO, APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP;

ACCEPTED ON BEHALF OF THE PUBLIC FOR PUBLIC USE THE OFFERS OF DEDICATION OF ALL PUBLIC UTILITY EASEMENTS, EMERGENCY VEHICLE ACCESS EASEMENTS, TRAFFIC SIGNAL LOOP EASEMENTS, SANITARY SEWER EASEMENTS, AND WATER LINE EASEMENTS AS SHOWN ON THIS FINAL MAP.

ADRIANNE RICHARDSON
CITY CLERK AND CLERK OF THE COUNCIL

DATE

CERTIFICATE OF DEDICATION

THE CITY OF TRACY SHALL RECONVEY VALPICO ROAD TO THE BELOW NAMED OWNER, OR SUCCESSOR IN INTEREST, IF THE CITY DETERMINES PURSUANT TO GOVERNMENT CODE SECTION 66477.5 THAT THE SAME PUBLIC PURPOSES FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST, OR THE PROPERTY OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITIES.

OWNER'S NAME: DRP CA 6, LLC, C/O TOLL BROS., INC
ADDRESS: 725 TOWN AND COUNTRY RD, SUITE 200
CITY/STATE: ORANGE, CA 92868

TRACT NO. 3917

SUBDIVISIONS OF SAN JOAQUIN COUNTY, CALIFORNIA

TRACY VILLAGE NEIGHBORHOOD 5A

CONSISTING OF 19 SHEETS

BEING A SUBDIVISION OF PARCELS B AND C OF THE PARCEL MAP RECORDED FEBRUARY 24, 1977, IN BOOK 4 OF PARCEL MAPS, AT PAGE 34, S.J.C.R.

BEING A PORTION OF SECTION 5, T3S, R5E, MDB&M

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

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SCALE: 1" = 200' APRIL 2022

200' 0' 100' 200' 400' 800'

GRAPHIC SCALE

BASIS OF BEARINGS:

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LEGEND

———	SUBDIVISION BOUNDARY LINE
———	RIGHT OF WAY LINE
———	LOT LINE
- - - - - - - - - -	EASEMENT LINE
——— — ———	CENTERLINE
(T)	TOTAL
(R)	RADIAL
(LL)	LOT LINE
(CL–PL)	CENTERLINE TO PROPERTY LINE
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⊗, SNF	SEARCHED FOR, NOT FOUND
DN	DOCUMENT NUMBER
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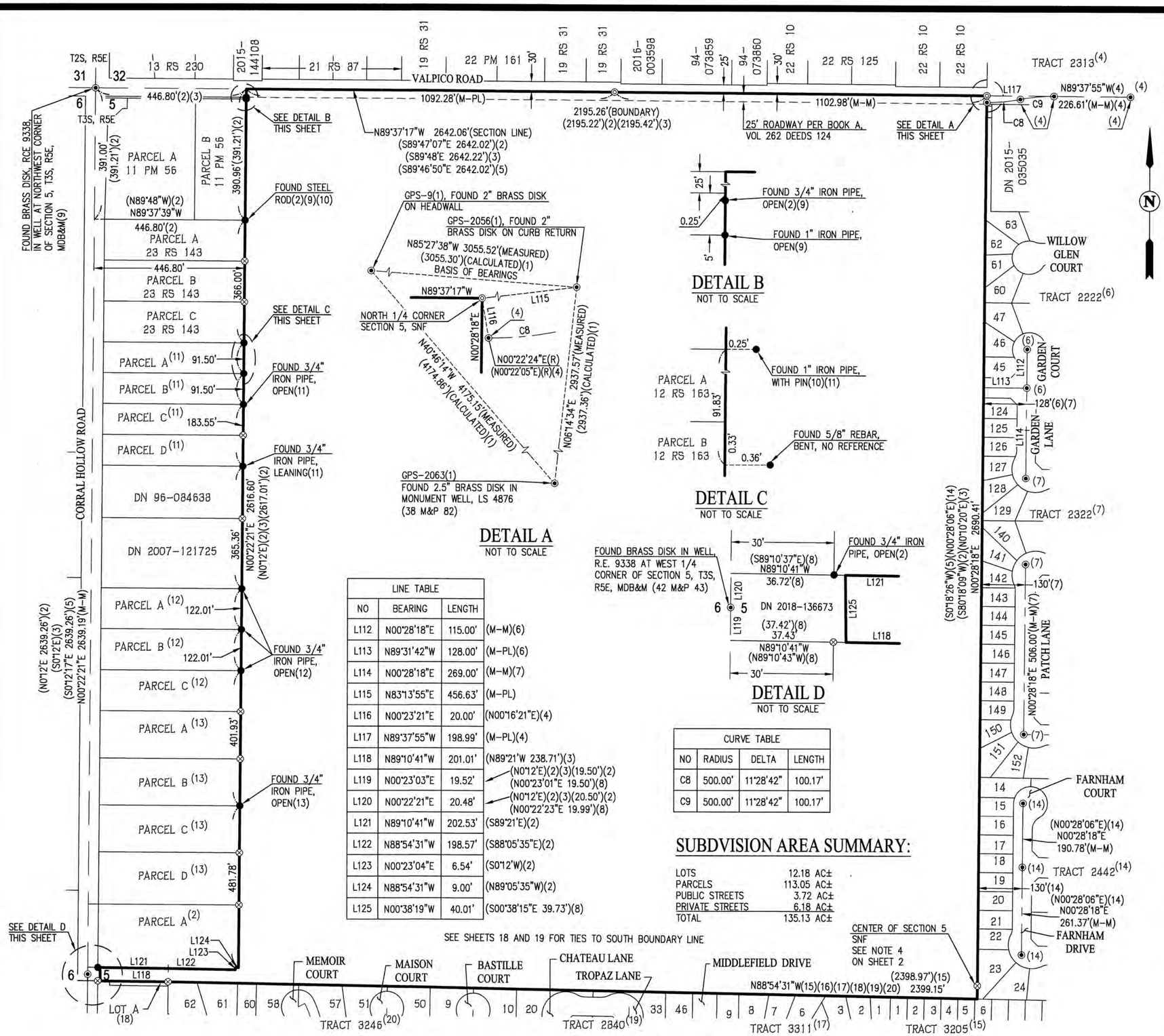
PUE	PUBLIC UTILITY EASEMENT
TSLE	TRAFFIC SIGNAL LOOP EASEMENT
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT

NOTE:

1. ALL DISTANCES SHOWN ARE MEASURED UNLESS OTHERWISE NOTED

REFERENCES:

(#)	INDICATES REFERENCE NUMBER
(1)	RECORD OF SURVEY (36 RS 118)
(2)	PARCEL MAP (4 PM 34)
(3)	RECORD OF SURVEY (13 RS 13)
(4)	TRACT NO. 2313 (32 M&P 38)
(5)	RECORD OF SURVEY (24 RS 170)
(6)	TRACT NO. 2222 (29 M&P 61)
(7)	TRACT NO. 2322 (30 M&P 66)
(8)	DEED (DN 2018–136673)
(9)	PARCEL MAP (11 PM 56)
(10)	RECORD OF SURVEY (23 RS 143)
(11)	RECORD OF SURVEY (12 RS 163)
(12)	RECORD OF SURVEY (26 RS 168)
(13)	RECORD OF SURVEY (25 RS 32
(14)	TRACT 2442 (32 M&P 4)
(15)	TRACT 3205 (37 M&P 7)
(16)	TRACT 2836 (35 M&P 94)
(17)	TRACT 3311 (39 M&P 11)
(18)	TRACT 2829 (34 M&P 5)
(19)	TRACT 2848 (35 M&P 41)
(20)	TRACT 3246 (37 M&P 33)



LINE TABLE			
NO	BEARING	LENGTH	
L112	N00°28'18"E	115.00'	(M–M)(6)
L113	N89°31'42"W	128.00'	(M–PL)(6)
L114	N00°28'18"E	269.00'	(M–M)(7)
L115	N83°13'55"E	456.63'	(M–PL)
L116	N00°23'21"E	20.00'	(N00°16'21"E)(4)
L117	N89°37'55"W	198.99'	(M–PL)(4)
L118	N89°10'41"W	201.01'	(N89°21'W 238.71')(3)
L119	N00°23'03"E	19.52'	(N0°12'E)(2)(3)(19.50')(2) (N00°23'01"E 19.50')(8)
L120	N00°22'21"E	20.48'	(N0°12'E)(2)(3)(20.50')(2) (N00°22'23"E 19.99')(8)
L121	N89°10'41"W	202.53'	(S89°21'E)(2)
L122	N88°54'31"W	198.57'	(S88°05'35"E)(2)
L123	N00°23'04"E	6.54'	(S0°12'W)(2)
L124	N88°54'31"W	9.00'	(N89°05'35"W)(2)
L125	N00°38'19"W	40.01'	(S00°38'15"E 39.73')(8)

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C8	500.00'	11°28'42"	100.17'
C9	500.00'	11°28'42"	100.17'

SUBDVISION AREA SUMMARY:

LOTS	12.18 AC±
PARCELS	113.05 AC±
PUBLIC STREETS	3.72 AC±
PRIVATE STREETS	6.18 AC±
TOTAL	135.13 AC±

BOUNDARY MAP

JOB NO. 2043-000

TRACT NO. 3917

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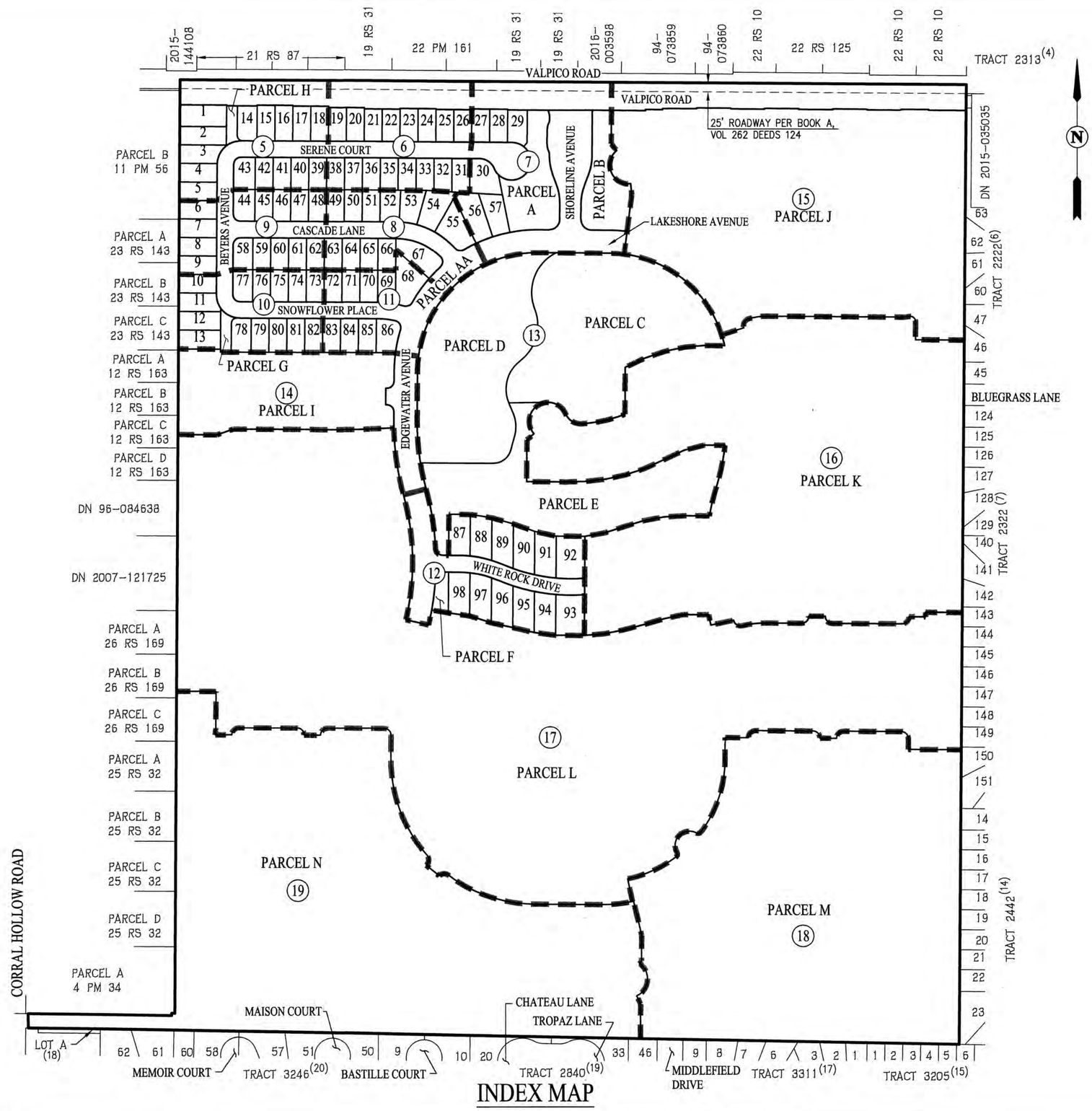
WLE	WATER LINE EASEMENT
- - - -	SHEET LIMIT
(16)	SHEET NUMBER



INDEX MAP

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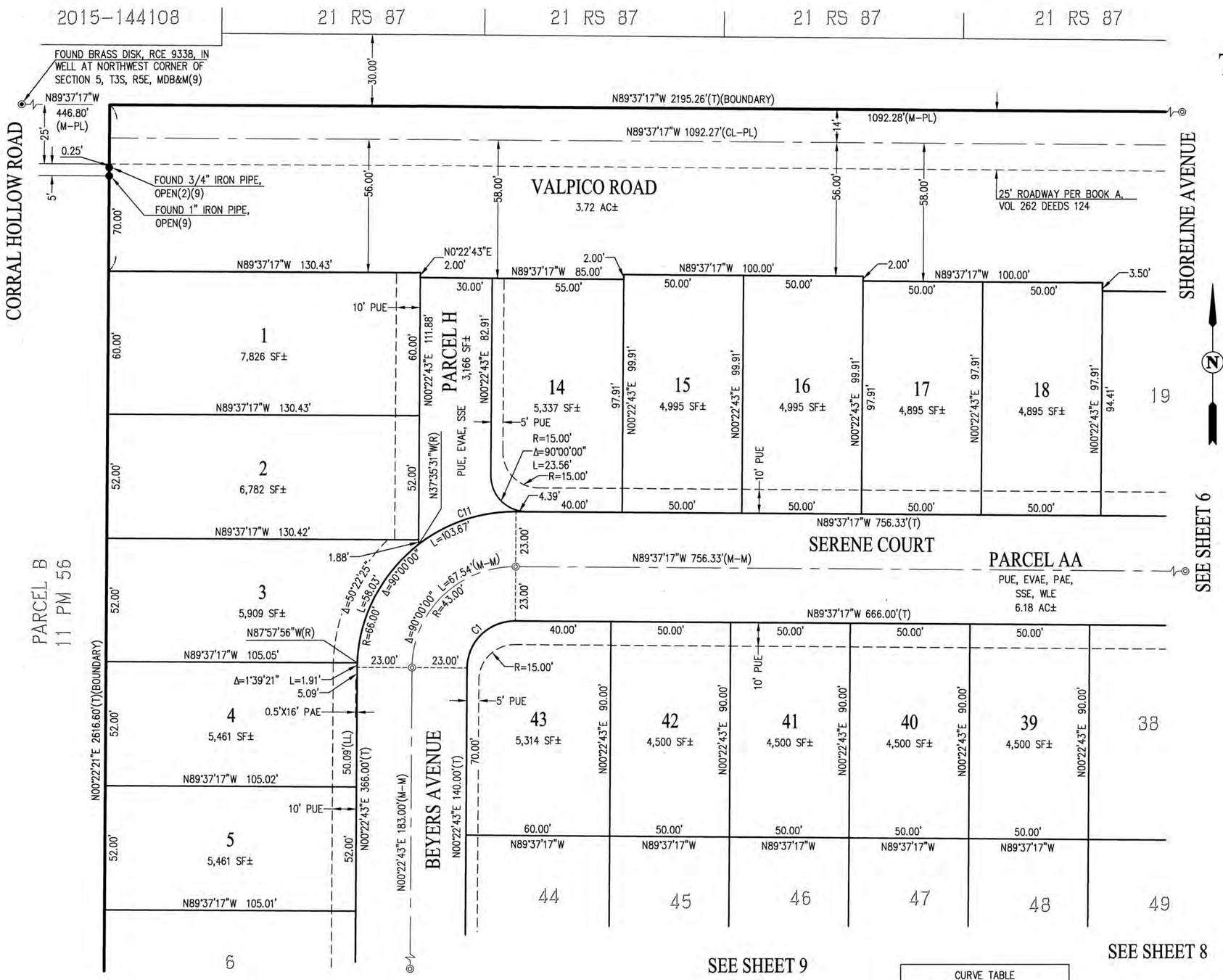

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CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	20.00'	90°00'00"	31.42'
C11	66.00'	37°58'14"	43.73'

NOTE:

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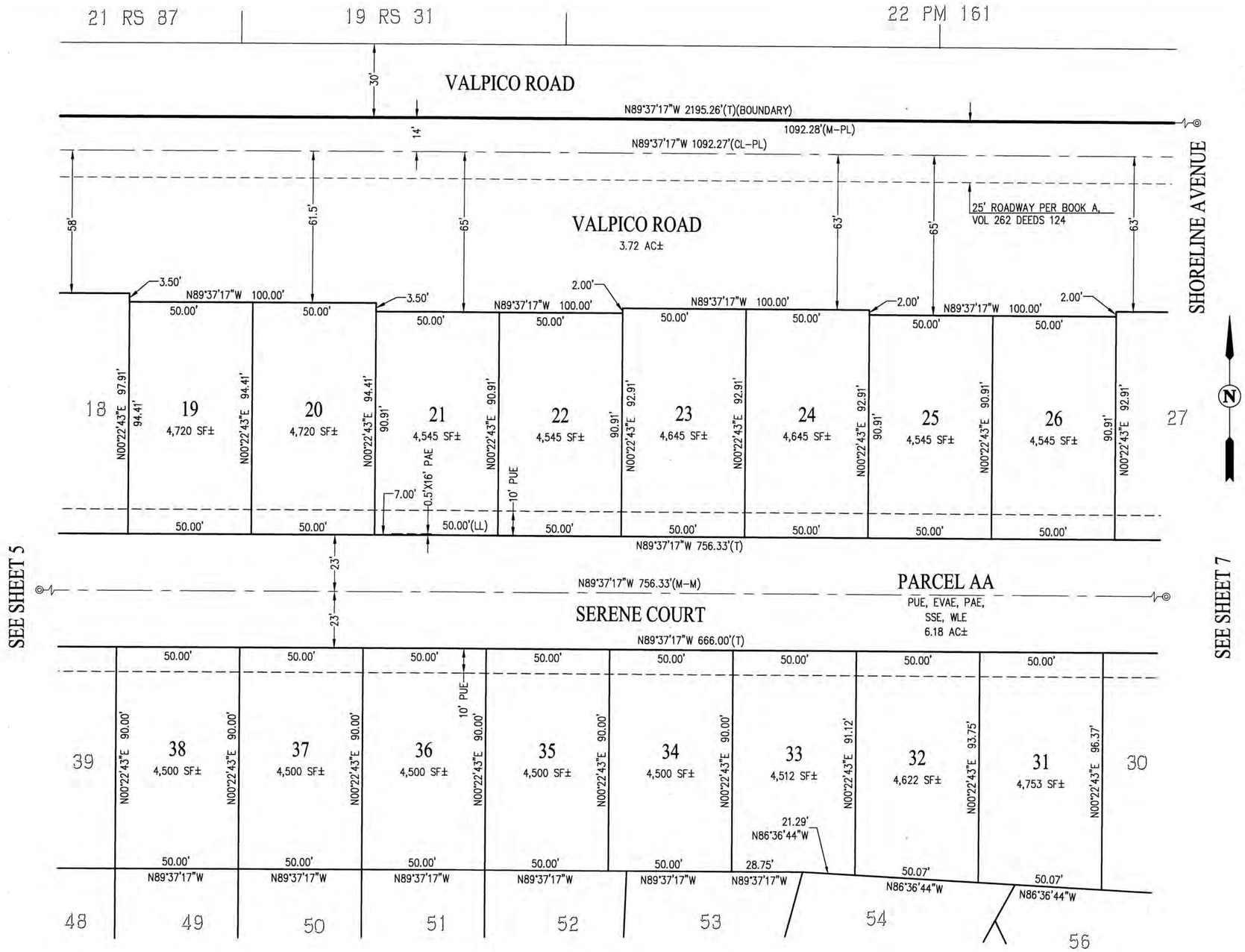

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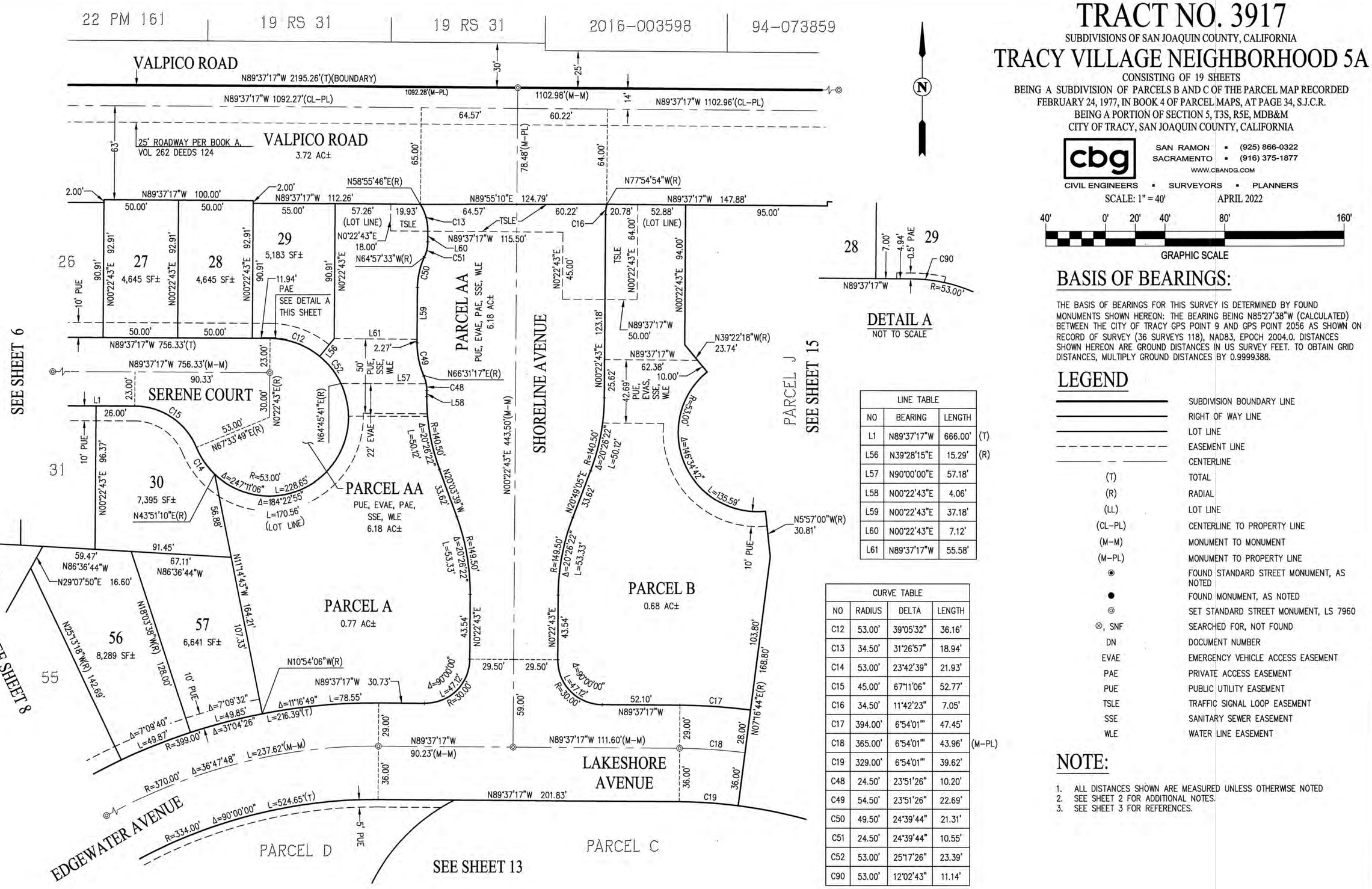
SCALE: 1" = 40' APRIL 2022

40' 0' 20' 40' 80' 160'

GRAPHIC SCALE


22 PM 161
19 RS 31
19 RS 31
2016-003598
94-073859
VALPICO ROAD
N89°37'17"W 2195.26'(T)(BOUNDARY)
N89°37'17"W 1092.27'(CL-PL)
1092.28'(M-PL)
1102.98'(M-M)
N89°37'17"W 1102.96'(CL-PL)
25' ROADWAY PER BOOK A, VOL 262 DEEDS 124
VALPICO ROAD
3.72 AC±
SEE SHEET 6
SEE SHEET 15
PARCEL J
SHORELINE AVENUE
SERENE COURT
PARCEL AA
PUE, EVAE, PAE, SSE, WLE
6.18 AC±
PARCEL A
0.77 AC±
PARCEL B
0.68 AC±
LAKESHORE AVENUE
EDGEWATER AVENUE
PARCEL D
PARCEL C
SEE SHEET 13
SEE SHEET 8
26
27
4,645 SF±
28
4,645 SF±
29
5,183 SF±
30
7,395 SF±
31
54
55
56
8,289 SF±
57
6,641 SF±
10' PUE
11.94' PAE
SEE DETAIL A THIS SHEET
N89°37'17"W 756.33'(T)
N89°37'17"W 756.33'(M-M)
90.33'
N89°37'17"W 100.00'
N89°37'17"W 112.26'
N89°55'10"E 124.79'
N89°37'17"W 147.88'
N89°37'17"W 115.50'
N58°55'46"E(R)
N77°54'54"W(R)
N64°57'33"W(R)
N66°31'17"E(R)
N64°45'41"E(R)
N67°33'49"E(R)
N43°51'10"E(R)
N10°54'06"W(R)
N25°13'18"W(R) 142.69'
N39°22'18"W(R)
23.74'
N5°57'00"W(R)
30.81'
N89°37'17"W 30.73'
N89°37'17"W 201.83'
N89°37'17"W 111.60'(M-M)
N89°37'17"W 90.23'(M-M)
N89°37'17"W 62.38'
N89°37'17"W 50.00'
N89°37'17"W 52.10'
N89°37'17"W
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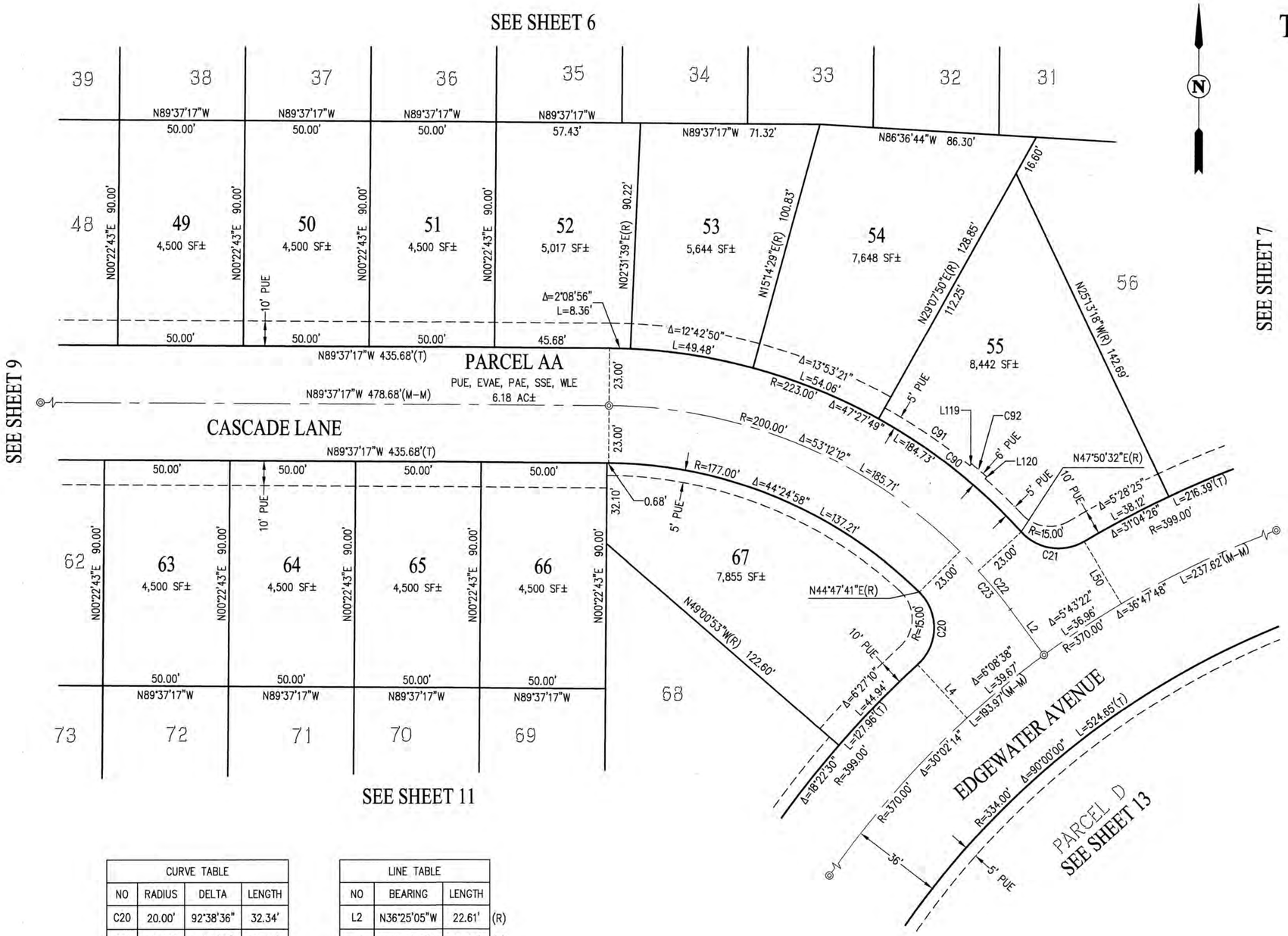

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CURVE TABLE			
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C21	20.00'	78°32'15"	27.41'
C22	200.00'	5°44'23"	20.04'
C23	200.00'	8°47'14"	30.67'
C90	223.00'	18°42'42"	72.83'
C91	228.00'	10°20'18"	41.14'
C92	229.00'	2°00'06"	8.00'

LINE TABLE			
NO	BEARING	LENGTH	
L2	N36°25'05"W	22.61'	(R)
L4	N42°33'43"W	29.00'	(R)
L50	N30°41'43"W	29.00'	(R)
L119	N39°28'08"E	1.00'	(R)
L120	N41°28'14"E	1.00'	(R)

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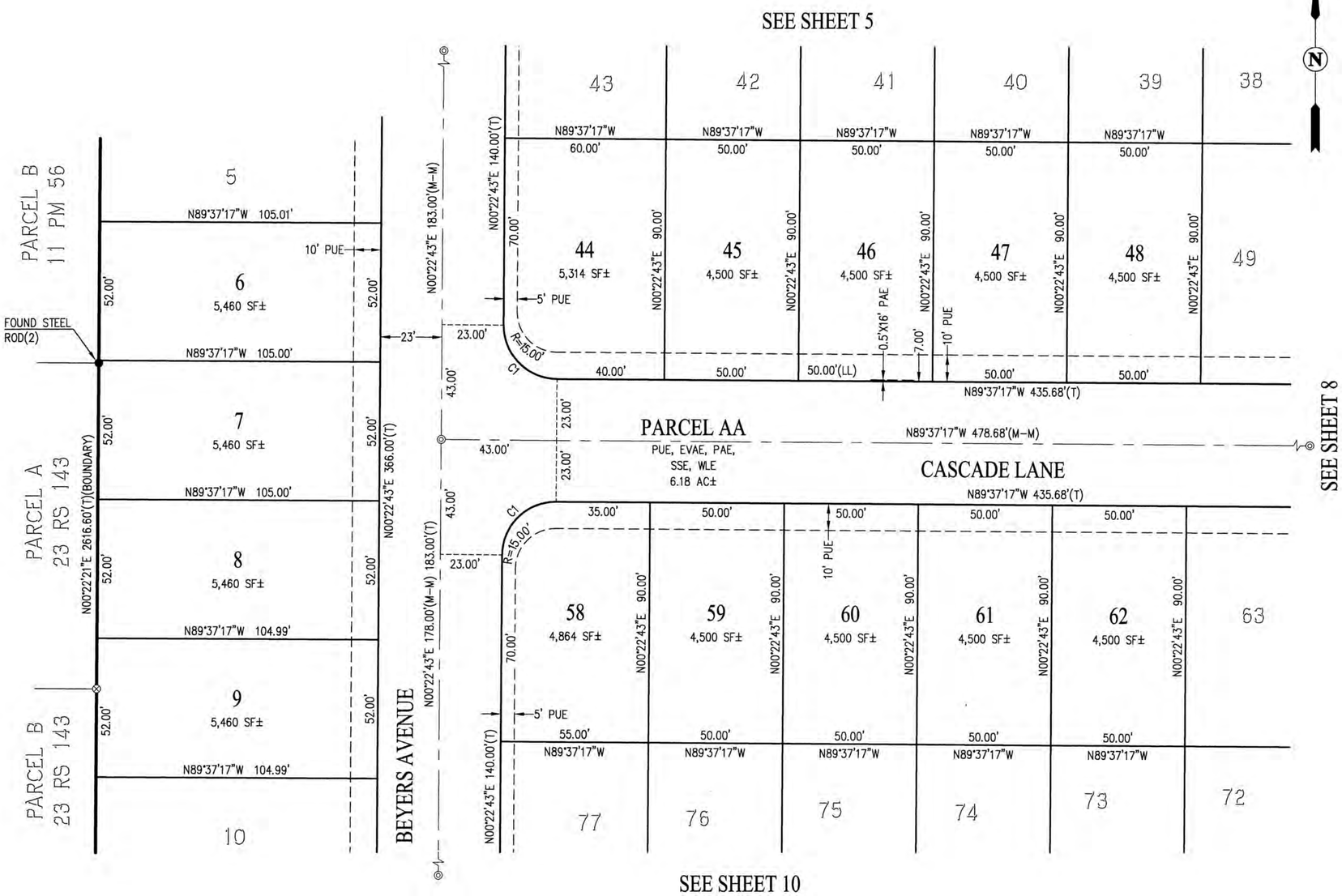

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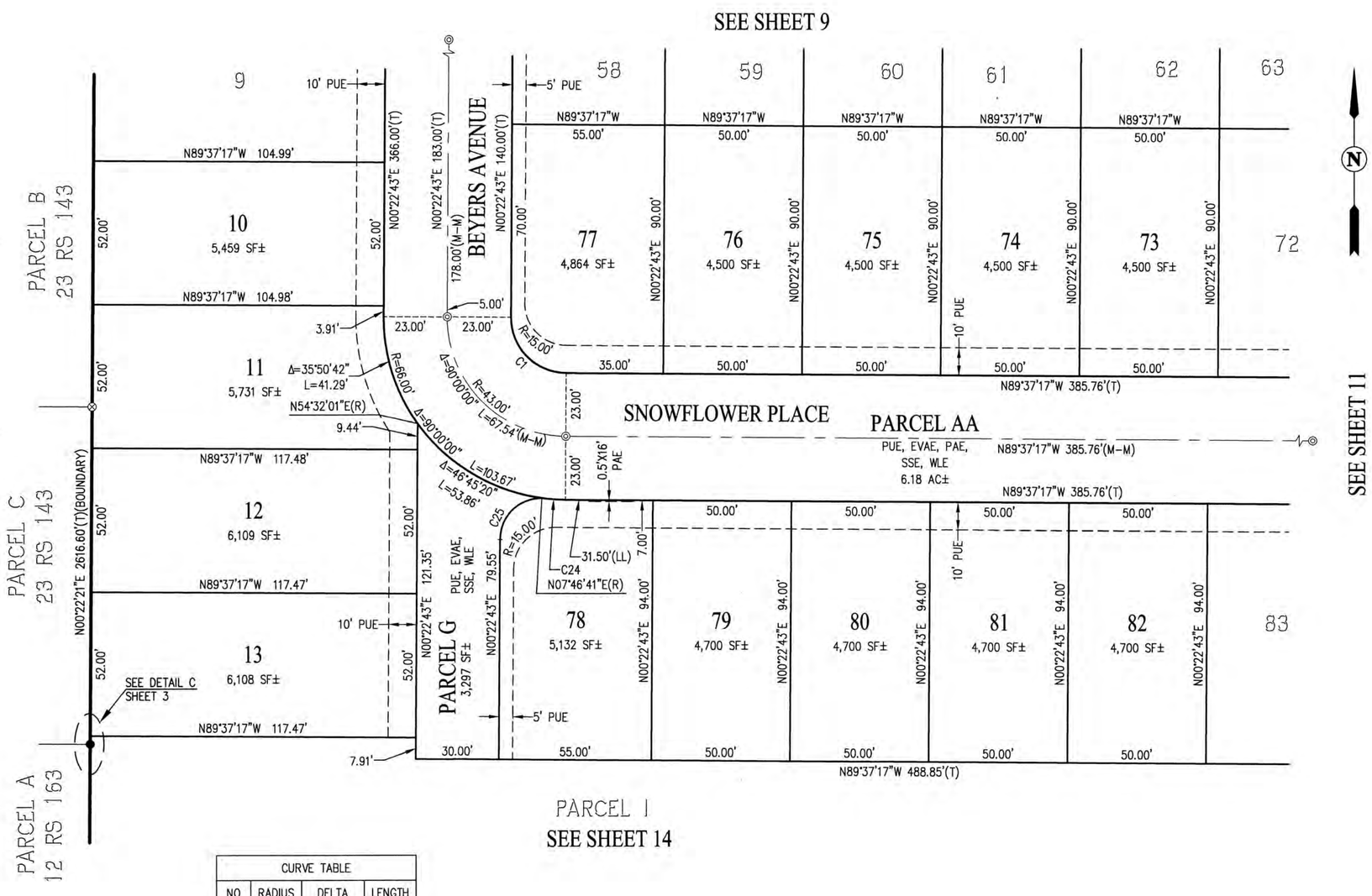

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	20.00'	90°00'00"	31.42'
C24	66.00'	7°23'58"	8.52'
C25	15.00'	90°00'00"	23.56'

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS SHOWN HEREON: THE BEARING BEING N85°27'38"W (CALCULATED) BETWEEN THE CITY OF TRACY GPS POINT 9 AND GPS POINT 2056 AS SHOWN ON RECORD OF SURVEY (36 SURVEYS 118), NAD83, EPOCH 2004.0. DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN US SURVEY FEET. TO OBTAIN GRID DISTANCES, MULTIPLY GROUND DISTANCES BY 0.9999388.

LEGEND

———	SUBDIVISION BOUNDARY LINE
———	RIGHT OF WAY LINE
———	LOT LINE
- - - - - - - - -	EASEMENT LINE
——— – ———	CENTERLINE
(T)	TOTAL
(R)	RADIAL
(LL)	LOT LINE
(CL-PL)	CENTERLINE TO PROPERTY LINE
(M-M)	MONUMENT TO MONUMENT
(M-PL)	MONUMENT TO PROPERTY LINE
⊙	FOUND STANDARD STREET MONUMENT, AS NOTED
●	FOUND MONUMENT, AS NOTED
◎	SET STANDARD STREET MONUMENT, LS 7960
⊗, SNF	SEARCHED FOR, NOT FOUND
DN	DOCUMENT NUMBER
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
PAE	PRIVATE ACCESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
TSLE	TRAFFIC SIGNAL LOOP EASEMENT
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT

NOTE:

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3. SEE SHEET 3 FOR REFERENCES.

TRACT NO. 3917

SUBDIVISIONS OF SAN JOAQUIN COUNTY, CALIFORNIA

TRACY VILLAGE NEIGHBORHOOD 5A

CONSISTING OF 19 SHEETS

BEING A SUBDIVISION OF PARCELS B AND C OF THE PARCEL MAP RECORDED FEBRUARY 24, 1977, IN BOOK 4 OF PARCEL MAPS, AT PAGE 34, S.J.C.R.

BEING A PORTION OF SECTION 5, T3S, R5E, MDB&M

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

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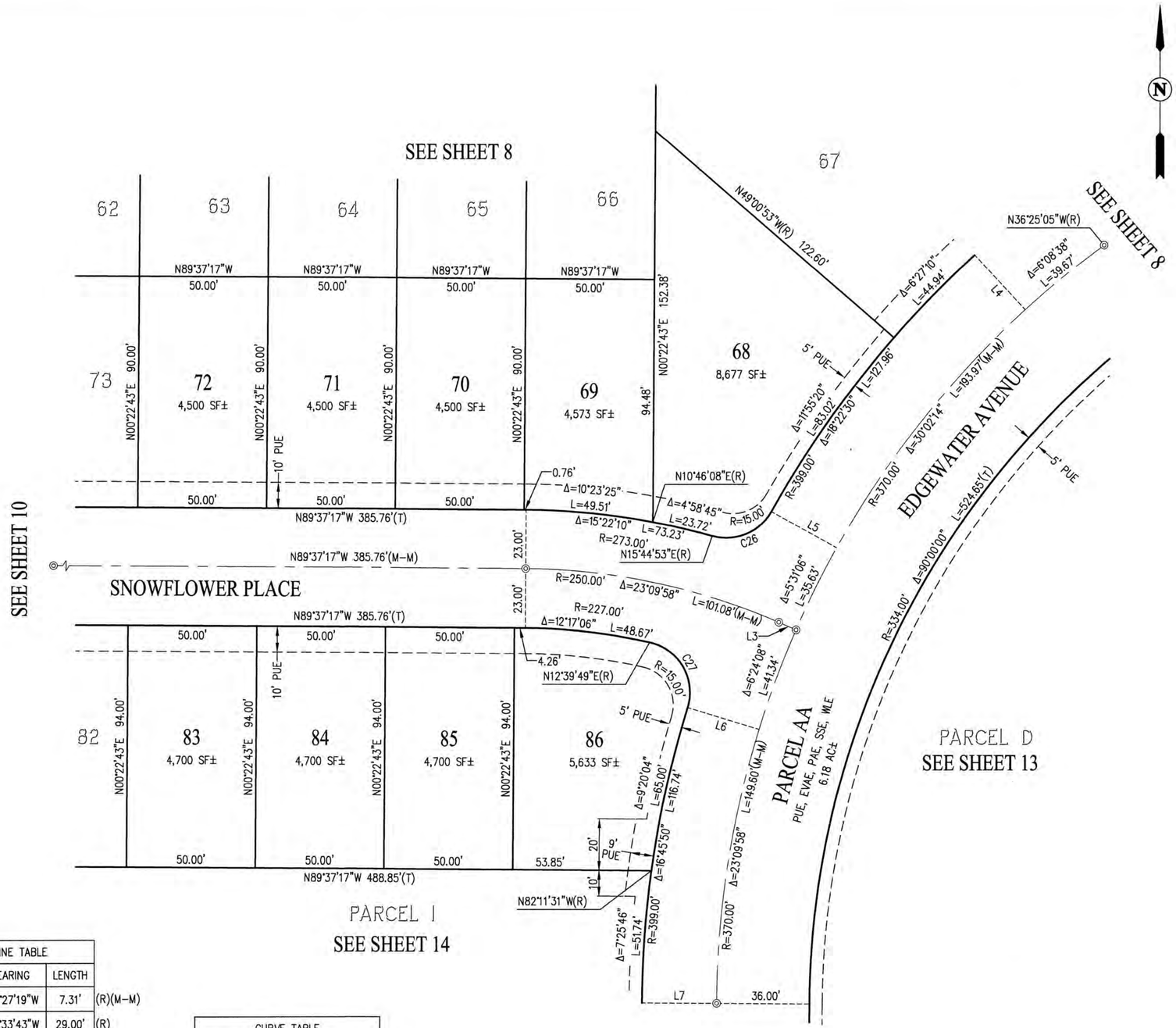
SCALE: 1" = 30' APRIL 2022

30' 0' 15' 30' 60' 120'

GRAPHIC SCALE



LINE TABLE			
NO	BEARING	LENGTH	
L3	N66°27'19"W	7.31'	(R)(M-M)
L4	N42°33'43"W	29.00'	(R)
L5	N60°56'13"W	29.00'	(R)
L6	N72°51'27"W	29.00'	(R)
L7	N89°37'17"W	29.00'	(R)

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C26	20.00'	76°41'06"	26.77'
C27	20.00'	94°28'44"	32.98'

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS SHOWN HEREON: THE BEARING BEING N85°27'38"W (CALCULATED) BETWEEN THE CITY OF TRACY GPS POINT 9 AND GPS POINT 2056 AS SHOWN ON RECORD OF SURVEY (36 SURVEYS 118), NAD83, EPOCH 2004.0. DISTANCES SHOWN HEREON ARE GROUND DISTANCES IN US SURVEY FEET. TO OBTAIN GRID DISTANCES, MULTIPLY GROUND DISTANCES BY 0.9999388.

LEGEND

———	SUBDIVISION BOUNDARY LINE
———	RIGHT OF WAY LINE
———	LOT LINE
- - - - - - - - - -	EASEMENT LINE
——— · ———	CENTERLINE
(T)	TOTAL
(R)	RADIAL
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⊙	FOUND STANDARD STREET MONUMENT, AS NOTED
●	FOUND MONUMENT, AS NOTED
◎	SET STANDARD STREET MONUMENT, LS 7960
⊗, SNF	SEARCHED FOR, NOT FOUND
DN	DOCUMENT NUMBER
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
PAE	PRIVATE ACCESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
TSLE	TRAFFIC SIGNAL LOOP EASEMENT
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT

NOTE:

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TRACT NO. 3917

SUBDIVISIONS OF SAN JOAQUIN COUNTY, CALIFORNIA

TRACY VILLAGE NEIGHBORHOOD 5A

CONSISTING OF 19 SHEETS

BEING A SUBDIVISION OF PARCELS B AND C OF THE PARCEL MAP RECORDED FEBRUARY 24, 1977, IN BOOK 4 OF PARCEL MAPS, AT PAGE 34, S.J.C.R.
BEING A PORTION OF SECTION 5, T3S, R5E, MDB&M
CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

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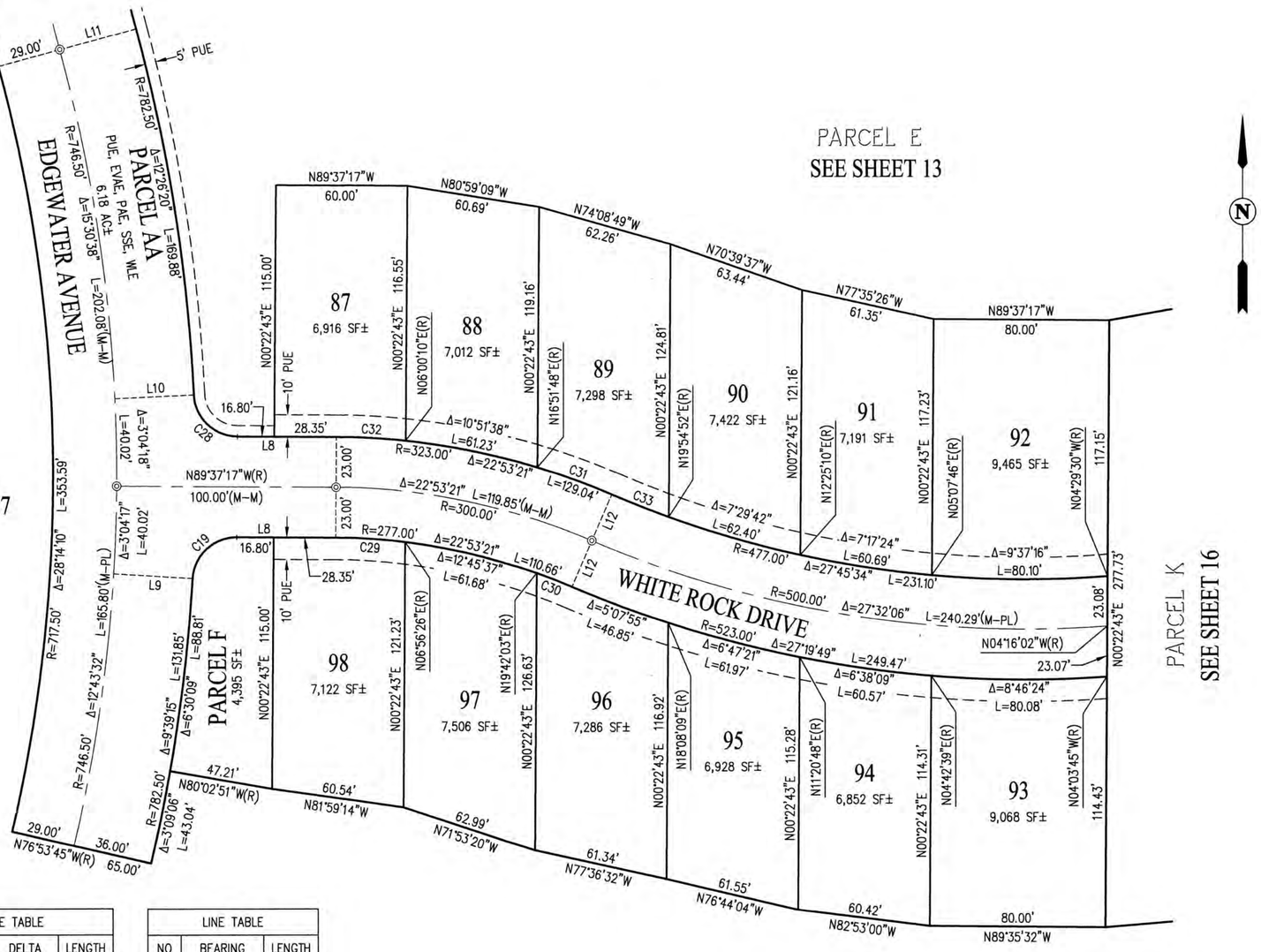
SCALE: 1" = 40' APRIL 2022

40' 0' 20' 40' 80' 160'
GRAPHIC SCALE



CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C19	20.00'	86°55'43"	30.34'
C28	20.00'	86°55'42"	30.34'
C29	277.00'	6°33'43"	31.72'
C30	277.00'	3°34'01"	17.24'
C31	323.00'	6°24'16"	36.10'
C32	323.00'	5°37'27"	31.71'
C33	477.00'	3°21'12"	27.91'

LINE TABLE			
NO	BEARING	LENGTH	
L8	N89°37'17"W	45.15'	
L9	N86°33'00"W	36.00'	(R)
L10	N87°18'25"E	36.00'	(R)
L11	N74°52'05"E	36.00'	(R)
L12	N23°16'04"E	23.00'	(R)

BASIS OF BEARINGS:

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SCALE: 1" = 60' APRIL 2022

60' 0' 30' 60' 120' 240'

GRAPHIC SCALE

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SEE SHEET 7

LAKESHORE AVENUE

SEE SHEET 8

SEE SHEET 11

SEE SHEET 14

EDGEWATER AVENUE

SEE SHEET 15

PARCEL J

PARCEL AA
PUE, EVAE, PAE, SSE, WLE
6.18 AC±

PARCEL C
4.08 AC±

PARCEL D
3.45 AC±

PARCEL E
3.25 AC±

PARCEL K
SEE SHEET 16

PARCEL K
SEE SHEET 16

SEE SHEET 12

LINE TABLE			
NO	BEARING	LENGTH	
L3	N66°27'19"W	7.31'	(R)(M–M)
L8	N89°37'17"W	45.15'	
L10	N87°18'25"E	36.00'	(R)
L11	N74°52'05"E	36.00'	(R)
L13	N07°16'44"E	36.00'	(R)

CURVE TABLE				
NO	RADIUS	DELTA	LENGTH	
C16	365.00'	6°54'01"	43.96'	(M–PL)
C17	329.00'	6°54'01"	39.62'	
C28	20.00'	86°55'42"	30.34'	
C34	53.00'	130°41'25"	120.89'	
C35	746.50'	3°04'18"	40.02'	

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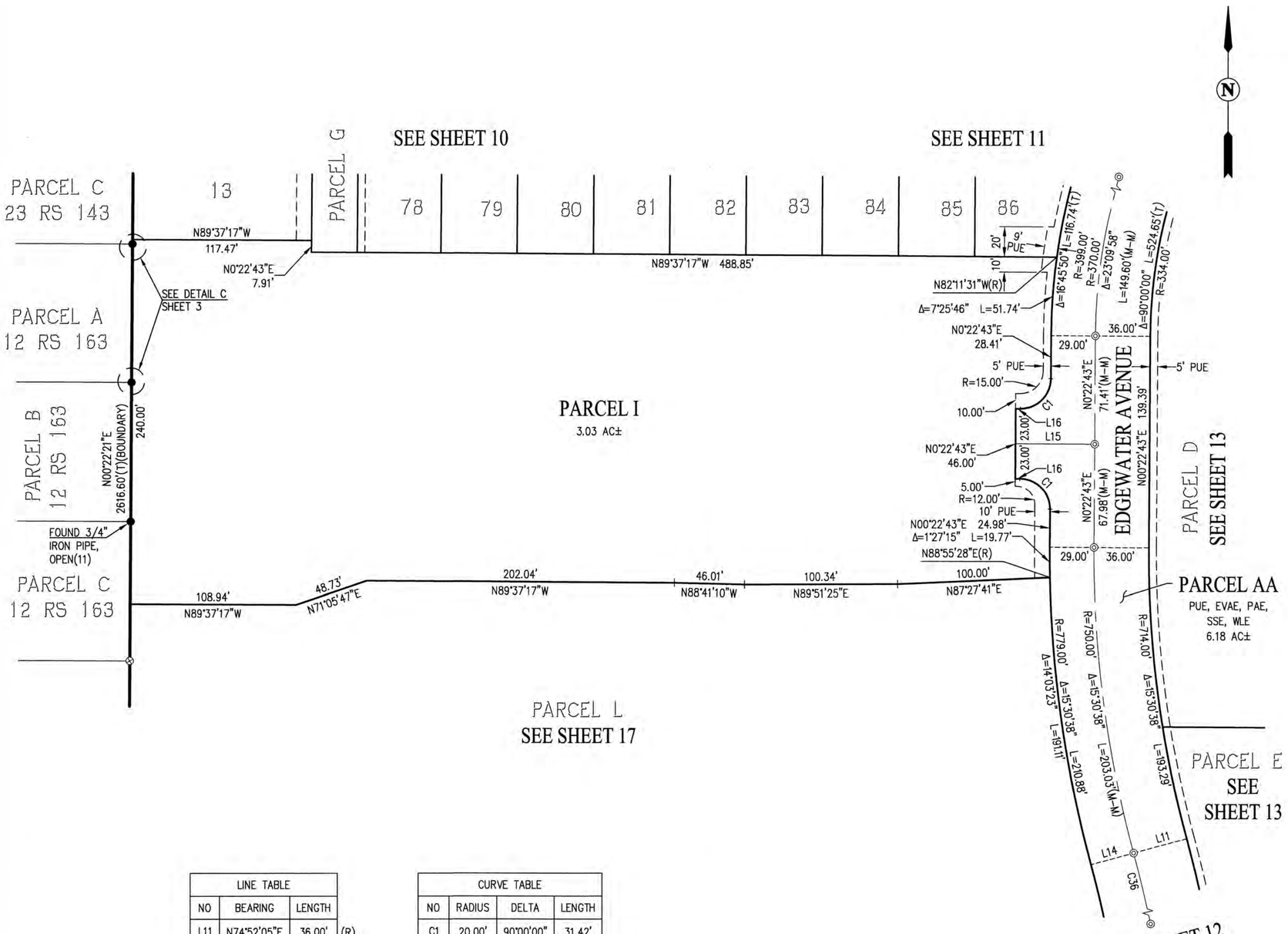
50' 0' 25' 50' 100' 200'

GRAPHIC SCALE



LINE TABLE			
NO	BEARING	LENGTH	
L11	N74°52'05"E	36.00'	(R)
L14	N74°52'05"E	29.00'	(R)
L15	N89°37'17"W	52.00'	(M-PL)
L16	N89°37'17"W	3.00'	

CURVE TABLE				
NO	RADIUS	DELTA	LENGTH	
C1	20.00'	90°00'00"	31.42'	
C36	746.50'	15°30'38"	202.08'	(M-M)

BASIS OF BEARINGS:

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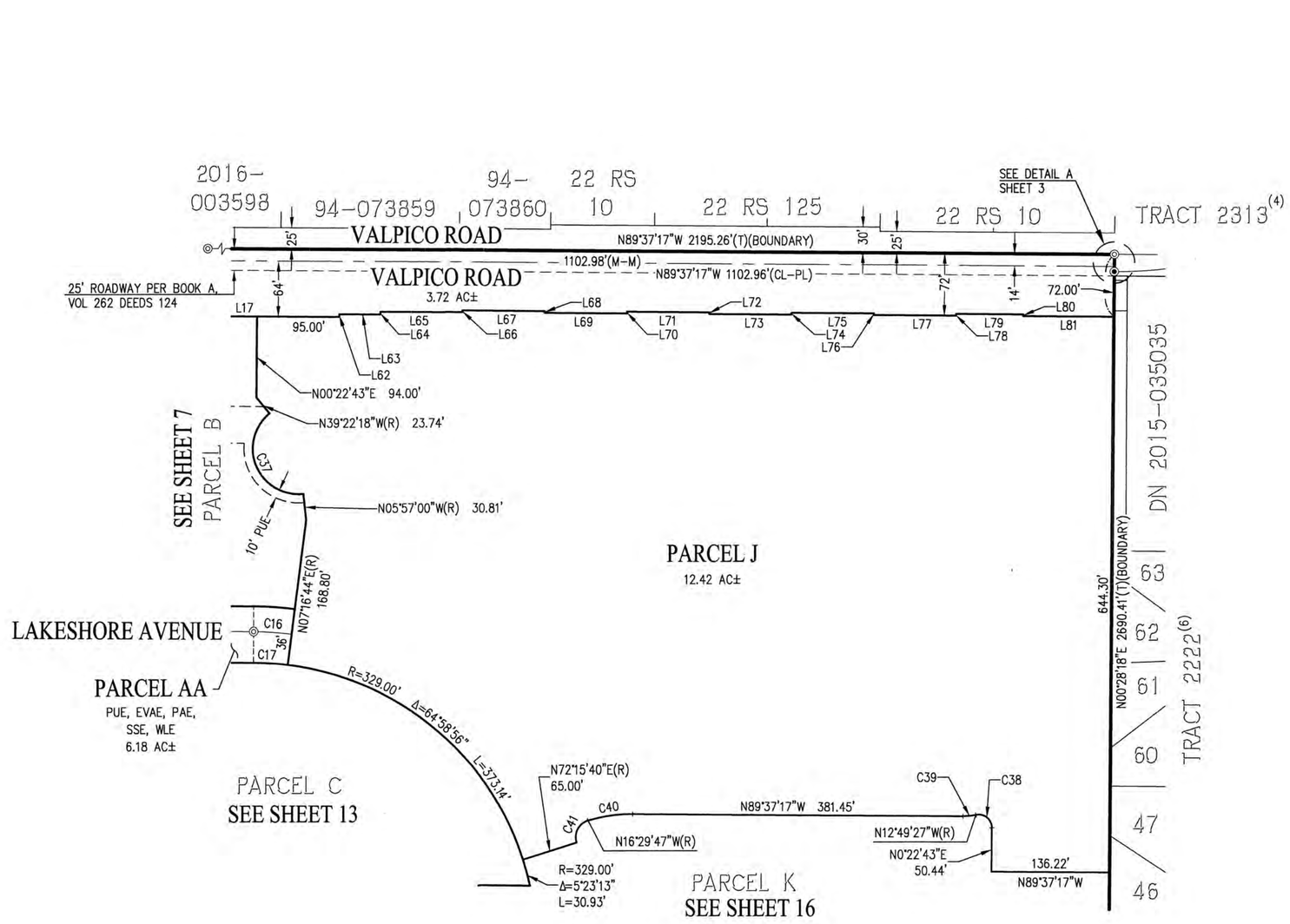
SCALE: 1" = 100' APRIL 2022

100' 0' 50' 100' 200' 400'

GRAPHIC SCALE



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CURVE TABLE				
NO	RADIUS	DELTA	LENGTH	
C16	365.00'	6°54'01"	43.96'	(M-PL)
C17	329.00'	6°54'01"	39.62'	
C37	53.00'	146°34'42"	135.59'	
C38	15.00'	103°12'10"	27.02'	
C39	66.00'	13°12'10"	15.21'	
C40	177.00'	16°52'30"	52.13'	
C41	20.00'	91°14'33"	31.85'	

LINE TABLE			
NO	BEARING	LENGTH	
L17	N89°37'17"W	147.88'	(T)
L62	N00°22'43"E	3.00'	
L63	N89°37'17"W	47.50'	
L64	N00°22'43"E	3.00'	
L65	N89°37'17"W	95.00'	
L66	N00°22'43"E	2.00'	
L67	N89°37'17"W	95.00'	

LINE TABLE		
NO	BEARING	LENGTH
L68	N00°22'43"E	2.00'
L69	N89°37'17"W	95.00'
L70	N00°22'43"E	2.00'
L71	N89°37'17"W	95.00'
L72	N00°22'43"E	2.00'
L73	N89°37'17"W	95.00'
L74	N00°22'43"E	2.00'

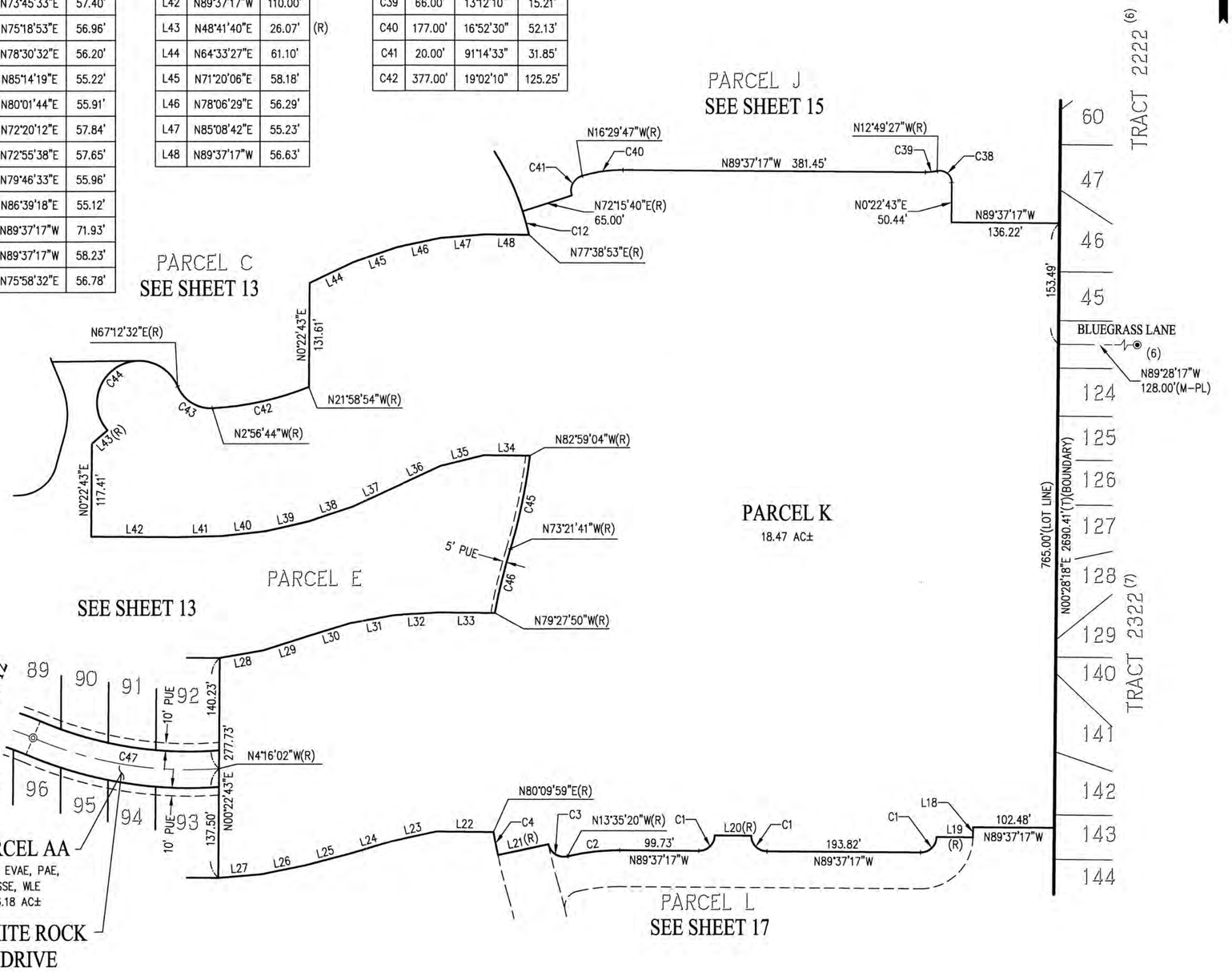
LINE TABLE		
NO	BEARING	LENGTH
L75	N89°37'17"W	95.00'
L76	N00°22'43"E	2.00'
L77	N89°37'17"W	95.00'
L78	N00°22'43"E	2.00'
L79	N89°37'17"W	77.50'
L80	N00°22'43"E	2.00'
L81	N89°37'17"W	104.77'

LINE TABLE			
NO	BEARING	LENGTH	
L18	N00°22'43"E	12.70'	
L19	N89°37'17"W	46.00'	(R)
L20	N89°37'17"W	46.00'	(R)
L21	N77°59'40"E	65.00'	(R)
L22	N89°37'17"W	72.06'	
L23	N77°40'46"E	56.38'	
L24	N73°45'33"E	57.40'	
L25	N75°18'53"E	56.96'	
L26	N78°30'32"E	56.20'	
L27	N85°14'19"E	55.22'	
L28	N80°01'44"E	55.91'	
L29	N72°20'12"E	57.84'	
L30	N72°55'38"E	57.65'	
L31	N79°46'33"E	55.96'	
L32	N86°39'18"E	55.12'	
L33	N89°37'17"W	71.93'	
L34	N89°37'17"W	58.23'	
L35	N75°58'32"E	56.78'	

LINE TABLE			
NO	BEARING	LENGTH	
L36	N64°53'16"E	60.93'	
L37	N65°18'56"E	60.72'	
L38	N71°34'33"E	58.10'	
L39	N77°38'44"E	56.39'	
L40	N83°32'19"E	55.39'	
L41	N88°34'28"E	55.03'	
L42	N89°37'17"W	110.00'	
L43	N48°41'40"E	26.07'	(R)
L44	N64°33'27"E	61.10'	
L45	N71°20'06"E	58.18'	
L46	N78°06'29"E	56.29'	
L47	N85°08'42"E	55.23'	
L48	N89°37'17"W	56.63'	

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	20.00'	90°00'00"	31.42'
C2	273.00'	13°58'03"	66.55'
C3	20.00'	91°35'00"	31.97'
C4	782.50'	2°10'19"	29.66'
C12	329.00'	5°23'13"	30.93'
C38	15.00'	103°12'10"	27.02'
C39	66.00'	13°12'10"	15.21'
C40	177.00'	16°52'30"	52.13'
C41	20.00'	91°14'33"	31.85'
C42	377.00'	19°02'10"	125.25'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C43	45.00'	70°09'16"	55.10'
C44	53.00'	198°30'52"	183.63'
C45	717.50'	9°37'23"	120.51'
C46	782.50'	6°06'09"	83.34'
C47	500.00'	27°32'06"	240.29' (M-PL)



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SCALE: 1" = 100' APRIL 2022

100' 0' 50' 100' 200' 400'

GRAPHIC SCALE

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LEGEND

———	SUBDIVISION BOUNDARY LINE
———	RIGHT OF WAY LINE
———	LOT LINE
- - - - - - - - - -	EASEMENT LINE
——— – ———	CENTERLINE
(T)	TOTAL
(R)	RADIAL
(LL)	LOT LINE
(CL-PL)	CENTERLINE TO PROPERTY LINE
(M-M)	MONUMENT TO MONUMENT
(M-PL)	MONUMENT TO PROPERTY LINE
◉	FOUND STANDARD STREET MONUMENT, AS NOTED
●	FOUND MONUMENT, AS NOTED
◎	SET STANDARD STREET MONUMENT, LS 7960
⊗, SNF	SEARCHED FOR, NOT FOUND
DN	DOCUMENT NUMBER
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
PAE	PRIVATE ACCESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
TSLE	TRAFFIC SIGNAL LOOP EASEMENT
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT

NOTE:

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TRACT NO. 3917

SUBDIVISIONS OF SAN JOAQUIN COUNTY, CALIFORNIA

TRACY VILLAGE NEIGHBORHOOD 5A

CONSISTING OF 19 SHEETS

BEING A SUBDIVISION OF PARCELS B AND C OF THE PARCEL MAP RECORDED FEBRUARY 24, 1977, IN BOOK 4 OF PARCEL MAPS, AT PAGE 34, S.J.C.R.

BEING A PORTION OF SECTION 5, T3S, R5E, MDB&M

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

cbg

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SACRAMENTO ▪ (916) 375-1877

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SCALE: 1" = 150' APRIL 2022

150' 0' 75' 150' 300' 600'

GRAPHIC SCALE

BASIS OF BEARINGS:

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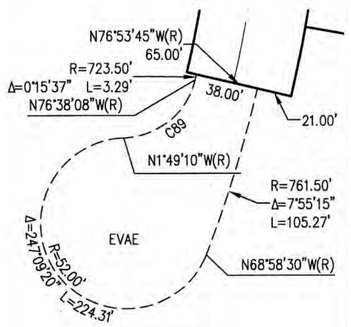


DETAIL A
NOT TO SCALE

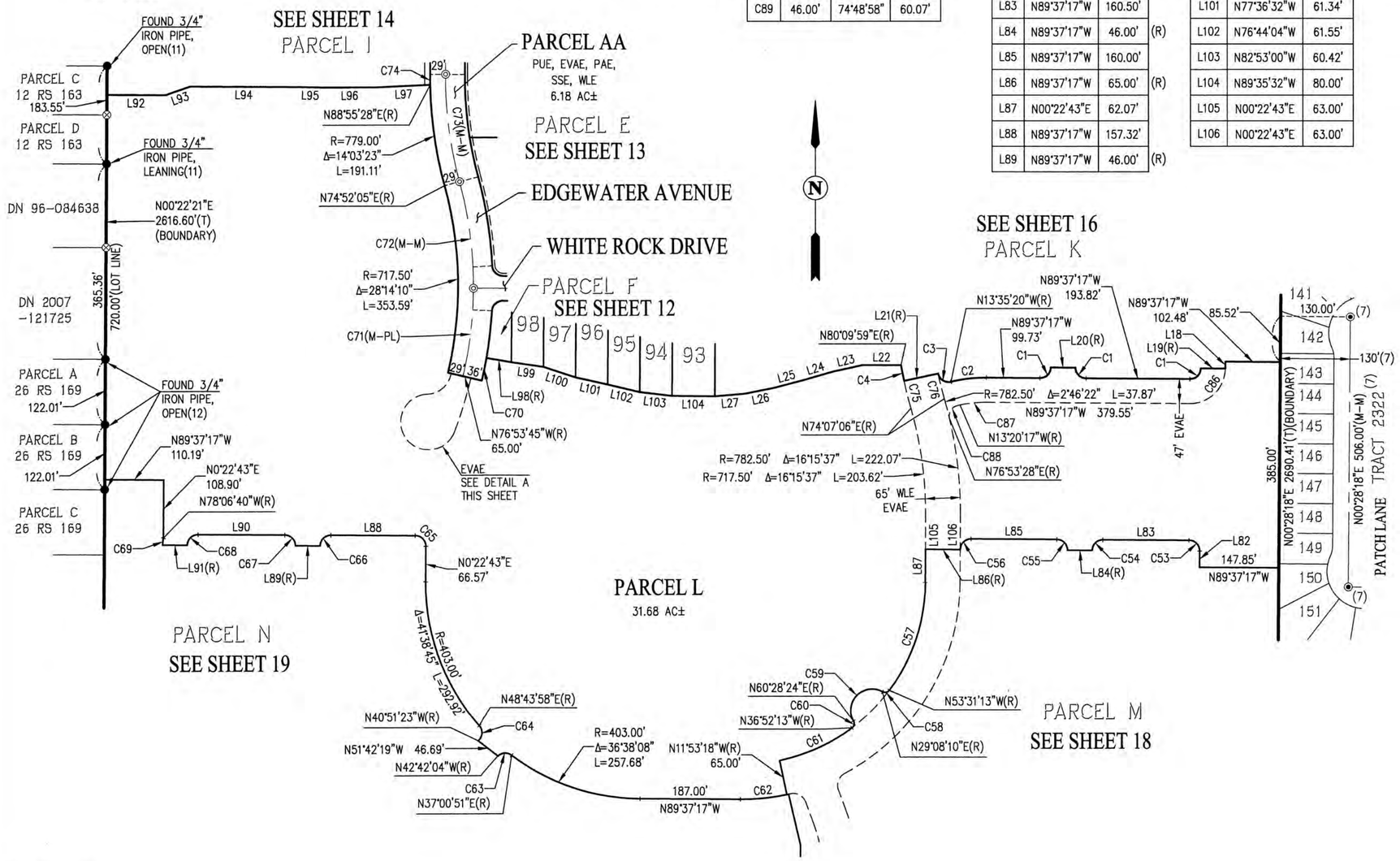
CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	20.00'	90°00'00"	31.42'
C2	273.00'	13°58'03"	66.55'
C3	20.00'	91°35'00"	31.97'
C4	782.50'	2°10'19"	29.66'
C53	20.00'	90°00'00"	31.42'
C54	20.00'	90°00'00"	31.42'
C55	20.00'	90°00'00"	31.42'
C56	20.00'	90°00'00"	31.42'
C57	342.50'	36°06'04"	215.80'
C58	10.00'	82°39'23"	14.43'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C59	40.00'	148°39'46"	103.79'
C60	10.00'	82°39'23"	14.43'
C61	342.50'	24°58'55"	149.34'
C62	407.50'	12°16'01"	87.24'
C63	20.00'	79°42'55"	27.83'
C64	20.00'	90°24'39"	31.56'
C65	20.00'	90°00'00"	31.42'
C66	20.00'	90°00'00"	31.42'
C67	20.00'	90°00'00"	31.42'
C68	20.00'	90°00'00"	31.42'

CURVE TABLE				
NO	RADIUS	DELTA	LENGTH	
C69	66.00'	11°30'37"	13.26'	
C70	782.50'	3°09'06"	43.04'	
C71	746.50'	12°43'32"	165.80'	(M–PL)
C72	746.50'	15°30'38"	202.08'	(M–M)
C73	750.00'	15°30'38"	203.03'	(M–M)
C74	779.00'	1°27'15"	19.77'	
C75	782.50'	3°52'34"	52.94'	
C76	717.50'	3°52'34"	48.54'	
C86	66.00'	90°00'00"	103.67'	
C87	227.00'	13°43'00"	54.34'	
C88	20.00'	89°46'15"	31.34'	
C89	46.00'	74°48'58"	60.07'	

LINE TABLE			
NO	BEARING	LENGTH	
L18	N00°22'43"E	12.70'	
L19	N89°37'17"W	46.00'	(R)
L20	N89°37'17"W	46.00'	(R)
L21	N77°59'40"E	65.00'	(R)
L22	N89°37'17"W	72.06'	
L23	N77°40'46"E	56.38'	
L24	N73°45'33"E	57.40'	
L25	N75°18'53"E	56.96'	
L26	N78°30'32"E	56.20'	
L27	N85°14'19"E	55.22'	
L82	N00°22'43"E	30.23'	
L83	N89°37'17"W	160.50'	
L84	N89°37'17"W	46.00'	(R)
L85	N89°37'17"W	160.00'	
L86	N89°37'17"W	65.00'	(R)
L87	N00°22'43"E	62.07'	
L88	N89°37'17"W	157.32'	
L89	N89°37'17"W	46.00'	(R)

LINE TABLE			
NO	BEARING	LENGTH	
L90	N89°37'17"W	162.00'	
L91	N89°37'17"W	46.00'	(R)
L92	N89°37'17"W	108.94'	
L93	N71°05'47"E	48.73'	
L94	N89°37'17"W	202.04'	
L95	N88°41'10"W	46.01'	
L96	N89°51'25"E	100.34'	
L97	N87°27'41"E	100.00'	
L98	N80°02'51"W	47.21'	(R)
L99	N81°59'14"W	60.54'	
L100	N71°53'20"W	62.99'	
L101	N77°36'32"W	61.34'	
L102	N76°44'04"W	61.55'	
L103	N82°53'00"W	60.42'	
L104	N89°35'32"W	80.00'	
L105	N00°22'43"E	63.00'	
L106	N00°22'43"E	63.00'	



TRACT NO. 3917

SUBDIVISIONS OF SAN JOAQUIN COUNTY, CALIFORNIA

TRACY VILLAGE NEIGHBORHOOD 5A

CONSISTING OF 19 SHEETS

BEING A SUBDIVISION OF PARCELS B AND C OF THE PARCEL MAP RECORDED FEBRUARY 24, 1977, IN BOOK 4 OF PARCEL MAPS, AT PAGE 34, S.J.C.R.

BEING A PORTION OF SECTION 5, T3S, R5E, MDB&M

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

cbg

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CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS

SCALE: 1" = 100' APRIL 2022

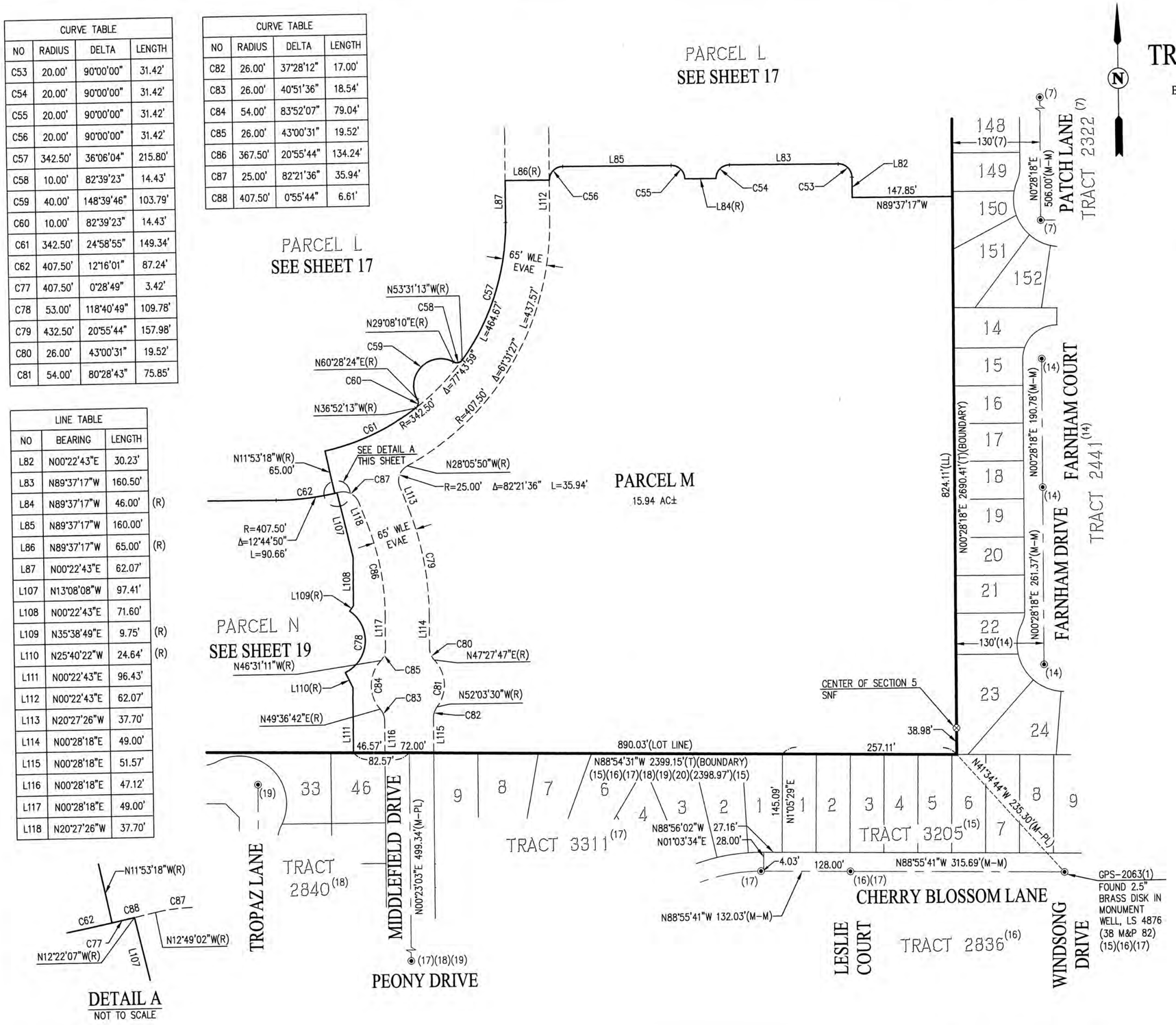
100' 0' 50' 100' 200' 400'

GRAPHIC SCALE

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C53	20.00'	90°00'00"	31.42'
C54	20.00'	90°00'00"	31.42'
C55	20.00'	90°00'00"	31.42'
C56	20.00'	90°00'00"	31.42'
C57	342.50'	36°06'04"	215.80'
C58	10.00'	82°39'23"	14.43'
C59	40.00'	148°39'46"	103.79'
C60	10.00'	82°39'23"	14.43'
C61	342.50'	24°58'55"	149.34'
C62	407.50'	12°16'01"	87.24'
C77	407.50'	0°28'49"	3.42'
C78	53.00'	118°40'49"	109.78'
C79	432.50'	20°55'44"	157.98'
C80	26.00'	43°00'31"	19.52'
C81	54.00'	80°28'43"	75.85'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C82	26.00'	37°28'12"	17.00'
C83	26.00'	40°51'36"	18.54'
C84	54.00'	83°52'07"	79.04'
C85	26.00'	43°00'31"	19.52'
C86	367.50'	20°55'44"	134.24'
C87	25.00'	82°21'36"	35.94'
C88	407.50'	0°55'44"	6.61'

LINE TABLE			
NO	BEARING	LENGTH	
L82	N00°22'43"E	30.23'	
L83	N89°37'17"W	160.50'	
L84	N89°37'17"W	46.00'	(R)
L85	N89°37'17"W	160.00'	
L86	N89°37'17"W	65.00'	(R)
L87	N00°22'43"E	62.07'	
L107	N13°08'08"W	97.41'	
L108	N00°22'43"E	71.60'	
L109	N35°38'49"E	9.75'	(R)
L110	N25°40'22"W	24.64'	(R)
L111	N00°22'43"E	96.43'	
L112	N00°22'43"E	62.07'	
L113	N20°27'26"W	37.70'	
L114	N00°28'18"E	49.00'	
L115	N00°28'18"E	51.57'	
L116	N00°28'18"E	47.12'	
L117	N00°28'18"E	49.00'	
L118	N20°27'26"W	37.70'	



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TRACY VILLAGE NEIGHBORHOOD 5A

CONSISTING OF 19 SHEETS

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SCALE: 1" = 100' APRIL 2022

80' 0' 40' 80' 160' 320'

GRAPHIC SCALE

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C63	20.00'	79°42'55"	27.83'
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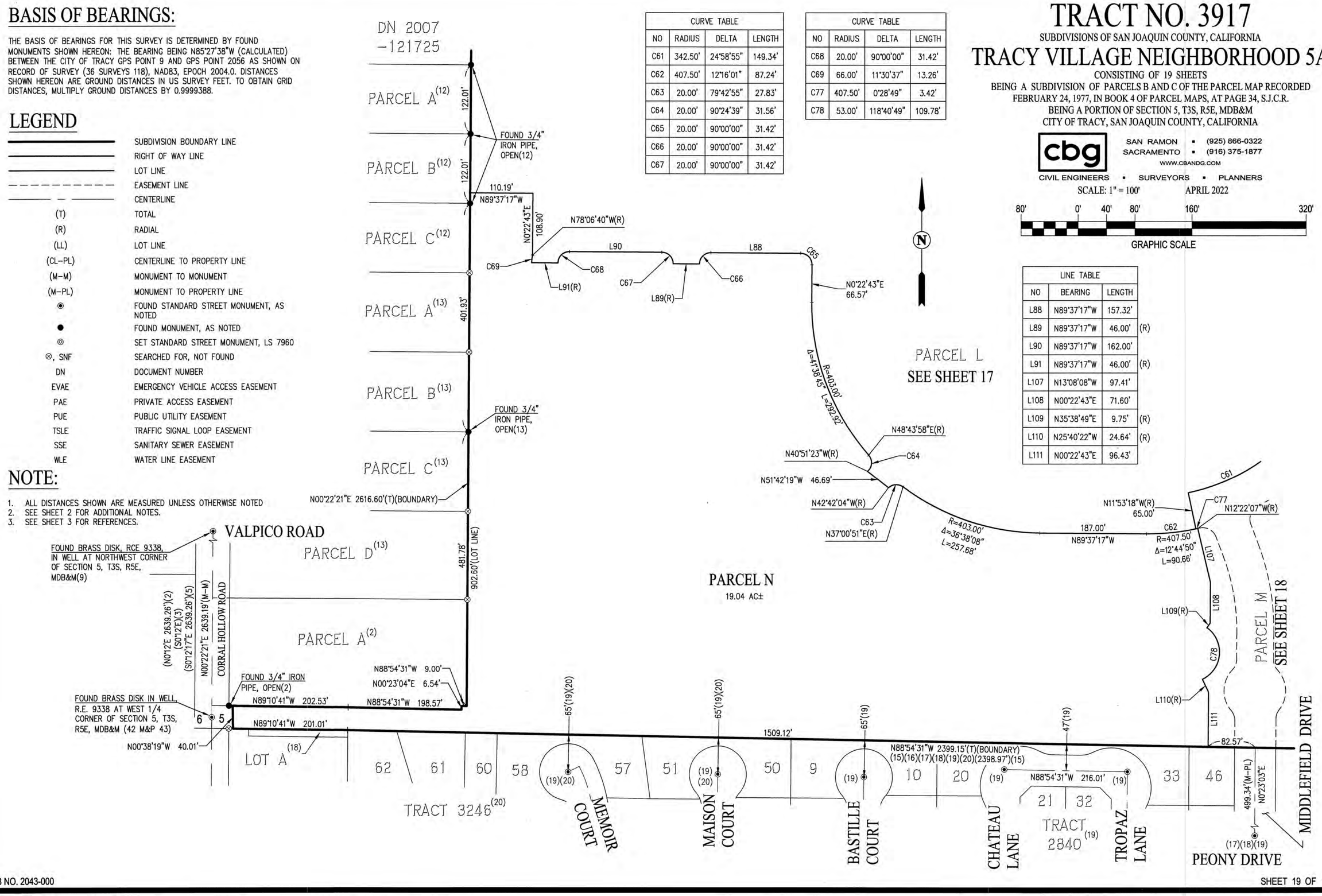
C66	20.00'	90°00'00"	31.42'
C67	20.00'	90°00'00"	31.42'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C68	20.00'	90°00'00"	31.42'
C69	66.00'	11°30'37"	13.26'
C77	407.50'	0°28'49"	3.42'
C78	53.00'	118°40'49"	109.78'

LINE TABLE			
NO	BEARING	LENGTH	
L88	N89°37'17"W	157.32'	
L89	N89°37'17"W	46.00'	(R)
L90	N89°37'17"W	162.00'	
L91	N89°37'17"W	46.00'	(R)
L107	N13°08'08"W	97.41'	
L108	N00°22'43"E	71.60'	
L109	N35°38'49"E	9.75'	(R)
L110	N25°40'22"W	24.64'	(R)
L111	N00°22'43"E	96.43'	



Recording Requested By:

City of Tracy
Development Services
333 Civic Center Plaza
Tracy, CA 95376

And When Recorded Mail To:

City of Tracy
Office of the City Clerk
333 Civic Center Plaza
Tracy, CA 95376
Attn: Adrianne Richardson

SPACE ABOVE THIS LINE FOR RECORDER'S INFORMATION

CITY OF TRACY
SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 3917, TRACY VILLAGE NEIGHBORHOOD 5A

This **SUBDIVISION IMPROVEMENT AGREEMENT** (hereinafter "Agreement") is made and entered into by and between the **CITY OF TRACY**, a municipal corporation (hereinafter "City"), and **TOLL WEST INC**. which will do business in California as Toll Brothers West Inc., a Delaware corporation (hereinafter "Subdivider").

RECITALS

A. The Subdivider is the owner of the real property more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (hereinafter "***Property***"), said Property comprising the subject "Tract 3917 Tentative Map, Tracy Village, Tracy, California".

B. On May 15, 2018, the Tracy City Council ("***City Council***") adopted the Tracy Village Specific Plan and approved various related land use entitlements including Application No. TSM17-0003 and approved by Resolution No. 2018-087 (the "***Tentative Subdivision Map for Tracy Village, Tract No 3917***"). The project includes 590 single-family dwelling units and would include three man-made lakes totaling approximately 10 acres, along with a community recreation center with pool, spa and bocce courts, open space and trails/pathways. The project also includes the proposed annexations into the City of an additional 42 residential properties. The Tentative Subdivision Map is on file with the City Clerk and is incorporated herein by this reference.

C. The approval of the Final Map by the City Council was subject to specified conditions of approval ("***Conditions of Approval***"). The Conditions describe, among other things, improvements that are required for approval of the Tentative Subdivision Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City

Standards. The Conditions of Approval are attached hereto as Exhibit "B" and are incorporated herein by reference.

D. The Final Subdivision Map includes approximately 98 single-family detached residential homes. Exhibit "C" shows the overall Tracy Villages project area and the location of the Final Subdivision Map for Tracy Villages, hereinafter "***Project***" or "***Project site***".

E. In accordance with the Conditions of Approval, the Subdivider has prepared and the City Engineer has approved certain improvement plans and specifications (which incorporate portions of the City's Standard Specifications), which describe the improvements which are required for approval of the Final Subdivision Map and are incorporated herein by reference. The approved plans and specifications (the "***Plans and Specifications***") include thirteen (13) sheets of rough grading plans titled "Tracy Village Phase 1Rough Grading Plans Tract 3917, 4005 & 4006" prepared by CBG Civil Engineers, thirty-five (35) sheets of improvement plans titled "Tracy Village Phase 1 Improvement Plans Tract 3917, 4005 & 4006" prepared by CBG Civil Engineers, thirty-one (31) sheets of Landscape plans titled ""Tracy Village Tract #3917 Entry and Loop Road Landscape Improvement Plans" prepared by SMP Environmental Design, seven (7) sheets of Joint trench plans titled "Ponderosa Homes Tracy Village Phase 1 Neighborhood 5A – Tract 3917" prepared by Giacalone Design Services, Inc. eleven (11) sheets of private street light plans titled "Tracy Village Phase 1, MLX" prepared by Giacalone Design Services, Inc. of Pleasanton, CA. Collectively, these Plans and Specifications are referred to herein as the "***Scope of Work***" or "***Work***".

F. Since the Work has not been completed in accordance with the Conditions of Approval, the Subdivider has requested to execute this Agreement as authorized by Government Code section 66462.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **SCOPE OF WORK.** The Subdivider shall perform, or cause to be performed, the Work to the satisfaction of the City Engineer. The Work shall be performed, and all materials and labor shall be provided, at the Subdivider's expense, in the manner described in the Plans and Specifications. No change shall be made to the Scope of Work unless authorized in writing by the City Engineer. The Subdivider may submit a written request to the City Engineer for a change in the Scope of Work, as required by Tracy Municipal Code section 12.36.060(f). Any portion(s) of the Work that are performed within existing City's right(s)-of-way and/or easement(s) are to be performed by the Subdivider in accordance with the requirements of the State prevailing wage laws, in the event and to the extent applicable.

2. **GRADING AND STREET MAINTENANCE.**

2.1. Until all the Work is accepted by the City as complete, the Subdivider shall diligently perform the necessary maintenance of the entire Project site, including

streets constructed within the Project, to the satisfaction of the City Engineer, at the Subdivider's own cost.

2.2. All infrastructure constructed under this Agreement will be maintained by the Subdivider until accepted by the City.

3. **SUBDIVIDER'S AUTHORIZED REPRESENTATIVE.** At all times during the progress of the Work, Subdivider shall have a competent foreman or superintendent (hereinafter "Authorized Representative") on site or available by cell phone with authority to act on behalf of the Subdivider. The Subdivider shall, at all times, keep the City Engineer reasonably informed in writing of the name and telephone number of the Authorized Representative. The Authorized Representative shall be on site approximately 60% of the time the Work is occurring. The Subdivider may designate an employee of its general contractor as the Authorized Representative. The Subdivider shall, at all times, keep the City Engineer reasonably informed in writing of the names and telephone numbers of all contractors and subcontractors performing the Work.

4. **LOCATION OF PERFORMANCE.** The Subdivider shall perform all Work at the locations and grades shown on the Plans and Specifications. The Subdivider shall acquire at the Subdivider's sole cost and expense, any easement or right-of-way necessary for the performance of the Work, with no credit or reimbursement from the City.

5. **IMPROVEMENT SECURITY.** Concurrently with the execution of this Agreement by the Subdivider, and prior to the commencement of any Work, the Subdivider shall furnish contract security, in a form authorized by the Subdivision Map Act (including Government Code sections 66499 *et seq.*) and Tracy Municipal Code Section 12.36.080, in the following amounts:

5.1. **Faithful Performance** security in the amount of **$2,285,000.00** in accordance with the cost estimates approved by City to secure faithful performance of this Agreement (until the date on which the City Council accepts the Work as complete).

5.2. **Labor and Material** security in the amount of **$2,285,000.00** in accordance with the cost estimates approved by City to secure payment by the Subdivider to laborers and materialmen (until the date on which claims are required to be made by laborers and materialmen).

5.3. **Warranty** security in the amount of **$228,500.00** in accordance with the cost estimates approved by City to secure faithful performance of this Agreement (from the date on which the City Council accepts the Work as complete until one year thereafter).

5.4. **Monumentation** security in the amount of **$23,250.00** to secure faithful performance of setting monuments as described in the Final Map within one year from the date this of Agreement pursuant to Government Code section 66496.

6. **INSURANCE.** Concurrently with the execution of this Agreement by the Subdivider, and prior to the commencement of any Work, the Subdivider shall furnish evidence to the City that all of the following insurance requirements have been satisfied.

6.1. General. The Subdivider shall, throughout the duration of this Agreement, maintain insurance to cover Subdivider, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.

6.2. Commercial General Liability (with coverage at least as broad as ISO form CG 00 01) coverage shall be maintained in an amount not less than $5,000,000 per occurrence, and $10,000,000 in the general aggregate for general liability, bodily injury, personal injury, and property damage, including completed operation coverage.

6.3. Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto" including "hired autos" and "non-owned autos") coverage in an amount not less than $1,000,000 per accident for bodily injury and property damage. If Subdivider has no employees, or does not own automobiles, then "hired autos" and "non-owned autos" coverage shall be maintained in an amount not less than $1,000,000 per accident for bodily injury and property damage.

6.4. Workers' Compensation coverage for employees shall be maintained as required by the State of California.

6.5. Endorsements. Subdivider shall obtain endorsements to the automobile and commercial general liability insurance policies with the following provisions:

6.5.1. The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."

6.5.2. For any claims related to this Agreement, Subdivider's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Subdivider's insurance and shall not contribute with it.

6.6. Notice of Cancellation. Subdivider shall obtain endorsements to all insurance policies by which each insurer is required to provide thirty (30) days prior written notice to the City should the policy be canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation.

6.7. Authorized Insurers. All insurance companies providing coverage to Subdivider shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

6.8. **Insurance Certificate.** Subdivider shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City Attorney.

6.9. **Substitute Certificates.** No later than thirty calendar (30) days prior to the policy expiration date of any insurance policy required by this Agreement, Subdivider shall provide a substitute certificate of insurance.

6.10. **Subdivider's Obligation.** Maintenance of insurance by the Subdivider as specified in this Agreement shall in no way be interpreted as relieving the Subdivider of any responsibility whatsoever (including indemnity obligations under this Agreement), and the Subdivider may carry, at its own expense, such additional insurance as it deems necessary.

7. **PERMITS, LICENSES, AND COMPLIANCE WITH LAW.** The Subdivider shall, at the Subdivider's expense, obtain and maintain all necessary permits and licenses for the performance of the Work. Prior to the commencement of the Work, the Subdivider shall obtain a City of Tracy Business License. The Subdivider shall comply with all local, state, and federal laws, whether or not said laws are expressly stated in this Agreement.

8. **TIME OF PERFORMANCE.** Time is of the essence in the performance of the Work, and the timing requirements set forth herein shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. The Subdivider shall submit all requests for extensions of time to the City, in writing, no later than ten (10) days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due.

8.1. **Commencement of Work.** No later than fifteen (15) days prior to the commencement of Work, the Subdivider shall provide written notice to the City Engineer of the date on which the Subdivider shall commence Work. The Subdivider shall not commence Work until after the notice required by this section is properly provided, and the Subdivider shall not commence Work prior to the date specified in the written notice.

8.2. **Schedule of Work.** Concurrently with the written notice of commencement of Work, the Subdivider shall provide the City with a written schedule of Work, which shall be updated in writing as necessary to accurately reflect the Subdivider's prosecution of the Work.

8.3. **Completion of Work.** The Subdivider shall complete all Work by no later than three hundred sixty-five (365) days after the City's execution of this Agreement. If the Work is not completed and accepted by City Council by this date, City Engineer may grant an extension of time if (a) the Subdivider submits a written request for extension at least ten (10) days prior to expiring date of completion, (b) the City Engineer determines that Work is progressing satisfactorily, and an extension is warranted, and (c) the Subdivider pays all processing fees for such time extension.

8.4. Reversion to Acreage. In the event that the Subdivider fails to commence the Work prior to the date on which completion is due, the Subdivider shall, upon written request by the City, consent to the reversion to acreage of all real property described by the Final Map, and the Subdivider shall bear all costs thereof.

9. INSPECTION BY THE CITY. In order to permit the City to inspect the Work, the Subdivider shall, at all times, provide to the City proper and safe access to the Project site, and all portions of the Work, and to all shops wherein portions of the Work are in preparation.

10. INSPECTION FEES. Concurrently with the execution of this Agreement by the Subdivider, and prior to the commencement of any Work, the Subdivider shall pay the City Inspection Fees in the amount of three and one-half percent (3-1/2%) of the estimated Project costs (as approved by the City Engineer).

In the event that the City requires an independent inspection, the City may retain an independent inspector, Subdivider shall pay all costs associated with the independent inspection, and the independent inspector shall provide a report directly to the City.

11. DEFAULT.

11.1. In the event that the Subdivider is in default of this Agreement, as defined in this section, the City Engineer shall provide written notice to the Subdivider and the Subdivider's surety (if any) in which the default is described with appropriate specificity.

11.2. The Subdivider shall be in default of this Agreement if the City Engineer determines that any one of the following conditions exist:

11.2.1. The Subdivider is insolvent, bankrupt, or makes a general assignment for the benefit of its creditors.

11.2.2. The Subdivider abandons the Project site.

11.2.3. The Subdivider fails to perform one or more requirements of this Agreement.

11.2.4. The Subdivider fails to replace or repair any damage caused by Subdivider or its agents, representatives, contractors, subcontractors, or employees in connection with performance of the Work.

11.2.5. The Subdivider violates any legal requirement related to the Work.

11.3. In the event that the Subdivider fails to cure the default within thirty (30) days, or provide adequate written assurance to the satisfaction of the City Engineer that the cure will be promptly commenced and diligently prosecuted to its

completion, the City may, in the discretion of the City Engineer, take any or all of the following actions:

11.3.1. Cure the default and charge the Subdivider for the costs therefore, including administrative costs and interest in an amount equal to seven percent (7%) per annum from the date of default.

11.3.2. Demand the Subdivider to complete performance of the Work.

11.3.3. Demand the Subdivider's surety (if any) to complete performance of the Work.

11.3.4. Commence a legal action to enforce the terms of this Agreement.

12. **ACCEPTANCE OF WORK.** Prior to acceptance of the Work by the City Council, the Subdivider shall be solely responsible for maintaining the quality of the Work, and maintaining safety at the Project site. The Subdivider's obligation to perform the Work shall not be satisfied until after the City Engineer has made a written determination that all obligations of the Agreement have been satisfied and all outstanding fees and charges have been paid, and the City Council has accepted the Work as complete.

13. **WARRANTY PERIOD.** The Subdivider shall warrant the quality of the Work, in accordance with the terms of the Plans and Specifications, for a period of one year after acceptance of the Work by the City Council. In the event that (during the one year warranty period) any portion of the Work is determined by the City Engineer to be defective as a result of an obligation of the Subdivider under this Agreement, the Subdivider shall be in default.

14. **INDEPENDENT CONTRACTOR STATUS.** Subdivider is an independent contractor and is solely responsible for all acts of its employees, agents, or subcontractors, including any negligent acts or omissions. Subdivider is not City's employee and Subdivider shall have no authority, express or implied, to act on behalf of the City as an agent, or to bind the City to any obligation whatsoever, unless the City provides prior written authorization to Subdivider.

15. **OWNERSHIP OF WORK.** All original documents prepared by Subdivider for this Agreement shall be given to City upon City's acceptance of the Work; provided, however, ownership of said documents shall be determined in accordance with applicable laws. Prior to acceptance of the Work, the Subdivider shall submit the as-built drawings in Auto-CAD format Release-14 or higher in a compact disc (CD).

16. **ASSIGNMENT AND DELEGATION.** This Agreement and any portion thereof shall not be assigned or transferred, nor shall any of the Subdivider's duties be delegated, without the written consent of the City. Any attempt to assign or delegate this Agreement without the written consent of the City shall be void and of no force and effect. Consent by the City to one assignment shall not be deemed to be consent to any subsequent assignment.

17. **NOTICES.**

17.1. All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the respective party as follows:

City: City of Tracy
Attn: City Engineer
333 Civic Center Plaza
Tracy, CA 95376

Copy to: City Attorney's Office
Attn: City Attorney
333 Civic Center Plaza
Tracy, CA 95376

attorney@cityoftracy.org

Subdivider: Toll West Inc. which will do business in California as Toll Brothers West Inc., a Delaware corporation

Attn: Todd Callahan, Division President
6800 Koll Center Parkway,
Ste. 320, Pleasanton, CA, 94566

Tel: (925) 249-6047
Email: tcallahan@tollbrothers.com

Copy to: Toll West Inc.
Attn: Scott M. Cwiertny,
AVP and Counsel
725 W. Town and Country Rd.,
Suite 200 Orange, CA, 92868

Tel: (714) 347-1321
Email: scwiertny@tollbrothers.com

17.2. Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated above, or (2) three working days following the deposit in the United States Mail of registered or certified mail, sent to the address designated above.

18. **MODIFICATIONS.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

19. **WAIVERS.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

20. **SEVERABILITY.** In the event, any term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect.

21. **JURISDICTION AND VENUE.** The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

22. **INDEMNIFICATION.** Subdivider shall indemnify, defend and hold harmless the City (including its elected officials, officers, agents and employees) from and against any and all claims, demands, liabilities, costs and expenses (including court costs and attorney's fees) resulting from or arising out of the performance of the Work by Subdivider or Subdivider's agents, representatives, contractors, subcontractors or employees except to the extent caused by the sole, active negligence or willful misconduct of the City.

    In this section, "City" means the City, its officials, officers, agents, employees and volunteers; "Subdivider" means the Subdivider, its employees, agents and subcontractors; "Claims" includes claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all related costs and expenses in connection therein) and any allegations of these; and "Arising out of" includes "pertaining to" and "relating to".

    The provisions of this section survive completion of the services or the termination of this contract and are not limited by the provisions of Section 6 relating to insurance.

23. **ENTIRE AGREEMENT.** This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the parties concerning the improvements to be constructed for this Project. This Agreement supersedes all prior negotiations, representations, or agreements.

24. **SIGNATURES.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the Subdivider and the City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

[remainder of this page intentionally left blank]

IN WITNESS WHEREOF the parties do hereby agree to the full performance of the terms set forth herein.

City of Tracy

_____

Nancy Young, Mayor

Date: _____

Approved by City Council on _____ by Resolution No. _____.]

Attest:

_____

By: Adrianne Richardson, City Clerk

Approved As To Form:

_____

By: Bijal Patel, City Attorney

Subdivider

Toll West Inc, which will do business in California as Toll Brothers West Inc., a Delaware corporation

By: _____

Todd Callahan
Division President

Date: 4/22/22

Federal Employer Tax ID No.
83-3070946

EXHIBITS

A – Legal Property Description
B – Conditions of Approval
C – Location of Project Site

EXHIBIT "A"

(Legal Description of Property)

Real property in the City of Tracy, County of San Joaquin, State of California, described as follows:

Tract 3917, being a subdivision of Parcels B and C of the Parcel Map recorded February 24, 1977, in book 4 of Parcel Maps at page 34, San Joaquin County Records.

APN: 244-030-010-000 and 244-030-020-000 and 244-040-018-000.

EXHIBIT B

Exhibit 5

City of Tracy
Conditions of Approval

Tracy Village
Application Number (Tract 3917)
May 15, 2018

These Conditions of Approval shall apply to the real property described as the Tracy Village Development. The Tracy Village Development Project is proposed as a gated community consisting of 590 single-family detached residential homes, and would include three man-made lakes totaling approximately 10 acres, along with a community recreation center with pool, spa and bocce courts, open space and trails/pathways (Assessor's Parcel Number 244-040-01 and 244-030-01 and 02), located on the south side of Valpico Road, east of Corral Hollow Road. The project also includes the proposed annexation into the City of an additional 42 residential properties (Residential Annexation Area) fronting Corral Hollow Road and Valpico Road, and an adjoining drainage canal north of Valpico Road (Parcel Numbers 244-030-03 through 22 and 242-050-01 through 21, and 242-040-29).

The following definitions shall apply to these Conditions of Approval:

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

2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.

3. "City Regulations" means all written laws, rules and policies established by the City, including those set forth in the City of Tracy General Plan (also known as Urban Management Plan), the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design documents (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and Relevant Public Facilities Master Plans).

4. "Conditions of Approval" shall mean the conditions of approval applicable to the Tracy Village Development project. The Conditions of Approval shall specifically include all Development Services Department, including Planning, Engineering, and Building Divisions, Finance Department, Fire Department, and Public Works conditions set forth herein.

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

6. "Project" means the real property consisting of approximately 135 acres located on the south side of Valpico Road, east of Corral Hollow Road, Assessor's Parcel Number 244-040-01, and 244-030-01 and 02, and 42 residential properties fronting Corral Hollow Road and Valpico Road (Parcel Numbers 244-030-03 through 22 and 242-050-01 through 21 and 242-040-29).

7. "Property" means the real property generally located on the south side of Valpico Road, east of Corral Hollow Road, Assessor's Parcel Number 244-040-01, 244-030-01 and 02, and 42 residential properties fronting Corral Hollow Road and Valpico Road (Parcel Numbers 244-030-03 through 22 and 242-050-01 through 21, and 242-040-29).

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

B. Planning Division Conditions of Approval:

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, *et seq.*), the Subdivision Map Act (Government Code sections 66410, *et seq.*), the California Environmental Quality Act (Public Resources Code sections 21000, *et seq.*, "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, *et seq.*, "CEQA Guidelines").

2. Unless specifically modified by these Conditions of Approval, the Project shall comply with all City Regulations.

3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the Tracy Village Development Project Environmental Impact Report dated April 11, 2018.

4. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) will begin on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

5. Except as otherwise modified herein, all construction shall be consistent with the Vesting Tentative Subdivision Map received by the Development and Engineering Services Department on April 2, 2018 and as modified on the project site plan and Tracy Village Specific Plan dated March 2018.

6. Prior to the issuance of any building permits for the community buildings, the applicant shall provide a detailed landscape and irrigation plan consistent with City landscape and irrigation standards and the approved plan, including, but not limited to Tracy

Municipal Code Section 10.08.3560, the City's Design Goals and Standards, and the applicable Department of Water Resources Model Efficient Landscape Ordinance on private property, and the Parks and Parkways Design Manual for public property, to the satisfaction of the Development Services Director. Newly planted, on-site trees shall be a minimum size of 24-inch box and shrubs shall be a minimum size of five gallons.

7. No signs are approved as a part of this development application. Prior to the installation of any signs, the applicant shall submit a sign permit application and receive approval from the Development Services Director in accordance with City Regulations.

8. Prior to the issuance of any building permits, the developer shall document compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual) to the satisfaction of the Public Works Director, which includes the requirement for Site Design Control Measures, Source Control Measures and Treatment Control Measures under the guidelines in a project Stormwater Quality Control Plan (SWQCP). Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, trash enclosures, parking areas, any wash areas and maintenance areas. The SWQCP must conform to the content and format requirements indicated in Appendix D of the Manual and must be approved by the Public Works Director prior to issuance of grading or building permits. Stormwater treatment shall be consistent with the approved plans, subject to approval by the City's Utility Department.

9. The project shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit and a pre-construction survey prior to ground disturbance, to the satisfaction of San Joaquin Council of Governments.

10. The developer shall design and construct all buildings with fire sprinklers in accordance with City Regulations to the satisfaction of the Fire Marshal.

11. Development of the 42 residential properties (Residential Annexation Area) shall be governed by the following: The majority of the 42 lots are developed with detached single-family residences, and are served by private wells and septic systems. Connection to city water and sewer systems shall be voluntary, unless new residential development (building permits for new construction) is proposed by the property owners.

12. The project shall utilize the building elevations as shown in the Tracy Village Specific Plan for the Tracy Village residential community, consistent with requirements of the City Design Standards and Guidelines and the project Planned Unit Development provisions. The final design plans shall be subject to review and approval of the Development services Director prior to first building permit issuance.

13. All of the houses that border existing developed lots on the west, east and south sides of the Tracy Village project shall be limited to a single-story in height.

14. All common area lots and open spaces, including landscaping, shall be maintained by the Project homeowner's association (HOA). Final covenants, conditions and restrictions (CC&Rs) shall be submitted to the City for review and approval prior to their recordation. The CC&Rs shall be recorded prior to City issuance of a grading plan or improvement plans for the Project.

15. All proposed Emergency Vehicle Access (EVA) points connecting the project to public streets shall be built subject to Fire Department and Engineering Division approval, including with respect to width, loads, turn radius, and use of gates or other barriers.

16. All vents, gutters, downspouts, flashing, electrical conduit, and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.

17. All ground-mounted equipment, including, but not limited to air conditioning units, water heaters, gas meter and utility boxes shall be screened form view from common areas with decorative walls, fences or landscaping, to the satisfaction of the Development Services Director.

18. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into any adjacent properties, to the satisfaction of the Development Services Director.

19. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.

20. Prior to the issuance of a building permit, the Developer shall submit detailed trash and recycling enclosure plans which include the following, to the satisfaction of the Development Services Director: the walls shall be of masonry construction, at least eight feet in height, include solid metal doors, a solid roof, and an interior perimeter concrete curb. The enclosures shall include exterior color and material compatible with adjacent or nearby building exteriors of the project.

21. Prior to the issuance of a building permit, the developer shall design a recycling program consistent with State Assembly Bill 341, to the satisfaction of the Public Works Director. The program shall include or have access to enclosures with adequate space for both refuse and recycling and shall be incorporated with the trash and recycling enclosures. Each enclosure shall have signs that clearly indicate refuse and recycling locations as well as prohibition of scavenging. The program shall include recycling options or elements at the pool area and other common areas for the residents.

22. The developer shall be required to pay all applicable City impact fees, including park fees. No fee credit shall be given for the developer private parks and facilities within the Tracy Village Development.

C. Finance Department Conditions of Approval

1. Prior to recording the Final Map, the applicant shall do one of the following, subject to the approval of the Finance Director:

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

Or

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

If the provisions for adequate funding of the on-going operational costs of providing Police services, Public Works services and other City services are met prior to issuance of the first building permit for the project, 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.

D. Building Division Conditions of Approval

1. The developer shall demonstrate that the proposed residential buildings are designed and constructed in conformance with all applicable City and State Regulations to the satisfaction of the Chief Building Official, including but not limited to CalGreen Building Standards and Title 24-11A accessibility standards.

2. The developer shall demonstrate that all improvements, in-tract and offsite, required to serve the Project Site described by the final map and Vesting Tentative Subdivision Map are in accordance with the City Regulations. The Improvement Plans shall specifically include all the requirements specified below.
    a. The Improvement Plans shall consist of the Grading and Storm Drainage Plans, Irrigation and Landscaping Plans, Composite / Joint Utility Plans, In-tract Civil and Utility Plans, Street Lighting Plans, Sewer Plans, Water Distribution Plans, Fire Hydrant distribution Plans, Signing and Striping Plans, Masonry Wall Plans, and Storm Water Plans, Curb, Sidewalk, Gutter, Fire Department EVA road and additional associated features, Road profiles and construction details, Handicap Accessibility Plans and construction details in accordance with City of Tracy Standards and Regulations.
    b. Improvement plans shall also include Lake Construction plans to include but not limited to retaining walls, all applicable distribution features, piping, pumps, out-fall structures, inlets and connection to City storm water.
    c. All supporting engineering calculations, soils reports, material and technical specifications, and reports related to the design of the subdivision improvements, and as required by the City Engineer shall be provided. The engineering calculations shall include calculations for determining the size and capacity of sewer, water and storm drainage facilities.
3. No Temporary or Final Building Certificate of Occupancy will be issued by the City (excluding model homes) until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that the Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval.
4. All gates are to be accessible by the Fire Department in the case of an emergency, by means such as a Knox box, Knox padlock, Opticon sensors or other means to the satisfaction of the Fire Chief and Chief Building Official.
5. All hydrants, FDCs and DDCVs shall be provided with a minimum of three feet of clearance at all times. Therefore, landscaping shall be designed so that no adjacent plants can grow into and obscure these pieces of equipment.

E. Engineering Division Conditions of Approval

E.1. General Conditions

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

a) "Tracy Village Traffic Impact Impact Analysis", prepared by Kimley-Horn

Associates, dated March 14, 2018, and Memorandum titled "Tracy-Village – Tentative Map Review" prepared by Kimley-Horn Associates, dated February 12, 2018 and any subsequent amendments and updates (Collectively "Traffic Report").

b) "Tracy Village Water Distribution System Hydraulic Network Analysis", prepared by West Yost Associates, dated February 16, 2018, and any subsequent amendments and updates. ("Water Report")

c) Technical Memorandum by Storm Water Consulting, Inc., dated January 8, 2018, and any subsequent amendments and updates. ("Storm Drainage Report").

E.2. Grading Permit

The Subdivider shall submit all relevant documents related to grading permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

E.2.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer.

a) The Subdivider shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Building Official and Fire Code Official prior to submitting the mylars to Engineering Division for City Engineer's approval.

b) Prior to the issuance of Grading Permit for the Project, Subdivider shall submit improvement plans and secure approval of plans from the City's Building Division, for the design of on-site sewer improvements and the Project's sewer connection.

E.2.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.

E.2.3. Two (2) copies of the Project's Geo-technical /Soils Report prepared by Geo-technical Engineer.

E.2.4. Copy of recorded slope easements or construction/grading easements on adjacent properties (if applicable).

E.2.5. Three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) for the Project with a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any relevant documentation or written approvals from the SWQCB, including the Wastewater Discharge Identification Number (WDID#).

a. After the completion of the Project, the Subdivider is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Subdivider shall provide the City with a copy of the completed Notice of Termination.

b. The cost of preparing the SWPPP, NOI and NOT, including the filing fee of the NOI and NOT, shall be paid by the Subdivider.

c. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the applicable provisions of the City's Storm Water Management Program.

E.2.6. Two (2) sets of the Project's Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California.

a. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, pavement design recommendations, and elevation of the highest observed groundwater level.

E.2.7. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) as required in Mitigation Measure AQ-1 of the Mitigation Monitoring and Reporting Program of the Environmental Impact Report (EIR).

E.2.8. A copy of the approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) from San Joaquin Valley Air Pollution Control District (SJVAPCD).

E.2.9. Two (2) sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system and for determining the size of the project's storm drainage connection, as required in Conditions E.4.2.d and E.4.3.k, below.

E.3. Encroachment Permit – Subdivider shall submit all relevant documents related to encroachment permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

E.3.1. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar), if necessary that incorporate all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

a. The Subdivider shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Building Official and Fire Code Official prior to submitting the mylars to Engineering Division for City Engineer's approval.

E.3.2. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

E.3.3. Traffic Control Plan shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California, as required in Condition E.4, below.

E.3.4. Tracy's Fire Official's signature on the Improvement Plans indicating their approval for the fire service connection and fire and emergency vehicle access for the Project.

E.3.5. Signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement

Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA. The Subdivider's obligations in the OIA shall be deemed to be satisfied upon City Council's acceptance of the public improvements and release of the Improvement Security.

E.3.6. Check payment for the applicable of engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on May 17, 2016, per Resolution 2016-094.

E.4. Improvement Plans - Improvement Plans shall contain the design, construction details and specifications of public improvements and all subdivision improvements that are required to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with City Regulations, these Conditions of Approval, and the following requirements:

E.4.1. The Improvement Plans including the Grading and Drainage Plans prepared in accordance with the City's Subdivision Ordinance and Design Standards. The improvement plans for all improvements (onsite and off-site) required to serve the Project in accordance with the City Design Documents, and these Conditions of Approval.

a. The Improvement Plans shall be prepared in mylar with the standard title and signature block.

b. The Subdivider shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylar including signatures by the Chief Building Official and Fire Code Official or Fire Safety Officer, prior to submitting the mylars to Engineering Division for City Engineer's approval.

E.4.2. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:

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

b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports.

c. Two (2) copies of the Project's Geotechnical /Soils Report, prepared or signed and stamped by a Geotechnical Engineer.

d. The Project's on-site drainage connections to City's storm drainage system and on-site storm water treatment as approved by the City Engineer. Improvement Plans to be submitted with the hydrology and storm drainage calculations for the sizing of the on-site storm drainage system.

e. Three (3) sets of the Project's Storm Water Pollution Prevention Plan (SWPPP), Best

Management Practices (BMPs) and a copy of the Notice of Intent (NOI) with the State-issued Wastewater Discharge Identification number (WDID#).

E.4.3. Grading and Storm Drainage Plans

Site Grading

a. Include all proposed erosion control methods and construction details to be employed and specify materials to be used.

b. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.

c. Site grading shall be designed such that the Project's storm water can gravity drain directly to an existing storm drain system with adequate capacity to drain storm water from the Project Site in the event that the on-site storm drainage system fails or is clogged. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be improved to the satisfaction of the City Engineer.

d. When the grade differential between the Project Site and adjacent property(s) exceeds 12 inches, a reinforced or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) of the retaining wall or masonry wall. The entire retaining wall and footing shall be constructed within the Project Site. A structural calculation shall be submitted with the Grading and Storm Drainage Plans.

e. An engineered fill between the Project site and adjacent properties may be accepted as a substitute of a retaining wall, if the grade differential is less than 2 feet and subject to approval by the City Engineer. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Subdivider shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s). The slope easement must be recorded, prior to the issuance of the final building certificate of occupancy.

Storm Drainage

f. The Subdivider shall design and install the Project's storm drainage connection(s) to the City's storm drain facilities per the City of Tracy Citywide Stormwater Master Plan and the "Storm Drainage Study" and as required by the City Engineer.

g. The Subdivider shall submit design calculations and obtain approval of improvement plans for the off-site storm drain line to connect to existing channel at Sycamore Parkway. The Subdivider shall execute Offsite Improvement Agreement prior to beginning of work. The Subdivider will be required to overlay half street section on Valpico Road along the full length of the storm drain line after completion of installation of the storm drain line.

h. All on-site SD facilities, lakes, channels and associated facilities including the proposed connection(s) to the City's public drainage facilities, shall be owned and maintained by the HOA.

i. The Subdivider shall provide a Stormwater Quality Control Plan (SWQCP) detailing the methods in which the development will address compliance with the applicable City's Multi-Agency Post-Construction Stormwater Standards Manual (Manual).

The proposed stormwater treatment within the lake system will be subject review and approval by the City. Prior to the issuance of the grading permit for the project, the SWQCP shall be approved by the City Engineer.

j. Prior to the final inspection of the first building to be constructed on the Property, the Subdivider shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Subdivider's responsibility towards the repair and maintenance of on-site storm water treatment facilities. Calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the STFMA and the Grading and Storm Drainage Plans.

E.4.4. Sanitary Sewer Facilities

a. The Subdivider shall design and install sanitary sewer facilities including the Project's sewer connection in accordance with City Regulations and utility improvement plans approved by the City Engineer.

b. The Subdivider shall build and dedicate, to the satisfaction of the City Engineer, public sewer mains, manholes and associated improvements required to serve the entire subdivision. All public infrastructure shall be located in the private subdivision roadways. The Subdivider shall provide easements, to the satisfaction of the City Engineer, across the entire road plus 5 feet on either side as measured from the back of curb. Repair and maintenance of all sewer lines outside of easements which includes (but it not limited to) laterals and appurtenances shall be a private maintenance obligation either from the fronting property owner, HOA, or another City approved maintenance entity.

c. In the event the permanent sewer main in Corral Hollow Road and downstream improvements required to provide permanent capacity for the Project have not been constructed (by others) at the time of request for first building permit within the Project, the Subdivider shall complete the design and install master plan facilities within Corral Hollow Road from the Project to Node 4W-1 as shown in Figure 5-1 of Tracy Wastewater Master Plan.

d. Interim capacity in the existing sewer main north of Node 4W-1 may be temporarily available and the Project may be permitted to utilize existing capacity in the system north of Node 4W-1 subject to verification of availability of capacity in the existing facilities by completion of a technical analysis by City's Consultant ("Interim Sewer Capacity Analysis"). The cost of the Interim Sewer Capacity Analysis shall be funded by the Subdivider, and shall be completed prior to issuance of first building permit. If the Interim Sewer Capacity Analysis indicates that there is no capacity available for the Project, the Subdivider shall design and construct master plan facilities to provide additional capacity per the Wastewater Master Plan.

e. The Subdivider shall design and install wastewater services to existing homes on the north side of Valpico Road as part of the Offsite Improvements. The subdivider will be eligible for fee credits for the cost of installation of the water services.

f. In order to facilitate installation of wastewater service connections to existing homes fronting Corral Hollow Road as part of City's CIP project, a funding requirement in the amount of $100,000 has been identified. The Subdivider shall pay to the City the amount specified above within 30 days from written request from the City Engineer. City will identify funding source for reimbursement of the amount to the Subdivider, and enter into a Reimbursement Agreement prior to payment by the Subdivider.

g. The Subdivider is hereby notified that the City has limited wastewater treatment capacity in the City's Wastewater Treatment Plant until current and future expansion capital improvement projects are completed and operational. As of January 2017, the City had an unused capacity of approximately 1851 EDU's within its wastewater treatment plant available to new development within the City on a first come-first served basis. These EDU's are currently available to serve the proposed project, but as other development projects within the City come forward and building permits are issued, this remaining capacity will be reduced.

E.4.5. Water Distribution System

a. Water line sizing, layout and looping requirements for this Project shall comply with recommendations of the analysis by the City's Water Consultant.

b. If development of the Project is phased (e.g., the north part of the Project is developed as Phase 1 and the south part of the Project is developed as Phase 2), both connections to the City's existing potable water system (at Valpico Road and at Middlefield Drive), should be constructed with the first phase of development to provide for water supply redundancy and ensure adequate fire flow availability under all phases of Project development.

c. All water connections that are bigger than 2 inches in diameter shall be Ductile Iron Pipe (DIP).

d. During the construction of the Project, the Subdivider 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 City of Tracy Fire Code Official.

e. All costs associated with the installation of the Project's permanent water connection(s) as identified in the Water Study including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings, replacing traffic detecting loops, conduits, and wires, relocating existing utilities that may be in conflict with the water connection(s), and other improvements shall be paid by the Subdivider.

f. Subdivider shall obtain an account for the water service to the Project and register the water meter with the Finance Department. Subdivider shall prepare and submit a map depicting the location of the water meter(s) to Finance Department.

g. If water main shut down is necessary, the City will allow a maximum of 4-hour water supply shutdown. The Subdivider shall be responsible for notifying residents or business owner(s), regarding the water main shutdown. The written notice, as approved by the City

Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before the water main shutdown. Prior to starting the work described in this section, the Subdivider shall submit a Water Shutdown Plan and Traffic Control Plan to be used during the installation of the offsite water mains.

h. The Subdivider shall design and install domestic water service connections, including remote-read water meter (the water meter to be located within City's easement) in accordance with City Regulations.

i. The Subdivider shall build and dedicate, to the satisfaction of the City Engineer, public water mains, valves, fittings, fire hydrants and associated improvements required to serve the entire subdivision. All public infrastructure shall be located in the private subdivision roadways. The Subdivider shall provide easements, to the satisfaction of the City Engineer, across the entire road plus 5 feet on either side as measured from the back of curb to maintain the valves, fitting, fire hydrants and other associated improvements. Repair and maintenance of all water lines outside of easements which includes (but it not limited to) laterals, meters and appurtenances shall be a private maintenance obligation either from the fronting property owner, HOA, or another City approved maintenance entity.

j. The Subdivider shall design and install fire hydrants at the locations approved by the City's Fire Safety Officer and Chief Building Official. Prior to the approval of the Improvement Plans, the Subdivider shall obtain written approval from the City's Fire Safety Officer and Chief Building Official, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

k. The Subdivider shall design and install water services to existing homes on the north side of Valpico Road as part of the Offsite Improvements. The Subdivider will be eligible for fee credits for the cost of installation of the water services.

l. In order to facilitate installation of water service connections to existing homes fronting Corral Hollow Road as part of City's CIP project, a funding requirement in the amount of $100,000 has been identified. The Subdivider shall pay to the City the amount specified above within 30 days from written request from the City Engineer. City will identify funding source for reimbursement of the amount to the Subdivider, and enter into a Reimbursement Agreement prior to payment by the Subdivider.

m. Recycled Water

On-site Recycled Water is proposed to fill and maintain the water levels in the proposed project's lakes. On-site and off-site recycled water lines shall be designed per City Standards and applicable Regulations. The Subdivider shall install Recycled Water main in Valpico Road with construction of required roadway improvements on Valpico Road.

City will be installing Recycled Water facilities from the Wastewater Treatment Plant upto the intersection of Lammers Road and Old Schulte Road. Prior to final inspection of 150th home excluding model homes, the Subdivider shall complete installation of Recycled Water facilities from the Project to the intersection of Lammers Road and Old Schulte Road to connect

to Recycled Water line, if City's project has installed the Recycled Water Mains from the WWTP upto this junction.

If City's Recycled Water facilities are not completed, or are partially completed prior to final inspection of 150th home excluding model homes, the Subdivider shall construct needed facilities to extend Recycled Water facilities to connect the Project to Recycled Water lines. If no Recycled Water facilities are available to connect, the Subdivider shall demonstrate that City's domestic water supplies and water network are adequate to provide water to the Project and lakes. In such event, City's consultant will prepare a report with recommendations for any improvements to the City's water system or other means of addressing the additional demand on City's domestic water system. The Subdivider shall be responsible for costs of full compliance with the recommendations.

If the Subdivider installs Recycled Water Facilities that are funded by the Development Impact Fees or other sources, the Subdivider will be eligible to request fee credits and/or reimbursements pursuant to Tracy Municipal Code.

E.4.6. Utility Easements

a. Utilities within private streets shall be located within utility easements dedicated to the City, and shall be subject to review and approval by the City Engineer. Proposed Maintenance access roads or curb cuts shall be reviewed and approved by the City Engineer.

b. The Subdivider shall coordinate with local service providers and dedicate necessary Public Utility Easements (PUE) along the Project's frontage on Valpico Road and within the Project for Joint Trench Utilities to serve the Project.

E.4.7 Street Improvements:

a) Right of Way on Valpico Road Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by the City Council on November 26, 2012, pursuant to Resolution 2012-240, Valpico Road will be a 4-lane major arterial street with a minimum right-of-way of 99 feet. The street section proposed consists of 102' wide right-of-way.

The Subdivider shall dedicate 47 feet right-of-way from the existing right-of-way line of Valpico Road towards the Property along the entire frontage of the Property on Valpico Road, for the construction of Valpico Road Frontage Improvements. The Subdivider shall dedicate the right-of-way on Final Map, or execute a Grant Deed to convey the land in fee title and submit legal description and plat map that describes the area to be dedicated, prior to the issuance of the Grading Permit. The cost of preparing the legal description and plat map will be the sole responsibility of the Subdivider.

Subdivider shall acquire right-of-way required on the north side of Valpico Road (County parcels) to install the roadway and sidewalk improvements including undergrounding of overhead utilities. City may assist Subdivider in acquisition of the right-of-way. Cost of acquisition of right-of-way shall be reimbursable to the Subdivider from the program fees as determined by the City Engineer.

Subdivider will be eligible to request fee credits and/or reimbursements for the cost of right-of-way in excess of Subdivider's obligation as defined in Traffic Master Plan and pursuant to Tracy Municipal Code requirements.

The City will assume responsibility to maintain the public improvements and accept the offer of dedication for right-of-way on Valpico Road after the City Council accepts the public improvements.

b) Frontage Improvements on Valpico Road – The Subdivider shall design and construct all roadway improvements on Valpico Road that are necessary to provide safe and functional access(s) to the Project for each phase and at Project's build-out condition, as described by the Traffic Report, and as required by the Conditions of Approval.

(i) The Frontage Improvements involve the widening of the south side of Valpico Road along the frontage of the Project and pavement transitions on both sides on Valpico Road and other improvements which include but not limited to, the installation of new asphalt concrete pavement, concrete curb, gutter, sidewalk, Class I bike lane, handicap ramp(s), crosswalk, bus shelter with turnout and associated improvements, parkway landscaping improvements with automatic irrigation system, storm drainage, catch basin/ drop inlet, fire hydrant, domestic, irrigation and fire services, street lights traffic sign(s), pavement marking and striping along the entire frontage on Valpico Road, and other improvements such as barricades, signing, and striping that are necessary to provide a safe transition to and from existing roadway section of Valpico Road (Frontage Improvements).

(ii) The roadway improvements shall also include the installation of a traffic signal at the Main Entry Street at Valpico Road. The intersection improvements will include but not limited to, traffic detection loops, pull boxes, conduits and wires, audible pedestrian warning, electronic sign, crosswalk, pavement legends and markings, lane markings, traffic signs, and other improvements as determined by the City Engineer that are deemed to be necessary to have a safe and functional traffic signal. The traffic signal is not included in funded improvements in City's fee program, and hence costs of design, acquisition of right-of-way (if required) and installation of the traffic signal is not eligible for fee credits or reimbursements.

(iii) The sidewalk along the frontage of the project shall be extended east of the Project boundary to connect to the existing sidewalk. Cost of acquiring right-of-way or easements and installation of the sidewalk shall be the responsibility of the Subdivider.

(iv) Subdivider shall design and install improvements on Valpico Road west of the Project to provide safe transitions to existing improvements. Subdivider shall acquire needed right-of-way on both sides of Valpico Road. Scope of roadway improvements shall be as determined by the City Engineer during the review of the improvement plans for the Project.

(v) Subdivider will be eligible to request fee credits and/or reimbursements for the cost of design and construction of improvements on Valpico Road that are in excess of Subdivider's obligation as defined in Traffic Master Plan and pursuant to Tracy Municipal Code requirements.

(vi) The Subdivider may request formation of a benefit district for recovering cost of right-of-way and construction of improvements beyond the Subdivider's frontage responsibility and not

included in City's fee program. The City will collect administrative fee, formation cost, and program management fees for forming, administering, and managing the benefit district. The Subdivider is responsible for submitting all documents such as materials receipts, payroll, equipment rental and others to show actual construction cost or expenses incurred or to support claim for reimbursement.

(vii) Improvement plans to be prepared for Valpico Road improvements shall include transition paving, widening, striping and signage, modification or removal of the existing guard rail (if required) to the east of the Project to conform to existing 4-lane street section in compliance with applicable standards to ensure safe transition for eastbound and westbound traffic on Valpico Road. The improvement plans shall also include transition paving, widening, striping and signage, modification or removal of the existing private improvements, relocation of existing overhead utility poles (if required) to the west of the Project to conform to existing street section in compliance with applicable standards to ensure safe transition for eastbound and westbound traffic on Valpico Road. The improvements shall be as approved by the City Engineer.

(viii) City has approved improvement plans to construct improvements on Corral Hollow Road to widen the street section to 4-lane configuration. The improvements on Valpico Road to be installed with the Project shall match the improvements per the approved improvement plans for Corral Hollow Road Improvements project at the intersection of Corral Hollow Road and Valpico Road. If the improvements at the intersection of Corral Hollow Road and Valpico Road are completed by the City at the time of construction of Valpico Road improvements by the Subdivider, the Subdivider shall design and construct improvements on Valpico Road to match the intersection improvements.

(ix) The construction details and specifications of bus turnout and bus shelter on Valpico Road shall be submitted for City's review at the time of review of Offsite Improvement Plans. The cost of the bus shelters and turnout and associated improvements are to be paid by the Subdivider without any reimbursement from the City.

(x) The Subdivider shall dedicate an easement for maintenance of traffic signal loops within Entry Street 1 on the Final Map, or execute a Grant Of Easement to the City, and submit legal description and plat map that describes the easement area.

(xi) Any travel lane(s) or left-turn and right-turn lane(s) and traffic signal at Entry Street 1 are considered to be site specific offsite improvements and they are Subdivider's responsibility to design and construct without any fee credits or reimbursements.

(xii) Prior to the issuance of a Building Permit for the project, the Subdivider shall dedicate a Public Utility Easement (PUE) along the full frontage of the Project on Valpico Road.

(xiii) CMU wall that is proposed to be constructed along the frontage of the project shall be located behind the right-of-way on Valpico Road. Maintenance of the wall, monument and decorative pavement at Entry Street 1 shall be the responsibility of the HOA.

c. Roadway Improvements on North side of Valpico Road- The Subdivider shall design and construct all roadway improvements on north side Valpico Road per the Valpico Road Typical

section shown on the Tentative Map and City Standards.

(i) Improvement plans to be prepared for Valpico Road improvements shall include improvements required to construct 4-lane arterial section with 5' wide Class II bike lane, curb and gutter, 5' wide sidewalk and improvements behind the sidewalk within the 3' setback to the right-of-way on the north side of Valpico Road. The improvement plans shall also include modification or removal of the existing private improvements as required to construct improvements and undergrounding of existing overhead utility poles in compliance with applicable standards. The improvement plans shall show modifications of driveways, landscape, fences, walls, mailboxes and other structures that may be impacted with the construction of the improvements.

The Subdivider shall coordinate modifications with property owners to minimize impacts to the parcels. City may require preparation of detailed exhibits for each of the parcels to provide necessary information to the owners.

d. All roadway improvements described in these Conditions of Approval must be designed and constructed by the Subdivider to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (HDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), all applicable City Regulations, and these Conditions of Approval.

The Subdivider may complete the construction of improvements on Valpico Road in two phases:

First phase consisting of design and construction of Frontage Improvements on the south side of Valpico Road, four traffic lanes (two lanes for eastbound and two lanes for westbound traffic) with interim asphalt curb on the north side of Valpico Road, and installation of the traffic signal shall be completed by the Subdivider prior to issuance of 100th building permit within the Property.

Second phase consisting of removal of interim improvements, undergrounding of overhead utilities and sidewalk on the northside of Valpico Road shall be completed by the Subdivider prior to issuance of 200th building permit within the Property.

e. The Subdivider shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements on Valpico Road, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.

f. If the Subdivider completes the construction of roadway improvements on Valpico Road as described in these Conditions of Approval that are beyond the frontage responsibility of the Project, the Subdivider may be entitled to fee credits and/or reimbursement for the program portion of the roadway improvements on Valpico Road in accordance with the OIA and Title 13 of the Tracy Municipal Code. The amount of fee credit and/or reimbursement shall be determined during the review of improvement plans.

E.4.8. Project Access and Traffic Circulation

a. Design and construction of all streets and Entry Street 1 and 2 shall comply with the findings of the Traffic Analysis by Kimley-Horn Associates, and applicable City Standards.

b. The Subdivider shall construct complete street improvements for the Private internal streets and alleys as generally shown in the Tentative Map Tract No. 3917. Subdivider shall comply with the requirements of Fire Department and Public Works Department for access and design of structural pavement for Maintenance Access roads and Fire Lane access Roads within the Development. Improvement Plans shall be submitted to Engineering Division for review and approval by the City Engineer.

i) Private Streets and alleys will be maintained by the HOA.

ii) The Subdivider shall prepare a Signing and Striping Plan for the on-site private streets and alleys. The Signing and Striping Plan shall include all stop bars, stop legends, stop signs, right-turn or left turn arrows, centerline stripes, traffic control signage, etc. as necessary for internal traffic circulation.

iii) Striping and signage for on-street parking on the internal private streets and for designated parking lots for resident, guest, employees, and visitor parking shall comply with City's standards for Off Street Parking.

iv) The Subdivider shall submit detailed plans for Parcel L, Pedestrian Access to Corral Hollow Road. The improvements proposed within Parcel L shall be submitted for review and approval by City Engineer, Public Works Director and Police Chief.

E.4.9. Irrigation and Landscaping Plans

a. All parkway landscaping improvements along the frontage of the Property on Valpico Road shall be designed and constructed in accordance with City Regulations and completed as part of the Valpico Road Frontage Improvements. Design and construction details of these improvements shall be included in the Irrigation and Landscaping Plans. Parkway landscaping shall be maintained by the HOA as part of the Long-Term Maintenance Agreement between the City and Subdivider or HOA. The parkway landscape planting and irrigation system shall be separate from the onsite landscaping plan, including a separate irrigation meter, irrigation main(s), and irrigation controller(s). Parkway landscape improvements shall conform to City standards.

b. The Subdivider shall design and install public and private improvements, including street trees, monument signs, decorative fences and walls, and other improvements at locations that shall meet requirements related to horizontal sight distance.

E.4.10. Undergrounding of Overhead Existing Overhead Utilities

a. The Subdivider shall design and underground existing utilities on the north side of Valpico Road across from the Project as part of the Frontage Improvements. The Subdivider shall coordinate design and installation of underground utilities with the utility companies and the property owners. Undergrounding of services to the existing homes shall be completed with the undergrounding. City will provide assistance in seeking cooperation of the property owners in

undergrounding of services to homes. The Subdivider shall acquire easements if required to install the underground utilities. If the Subdivider is unable to acquire the necessary easements, City may extend its power of eminent domain subject approval of the City Council.

b. Pursuant to Tracy Municipal Code, Subdivider is responsible for 50% of the cost of undergrounding of overhead utilities on the north side of Valpico Road. City may reimburse the Subdivider for costs in excess of Subdivider's obligation towards the cost of undergrounding subject to availability of funds. At the time of approval of this Development Application, City has not identified funding sources for reimbursement. City will continue its evaluation of funding sources including Rule 20-A funding.

E.4.11. Offsite Improvement Agreement

a. Prior to starting any work on Valpico Road Frontage Improvements, the Subdivider shall sign an improvement agreement (Offsite Improvement Agreement or OIA) and post improvement security in accordance with Section 12.36.080 of the TMC, to guarantee completion of the public improvements. The OIA requires approval from the City Council.

E.4.12. Traffic Impact Mitigations

a. All Applicable traffic impact mitigations identified in the Environmental Impact Report shall be complied with.

E.4.13. Traffic Control Plan - Prior to starting the work, the Subdivider shall submit a Traffic Control Plan, to show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

E.4.14. Joint Utility Trench Plans – The Subdivider shall prepare joint trench plans in compliance with utility companies' requirements and City regulations, and obtain approval of the plans. All private utility services to serve Project, including electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities.

a. The Subdivider shall submit Joint Utility Trench Plans for the installation of electric, gas, telephone and TV cable main and service lines that are necessary to be installed to serve the Project. These utilities shall be installed within the Public Utility Easement (PUE) that will be offered for dedication to the City. The Subdivider shall coordinate, as feasible, with the respective owner(s) of the utilities for the design of these underground utilities to ensure they can be installed within the PUE to the extent feasible (and except in the event, that additional space beyond the PUE is required, as determined by the utilities owner(s)).

b. The Subdivider shall verify with the respective utility owner(s) if they will allow the installation of private landscaping within the public utility easement. Subdivider shall provide the utilities' owner(s) written notification and receive permission to construct the improvements, prior to the approval of the building permit.

E.5. Building Permit - No building permit will be approved by the City until the Subdivider

demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

E.5.1. Payment of the Master Plan Fees for Citywide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park adopted by the City Council on January 7, 2014, per Resolution 2014-010.

E.5.2. Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC, and these Conditions of Approval.

E.5.3. Payment of the Agricultural Conversion or Mitigation Fee as required in Chapter 13.28 of the TMC, and these Conditions of Approval.

E.5.4. Payment of the Regional Transportation Impact Fees (RTIF) as required in Chapter 13.32 of the TMC, and these Conditions of Approval.

E.6. Acceptance of Public Improvements - Public improvements will not be accepted by the City Council until after the Subdivider completes construction of the relevant public improvements, and also demonstrates to the City Engineer satisfactory completion of the following:

E.6.1. Correction of all items listed in the deficiency report prepared by the assigned Engineering Inspector relating to public improvements subject to City Council's acceptance.

E.6.2. Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements.

E.6.3. Reasonable written permission from irrigation district or affected owner(s), if applicable, as required in Condition E.10.3, below. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.

E.7. Temporary or Final Building Certificate of Occupancy or Final Building Inspection - No Temporary or Final Building Certificate of Occupancy will be issued by the City until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

E.7.1. The Subdivider has satisfied all applicable requirements set forth in Condition E.6, above.

E.7.2. The Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Subdivider shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Subdivider shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition,

program implementation, and contingency).

E.7.3. Unless dedicated on the Final Map, signed and notarized Grant Deed with the legal description and plat map that describes the area to be dedicated to the City, for the construction of Valpico Road Improvements.

E.7.4. Unless dedicated on the Final Map, signed and notarized Grant of Public Access Easements, Emergency Vehicle Access Easements, and Utility Easements with legal description and plat maps as applicable.

E.8. Improvement Security – The Subdivider shall provide improvement security for all public facilities, as required by the OIA and these Conditions of Approval. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with section 12.36.080 of the TMC. The amount of improvement security shall be as follows:

E.8.1. Faithful Performance (100% of the estimated cost of constructing the public facilities),

E.8.2. Labor & Materials (100% of the estimated cost of constructing the public facilities), and

E.8.3. Warranty (10% of the estimated cost of constructing the public facilities)

E.9. Release of Improvement Security - Improvement Security(s) described herein shall be released to the Subdivider after City Council's acceptance of public improvements, and after the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance of these Conditions of Approval, and completion of the following:

E.9.1. Improvement Security for Faithful Performance, Labor & Materials, and Warranty shall be released to the Subdivider in accordance with Section 12.36.080 of the TMC.

E.9.2. Written request from the Subdivider and a copy of the recorded Notice of Completion.

E.10. Special Conditions

E.10.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design documents including the City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City.

E.10.2. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Subdivider shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.

E.10.3. The Subdivider 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 Subdivider 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 Subdivider.

E.10.4. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or another public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the Grading Permit, Encroachment Permit, Building Permit, Improvement Plans, and OIA, 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 Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

F. Fire Department Conditions of Approval

1. Prior to occupancy of any structures, monitored NFPA 13-R automatic sprinkler and smoke alarm systems must be installed.
2. Trees planted along fire apparatus access roads or alleys shall be maintained/pruned to provide the minimum 13.5 feet of clear vertical height or the variety provided shall be the type which will not naturally encroach into this right-of-way for emergency vehicle access.
3. Any cul-de-sac bulb that cannot accommodate fire truck turning with on-street parking shall be striped and signed "no parking" to the satisfaction of the Fire Chief.
4. All alleys shall be signed and striped "no parking" to ensure a 20-foot clear travel way at all times for emergency vehicle access.

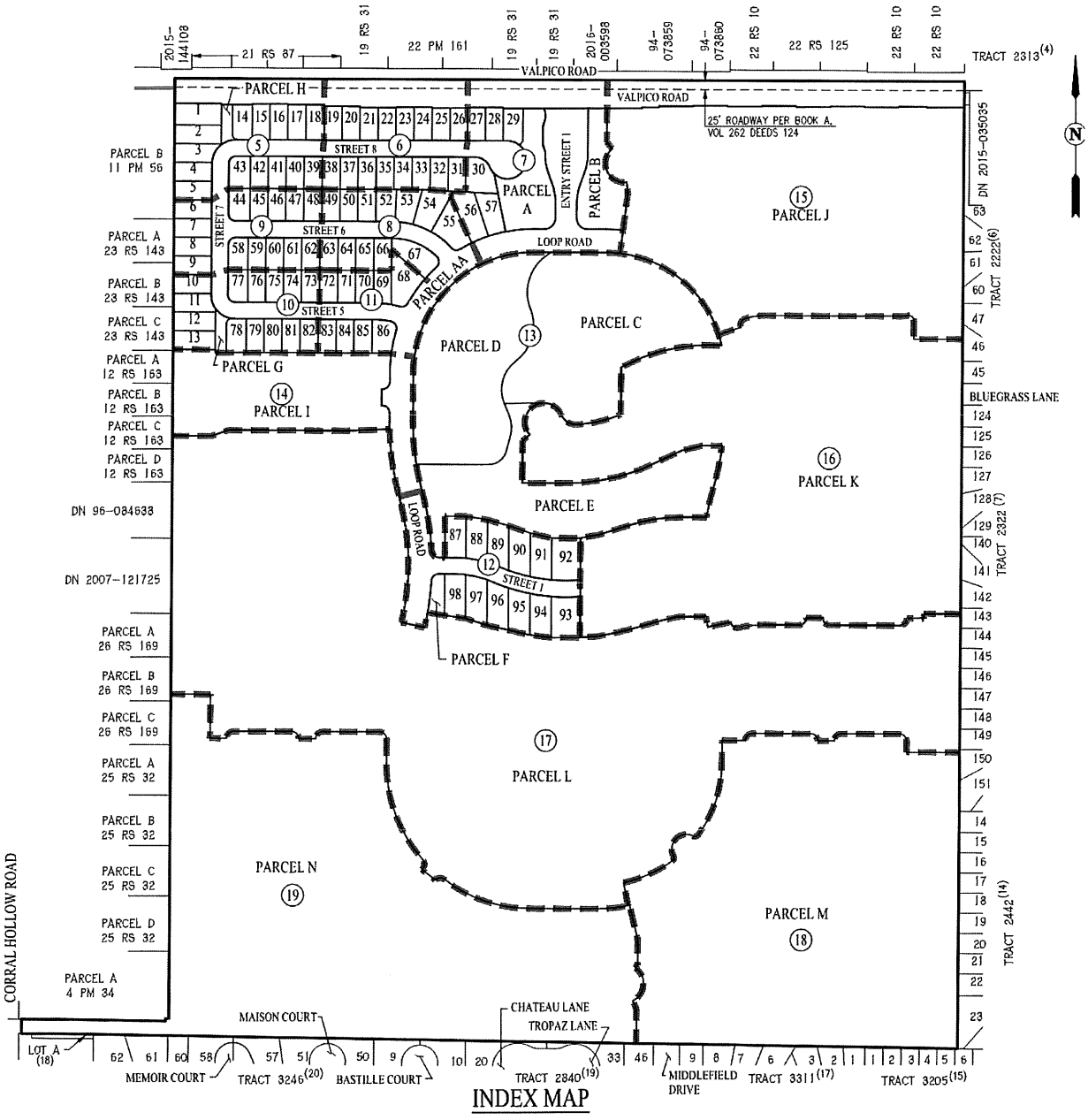
G. Public Works Conditions of Approval

1. The City requires that the Tracy Village Development project homeowners association (HOA) provide for maintenance of all landscape areas within the project boundaries, and shall join a Community Facilities district (CFD) for landscape maintenance adjacent to the project within the City's right-of-way along both Corral Hollow and Valpico Roads. While required to join the CFD, it will be kept in a "dormant" status for the private streets landscape maintenance and only activated if the HOA does not provide for maintenance as needed. Landscape maintenance on each privately owned lot will be the responsibility of the individual homeowners.

2. Landscaping shall be provided consistent with standard details of the City Master Plans.

3. The developer shall coordinate with the City's trash collector (currently Tracy Delta disposal) to allow for access through the entry gates, and shall either plan for manual collection on the alley-loaded lots, or ensure that the toters are located for pick-up by the trucks on the right hand side only.

EXHIBIT "C"
(Location Map)



APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION 2022-_____

APPROVING THE FINAL SUBDIVISION TRACT MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 3917 – TRACY VILLAGE NEIGHBORHOOD 5A, AND AUTHORIZING THE CITY CLERK TO FILE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH THE SAN JOAQUIN COUNTY RECORDER

WHEREAS, on May 15, 2018, pursuant to Resolution No. 2018-087, City Council approved a San Joaquin Local Agency Formation Commission (LAFCo) annexation application to annex several parcels; approved the Tracy Village Specific Plan; approved a Vesting Tentative Subdivision Tract Map (VTSM) for Tracy Village; and certified the Environmental Impact Report (SCH#2016112016); and

WHEREAS, the project consists of 590 single-family residential homes on 135.2 acres located on the south side of Valpico Road and east of Corral Hollow Road; and

WHEREAS, Tract 3917 is consistent with the Final Revised Environmental Impact Report (EIR), certified by the City Council on May 15, 2018, for the Tracy Village Specific Plan, which included the Tracy Village Specific Plan (SCH#2016112016). Pursuant to CEQA Guidelines Section 15162 and Public Resources Code Section 21166, no subsequent EIR shall be prepared for the project because the project has a certified EIR and no substantial changes are proposed in the project that would require major revisions to the previous EIR; no substantial changes have occurred with respect to the circumstances under which the project will be undertaken that would require major revisions to the previous EIR; and no new information of substantial importance regarding significant effects, mitigation measures, or alternatives for this project has become known, which was not known at the time the previous EIR was certified as complete. Furthermore, as a residential subdivision that is consistent with a specific plan for which an EIR was certified after January 1, 1980, the project is exempt from the requirements of CEQA pursuant to California Government Code Section 65457. Therefore, no further environmental review is necessary; and

WHEREAS, the Subdivider is requesting to phase the VTSM. The first phase is Final Subdivision Tract Map for Tract 3917 – Tracy Village Neighborhood 5A which consists of 98 single-family residential homes, 13 lettered parcels for private streets, and other parcels to be owned and maintained by the homeowners' association; and

WHEREAS, the Conditions of Approval for the Tracy Village VTSM require the Developer to construct certain on-site public improvements connected with the approval of the Final Subdivision Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City Standards; and

WHEREAS, the Subdivider executed an Improvement Inspection Agreement (IIA) with the City in June 2022 to permit the Subdivider to begin construction of onsite improvements for the Subdivision; and

WHEREAS, the public improvements are not completed and Subdivider has executed the Subdivision Improvement Agreement (SIA) to replace the IIA and has posted the required sureties to guarantee completion of the improvements; and

WHEREAS, the Improvement Plans for the required public and private street and public utility improvements have been prepared on behalf of the Developer; have been reviewed by the City; and are approved by the City Engineer and are incorporated into the SIA for Tract 3917 by reference; and be it

RESOLVED: That City Council of the City of Tracy hereby approves the Final Subdivision Map and Subdivision Improvement Agreement between the City and Toll Brothers West, Inc., a Delaware corporation, and authorizes the City Clerk to file the Subdivision Improvement Agreement with the San Joaquin County Recorder; and be it

FURTHER RESOLVED: That there will be no impact to the General Fund. The Developer will pay for the cost of inspection and processing the agreement; and be it

FURTHER RESOLVED: Tract 3917 is consistent with the Final Revised Environmental Impact Report (EIR), certified by the City Council on May 15, 2018, for the Tracy Village Specific Plan, which included the Tracy Village Specific Plan (SCH#2016112016). Pursuant to CEQA Guidelines Section 15162, no further environmental review is necessary, and be it

FURTHER RESOLVED: That upon completion of all improvements, the City will accept the public improvements and accept all offers of dedication of public easements, public right-of-way and other public parcels.

* * * * * * * * * * * * * *

The foregoing Resolution 2022-_____ was adopted by the Tracy City Council on the 4th day of October 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

October 4, 2022

Agenda Item 3.A

RECOMMENDATION

Staff recommends that the City Council adopt a Resolution (1) Approving a three-year time extension for the Development Review Permit (D16-0036) To Construct A Five-Unit Residential Project Located at 21, 25, And 29 E. Eighth Street and (2) Determining that The Project is exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332. The applicant is Mark Watrous-Heyliger. Application Number EXT22-0001.

EXECUTIVE SUMMARY

City Council approved a Development Review Permit on December 17, 2019 to construct a five-unit residential project located at 21, 25, and 29 E. Eighth Street. Prior to the two-year expiration of the permit, the applicant submitted a request to extend the life of the permit by an additional three years. Staff is recommending that the City Council grant the three-year time extension and determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332.

BACKGROUND AND LEGISLATIVE HISTORY

On November 6, 2019, the Planning Commission held a public hearing and recommended that the City Council introduce and adopt an ordinance amending the Central Business District (CBD) Zone to permit high density residential uses, including single-family dwellings, two-family dwellings, and multi-family dwellings (Application Number ZA17-0003) and approve a Development Review Permit to construct a five-unit residential project, consisting of two single-family dwellings and a triplex on an approximately 9,885 square-foot site located at 21, 25, and 29 E. Eighth Street (Application Number D16-0036).

The ordinance to amend the CBD Zone to permit high density residential uses (Ordinance 1282) was introduced at a regular meeting of the City Council on December 17, 2019 and adopted on January 21, 2020. Additionally, City Council approved the Development Review Permit to construct the five-unit residential project on December 17, 2019 (Resolution No. 2019-254) with an effective date of February 20, 2020 to be the same as the effective date of the ordinance to amend the CBD Zone (Ordinance 1282).

In accordance with Tracy Municipal Code Section 10.08.3980, a Development Review Permit lapses after two years unless a building permit is issued or the property owner applies for an extension of the permit. Prior to the expiration of the Development Review Permit on February 20, 2022, the applicant submitted a time extension request.

Time extension requests are subject to the approval authority of the same body that approved the original permit, which in this case was the City Council with recommendation by the Planning Commission. In accordance with Tracy Municipal Code Section 10.08.3950, any Development Review Permit application paired with another application being reviewed by the City Council is a Tier 1 application that must be reviewed by the City Council following recommendation by the Planning Commission. As stated above, the original Development Review Permit application was paired with an application to amend the CBD Zone, which required action by the City Council.

According to the applicant, the reasons for the project delays and the time extension request are that the project management team underwent changes during the past couple years due to the loss of partners and project timing was also delayed by the Covid-19 pandemic. The applicant stated that the construction documents are being prepared and they are also working on a lot merger, which is a condition of approval of the Development Review Permit to remove property lines that would be underneath the proposed buildings. Although the applicant intends to begin construction as soon as possible, the request is for a three-year extension, just in case there are unforeseen circumstances that might affect construction timing.

ANALYSIS

The extension of this Development Review Permit would allow construction of a five-unit residential project, consisting of two single-family dwellings and a triplex on an approximately 9,885 square-foot site located at 21, 25, and 29 E. Eighth Street. No changes are proposed to the originally approved plans (Attachment A – Location Map and Attachment B – Approved Project Plans).

The subject property includes three existing lots with one house on each of the two end lots. The middle lot is vacant. A house was previously demolished on the middle lot, due to the structure's poor condition. The project includes demolishing the remaining two houses, due to numerous issues with the condition of the structures and the encroachment of the western dwelling unit and its utilities onto the adjacent neighboring property to the west.

The subject property is located in the Central Business District (CBD) Zone and has a General Plan land use designation of Downtown. The project is consistent with the General Plan and the CBD Zone, including the permitted uses and density requirements.

The CBD Zone includes the following requirements for residential uses:

- Single-family dwellings, two-family dwellings, and multi-family dwellings shall be permitted in the CBD Zone, except that there shall be no residential uses on the ground floor of buildings with elevations that face the following:
    - Central Avenue between 11th Street and 6th Street
    - 10th Street between Central Avenue and A Street
    - Front Street Plaza at 6th Street, excluding the eastern 110 feet of the block which faces a parking island within the 6th Street public right-of-way because this portion of the block is already developed with existing residential development.

- Density: There shall be at least 700 square feet of net lot area and no more than 2,500 square feet of net lot area for each dwelling unit in the CBD Zone.

- The minimum floor area for a single-family dwelling shall be 500 square feet.

- Any new residential development in the CBD Zone shall be subject to development review, including any new single-family dwellings, two-family dwellings, or multi-family dwellings, regardless of the number of units.

The General Plan states that residential development is strongly encouraged in the Downtown

and allowed at a density of 15 to 50 units per gross acre (page 2-26 of the General Plan Land Use Element).

The proposed density for the project is approximately 1 dwelling unit per 1,977 square feet of net lot area or calculated as 22 units per net acre (17 units per gross acre). The proposed single-family dwellings are two-story structures each consisting of approximately 1,660 square feet of living space. The proposed triplex is also a two-story structure with the unit sizes ranging from approximately 825 square feet to 912 square feet of living space. The project is proposed as five rental units on a single lot. The three existing lots would be merged into one lot prior to issuance of a building permit.

The subject property has frontage on E. Eighth Street and access from the rear on Garner Alley. The project includes a one-car garage for each of the five dwelling units and a total of four additional uncovered parking spaces on the property. To satisfy the minimum off-street parking requirements, the project is proposing to utilize the CBD Zone Parking-in-Lieu Fee Pilot Program of $0, which was extended to October 6, 2025 by City Council Resolution No. 2019-160. In other residential zones by contrast, the two single-family dwellings would each require a two-car garage and the triplex would require two parking spaces per unit with one of the two being covered, and an additional space marked as guest. The main difference from what would otherwise be required and the proposed project is that the single-family dwellings would each require a two-car garage rather than a one-car garage.

The building architecture includes an attractive design featuring a high-level of detailing and articulation on all four sides of each building, a well-designed gable roof with variation and multiple gable elements to create visual interest and appeal, use of multiple building materials, including wood siding and brick, variation in the building façade depth, ample use of windows, bay windows, front porches, driveway pavers, and an overall design character and architectural details that are inspired by and complement the residential architecture that exists in the surrounding neighborhood. The proposed architecture is consistent with the City's Design Goals and Standards.

FISCAL IMPACT

This is a routine development application. The applicant paid the normal, flat-rate application processing fee of $545 when they submitted the application to request a time extension for the Development Review Permit. Staff time to process the application was paid through the normal, Development Services Department budget.

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 published in the Tracy Press. The City Council agenda packet was posted on the City website, City Hall, and the Tracy Branch Library.

PLANNING COMMISSION DISCUSSION

The Planning Commission held a public hearing to discuss this project on August 24, 2022. The Planning Commission recommended that the City Council adopt a resolution (1) approving a three-year time extension for the Development Review Permit (D16-0036) to construct a five-unit residential project located at 21, 25, and 29 E. Eighth Street, and (2) determining that the

project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Application Number EXT22-0001.

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 Downtown and all applicable General Plan policies, as well as consistent with the Central Business District (CBD) Zone and with all applicable zoning regulations, (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.

STRATEGIC PLAN

This agenda item is not related to the City's Strategic Plans.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution (1) approving a three-year time extension for the Development Review Permit (D16-0036) to construct a five-unit residential project located at 21, 25, and 29 E. Eighth Street, and (2) determining that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Application Number EXT22-0001, as stated in the City Council Resolution dated October 4, 2022.

Respectfully submitted,

KRIS BALAJI
Development Services Director

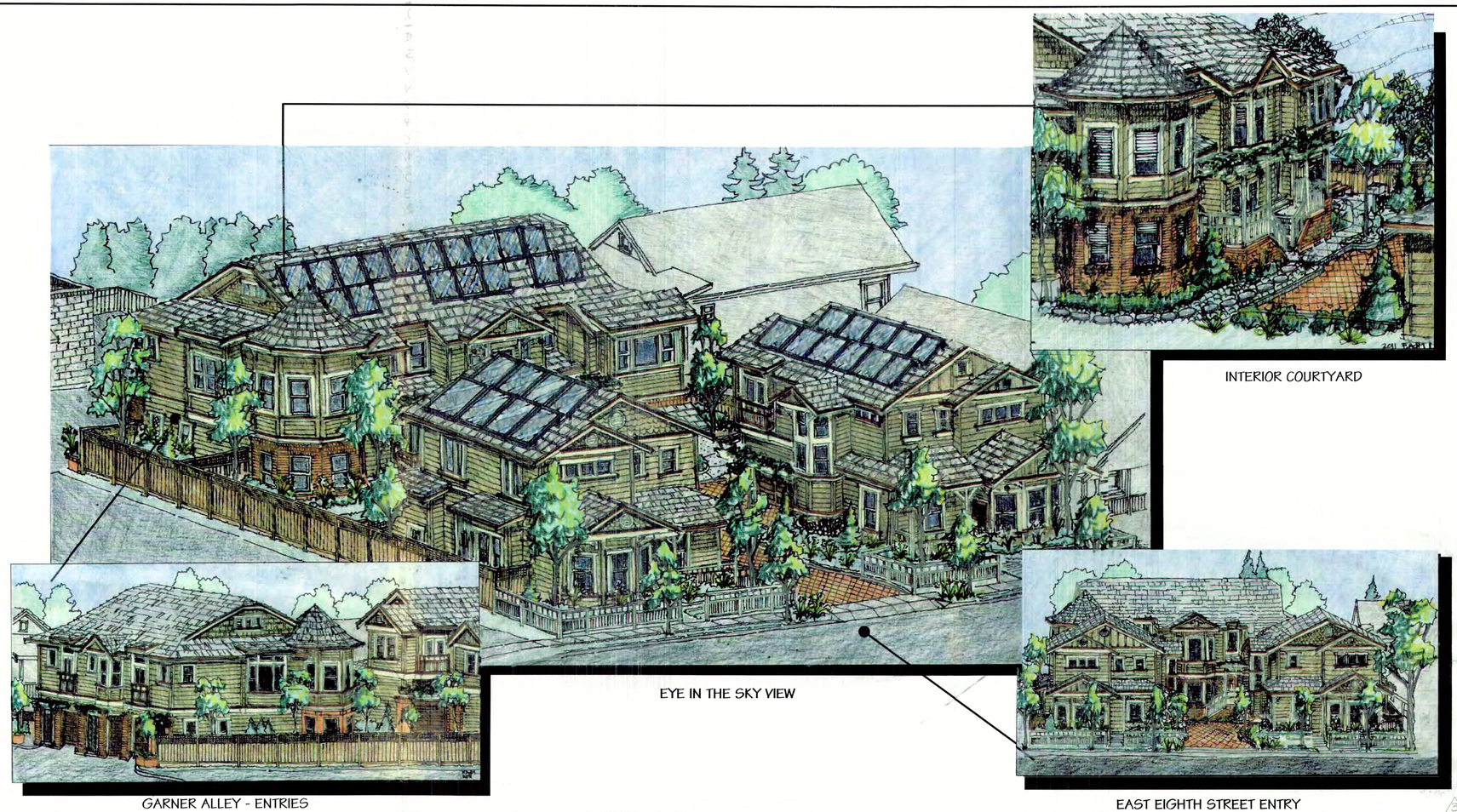
ATTACHMENTS

A – Location Map
B – Approved Project Plans
C - Powerpoint Presentation

Location Map

21, 25 and 29 E. Eighth Street

Attachment A



INTERIOR COURTYARD

EYE IN THE SKY VIEW

GARNER ALLEY - ENTRIES

EAST EIGHTH STREET ENTRY

EAST 8TH STREET DOWNTOWN RESIDENTIAL PROJECT

PROJECT SUMMARY

PROJECT LOCATION: 21-29 EAST EIGHT STREET, TRACY, CALIFORNIA
ASSESSOR PARCEL NUMBER: 235-161-15,16,17
SITE AREA: 9885± SQUARE FEET
ZONING: CENTRAL BUSINESS DISTRICT
SITE AREA PER DWELLING UNIT:
ALLOWABLE UNITS:
BASIC FLOOR AREA LIMIT @ 300%:
MAXIMUM HEIGHT: 31'±

RECEIVED
OCT 3 0 2019
CITY OF TRACY
DEVELOPMENT SERVICES

BUILDING FLOOR AREAS AND PARKING:
- 2-SINGLE FAMILY UNITS
- GROUND FLOOR (RESIDENTIAL WITH PARKING)
- FIRST FLOOR (EACH UNIT) 722 SQUARE FEET
- SECOND FLOOR (EACH UNIT) 945 SQUARE FEET
- BUILDING FLOOR AREA (TOTAL AREA EACH UNIT) 1947± S.F.
- PARKING (1 GARAGE SPACE / 280± SF)
- PARKING (2 UNCOVERED EA. ON-SITE PARKING/SF UNIT) 330±S.F.
- 3 UNIT MULTI-FAMILY RESIDENCE
- FIRST FLOOR (3-2 BEDROOM UNITS) 735± S.F. (TOTAL)
- SECOND FLOOR (3-2 BEDROOM APARTMENTS) 1896± S.F. (TOTAL)
- BUILDING TWO FLOOR AREA
- UNIT PARKING (1 GARAGE SPACE EA. / UNIT) 236± S.F.

TOTAL FLOOR AREA 7,793± S.F. (TOTAL ALL ON-SITE STRUCTURES)
TOTAL PARKING 9 SPACES

PARKING PROVIDED:
BUILDING ONE 1 CAR-GARAGE /2-PARKING STALLS
BUILDING TWO 1 CAR-GARAGE /2-PARKING STALLS
APARTMENT BUILDING 1 CAR-GARAGE EACH (3)

PROJECT TEAM

OWNER / ARCHITECT:
FRANK AUF DER MAUR JR.
148 SPRING STREET
PLEASANTON, CALIFORNIA 94566
(925) 846-7642

STRUCTURAL ENGINEER:
STEVE NEFF
A & E DESIGN SERVICES
2157 FOURTH STREET
LIVERMORE, CALIFORNIA 94550
(925) 449-3883

LANDSCAPE ARCHITECT:
ROBERT MOWAT ASSOCIATES
1501 N. BROADWAY #400
WALNUT CREEK, CALIFORNIA 94596
(925) 705-7424 PHONE
(925) 954-1390 FAX

SURVEYOR:
STOCKINGER SURVEYS
BOX 24 - 1531 GRANDVIEW
MARTINEZ, CALIFORNIA 94553
(925) 228-4949

GENERAL NOTES

1. Code Compliance; All Work Shall Comply with and conform to all Laws Rules Codes, Ordinances, Etc..., Of the governing Body having Jurisdiction over the work, as well as rules and regulations of the various Utility Companies Serving the building. Nothing in these Drawings shall be constructed as directions to Perform work contrary to these Requirements. Applicable Codes Include, but are not limited to the following: Uniform Building Code (2007 California Building Code or Subsequently Adopted Edition), State and Local Building Codes.
2. Permits: All Permits and Licenses necessary for the proper execution of the work shall be secured and paid for by the contractor involved.
3. Plan Review: The Contractor shall check and review all drawings for dimensions, accuracy and content. Errors, omissions, or discrepancies, if any, shall be reported to the Architect for clarification or correction before the contractor proceeds with the work.
4. Site Review: The Contractor shall familiarize himself with the Project Site and Existing Conditions.
5. Details: Where certain Construction Features are not fully shown the construction shall repeat similar conditions shown elsewhere.
6. Changes, Additions and Revisions: Prior to the start of any construction work the General Contractor shall layout the work in conformity to these drawings. Any changes, additions and/or Revisions of the structure do to relocation or addition shall be brought to the attention of the Architect prior to the commencement of the said change or revision. Structural members or Elements that require changing or relocation shall be the responsibility of the trade involved, The Architect or Owner shall not be liable for the cost of changes or revisions required.
7. Safety Measures: At all times, the Contractor shall be solely and completely responsible for conditions of the Job Site. Including the safety of persons and property and for all necessary Independent Engineering and /or Architectural reviews of these conditions. The Contractor shall provide and maintain fire extinguishers and other equipment as required by Local Codes for proper Fire Protection during Construction.
8. Coordination: The General Contractor must coordinate all phases of the project including work to be done by others to insure the smooth progress of the project. The General Contractor is also responsible for the receiving and safe keeping of all items shipped to the Job Site for use by himself or others for this project.
9. Guarantee: All Work is to be done in a First Class Workmanship Manner: All work done by the General Contractor or Subcontractors must be guaranteed for a minimum of One Year and Prompt Repair or Replacement of Defective items must be provided at the notice of the Owner.
10. Job Site Maintenance: The General Contractor shall maintain the Job Site in a clean and orderly fashion during the entire construction period. Removing all trash and rubbish from the premises. Upon completion of all construction, the General Contractor shall perform a general cleanup of the Job Site.
11. Electrical: All work on the electrical system shall conform to the requirements of the National Electrical Code and California's Title 24 Codes.
12. Mechanical: All work on the Mechanical System shall conform to the requirements of the Uniform Mechanical Code.
13. Plumbing: All work on the system shall conform to the requirement of the Uniform Plumbing Code, State and Local Codes.
14. Automatic Fire Sprinkler System: Before the sprinkler Contractor begins the installation, he shall provide the Architect with one (1) Complete Sets of Approved Shop Drawings. The Shop Drawings shall include Details of the Sprinkler System including Sections, Light Fixtures, Air Ducts and other interior work affecting the sprinkler system layout and a plot plan showing the locations of underground supply connections, control valve, Fire Department connection and other appurtenances to be used. These drawing shall bear a stamp indicating that they have been reviewed and approved by the Local Fire and Building Departments, requirements of Pamphlet #1, "Sprinkler Systems" of the National Fire Protection Association, The Uniform Building Code Standard 38-1 and ACFD 13R shall apply. Fire Protection Equipment shall be Underwriters Laboratories (UI) Listed. The System shall be installed by a Contractor Licensed by the State of California to perform this type of work.
15. Central Station Monitoring: Fire Sprinkler Systems within buildings exceeding 5,000 Square Feet of Floor Area of 100 Sprinkler shall be monitored in Accordance with NFPA 72 Central Station Requirements, The Fire Code and Building Code. The actual account is required to be UL Certified, As a minimum, the monitoring system shall include water flow , Valve Supervision and trouble. If the building has a Fire Alarm System, then a General Fire Alarm Zone would Also be necessary. Additional Zoning such as per building, Area, Floor or devices may also be required upon further review.

ABBREVIATIONS

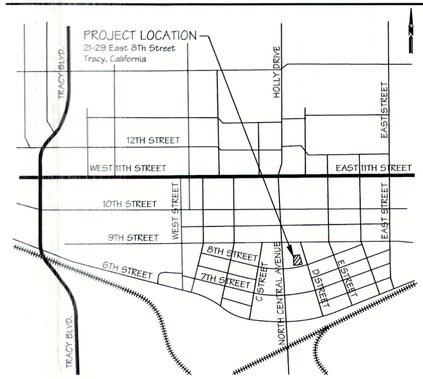
ABV	ABOVE
A.F.F.	ABOVE FINISH FLOOR
A/C	AIR CONDITIONING
A.B.	ANCHOR BOLT
&	AND
ARCH	ARCHITECT(URAL)
@	AT
AVG	AVERAGE
BM	BEAM
BLKG	BLOCKING
BD	BOARD
BTM.	BOTTOM
BLDG	BUILDING
CB	CATCH BASIN
CLG	CEILING
CEM	CEMENT
C.L.	CENTER LINE
CLR	CLEAR
C.O.	CLEAN OUT
COL	COLUMN
CONC.	CONCRETE
C.J.	CONSTRUCTION JOINT
CONT.	CONTINUOUS
CONTR.	CONTRACTOR
C.M.U.	CONCRETE MASONRY UNIT
D	PENNY (NAIL WEIGHT)
DET.	DETAIL
DIA.	DIAMETER
DR	DOOR
DN	DOWN
DRWG	DRAWING
EA	EACH
E/S	EACH SIDE
ELECT	ELECTRICAL
ELEV.	ELEVATION
EQ	EQUAL
EQUIP.	EQUIPMENT
EXH.	EXHAUST
EXT.	EXTERIOR
FT	FEET
FIN.	FINISH
FLR	FLOOR
FTG.	FOOTING
FDN.	FOUNDATION
GA	GUAGE
GEN.	GENERAL
GRD	GROUND
GYP.BD	GYPSUM BOARD
G.S.M.	GALVANIZED SHEET METAL
HDW.	HARDWARE
HTR	HEATER
HT.	HEIGHT
HC.	HOLLOW CORE
H.M.	HOLLOW METAL
HOR	HORIZONTAL
H.B.	HOSE BIBB
H.W.	HOT WATER
INSUL	INSULATION
INT.	INTERIOR
JST.	JOIST
J-BOX	JUNCTION BOX
LAV.	LAVATORY
LBS.	POUNDS
LTG.	LIGHTING
LVR.	LOUVER
MAT'L	MATERIAL
MFR.	MANUFACTURER
MAX.	MAXIMUM
MTL	METAL
MIN.	MINIMUM
MISC.	MISCELLANEOUS
N.I.C.	NOT IN CONTRACT
N.T.S.	NOT TO SCALE
NO.	NUMBER
#	NUMBER, POUND
O.C.	ON CENTER
OPNG	OPENING
PR.	PAIR
PLAS. LAM	PLASTIC LAMINATE
PL.	PLATE
PROP.	PROPERTY LINE
PLYWD.	PLYWOOD
QTY.	QUANTITY
RAD.	RADIUS
REINF.	REINFORCING
REQ'D	REQUIRED
REV.	REVISION
RM.	ROOM
SECT.	SECTION
SHT.	SHEET
SIM.	SIMILAR
S.C.	SOLID CORE
SQR.	SQUARE
SQ.FT.	SQUARE FEET
S.F.	SQUARE FEET
STL	STEEL
STRUCT.	STRUCTURAL
SUSP.	SUSPENDED
SYS.	SYSTEM
TS	TUBULAR STEEL
TEL	TELEPHONE
T.C.	TOP OF CURB
T.O.F.	TOP OF FLOOR
T.O.S.	TOP OF SLAB
TYP.	TYPICAL
U.N.O.	UNLESS OTHERWISE NOTED
VERT.	VERTICAL
W.C.	WATER CLOSET
W.H.	WATER HEATER
WT.	WEIGHT
W.	WIDE
W/	WITH
W/O	WITHOUT
WD	WOOD

SHEET INDEX

TS	TITLE SHEET, RENDERING & VIGNETTES & GENERAL NOTES
A1	SITE PLAN, SITE NOTES & SITE DETAILS
A1A	SITE DETAILS
A2	SINGLE FAMILY DWELLING FLOOR PLANS & ELEVATIONS
A3	MULTI FAMILY DWELLING UNITS, FLOOR PLANS & ELEVATIONS
A4	SITE CROSS SECTIONS
C1	PRELIMINARY GRADING & UTILITY PLAN
CS1	SURVEY PLAN
L1	PRELIMINARY LANDSCAPE PLAN
L-W1	IRRIGATION PLAN
L-W2	IRRIGATION NOTES AND DETAILS
L-W3	HYDROZONE PLAN AND WELO CALCULATIONS

BUILDING SUMMARY

VICINITY MAP



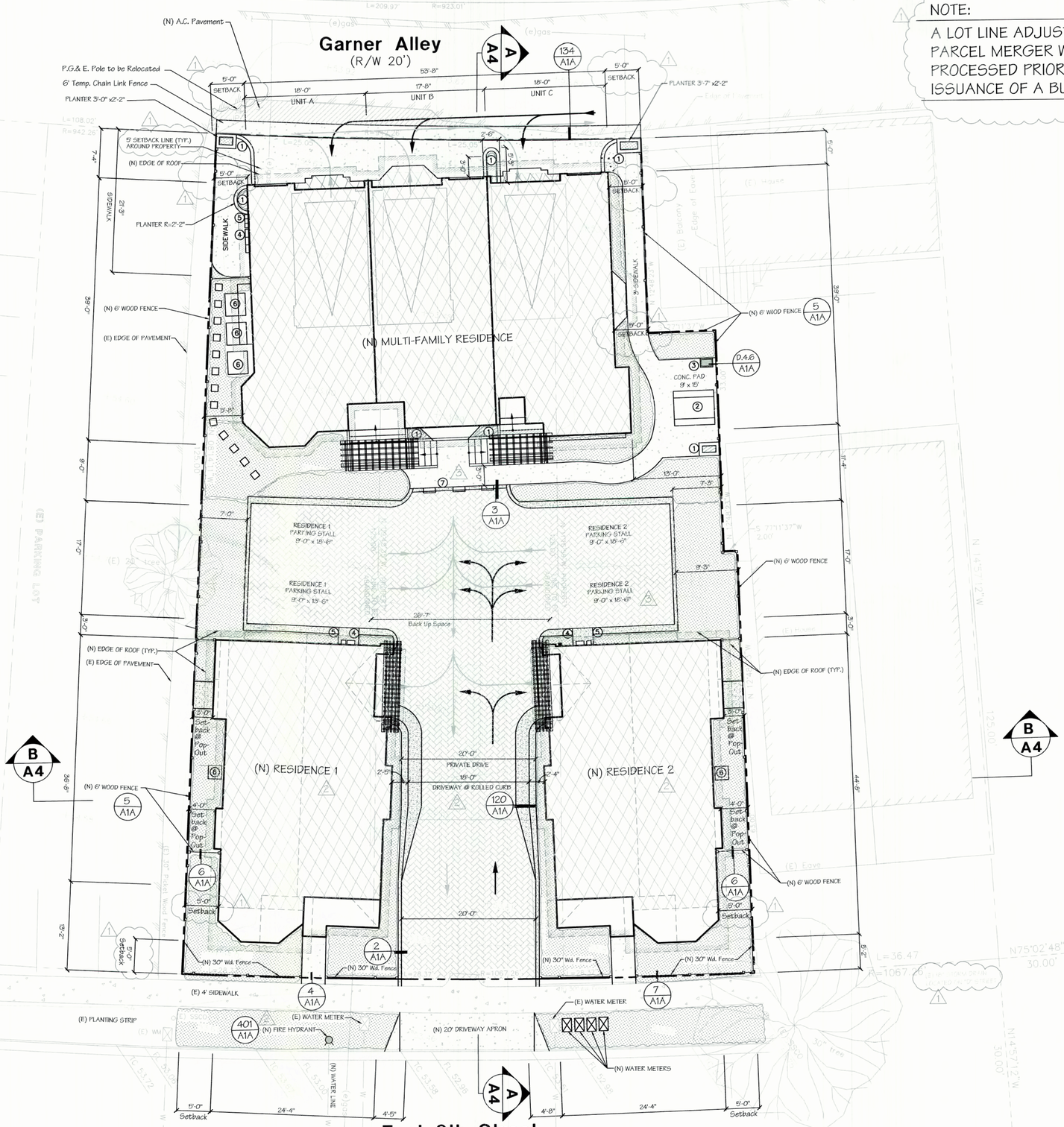
REVISIONS	BY
City Comments	1
City Comments PER 2/9/2018	3

EAST 8TH STREET DOWNTOWN PROJECT
21-29 EAST 8TH STREET
AN AUF DER MAUR PROJECT
PLEASANTON, CALIFORNIA 94566
(925) 846-7642

TITLE SHEET
21-29 EAST 8TH STREET
TRACY CALIFORNIA

F.AdM ARCHITECT
Frank Auf der Maur, Jr.
Architect
148 Spring Street Pleasanton, California 94566 (925) 846-7642

Date: 3/05/17
Scale: N.T.S.
Design: F. AdM
Drawn: MLWH
Job: -
Sheet: TS
Of 1 Sheets 9



SITE PLAN
PLAN NORTH

SCALE: 1/8"=1'-0"
0' 4' 8' 16'

NOTE:

A LOT LINE ADJUSTMENT OR A PARCEL MERGER WILL BE PROCESSED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

SITE PLAN KEY NOTES

1. PLANTER
2. PICNIC TABLE
3. BBQ
4. ELECTRIC METER
5. GAS METER
6. AIR CONDITIONING UNIT (ALLOW 12" CLEARANCE AROUND THE UNIT)
7. ARCHITECTURAL ROCKS OR STONE CASE PLANTERS

SECOND FLOOR INDICATION
CONCRETE WALK
DRIVEWAY PAVERS
NEW ASPHALT
LANDSCAPE AREA (SEE LANDSCAPE PLAN)
TRAFFIC FLOW ARROWS FOR SITE ENTRY
TRAFFIC FLOW ARROWS FOR SITE EXIT
NEW PROJECT BOUNDARY

SITE COVERAGE

DRIVEWAY & RESIDENTIAL PARKING AREA:	2615± SQUARE FEET
BUILDING FOOTPRINT AREA:	
SINGLE FAMILY RESIDENCE:	1056± SQUARE FEET
SINGLE FAMILY RESIDENCE:	1056± SQUARE FEET
MULTI FAMILY RESIDENCE:	1987± SQUARE FEET
TOTAL FOOTPRINT COVERAGE:	4098± SQUARE FEET
PEDESTRIAN PATHS (SIDEWALK):	521± SQUARE FEET
OPEN SPACE:	2265± SQUARE FEET
TOTAL PROJECT LOT SIZE:	9603± SQUARE FEET

SITE PLAN NOTES

1. THIS SITE PLAN IS NOT A SURVEY. IT HAS BEEN PROVIDED FOR BUILDING AND SITE WORK LAYOUT ONLY. THE CONTRACTOR SHALL VERIFY ON SITE ALL GRADES, EXISTING IMPROVEMENTS, PROPERTY LINES, EASEMENTS, SETBACKS, UTILITIES AND SUBSTRUCTURE.
2. ANY DISCREPANCIES BETWEEN ACTUAL ON-SITE CONDITIONS AND THE DRAWINGS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RESOLVE WITH THE ARCHITECT PRIOR TO PROCEEDING WITH THE WORK IN QUESTION.
3. WATER SHALL BE PREVENTED FROM PONDING ANY WHERE ON-SITE AND PARTICULARLY NEAR THE BUILDING. WATER FROM DOWNSPOUTS AND YARD DRAINS SHALL BE CONNECTED TO TIGHTLINE PIPES THAT CARRY THE WATER TO AN AVAILABLE DISCHARGE FACILITY.
4. SLOPE DOWN 2% AWAY FROM EXTERIOR WALLS FOR A DISTANCE OF 4'-0" FOR SHEET DRAINAGE.
5. FOR ADDITIONAL SITE IMPROVEMENT INFORMATION, REFER TO THE CIVIL AND LANDSCAPE DRAWINGS.
6. CONTRACT UTILITY COMPANIES FOR DESIGN LAYOUT AND SPECIFICATIONS FOR UNDER GROUNDED UTILITIES.
7. THE SOIL ENGINEER SHALL BE RETAINED TO PROVIDE OBSERVATION AND TESTING SERVICES DURING THE GRADING AND FOUNDATION PHASE OF CONSTRUCTION PER SOIL REPORT RECOMMENDATIONS . THE INSPECTION AND TESTING REPORTS SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT.
8. WHERE STREET CUTS ARE MADE FOR THE INSTALLATION OF WET AND DRY UTILITIES, APPLICATION OF A 2" THICK ASPHALT CONCRETE OVERLAY WITH REINFORCING FABRIC WILL BE REQUIRED, 25 FEET ON BOTH SIDES OF THE TRENCH AND FOR THE ENTIRE LENGTH OF THE TRENCH. IF THE TRENCH EXTENDS BEYOND THE CHE CENTER LINE OF THE STREET, THE EXTENT OF ASPHALT CONCRETE OVERLAY SHALL BE THE ENTIRE WIDTH OF THE PAVED STREET. EXISTING WATER SERVICE AND METER THAT WILL NOT BE UTILIZED SHALL BE REMOVED FROM THE GROUND UP TO THE POINT OF CONNECTION WITH THE WATER MAIN.
9. THE DESIGN AND CONSTRUCTION DETAILS OF IMPROVEMENTS SUCH AS CURB, GUTTER, SIDEWALK DRIVEWAY, WATER SERVICE, SEWER LATERAL AND OTHER ASSOCIATED IMPROVEMENTS THAT WILL BE CONSTRUCTED WITHIN THE CITY'S RIGHT-OF-WAY ON 8TH STREET AND GARNER ALLEY SHALL MEET CITY STANDARDS.

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CITY COMMENTS 2/9/2018	3

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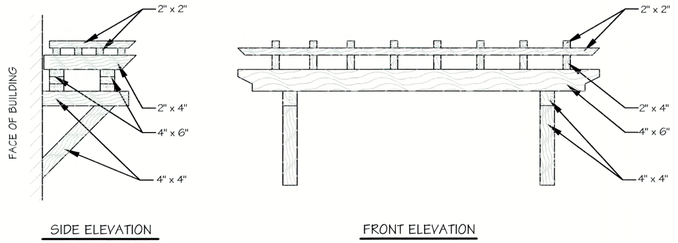
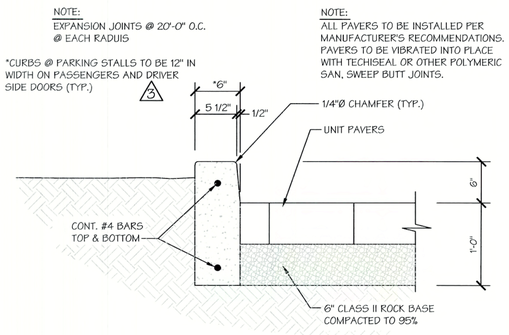
SITE PLAN
21-29 EAST 8TH STREET
TRACY CALIFORNIA

F.AdM ARCHITECT
Frank Auf der Maur, Jr.
Architect
145 Spring Street Pleasanton, California 94566 (925) 846 - 7642

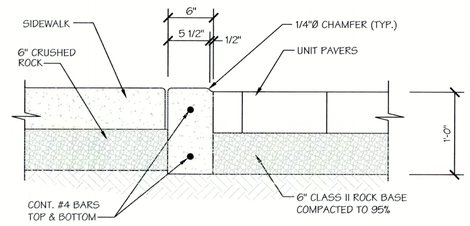
Date: 3/04/17
Scale: 1/8"=1'-0"
Design: F. AdM
Drawn: MLWH
Job: 21-29 8th St-SitePlan-A1
Sheet: A1
Of 2 Sheets 9



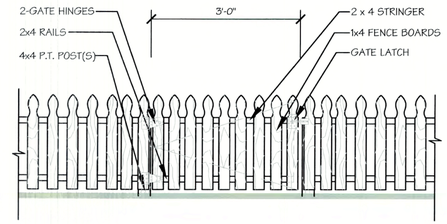
TRELLIS DETAIL 1
NOT TO SCALE



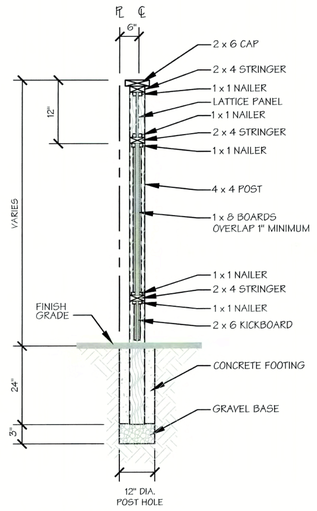
CURB & PAVING DETAIL 2
NOT TO SCALE

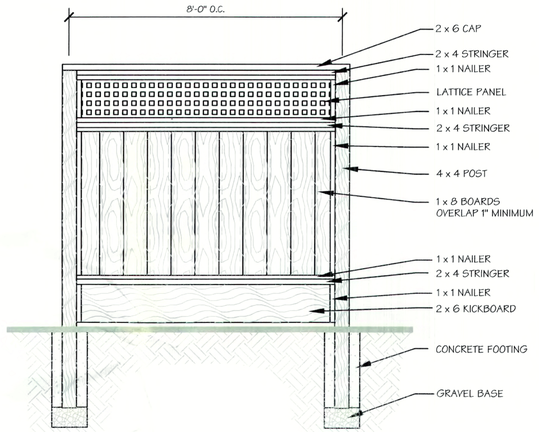


DEPRESSED CURB @ SIDEWALK DETAIL 3
NOT TO SCALE

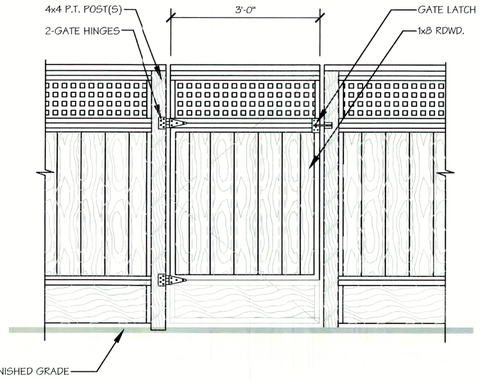


TYPICAL PICKET GATE DETAIL 4
NOT TO SCALE

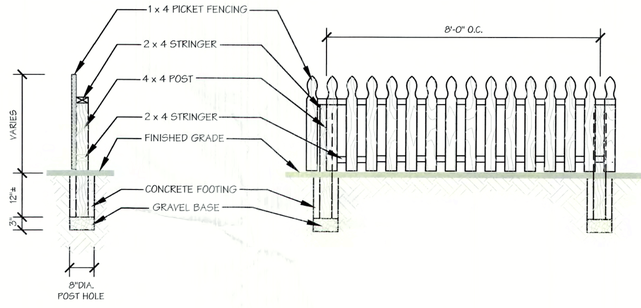




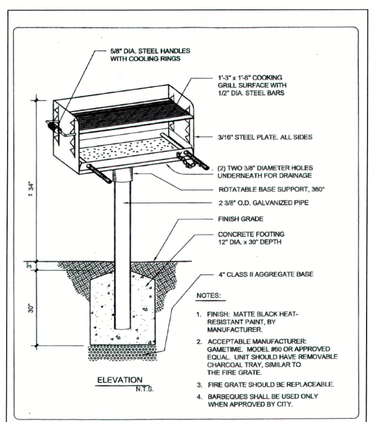
FENCE DETAIL 5
NOT TO SCALE



TYPICAL REDWOOD GATE DETAIL 6
NOT TO SCALE



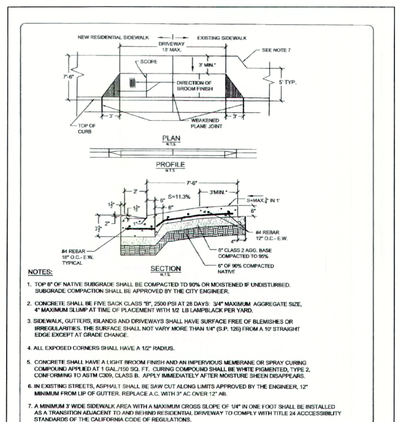
PICKET FENCE DETAIL 7
NOT TO SCALE



CITY OF TRACY

REVIEWED BY:		STANDARD PLAN No.	D 4.6
CITY ENGINEER RCE 37186			
Res No. 2008-255	DATE:		
Rev:	Rev:		
Rev:	Rev:		FURNISHINGS Barbeque Stand

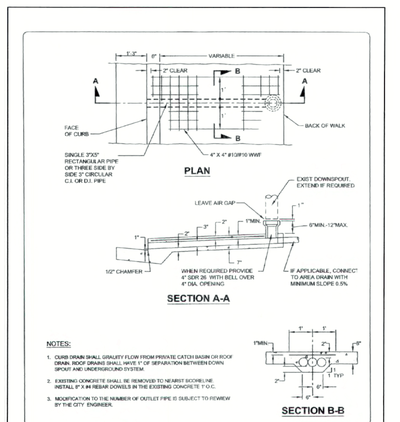
PARKS AND STREETSCAPE STANDARD PLANS



NOTES:
1. TOP 6" OF NATIVE SUBGRADE SHALL BE COMPACTED TO 95% OR MOISTENED IF UNDISTURBED. SUBGRADE COMPACTION SHALL BE APPROVED BY THE CITY ENGINEER.
2. CONCRETE SHALL BE FIVE SACK CLASS "F", 2500 PSI AT 28 DAYS, 3/4" MAXIMUM AGGREGATE SIZE, 4" MAXIMUM SLUMP AT TIME OF PLACEMENT WITH 1/2 LB LAMPBLACK PER YARD.
3. SIDEWALK, GUTTERS, ISLANDS AND DRIVEWAYS SHALL HAVE SURFACE FREE OF BLEMISHES OR IRREGULARITIES. THE SURFACE SHALL NOT VARY MORE THAN 1/4" (D.P. 128) FROM A 10' STRAIGHT EDGE EXCEPT AT GRADE CHANGE.
4. ALL EXPOSED CORNERS SHALL HAVE A 1/2" RADIUS.
5. CONCRETE SHALL HAVE A LIGHT BROOM FINISH AND AN IMPERVIOUS MEMBRANE OR SPRAY CURING COMPOUND APPLIED AT 1 GAL./150 SQ. FT. CURING COMPOUND SHALL BE WHITE PIGMENTED, TYPE 2, CONFORMING TO ASTM C309, CLASS B. APPLY IMMEDIATELY AFTER MOISTURE SHEEN DISAPPEARS.
6. IN EXISTING STREETS, ASPHALT SHALL BE SAW CUT ALONG LIMITS APPROVED BY THE ENGINEER, 12" MINIMUM FROM LIP OF GUTTER. REPLACE A.C. WITH 3" AC OVER 12" AB.
7. A MINIMUM 3' WIDE SIDEWALK AREA WITH A MAXIMUM CROSS SLOPE OF 1/4" IN ONE FOOT SHALL BE INSTALLED AS A TRANSITION ADJACENT TO AND BEHIND BY SIDEWALK DRIVEWAY TO COMPLY WITH TITLE 24 ACCESSIBILITY STANDARDS OF THE CALIFORNIA CODE OF REGULATIONS.

CITY OF TRACY

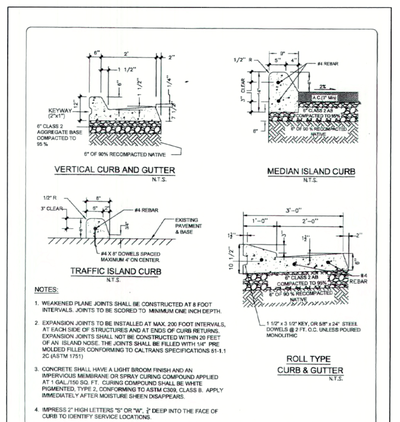
REVIEWED BY:		STANDARD PLAN No.	134
CITY ENGINEER RCE 37186			
2008-255			
Rev:	Rev:		RESIDENTIAL DRIVEWAY APPROACH
Rev:	Rev:		



NOTES:
1. CURB DRAIN SHALL GRAVITY FLOW FROM PRIVATE CATCH BASIN OR ROOF DRAIN. ROOF DRAINS SHALL HAVE 5" OF SEPARATION BETWEEN DOWN SPOUT AND UNDERGROUND SYSTEM.
2. EXISTING CONCRETE SHALL BE REMOVED TO NEAREST SCORELINE. INSTALL 9" X #4 REBAR DOWELS IN THE EXISTING CONCRETE 7' O.C.
3. MODIFICATION TO THE NUMBER OF OUTLET PIPE IS SUBJECT TO REVIEW BY THE CITY ENGINEER.

CITY OF TRACY

REVIEWED BY:		STANDARD PLAN No.	320
CITY ENGINEER RCE 37186			
Res No. 2008-255	DATE:		
Rev:	Rev:		CURB DRAIN INSTALLATION
Rev:	Rev:		



NOTES:
1. WEAKENED PLANE JOINTS SHALL BE CONSTRUCTED AT 8 FOOT INTERVALS. JOINTS TO BE SCORED TO MINIMUM ONE INCH DEPTH.
2. EXPANSION JOINTS TO BE INSTALLED AT MAX. 200 FOOT INTERVALS, AT EACH SIDE OF STRUCTURES AND AT ENDS OF CURB RETURNS. EXPANSION JOINTS SHALL NOT BE CONSTRUCTED WITHIN 20 FEET OF AN ISLAND NOSE. THE JOINTS SHALL BE FILLED WITH 1/4" PRE MOLDED FILLER CONFORMING TO CALTRANS SPECIFICATIONS 51-1.1 2C (ASTM 1751).
3. CONCRETE SHALL HAVE A LIGHT BROOM FINISH AND AN IMPERVIOUS MEMBRANE OR SPRAY CURING COMPOUND APPLIED AT 1 GAL./150 SQ. FT. CURING COMPOUND SHALL BE WHITE PIGMENTED, TYPE 2, CONFORMING TO ASTM C309, CLASS B. APPLY IMMEDIATELY AFTER MOISTURE SHEEN DISAPPEARS.
4. IMPRESS 2" HIGH LETTERS "S" OR "W", 2" DEEP INTO THE FACE OF CURB TO IDENTIFY SERVICE LOCATIONS.

CITY OF TRACY

REVIEWED BY:		STANDARD PLAN No.	120
CITY ENGINEER RCE 37186			
Res No. 2008-255	DATE:		
Rev:	Rev:		CURBS
Rev:	Rev:		

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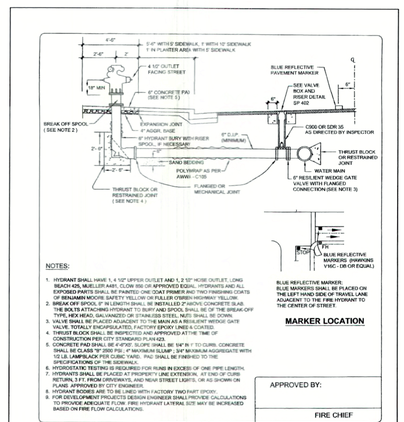

NOTES:
1. HYDRANT SHALL HAVE 1, 4 1/2" UPPER OUTLET AND 1, 2 1/2" HOSE OUTLET, LONG BEACH 425, MUELLER A-421, CLOW 855 OR APPROVED EQUAL. HYDRANTS AND ALL EXPOSED PARTS SHALL BE PAINTED ONE COAT PRIMER AND TWO FINISHING COATS OF RUSTOLEUM SAFETY YELLOW OR APPROVED EQUAL AT THE TIME OF INSTALLATION.
2. BREAK OFF SPOOL 9" IN LENGTH SHALL BE INSTALLED 2" MORE CONCRETE SLAB. THE BOLTS ATTACHING HYDRANT TO BURY AND SPOOL SHALL BE OF THE BREAK-OFF TYPE, HEX HEAD, GALVANIZED OR STAINLESS STEEL, NUTS SHALL BE DOWN.
3. VALVE SHALL BE PLACED ADJACENT TO THE MAIN AS A RESILIENT WEDGE GATE VALVE WITH FLANGED CONNECTION. EPOXY LINED & COATED.
4. THRUST BLOCK SHALL BE INSPECTED, FIELD FIT AND APPROVED AT THE TIME OF CONSTRUCTION PER CITY STANDARD P-76.
5. CONCRETE PAD SHALL BE 4'-0"X5', SLOPE SHALL BE 1/4" IN 1' TO CURB. CONCRETE SHALL BE CLASS "F" 2500 PSI, 4" MAXIMUM SLUMP, 3/4" MAXIMUM AGGREGATE WITH 1/2 LB. LAMPBLACK PER CUBIC YARD. PAD SHALL BE FINISHED TO THE SPECIFICATIONS OF THE SIDEWALK.
6. HYDRANTS SHALL BE INSTALLED ONLY FOR RUNS IN EXCESS OF ONE PIPE LENGTH.
7. HYDRANTS SHALL BE PLACED AT PROPERTY LINE EXTENSION, AT END OF CURB RETURN, 3 FT. FROM DRIVEWAYS, AND NEAR STREET LIGHTS, OR AS SHOWN ON PLANS APPROVED BY CITY ENGINEER.
8. HYDRANT BODIES ARE TO BE LINED WITH FACTORY TWO PART EPOXY.
9. FOR DEVELOPMENT PROJECTS DESIGN ENGINEER SHALL PROVIDE CALCULATIONS TO PROVIDE ADEQUATE FLOW. FIRE HYDRANT LATERAL SIZE MAY BE INCREASED BASED ON FIRE FLOW CALCULATIONS.

APPROVED BY:
FIRE CHIEF

CITY OF TRACY

REVIEWED BY:		STANDARD PLAN No.	401
CITY ENGINEER RCE 37186			
Res No. 2008-255	DATE:		
Rev:	Rev:		FIRE HYDRANT
Rev:	Rev:		

1

REVISIONS	BY
CITY COMMENTS 9/14/2017	1
CITY COMMENTS 2/9/2018	2

EAST 8TH STREET DOWNTOWN PROJECT
21-29 EAST 8TH STREET
AN AUF DER MAUR PROJECT
PLEASANTON, CALIFORNIA 94566
(925) 846-7642

SITE DETAILS
21-29 EAST 8TH STREET
TRACY CALIFORNIA

F.AdM ARCHITECT
Frank Auf der Maur, Jr.
Architect
148 Spring Street Pleasanton, California 94566 (925) 846 - 7642

Date: 3/05/17
Scale: AS SHOWN
Design: F. AdM
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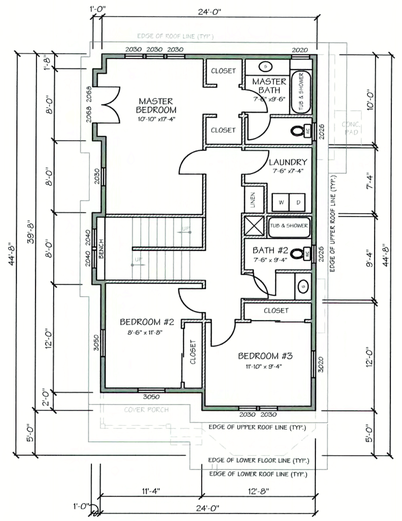


(N) SINGLE FAMILY DWELLING SECOND FLOOR PLAN

PLAN NORTH RESIDENCE 1 & 2 SCALE: 1/8"=1'-0"

1

0' 4' 8' 16'

FRONT SINGLE FAMILY DWELLING ELEVATION

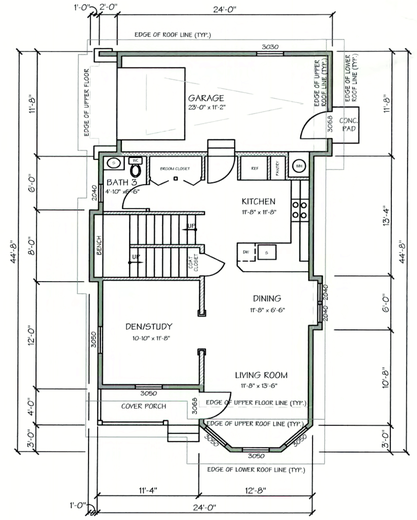
RESIDENCE 1 & 2 SCALE: 1/8"=1'-0"

1

SIDE SINGLE FAMILY DWELLING ELEVATION

RESIDENCE 1 & 2 SCALE: 1/8"=1'-0"

1



(N) SINGLE FAMILY DWELLING FIRST FLOOR PLAN

PLAN NORTH RESIDENCE 1 & 2 SCALE: 1/8"=1'-0"

1

0' 4' 8' 16'

REAR SINGLE FAMILY DWELLING ELEVATION

RESIDENCE 1 & 2 SCALE: 1/8"=1'-0"

1

SIDE SINGLE FAMILY DWELLING ELEVATION

RESIDENCE 1 & 2 SCALE: 1/8"=1'-0"

1

1 LEGEND

(N) EXTERIOR WALL W/ 2x6 WD. STUDS @ 16"O.C. TYP.

(N) INTERIOR WALL W/ 2x4 WD. STUDS @ 16"O.C. TYP.

(E) WALL - VERIFY IN FIELD CONSTUCTION

(N) 1 HOUR PARTY WALL W/ 2x6 WD. STUD @ 16"O.C. TYP. & (N) 1 HOUR WALL W/ 2x6 WD. STUD @ 16"O.C. TYP.

EXTERIOR LIGHTING

SINGLE FAMILY DWELLING UNIT

First Floor Area	1st Living Space Habitable	715± SF
	Unconditioned Space	7± SF
	Garage	280± SF
Second Floor Area	2nd Living Space Habitable	945± SF
Total Living Area		1947± SF

FINISH SCHEDULE

Roofing:

1 Asphalt Composition Shingles: Cool Antique Slate

Paint On Upper Walls:

2 Gable End Field: "Kelly Moore" 196 Villita Exterior Ready

3 Fascial Gutter: "Kelly Moore" 23 Swiss Coffee

4 All Other Trim: "Kelly Moore" 212 Saltillo

Windows:

3 Milgard Windows: Wood or Vinyl
"Kelly Moore" 23 Swiss Coffee

6" Hardiplank Fiber Cement Lap Siding:

2 Building Field Color: "Kelly Moore" 196 Villita Exterior Ready

Wainscoting and Column Bases:

5 Cultured Stone High Desert Used Brick

ELEVATION NOTES

1. EXTERIOR CEMENT PLASTER APPLIED O/ WOOD SHEATHING SHALL BE APPLIED O/ TWO LAYERS GRADE 'D' PAPER AS PER THE U.B.C. SECTION 2506.4.
2. EXTERIOR CEMENT PLASTER SHALL NOT BE LESS THAN THREE COATS, 7/8" THICK MIN. WHEN APPLIED O/ METAL LATH AS PER THE U.B.C.
3. ALL DOWNSPOUTS SHALL BE CONNECTED TO A PERIMETER DRAIN LINE. SEE NOTE ON COVER DWG.
4. EXTERIOR CEMENT PLASTER TO HAVE 26 GA GALVANIZED WEEP SCREED (WITH A MINIMUM 00.019-INCH). AT FOUNDATION PLATE LINE AT LEAST 4" ABOVE GRADE (OR 2 INCHES ABOVE CONCRETE OR PAVING AND SHALL BE OF A TYPE WHICH WILL ALLOW TRAPPED WATER TO DRAIN TO THE EXTERIOR OF THE BUILDING) SECTION 2506.5.
5. (T) = TEMPERED OR SAFETY GLASS

SCALE: 1/8"=1'-0"

0' 4' 8' 16'

REVISIONS	BY
CITY COMMENTS 9/14/2017	1

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SINGLE FAMILY DWELLING
FLOOR PLAN & ELEVATIONS
21-29 EAST 8TH STREET
TRACY CALIFORNIA

F. AdM ARCHITECT
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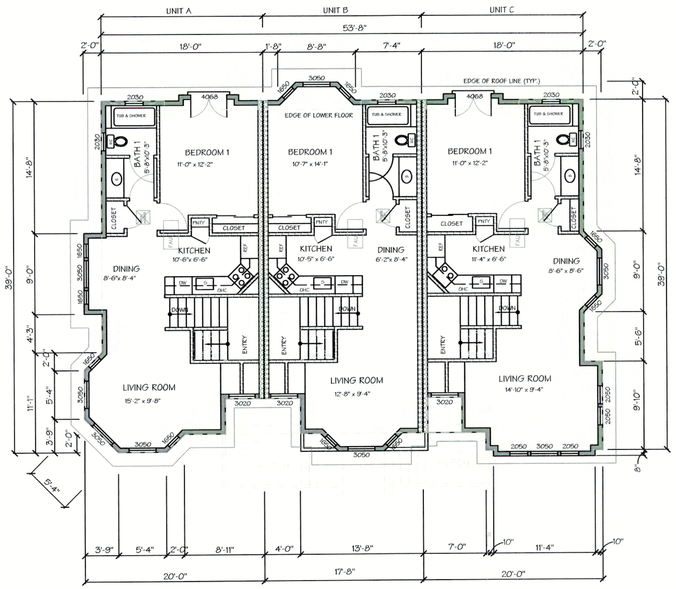


(N) MULTI FAMILY DWELLING UNIT FIRST FLOOR

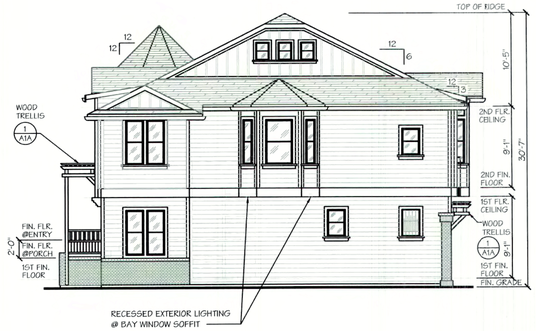
PLAN NORTH

SCALE: 1/8"=1'-0"

0' 4' 8' 16'

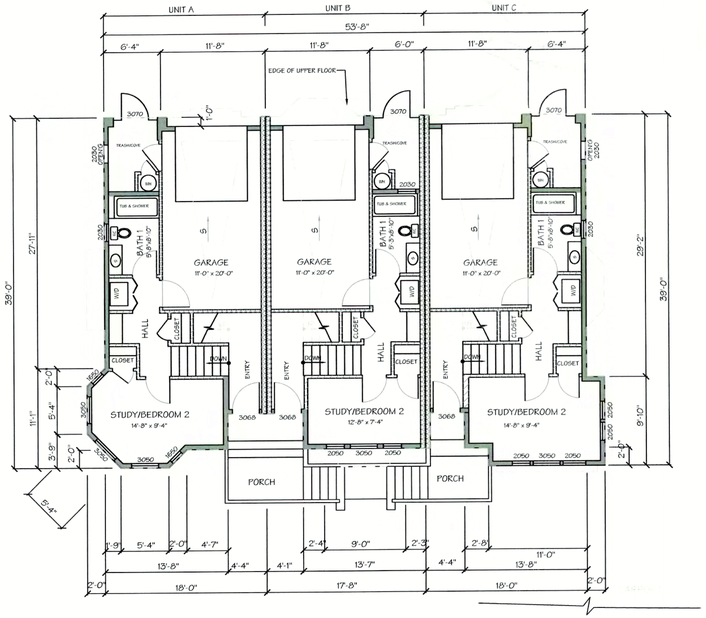
FRONT MULTI FAMILY DWELLING UNIT ELEVATION

SCALE: 1/8"=1'-0"



SIDE MULTI FAMILY DWELLING UNIT ELEVATION

SCALE: 1/8"=1'-0"



(N) MULTI FAMILY DWELLING GROUND FLOOR

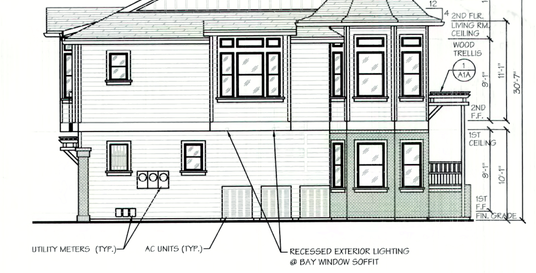
PLAN NORTH

SCALE: 1/8"=1'-0"

0' 4' 8' 16'

REAR MULTI FAMILY DWELLING UNIT ELEVATION

SCALE: 1/8"=1'-0"



SIDE MULTI FAMILY DWELLING UNIT ELEVATION

SCALE: 1/8"=1'-0"

LEGEND

- (N) EXTERIOR WALL W/ 2x6 WD. STUDS @ 16"O.C. TYP.
- (N) INTERIOR WALL W/ 2x4 WD. STUDS @ 16"O.C. TYP.
- (E) WALL - VERIFY IN FIELD CONSTUCTION
- (N) 1 HOUR PARTY WALL W/ 2x6 WD. STUD @ 16"O.C. TYP. & (N) 1 HOUR WALL W/ 2x6 WD. STUD @ 16"O.C. TYP.

FINISH SCHEDULE

Roofing:

1. Asphalt Composition Shingles: Cool Antique Slate

Paint On Upper Walls:

2. Gable End Field: "Kelly Moore" 196 Villita Exterior Ready
3. Fascial Gutter: "Kelly Moore" 23 Swiss Coffee
4. All Other Trim: "Kelly Moore" 212 Saltillo

Windows:

3. Milgard Windows: Wood or Vinyl "Kelly Moore" 23 Swiss Coffee

6" Hardiplank Fiber Cement Lap Siding:

2. Building Field Color: "Kelly Moore" 196 Villita Exterior Ready

Wainscoting and Column Bases:

5. Cultured Stone High Desert Used Brick

ELEVATION NOTES

1. EXTERIOR CEMENT PLASTER APPLIED O/ WOOD SHEATHING SHALL BE APPLIED O/ TWO LAYERS GRADE 'D' PAPER AS PER THE U.B.C. SECTION 2506.4.
2. EXTERIOR CEMENT PLASTER SHALL NOT BE LESS THAN THREE COATS, 7/8" THICK MIN. WHEN APPLIED O/ METAL LATH AS PER THE U.B.C.
3. ALL DOWNSPOUTS SHALL BE CONNECTED TO A PERIMETER DRAIN LINE. SEE NOTE ON COVER DWG.
4. EXTERIOR CEMENT PLASTER TO HAVE 26 GA GALVANIZED WEEP SCREED (WITH A MINIMUM 00.019-INCH). AT FOUNDATION PLATE LINE AT LEAST 4" ABOVE GRADE (OR 2 INCHES ABOVE CONCRETE OR PAVING AND SHALL BE OF A TYPE WHICH WILL ALLOW TRAPPED WATER TO DRAIN TO THE EXTERIOR OF THE BUILDING) SECTION 2506.5.
5. (T) = TEMPERED OR SAFETY GLASS

MULTI FAMILY DWELLING UNIT

DESCRIPTION	UNIT #A	UNIT #B	UNIT #C
First Floor Area			
1st Living Space Habitable	254 sf	217 sf	263 sf
Unconditioned Space	44 sf	41 sf	40 sf
Garage	224 sf	224 sf	224 sf
Second Floor Area			
2nd Living Space Habitable	641 sf	607 sf	649 sf
Total Living Area	895± SF	825± SF	912± SF

SCALE:1/8"=1'-0"

0' 4' 8' 16'

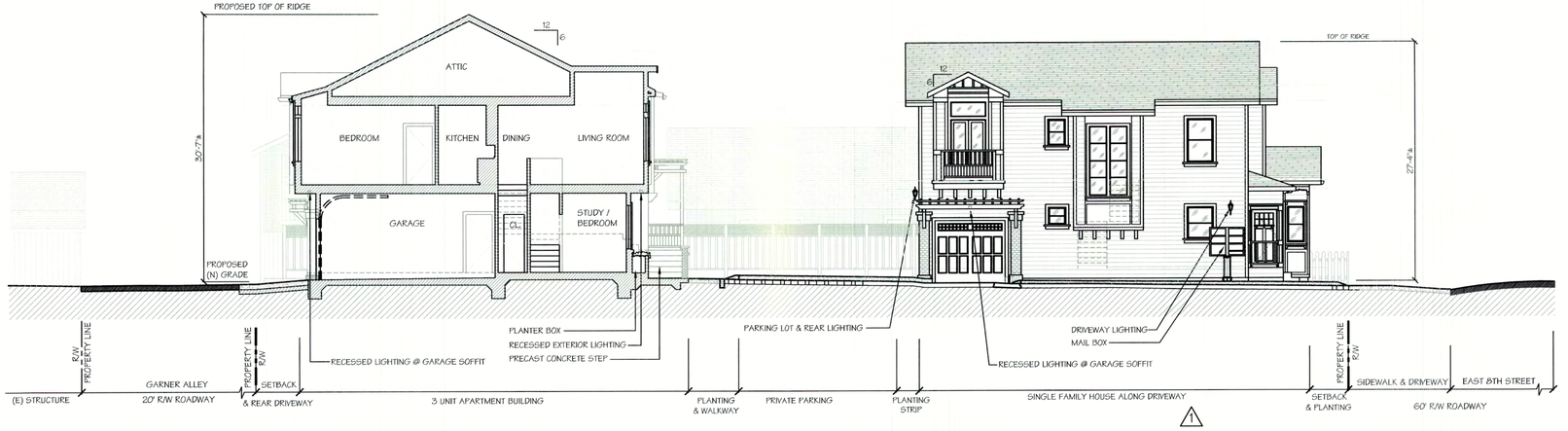
REVISIONS	BY

EAST 8TH STREET DOWNTOWN PROJECT
21-29 EAST 8TH STREET
AN AUF DER MAUR PROJECT
PLEASANTON, CALIFORNIA 94566
(925) 846-7642

MULIT FAMILY DWELLING UNITS
FLOOR PLANS & ELEVATIONS
21-29 EAST 8TH STREET
TRACY CALIFORNIA

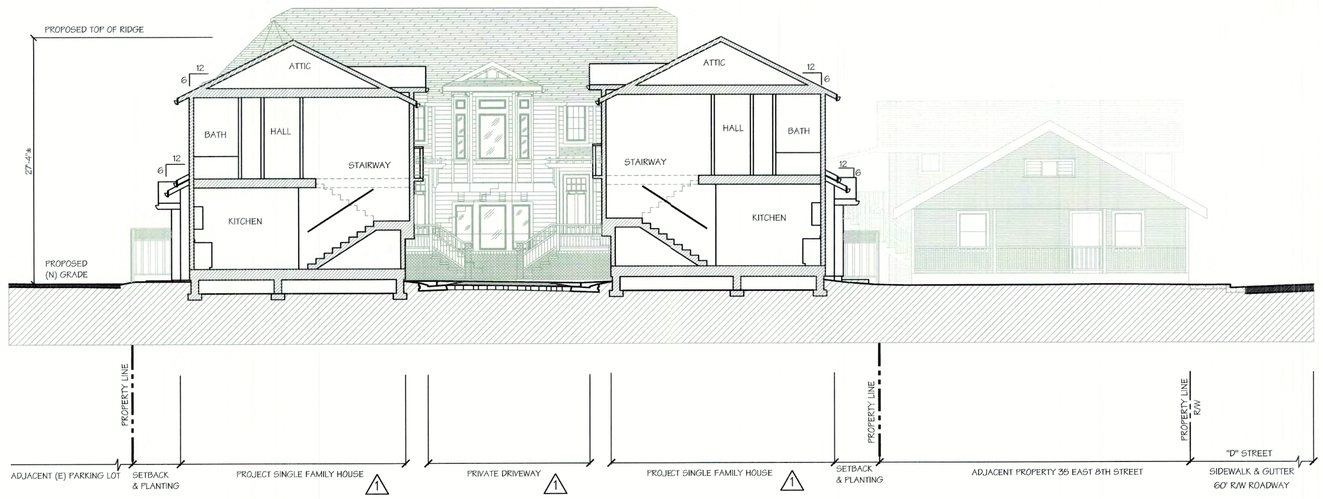
F. AdM ARCHITECT
Frank Auf der Maur, Jr.
Architect
145 Spring Street Pleasanton, California 94566 (925) 846-7642

Date: 3/04/17
Scale: 1/8"=1'-0"
Design: F. AdM
Drawn: MLWH
Job: -
Sheet: A3
Of 5 Sheets 9



PROPERTY CROSS SECTION A - A

SCALE: 1/8"=1'-0"



PROPERTY CROSS SECTION B - B

SCALE: 1/8"=1'-0"

SCALE:1/8"=1'-0"
HORIZONTAL & VERTICAL

0 4' 8' 16'

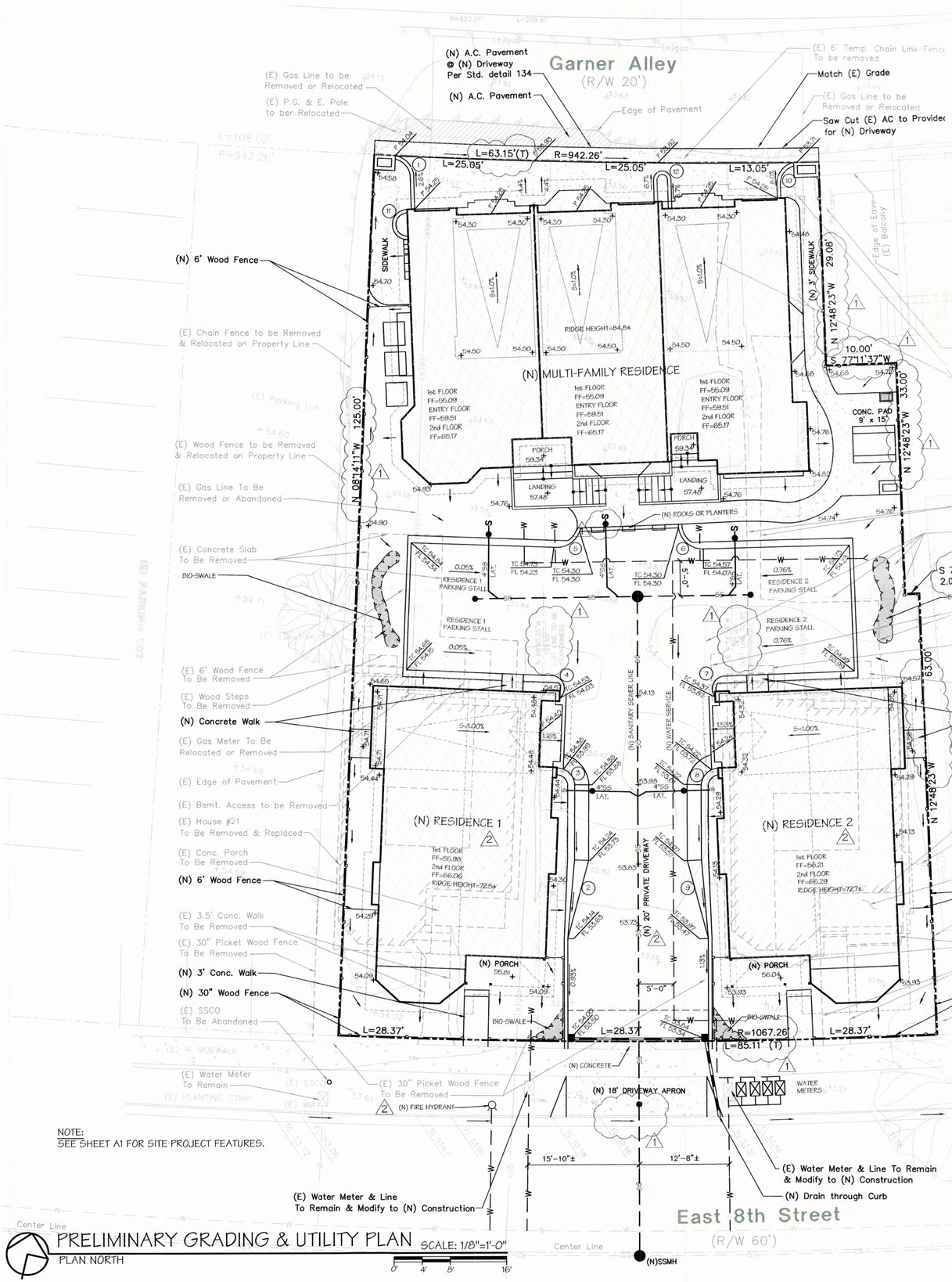
REVISIONS	BY
CITY COMMENTS 9/14/2017	1

EIGHT STREET DOWNTOWN PROJECT
21-29 EAST 8TH STREET
AN AUF DER MAUR PROJECT
PLEASANTON, CALIFORNIA, 94566

SITE CROSS SECTIONS
21-29 EAST 8TH STREET
TRACY CALIFORNIA

F.AdM ARCHITECT
Frank Auf der Maur, Jr.
Architect
148 Spring Street Pleasanton, California 94566 (925) 846-7642

Date: 3/04/17
Scale: 1/8"=1'-0"
Design: F. AdM
Drawn: MLWH
Job: -
Sheet: A4
Of 6 Sheets 9



NOTE:
SEE SHEET A1 FOR SITE PROJECT FEATURES.

PRELIMINARY GRADING & UTILITY PLAN

SCALE: 1/8"=1'-0"

PLAN NORTH

0' 4' 8' 16'

PROJECT CURB TABLE

	NUMBER	RADIUS	LENGTH
	1	3'-3"	4'-6"
2	2	ROLLED CURB TRANSITION	11'-2"
	3	2'-8"	3'-10"
3	4	1'-10"	4'-5"
3	5	3'-6"	5'-2"
3	6	3'-6"	5'-7"
3	7	1'-10"	4'-0"
	8	2'-8"	3'-8"
2	9	ROLLED CURB TRANSITION	11'-2"
3	10	3'-0"	4'-8"
	11	2'-2"	6'-11"
	12	1'-3"	3'-11"

NOTE:
A LOT LINE ADJUSTMENT OR A PARCEL MERGER WILL BE PROCESSED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

STORMWATER QUALITY NOTES

1. THE PLANS SHALL CLEARLY CALL OUT THE APPROXIMATE LOCATION AND TYPE OF STORMWATER POST-CONSTRUCTION TREATMENT ON A SEPARATE STORMWATER PAGE, AS WELL AS STATE, "I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE 2015 MULTI-AGENCY POST-CONSTRUCTION STORMWATER STANDARDS AND SHALL SUBMIT A COMPLETE PROJECT STORMWATER PLAN TO THE WATER RESOURCES DIVISION OF THE UTILITIES DEPARTMENT FOR APPROVAL".
2. THE PROJECT WILL BE CONDITIONED SUCH THAT BEFORE THE APPROVAL OF A GRADING OR BUILDING PERMIT, THE APPLICANT SHALL FULLY DEMONSTRATE COMPLIANCE WITH THE 2015 MULTI-AGENCY POST-CONSTRUCTION STORMWATER STANDARDS (MAPCSWS), AND OBTAIN APPROVAL , BY THE WATER RESOURCES DIVISION IN THE UTILITIES DEPARTMENT, OF AN ELECTRONICALLY SUBMITTED PROJECT STORMWATER PLAN (PSP) INCLUDING AN OPERATIONS AND MAINTENANCE PLAN.

IMPERVIOUS SURFACE INFORMATION

EXISTING IMPERVIOUS SURFACE 2,721.47 S.F.
NEW IMPERVIOUS SURFACE 7,305.52 S.F.
DIFFERENCE OF IMPERVIOUS SURFACE 4,584.05 S.F.

LEGEND

PROPOSED		EXISTING
	PROPERTY LINE	
W	WATER LINE	W
W	WATER BLOW-OFF	W
SS	SANITARY SEWER LINE	SS
	SANITARY SEWER MANHOLE	
	SANITARY SEWER CLEAN OUT	
	CONCRETE CURB LINE	
TC 54.49	TOP OF CURB	TC 53.72
FL 53.99	FLOW LINE ELEVATION	FL 53.06
P 53.94	PAVEMENT ELEVATION	53.82
54.74+	SPOT ELEVATION	53.82
1.83%	FLOW ARROW	
FF	FINISH FLOOR	
SS	SANITARY SEWER	
LAT.	SANITARY SEWER LATERAL	
	STORM DRAIN CATCH BASIN	
	NEW PROJECT BOUNDARY	

GRADING NOTES

1. ALL GRADING IS SUBJECT TO OBSERVATION BY THE CITY OF TRACY. PERMITTEE OR REPRESENTATIVE SHALL NOTIFY THE CITY AT LEAST 48 HOURS BEFORE THE START OF ANY GRADING.
2. CONTRACTOR SHALL EXERCISE ALL NECESSARY CAUTION TO AVOID DAMAGE TO ANY EXISTING TREES AND SURFACE IMPROVEMENTS WHICH ARE TO REMAIN IN PLACE AND SHALL BEAR FULL RESPONSIBILITY FOR ANY DAMAGE THERETO.
3. IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE OR AGENT TO IDENTIFY, LOCATE AND PROTECT ALL UNDERGROUND FACILITIES.
4. THE PERMITTEE OR AGENT SHALL MAINTAIN THE STREETS, SIDEWALKS AND ALL OTHERS PUBLIC RIGHT-OF-WAY IN A CLEAN, SAFE AND USABLE CONDITION. ALL SPILLS OF SOIL, ROCK, OR CONSTRUCTION DEBRIS SHALL BE REMOVED FROM THE PUBLICLY OWNED PROPERTY DURING CONSTRUCTION AND UPON COMPLETION OF THE PROJECT. ALL ADJACENT PROPERTY, PRIVATE PUBLIC SHALL BE MAINTAINED IN A CLEAN, SAFE AND USABLE CONDITION.
5. GRADING WILL NOT BE ALLOWED BETWEEN OCTOBER 1 AND APRIL 15 OF ANY YEAR WITHOUT EROSION CONTROL PLANS AND MEASURES APPROVED BY THE CITY OF TRACY.
6. ALL GRADING WORK SHALL BE OBSERVED AND APPROVED BY THE SOIL ENGINEER. THE SOIL ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS BEFORE BEGINNING ANY GRADING.
7. EXISTING UNDERGROUND LINES, APPURTENANCES AND FACILITIES WHICH ARE KNOWN TO THE ENGINEER ARE SHOWN FOR INFORMATION ONLY. CONTRACTOR SHALL EXERCISE ALL NECESSARY CAUTION TO AVOID DAMAGE TO ANY EXISTING FACILITIES WHICH ARE TO REMAIN IN PLACE, WEATHER OR NOT SUCH FACILITIES ARE SHOWN ON THE PLANS, AND SHALL BEAR FULL RESPONSIBILITY FOR ANY DAMAGE THERETO. NO WARRANTY IS GIVEN AS TO THE COMPLETENESS AND ACCURACY OF SUCH FACILITIES INFORMATION.
8. ALL CONTRACTORS WILL BE RESPONSIBLE FOR VERIFICATION OF THE LOCATION OF ALL EXISTING UTILITIES IN THE FIELD. LOCATIONS SHOWN ON THE PLANS ARE APPROXIMATE AND FOR GENERAL INFORMATION ONLY.
9. CONTRACTOR SHALL CALL UNDERGROUND SERVICES ALERT "USA" CENTER AT 800-642-2444, A TOLL-FREE NUMBER, 48 HOURS IN ADVANCE OF ANY EXCAVATION ACTIVITY SO ALL UNDERGROUND FACILITIES CAN BE LOCATED AND MARKED.
10. GRADING WORK SHALL CONSIST OF ALL CLEARING, GRUBBING AND STRIPPING, IMPORT-EXPORT OF SOIL, EMBANKMENT EXCAVATION, SPREADING, COMPACTION AND CONTROL OF FILL AND ALL SUBSIDIARY WORK NECESSARY TO COMPLETE THE GRADING OF CONFORM TO THE LINES, GRADES AND SLOPES AS SHOWN ON THE PLANS.
11. THE CONTRACTOR'S RESPONSIBILITY TO CARRY OUT THE CUT FILL AND IMPORT OPERATIONS NECESSARY TO MEET THE DESIGN GRADES AND CONSTRUCTION OF FACILITIES SHOWN ON THE PLANS. ANY EXCESS MATERIAL RESULTING FROM GRADING OPERATIONS BECOMES THE PROPERTY OF THE CONTRACTOR AND SHALL BE REMOVED FORM THE SITE.
12. ALL GRADING SHALL BE PERFORMED IN SUCH A MANNER AS TO COMPLY WITH THE STANDARDS ESTABLISHED BY THE AIR QUALITY MANAGEMENT DISTRICT FOR AIRBORNE PARTICLES (DUST).
13. THESE PLANS DO NOT AUTHORIZE CONSTRUCTION WITHIN THE PUBLIC RIGHT-OF-WAY.
14. WHERE STREET CUTS ARE MADE FOR THE INSTALLATION OF WET AND DRY UTILITIES, APPLICATION OF A 2" THICK ASPHALT CONCRETE OVERLAY WITH REINFORCING FABRIC WILL BE REQUIRED, 25 FEET ON BOTH SIDES OF THE TRENCH AND FOR THE ENTIRE LENGTH OF THE TRENCH. IF THE TRENCH EXTENDS BEYOND THE CHE CENTER LINE OF THE STREET, THE EXTENT OF ASPHALT CONCRETE OVERLAY SHALL BE THE ENTIRE WIDTH OF THE PAVED STREET. EXISTING WATER SERVICE AND METER THAT WILL NOT BE UTILIZED SHALL BE REMOVED FROM THE GROUND UP TO THE POINT OF CONNECTION WITH THE WATER MAIN.
15. SEWER CONNECTION TO THE RESIDENTIAL PROJECT SHALL BE IN ACCORDANCE WITH CITY STANDARDS, INDIVIDUAL SEWER CONNECTION WILL BE ALLOWED. A SEWER CLEANOUT LOCATED BEHIND THE CURB IS REQUIRED FOR EACH SEWER CONNECTION.
16. ELECTRICAL, TELEPHONE AND TV CABLE SERVICE(S) TO THE RESIDENTIAL PROJECT OR TO THE BUILDING(S) SHALL BE CONSTRUCTED AS UNDERGROUND LINE(S) FROM THE SERVICE POLE ON THE STREET OR ALLEY.
17. THE MINIMUM SIZE OF WATER SERVICE AND WATER METER IS 1 INCH. THE EXISTING WATER SERVICE AND METER IS REQUIRED TO BE UPGRADED TO A RADIO-READ WATER METER, IF CURRENTLY A TOUCH-READ WATER METER IT SHALL BE UPSIZED IF IT IS NOT 1 INCH. A NEW 1 INCH-DIAMETER CORPORATION STOP AT THE POINT OF CONNECTION AND A COPPER TUBE FOR THE WATER SERVICE WILL BE REQUIRED. IF A WATER SERVICE IS CONNECTED TO OR WILL SERVE MORE THAN 2 WATER METERS, THE WATER SERVICE HAS TO BE DESIGNED TO ENSURE THAT THE WATER PIPE HAS ADEQUATE CAPACITY TO PROVIDE THE NEEDED WATER FLOW TO THE RESIDENTIAL BUILDINGS.

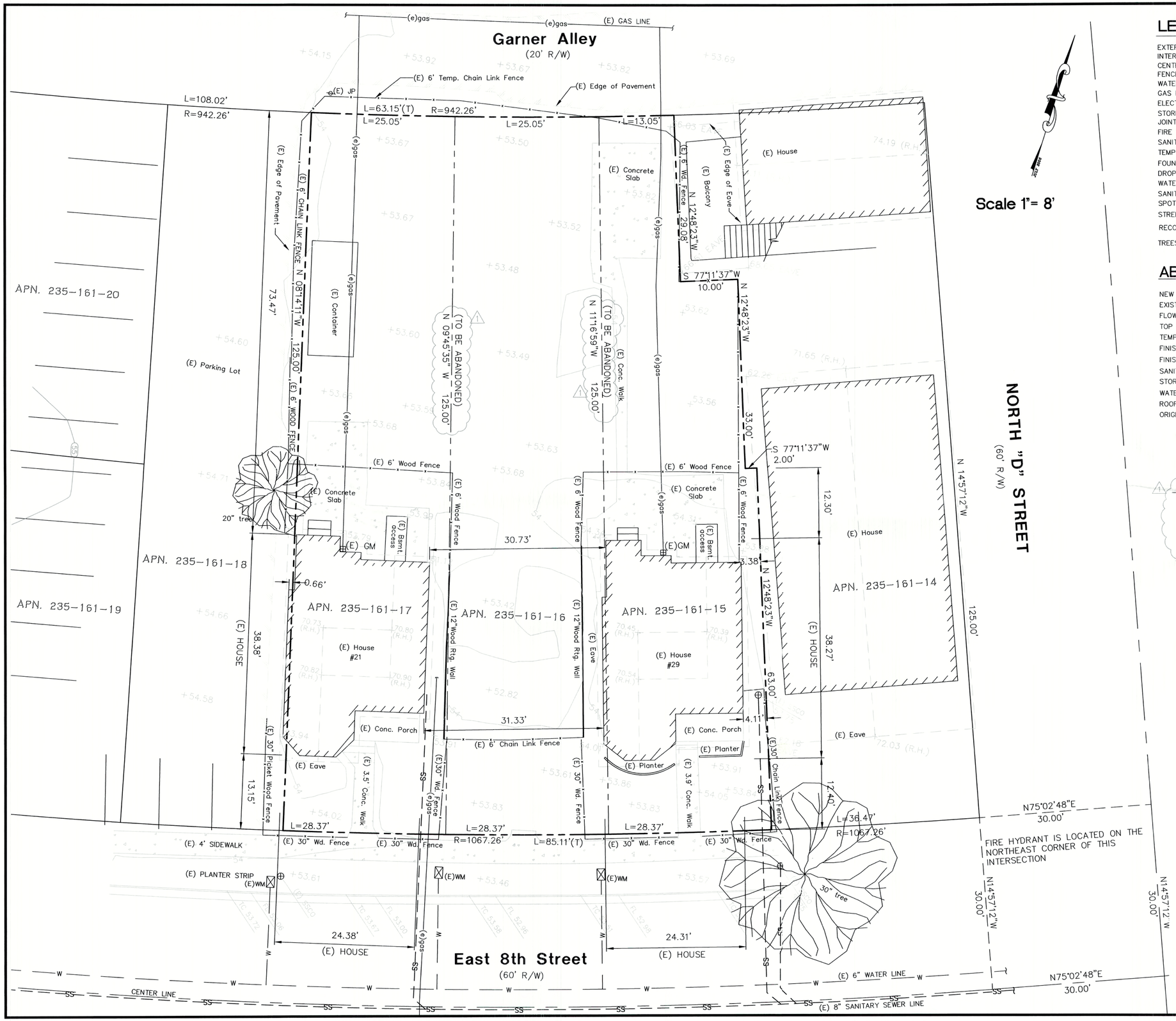
REVISIONS	BY
City Comments	1
CITY COMMENTS 9/14/2017	2
CITY COMMENTS 2/9/2018	3

EIGHT STREET DOWNTOWN PROJECT
21-29 EAST 8TH STREET
AN AUF DER MAUR PROJECT
PLEASANTON, CALIFORNIA 94566
(925) 846-7642

PRELIMINARY GRADING & UTILITY PLAN
21-29 EAST 8TH STREET
TRACY CALIFORNIA

F. AdM ARCHITECT
Frank Auf der Maur, Jr.
Architect
148 Spring Street Pleasanton, California 94566 (925) 846-7642

Date: 3/04/17
Scale: 1/8"=1'-0"
Design: F. AdM/MLWH
Drawn: MLWH
Job: 21-29 8th St-GRDGPlan-C1
Sheet: C1
Of 7 Sheets 9



LEGEND

EXTERIOR PROPERTY LINE	
INTERIOR PROPERTY LINE	
CENTERLINE	
FENCE LINE	
WATER METER (WM)	⊠
GAS METER (GM)	⊞
ELECTRIC METER (EM)	⊞
STORM DRAIN MANHOLE (SDMH)	○
JOINT POLE (JP)	○—
FIRE HYDRANT (FH)	
SANITARY SEWER CLEANOUT (SSCO)	⊕
TEMPORARY BENCH MARK	△
FOUND STANDARD STREET MONUMENT	◉
DROP INLET WITH SQUARE GRATE	▥
WATER VALVE (WV)	⋈
SANITARY SEWER MANHOLE (SSMH)	◉
SPOT ELEVATIONS	+100.23
STREET SIGN (SIGN)	◊
RECORD REFERENCE	③
TREES WITH TRUNK DIAMETER NOTED	

ABBREVIATIONS

NEW	(N)
EXISTING	(E)
FLOW LINE	FL
TOP OF CURB	TC
TEMPORARY BENCH MARK	TBM
FINISH FLOOR	FF
FINISH SLAB	FS
SANITARY SEWER MANHOLE	SSMH
STORM DRAIN MANHOLE	SDMH
WATER VALVE	WV
ROOF RIDGE HEIGHT	(R.H.)
ORIGIN UNKNOWN	O.U.

1 NOTE:
A LOT LINE ADJUSTMENT OR A PARCEL MERGER WILL BE PROCESSED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

REVISIONS	BY

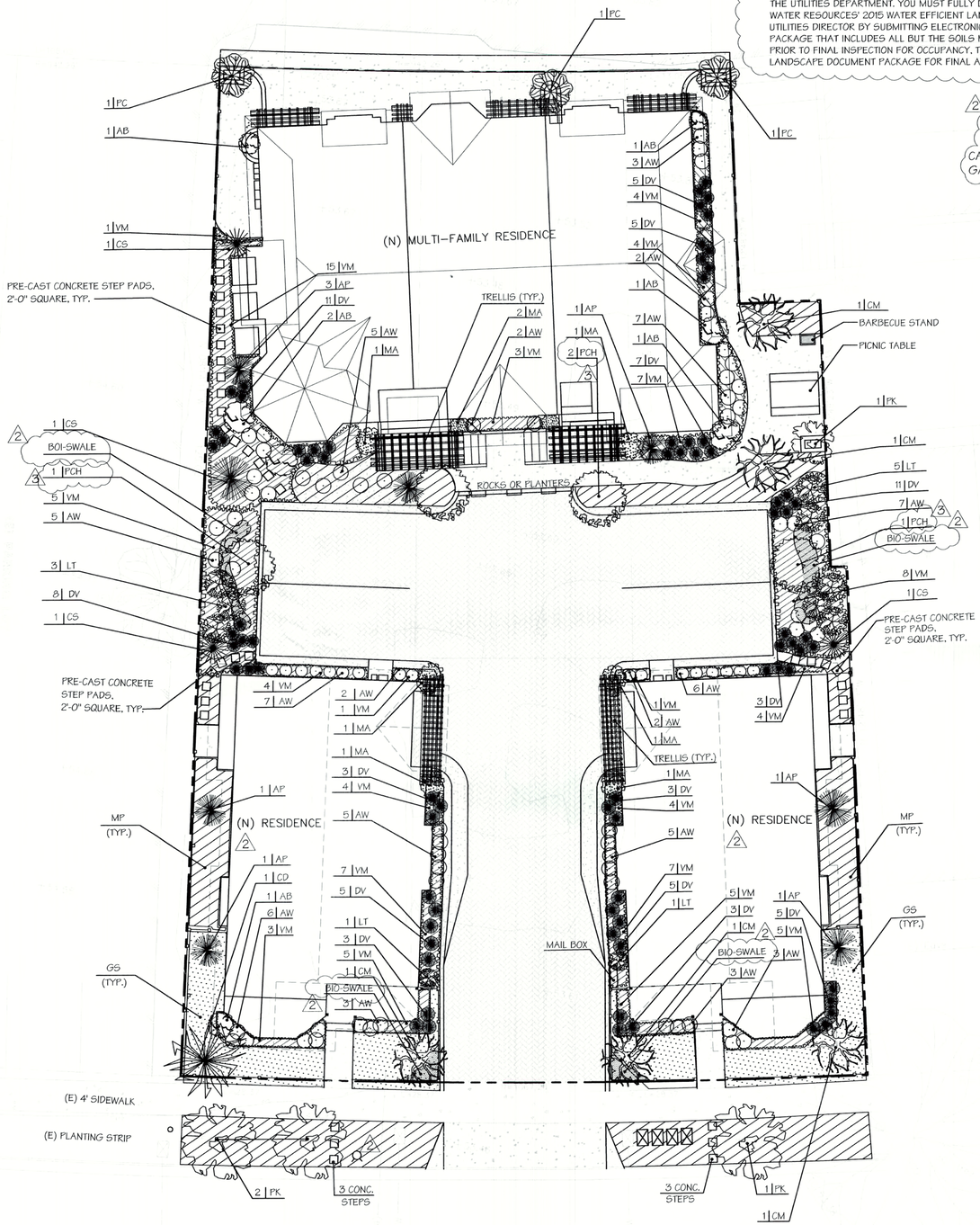
STOCKINGER SURVEYS
BOX 24 - 1531 GRANDVIEW
MARTINEZ CA, 94553
TEL: (925) 228-4949
CELL: (925) 451-1644
email : goodsurveys6995@pacbell.net

PROPERTY LOCATED AT
21, 25 & 29 EAST 8th STREET
Tracy
California

LICENSED LAND SURVEYOR
BRIAN L. STOCKINGER
NO. LS 6995
EXP. 9-30-19
STATE OF CALIFORNIA

DATE: MARCH, 2017
JOB# : 21-29 8TH ST-SURVEY
SCALE: 1"=8'-0"
DRAWN BY: MLWH

Sheet:
CS1
Of 8 Sheets 9



PRELIMINARY LANDSCAPE PLAN
PLAN NORTH
SCALE: 1/8"=1'-0"
0' 4' 8' 16'

WATER CONSERVATION AND EFFICIENCY

1. THE PROJECT SHALL COMPLY WITH TRACY MUNICIPAL CODE CHAPTER 11.28 WATER MANAGEMENT AND CALIFORNIA GREEN BUILDING STANDARDS CODE. " I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE 2015 WATER EFFICIENT LANDSCAPE ORDINANCE AND SHALL SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE WITH CONSTRUCTION DOCUMENTS" ON SAID PAGE.
2. THE PROJECT WILL BE CONDITIONED SUCH THAT BEFORE THE APPROVAL OF A GRADING OR BUILDING PERMIT, AN ELECTRONIC MWELO PROJECT INFORMATION SHEET SHALL BE SUBMITTED FOR APPROVAL TO THE UTILITIES DEPARTMENT. YOU MUST FULLY DEMONSTRATE COMPLIANCE WITH THE DEPARTMENT OF WATER RESOURCES' 2015 WATER EFFICIENT LANDSCAPE ORDINANCE TO THE SATISFACTION OF THE UTILITIES DIRECTOR BY SUBMITTING ELECTRONICALLY FOR APPROVAL A PARTIAL LANDSCAPE DOCUMENT PACKAGE THAT INCLUDES ALL BUT THE SOILS MANAGEMENT REPORT AND CERTIFICATE OF COMPLETION. PRIOR TO FINAL INSPECTION FOR OCCUPANCY, THE APPLICAN MUST ELECTRONICALLL SUBMIT A COMPLETE LANDSCAPE DOCUMENT PACKAGE FOR FINAL APPROVAL BY THE UTILITIES DIRECTOR.

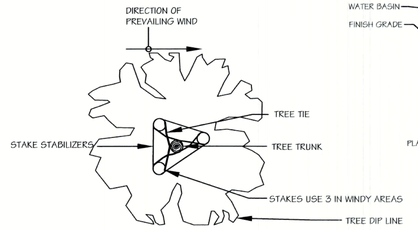
BOI-SWALE
CAREX DIVULSA (BERKELEY SEDGE) FROM 1 GALLON CONTAINER PLANTED @ 24" O.C.

PLANT LEGEND

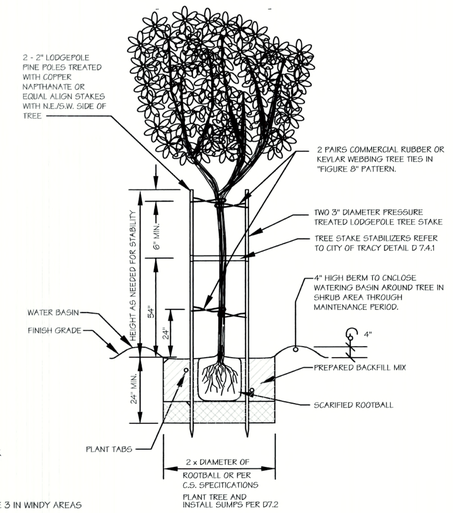
QTY.	ABBREV.	SYMBOL	BOTANICAL NAME	COMMON NAME
TREES				
1	CD		CEDRUS DEODARA	CEDAR — DEODOR CEDAR EVERGREEN TREE
3	PC		PRUNUS CERASIFERA	FLOWERING CHERRY EVERGREEN & DECIDUOUS SHRUBS & TREES
3	PK		PYRUS LAWALA,00	ORNAMENTAL PEAR EVERGREEN & DECIDUOUS SHRUBS & TREES
3	CS		CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS — EVERGREEN TREES
5	CM		LAGERSTROEMIA	CRAPE MYTLE — INDICA
8	AP		ACER PALMATUM	JAPANESE MAPLE — DECIDUOUS SHRUBS
4	PCH		PISTACHIA CHINENSIS "KEITH DAVEY"	CHINESE PISTACHE
SHRUBS				
7	AB		ABELIA	CAPRIFOLIACEAE — EVERGREEN SHRUBS
10	LT		LIGUSTRUM	PRIVET OLEACEAE — EVERGREEN, SEMIEVERGREEN, DECIDUOUS SHRUBS
77	DV		DIETES	FORTNIGHT LILY, AFRICAN IRIS IRIDACEAE — PERENNIALS FROM RHIZOMES
67	AW		AGAPANTHUS	LILY-OF-THE-NILE AMARYLLIDACEAE — PERENNIALS
ESPALIERS (VINES)				
8	MA		MACFADYENA	CAT'S CLAW — YELLOW TRUMPET VINE
GROUND COVERS				
97	VM		VINCA MINOR	APOCYNACEAE PERWINKLE — PERENNIALS
	GS		SOD	LAWN
	MP		MYOPORUM PARVIFOLIUM	MYOPORUM

TREE DETAIL NOTES:

1. TREES SHALL BE 15 GALLON MIN., 24" MAX. SIZE AND BE PLACED 10 FEET FROM EDGE OF PAVING WHENEVER POSSIBLE.
2. AS DETERMINED BY CITY ENGINEER, BOXED TREES MAY REQUIRE 3 STAKES, 3 PAIRS TIES, 3 LARGE STAKE STABILIZERS IN WINDY AREAS, LIKEWISE, 15 GAL. THREES MAY REQUIRE 3 STAKES, 3 PAIRS TIES, AND 3 STD. STAKE STABILIZERS.
3. AS DETERMINED BY CITY ENGINEER, ROOT CONTROL BARRIER PANELS SHALL BE REQUIRED WHERE TREE IS 10 FEET OR LESS FROM EXISTING OR FUTURE SIDEWALK OR CURB. DEEP ROOT UB-24-2 OR EQUAL MAY BE USED. LENGTH OF BARRIER = 8' CENTERED ON TREE.
4. TREES SHALL BE PROVIDED W/ AUTOMATIC IRRIGATION SYSTEMS (INDIVIDUAL BUBBLERS WITH WATERING BASIN).
5. ROOT BARRIERS SHALL NOT BE CUT.
6. REFER TO D7.2 FOR PLANTING DETAIL.



PLAN VIEW
NOT TO SCALE



SECTION
TREE DETAIL
NOT TO SCALE

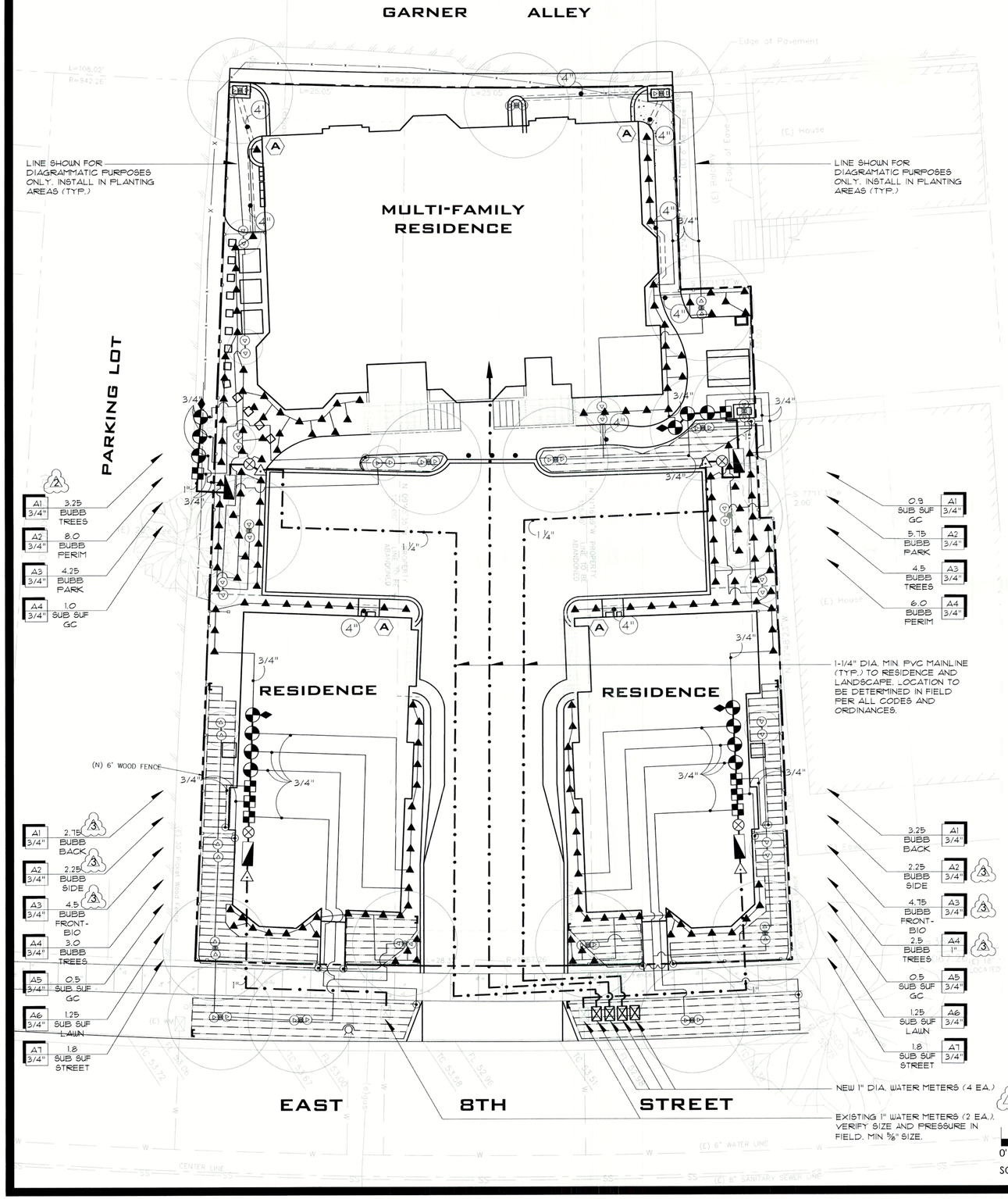
REVISIONS	BY
City Comments	1
City Comments 6/12/17	2
City Comments 2/9/18	3

EAST 8TH STREET DOWNTOWN PROJECT
21-29 EAST 8TH STREET
AN AUF DER MAUR PROJECT
PLEASANTON, CALIFORNIA 94566
(925) 846-7642

PRELIMINARY LANDSCAPE PLAN
21-29 EAST 8TH STREET
TRACY CALIFORNIA

F.AdM ARCHITECT
Frank Auf der Maur, Jr.
Architect
148 Spring Street Pleasanton, California 94566 (925) 846-7642

Date: 6/15/17
Scale: 1/8"=1'-0"
Design: F. AdM
Drawn: MLWH
Job: 21-29 8th St-LandscapePlan
Sheet: L1
OF 9 Sheets 9



IRRIGATION LEGEND

- NEW IRRIGATION HOOK UP TO EXISTING STUBBED SHUT OFF. CONNECT TO EXISTING WATER SOURCE. VERIFY LOCATION, GPM, AND PRESSURE W/ JOB SUPERINTENDANT AND ON SITE.
- A — 8 STATION HUNTER - I-CORE IRRIGATION CONTROLLER - WALL MOUNT W/METAL CONDUIT RISER, #IC-800, W/ WIRELESS SOLAR SYNC - SEN (RAIN SENSOR).
- 1" RAINBIRD PESB R.C.V. IN PLASTIC VALVE BOX.
- 1" HUNTER PCZ-101-25 DRIP CONTROL ZONE KIT (OR EQUAL) IN PLASTIC VALVE BOX.
- 1" PVC ISOLATION GLOBE VALVE IN PLASTIC VALVE BOX.
- 3/4" DLJ IRRIGATION SUBMETER, MODEL #DLJ100 (OR EQUAL).
- QUICK COUPLER IN AMETEC LOCKING RAINBIRD BOX #QC3-RC W/ LOCKING LID
- REDUCED PRESSURE FEBCO 1" #825Y BACKFLOW PREVENTER ASSEMBLY W/ PRIME 2X PAINTED 2X DARK GREEN. GALV. STEEL ENCLOSURE WITH FROST BLANKET (OR EQ.)
- SCH 40 PVC SLEEVE, BURY 18" DEEP MIN; 24" DEEP MIN. IN AUTO AREAS; SIZE PER PLAN.
- SCH 40 PVC MAINLINE, BURY 18" DEEP MIN., SIZE PER PLAN.
- SCH 40 PVC LATERAL, BURY 12" DEEP, SIZE PER PLAN.
- HUNTER "ECO-WRAP" SUBSURFACE DRIP TUBING MODEL# PLD-ESD INSTALL PARALLEL LINES AT 12" O.C. AND 3" DEEP W/ FLUSHING VALVE AT ENDS (TYP .) FLOW=.6 GPH/L.F.
- PVC PIPE TO 1/2" DRIP TUBING POINT OF CONNECTION
- HUNTER 'POP-UP' DRIP INDICATOR

SYMBOL	DISTRIBUTOR	TYPE	MODEL	RADIUS	ARC	DESCRIPTION	FLOW	PRESSURE
▲	HUNTER	BUBBLER	PCB-25	-	-	BUBBLER ON FLEX RISER	0.25 GPM	20 PSI
△	HUNTER	BUBBLER	PCB-25	-	-	BUBBLER IN PERF. PIPE	0.25 GPM	20 PSI

- EXISTING 1" WATER METERS - VERIFY PRESSURE AND SIZE IN FIELD **NOT IN CONTRACT**
- NEW 1" WATER METER - 3 EA. **NOT IN CONTRACT**

A3 3/4" 9.76 — INDICATES STATION NUMBER; INDICATES GPM DEMAND PER VALVE; INDICATES VALVE SIZE

LATERAL SIZING CHART

3/4"	-	0 - 10 GPM
1"	-	11 - 16 GPM
1-1/4"	-	17 - 26 GPM
1-1/2"	-	27 - 35 GPM
2"	-	35 - 55 GPM

SEE SHEET L-W2 FOR IRRIGATION NOTES, DETAILS, AND SHEET L-W3 FOR WELO CALCULATIONS.

I HAVE COMPLIED WITH THE CRITERIA AND THE REQUIREMENTS OF THE WATER EFFICIENT LANDSCAPE ORDINANCE AND WILL SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE.

Robert Mowat — 11-29-17

ROBERT MOWAT, R.L.A. NO 2258 — DATE

ROBERT MOWAT ASSOCIATES
LANDSCAPE ARCHITECTURE + LAND PLANNING
1501 N. Broadway Suite 400 Walnut Creek, CA 94596
Phone 925.705.7424 Fax 925.954.1390
www.rmalandscape.com

21-29 EAST 8TH STREET DOWNTOWN TRACY, CA

IRRIGATION PLAN

DATE 04-05-17
REVISIONS
1 4-10-17 METERS
2 6-19-17 CITY COMMENTS
3 11-29-17 ADD BIOSWALES

SCALE 1/8"=1'-0"

NORTH

SHEET **L-W1** OF 3

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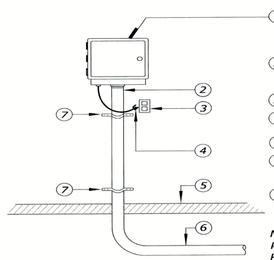
21 - 29 EAST 8TH STREET, TRACY, CA

IRRIGATION NOTES

1. THIS DESIGN IS DIAGRAMMATIC. ALL PIPING, VALVES, ETC. SHOWN WITHIN THE PAVED AREAS OR BUILDINGS IS FOR DESIGN CLARIFICATION ONLY AND SHALL BE INSTALLED IN PLANTING AREAS WHERE POSSIBLE. AVOID CONFLICTS WITH PLANTING, PIPINGS, UTILITIES AND ARCHITECTURE WHERE POSSIBLE.
2. DO NOT WILLFULLY INSTALL THE SYSTEMS SHOWN ON THE DRAWINGS WHEN IT IS OBVIOUS IN THE FIELD THAT OBSTRUCTIONS, GRADE DIFFERENCES, GPM AVAILABILITY, OR PRESSURES EXIST THAT MAY NOT HAVE BEEN INCLUDED IN THE ENGINEERING. SUCH OBSTRUCTIONS OR DIFFERENCES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE OWNER AND LAND. ARCH. FOR A DECISION. IN THE EVENT THAT NOTIFICATION IS NOT PERFORMED, THE IRRIGATION CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ANY REVISIONS NECESSARY.
3. 120 VOLT ELECTRICAL POWER OUTLET AT THE AUTOMATIC CONTROLLER LOCATION SHALL BE PROVIDED BY OTHERS. THE IRRIGATION CONTRACTOR SHALL MAKE FINAL HOOK-UP FROM REMOTE CONTROL VALVES TO CONTROLLER.
4. IT IS THE RESPONSIBILITY OF THE IRRIGATION CONTRACTOR TO FAMILIARIZE THEMSELVES WITH ALL GRADE DIFFERENCES, LOCATION OF WALLS, RETAINING WALLS, UTILITIES, PIPING, BUILDINGS, ETC. HE SHALL COORDINATE HIS WORK WITH THE GENERAL CONTRACTOR FOR THE INSTALLATION OR PIPE SLEEVES THROUGH WALLS, UNDER ROADWAYS, STRUCTURES, ETC.
5. THE IRRIGATION SYSTEM SHALL BE INSTALLED IN CONFORMANCE WITH ALL APPLICABLE STATE AND LOCAL CODES AND ORDINANCES BY A LICENSED LANDSCAPE CONTRACTOR AND EXPERIENCED WORKMEN. CONTRACTOR TO OBTAIN AND PAY FOR ALL IRRIGATION PERMITS AND REQUIRED FEES.
6. CONTRACTOR IS TO CONFIRM THE LOCATION OF EXISTING UTILITIES AND UNDERGROUND STRUCTURES PRIOR TO THE EXCAVATION OF TRENCHES. CONTRACTOR TO REPAIR ANY DAMAGE CAUSED BY, OR DURING THE PERFORMANCE OF, HIS WORK AT NO ADDITIONAL COST TO THE OWNER.
7. SYSTEM IS BASED UPON A STATIC MAINLINE PRESSURE OF 55 P.S.I. A PRESSURE REDUCER MAY (MAY NOT) BE REQUIRED SO THAT THE STATIC MAINLINE PRESSURE AS MEASURED AT THE POINT OF CONNECTION (AFTER THE BACK FLOW DEVICE) IS 70 P.S.I. AFTER CALCULATING PRESSURE LOSSES, THE SYSTEM IS DESIGNED TO OPERATE AT APPROXIMATELY 35-40 P.S.I. WORKING PRESSURE AT THE HEADS. THROUGH ANY ONE VALVE, THE SYSTEM IS DESIGNED TO OPERATE AT A MAXIMUM OF 13 GPM.
8. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SLEEVING REQUIRED FOR ELECTRICAL AND IRRIGATION. CONTRACTOR TO COORDINATE AND LOCATE ANY ELECTRICAL AND IRRIGATION SLEEVES PRIOR TO CONCRETE POUR. LANDSCAPE ARCHITECT TO REVIEW LAYOUT PRIOR TO CONCRETE POUR. SLEEVES TO BE SCH. 40 PVC PIPE, SET IN A 2" SAND BED CONTINUOUS AROUND ENTIRE SLEEVE, WITH MARKING TAPE AT EACH END. EXTEND PAST PAVING 6"
9. TRENCHES ARE TO BE OF SUFFICIENT DEPTH TO PROVIDE 18" OF COVER OVER MAINLINE LATERAL LINES PRIOR TO THE INSTALLATION OF IRRIGATION HEADS. MAINLINE TO BE VISUALLY INSPECTED FOR LEAKS UNDER FULL OPERATING PRESSURE PRIOR TO BACKFILLING. MAINLINE UNDER STREETS TO BE 24" DEEP; MINIMUM.
10. FLUSH MAINLINES PRIOR TO THE INSTALLATION OF REMOTE CONTROL VALVES. FLUSH LATERAL LINES PRIOR TO THE INSTALLATION OF IRRIGATION HEADS. MAINLINE TO BE VISUALLY INSPECTED FOR LEAKS UNDER FULL OPERATING PRESSURE PRIOR TO BACKFILLING.
11. IRRIGATION CONTROL WIRE SHALL BE #14, U.L. APPROVED FOR DIRECT BURIAL. COMMON WIRE SHALL BE #14 U.L. APPROVED FOR DIRECT BURIAL, WHITE IN COLOR. WIRES TO BE MULTI-STRAND #18-9 REMOTE CONTROL VALVES SHALL BE A COLOR OTHER THAN WHITE. ALL SPLICES SHALL BE MADE WITHIN REMOTE CONTROL VALVE BOXES. LEAVE 24" EXCESS WIRE COIL AT REMOTE CONTROL LOCATIONS.
12. REMOTE CONTROL VALVE BOXES SHALL BE INSTALLED FLUSH WITH FINISH GRADE (NOT NECESSARILY PLUMB). ALIGN VALVE BOXES WITH ADJACENT PAVEMENT EDGES OR STRUCTURES. VALVE BOXES SHALL BE PLASTIC WITH BOLT DOWN LIDS AND WITH WHITE NUMBERED VALVE STATIONS IN STENCILS.
13. ALL EXCAVATIONS SHALL BE BACKFILLED TO 90% COMPACTION (MIN.). CONTRACTOR TO REPAIR SETTLED TRENCHES FOR ONE YEAR AFTER COMPLETION OF WORK.
14. CONTRACTOR TO MAKE MINOR ADJUSTMENTS IN HEAD LOCATIONS AND ADJUST HEADS FOR RADIUS (ARC IF APPLICABLE), TO OPTIMUM COVERAGE, AND TO ELIMINATE SPRAYING ONTO PAVEMENT, BUILDINGS, AND WALLS. ADD HEADS AS NECESSARY FOR HEAD TO HEAD COVERAGE. INSTALL FLAT HEADS NEAR BLDGS.
15. CONTRACTOR TO MAINTAIN A SET OF "AS-BUILT" DRAWINGS THROUGHOUT THE COURSE OF CONSTRUCTION AND DELIVER THESE DRAWINGS TO THE OWNER / HOA UPON THE COMPLETION OF WORK. THE DRAWINGS SHALL BE IN REPRODUCIBLE FORM.
16. CONTRACTOR SHALL GUARANTEE THE SYSTEM AND MATERIALS TO BE FREE FROM DEFECTS FOR A PERIOD OF ONE YEAR STARTING WITH ACCEPTANCE AT THE FINAL SITE REVIEW.
17. (2) CHECK VALVES OR ANTI-DRAIN VALVES ARE REQUIRED ON ALL SPRINKLER HEADS WHERE LOW POINT DRAINAGE COULD OCCUR.
18. THE IRRIGATION CONTRACTOR SHOULD ARRANGE WITH THE LAND. ARCH. & OWNER REP. FOR A SITE REVIEW OF THE SYSTEM. CALL WITH TWO DAYS PRIOR NOTICE TO ARRANGE REVIEW DATES. REVIEWS WILL BE SCHEDULED TO REVIEW:
    1. PRESSURE TEST TO MAIN LINE PRIOR TO BACKFILLING TRENCHES.
    2. COVERAGE TEST OF SPRINKLER SYSTEM PRIOR TO PLANTING.
    3. FINAL WALK-THROUGH OF ALL ASPECTS OF THE IRRIGATION SYSTEM.
19. WATER JET ALL IRRIGATION TRENCHES, TYPICAL.
20. (2) A DIAGRAM OF THE IRRIGATION PLAN SHOWING HYDROZONES SHALL BE KEPT WITH THE IRRIGATION CONTROLLER FOR SUBSEQUENT MANAGEMENT PURPOSES.
21. (2) AN IRRIGATION AUDIT REPORT SHALL BE COMPLETED AT THE TIME OF FINAL INSPECTION.
22. (2) PRESSURE REGULATING DEVICES ARE REQUIRED IF WATER PRESSURE IS BELOW OR EXCEEDS THE RECOMMENDEDPRESSURE OF THE SPECIFIED IRRIGATION DEVICES.

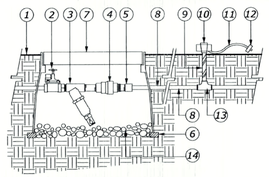


1. CONTROLLER - MOUNT AT EYE-LEVEL AS APPROVED BY JOB SUPERINTENDENT
2. RIGID SCH. 80 CONDUIT W/ 24 VOLT WIRES TO VALVES
3. GFI DUPLEX OUTLET
4. 120 POWER SOURCE N.I.C. PLUGGED INTO GFI OUTLET
5. FINISH FLOOR (INTERIOR)
6. CONDUIT TO EXTEND 2 FT. BEYOND BLDG. AND 1 FT. BEYOND PAVING
7. GALV. STRAPS

NOTE: GROUND CONTROLLER PER MANUFACTURER'S RECOMMENDATIONS AND PER LOCAL CODES

WALL MOUNT CONTROLLER

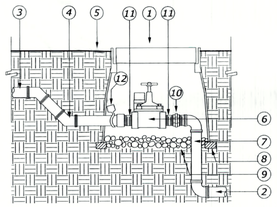
NOT TO SCALE



1. FINISH GRADE
2. REMOTE CONTROL VALVE
3. CANNISTER FILTER - 155 MESH FILTRATION W/ FLUSH VALVE
4. PRESET PRESSURE REGULATOR
5. SCH 40 PVC THREADED ADAPTOR (TXS)
6. BRICK TO SUPPORT BOX AS REQUIRED
7. PLASTIC VALVE BOX. INSTALL PARALLEL TO EDGES & ADJACENT TO PAVING WHERE POSSIBLE.
8. SCH 40 RIGID PVC LATERAL 3/4" DIA. MIN, CONTINUOUS
9. BLUE FLEX RISER. HEIGHT AS NEEDED
10. OCTOBUBBLER (20 GPM) HEAD W/ BUG CAPS ON 1/4" TUBING.
11. 1/4" DRIP TUBING
12. 1 DRIP EMITTERS FOR G.C. AREAS AT 12" O.C. TYP. W/ STAKING STAPLES 2 PER SHRUB, 4 PER TREE.
13. SCH 40 TEE (SXSXT) OR EL (SXT) AS REQ.
14. 4" LAYER OF PEA GRAVEL

DRIP REMOTE CONTROL ASSEMBLY

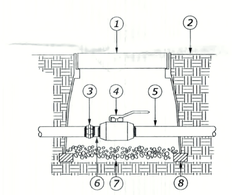
NOT TO SCALE



1. PLASTIC VALVE BOX. INSTALL PARALLEL TO EDGES & ADJACENT TO PAVING WHERE POSSIBLE. HEAT LABEL VALVE NUM. ON LID.
2. PVC MAINLINE
3. PVC LATERAL
4. SCH 40 FITTINGS
5. FINISH GRADE
6. REMOTE CONTROL VALVE
7. MAIN LINE
8. BRICK TO SUPPORT BOX AS NEEDED
9. FILL BOTTOM OF BOX W/ 4" DEPTH DRAIN ROCK
10. UNION - 1 EACH
11. SCH 40 PVC NIPPLE - THRD.
12. PLASTIC I.D. TAG W/ VALVE NUMBER

REMOTE CONTROL VALVE

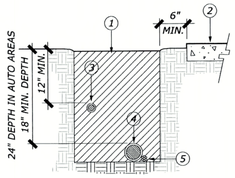
NOT TO SCALE



1. PLASTIC VALVE BOX WITH LOCKING LID & EXTENSIONS AS REQ'D.
2. FINISH GRADE
3. PVC UNION
4. BRONZE GATE VALVE
5. MAIN LINE
6. PVC SCH. 80 NIPPLE
7. FILL BOTTOM OF BOX W/ 3" DEPTH DRAIN ROCK
8. BRICK TO SUPPORT BOX AS NEEDED

GATE VALVE

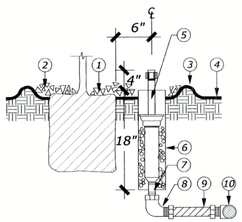
NOT TO SCALE



1. SATURATE AND COMPACT BACKFILL TO 90%
2. FINISH GRADE
3. NON-PRESSURE LATERAL LINE
4. PRESSURE MAIN LINE
5. MAIN LINE
6. DIRECT BURIAL, LOW VOLTAGE CONTROL WIRES BUNDLE AND TAPE TO PIPE AT 10 FT. O.C.

TRENCH LAYOUT

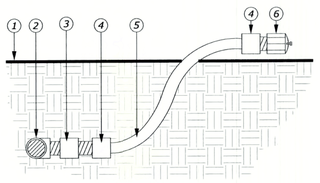
NOT TO SCALE



1. ROOTBALL- 2" ABOVE F.G.
2. MULCH
3. 3" HIGH WATERING BASIN
4. FINISH GRADE
5. 6" POP-UP BUBBLER
6. 4"Ø PERFORATED ABS PLASTIC SLEEVE. FILL TO BELOW NOZZLE WITH 3/4" DIAM. DRAIN ROCK
7. PVC SCH 80 NIPPLE
8. PVC STREET MARLEX ELL
9. PVC FLEX NIPPLE WITH MALE ADAPTORS
10. LATERAL

POP-UP BUBBLER HEAD

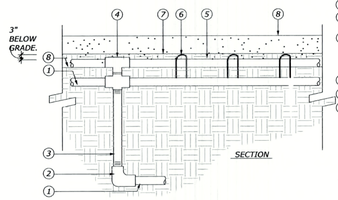
NOT TO SCALE



1. FINISH GRADE
2. PVC LATERAL LINE W/ 1/2" THREADED SIDE OUTLET PVC SCHEDULE 40 TEE (SxSxT) OR ELL (SxT) CONNECTED TO IRRICATION LATERAL LINE
3. KING BROS CV-MF SERIES CHECK VALVE (TxT)
4. THREADED PVC MALE ADAPTER
5. 24" LONG BLACK 1/2" O.C. FLEX RISER 12" ± FROM PLANT CENTER
6. BUBBLER

BUBBLER HEAD

NOT TO SCALE



1. SCH 40 LATERAL LINE
2. LATERAL LINE ELBOW (ST) - PVC
3. 3/4" X 12" MIN. SCH. 80 PVC NIPPLE
4. 3/4" SCH. 40 PVC THREADED COMPRESSION TEE OR COUPLING
5. HUNTER PLD-ESP SUBSRFACE DRIP TUBING AT 18" O.C. TYP. PLACE BELOW BARK MULCH EMITTER SPACING 12" O.C. WITH 1 GPH FLOW. BURY 3" BELOW GRADE.
6. STEEL TIE-DOWN STAKES AT 24" O.C. TYP.
7. FINISH GRADE
8. TOP OF MULCH

* NOTE: INSTALL DRIP TUBING AROUND PRECAST STEP PADS AS NEEDED

** INSTALL ONE HUNTER YELLOW POP-UP SYSTEM INDICATOR PER VALVE (TYP.)

SUB SURFACE DRIP IRRIGATION

NOT TO SCALE

(2)

I HAVE COMPLIED WITH THE CRITERIA AND THE REQUIREMENTS OF THE WATER EFFICIENT LANDSCAPE ORDINANCE AND WILL SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE.

ROBERT MOWAT, R.L.A. NO 2258 — 11-29-17 DATE

ROBERT MOWAT ASSOCIATES
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1501 N. Broadway Suite 400 Walnut Creek, CA 94596
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www.rmalandscape.com

21-29
EAST 8TH STREET
DOWNTOWN
TRACY, CA

IRRIGATION NOTES AND DETAILS

DATE
04-05-17
REVISIONS
(2) 6-19-17
CITY COMMENTS

SCALE
1/8"=1'-0"

SHEET
L-W2
OF 3

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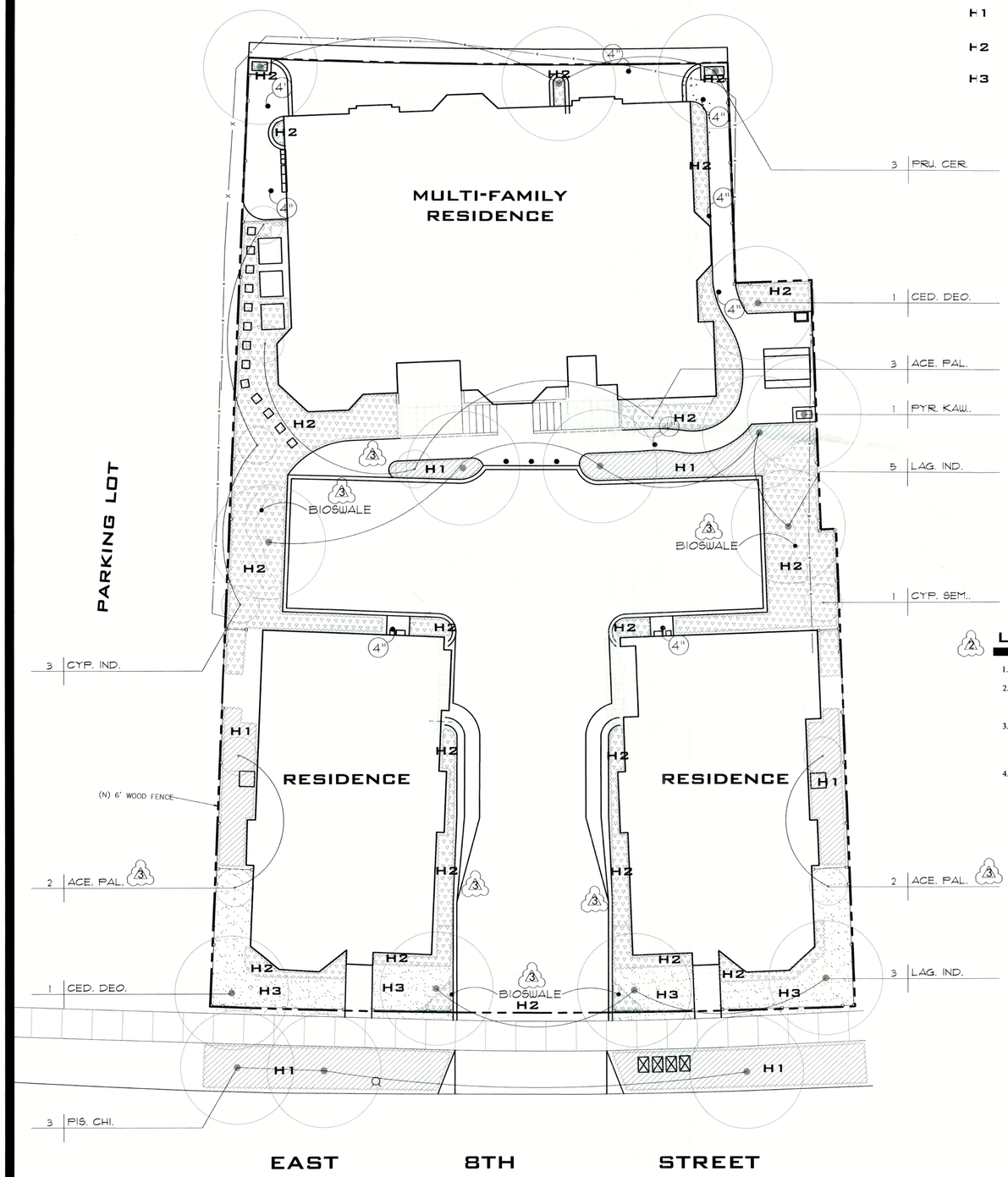
21 - 29 EAST 8TH STREET, TRACY, CA



HYDROZONE LEGEND

H1	LOW WATER USE SHRUB/GROUNDCOVER	SUB-SURFACE
H2	MOD WATER USE TREE/SHRUB/GC	DRIP/BUBBLER
H3	HIGH WATER USE LAWN	SUB-SURFACE

MWELO CALCULATIONS

SYMBOL:	HYDROZONE TYPE:	PLANT FACTOR (PF):	HYDROZONE AREA (HA):	IRRIGATION EFFICANCY (IE):	(PF X HA) IE
H1	SHRUBS/GROUNDCOVER LOW WATER USE SUB-SURFACE	0.3	617 SF	.81	229
H2	TREES/SHRUBS/GC MOD WATER USE DRIP/BUBBLERS	0.4	1004 SF	.81	496
H3	LAWN HIGH WATER USE SUB-SURFACE	0.7	425 SF	.81	367
TOTAL:			2,046 SF		1092
ETWU:	48.5 X 0.62 (1092)			=	32,836 GAL/YR
MAWA:	48.5 X 0.62 (0.55 X 2046)			=	33,838 GAL/YR

MWELO CALCULATION REFERENCE

ETWU: ESTIMATED TOTAL WATER USE (GALLONS PER YEAR)

CALCULATION FORMULA: $ETo \times 0.62 \left(\frac{PF \times HA}{IE} + SLA \right)$

ETo : REFERENCE EVAPOTRANSPIRATION (48.5 INCHES PER YEAR IN CITY OF TRACY)
0.62 : CONVERSION FACTOR (INCHES PER SQAURE FOOT TO GALLONS PER SQUARE FEET)
PF : PLANT FACTOR FROM WUCOLS IV, REGION 2
HA : HYDROZONE AREA [HIGH, MEDIUM AND LOW WATER USE AREAS] (IN SQUARE FEET)
IE : IRRIGATION EFFICIENCY (OVERHEAD SPRAY = .75, DRIP = .81)
SLA : SPECIAL LANDSCAPED AREA (SQUARE FEET)

MAWA: MAXIMUM APPLIED WATER ALLOWANCE (GALLONS PER YEAR)

CALCULATION FORMULA: (ETo) x (0.62) x [(0.45 xLA) + (1.0 - 0.45) X SLA]

ETo : REFERENCED EVAPOTRANSPIRATION (48.5 INCHES PER YEAR IN UNION CITY)
0.62 : CONVERSION FACTOR (INCHES PER SQAURE FOOT TO GALLONS PER SQUARE FEET)
0.55 : RESIDENTIAL REFERENCE EVAPOTRANSPIRATION ADJUSTMENT FACTOR (ETAF)
LA : LANDSCAPED AREA INCLUDING SLA (SQUARE FEET)
0.55 : ADDITIONAL WATER ALLOWANCE FOR SLA
SLA : SPECIAL LANDSCAPED AREA (SQUARE FEET)

LANDSCAPE NOTES

1. RECIRCULATING WATER SYSTEMS SHALL BE USED FOR WATER FEATURES.
2. A MINIMUM 3-INCH LAYER OF MULCH SHALL BE APPLIED ON ALL EXPOSED SOIL SURFACES OF PLANTING AREAS EXCEPT TURF AREAS, CREEPING OR ROOTING GROUNDCOVERS, OR DIRECT SEEDING APPLICATIONS.
3. FOR SOILS LESS THAN 6% ORGANIC MATTER IN THE TOP 6- INCHES OF SOIL, COMPOST AT A RATE OF A MINIMUM OF FOUR CUBIC YARDS PER 1000 SQUARE FEET OF PERMEABLE AREA SHALL BE INCORPORATED TO A DEPTH OF SIX INCHES INTO THE SOIL.
4. A CERTIFICATION OF COMPLETION SHALL BE FILLED OUT AND CERTIFIED BY EITHER THE DESIGNER OF THE LANDSCAPE PLANS, IRRIGATION PLANS, OR THE LICENSED CONTRACTOR FOR THE PROJECT.

PLANT LIST - WUCOLS WATER USE

BOTANICAL NAME	COMMON NAME	WUCOLS WATER USE	SPACING
TREES:			
Acer palmatum	Japanese maple	MOD	PER PLAN
Cedrus deodora	Deodor Cedar	LOW	PER PLAN
Cupressus sempervirens	Italian Cypress	MOD	PER PLAN
Lagerstroemia indica	Crepe Myrtle	LOW	PER PLAN
Pistachia chinensis	Chinese Pistache	LOW	PER PLAN
Prunus cerasifera	Flowering Cherry	MOD	PER PLAN
Pyrus kawakamii	Ornamental Pear	MOD	PER PLAN
SHRUBS:			
Abelia x grandiflora	Glossy Abelia	MOD	48" O.C.
Agapanthus 'Storm Cloud'	Lily-of the Nile	MOD	18" O.C.
Dietes iridioides	Fortnight Lity	LOW	36" O.C.
Ligustrum japonicum 'Texanum'	Waxleaf Privet	MOD	48" O.C.
Macfadyena unguis-cati	Cat's Claw	LOW	18" O.C.
GROUNDCOVERS:			
Myoporum parvifolium	Myoporum	LOW	36" O.C.
Vinca minor	Periwinkle	MOD	12" O.C.
Sod - Medallion 3	Lawn	HIGH	N.A.
BIOSWALE PLANTING:			
Carex divulsa (tumulicola)	Berkeley Sedge	LOW	24" O.C.

* SEE SHEET L-1 BY F.ADM DATED 12-04-16 FOR SPECIFIC PLANTING PLAN.

0' 4' 8' 16' 24'
SCALE: 1/8" = 1'-0"

I HAVE COMPLIED WITH THE CRITERIA AND THE REQUIREMENTS OF THE WATER EFFICIENT LANDSCAPE ORDINANCE AND WILL SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE.

Robert Mowat
ROBERT MOWAT, R.L.A. NO 2258

11-29-17
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21-29
EAST 8TH STREET
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TRACY, CA

HYDROZONE PLAN AND WELO CALCULATIONS

DATE
04-05-17
REVISIONS
2 6-19-17 CITY COMMENTS
3 11-29-17 ADD BIOSWALES

SCALE
1/8"=1'-0"

NORTH

SHEET
L-W3
OF 3

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21 - 29 EAST 8TH STREET, TRACY, CA

ATTACHMENT C

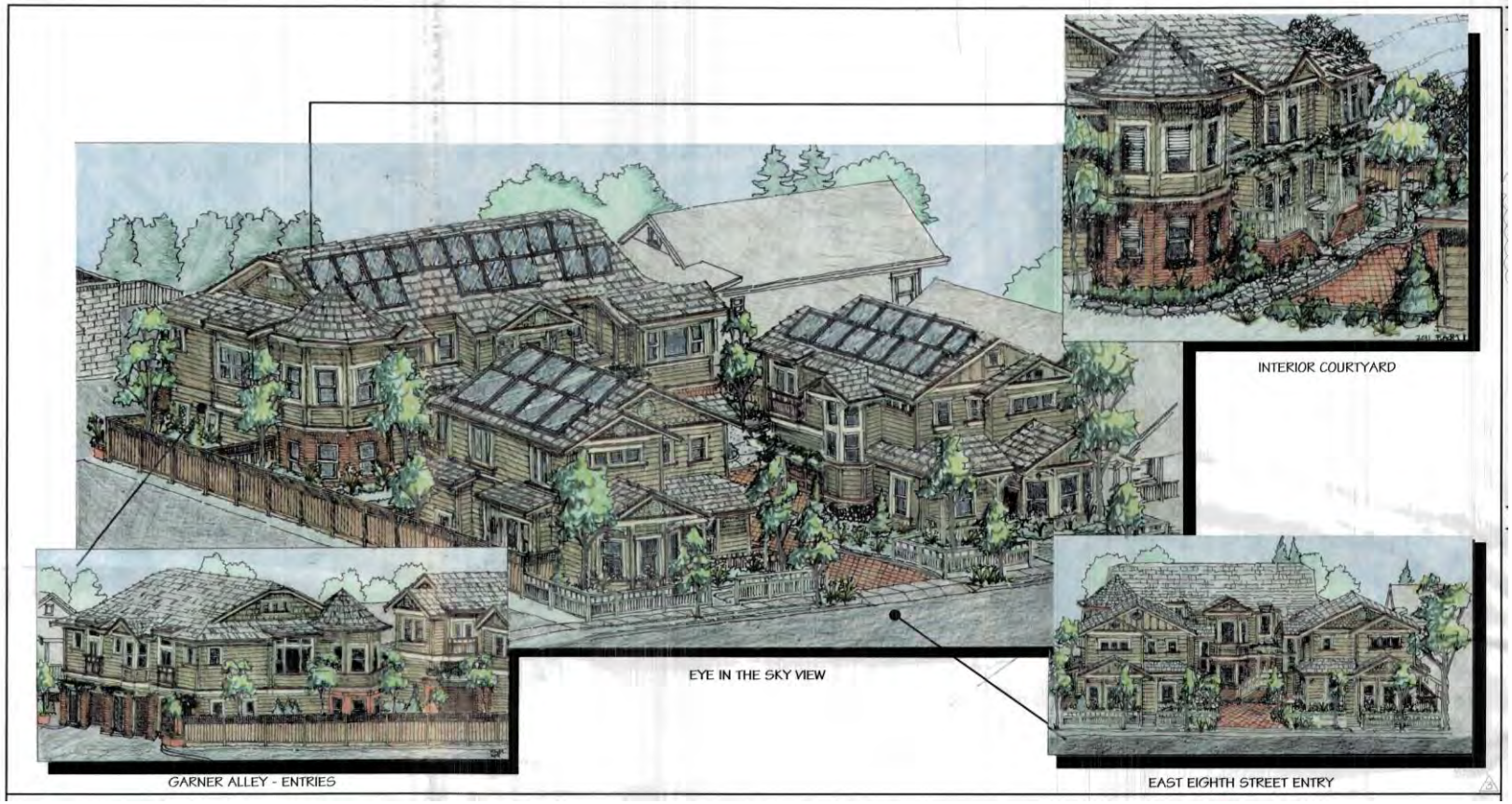
Five-Unit Residential Project

21, 25 and 29 E. Eighth Street
Requesting three-year time extension of Development Review Permit
Application Number EXT22-0001

City Council Agenda Item No. ___

October 4, 2022

5-Unit Residential Project at 21, 25, and 29 E. Eighth Street



TRACY
Think Inside the Triangle™

Background

- City Council approved Development Review Permit on December 17, 2019
- Development Review Permits expire after two years unless a building permit is issued or an extension is requested
- Applicant is requesting a three-year time extension

TRACY

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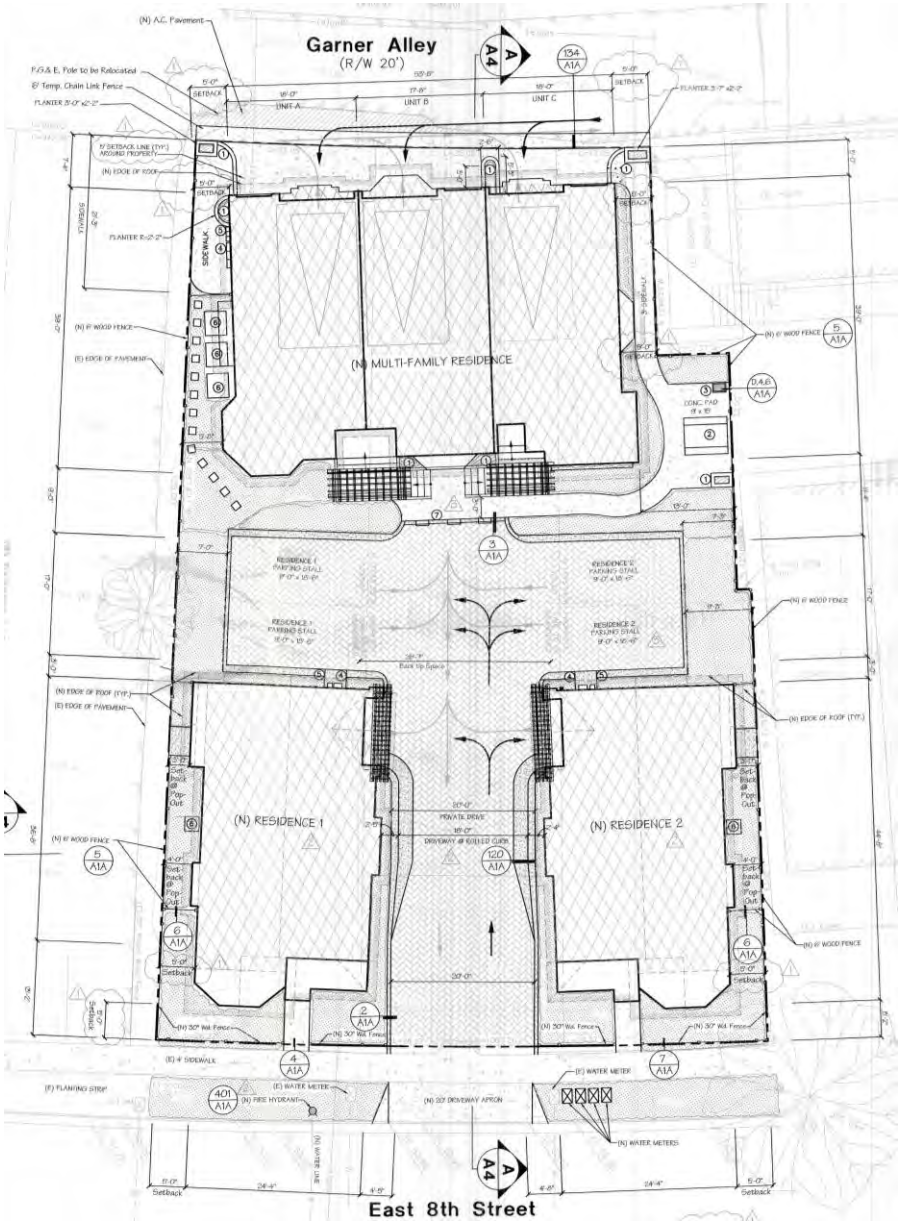
Project Location

21, 25, and 29 E. Eighth Street

TRACY

Think Inside the Triangle™

Approved Site Plan



Approved Elevations

FRONT SINGLE FAMILY DWELLING ELEVATION
RESIDENCE 1 & 2 SCALE: 1/8"=1'-0"

SIDE SINGLE FAMILY DWELLING ELEVATION
RESIDENCE 1 & 2 SCALE: 1/8"=1'-0"

REAR SINGLE FAMILY DWELLING ELEVATION
RESIDENCE 1 & 2 SCALE: 1/8"=1'-0"

SIDE SINGLE FAMILY DWELLING ELEVATION
RESIDENCE 1 & 2 SCALE: 1/8"=1'-0"

Approved Elevations

FRONT MULTI FAMILY DWELLING UNIT ELEVATION

SCALE: 1/8"=1'-0"

SIDE MULTI FAMILY DWELLING UNIT ELEVATION

SCALE: 1/8"=1'-0"

REAR MULTI FAMILY DWELLING UNIT ELEVATION

SCALE: 1/8"=1'-0"

SIDE MULTI FAMILY DWELLING UNIT ELEVATION

SCALE: 1/8"=1'-0"

Analysis

- Project is consistent with:
  - Central Business District (CBD) Zone
  - General Plan designation of Downtown
  - City's Design Goals & Standards

- Project is exempt from California Environmental Quality Act (CEQA), based on CEQA Guidelines Section 15332

Recommendation

- Approve three-year time extension of Development Review Permit

- Determine project is exempt from CEQA (Section 15332)

APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION 2022-_____

RESOLUTION (1) APPROVING A THREE-YEAR TIME EXTENSION FOR THE DEVELOPMENT REVIEW PERMIT (D16-0036) TO CONSTRUCT A FIVE-UNIT RESIDENTIAL PROJECT LOCATED AT 21, 25, AND 29 E. EIGHTH STREET, AND (2) DETERMINING THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15332, APPLICATION NUMBER EXT22-0001

WHEREAS, an ordinance (Ordinance 1282) amending the Central Business District (CBD) Zone to permit high-density residential uses was introduced at a regular meeting of the City Council on December 17, 2019 and adopted by the City Council on January 21, 2020; and

WHEREAS, on December 17, 2019, City Council approved a Development Review Permit (D16-0036) to construct a five-unit residential project consisting of two single-family dwellings and a triplex on an approximately 9,885 square-foot site located at 21, 25, and 29 E. Eighth Street (Resolution No. 2019-254) with an effective date of February 20, 2020, to be the same as the effective date of the ordinance to amend the CBD Zone (Ordinance 1282); and

WHEREAS, in accordance with Tracy Municipal Code Section 10.08.3980, a Development Review Permit lapses after two years unless a building permit is issued, or the property owner applies for an extension of the permit; and

WHEREAS, prior to the expiration of the Development Review Permit (D16-0036) on February 20, 2022, the applicant submitted a time extension request; and

WHEREAS, time extension requests are subject to the approval authority of the same body that approved the original permit, which in this case was the City Council with recommendation by the Planning Commission; and

WHEREAS, the subject property is located in the Central Business District (CBD) Zone and has a General Plan land use designation of Downtown; and

WHEREAS, the General Plan states that residential development is strongly encouraged in the Downtown and allowed at a density of 15 to 50 units per gross acre; and

WHEREAS, the project is consistent with the General Plan and the CBD Zone, including the permitted uses and density requirements; and

WHEREAS, the proposed architecture is consistent with the City's Design Goals and Standards; and

WHEREAS, the project includes a one-car garage parking space for each dwelling unit and a total of four additional uncovered parking spaces on the property; and

WHEREAS, to satisfy the minimum off-street parking requirements, the project is utilizing the CBD Zone Parking-in-Lieu Fee Pilot Program of $0, which was extended to October 6, 2025 by City Council Resolution No. 2019-160; and

WHEREAS, the Planning Commission conducted a public hearing to review and consider the project on August 24, 2022 and recommended that the City Council adopt a resolution (1) approving a three-year time extension for the Development Review Permit (D16-0036) to construct a five-unit residential project located at 21, 25, and 29 E. Eighth Street and (2) determining that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Application Number EXT22-0001; and

WHEREAS, the City Council conducted a public hearing to review and consider the project on October 4, 2022; now, therefore, be it

RESOLVED: That the City Council approves a three-year time extension for the Development Review Permit (D16-0036) to construct a five-unit residential project located at 21, 25, and 29 E. Eighth Street, Application Number EXT22-0001, subject to the conditions of approval contained in Exhibit 1 and based on the following findings:

1. The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy because the building architecture includes an attractive design featuring a high-level of detailing and articulation on all four sides of each building, a well-designed gable roof with variation and multiple gable elements to create visual interest and appeal, use of multiple building materials, including wood siding and brick, variation in the building façade depth, ample use of windows, bay windows, front porches, driveway pavers, and an overall design character and architectural details that are inspired by and complement the residential architecture that exists in the surrounding neighborhood.

2. The proposal conforms to Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, the City of Tracy General Plan, the Citywide Design Goals and Standards, applicable Infrastructure Master Plans, and other City regulations; and be it

FURTHER RESOLVED: That the City Council determines that 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 Downtown and all applicable General Plan policies, as well as consistent with the Central Business District (CBD) Zone and with all applicable zoning regulations, (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.

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The foregoing Resolution 2022-_____ was adopted by the Tracy City Council on the 4th day of October 2022 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

City of Tracy
Development Review Permit
Conditions of Approval

Five-Unit Residential Project at 21, 25, and 29 E. Eighth Street
Application Numbers D16-0036 and EXT22-0001
October 4, 2022

These Conditions of Approval shall apply to the Development Review permit to construct a five-unit residential project, consisting of two single-family dwellings and a triplex on an approximately 9,885 square-foot site located at 21, 25, and 29 E. Eighth Street, Assessor's Parcel Numbers 235-161-15, -16, and -17, Application Numbers D16-0036 and EXT22-0001 (hereinafter "Project"), proposed by Mark Watrous-Heyliger (hereinafter "Applicant").

A. Definitions.

The following definitions shall apply to these Conditions of Approval:

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

2. "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.

3. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, the Development Services Director, or the City Engineer, to perform the duties set forth herein.

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

5. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).

6. "Conditions of Approval" means these conditions of approval applicable to the Development Review permit to construct a five-unit residential project, consisting of two single-family dwellings and a triplex on an approximately 9,885 square-foot site located at 21, 25, and 29 E. Eighth Street, Assessor's Parcel Numbers 235-161-15, -16, and -17, Application Numbers D16-0036 and EXT22-0001.

7. "Property" means the subject property of the Development Review permit to construct a five-unit residential project, consisting of two single-family dwellings and a triplex on an approximately 9,885 square-foot site located at 21, 25, and 29 E. Eighth Street, Assessor's Parcel Numbers 235-161-15, -16, and -17, Application Numbers D16-0036 and EXT22-0001.

B. Planning Division Conditions of Approval

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project boundaries, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for the California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").

2. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.

3. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions 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 Developer fails to file a protest of the Exactions 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 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 City.

4. Except as modified herein, the project shall be developed in substantial compliance with the plans received by the Development Services Department on October 30, 2019, to the satisfaction of the Development Services Director.

5. Prior to the issuance of a building permit, a lot line adjustment merging the subject property into one lot shall be approved by the City Engineer and recorded at the San Joaquin County Recorder's Office, to the satisfaction of the Development Services Director.

6. Prior to the issuance of a building permit, the developer shall submit a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, the City's Water Efficient Landscape Ordinance, and all other applicable City regulations, to the satisfaction of the Development Services Director.

7. Prior to issuance of a building permit, the construction documents shall comply with California Building Standards Commission (Cal Green Code Emergency Standards; Title 24, Part 11) regarding landscaping and irrigation water efficiency to the satisfaction of the Utilities Director.

8. Prior to issuance of a building permit, the Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), to the satisfaction of the APCD.

9. All PG&E transformers, phone company boxes, Fire Department connections, back flow prevention devices, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, or painted to match the adjacent building or landscaping, to the satisfaction of the Development Services Director.

10. All vents, gutters, downspouts, flashing, electrical conduit, etc. shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior, to the satisfaction of the Development Services Director.

11. Prior to the issuance of a building permit, the developer shall comply with all applicable Stormwater Quality Regulations and the Water Efficient Landscape Ordinance, to the satisfaction of the Water Resources Division of the Utilities Department.

12. Prior to issuance of a building permit, the Developer shall provide plans to show that where landscape planters are parallel and adjacent to the side of a vehicular parking space, a 12-inch wide concrete curb shall be provided to allow for pedestrian access to vehicles without damage to landscape areas.

13. Prior to issuance of a building permit, the Developer shall comply with all requirements of the California Fire Code, to the satisfaction of the South County Fire Authority, including but not limited to the following:

    a. Prior to issuance of a building permit, the Developer shall provide civil plans demonstrating that the location of the fire sprinkler supply line and riser locations are acceptable to the South County Fire Authority.
    b. Prior to issuance of a building permit, the Developer shall provide plans that demonstrate adequate sprinklers, to the satisfaction of the South County Fire Authority.
    c. Prior to final inspection, the Developer shall provide signage and paint red curb stating “No Parking Fire Lane” at the access and rolled curbing, to the satisfaction of the South County Fire Authority.

14. Prior to issuance of a building permit, the Developer shall submit plans that comply with all requirements of the California Building Code, to the satisfaction of the Chief Building Official.

C. Engineering Division Conditions of Approval

C.1. General Conditions

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

1) NONE

C.2. RESERVED
C.3. RESERVED

C.4. Grading Permit

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

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

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 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), septic system(s), and leech field(s), prior to the issuance of the Grading Permit.

C.4.5 The Improvement Plans for all improvements to serve the Project (on-site and off-site), including the Grading and Drainage Plans, shall be prepared in accordance with the City's Subdivision Ordinance (TMC Chapter 12.36), City Design Documents as defined in Title 12 of the TMC, and these Conditions of Approval.

C.4.6 On-site Grading/Drainage Plans and Improvement Plans shall be prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick polyester film (mylar). These plans shall use the City's Title Block. Improvement Plans shall be prepared under the supervision of, stamped and signed by a Registered Civil Engineer and Registered Geotechnical Engineer. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by the Fire Marshal prior to submitting the mylars to Engineering Division for City Engineer's signature. Erosion control measures shall be implemented in accordance with the Improvement Plans approved by the City Engineer for all grading work. All grading work not completed before October 15 may be subject to additional requirements as applicable. Improvement Plans shall specify all proposed erosion control methods and construction details to be employed and specify materials to be used during and after the construction.

C.4.7 Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.

C.4.8 For Projects on property larger than one (1) acre: Prior to the issuance of the Grading Permit, Developer shall submit to the Utilities Department (stephanie.hiestand@cityoftracy.org) one (1) electronic copy and one (1) hard copy of the Storm Water Pollution Prevention Plan (SWPPP) as submitted in Stormwater Multiple Applications and Reporting Tracker System (SMARTS) along with either a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID) or a copy of the receipt for the NOI. After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Developer. Developer shall comply with all the requirements of the SWPPP, applicable Best Management Practices (BMPs) and the Stormwater Post-Construction Standards adopted by the City in 2015 and any subsequent amendment(s).

For Projects on property smaller than one (1) acre: Prior to the issuance of the Grading Permit, the Developer shall submit to the Utilities Department (stephanie.hiestand@cityoftracy.org) one (1) electronic copy and 1 hard copy of the City of Tracy Erosion and Sediment Control Plan (ESCP) for approval. Cost of preparing the ESCP including any annual storm drainage fees shall be paid by the Developer. Developer shall comply with all the requirements of the ESCP, applicable BMPs and the Post-Construction Stormwater Standards adopted by the City in 2015 and any subsequent amendment(s).

C.4.9 Developer shall provide a PDF copy of the Project's Geotechnical Report signed and stamped by a Registered Geotechnical Engineer. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, compaction recommendations, retaining wall recommendations, paving recommendations, paving calculations such as gravel factors, gravel equivalence, etc., slope recommendations, and elevation of the highest observed groundwater level, and other information as requested by the City Engineer.

C.4.10 Minor Retaining – Developer shall use reinforced or engineered masonry blocks for retaining soil at property lines when the grade differential among the in-tract lots exceeds twelve (12) inches. Developer will include construction details of these minor retaining walls with the on-site Grading and Drainage Plan. Developer may use slopes among the lots to address the grade differential but said slope shall not exceed a slope gradient of 3 (horizontal) to 1 (vertical) unless a California licensed geotechnical engineer signs and stamps a geotechnical report that supports a steeper slope gradient. Slope easements may be required and will be subject to approval by the City Engineer.

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

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

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

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

C.4.11 Developer shall provide a copy of the approved Incidental Take Minimization Measures (ITMM) habitat survey [San Joaquin County Multi-Species Habitat

Conservation & Open Space Plan (SJMSCP)] from San Joaquin Council of Governments (SJCOG).

C.4.12 Developer shall provide a copy of the approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) from San Joaquin Valley Air Pollution Control District (SJVAPCD).

C.4.13 Developer shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, are required to remain to serve existing adjacent agricultural uses, the Developer will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Developer.

C.4.14 If the Project contains overhead utilities, the Developer shall underground existing overhead utilities such as electric, TV cable, telephone, and others. Each dry utility shall be installed at the location approved by the respective owner(s) of dry utility and the Developer shall coordinate such activities with each utility owner. All costs associated with the undergrounding shall be the sole responsibility of the Developer and no reimbursement will be due from the City. Developer shall submit undergrounding plans.

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

C.5. Encroachment Permit

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

C.5.1. Public Infrastructure Improvement Plans prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick mylar that incorporate all requirements described in the documents described in these Conditions of

Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block and, if necessary, contain a signature block for the Fire Marshal. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Fire Marshal to submitting the mylars to Engineering Division for City Engineer's signature. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:

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

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

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

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

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

The Project's permanent storm drainage connection(s) shall be designed and constructed in accordance with City Regulations. The design of the permanent storm drainage connection shall be shown on the Grading and Drainage Plans with calculations for the sizing of the storm drain pipe(s), and shall comply with the applicable

requirements of the City's storm water regulations adopted by the City Council in 2012 and any subsequent amendments.

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

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

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

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

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

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

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

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

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

All water connections shall conform to City Standard Detail No. 403/404 with a continuous copper connection. Any design deviations shall be processed through Section 1.05-1.07 of the 2008 Design Standards.

C.5.1.h. Fire Hydrants – Location and construction details of fire service line including the private fire hydrant(s) that are to serve the Project shall be approved by the Fire Marshal. Prior to the approval of the Improvement Plans by the City Engineer, the Developer shall obtain written approval from the Fire Marshal, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed or planned to serve the Project. Hydrants shall be privately owned and maintained and shall be painted red.

C.5.1.i. Streets – All streets and utilities improvements within City right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design Standards including the City's Facilities Master Plan for storm drainage, roadways, wastewater, and water as adopted, amended, and updated by the City, or as

otherwise specifically approved by the City. On-site streets shall be privately owned and maintained.

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

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

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

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

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

Access and Traffic Circulation to Existing Businesses/Residents - Developer shall take all steps necessary to plan and construct site improvements such that construction operations do not impact safety and access (including emergency vehicles) to the existing businesses and residents throughout the

duration of construction. Developer shall coordinate with the owners and cooperate to minimize impacts on existing businesses. All costs of measures needed to provide safe and functional access shall be borne by the Developer.

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

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

C.5.8 RESERVED

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

Developer has received City signed improvement plans.

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

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

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

C.6. Building Permit

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

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

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

C.6.3 Developer obtains the demolition permits for the existing structures.

C.6.4 Developer completes the documents to file a lot merger to create one (1) resultant parcel.

C.7 Acceptance of Public Improvements

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

C.7.1 Developer has satisfied all the requirements set forth in these Conditions of Approval.

C.7.2 Developer submitted the Storm water Treatment Facilities Maintenance Agreement (STFMA) to the Utilities Department.

C.7.3 Developer has satisfactory completed construction of all required/conditioned improvements. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

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

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

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

C.7.7 Per Section 21107.5 of the California Vehicle Code, Developer shall install signs at all entrance(s) of the Project stating that the streets are privately

owned and maintained and are not subject to the public traffic regulations or control. Said signs must be conspicuously placed, plainly visible, and legible during daylight hours from a distance of one hundred (100) feet.

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

C.8 Special Conditions

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

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

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

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

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

C.8.6 If required, Developer shall design or purchase and then construct or install a storm water treatment device and shall be located entirely within private property. Said installation shall be in a manner that does not impose any additional downstream maintenance burdens to the City. Said design and construction methods shall be to the satisfaction of the City Engineer.

C.8.7 Sidewalks to Right-of-Way Developer shall construct sidewalks that connect the private in-tract sidewalks to the sidewalks in the right-of-way. These sidewalks' grade, alignment, etc. shall be in a way that does not create excessively narrow areas that prevent the survival of plants. This condition shall be performed to City standards and to the satisfaction of the City.

C.8.10 Developer may use the existing utility stubs and can replace the existing utility boxes with traffic rated utility boxes.

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

Contact: Karin Schnaider (209) 831-6841 karin.schnaider@cityoftracy.org

D.1. Streets, Streetlights and Sidewalks

Before issuance of any building permit for the Property, Developer shall provide for perpetual funding of the on-going costs of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping that will serve the Property (including all costs required by PG&E), by doing one of the following, subject to the approval of the City's Finance Director:

a. Community Facilities District (CFD). Developer 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 final inspection, Developer 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. Developer shall be responsible for all costs associated with the CFD proceedings.

Or

b. Direct funding. Developer shall enter into an agreement with the City, which shall be recorded against the Property, which requires that prior to approval of final inspection, Developer 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 traffic signals, streetlights, and street sweeping that will serve the Property (including all costs required 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 that will serve the Property (including all costs required by PG&E) are met prior to issuance of the 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.

D.2. Police/Public Safety & Public Works

Before issuance of any building permit for the Property, Developer 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 (CFD). Developer 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, Developer 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. Developer shall be responsible for all costs associated with the CFD proceedings.

Or

b. Direct funding. Developer 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, Developer 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.

D.3. Landscaping Maintenance

Prior to issuance of any building permit for the Property, Developer shall provide for perpetual funding of the on-going costs of operation, maintenance and replacement for public landscaping for the Property at a high-quality service level as determined by the Parks & Recreation Director by doing one of the following, subject to the approval of the City's Finance Director:

a. CFD or other funding mechanism. The Developer shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates the

following: (1) prior to the final inspection, the Developer shall form or annex into a Community Facilities District (CFD) for funding the on-going 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, channel-ways, public parks, and public open space areas and trails; (3) formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien; (4) upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment; (5) prior to issuance of a building permit, the Developer shall deposit an amount equal to the first year's taxes; and (6) the Developer shall be responsible for all costs associated with formation or annexation of the CFD.

Or

b. Direct funding. The Developer 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 Developer 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 and trails.

October 4, 2022

Agenda Item 3.B

RECOMMENDATION

Staff recommends that the City Council adopt a resolution approving the Citywide Parks, Recreation, and Trails Master Plan Update and determining that the update is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15183.

EXECUTIVE SUMMARY

The City's existing Parks Master Plan was approved in 2013. Since that time, significant development and population growth has occurred. Infrastructure master plan updates need to be completed to serve future development identified in the City's General Plan and the growing population of the City. The Citywide Parks, Recreation and Trails Master Plan Update (**Master Plan**) guides parks, recreation and trails in new development areas and addresses the existing system of 85 parks. The Master Plan includes a comprehensive condition assessment of the existing park system and expanded focus on recreation programming and trail development as compared to the 2013 Parks Master Plan.

This report, and associated presentation, will provide an overview of the Master Plan, highlighting a number of key findings and next steps.

BACKGROUND AND LEGISLATIVE HISTORY

On April 16, 2013, the City Council approved the Parks Master Plan (**2013 PMP**) as a part of an overall City effort to identify Tracy's infrastructure needs to enhance the community's vitality and attract and retain businesses and residents. The 2013 PMP reconciled the City's existing park acreage and facilities, and further identified park requirements for new residential developments. This planning level document has been guiding new park development within the City's Sphere of Influence. Since 2013, the City has experienced significant development and population growth, requiring an update of the infrastructure master plans.

On February 5, 2019, the City Council authorized a professional services agreement with Wallace Roberts & Todd, LLC (**WRT**) to complete a comprehensive update of the 2013 Parks Master Plan. Working with staff, WRT has led a multi-year process to inventory and assess parks, engage the community, research and analyze data, and to comprehensively update the plan.

ANALYSIS

The Master Plan articulates the community's long-range vision and guides investment, improvements, and expansion. Revisiting and updating the Master Plan every 5 to 10 years will assure it is responsive to the changing needs of Tracy's diverse and growing community. Building on other plans, such as the current 2013 PMP, Sustainability Action Plan (2011), City of Tracy General Plan (2011), Urban Forestry Master Plan, and Bikeways Master Plan (within Roadway & Transportation Master Plan), this update represents a shared vision for the parks, recreation and trails that was shaped by Tracy residents, elected officials, and other stakeholders.

Updating this plan provides an opportunity to analyze the parks system to understand how resources are distributed across the community, to identify gaps and reduce redundancies, and to explore ways to develop new and/or unique amenities. The Master Plan also establishes policy guidance for the City's development partners as they propose parks in new residential development areas.

Key Findings

The comprehensive update has led to several key findings that are summarized below:

We are Covering the Basics:

The City is currently providing 4 acres of parkland per 1,000 residents which meets City current standard and aligns with similarly sized cities in California. This level of service will be required for new park development going forward in the updated plan.

Park System Growing Pains:

With a growing and more diverse community, the park system needs to be supported by an updated park classification system, updated park definitions and standards that define how the City should invest in new parks. These updates will guide the City and its partners on how to locate and design new parks.

Maintenance is a Top Priority:

A major focus of the Master Plan includes the examination of the City's existing park system which includes 85 parks at over 364 acres. WRT, along with City staff, conducted a "Park-by-Park Condition Assessment" in July/August of 2019 to document general condition, park access and usability. The park-by-park assessment found most parks to be in fair to good condition, and community members recognized the great work of park maintenance staff. Still, improving and maintaining existing parks was identified as a high or very high priority by nearly 4 out of 5 residents who responded to community surveys. The various General Fund, Landscape Maintenance Districts (LMD), and Community Facilities Districts (CFD) that support over half of Tracy's parks do so at varying funding levels, resulting in inequities across the system. A future discussion will be brought to the Council addressing park funding and how that impacts maintenance service levels as well as lifecycle replacements (ie. Capital Improvement Program (CIP) projects).

Parks Must be Safe and Accessible:

Safety was identified as a high priority by community members in the survey process. Incorporating safety features into parks such as park patrol, maintenance, lighting, design and programming will be a top priority going forward. The City Council has already taken steps towards making parks safer by funding the Park Camera Program which allows for installation of security cameras in various City parks. The City's parks also need to be universally accessible. The Building and Safety Division of Development Services is currently in the process of completing an American Disability Act (ADA) Transition Plan which is a snapshot in time to evaluate and prioritize accessibility barrier removal throughout the park system. It is important to note that many of the costs associated with accessibility barrier removal in that plan were not included in estimated improvement costs identified in the Master Plan.

Neighborhood Parks Needed:

While Tracy meets its overall park acreage standard today, it falls short in the Neighborhood Parks category. Many residents do not live within a 3/4-mile walk of a Neighborhood Park but do live within walking distance of a park of some kind. Gaps in access should be addressed where possible, by rethinking programming of existing parks and/or by finding new park land opportunities.

Making Mini Parks Work:

A Mini Park is typically less than an acre in size and the City has 44 of them. The community has questioned the value of these parks and staff has determined that this park type has a much higher maintenance cost per acre than neighborhood or community parks. The Master Plan is not endorsing creating more Mini Parks; however, the plan has identified projects and/or strategies to help these parks contribute to quality of life.

Interesting and Diverse Parks for All:

A desire for parks that are well distributed and create a better experience for a diversity of people was a major take away from community outreach. Informal recreation, more enriching and inclusive playgrounds, multi-generational appeal, and successful gathering spaces were all ideas incorporated into the plan.

Extending Park Use: Evenings and Summers:

More access to shaded areas and water features to make parks more comfortable on hot summer days were identified as the improvements more likely to make people use parks more. Area lighting would also allow parks to be used at night year-round and is especially important during winter months following daylight savings time changes for commuters.

Enthusiasm for Natural Areas:

Creating open space areas and nature trails came in as a high priority for Tracy residents during community outreach. The Nature Park as well as proposed open space in the Tracy Hills specific plan area can become vital new elements of parks and recreation in the City for active and passive recreation.

A Trail System Would be Highly Valued:

Stakeholders showed a strong interest in developing a network of multi-use trails that can serve a diverse segment of the population including a healthy transportation option and low impact recreation that appeals to a range of ages and abilities.

Meeting The City's Recreation Facility Needs:

The City's demographic profile indicates a high "market potential index" for sports and fitness activities across the board, including core programs such as baseball, basketball and soccer. Resources have already begun to be directed towards significant projects such as Legacy Fields Phase 1E, the Multi-Generational Recreation Center, the Aquatic Center, Ritter Family

Ball Park Renovation, and Nature Park Phase 1 in additional to other needs such as: tennis and pickleball courts at Gretchen Talley Park, new picnic areas at Frank Hoyt Park and Edgar Thoming Park, and a new disc golf course at Dr. Powers Park.

Recreation Program Refresh:

An opportunity exists for the Parks & Recreation Department to refresh its program offerings. Expanding on teen programming was the highest priority based on community outreach, but programs/activities for kids, seniors and adults were also broadly supported. A good mixture of programs exists; however, findings do show that some programs could be reevaluated.

Thinking Strategically about Services:

The Parks & Recreation Department has begun the process of classifying its services according to a pyramid with “essential” services at its base, “important” ones in the middle, and “value added” services at the top. Cost recovery goals and pricing strategy can support this, so that department resources on focused on “essential” programs, while “value added” programs can be expected to recover more of their costs with user fees.

Multiple Sustainability Benefits:

Parks can offer a myriad of ecological benefits by providing suitable habitat, planting low-water-use plants, promoting stormwater infiltration and groundwater recharge, and reducing heat islands. Future park development has an opportunity to preserve and enhance natural environments. Meanwhile ecological strategies can be employed in the redesign and maintenance of existing parks.

<u>Implementation</u>

The Master Plan has synthesized two years of data collection into a planning tool for the City. Goals and policies are applied to specific improvements within the park system.

Improving Existing Parks:

A park-by-park condition assessment identified improvement needs (ie. projects) and grouped them into three tiers. The projects identified are a combination of maintenance projects and capital projects. It is also important to note that these costs do not include ADA barrier removals identified in a more in-depth assessment currently underway by the City’s Building and Safety Division.

Estimated Improvement Costs by Tier Table:

TIER	ESTIMATED TOTAL COST
Tier A: Sustaining	$7.4 – 10.2 million
Tier B: Strategic	$14.2 – 18.1 million
Tier C: Visionary	$34.8 – 46.4 million
TOTAL	**$56.4 – 74.7 million**

Tier A: Sustaining Park Improvements – Maintain what we have

This tier includes routine maintenance/repairs as well as lifecycle replacement. The intention of this category is to make the most of existing resources with the primary goal being for the City to maintain services.

Tier B: Strategic Park Improvements – Improving what we have

These park improvements are geared towards making enhancements to the existing system. This includes strategic enhancements to existing programs, beginning new programs, adding new positions, or making other strategic changes that would require additional operational and/or capital funding.

Tier C: Visionary Park Improvements – Developing new opportunities

Visionary park improvements include comprehensive park renovations, acquisitions, and the creation of new parks. This category represents the complete set of services and facilities desired by the community. Typically, these projects all start with a facility-specific master plan. A time frame for implementation was also assigned to each of these projects and the table below shows how those costs are spread out over time. It is important to note that the short-term category carries estimated costs for large priority projects such as Ritter Family Ball Park Renovation ($20-25 million), redevelopment of El Pescedero Park ($3-5 million) and the City's Proposition 68 SPP Grant application project Lincoln Park Revitalization ($8-10 million).

Estimated Improvement Costs by Timing Table:

TIMING	ESTIMATED TOTAL COST
Short-term (Years 1-5)	$43.1 – 57.2 million
Mid-term (Years 6-10)	$11.6 – 15.0 million
Long-term (Years 11+)	$1.6 – 2.5 million
TOTAL	**$56.4 – 74.7 million**

It is important to note that $45-59 million of the total improvements are in general fund parks while $10-13 million are in the LMD parks.

Citywide Park Deferred Maintenance Program:

The Master Plan recommends ongoing funding to address deferred maintenance in City parks at $3.5-5 million annually. Staff recommended this approach to the City Council during the Fiscal Year 2022/23 budget cycle and the Parks & Recreation Department's capital improvement program now includes approximately $3 million annually for deferred maintenance. Funding this program allows for an annual strategic and proactive approach to addressing deferred maintenance and lifecycle replacement projects in parks replacing things such as playground, shade structure, site furnishings, irrigation systems, and other critical assets, etc.

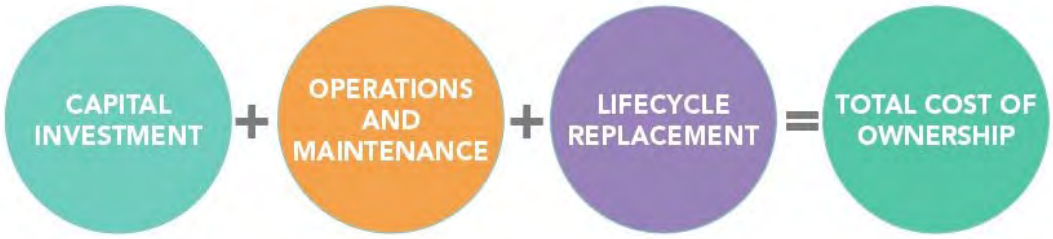
Landscape Maintenance District (LMD) Parks:

In the LMD areas, funding varies zone to zone with some zones capturing enough revenue to fund capital projects identified in the Master Plan. Meanwhile, many of the zones have

expenses outpacing revenue with no ability to fund a capital project now or in the foreseeable future. As previously mentioned in this report, staff will be coming back to Council soon to discuss the LMD and possible strategies to address the funding inequities in these areas of the City.

Understanding the Cost of Parks:

It is critically important to view the financial sustainability of the Parks and Recreation system through the concept of "Total Cost of Ownership":



The City needs to closely monitor resources to ensure that the assets of the park system reach the anticipated lifecycles. The Park-by-Park Condition Assessment, as described above, helps to identify capital investments and lifecycle replacement needs.

Operations and maintenance are equally critical to the long-term success of the park system and a high priority for Tracy's stakeholders. A benchmark analysis was done as a part of the Master Plan with a goal of evaluating how the City is positioned among peer agencies as it applies to maintenance of its park system. City of Brentwood, City of Lodi, City of Manteca, City of Pleasanton and Livermore Area Park District (LARPD) were all determined to be comparable Parks and Recreation systems and they were evaluated based on available data in March 2021. It was determined that the City's annual maintenance budget of $4.4 million, was below the benchmark median of $5.2M. When comparing the cost per acre of each benchmarked community, there is a significant difference, and at that time the maintenance budget would have needed to increase approximately $950,000 annually to align with the benchmark median (approximately $1,000,000 in 2022).

Additional recommendations regarding park maintenance include:

- Implementation of a work order management system including an asset management program with GIS/ESRI capabilities. This includes the allocation of an additional approximately $150,000 annually for staffing to strategically manage park assets using the software.
- Creation and implementation of a maintenance management plan/standards.

It is important to note that multiple City departments, including Parks & Recreation, are actively exploring a computerized maintenance management system (CMMS) to assist in asset management for strategic maintenance and capital planning.

Building New Parks:

The City is planning the expansion of Gretchen Talley Park as a community park, the completion of Legacy Fields Phase 1, the creation of an Aquatic Center, a multi-generational

recreation center, and the Nature Park. These improvements will expand the City's current offerings. 140+ acres of new park land is planned as a part of specific plans and development proposals for the Avenues, Cordes Ranch, Ellis, Hillview, Rocking Horse, Tracy Hills, and Tracy Village. The specific plan areas also include plans for conserved open space, and greenbelts/trails, totaling over 180 acres (150 acres would be in Tracy Hills).

Equity will be a driving force for park development going forward with a service area goal of 1/2-mile walk to either a community or neighborhood park for all Tracy residents. The Master Plan has identified where these park access gaps exist, but no significant funding is currently allocated to fill these gaps.

Tracy Hills Community Park:

Per the Tracy Hills Development Agreement, the City is obligated to design and construct a 15-acre community park in that development consistent with the Master Plan using community park impact fees collected from development on lands other than the 1,843 acres within the 1998 Tracy Hills Specific Plan Area. Staff will be recommending that Council consider creating a new capital improvement project where funding for this community park obligation can be held in Fiscal Year 2023/24.

Recreation Amenity Needs:

The Master Plan provides new population-based standards for an array of amenities, to ensure that we are serving the recreation needs of the community today through 2040.

Regarding sports fields, continued expansion of Legacy Fields will be critical to meet demand for baseball/softball and soccer going forward, especially to allow for tournament play. There is a clear lack of 90-foot base path length baseball fields for competitive teen and adult baseball/softball use and there is also an anticipated need for cricket and lacrosse facilities.

In the sport court category, pickleball is very under-represented with 14 courts needed, plus additional needs for 12 tennis courts, sand volleyball, shuffleboard, and basketball courts. Additionally, the City lacks indoor recreational facilities, including multi-use space that can host basketball, volleyball, and/or racket sports year-round in different to weather conditions. Other key recreational facilities needed include: dog parks, group picnic shelters, playgrounds, climbing walls/rocks, community gardens, disc golf courses, a BMX bike park/pump track, and one environmental education facility.

Staff has already begun filling a number of these service gaps with the opening of the City's first public disc golf course in Dr. Powers Park, as well as three new dog parks coming online soon: one at Gretchen Talley Park (CIP 78170), one in the Ellis development (Ellis Dog Park), and one in the Tracy Hills Phase 1B neighborhood park (Gene Birk Park). Additionally, current CIP projects at other new parks will be adding key amenities such pickleball, group picnic areas and a BMX pump track.

Park Impact Fees:

It should be noted that due to the estimated capital costs for new parks it is anticipated that park fees will increase. Staff continues to work through the Nexus Study related to infrastructure master plan fees. It is anticipated that these fees will be presented to the City Council for

adoption in early 2023. Current fees for parks will remain in place until such time the Nexus Study is formally adopted.

FISCAL IMPACT

There is no immediate impact to the General Fund from adoption of the Citywide Parks, Recreation and Trails Master Plan update. The cost to complete an update of the Master Plan and the Initial Study were funded from the program management fees collected through the City's development impact fee program. The costs associated with construction of new parks and/or renovation of existing park projects listed in the Master Plan will be borne by the developments through development impact fees or other funding mechanisms identified through the annual budget process. Costs associated with operations and maintenance strategies for parks as described in the Master Plan will be considered by the City Council at a future date.

PUBLIC OUTREACH/ INTEREST

Engagement at a Glance:

- Foundational Meetings
    - June – August 2019 (multiple)
- Commission Meetings
    - Parks & Community Services Commission: April 4, 2019 & November 4, 2021
    - Youth Advisory Commission: September 11, 2019
- Pop-up and Targeted Outreach
    - Community Partnership for Families: June 13, 2019
    - Block Party: June 14, 2019
    - Tracy Farmers Market: June – August 2019 (multiple)
- Community Workshops
    - Nature Park Workshop: August 28, 2019
    - Workshop 1: October 2, 2019
    - Workshop 2: August 27, 2020
- Surveys
    - Statistically Valid Survey: May 15-22, 2019
    - Online Survey: July 15 – September 3, 2019
- Developer Outreach: February 16, 2022

COORDINATION

Coordination with multiple departments including Parks & Recreation, Public Works, Development Services, Finance, City Attorney's Office and City Manager's Office were required throughout the Master Plan update process. Additional coordination was required with lead consultant, WRT, to prepare the staff report and presentation.

Parks & Community Services Commission

The Parks & Community Services Commission has been an integral stakeholder throughout the two-year process for the Master Plan update including multiple community workshops held in conjunction with the monthly Parks Commission meetings. At the November 4, 2021, Parks Commission meeting, WRT led an in-depth discussion providing an overview of the Master Plan

update with the Commission ultimately making a recommendation to the City Council. The Master Plan will be evaluated and potentially updated on a yearly basis through an annual review by the Parks Commission to assure progress is being monitoring and allowing for adjustments to successfully achieve the Master Plan's vision.

CEQA DETERMINATION

This item is exempt from CEQA pursuant to Guidelines Section 15183, Projects Consistent with a Community Plan, General Plan, or Zoning because all potentially significant effects have been analyzed adequately in the 2011 General Plan EIR pursuant to applicable standards, and have been avoided or mitigated pursuant to the 2011 General Plan EIR, and there are no new significant environment effects or impacts resulting from this master plan that were not known or studied at the time of that EIR. In addition, this update is a policy document prepared to implement the objectives and actions identified in the General Plan and does not propose the immediate construction or operation of new facilities or infrastructure projects at this time. Consequently, the adoption of this update would not directly result in the construction and operation of infrastructure that could have negative environmental effects. The referenced environmental documentation is available for review on the City's website.

STRATEGIC PLAN

This agenda item also supports the City of Tracy's Quality of Life Strategic Priority to provide an outstanding quality of life by enhancing the City's amenities, business mix and services, and cultivating connections to promote positive change and progress in Tracy's community.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution approving the Citywide Parks, Recreation, and Trails Master Plan Update and determining that the update is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15183.

Respectfully submitted,

_____
Richard Joaquin
Parks Planning & Development Manager

Attachments:

- Attachment A – Citywide Parks, Recreation, and Trails Master Plan Update
- Attachment B - Powerpoint Presentation

Attachment A

CITY OF TRACY

CITYWIDE PARKS, RECREATION & TRAILS MASTER PLAN UPDATE

DRAFT

AUGUST 2022

CITY OF TRACY CALIFORNIA

Think Inside the Triangle™

ACKNOWLEDGMENTS

CITY OF TRACY
Think Inside the Triangle™

The City of Tracy thanks the community members, stakeholders, elected officials, and public agencies who participated in the development of this Comprehensive Profile for the Parks Master Plan Update.

PARKS AND COMMUNITY SERVICES COMMISSION

- Linda Jimenez
- Jacy Krogh
- Todd Lieberg
- Rajdeep Singh
- Lori Souza
- Jill Costa (former)
- Conrad Levoit III (former)
- Yolanda Magana (former)
- Mark Miller (former)

PARKS & RECREATION STAFF

- Brian MacDonald, Director
- Richard Joaquin, Parks Planning & Development Manager
- Jolene Jauregui-Correll, Recreation Services Manager
- Thien Nguyen, Recreation Services Supervisor

PUBLIC WORKS STAFF

- Don Scholl, Director
- Todd Rocha, Superintendent
- David Murphy, Superintendent/ City Arborist
- John Newman, Supervisor
- Robin Kloepfer, Management Analyst II

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with

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LSA Associates
NBS
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- Nor Cal Concessions
- San Joaquin County Parks & Recreation
- Stockton-San Joaquin County Public Library
- Tracy African American Association
- Tracy Babe Ruth
- Tracy City Center Association
- Tracy Express (Softball)
- Tracy Friends for Parks, Recreation & Community Services
- Tracy High School Athletics
- Tracy Landmarks Committee
- Tracy Little League
- Tracy Nature Park Advocates
- Tracy Tree Foundation
- Tracy Unified School District
- Tracy Transportation Advisory Council
- Tracy Youth Advisory Commission
- Tracy Youth Soccer League

MEMBERS OF THE TRACY COMMUNITY

All of you who participated in workshops, responded to surveys, and showed an interest in the future of parks and recreation in Tracy.

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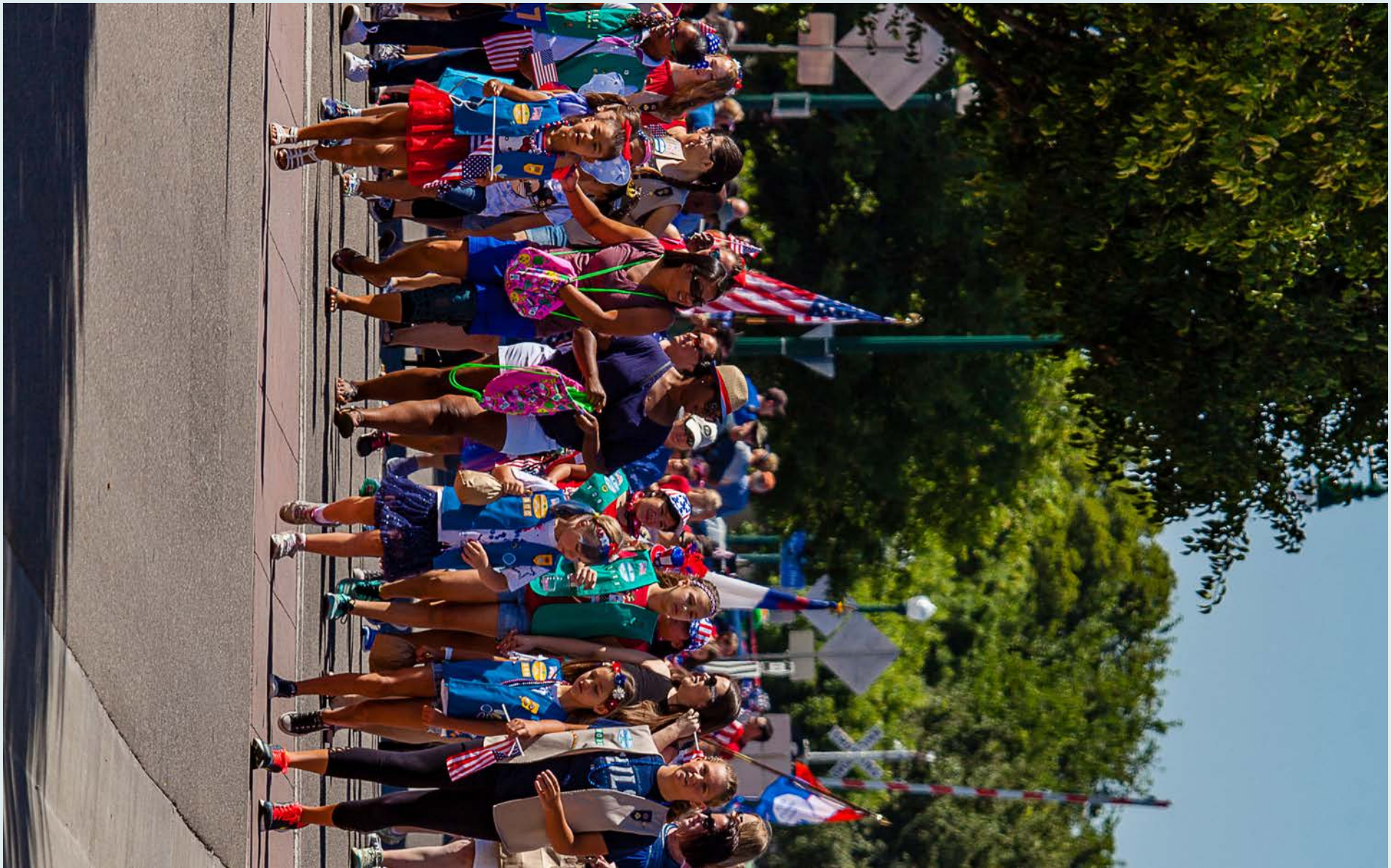
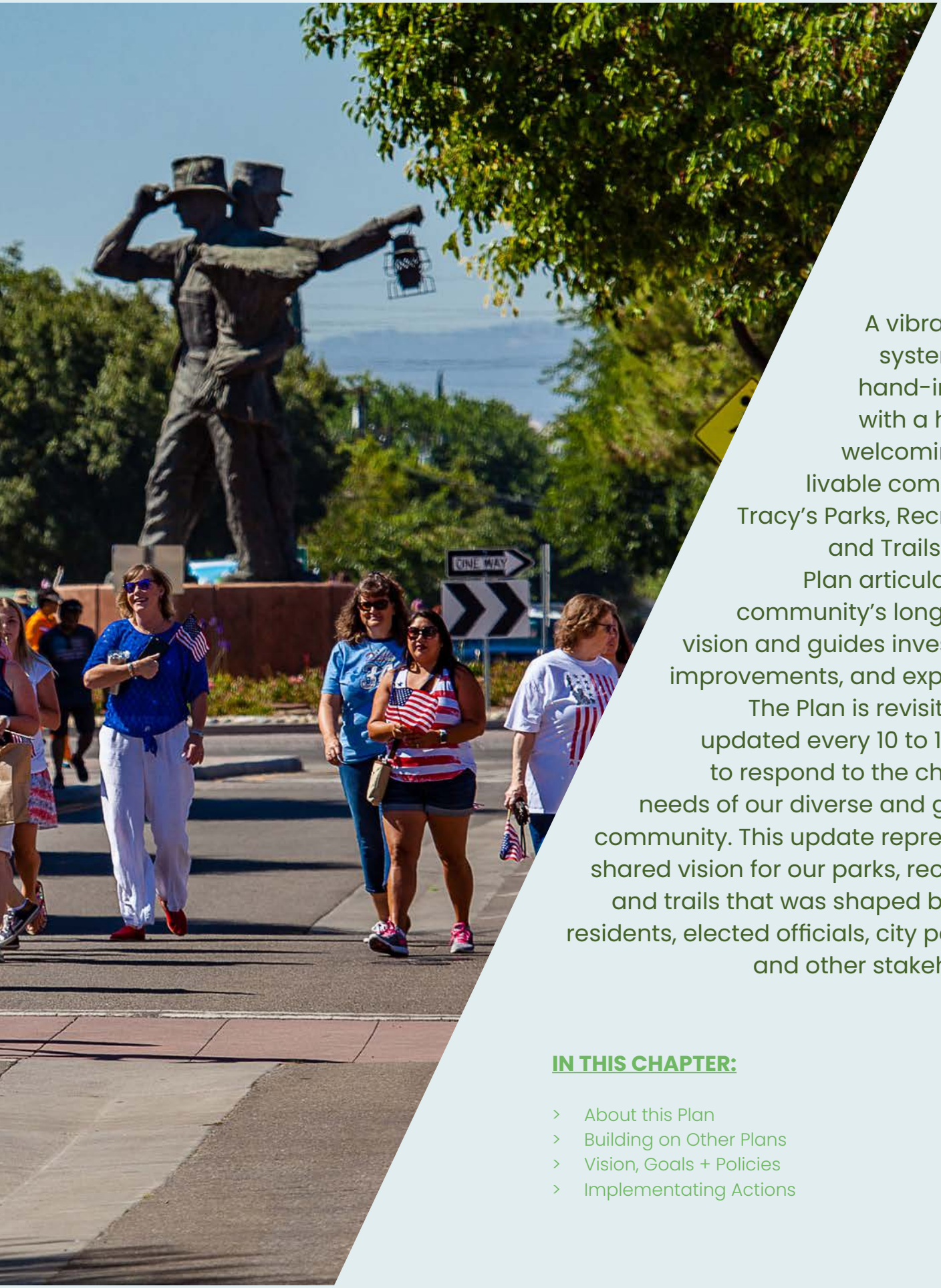
CHAPTER
01

EXECUTIVE SUMMARY





A vibrant park system goes hand-in-hand with a healthy, welcoming, and livable community. Tracy's Parks, Recreation, and Trails Master Plan articulates the community's long-range vision and guides investment, improvements, and expansion. The Plan is revisited and updated every 10 to 15 years to respond to the changing needs of our diverse and growing community. This update represents a shared vision for our parks, recreation and trails that was shaped by Tracy residents, elected officials, city partners, and other stakeholders.

IN THIS CHAPTER:

- About this Plan
- Building on Other Plans
- Vision, Goals + Policies
- Implementating Actions

ABOUT THIS PLAN

TRACY PARKS & RECREATION

One of the most welcoming small cities in California, Tracy is a place where residents may strike a balance among family and friends, work and play, education and the arts. It is a growing and evolving community with strong values at its heart and possibilities around every corner.

Access to parks, recreation and trails is a vital part of the quality of life in Tracy. As the community continues to expand and flourish, these resources will play an even more important role in shaping the character and preserving the essence of everyday life in Tracy.

WHAT IS THE PARKS, RECREATION & TRAILS MASTER PLAN?

A Master Plan outlines a long-range vision for the city-wide system of parks and trails that responds to the community's aspirations. It helps prioritize investments, align available funding, and build a road map to guide the efforts of the City and its partners.

Why Update the Master Plan?

The park system in Tracy has big aspirations.

Tracy is growing and diversifying with the expected addition of 16,919 new residents between 2010 and 2025, or 48,341 new residents between 2020 and 2040. The parks and recreation system needs to grow along with it.

In the same way that fashions may change, so can preferences in exercise habits and trends in sports and fitness. Revisiting the Master Plan offers a way to see if the current offerings are meeting residents' needs. It's also a way to learn about the community's changing preferences and map out a course to respond to these desires.

Updating the plan provides an opportunity to analyze the City's parks, facilities, trails, and recreation programs as a whole to understand how the resources are distributed across the community, to identify gaps and reduce redundancies, and to explore ways to develop new and/or unique amenities. A comprehensive master plan also considers the lifecycle of park features and sets a strategy for replacement while at the same time tying into the City's overall goals such as those relating to climate change, resiliency, transportation, health and wellness.

The updated Plan establishes a set of priorities for the years ahead and identifies strategies to leverage partnerships and financing to achieve these priorities. The Plan identifies clear policy guidance for our development partners as they propose new residential developments.

Legacy Fields Sports Complex

Time flies!

Since our last Parks Master Plan in 2011 we've created Legacy Fields, Village Green Park, and Front Street Plaza, each contributing new pieces to the park system and new energy to our community.

Village Green Park opened in 2019 in the Ellis neighborhood.

Front Street Plaza

WHY ARE PARKS IMPORTANT?

You might wonder, why do we need parks? What value does a recreation system provide?

Parks, trails, and recreation programs provide a wide array of benefits to people of all ages by bringing families and friends together, creating opportunities to develop new skills and self-confidence, improving the air we breathe and water we drink, adding trees and greenery to our neighborhoods, and enriching our lives by making it easier to take a bike ride or exercise with a friend.

Take a look at the some of the ways parks shape our community:

DID YOU KNOW THAT PARKS AND TRAILS ALSO IMPROVE MENTAL HEALTH BY ALLOWING PEOPLE TO ENGAGE WITH NATURE & INTERACT WITH OTHERS?

Improving Community Health

The link between having access to places for physical activity and improved physical and mental health is documented thoroughly in research by the Centers for Disease Control and Prevention, along with other federal, state, and non-profit organizations, including the Trust for Public Land (TPL), the Robert Wood Johnson Foundation, and the National Recreation and Park Association (NRPA).

Parks and recreation give people of all ages opportunities to walk, play, exercise, and participate in sports. These activities promote not just physical fitness but also self-confidence and happiness. Parks can improve concentration for children with attention deficit disorder, enhance relaxation, and promote self-esteem and resilience. Physical activity reduces the risk of chronic disease while improving brain function like learning and memory. This Master Plan Update identifies specific new investments in the City's active recreational facilities, from sports fields to aquatics to exercise tracks, as well as a new focus on trails.

Bringing the Community Together

There is growing awareness of parks as a source of community cohesion and improved safety. Comfortable, attractive parks give people places to spend time with neighbors, family, and friends, and to interact with the broader community in common public spaces. This activity strengthens the connection we feel to our neighbors and our community and at the same time, instills a sense of pride and stewardship. As a result, research indicates that parks can counter stress and social isolation, and reduce violent crime.

Connecting People with Nature

As any neighborhood, city or region grows, there is concern that residents may be distanced from undeveloped open spaces. Parks and trails can give people access to diverse natural environments—open hillsides, wet meadows, grasslands—and reinforce a sense of how people and nature are interrelated across the region. This Master Plan Update provided an opportunity to develop the trail system and work closely with regional partners to ensure that as the city grows, access to green spaces is preserved and enhanced.

Protecting Natural Resources

Parks and open spaces are invaluable for their ability to enhance air and water quality, promote water infiltration and reduce flood hazards, create a tree canopy that reduces the urban "heat island" effect, and provide habitat to protect the local ecosystem. Vegetation in parks absorbs carbon dioxide in the atmosphere, and help us adapt to a changing climate. The Master Plan Update will guide the City to plant trees, conserve natural vegetation and conserve water and energy.

Enhancing the Local Economy

Quality park systems also bring economic benefits in the form of increased property values, tourism dollars, and business attraction and retention. Home buyers want to live near attractive neighborhood parks, visitors to destinations like Legacy Fields bring spinoff benefits to the local economy, and businesses want to locate where skilled employees want to be.

Parks are major assets for the agencies that manage them, and require stable funding for operations and maintenance, even in difficult times.

The Master Plan Update will help the City achieve its economic development goals, and also strengthen the City's approach to asset management.

YOUR GUIDE TO THE DOCUMENT

The **Citywide Parks, Recreation & Trails Master Plan Update** is summarized here. In brief...

- Chapters 1 and 2 lay the foundation.
- Chapters 3, 4 and 5 lay out the Plans goals and policies.
- Chapter 6 identifies specific park improvements, their costs, and how to pay for them.

Chapter 1 defines the purpose of the Master Plan, the process of updating it, and its relationship to other City efforts. The chapter summarizes the key goals, policies, and implementation actions.

Chapter 2 describes what we learned about Tracy's people, our park system today, and our recreation needs and opportunities.

Chapter 3 lays out the Plan's goals and policies for **parks** in Tracy, including how much park land to create and what our existing and new parks should be like.

Chapter 4 features our goals and policies for **recreation programs** in Tracy, including what to prioritize to best serve everyone.

Chapter 5 establishes goals and policies for **trails** in Tracy, including how trails can serve us and where they should be created. *This Plan will work in tandem with the Citywide Roadway and Transportation Master Plan.*

Chapter 6 provides a detailed list of **planned park improvements**, estimates how much these improvements will cost, and suggests a funding strategy.

HOW WE UPDATED THE PLAN, AND HOW WE'LL KEEP IT UP TO DATE

The Plan Update process kicked off in April of 2019 and was organized into five main phases: Project Initiation; Community Needs Assessment; Vision, Recommendations and Projects; Draft Master Plan and Review; and Final Master Plan, and is anticipated to be complete in mid-2022. Tracy's Parks and Community Services Commission (PCSC) selected a consultant team, led by WRT, to engage the community, evaluate existing conditions, and ultimately, develop the plan. (More on community engageement on the following pages).

City Staff and the Parks Commission will conduct an annual review, evaluating current projects and programs alongside Plan goals and policies, and making adjustments as needed to keep them aligned.

COMMUNITY ENGAGEMENT

Hearing from residents of all ages, as well as park staff, stakeholders, and City representatives was critical to updating the Master Plan in a way that reflects and responds to the aspirations of the Tracy community. The robust engagement strategy strived to reach every corner of the population by hosting a wide variety of meetings, workshops, and events that made it easier for people to participate.

JUNE 2019	JULY 2019	AUGUST 2019
JUNE 13TH Community Partnership for Families Tracy FRC	**JULY 6TH** Tracy Farmers Market Downtown	**AUGUST 10TH** Tracy Farmers Market Downtown
JUNE 14TH Block Party, Front Street Plaza	**JULY 13TH** Tracy Farmers Market Downtown	School Presentations PTAs & other booster clubs
JUNE 15TH Foundational meetings with stakeholders	**JULY 20TH** Tracy Farmers Market Downtown	**AUGUST 15TH** Back to School Events at Tracy Schools
JUNE 15TH Tracy Farmers Market Downtown	Presentations to Boys & Girls Club, Tracy Rotary Club, Tracy Chamber of Commerce	Presentation to Tracy School District Administrators

Foundational Meetings

At the outset of the planning process in June 2019, the consultant team met with community leaders and park users during a series of foundational meetings to begin to identify issues and opportunities of the park, recreation and trail system. In August, the consultant team held individual interviews with four members of the Parks and Community Services Commission. These meetings explored a wide variety of themes including access, downtown activation, climate response, intergenerational and teen amenities, safety and inclusion, as well as public art. (Summaries of these meetings can be found in the Appendix.)

Advisory Commissions

The consultant team met with the Parks & Community Services Commission (PCSC) at key milestones to explore the Master Plan Update within the context of Tracy's current stage of development, the community's values, and other strategic initiatives. The PCSC, as the guiding advisory body for parks, recreation and trails, was critical in shaping the plan. The city's younger voices were heard during a meeting with the Youth Advisory Commission to understand what is working well, what could work better, and how Tracy parks, recreation programs and trails can nurture and support youth development more meaningfully.

Pop-Up and Targeted Outreach

Pop-up engagement stations are a great way to gather quick feedback by meeting people where they are and connecting with those who may not be able to, want to, or feel comfortable participating in more structured meetings. For the most part, these events tied into other events or were situated in busy locations. A block party, pop ups at the Tracy Farmers Market downtown, and several presentations enabled the consultant team to learn first-hand from the community what is important to them and what should

be priorities for the park system.

Surveys

To reach an even broader audience, the consultant team conducted a statistically-valid survey (by email-to-web and by phone) of a randomly-selected group of 472 residents.

The same set of questions were made available online from July 15 to September 3, 2019 for people who wanted to share their thoughts. Some 118 people took the online survey.

Questions inquired about user satisfaction, maintenance, cleanliness, and safety of the parks, trails and recreational facilities. Survey takers were also asked about desired programs, new facilities and amenities and what should be prioritized. Results of the surveys were shared with the public and used to assemble a comprehensive profile of the community's needs and preferences that in turn, helped form the basis of the updated plan. As a part of the iterative process, a third survey held online late in the process invited participants to weigh in on the Draft Plan goals and park improvement priorities.

Community Workshops

Two community workshops were held at key milestones. The first workshop was held on October 2, 2019 at the Lolly Hansen Senior Center to introduce the project, gather feedback about existing conditions and set goals for the park system.

A second workshop was held nearly a year later on August 27, 2020, and what a difference a year makes. Because of the COVID-19 pandemic, this was a virtual workshop using Zoom. The workshop was supplemented with an online survey to increase participation.

Chapter 2: Tracy Today includes more on what we learned from our engagement with Tracy residents.

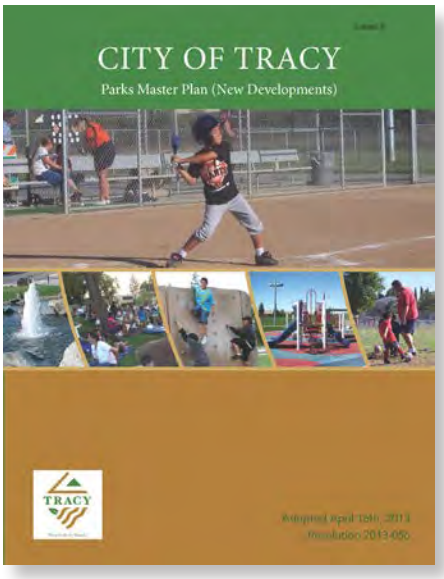
Our October 2019 community workshop gave Tracy residents a chance to think creatively about opportunities for this Plan update.

BUILDING ON OTHER PLANS

CITYWIDE PLANS

Parks Master Plan (New Developments) (2013)

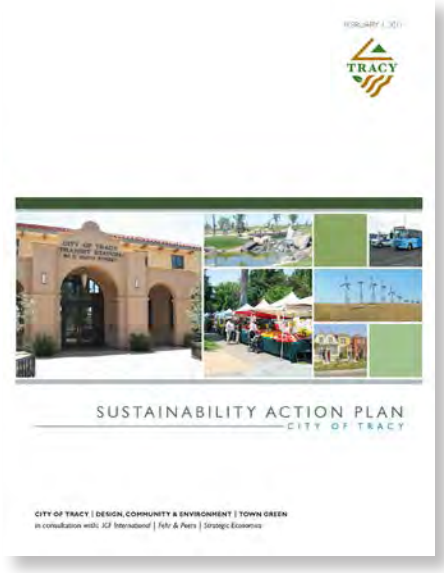
Adopted in 2013, the Parks Master Plan (New Developments) is the predecessor to this document. The 2013 Plan was part of an overall city effort to identify Tracy's infrastructure needs for parks, public facilities, water, roadways, stormwater, waste water, and public safety to enhance community's vitality, and attract and retain residents as well as businesses. A particular focus of the plan was addressing the demand for park and recreation facilities created or anticipated by new residential development in areas of growth.



Sustainability Action Plan (2011)

Recognizing the need to strike a balance among its economic, environmental and social sectors to achieve a healthy and prosperous community, the City of Tracy adopted a Sustainability Action Plan (SAP) in 2011. The plan set sustainability targets for 2020, and outlines 84 measures the City will undertake to achieve them. The Citywide PRTMP helps the City achieve many of these sustainability measures, including:

- Promote support for bicycling.
- New development with pedestrian-friendly network of streets and parks.
- Natural landscape and minimal turf in city parks.
- Recreational programs and activities for residents of all ages and incomes.
- Grants to fund projects that increase park capacity.



The Citywide PRTMP takes into account all of the citywide and specific plans that may impact the system.

City of Tracy General Plan (2011)

Every county and city in the state of California is required to have a comprehensive long-range plan—a General Plan—that lays out a vision for the future with goals, objectives, policies and actions that empower the City and community to work towards this vision. Adopted in February 2011, the General Plan is the principal policy and planning document guiding conservation,

enhancement and development across the City through 2025. The plan addresses elements such as land use, transportation, housing, economic development, public facilities, open space, and circulation that shape the community's character. The Tracy PRTMP Update is carefully aligned with the goals of the General Plan, specifically:

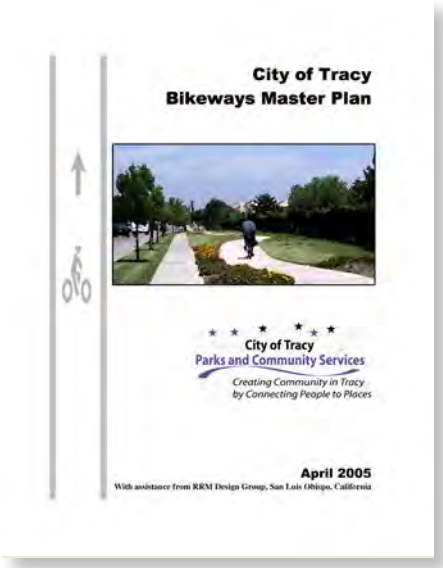
- Protecting its unique identity through the preservation of agricultural lands and the creation of new park and open space lands;
- Providing beautiful parks, exciting cultural and recreational amenities, and civic institutions that inspire community pride; and
- Meeting the transportation challenges of the future, so that people can travel safely and conveniently on foot or by car, air, bicycle, and transit.

Urban Forestry Management Plan (In Progress)

Recognizing the importance of the tree canopy, green corridors and green infrastructure to the quality of life in Tracy, the City is creating an Urban Forestry Management Plan. The UFMP features policies, ordinances, and a management strategy to achieve a vision for a sustainable urban forest. The plan includes a public tree inventory, design and species specifications, natural resources management plan, and an urban forest cost/benefit analysis. The UFMP identifies opportunities to expand and nourish the urban forest in the city's parks, along its trails and elsewhere throughout the community.

Citywide Roadway and Transportation Master Plan (In Progress)

The Citywide Roadway and Transportation Plan (CRTP) includes updated direction for the bikeway network, replacing the Bikeways Master Plan from 2005. The emphasis of the prior plan was on developing a unified network of bikeway routes to serve both recreational and commuter needs by facilitating travel within the city limits to resources such as schools, parks, and employment centers, and also to adjacent city and county routes. The focus of the current update will be on creating a network of low-stress bike facilities throughout the city. The CRTP and the PRTMP will be used together to create the trail system.



City of Tracy Parks ADA Transition Plan (In Progress)

The city is in the process of updating its ADA Transition Plan. The purpose of the document is to plan accessibility compliance for the City of Tracy parks with the requirements of Title II of the Americans with Disabilities Act (ADA) and applicable state regulations. Transition Plan is a snapshot in time to evaluate and prioritize accessibility barrier removal throughout the City of Tracy Park system.

OUR STRATEGIC PLAN

The Parks and Recreation Department regularly reflects on what we do, why we do it, and what we need to do in the near term and long term to better serve Tracy residents. We call this strategic planning. Our most recent Strategic Plan, from 2018, lays out our mission, vision, values, goals, and strategies to guide decision-making in the next 3 to 5 years.

Our Mission

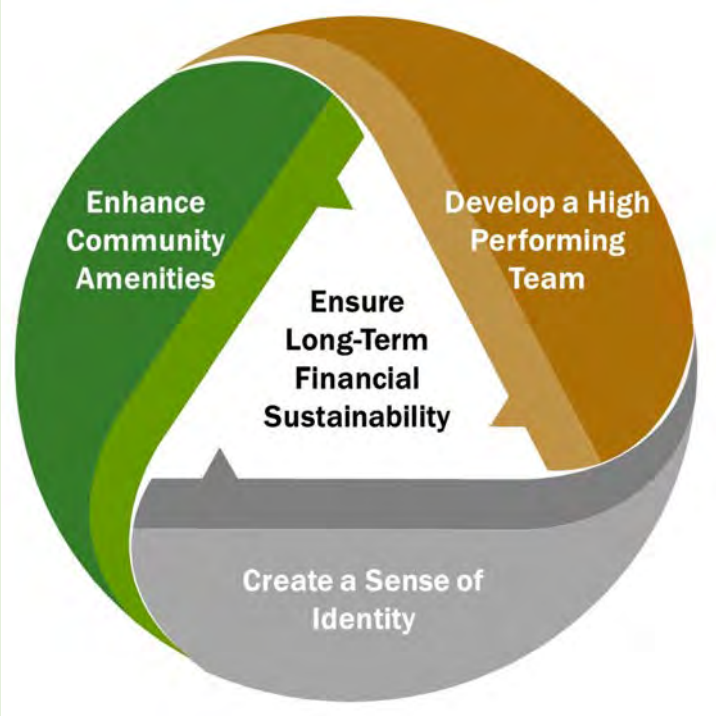
To ensure access to outstanding programs, services and community amenities that contribute to quality of life in Tracy.

Our Vision

Together we create memorable experiences that link Tracy's past, present, and future.

Our Strategic Goals

Provide the direction and focus for the organization, including resource decisions.



Each of these strategic goals is supported by a series of actions.

This Master Plan is aligned with our Strategic Plan, while looking longer term and in more detail..

VISION, GOALS + POLICIES

Lively conversations and exchanges of ideas between the consultant team, project partners, city departments, and Tracy residents of all ages took place through meetings, activities, and events over the two-year planning process. The result is a shared vision for the future of a healthy, active, socially intertwined community. The vision and goals are summarized below. A total of 11 goals address parks, recreation and trails. Each goal is described in more detail along with corresponding strategies and policies in chapters 3, 4 and 5.

VISION

- **Tracy provides great recreational opportunities at parks, sports complexes, greenbelts, trails and open space that are diverse and connected, building quality of life now and for the future.**
- **Tracy's parks are inviting, well-maintained, safe, aesthetically-pleasing and comfortable, with features to mitigate climate extremes and extend use.**
- **Parks balance the need for programmed recreation and casual enjoyment. They include both state-of-the-art recreation facilities and features that make parks special and memorable.**
- **Recreation programs offer something for everyone.**
- **Tracy's parks are linked with a trail system that provides active recreation opportunities and linked to preserved natural areas.**

PARKS

GOALS

A Park System for a Growing City

Tracy's racially and ethnically diverse population is projected to grow by 48,341 between 2020 and 2040. Tracy's park system will continue to grow and be enriched to meet the needs of a growing community with a high quality of life.

Well-Maintained Parks

The City of Tracy will remain committed to maintaining our existing parks at a high level. This includes design that considers maintainability, achieving efficiency in operations, and providing equitable and reliable funding for both maintenance and capital replacement of amenities and infrastructure.

Safe Parks

Tracy residents must feel safe in our parks. The City will continue to embed safety into park design, programming and operations.

POLICIES

1A. Park Types

1B. Park Acreage Level of Service

1C. Access to Parks

1D. Park Land Dedication and Park Development Impact Fees

1E. Build in Flexibility

1F. Conformance with City Standards and Guidelines

1G. Concurrent Development

1H. Public Access

1I. Specific Plans and the Master Plan

2A. Maintainable Design, Planting and Amenities

2B. Efficient Operations

2C. Adequate Funding for Park Improvements and Maintenance

3A. Design for Safety

3B. Park Activation

3C. Lighting for Safety

3D. Security Cameras

3E. Park Restroom Safety

3F. Park Monitoring

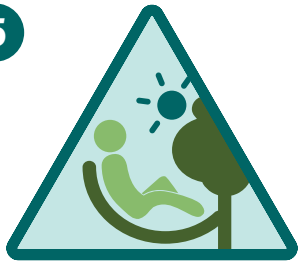
GOALS

4

Equitable & Inclusive Parks

The Parks and Recreation Department is committed to creating and promoting inclusion across all the public spaces, facilities and programs we manage. We aim to ensure that everyone has access to the benefits of quality parks and recreation, including persons of color, persons with cognitive and physical disabilities, LGBTQ+ individuals, and people who have immigrated from other countries.

5



Comfortable & Attractive Parks

Tracy's parks will feature an expanded tree canopy, shaded amenities, and restrooms located in close proximity to play areas when installed. Lighting will extend parks' usability to winter evenings and nights year-round.

6

Interesting & Diverse Parks

Tracy's parks will provide recreational opportunities for everyone. They will support a diversity of experiences, have multi-generational appeal, and be successful gathering places for the whole community.

POLICIES

4A. Equitable Distribution of Parks and Facilities

4B. Inclusive Places

4C. Accessibility and Universal Design

5A. Expanded Tree Canopy

5B. Shaded Amenities

5C. Water Features

5D. Restrooms

5E. Lighting for Activation

6A. Balance of Programmed and Unprogrammed Spaces

6B. Non-Traditional Elements

6C. Downtown Plazas and Community Gathering Spaces

6D. Nature Park and Preserved Open Spaces

6E. Gardens

6F. Public Art

RECREATION

GOALS

7

Sustainable Parks

Parks can have great ecological value by preserving natural vegetation, providing suitable habitat, and cooling the air. By enabling more people to walk and bike, our trail system will help us reduce greenhouse gas emissions. The City will preserve and enhance natural environments in future parks and employ ecological strategies in the design and maintenance of existing parks.

8

Full Range of Recreation Facilities

Tracy's profile indicates a high demand for sports and fitness activities across the board. The City will deliver new facilities for aquatics, indoor recreation, and sports, while broadening our recreation amenities to keep pace with changing preferences and new trends. Recreation facilities will also be updated to provide full accessibility.

9

Recreation Programs that Fit the Community

The Department will continue to evaluate and refresh its recreation program offerings to ensure that community demand is being met. The Department will align its cost recovery goals and pricing strategy so that the resources are focused on essential programs, while also enabling "value-added" programs to emerge.

POLICIES

7A. Create Habitat Value

7B. Support Water Quality and Groundwater Recharge

7C. Water and Energy Conservation

7D. Support Walking and Biking

8A. Recreation Facility Level of Service

8B. Diverse Recreation Needs

8C. Equitable Access

9A. Recreation Program Priorities

9B. Service Classification and Cost Recovery

9C. Cost of Service Analysis

9D. Pricing Policy and Strategies

9E. Program Monitoring and Updating

9F. Equitable and Inclusive Programming

9G. Staff Training and Organizational Support

9H. Inclusion Policy

9I. Performance Measures

TRAILS

GOALS

10

Trails for Recreation and Active Transportation

Tracy's trail system will be planned and designed to support both recreation and travel, serving everyone from casual walkers to high school cross-country teams and cycling clubs to people of all ages who could use trails as a healthy transportation option.

11

A Complete and Connected Trail System

The City recognizes the strong community desire for trails, and will work to create a connected and complete network of multiuse trails along roadways, rail rights-of-way, and canals, and in future development areas..

POLICIES

10A. Trails that Support Recreation

10B. Trails that Support Active Transportation

11A. Coordinate to Create a Complete Network

11B. Linear Park and Open Space Trails

11C. Canalside and Railside Trails

11D. Trails along Multimodal Corridors

11E Trails with New Development

11F. Signage for Wayfinding, Interpretation and Identity

11G. Safety on Trails

11H. Comfort on Trails

IMPLEMENTING ACTIONS

To meet the goals and policies established in this plan, Tracy will need a combination of improvements to existing parks, development of new parks and trails, and investment in recreation facilities and programs. These are laid out in detail in Chapter 6, along with estimated costs and funding strategies. The implementation program is summarized here.

IMPROVING EXISTING PARKS

A park-by-park assessment was conducted in August 2019, identifying the general condition of each site; issues pertaining to site access and use; and park-specific needs, wants, and aspirations.

The Plan identifies three categories of park improvements: "sustaining" (maintaining what we have); "strategic" (improving what we have): and "visionary" (park transformations). The Plan also suggests a phasing approach to these improvements over the next 15 years.

A rough order-of-magnitude cost estimation of park improvements finds a total of approximately $56 million to $75 million in costs over the next 10 to 15 years, with costs spread across park tiers and implementation phases (Tables 1-1 and 1-2).

Notable projects include:

- Expansion of Gretchen Talley Park;
- New park master plans and improvements to Ritter Family Ballpark, Lincoln Park, and El Pescadero Park.
- Strategic enhancements to Clyde Bland, Robert Kenner, and Joseph Ceciliani parks, and Tracy Sports Complex, adding recreational amenities and undertaking major renovations;
- Critical improvements to parks across the system, with more significant improvements at Arnulfo Plasencia Fields and Dorothy Evans, Bailor/Hennan, and Veterans parks .

A summary of park improvement recommendations for all parks is provided in Chapter 6.

Table 1-1
Estimated Improvement Costs by Tier

TIER	ESTIMATED TOTAL COST
Tier A: Sustaining	$7,435,000 to $10,202,000
Tier B: Strategic	$14,200,000 to $18,125,000
Tier C: Visionary	$34,846,000 to $46,444,000
TOTAL	**$56,481,000 to $74,771,000**

Table 1-2
Estimated Improvement Costs by Timing

TIMING	ESTIMATED TOTAL COST
Short-Term (Years 1-5)	$43,135,000 to $57,205,000
Mid-Term (Years 6-10)	$11,672,500 to $15,055,000
Long-Term (Years 11+)	$1,673,500 to $2,511,000
TOTAL	**$56,481,000 to $74,771,000**

Table 1-3
Estimated Improvement Costs by Funding Source

FUNDING SOURCE	ESTIMATED TOTAL COST
General Fund	$44,966,000 to $58,667,000
Landscape Maintenance Districts (LMDs)	$8,315,000 to $11,354,000
Various (Citywide)	$3,200,000 to $4,750,000
TOTAL	**$56,481,000 to $74,771,000**

BUILDING NEW PARKS + TRAILS

The City of Tracy is planning the expansion of Legacy Fields as well as an Aquatics Center; a multi-generational recreation center; and the Tracy Nature Park, improvements totalling 202 acres.

As of this writing, some 63 acres of new park land is planned as part of specific plans and development proposals for Avenues, Ellis, Hillview, Rocking Horse, Tracy Hills, and Tracy Village. Future development at the "Bowtie" could add park land Downtown.

New parks in future development areas will be required to provide 4 acres of new park land per 1,000 residents, allocated, located, and designed according to the policies of this Plan. Estimated costs for future neighborhood, linear, and community parks are summarized in Table 1-3.

In addition to future developer-provided parks in urban expansion areas, the City will pursue land acquisition and park development opportunities in areas of the City that are more than ½ mile from an existing neighborhood or community park. Park access gaps and opportunity areas are shown on Figure 1-3. Funding for future parks in these areas may come from a variety of sources including future development; existing LMDs; and the General Fund.

The Storm Drainage Master Plan (SDMP) identifies the location of existing and proposed detention basins in Tracy. Detention basins in residential areas, especially when larger than five acres in size, should be considered for joint recreational use where feasible; this will require an integrated design approach that elevates recreational experience.

Trail Opportunities

This Plan proposes a trail system that builds on the City's existing linear parkways, multiuse paths, the planned bikeway system, opportunities for trails along rail, irrigation, and utility corridors, and opportunities for trails in existing or future preserved open spaces. The trail system should also be seen as a "co-location" opportunity for future parks. Off-street trails and pathways, when connected to park land, provide important recreation opportunities and also enhance park access.

Phase 1 development of Legacy Fields Sports Complex has created new lighted fields for baseball and soccer.

Figure 1-1
Concept for Improvements to Ritter Family Ball Park

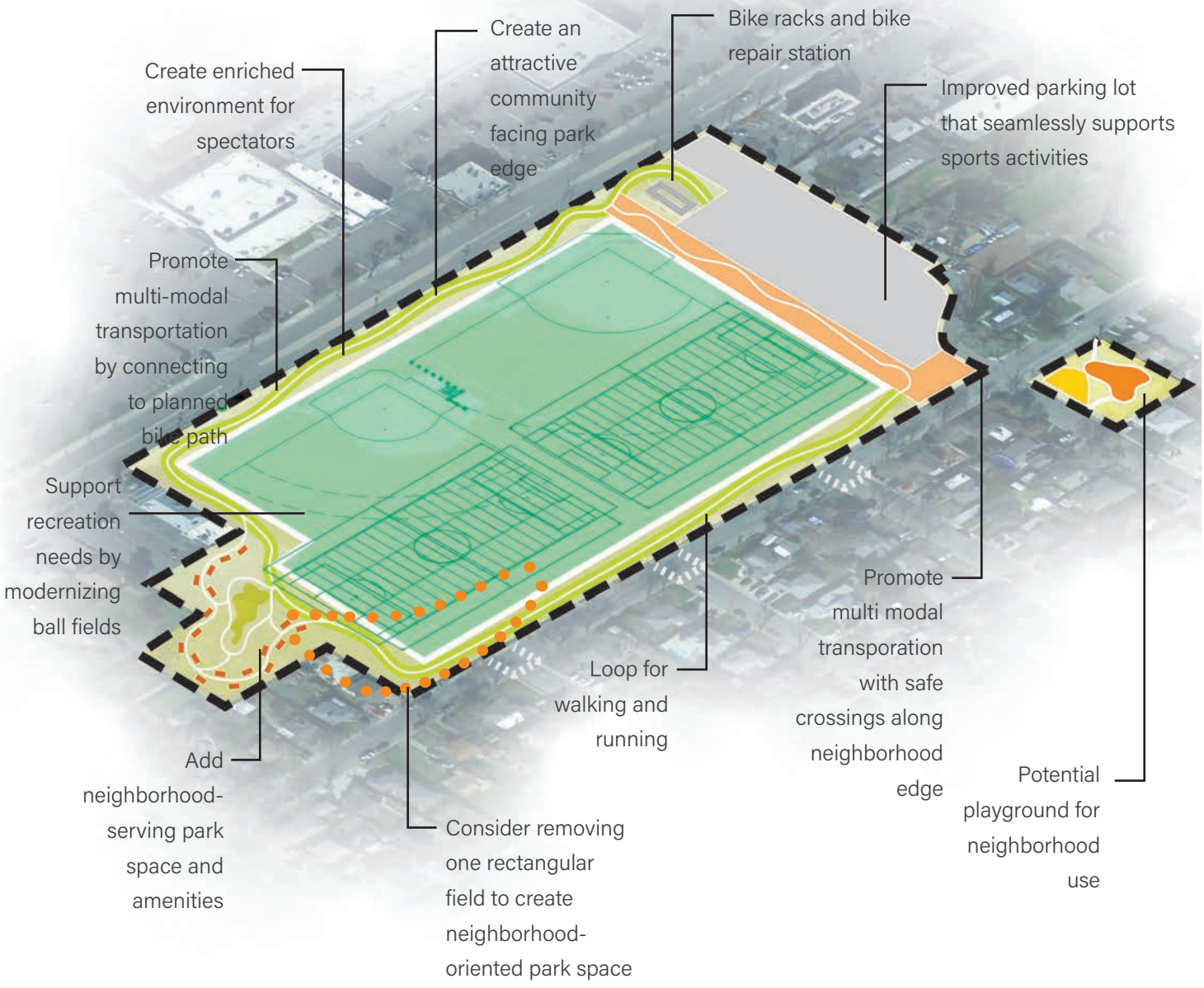


Figure 1-2
Multiuse Trail through Park or Open Space (Typical)

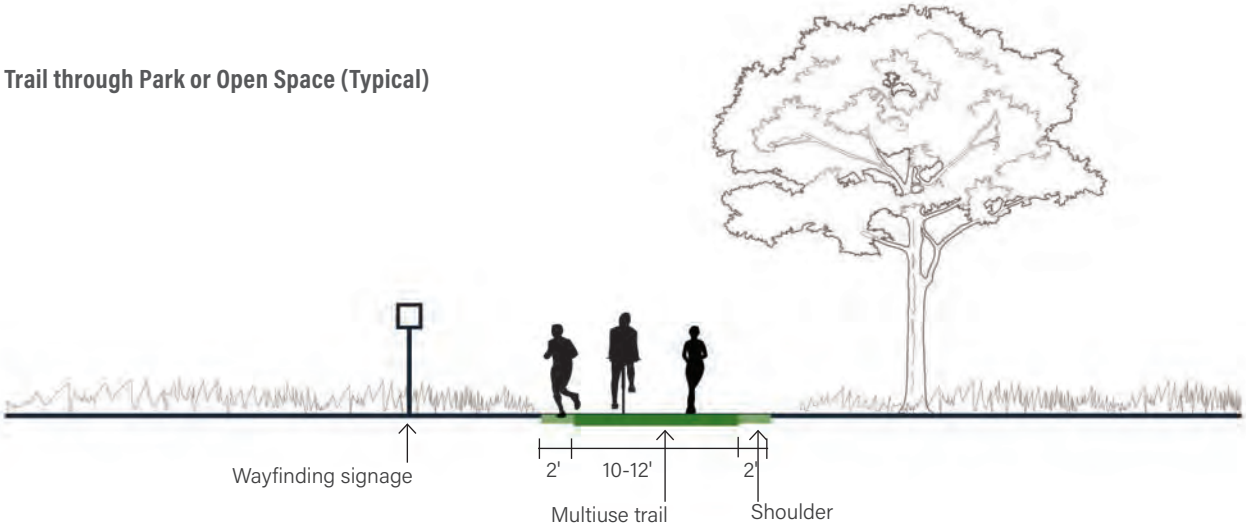
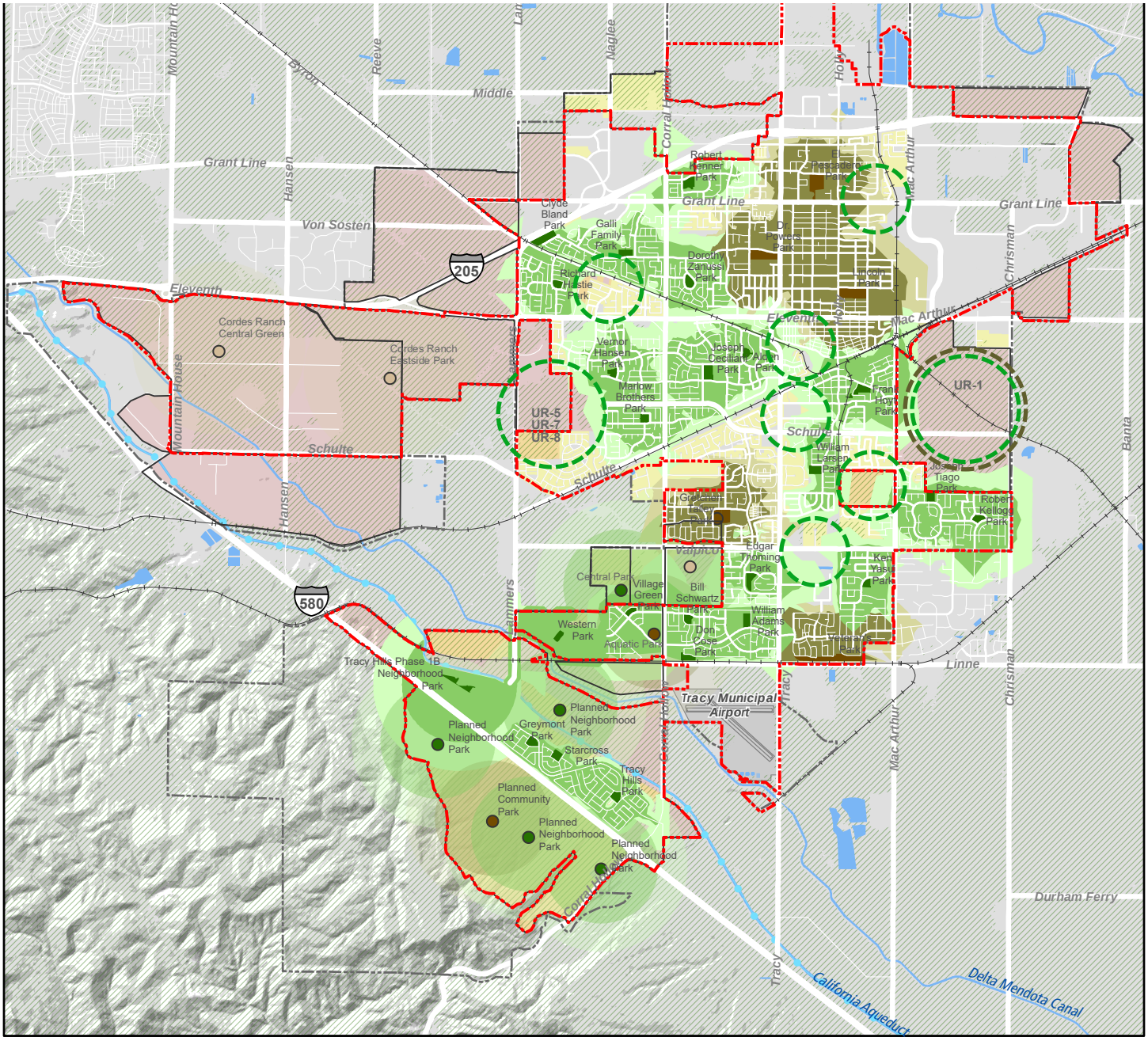


Figure 1-3

Park Access Gaps and Neighborhood Park Opportunity Areas



- Tracy City Limit
- Sphere of Influence
- Aqueduct
- Rivers/ Canals/ Ponds
- Agriculture / Undeveloped
- Airport
- Future Development Area (Outside Service Areas)
- Residential
- Neighborhood Park
- Service Area: 1/2 Mile
- Service Area: 3/4 Mile
- Planned Neighborhood Park
- Neighborhood/Linear Park Opportunity Area
- Community Park
- Service Area: 1/2 Mile
- Service Area: 3/4 Mile
- Planned Community Park
- Planned Private Park
- Community Park Opportunity Area

UR-1 should include a minimum of 4 neighborhood parks and 1 community park. UR-5, UR-7 and UR-8 must be served by adequate neighborhood parks.

N

0 0.325 0.65 1.3 Miles

RECREATION AMENITY NEEDS

This Master Plan provides new population-based standards for an array of amenities, to ensure that we are serving the recreation needs of the community. The standards are based on a range of factors, from national and regional best practices to demonstrated local demand. This section summarizes how many additional amenities of each type would be needed to meet needs in 2040, assuming that the parks currently being planned will have been completed.

Priority and location characteristics for each amenity are also outlined. Our prioritization is informed by the level of need, the location of access gaps, and public input provided during the Plan Update process.

A summary table of recreation amenity needs is provided in Chapter 4: Recreation.

Sports Fields

Today, Tracy has 19 baseball/softball fields and 20 soccer fields. An additional 13 baseball/softball and seven soccer fields are planned, all as part of the Legacy Fields sports complex expansion. An estimated 3 additional facilities may be needed, including fields that can host adult softball tournaments on a larger scale, and the City currently lacks 90' base path baseball fields.

Sports Courts

Today, Tracy has 36 basketball courts (half or full), 16 tennis courts, six horseshoe courts, five sand volleyball courts, and four bocce courts. Additional basketball courts (2), tennis, horseshoe, and bocce courts (1 each) are planned. Tracy should focus on providing additional basketball courts (13), tennis and pickleball courts (11 and 14, respectively). There will also be demand for additional sand volleyball (4), shuffleboard (3) and bocce courts (2), and a roller hockey court. The City lacks indoor recreational facilities; beyond the planned 30,000-square foot multigenerational recreation center, there will be demand for an additional 182,,000 square feet of indoor recreation space.

Other Recreational Facilities

To meet standards, Tracy will need 46 playgrounds, eight dog parks, six large group picnic shelters, five climbing walls/rocks, three community gardens, three disc golf courses, three BMX bike parks/bike pump tracks, two pools, a water play area, and an environmental education facility. Some of these may be privately operated and not located on City land.

See Chapter 4 for more detail.

16
BASEBALL/ SOFTBALL FIELDS

6
SOCCER FIELDS

12
TENNIS COURTS (& **14** PICKLEBALL COURTS)

8
DOG PARKS

6
LARGE GROUP PICNIC SHELTERS

3
DISC GOLF COURSES

1
ENVIRON-MENTAL CENTER

182K
SF OF INDOOR REC SPACE

&
MORE

UNDER-STANDING COSTS

Capital Improvement Costs

Rough order of magnitude costs for each proposed park amenity are provided in Chapter 6, to assist the City with planning and prioritizing future park and recreation improvements. These probable costs may rise or fall based on a variety of factors, including, but not limited to, final finish selections, unique site conditions, and coordination with comprehensive park improvements.

Maintenance Costs

It is critically important to view the financial sustainability of the Parks and Recreation System through the concept of "Total Cost of Ownership" as shown in the graphic below.

The City will need to closely monitor resources to ensure that the assets of the park system reach the anticipated lifecycles. Maintenance funding should grow to accommodate new park amenities and development in the future. Maintenance standards and expectations are a major driver of costs.

The Master Plan estimates the cost to maintain each type of park in the system. It compares Tracy's park system with those of five benchmark cities, and makes recommendations for maintenance standards, a work order management system, and taking a cost of service approach to contracting.

Lifecycle Replacement

Tracy parks and landscape maintenance operations will need to closely monitor the assets of the park system throughout their lifecycle to ensure the safety of park patrons. It is highly recommended that assets be replaced to ensure efficient and effective utilization of operational dollars. The lifecycle replacement schedule found in Chapter 6 should be utilized as a guide for the creation of an asset management system that will guide future actions.

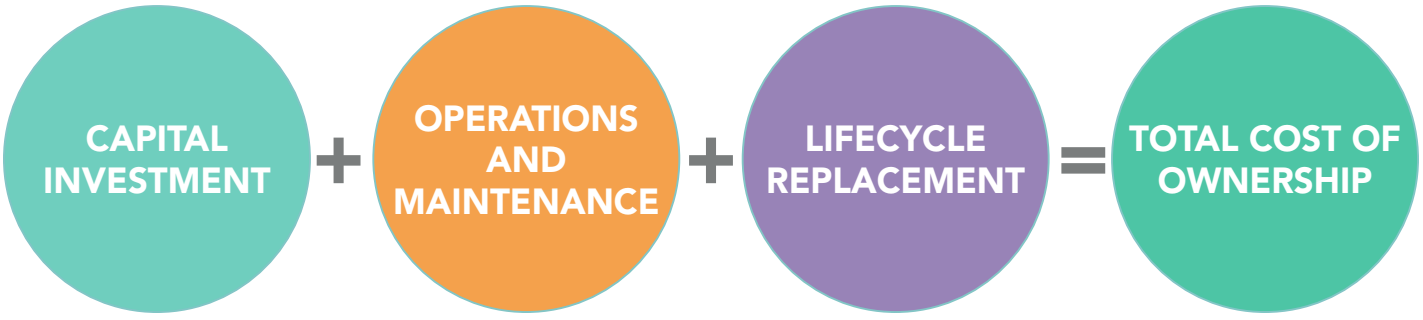
FUNDING STRATEGY

The Citywide Parks, Recreation & Trails Master Plan identifies various mechanisms for funding the construction and acquisition of new park facilities as well as the continued operation and maintenance of existing facilities and recreational programs. These include:

- Capital financing sources such as General Obligation bonds, Limited Obligation bonds, revenue bonds, and land dedication or in-lieu fees; developer impact fees; pay-as-you-go; public-private partnerships; and grants.
- Maintenance and operations funding sources including special financing districts and user or property-related fees.

The type of financing mechanism or mechanisms needed will depend on the types of facilities and improvements to be constructed and maintained. The pattern, timing, and predictability of expenses will also affect the choice of revenue mechanism(s).

TOTAL COST OF OWNERSHIP



PARKS PLANNING AND DEVELOPMENT IN TRACY

Parks Planning & Development is a division within the Parks & Recreation Department that is responsible for park and recreation facility planning, parkland acquisition, park master planning and the design and development of new – or renovation of existing parks and landscaping. Additionally, the Division ensures that projects fulfill the needs of the community, meet City standards for design, and comply with land use regulations. Parks Planning & Development ensures that all parks and recreation development within the City supports sustainable, innovative, accessible, safe and responsive facilities through community participation and transparent practices.

City-Built Park Projects

The City of Tracy can build parks using various funds including fees that are collected from residential development that accumulate over time. Planning our parks from start to finish is approximately a two year process.

Developer- Built Park Projects

In many cases in the City, developers build new parks on behalf of the City as a condition of residential subdivision construction. California law requires that either land or fees be dedicated for park or recreational use. Developer-built parks can often be delivered faster than a City-built park project.

To ensure successful, usable parks, the City will not accept for reimbursements or payment:

- Land that has any easements (underground or overhead) that precludes the City from building or using the easement space;
- Any area that useability less than 50 feet wide;
- Any grade or slope that does not allow full use and access;
- Any land or area that has hazardous or environmental limitations;
- Land that is otherwise serving a conservation purpose aside from a useable park;
- Land that could not be developed for any other purpose other than a non-useable park space.

Park Type and Size Requirements - Overview of Policy 1A

An updated park classification system and updated park definitions and standards are included in this Master Plan Update. Parks will now be classified according to the table on this page, with associated size requirements.

Table 1-4
Park Type and Size Requirements

PARK TYPE	SIZE REQUIREMENTS
Neighborhood Parks	2 to 10 acres*
Linear Parks	3 acres + (at least 50 feet wide by 0.5 miles long minimum)
Community Parks	10 to 30 acres
Sports Complexes	10 to 100+ acres
Special Use Parks	Less than 1 acre to 100+ acres
Mini Parks	Less than 2 acres

* Neighborhood Parks must be of a shape suitable for park use. Neighborhood Parks between 2 and 4 acres must be connected via a continuous accessible route through a linear park or greenbelt/ open space to another existing park or planned park at or above 4 acres in size. Proposed connections using standard city sidewalk will not be considered.

Park Acreage Level of Service – Overview of Policy 1B

Tracy currently provides 4 acres of park land per 1,000 residents. This level of service will continue to be the standard for new development while also working to diversify the types of parks.

Park allocations shall be as follows:

- 3 acres per 1,000 residents for new neighborhood parks and linear parks
- 1 acre per 1,000 residents for new community parks, sports complexes and special use parks
- City has discretion over the mix of park types (e.g. the mix of neighborhood and linear park land) that may be eligible for credit.

To calculate the park acreage requirement for a given residential project, the average residents per household shall be calculated at the time of final subdivision map approval using the most recent California Department of Finance, Demographic Research Unit, Table E-5 per household estimate.

Park acreage that is collocated with stormwater detention basins will be counted at a percentage of equivalent to the percentage of the year the basin is designed to be available for recreation based on anticipated drainage.

Snapshot of Estimated Capital Costs for New Parks

The City's policies and guidelines for park development allow for flexibility in the construction of new parks. To assess costs for future parks, hypothetical examples of the preferred park types were created. These examples are based on typical park sizes, facility requirements, and other development considerations as outlined in this plan. It is important to recognize that the design development of actual parks will vary from these examples, based on factors such as site topography, character, local recreation preferences, and facility needs that vary geographically. However, development costs are anticipated to be similar in terms of average cost per acre. The table below represents the estimated total cost per associated with three hypothetical park examples.

Table 1-5
Estimated Capital Costs for New Parks

PARK TYPE	ESTIMATED TOTAL COST PER PARK
Neighborhood Park (5 acre)	$5,422,275*
Linear Park (1 mile)	$3,348,000*
Community Park (15 acre)	$17,226,000*

* Capital costs may be expected to increase over time by an estimated 2 to 3% annually.

FOR OUR DEVELOPER PARTNERS

The Citywide Parks, Recreation and Trails Master Plan Update provides critical community-based design, planning, and policy direction for our development partners. The goal of this section is to provide a synopsis of the most critical developer-related information and policies related to park planning and development. This section includes:

- Overview of Developer-Built Park Project Process
- Park Type and Size Requirements – Overview of Goal 1, Policy 1A
- Park Acreage Level of Service – Overview of Goal 1, Policy 1B
- Snapshot of Estimated Capital Costs for New Parks

For more detailed information related to these topics, refer to the associated sections within the Master Plan.

CHAPTER 02

TRACY TODAY

Tracy's Parks, Recreation, and Trails System reflects much of what makes the community so special. Taking stock of the existing system is an important first step. This goes beyond counting acres, buildings, and amenities to understand how our facilities are being used and maintained; what programs are not to be missed; what activities would be welcomed. Do all residents have access to parks and recreational programs nearby, and do they feel safe using them? Understanding Tracy today helps us address our concerns and aspirations as we enrich our parks, trails, and programs over the next 15+ years and continue to foster a socially connected, healthy, and growing community.

IN THIS CHAPTER:

- 15 Key Findings
- Our Community
- Our Park System
- Our Needs
- Our Aspirations

New homes come with new parks in the Ellis neighborhood.

15 KEY FINDINGS

The first phase of the Master Plan Update entailed data gathering, technical analysis, and community engagement examining all aspects of Tracy's Parks, Trails, and Recreation System. Fifteen key findings stood out and have formed the basis for the Master Plan Update's goals, policies, and proposed park improvements and programming changes.

1. TRACY CONTINUES TO GROW

Tracy's population is projected to grow by 48,341 between 2020 and 2040, as it is increasingly recognized for its high quality of life and location within the larger Bay Area commute shed. The population is racially and ethnically diverse and will become more so. Tracy's median household income is significantly higher than the State's overall, while the per capita income is lower. This suggests the prevalence of young professional families with two income earners, and extended families living under one roof.[1]

2. WE ARE COVERING THE BASICS

Tracy's park system has a collection of community, neighborhood, and mini parks, providing 4.05 acres of park land per 1,000 residents—meeting its current standard of 4 acres per 1,000 and fairly typical for similarly sized cities in California. According to the statistically-valid survey conducted for the Master Plan Update, residents are most likely to visit our parks to bring children, to exercise, and to participate in sports. Households with children and with adults in their 30s are most likely to use parks. In other words, Tracy's park system seems to be designed and programmed today in a way that meets the needs of youth and adults with small children.

3. PARK SYSTEM GROWING PAINS

Tracy's park system is beginning to feature more types of parks and public spaces to serve what has become a larger and more diverse community. This process needs to be supported by an updated park classification system, updated park definitions and standards that define how the City should invest in new parks, from downtown activated plazas, to sports complexes, to open spaces featuring natural conditions.

4. MAINTENANCE IS A TOP PRIORITY

Our park-by-park site assessment found most parks to be in fair to good condition, and community members recognize the great work of the Public Works Department's parks, sports facility and landscape maintenance team. Still, improving and maintaining existing parks was identified as a high or very high priority by nearly 4 out of 5 residents who responded to the survey. The various Landscape Maintenance Districts and Community Facilities Districts that support over half of Tracy's parks do so at varying funding levels, resulting in inconsistency across the system. Finding a way to provide adequate and equitable funding for maintenance will be an important challenge.

5. PARKS MUST BE SAFE AND ACCESSIBLE

Safety was identified as a high priority by community members in the survey and in our engagement activities. It will be critical for Tracy to incorporate safety features into park patrol, maintenance, lighting, design and programming. Tracy's parks also need to be universally accessible; many fall short of this today.

6. NEIGHBORHOOD PARKS NEEDED

While Tracy meets its overall park acreage standard today, it falls short in the Neighborhood Parks category. Many Tracy residents do not live within a 3/4-mile walk of a Neighborhood Park, much less the more typical standard of 1/2 mile. Gaps in Neighborhood Park access should be addressed where possible, by rethinking existing parks and/or by finding new park land opportunities.

7. MAKING MINI PARKS WORK

Many Tracy neighborhoods have "mini parks" (typically less than an acre). Community members question the value of these parks, and the current Master Plan does not endorse creating more of them—but they have continued to be added. How can these parks contribute more to quality of life?

1 *See Citywide Parks, Recreation & Trails Master Plan Update Comprehensive Profile (January 2020) for more detail.*

8. INTERESTING AND DIVERSE PARKS FOR ALL

Stakeholders, Parks Commissioners, and community members all communicated the desire for parks that created a better experience for a diversity of people. Parks should have areas for informal recreational use, more enriching playgrounds, and playgrounds with elements that include and invite children of all abilities.

Parks should have multi-generational appeal, and be more successful gathering places for the community. Indeed, "ensuring recreation opportunities are available for everyone" ranked among the top priorities for Tracy residents in our survey. Stakeholders talked about special events, concerts and performances as an area Tracy could focus on more to build community and keep people around on weekends.

9. EXTENDING PARK USE: EVENINGS AND SUMMERS

Community members spoke about the need for more shaded areas and more access to water, to make parks comfortable on hot summer days. More trees and shaded areas were identified as the improvement most likely to make more people use parks. More lighting in parks would also allow parks to be usable at night and in the evenings on short winter days—especially valuable in a commuting town like Tracy. Adequate and equitable funding for on-going maintenance will be an important challenge to sustain and continue the conditions/service levels of parks.

10. ENTHUSIASM FOR NATURAL AREAS

Creating open space areas and nature trails came in as a high priority of Tracy residents overall in the survey. The proposed nature park just south of Legacy Fields and the preserved open spaces proposed as part of the Tracy Hills and Cordes Ranch specific plans can become a vital new element of the parks and recreation picture in Tracy.

Water helps to make parks comfortable on hot summer days.

11. A TRAIL SYSTEM WOULD BE HIGHLY VALUED

Stakeholders showed a strong interest in developing a network of multiuse trails in Tracy, noting the value of trails for everyone from casual walkers to high school crosscountry teams to people of all ages who could use trails as a healthy transportation option.

12. MEETING OUR RECREATION FACILITY NEEDS

Tracy's demographic profile indicates a high "market potential index" for sports and fitness activities across the board, including for such core, high-participation sports as basketball, soccer and baseball. Tracy's planned aquatics center, the planned multigenerational recreation center, and expansion of Legacy Fields appear justified based on projected need. The current standards also show a need for dog parks, community gardens, tennis courts, large group picnic shelters, disc golf, environmental education, and soft-surfaced paths. The Master Plan Update should revisit these standards and direct resources to recreation facilities that are most needed.

Connecting neighborhoods and parks with trails is a high priority for Tracy residents.

13. RECREATION PROGRAM REFRESH

Tracy offers a good mix of recreation programs in a range of core program areas that will be defined in the Master Plan Update. Our findings suggest that programs in the "saturated" or "decline" stage of their lifecycle are somewhat overrepresented. This is an opportunity for the Department to refresh its program offerings. Expanding recreation and activity programs for teens was the highest programming priority according to the survey, echoing themes we heard from stakeholders – but programs and activities for kids, seniors and adults were also broadly supported.

14. THINKING STRATEGICALLY ABOUT SERVICES

With the Master Plan Update, the Department has begun the process of classifying its services according to a pyramid with "essential" services at its base, "important" ones in the middle, and "value added" services at the top.

Tracy can align its cost recovery goals and pricing strategy to support this, so that Department resources are focused on "essential" programs, while "value added" programs can be expected to recover more of their costs with user fees.

15. MULTIPLE SUSTAINABILITY BENEFITS

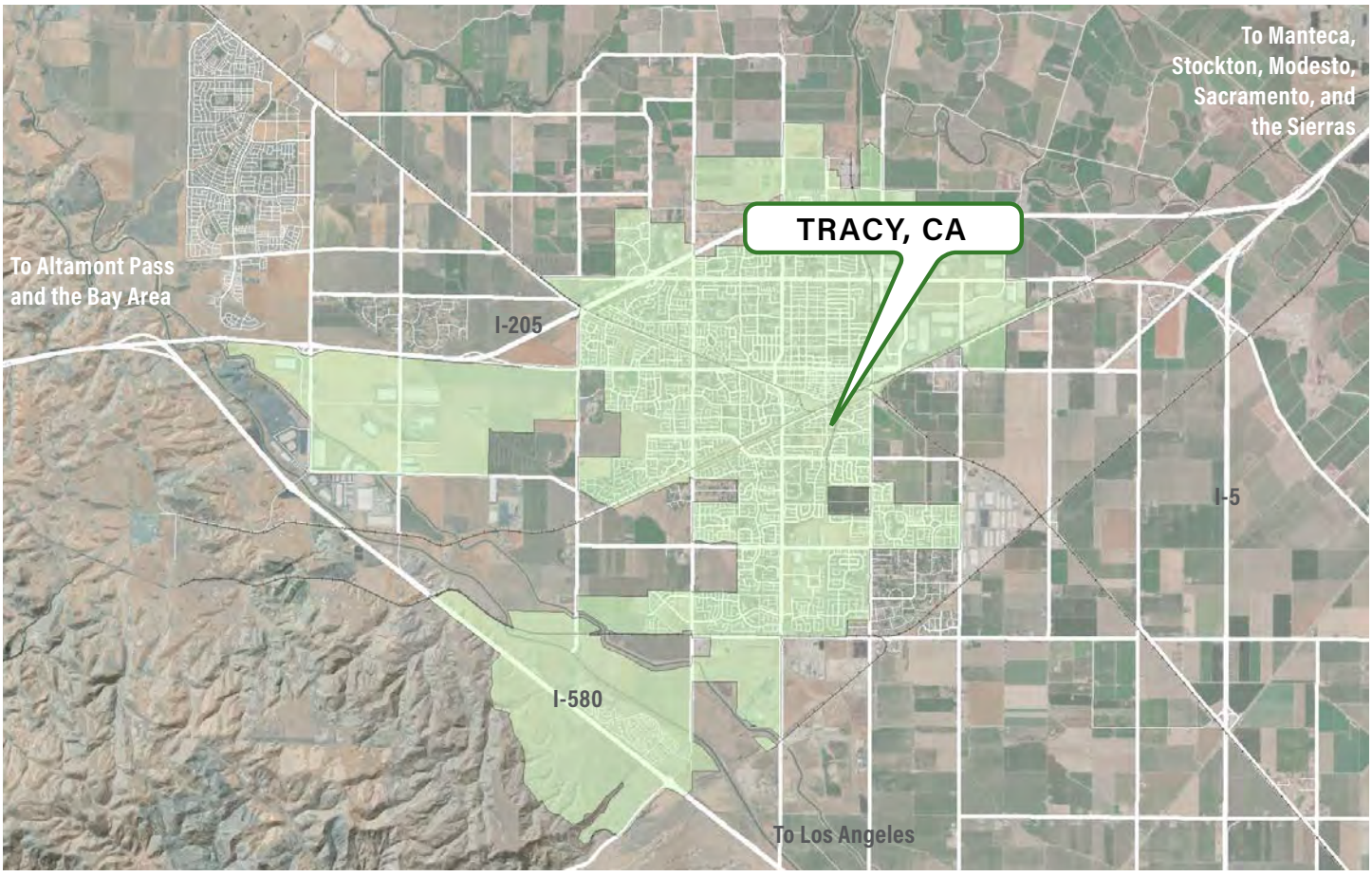
Tracy's parks feature mainly planted native and ornamental trees and shrubs as well as turf grass; they do not support any rare or endangered plant species, and most wildlife species in parks are those that have adapted to human-modified habitats. Still, there are "special status" (i.e., rare or endangered) animals that occur in the vicinity of Tracy and which could make use of parks and open spaces. Further, we have gained awareness of the multiple ecological benefits that parks can offer: by providing suitable habitat, but also by using low-water-use plants, promoting stormwater infiltration and groundwater recharge, and cooling the air. Tracy has the opportunity to preserve and enhance natural environments in future parks, and employ ecological strategies in the design and maintenance of existing parks.

Civic Center Plaza

OUR COMMUNITY

Who are we planning for? In a growing community like Tracy, it is necessary to understand the makeup of the population and how the demographics are changing to anticipate and plan for the potential impact. To that end, we conducted a demographic analysis that reflects the total population and its key characteristics— age, income, race, and ethnicity. Future projections are all based on historical patterns. A description of the methodology, definitions, and full analysis is included in Appendix A.

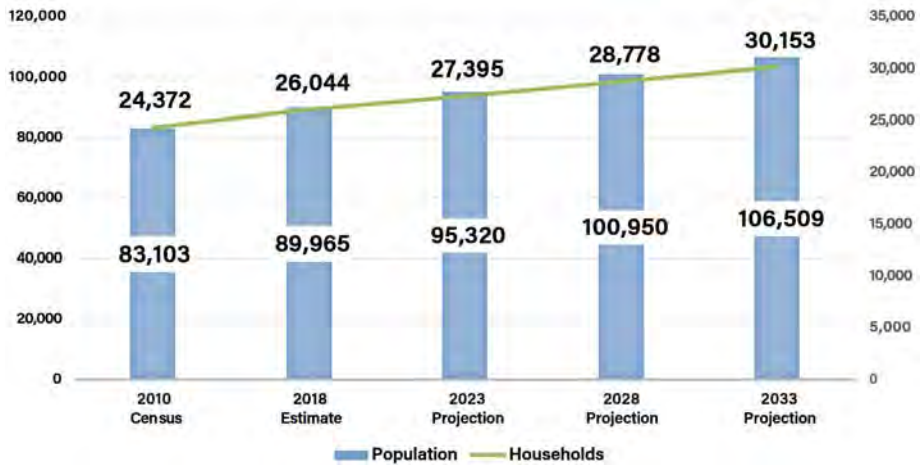
Figure 2-1
City of Tracy and Environs



A GROWING CITY

The City's population has experienced a growing trend in recent years and is estimated at 89,965 individuals in 2018 (US Census, American Community Survey). Projecting ahead, the total population is expected to continue to grow over the next 15 years. By 2033, the City is expected to have 106,509 residents (Environmental Systems Research Institute, 2019). By 2040, the City projects a population of 141,341.

Figure 2-2
Population & Households



Sources: US Census Bureau, 2019; ESRI, 2019.

A DIVERSE CITY

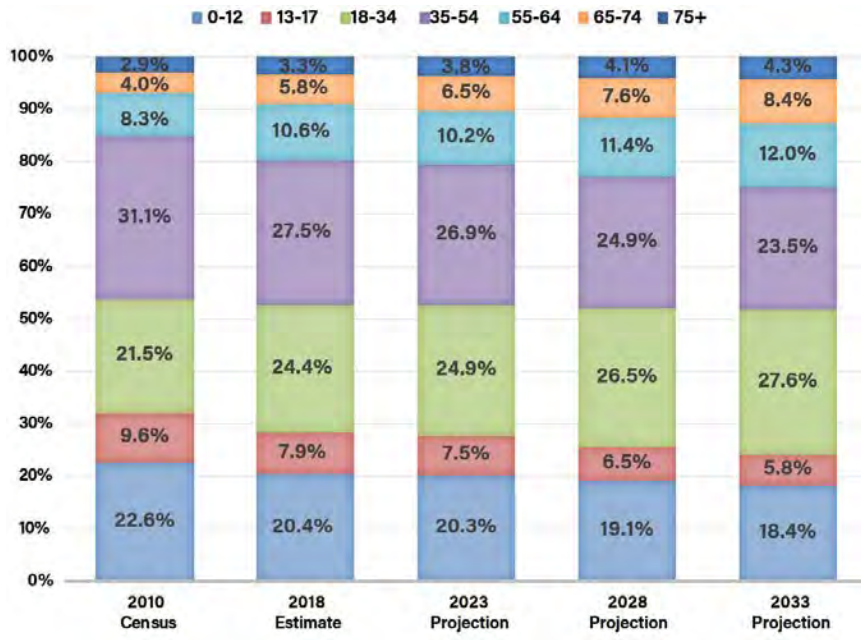
AGE

Looking at the population by age segment based on US Census data illustrates a balanced distribution across the City in 2010.

Over the next 15 years, the 0-17 age segment is projected to decrease by 4% while those 55 and older are projected to increase by 5%, making up approximately one quarter of the population by 2033. This reflects Baby Boomers shifting into the senior age segment.

Given the differences in how the active adults (55 and older) participate in recreation programs, the trend is moving toward having two or three different program age segments for older adults. As the park and recreation system evolves it will be important to ensure meaningful recreational experiences are available for active adults falling within the 55-64, 65–74, and 75+ age segments.

Figure 2-3
Population by Age Segment



Sources: US Census Bureau, 2019; ESRI, 2019.

RACE & ETHNICITY

Tracy's current population is diverse. 2018 estimates show that 50% of the City's population is White Alone, while the Some Other Race category (18%) and Asian (15%) represent the largest minorities. Predictions for 2033 project the City's population will diversify even further with a decrease in the White Alone population by approximately 6% and an increase of 3% in the Some Other Race category.

Based on the 2018 estimate, those of Hispanic/Latino origin represented 41% of the City's total population, which is anticipated to experience a significant increase to 48% by 2033.

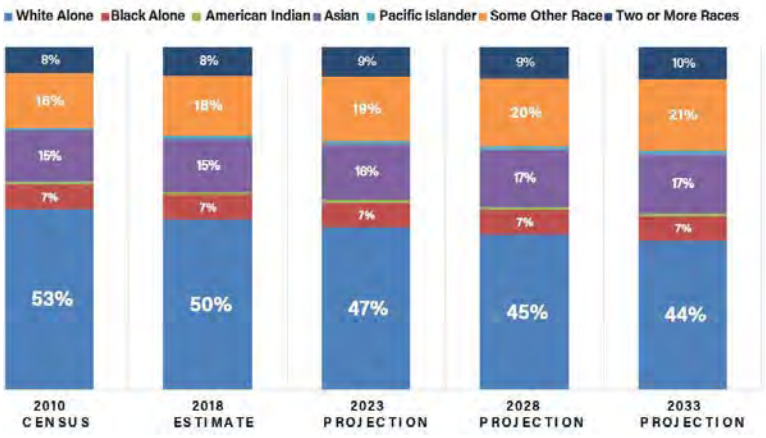
INCOME

The City's per capita income level falls below state and national averages, while the median household income levels are significantly higher than both the state and national averages. This can be directly correlated to Tracy having an average household size of 3.4, which is significantly higher than the state (2.92) and the US (2.59).

ABILITY

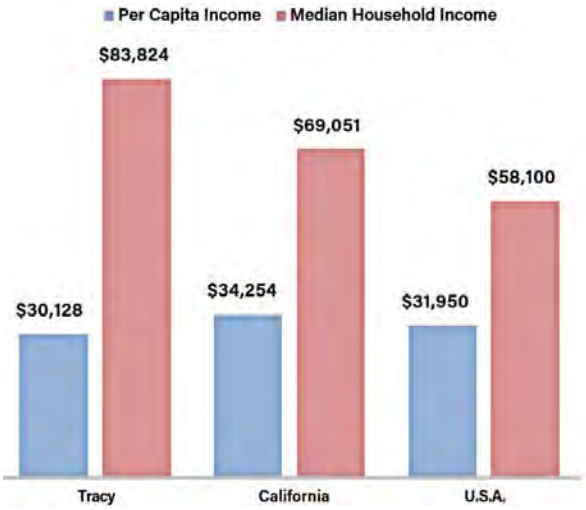
The CDC has reported that 1 in 4 US adults (61 million Americans) have a disability that impacts major life activities. It will be critical for Tracy to ensure that people of all abilities can use and enjoy our parks.

Figure 2-4
Population by Race



Sources: US Census Bureau, 2019; ESRI, 2019.

Figure 2-5
Comparative Income Characteristics



Sources: US Census Bureau, 2019; ESRI, 2019.

Dr. Powers Park

OUR PARK SYSTEM

Tracy's park system includes some 85 parks covering 364 acres, with numerous athletic courts, sports facilities and fields. The City of Tracy also operates the following special recreational facilities:

- Joe Wilson Community Pool, located in Dr. Powers Park, hosts swim lessons, water aerobics classes, recreation and lap swimming, and lifeguard certification.
- Tracy Community Center features a 4,400-square foot main hall, two conference rooms, and a commercial kitchen, and can be rented for events. (Other facilities that can be rented include the Transit Station, Civic Center, and Tracy Sports Complex Meeting Room.)
- Lolly Hansen Senior Center offers a wide variety of classes, activities, special events and programs to anyone 50+.
- Tracy Branch Library features computer workstations, a reference collection, and a circulating collection of library materials.
- Grand Theatre Center for the Arts hosts a variety of exhibitions and performances. Arts classes are offered, and the facility can be rented for private events.

Joe Wilson Pool

66% OF TRACY RESIDENTS SURVEYED USE OUR PARKS FREQUENTLY OR OCCASIONALLY.

PARKS BY TYPE

The Parks, Recreation & Trails Master Plan Update defines six types of park: neighborhood parks, community parks, linear parks, sports complexes, special use parks, and mini parks. Open space/conservation areas, while not part of the parks system, may also provide recreational value in the future**. Please see Chapter 3 for more detailed park type definitions.**

Clyde Bland Park is an 8.67-acre neighborhood park that features a walking loop, playgroun, baseball/softball field, multiuse field, and basketball court.

Florence Stevens Park is a 1.42-acre linear park that provides a green connection through the neighborhood.

Lincoln Park is a 13.74-acre community park with a walking loop, playgorunds, a rose garden, picnic shelters, and open lawns that can hold events.

NEIGHBORHOOD PARKS

Neighborhood parks provide a variety of recreation opportunities within walking or biking distance of residents in one or more neighborhoods. The park system today features 24 neighborhood parks covering 106.4 acres. (This includes five parks currently planned or under construction at Tracy Hills and Ellis.)

LINEAR PARKS

Linear parks include trails and other recreational amenities. Linear parks may follow canals or other rights-of-way, and are effective ways to knit neighborhoods together and connect the city to its natural surroundings. Tracy's park system includes seven linear parks with 12.9 acres.

COMMUNITY PARKS

Community parks include specialized attractions and/or a mix of active and passive recreation amenities to serve a substantial portion of the community or the entire city. These parks often include large group gathering spaces and specialized facilities, such as amphitheaters, swimming pools, sports complexes, community centers, and large-group venues. Tracy has five community parks with a total of 66.7 acres.

Tracy Sports Complex features four baseball/softball fields, four soccer fields, as well as playgrounds, shade structures, and a group picnic area.

Civic Center Plaza is a special use park creating a campus around City Hall, the Tracy Community Center, and the Lolly Hansen Senior Center.

Fabian Family Park is one of 42 mini parks that dot Tracy's neighborhoods.

SPORTS COMPLEXES

These parks are devoted primarily to fields, courts, and other facilities for organized athletics. Sports complexes also include elements that create an enjoyable park experience for families and spectators. Tracy has four sports complexes totaling 131 acres, including Tracy Sports Complex and Legacy Fields.

SPECIAL USE PARKS

These types of parks encompass downtown plazas, public gathering spaces, stand alone special facilities, and unique park experiences. Tracy has three special use parks: Civic Center Plaza, Front Street Plaza, and Ellis Dog Park (coming soon), totalling 7.5 acres.

MINI PARKS

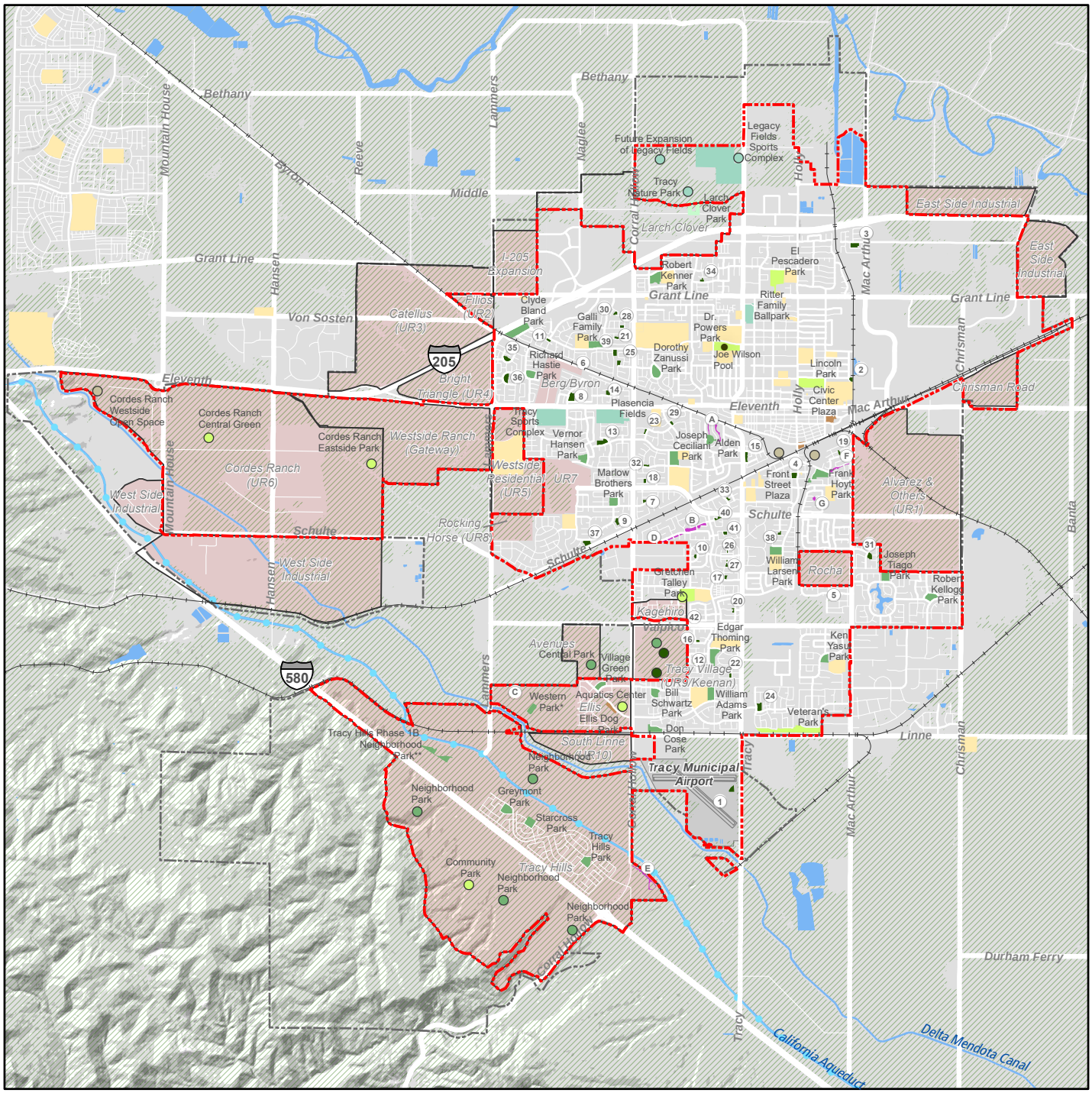
Mini parks provide basic recreation amenities for nearby residents in a specific neighborhood or subdivision. Today, the City has 42 mini parks totaling 39.8 acres.

OPEN SPACE/ CONSERVATION LANDS

Open space/conservation lands may include trails and/or public access with low impact on the environment. While Tracy lacks these park types today, they will help make our system more complete in the future.

Figure 2-6

Tracy Park System



Tracy City Limit
Sphere of Influence
Aqueduct
Rivers/ Canals/ Ponds
Agriculture / Undeveloped
Airport
Future Development Area
School Sites
Planned Open Space/ Conservation

Park Classification

Existing
Planned
Mini
Neighborhood
Community
Linear
Special Use
Sports Complex
County-owned Park
Community or Recreation Center

(#) Existing Mini Parks

1. American Legion Park
2. Fine Family Park
3. A.R. Glover Park
4. McDonald Park
5. Clyde Abbott Park
6. Dr. Ralph Allen Park
7. Bailor/Hennan Park
8. Daniel Busch Park
9. J. Kingsley Chadeayne Park
10. Evelyn Costa Park
11. Eagan Family Park
12. Albert Emhoff Park
13. John Erb Park
14. Fabian Family Park
15. Jack Fisher Park
16. Barbara Fitzpatrick Park
17. Golden Spike Park
18. Harvest Park
19. Lester Huck Park
20. Fred Icardi Park
21. George Kelly Park
22. John Kimball Park
23. Kit Fox Park
24. William Lowes Park
25. McCray Family Park
26. Mount Diablo Park
27. Mount Oso Park
28. New Harmon Park
29. Robert Patzer Park
30. Pombo Family Park
31. Jim Raymond Park
32. Naomi Rippin Park
33. Sister Cities Park
34. Tom Slayter Park
35. Souza Family Park North
36. Souza Family Park South
37. Joan Sparks Park
38. Larry Sullivan Park
39. Dorlane Thrasher Park
40. Tracy Press Park
41. Valley Oak Park
42. Westside Pioneer Park

(A) Existing Linear Parks

A. Alden Park Greenway
B. Henry Barboza Park
C. Orchard Park*
D. Dorothy Evans Park
E. Hillview Linear Park**
F. LMD Zone 17 Greenway
G. Florence Stevens Greenway

*Under construction at the time of Master Plan adoption
**Based on Vesting Tentative Maps already approved at the time of Master Plan adoption

N
0 0.325 0.65 1.3 Miles

Table 2-1

Tracy Parks Inventory

PARK NAME	FUNDING	AREA (SQ. AC.)
NEIGHBORHOOD PARKS (24)		**106.42**
ALDEN PARK	GENERAL FUND	3.51
CLYDE BLAND PARK	GENERAL FUND	8.67
JOSEPH CECILIANI PARK	GENERAL FUND	6.50
GALLI FAMILY PARK	GENERAL FUND	4.63
FRANK HOYT PARK	GENERAL FUND	6.44
ROBERT KENNER PARK	GENERAL FUND	6.01
WILLIAM LARSEN PARK	GENERAL FUND	5.10
EDGAR THOMING PARK	GENERAL FUND	5.31
KEN YASUI PARK	GENERAL FUND	3.10
DOROTHY ZANUSSI PARK	GENERAL FUND	4.99
WILLIAM ADAMS PARK	LMD ZONE 15	4.69
DON COSE PARK	LMD ZONE 15	3.79
BILL SCHWARTZ PARK	LMD ZONE 15	3.42
RICHARD HASTIE PARK	LMD ZONE 21	3.43
JOSEPH TIAGO PARK	LMD ZONE 24	4.02
VERNOR HANSON PARK	LMD ZONE 26	3.46
MARLOW BROTHERS PARK	LMD ZONE 26	3.87
ROBERT KELLOGG PARK	LMD ZONE 29	4.08
WESTERN PARK	CFD	2.90
GREYMONT PARK	CFD	3.91
STARCROSS PARK	CFD	3.61
TRACY HILLS PARK	CFD	3.83
TRACY HILLS PHASE 1B PARK	CFD	4.30
VILLAGE GREEN PARK	CFD	2.85
LINEAR PARKS (7)		**12.87**
ALDEN PARK GREENWAY	GENERAL FUND	2.13
HENRY BARBOZA PARK	GENERAL FUND	3.27
DOROTHY EVANS PARK	LMD ZONE 9	1.10
LMD ZONE 17 GREENWAY	LMD ZONE 17	1.33
FLORENCE STEVENS PARK	LMD ZONE 17	1.42
HILLVIEW LINEAR PARK	CFD	2.30
ORCHARD PARK	CFD	1.30
COMMUNITY PARKS (5)		**66.70**
EL PESCADERO PARK	GENERAL FUND	14.62
LINCOLN PARK	GENERAL FUND	13.74
DR. POWERS PARK	GENERAL FUND	11.30
GRETCHEN TALLEY PARK	GENERAL FUND	11.24
VETERANS PARK	GENERAL FUND	15.80
SPORTS COMPLEXES (4)		**131.00**
LEGACY FIELDS SPORTS COMPLEX	GENERAL FUND	72.20
ARNULFO PLASENCIA FIELDS	GENERAL FUND	20.96
RITTER FAMILY BALL PARK	GENERAL FUND	10.82
TRACY SPORTS COMPLEX	GENERAL FUND	27.02
SPECIAL USE PARKS (3)		**7.54**
CIVIC CENTER PLAZA	GENERAL FUND	2.93
FRONT STREET PLAZA	GENERAL FUND	2.20
ELLIS DOG PARK	CFD	2.40
MINI PARKS (42)		**39.78**
AMERICAN LEGION PARK	GENERAL FUND	1.27
FINE FAMILY PARK	GENERAL FUND	0.64
A.R. GLOVER PARK	GENERAL FUND	2.14
MCDONALD PARK	GENERAL FUND	1.46
DR. RALPH ALLEN PARK	LMD ZONE 3	0.81
EAGAN FAMILY PARK	LMD ZONE 3	0.53
FABIAN FAMILY PARK	LMD ZONE 3	1.01
GEORGE KELLY PARK	LMD ZONE 3	0.75
MCCRAY FAMILY PARK	LMD ZONE 3	0.80
NEW HARMON PARK	LMD ZONE 3	0.51
POMBO FAMILY PARK	LMD ZONE 3	0.51
TOM SLAYTER PARK	LMD ZONE 3	0.49
DORLANE THRASHER PARK	LMD ZONE 3	1.18
BAILOR/HENNAN PARK	LMD ZONE 7	0.48
HARVEST PARK	LMD ZONE 7	0.47
KIT FOX PARK	LMD ZONE 7	0.56
ROBERT PATZER PARK	LMD ZONE 7	0.50
NAOMI RIPPIN PARK	LMD ZONE 7	0.56
EVELYN COSTA PARK	LMD ZONE 9	0.53
ALBERT EMHOFF PARK	LMD ZONE 9	0.48
BARBARA FITZPATRICK PARK	LMD ZONE 9	0.46
GOLDEN SPIKE PARK	LMD ZONE 9	0.50
FRED ICARDI PARK	LMD ZONE 9	0.40
JOHN KIMBALL PARK	LMD ZONE 9	0.52
MOUNT DIABLO PARK	LMD ZONE 9	0.41
MOUNT OSO PARK	LMD ZONE 9	0.43
SISTER CITIES PARK	LMD ZONE 9	0.50
TRACY PRESS PARK	LMD ZONE 9	0.52
VALLEY OAK PARK	LMD ZONE 9	0.50
WESTSIDE PIONEER PARK	LMD ZONE 9	0.51
SOUZA FAMILY PARK NORTH	LMD ZONE 13	1.59
SOUZA FAMILY PARK SOUTH	LMD ZONE 13	2.30
J. KINGSLEY CHADEAYNE PARK	LMD ZONE 14	1.72
JOAN SPARKS PARK	LMD ZONE 14	1.75
DANIEL BUSCH PARK	LMD ZONE 16	2.41
LESTER HUCK PARK	LMD ZONE 17	0.51
LARRY SULLIVAN PARK	LMD ZONE 17	0.51
WILLIAM LOWES PARK	LMD ZONE 19	1.99
CLYDE ABBOTT PARK	LMD ZONE 20	0.54
JOHN ERB PARK	LMD ZONE 26	2.53
JIM RAYMOND PARK	LMD ZONE 30	1.49
JACK FISHER PARK	LMD ZONE 35	2.00

Source: City of Tracy, 2021.

PARK FEATURES AND AMENITIES

Tracy's parks include an array of recreational amenities, from sports fields and courts to playgrounds, trails, and other features.

SPORTS FIELDS AND COURTS

- Tracy has 19 ballfields for **softball and baseball** at six parks or sports complexes. Ten of these fields are at Legacy Fields Sports Complex and have been developed since the last Master Plan in 2013. Four fields are at Tracy Sports Complex, two fields are at Ritter Family Ball Park and one field each is at Veterans, Clyde Bland, and Galli Family Park.
- Tracy has 20 **soccer fields**, including eight at Legacy Fields, five at Plasencia Fields, and four at Tracy Sports Complex. Two multipurpose fields at Ritter Family Ball Park are also used for soccer.
- There are 36 **basketball courts** in Tracy at 35 parks: most parks that have basketball courts have one full or one half court.
- Tracy has 16 **tennis courts**. Three are in Dr. Powers Park, and are lighted; the rest are in neighborhood parks including Joseph Ceciliani (2), Frank Hoyt (2), Robert Kenner (2), William Larsen (2), and Edgar Thoming (2) and are not lighted.
- Tracy's park system also includes six **horseshoes courts**, five **sand volleyball courts**, four **bocce courts**, two **roller hockey courts**, one **shuffleboard court**, and one **cricket pitch.**

SPECIAL FACILITIES

- **Climbing walls or rocks** are located at eight Tracy parks.
- The City operates one public **pool**, at Dr. Powers Park, along with six **water play areas or splash pads**.
- Hard-surfaced **walking paths** are found in 32 Tracy parks.
- Tracy has one **dog park** at El Pescadero Park.

Joe Wilson Pool

PLAYGROUNDS, PICNIC AREAS AND SHELTERS

Children's playgrounds with adjacent sitting areas are in almost all of Tracy's neighborhood and mini parks and in several of the community parks, for a total of 95. There are some 99 shade or picnic structures and 56 group picnic areas, with one to two at most of the city's parks.

SCHOOL FACILITIES

Tracy Unified School District provides public K-12 education in Tracy, with seven elementary schools, four K-8 schools, three middle schools, three traditional high schools, and two continuation high schools. Sports and athletic facilities at TUSD schools contribute significantly to recreation in Tracy for children and youth. Currently there is no joint-use agreement between the school district and the City that designates community use at school recreational facilities, but this could be a strategy worth pursuing in the future.

Jefferson School District provides public K-12 education in south Tracy south of Valpico Road and in unincorporated San Joaquin County, with four elementary schools, one K-4 school, One 5-8 School, and two K-8 schools. Sports and athletic facilities at Jefferson schools contribute to recreation in Tracy for children and youth.

PARKS AT A GLANCE

85
PARKS

1
SENIOR CENTER

1
DOG PARK

1
POOL

32
PARKS WITH WALKING PATHS

95
PLAYGROUNDS

99
SHADE OR PICNIC AREAS

5
SAND VOLLEYBALL COURTS

4
BOCCE COURTS

1
SHUFFLEBOARD COURT

19
BASEBALL/ SOFTBALL FIELDS

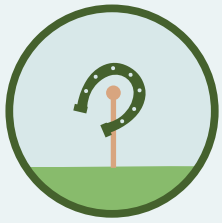
20
SOCCER FIELDS

2
ROLLER HOCKEY COURTS

9
CLIMBING WALLS OR ROCKS

36
BASKETBALL COURTS

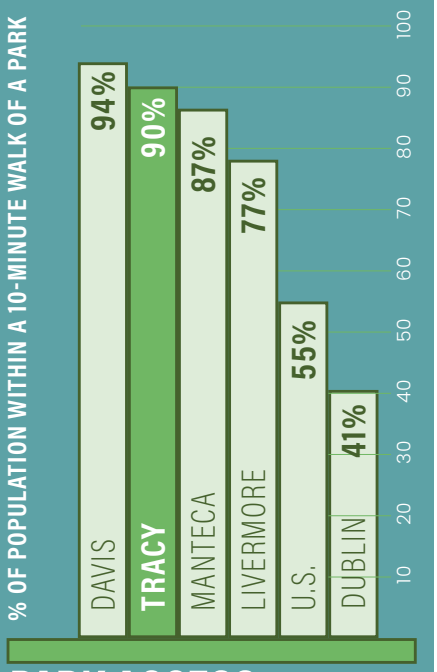
16
TENNIS COURTS



6
HORSESHOE COURTS

364
ACRES

DID YOU KNOW?



PARK ACCESS

The Trust for Public Land keeps detailed data on how well-served people are by parks in cities throughout the country. As of 2021, an impressive 90% of Tracy residents live within a 10-minute walk of a park. (Our own survey came up with similar results!)

This level of walkability is a great asset for our system. However, many of those closeby parks are mini parks, with limited amenities. There are still plenty of ways we can improve our parks.

PARK LEVEL OF SERVICE

PARK ACREAGE

As of 2018, Tracy's 364.3 acres of park land (including parks currently being developed as part of Tracy Hills Phase 1A and 1B and Ellis) provides 4.05 acres of park land per 1,000 residents, meeting the goal of 4 acres per 1,000 established in the 2013 Parks Master Plan (New Developments).

This Plan Update establishes an updated overall park acreage standard as well as acreage standards for each type of park. These standards, laid out in Chapter 3, create targets for the City to strive for and provide the basis for Development Impact Fees.

PARK ACCESS

Although the 2013 Parks Master Plan recommended that residents of Tracy should live within 1/2 to 3/4 mile of a neighborhood park, that is not the case for many residents today. (90% of our residents do currently live within walking distance of a park of some kind.)

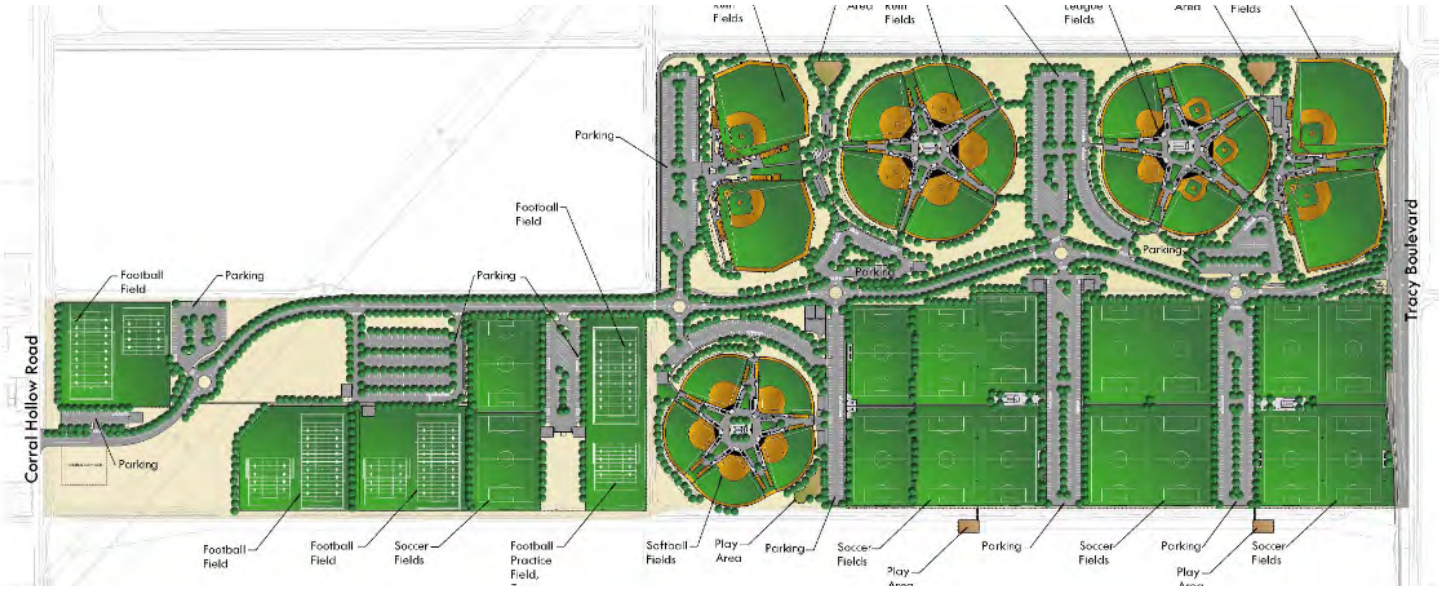
Recognizingthat walkability to parks with a variety of recreational features is the intention, the Plan Update calls for Tracy to provide a neighborhood or community park within a ½-mile walking distance of all Tracy residents. Areas that currently do not have access will be prioritized for future park opportunities, wherever practical. See Chapter 3.

Conceptual experience provided at the planned Tracy Nature Park.

PLANNED PARKS AND PARK IMPROVEMENTS

Tracy has a number of parks plans in progress as of 2021:

- **Legacy Fields Sports Complex.** The City has completed a master plan for this facility, which will be built out in phases. Remaining improvements for Phase 1 include paving the existing parking lots, traffic flow improvements, wayfinding/signage, and the complete build out of the five eastern baseball fields. Future phases would expand the park's footprint west to Corral Hollow Road. It is projected that the full build out will occur within the next 10-20 years.
- **Aquatics Center.** The City entered into a development agreement with Surland Companies to develop an Aquatics Center. The developer agreed to dedicate 16 acres of land to the City and contribute funding towards the design and construction of the facility. The City would also need to contribute funds towards the project.
- **Multi-Generational Recreation Center.** The City is planning a recreation center to serve the needs of a diverse spectrum of community residents. Preliminary community engagement on the project has shown strong support for a library/education center, a full-time gymnasium, and good access for people coming by foot and on bike. This project grows out of three initiatives recommended by the 2013 Parks Master Plan. Further analysis is required to finalize the scope, location, size, cost and phasing of this project.
- **Gretchen Talley Park (Phase 3).** The City has recently purchased a 4.7-acre parcel of land immediately adjacent to the existing park. As of this writing, public outreach and a conceptual plan have been completed for the expansion project. The expansion, counted in this plan, has shifted Gretchen Talley from the neighborhood park to the community park group.
- **Playground Renovations.** Renovations have recently been completed at William Larsen Park, Larry Sullivan Park and Lester Huck Park. Additional renovations have been designed and are under construction at Alden Park and Ken Yasui Park.
- **Tracy Nature Park.** The City is planning a nature park on the 86-acre portion of the Holly Sugar property owned by the City and slated for passive recreation. A conceptual plan for the nature park has been approved, and the City is pursuing a variety of funding sources to implement this park in phases. Access to the site for passive enjoyment should be possible very soon.



Conceptual master plan for Legacy Fields Sports Complex was completed in 2008.

FUTURE DEVELOPMENT AND CHANGE AREAS

New parks will also be developed as part of new residential and commercial development projects in the City's Specific Plan areas, including areas already under development, and areas that are likely to develop in the near future. The development of Tracy Hills will feature a total of 8 neighborhood parks (4 are underway as of this writing and included in the parks inventory), as well as a new community park. The Cordes Ranch development will feature private parks in a developing employment area on the city's west side.

The Tracy General Plan (2011) details some 10 Urban Reserves (URs) inside and outside City limits where future development could occur.

Altogether, future development areas in and around Tracy cover some 8,805 acres and could support up to approximately 17,400 housing units and nearly 29 million square feet of commercial and institutional space, as well as an estimated 200 acres of future parks.

The General Plan also describes Areas of Special Consideration. Ten of these are areas within the City's developed footprint, where higher-density development in the years ahead. These include the "Bowtie" adjacent to Downtown, the area arond Valpico Road and Tracy Boulevard, and other nodes and gateways in the city. These areas are important opportunities for future parks. **Future park locations are shown in more detail in Chapter 3.**

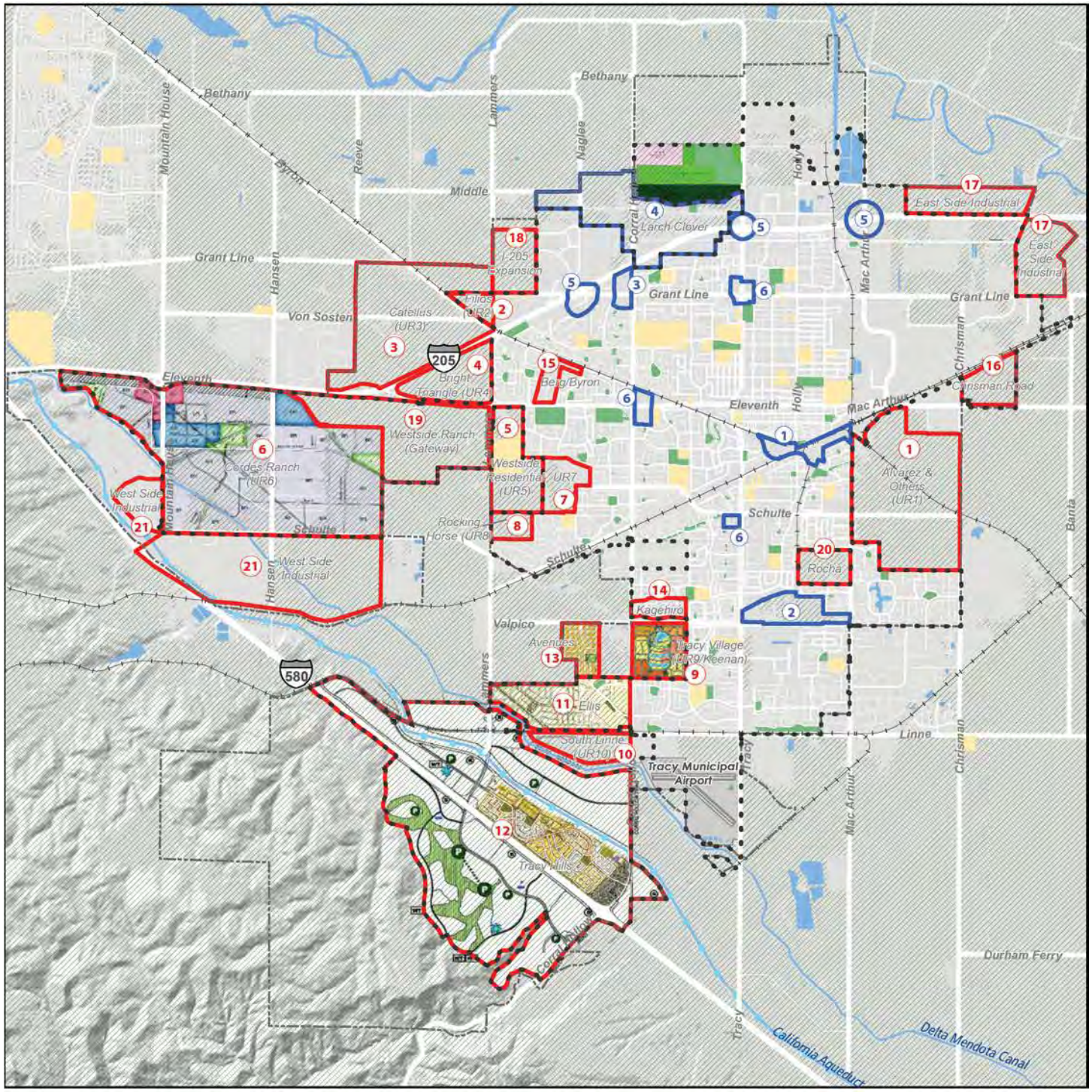
Table 2-2
Future Development and Change Areas

	FUTURE DEVELOPMENT AREAS
1	ALVAREZ & OTHERS (UR 1)
2	FILIOS (UR 2)
3	CATELLUS (UR 3)
4	BRIGHT TRIANGLE (UR 4)
5	WESTSIDE RESIDENTIAL (UR 5)B
6	CORDES RANCH (UR 6)C
7	FUTURE PLANNING AREA (UR 7)
8	ROCKING HORSE (UR 8)D
9	TRACY VILLAGE (UR 9/KEENAN)E
10	SOUTH LINNE (UR 10)
11	ELLIS
12	TRACY HILLS
13	AVENUES
14	WESTSIDE RANCH (GATEWAY)
15	BERG/BYRON
16	CHRISMAN ROAD
17	EAST SIDE INDUSTRIAL
18	I-205 EXPANSION
19	KAGEHIRO
20	ROCHA
21	WEST SIDE INDUSTRIAL
	URBAN CHANGE AREAS
1	THE BOWTIE (ASC 1)
2	VALPICO RD BETWEEN TRACY AND MACARTHUR (ASC 2)
3	GRANT LINE RD AND CORRAL HOLLOW RD AREA (ASC 3)
4	LARCH CLOVER (ASC 4)
5	I-205 ENTRYWAYS (ASC 5)
6	POTENTIAL VILLAGE CENTERS (ASC 6)

FUTURE DEVELOPMENT AREAS IN AND AROUND TRACY COULD SUPPORT UP TO APPROXIMATELY 17,400 HOUSING UNITS AND AN ESTIMATED 200 ACRES OF FUTURE PARKS!

Figure 2-7

Future Development and Change Areas



PARK-BY-PARK ASSESSMENT

A park-by-park condition assessment in July and August 2019 documented general condition, park access and usability.

Over half of the parks were rated as being in good or excellent condition (a rating of 4 or 5). This included two thirds of the parks with funding through the General Fund (more on this in the following pages).

The most commonly reported condition needs in Tracy parks were related to:

- Playgrounds and play areas in poor condition or need to be replaced to meet current standards (e.g., replacing wooden play structures and structures placed on sand.)
- Amenities including benches, tables, and trash bins in poor condition and/or don't meet current City standards;
- Cracking surfaces on basketball and tennis courts;
- Need to replace sand in play areas with new resilient surfacing material;
- Shrubs in poor condition, or the absence of plantings;
- Turf with dry or wet areas related to irrigation or drainage issues.

With regard to park access, two-thirds of the parks were given the top rating of "5", with the remainder considered good or fair ("3"s and "4"s.) Many parks were noted for being well-integrated into neighborhoods and with adjacent schools. Connections to bike paths were noted in a few cases, but there may be room for improvement. In some cases, the rear yards and fences of homes face onto parks, which is not ideal from an access or visibility standpoint.

Observed use was evaluated for 12 parks. Of these, half were viewed as having excellent use characteristics, and half were good or fair. Parks were noted for their good combinations of active and passive use areas and facilities. In some cases, facilities were seen as having little use (e.g. the overgrown bocce courts in Galli Family Park.) Elsewhere, robust use was observed, including lots of people using the loop trail at Clyde Bland Park; several families using the play facilities and splash pad area at Lincoln Park; and many dog walkers at Edgar Thoming Park.

A park-by-park ADA assessment of the park system was concluded in July and August of 2020. The results of that analysis are summarized separately.

Lincoln Park has a popular splash pad area, especially during the summertime

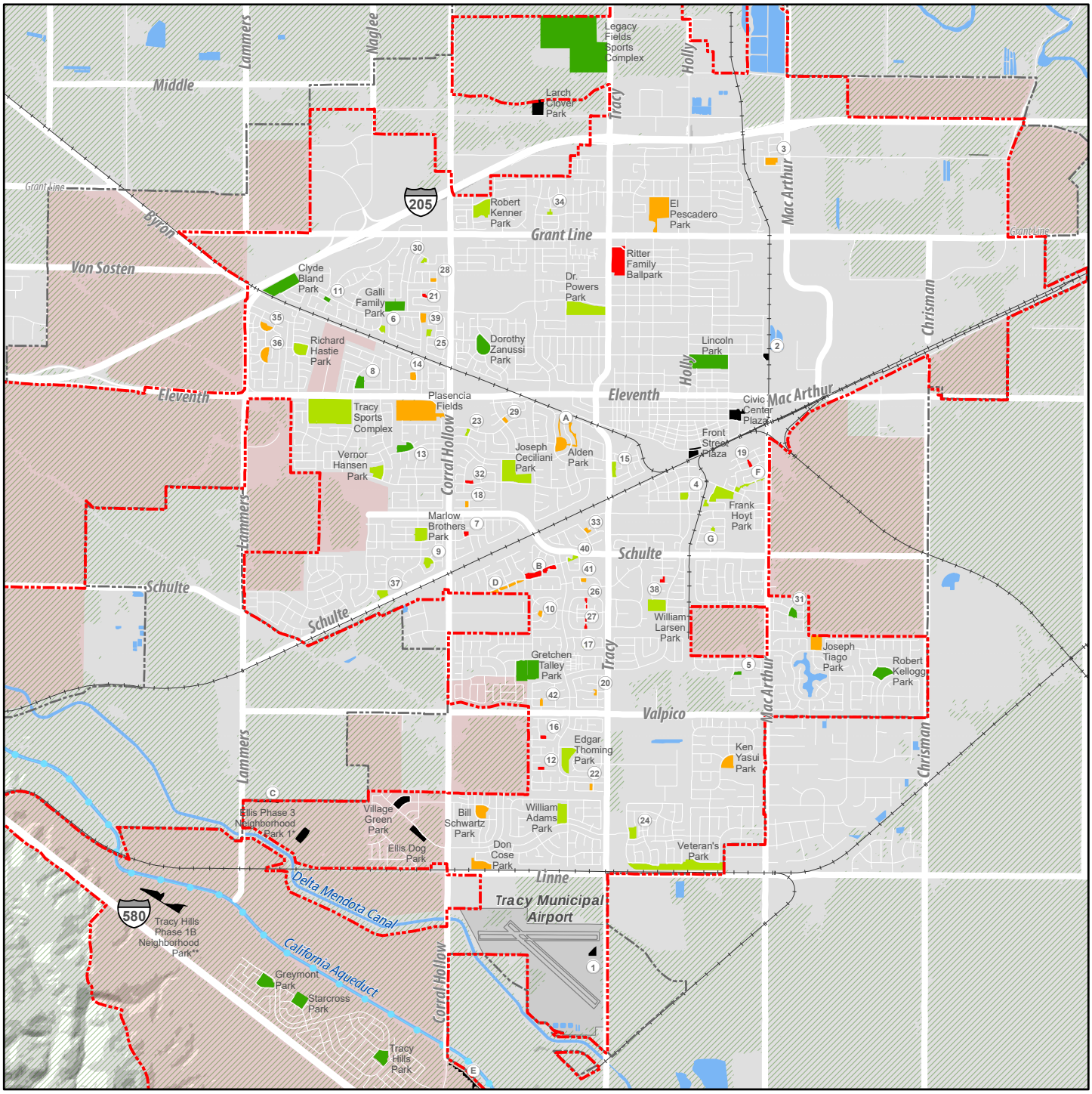
Irrigation and drainage issues create dry turf at some parks, such as Robert Kenner Park pictured here.

Clyde Bland Park has a walking loop that is partly shaded and is popular with people with children and dogs.

Florence Stevens Park has a linear path that creates a strong neighborhood connection.

Figure 2-8

Park Condition Assessment



Tracy City Limit
Sphere of Influence
Aqueduct
Rivers/ Canals/ Ponds
Agriculture / Undeveloped
Airport
Future Development Area

Condition Rating

Excellent
Poor
Unknown / Unclassified Condition

Existing Mini Parks

1. American Legion Park
2. Fine Park
3. A.R. Glover Park
4. McDonald Park
5. Clyde Abbott Park
6. Dr. Ralph Allen Park
7. Bailor/Hennan Park
8. Daniel Busch Park
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Existing Linear Parks

A. Alden Park Greenway
B. Henry Barboza Park
C. Ellis Phase 3 Neighborhood Park 2*
D. Dorothy Evans Park
E. Hillview Linear Park**
F. LMD Zone 17 Greenway
G. Florence Stevens Greenway

*Under construction at the time of Master Plan adoption
**Based on Vesting Tentative Maps already approved at the time of Master Plan adoption

N
0 0.225 0.45 0.9 Miles

HOW OUR PARKS ARE FUNDED AND MAINTAINED

CREATING PARKS

The City of Tracy funds the acquisition and development of neighborhood and community parks through impact fees from new residential development. This long-standing practice has been successful in attracting new homeowners and providing recreation opportunities for a diverse community as it grows.

The Development Impact Fee (DIF) is based on the relationship between the estimated cost to develop new parks and the estimated service population of new parks. Development fees fund only the construction of new parks and cannot cover the costs of maintenance of new and/or existing parks or the re-development or renovation of existing parks. The City's park land impact fee will be updated following this Master Plan update.

Tracy voters passed a half-cent sales tax in 2016 (Measure V), which raises approximately $10 million per year to fund City services, including but not limited to parks. As a result, park acquisition and development projects rely on a combination of development impact fees, Measure V, and contributions from the City's General Fund.

MAINTAINING PARKS

The City of Tracy maintains all of the city's parks, but funding for maintenance is split. A majority of the city's parks (50) are funded through Landscape Maintenance Districts (LMDs) or Community Facilities Districts (CFDs) established for various neighborhoods, typically at the time of development. This includes nearly all of the city's mini parks as well as 14 neighborhood parks. Funding levels vary among the LMDs and CFDs, which has resulted in different levels of maintenance in different neighborhoods.

The remaining 27 parks are funded through the General Fund. This includes all of the City's community parks, and 80 percent of the City's park land.

Clarifying lifecycle maintenance standards and achieving a more consistent level of care is a goal this Master Plan Update will help to achieve.

THE CITY MAINTAINS ALL OF OUR PARKS, BUT FUNDING FOR MAINTENANCE COMES FROM SEVERAL SOURCES, RESULTING IN DIFFERENT LEVELS OF CARE.

OUR PROGRAMS & SERVICES

The Parks and Recreation Department offers over 240 programs and services from athletics to aquatics, summer camps to teen programs and therapeutic recreation.

Our professional staff are responsible for managing all recreation programs and special community-wide events, and operating multiple facilities. We also partner with other organizations on shared initiatives. All of this requires year-round planning and coordination as well as evaluation of all programming and activities.

GETTING THE MIX RIGHT

Our mission is to ensure access to outstanding programs, services and community amenities that contribute to the quality of life in Tracy. To realize this vision, it is important to identify and understand our Core Program Areas. This provides a way to focus on the activities and outcomes of greatest importance to the community as informed by current and future needs.

Today, what we offer in our core program areas of after-school programs, aquatics, athletics, camps, community events, enrichment classes, and health and wellness meet many of the recreation needs of community. Our program mix must be evaluated on a regular and recurring basis to ensure that the offerings align with changing leisure and recreation trends, demographics, and the needs and wants of residents.

PROGRAM LIFECYCLE

A lifecycle analysis involves reviewing every program to determine the stage of growth or decline for each as a way of informing strategic decisions about the overall recreation program portfolio. The various stages of program lifecycles are as follows:

- Introduction - New program; modest participation
- Take-Off - Rapid participation growth
- Growth - Moderate, but consistent participation growth
- Mature - Slow participation growth
- Saturated - Minimal to no participation growth; extreme competition
- Decline - Declining participation

We find that today nearly a quarter of our programs fall into the Saturated and Decline categories, where we would aim to have fewer progams.

It is important to have a stable core of programs in the Mature stage. Currently, about a quarter of programs fall in this category significantly lower than the recommended 40%.

A little over half our programs are in the Introduction, Take-Off and Growth stages, which is in line with the recommended distribution of 50-60%. Allowing these programs one to two years to reach the maturation stage will prevent the City from canceling programs too soon after introducing them to the community.

Table 2-3
City of Tracy Recreation Core Program Areas

CORE PROGRAM AREA	BRIEF DESCRIPTION
AFTER SCHOOL PROGRAMS	Provide a safe and fun environment for participants during after-school hours on school campuses. Providing affordable enrichment opportunities that include homework help, arts and crafts, and recreational activities.
AQUATICS	Provide aquatics classes, water exercise, camps, and programs for youth and adults ages 6 months and up. Provide life saving water safety skills though aquatic classes, for youth, teens, and adults.
ATHLETICS	Provide physical activities and fitness related to sports, competition, and physical activity for youth and adults ages 5 and up.
CAMPS	Provide enrichment, health, and wellness and specialty courses for children, youth, and teens.
COMMUNITY EVENTS	Provide events to engage the community and local vendors and businesses.
ENRICHMENT	Provide enrichment classes and programs for children, youth, teens, adults, and older adults.
HEALTH AND WELLNESS	Provide health and wellness classes and programs for children, youth, teens, adults, and older adults.

OUR TRAILS

EXISTING AND PLANNED TRAILS

Tracy has some 23 miles of multiuse trails and 16 miles of walking paths outside of parks. Today, the backbone of the trail system is the north-south trail along Sycamore Parkway, connecting to the east-west path along Eleventh Street.

Another trail runs along MacArthur Drive in the industrial northeast between the 11th Street Bridge and Pescadero Avenue, connecting to the Northgate Village retail area.

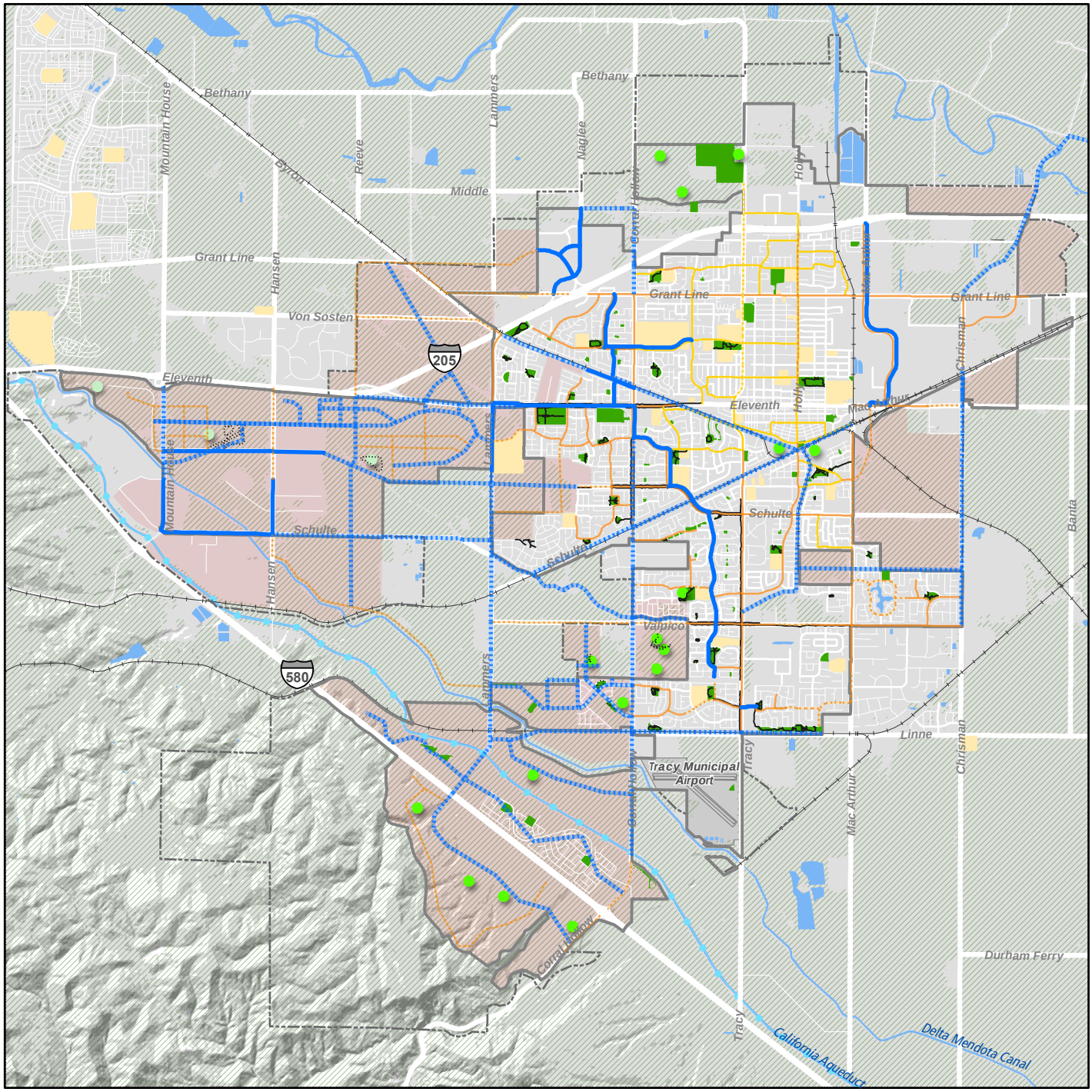
Over the years, the City has sought to extend the reach of these paths and build them into a more complete system. The City is currently in the process of updating its Bikeways Master Plan. The overaching goal of the Bikeways Master Plan is to provide an attractive environment that fosters biking for recreation and transportation. The plan's key strategies may include (1) closing gaps in the existing bikeway system, (2) creating multi-use paths along railroad rights-of-way where feasible, (3) creating paths along canal easements and (4) requiring bike facilities in new developments.

Bikeways or greenway trails have also been included in plans for future development. The Cordes Ranch and Tracy Hills Specific Plans have established more detailed direction for multiuse trails along canal and utility rights-of-way.

Multiuse trail

Figure 2-9

Bike Network (Existing and Planned)



- Tracy City Limit
- Sphere of Influence
- Aqueduct
- Rivers/ Canals/ Ponds
- Agriculture / Undeveloped
- Airport
- School
- Future Development Area
- Existing Walking Path
- Planned Walking Path
- Planned Park
- Planned Private Park
- Existing Park

Bike Network

- Existing
- Planned

Trail Class

- Class I Bike Path / Multiuse Trail
- Class 2 Bikeway
- Class 3 Bikeway

N

0 0.325 0.65 1.3 Miles

BIOLOGICAL & CULTURAL RESOURCES

In addition to opportunities for recreation and maintaining our health and wellness, our parks also provide valuable habitat for wildlife and help preserve our natural resources. We are all part of a larger ecosystem that we depend on for fresh water, food, medicine, pollination, soil fertility and a host of other services. Loss of biodiversity can lessen the ability of our ecosystems to provide these services. Let's take a look at the biological resources that can be found in our parks.

Water and wet meadow vegetation attract wildlife at the Tracy Nature Park site.

Coast Live Oak

Deodar Cedar

Western Sycamore

Strawberry Clover

BIOLOGICAL RESOURCES

PLANTS

Tracy's parks support a rich variety of native and ornamental trees, shrubs, landscaping, and turf grass. A few of the plant species that you will find include coast live oak (Quercus agrifolia), coast redwood (Sequoia sempervirens), California black walnut (Juglans californica), western sycamore (Platanus racemosa), deodar cedar (Cedrus deodara), sweet gum (Liquidambar styraciflua), cherry plum (Prunus cerasifera), pine (Pinus sp.), Callery pear (Pyrus calleryana), African iris (Dietes bicolor), strawberry clover (Trifolium fragiferum), white clover (Trifolium repens), rosemary (Rosmarinus officinalis), broadleaf plantain (Plantago major).

WILDLIFE HABITAT

Most of the wildlife occupying Tracy's parks have adapted to human-modified habitats, and will vary depending on the vegetation, season, and habitat in an area. At any given time, you may find birds such as the Canada goose (Branta canadensis), green heron (Butorides virescens), American coot (Fulica americana), killdeer (Charadrius vociferus), northern mockingbird (Mimus polyglottos), house finch (Haemorhous mexicanus), and lesser goldfinch (Spinus psaltria).

Other common urban-adapted bird species include the mourning dove (Zenaida macroura), rock pigeon (Columba livia), European starling (Sturnus vulgaris), house sparrow (Passer domesticus), red-tailed hawk (Buteo jamaicensis), red-shouldered hawk (Buteo lineatus), Cooper's hawk (Accipiter cooperi), and Anna's hummingbird (Calypte anna).

The burrowing owl (Athene cunicularia) is a California Species of Special Concern that is closely associated with California ground squirrel burrows (Otospermophilus beecheyi). California ground squirrels are known to occur within the City along the railroad corridors, edges of fields, and banks of the aqueducts.

Several amphibian and reptile species may also share our parks if suitable cover is present. Ornamental shrubs, leaf litter, and well-watered lawns provide cover and foraging habitat for the western fence lizard (Sceloporus occidentalis), common garter snake (Thamnophis sirtalis), southern alligator lizard (Elgaria multicarinatus), Pacific tree frog (Hyliola regilla), arboreal salamander (Aneides lugubris), and California slender salamander (Batrachoseps attenuatus).

You might also come across mammals like the Virginia opossum (Didelphis virginiana), Botta's pocket gopher (Thomomys bottae), and striped skunk (Mephitis mephitis).

Larger trees and snags with hollows may occasionally support roosting bat species, such as pallid bat (Antrozous pallidus), which is a California Species of Special Concern.

San Joaquin Kit Fox is a Federally Endangered and California State Threatened species that is rare in Tracy, but could live in the open grasslands around the city edges.

Burrowing Owl prefer open grasslands and short vegetation, like many Tracy landscapes

Swainson's Hawks are known to nest in and around Tracy

CULTURAL RESOURCES

Tracy's landscape is also enriched by cultural resources that distinguish its identity and sense of place and by resources that may need to be conserved with development.

A total of 54 cultural resources were identified as part of our analysis of the City of Tracy. Of these, 44 were buildings and structures (none in existing City parks), and ten were previously recorded archaeological cultural resources.

Care must be taken during consideration of proposed modifications to Tracy's parks, recreation and trails system. Project activities such as excavation, new construction, and site clearance have the potential to result in direct and indirect impacts to cultural resources.

When designs are finalized for improvements to existing parks, trails, and facilities, or new facility construction, qualified personnel who meet the appropriate Secretary of the Interior's Professional Qualifications Standards should conduct site-specific study, including possible background research, map and aerial photograph review, and field survey, to identify potential impacts to cultural resources on the project level.

OUR NEEDS

RECREATION DEMAND IN TRACY

LEARNING FROM NATIONAL TRENDS

Understanding what is happening at the national level helps us anticipate potential demand at the city level. The Sports & Fitness Industry Association's (SFIA) Sports, Fitness & Recreational Activities Topline Participation Report 2018, which draws upon extensive surveys by the Physical Activity Council, informed our analysis of:

- National Trends in Sport and Fitness Participation
- Core vs. Casual Participation (an added layer of consideration that takes into account frequency of participation and whether active or casual)
- Activity by Generation

GENERAL SPORTS

The sports most heavily participated in the United States were Golf (23.8 million in 2017) and Basketball (23.4 million), well above other activities, in part because of the relatively small number of participants required. Tennis and Baseball rank 3rd and 4th respectively in terms of total participation. It is interesting to note that while participation in tennis has increased slightly over the last five years, participation in baseball has increased by over 20 percent.

Rugby and other niche sports, like Boxing, Lacrosse, Roller Hockey, Cricket and Pickleball have seen strong growth since 2012.

During the last five years, the sports that are most rapidly declining include Ultimate (Frisbee) (-39.1%), Touch Football (-22.8%), Tackle Football (-16.0%), and Racquetball (-13.4%).

GENERAL FITNESS

Overall, national participation in fitness has experienced strong growth in recent years. These activities have very few barriers to entry, which provides a variety of options that are relatively inexpensive to participate in and can be performed by most individuals.

The most popular fitness activity, by far, is Fitness Walking, which had about 110.8 million participants in 2017. Other leading fitness activities based on participation include Treadmill (52.9 million), Free Weights (52.2 million), Running/Jogging (50.7 million), Weight/Resistance Machines (36.2 million), and Stationary Cycling (36.0 million).

Over the last five years, the activities growing most rapidly are Non-Traditional / Off-Road Triathlons (74.7%), Trail Running (57.6%), and Aerobics (32.7%).

OUTDOOR RECREATION

Much like general fitness activities, outdoor recreation encourages an active lifestyle, can be performed individually or within a group, and is not as limited by time constraints.

In 2017, the most popular activities, in terms of total participants, include: Day Hiking (44.9 million), Road Bicycling (38.8 million), and Freshwater Fishing (38.3 million). From 2012-2017, BMX Bicycling (83.4%), Adventure Racing (56.3%), Backpacking Overnight (38.3%), and Day Hiking (30.1%) have undergone the largest increases in participation. The five-year trend shows activities declining most rapidly were In-Line Roller Skating (-20.7%), Camping within ¼ mile of Home/Vehicle (-16.5%), and Birdwatching (-9.2%).

AQUATICS

Swimming is unquestionably a lifetime sport. In 2017, Fitness Swimming was most popular in terms of overall participation (27.1 million) for aquatic activities, due in large part to its broad, multigenerational appeal. Over the past five years, all forms of aquatic exercise experienced significant growth Fitness Swimming, Aquatic Exercise, and Competitive Swimming.

WATER SPORTS AND ACTIVITIES

Particpation in other water-based activities tends to vary based on regional, seasonal, and environmental factors. As you imagine, a region with greater access to water and a warmer climate is more likely to have a higher participation rate than a region that has long winter seasons or limited water access. The most popular water sports and activities based on total participants in 2017 were Recreational Kayaking (10.5 million), Canoeing (9.2 million), and Snorkeling (8.3 million).

Over the last five years, Stand-Up Paddling (138.9%) was by far the fastest growing water activity, followed by White Water Kayaking (33.1%), Recreational Kayaking (28.7%), and Sea/Tour Kayaking (20.8%). During the same time, Jet Skiing (-22.6%), Water Skiing (-19.4%), and Wakeboarding (-10.8%) declined the most.

FITNESS WALKING IS THE MOST POPULAR ACTIVITY NATIONALLY AND WILL LIKELY GROW IN POPULARITY IN TRACY AS OUR TRAIL SYSTEM GROWS.

RECREATION TRENDS: KEY TAKEAWAYS

Here are some major takeaways for local and national recreation trends. These are worth considering as we update Tracy's master plan:

- Pickleball has surged in popularity, in community centers, physical education classes, public parks, private health clubs, YMCA facilities, retirement communities - and parks.
- Nationally, rugby has emerged as the overall fastest growing sport over the past five years although it has yet to make its presence felt in Tracy.
- Ultimate, tackle football and touch football are losing participants both locally and nationally.
- Aquatic activities have experienced strong participation growth, both locally and nationally, although swimming on a team saw significant increases in casual participation.
- Outdoor recreational activities are on the rise nationally. Hiking is extremely popular both nationally and locally.
- Based on national measurements, income level has a negative impact on inactivity rate. Lower income households tend to have higher inactivity rate.
- Age is also a significant factor to inactivity level. Generation Z (age 6-17) had the lowest inactivity rate while the boomers (age 55+) had the highest inactivity rate.
- Besides income and age factors, non-participants are more likely to join sports or fitness activities if a friend accompanies them.

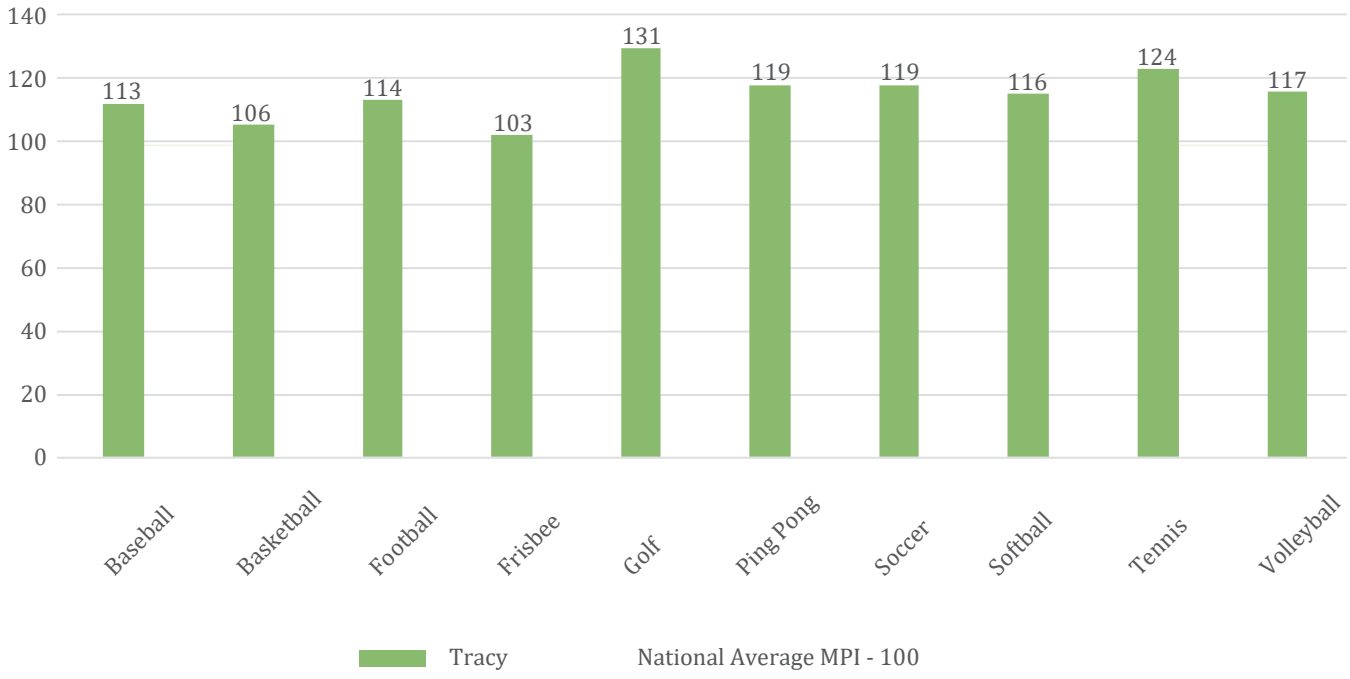
LOCAL RECREATION MARKET POTENTIAL

How do these trends look at the local level?

Overall, Tracy demonstrates above average potential for many activities. The three charts below illustrate Market Potential Index (MPI) data measuring the probable demand for recreation in the City of Tracy, using data from ESRI.

Looking at three categories—general sports, fitness and outdoor activity—a majority of the activities' scores are well above 100. This number indicates the likelihood of an adult participating in certain activities when compared to the US National average. The data indicate that Tracy is an active place with very strong potential participation rates when it comes to recreational activities. In particular, there is great interest projected in golf, weights, jogging, tennis, and yoga.

Figure 2-10
General Sports Market Potential



High index numbers (100+) indicate greater potential that residents of Tracy will actively participate in offerings provided by the City.

Figure 2-11
General Fitness Market Potential

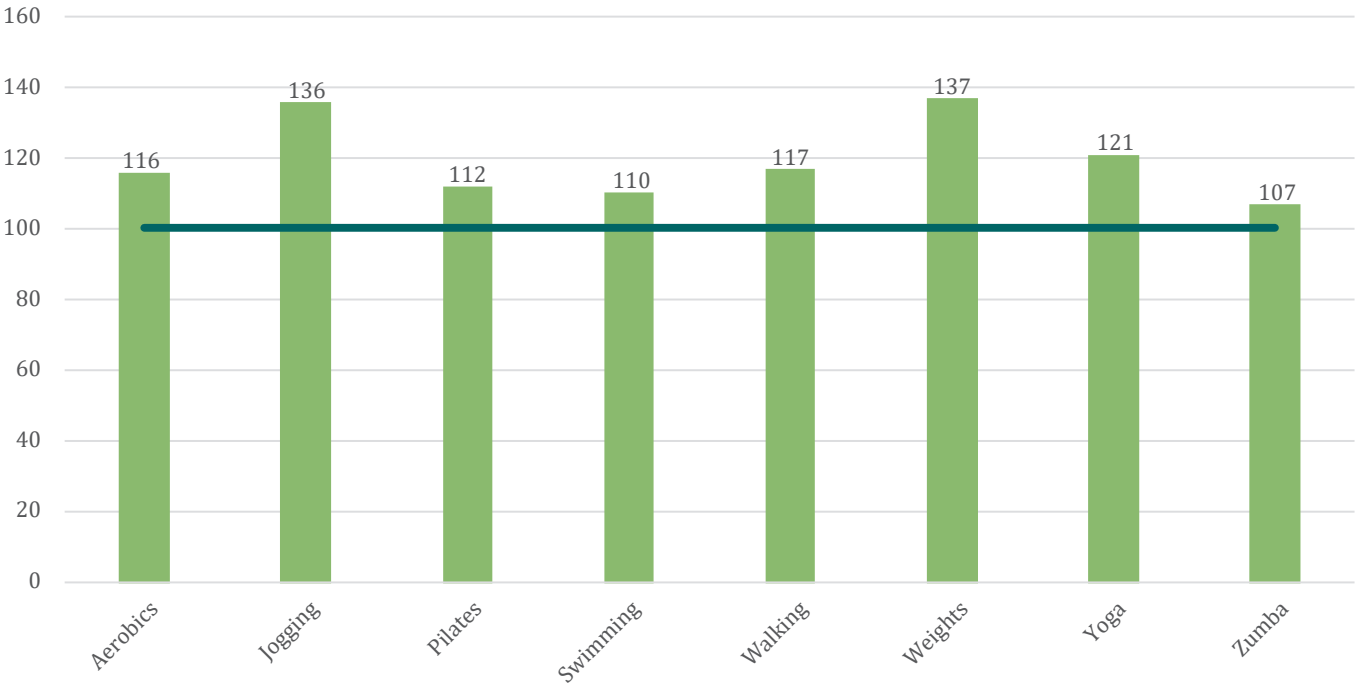
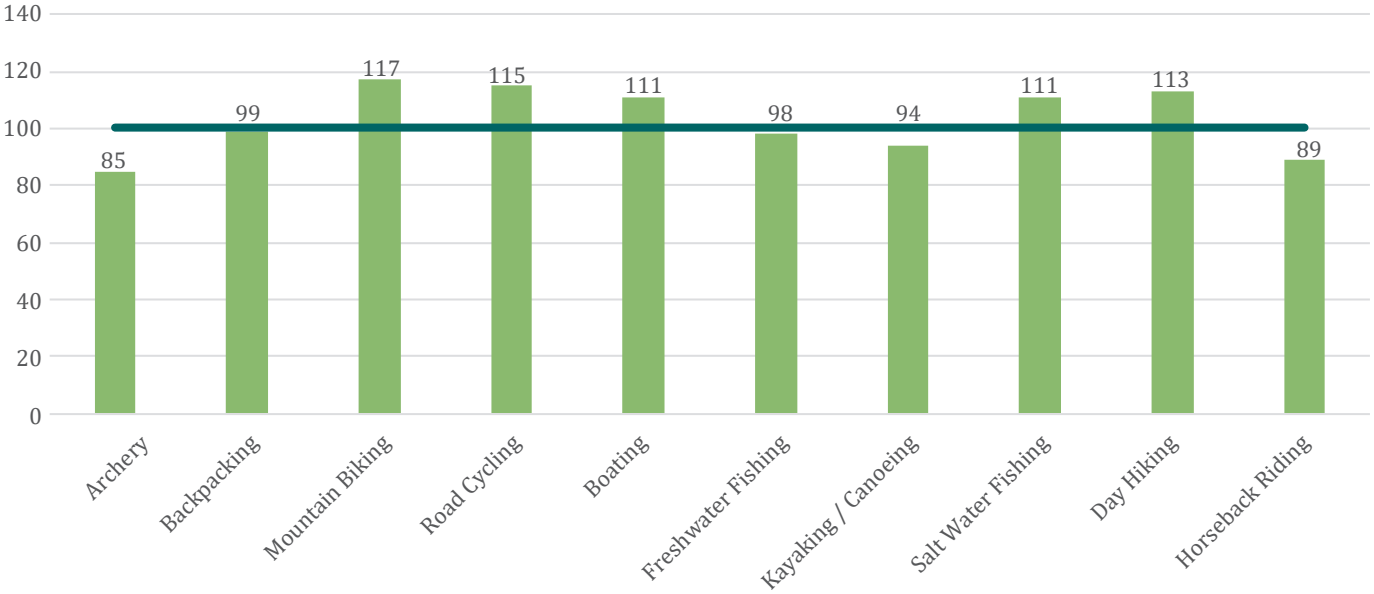


Figure 2-12
Outdoor Activity Market Potential



Tracy
National Average MPI - 100

OUR ASPIRATIONS

The Citywide Parks, Recreation & Trails Master Plan is our blueprint for new and improved parkland and recreation in Tracy for the next 15 years. With this in mind, it was critical to hear the vision, concerns and priorities of members of the community. What should we focus on achieving in the years ahead?

This section summarizes what we heard during our engagement of the community, step by step. We start with what we heard in our conversations with stakeholders and Commissioners, proceed with the input we got doing pop-up outreach at events and meeting with local groups. We cover the two community workshops done at key stages of the process. Finally, and maybe most importantly, we report what we learned from the survey we conducted of a statistically-valid sample of Tracy residents.

Community workshop on the Tracy Nature Park, September 2019

ENGAGEMENT AT A GLANCE

FOUNDATIONAL MEETINGS
June - August 2019

COMMISSION MEETINGS
Parks & Community Services Commission: April 4, 2019
Youth Advisory Commission: September 11, 2019

POP-UP AND TARGETED OUTREACH
Community Partnership for Families: June 13, 2019
Block Party: June 14, 2019
Tracy Farmers Market: June - August, 2019

COMMUNITY WORKSHOPS
Nature Park Workshop: August 28, 2019
Workshop 1: October 2, 2019
Workshop 2: August 27, 2020
Online extension of workshops

SURVEYS
Statistically-Valid Survey: May 15th – May 22nd, 2019
Online Survey: July 15 – September 3, 2019

FOUNDATIONAL MEETINGS

The planning team met with a cross-section of park users and Tracy community members. Two meetings with a total of 17 community members took place at the Tracy Transit Center on June 15, 2019. Participants represented a range of interests, from public agencies to high school athletics, club sports, park advocates, and representatives of segments of the Tracy community.

The planning team also had conversations with four members of the Tracy Parks and Community Services Commission. Themes of these conversations follow.

OPEN SPACE AND TRAILS

Stakeholders wanted access to open space—something that has become scarce as Tracy has grown. People talked about wide open expanses, passive natural areas, access to water, and walking trails. Trails were seen as a way to be out in nature, but also a great resource for running and walking right in town, and being able to bike and walk safely to get around. Stakeholders pointed to the Iron Horse Trail and the Consumnes River Parks District in Elk Grove as things to aspire to. The Tracy Nature Park was a specific aspiration!

COMFORT, BEAUTY, AND RESPONDING TO THE CLIMATE

To be usable in all seasons, Tracy's parks need to have ample shade. Water features would provide a great respite from summer heat. People mentioned shade structures, bathrooms, seating, and lighting that allows people to play basketball or go for a stroll when it's dusk or dark.

DOWNTOWN ACTIVATION

Stakeholders saw a role for parks in helping to catalyze downtown revitalization, and being social glue for Tracy residents. Downtown public spaces would be a diverse mix, from public plazas to informal social spaces, trails, and an enhanced Lincoln Park. People pointed out that Lincoln Park gets used again and again for events, and that Tracy needs more options for performances or large gatherings.

"Tracy needs to do a better job of capturing attention and keeping people local. Everyone leaves for entertainment. Sunday it's a ghost town but it shouldn't be."

"A lot of people get home late and it'd be great to walk around the park, but you can't because it's too dark."

"As a coach and lifelong runner, I'd be excited for something like the Iron Horse Trail. We need shaded places to run, away from traffic and pollution."

"We have a lot of sports parks that families go to because children are playing in a game. There's nothing at the sports parks for little ones to occupy themselves with."

INCLUSIVE PLACES WITH MULTIGENERATIONAL APPEAL

Even at a smaller scale, Tracy's parks should have features and characteristics that appeal to people of all ages so that families, active seniors, and the hard-to-please teens among us (and others) are all served. People loved the idea of co-locating libraries, gyms, parks, and other features. Parks need to be inclusive places that feel welcoming and safe to all members of the community.

PLAYGROUNDS AND FEATURES FOR YOUNG CHILDREN

Stakeholders painted a detailed picture of what's needed to make our playgrounds and play areas better. Play areas for different ages should be nearby so parents can watch siblings. Play and exercise equipment should be shaded to stay cool. We need special-needs equipment, interactive and imaginative equipment, educational features, sensory features, natural features and splash pads.

SPECIFIC PARK IMPROVEMENTS

Stakeholders said they loved Lincoln Park for its large expanse of green ("a crown jewel"), Larson Park for its mature tree canopy, Dr. Powers Park for its community activity, and Veterans Park for its linear quality. They look forward to the expansion of Gretchen Talley Park, and point to El Pescadero Park and Ritter Family Ball Park as ones that need work.

MEETING RECREATIONAL NEEDS

Tracy needs to be sure to align recreation facilities and programming with what people want in the community. This means understanding the needs of under-represented segments, and looking beyond traditional sports to embrace all kinds of recreation. Pickleball. Disc golf. Parcour. Ziplines. Community gardens and demonstration gardens. Bike trails and walking loops. Good old-fashioned four-square. Some felt that Tracy's parks need to have more space for informal recreation and passive enjoyment.

PROGRAMMING

Some people pointed out opportunities to collaborate with schools, the Boys & Girls Club, the Library and others to cross-pollinate programming and parks. Parks can be home to yoga, tai chi, Zumba and nature classes, science days and movie nights.

DELIVERING AND SUSTAINING PARKS

Parks commissioners, especially, were thinking about the opportunity to provide new and relevant guidance for delivering new parks through the development process that truly contribute to the parks system. They also talked about the challenge of maintaining parks whose operational funding is coming from a whole range of Landscape Maintenance Districts with different fee structures.

COMMISSION MEETINGS

The Citywide PRTMP Update was presented to the Parks and Community Services Commission in April 2019, and to the Youth Advisory Commission in September 2019. Feedback from these Commissioners included...

PARKS AND COMMUNITY SERVICES COMMISSION

- Support more connective paths and trails.
- Current park system has been shaped by (1) developer-driven neighborhood parks and (2) strong interest in youth sports
- Need to find good balance between scheduled park use and casual enjoyment of parks
- Want diverse park features like greenbelts, rail trails, a memorable central park
- Want to see more contemporary amenities
- Tracy needs an all-inclusive park welcoming to people with special needs.
- Excited about a nature park, and envision educational components related to sustainability
- Need for more shade in parks
- Plan Update should address cost of enhancements
- Recognition that homeless use the parks, and there's a challenge in accommodating everyone
- Plan Update should include outreach to Tracy's diverse communities and seniors, and that takes into account the long commutes that many in Tracy experience

YOUTH ADVISORY COMMISSION

What do we love about Tracy parks, trails, and recreation programs?

- Sports and exercise for teenagers
- Large number of parks in the city
- Open to many people of many ages, welcoming
- Playgrounds and hangout spots
- Normal maintenance, maybe to slightly higher standard
- More trails, with a better understanding and communication of where those trails are

How can Tracy parks and recreation better support youth?

- More events with creative themes
- Additional lighting to have a safe nighttime hangout spot
- Classes for the sort of education not typically taught at school
- Embracing the idea that children and teenagers are on their phones, and use that as an opportunity for mapping locations or teaching environmental awareness.

POP-UP AND TARGETED OUTREACH

The planning team conducted a variety of "pop-up" outreach and outreach to community organizations between June and August 2019. We asked:

What do you love about Tracy parks?

What would you like to see?

About 60 community members sounded off with a great range of responses.

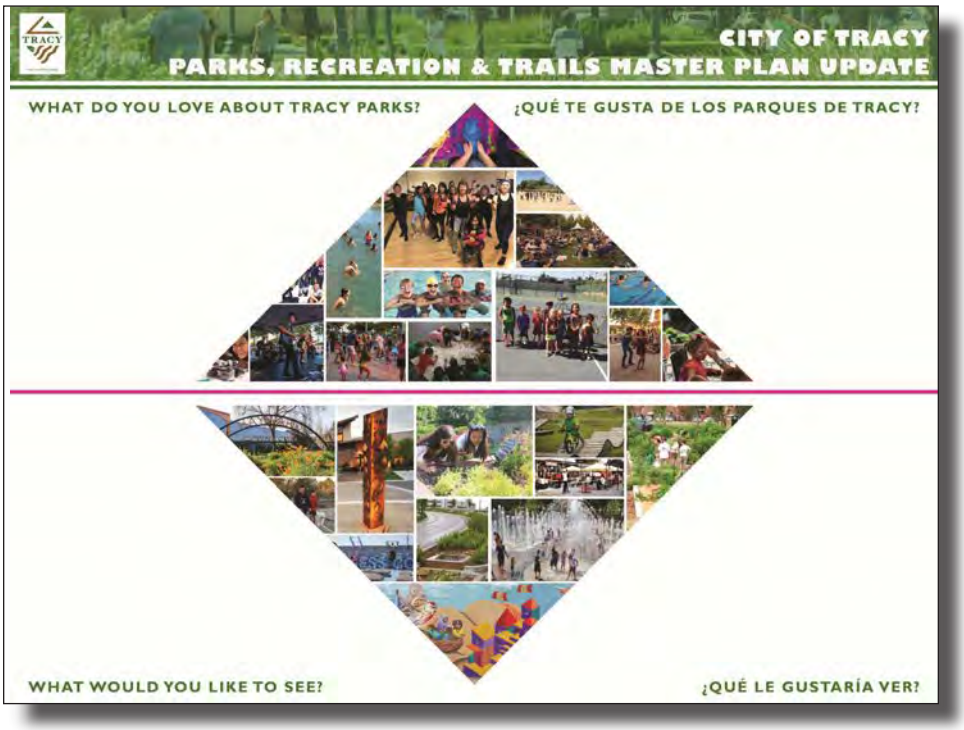
There are many things people love about Tracy's parks. Parks are abundant and convenient, and good places to bring children. People love the friendliness of park staff. In the summer, there is the community pool, splash pads, and 4th of July celebrations. In the spring and fall, there are plenty of recreation facilities and activities for school-aged children. In the mild winters, everyone can enjoy the all the sunny open spaces.

People also offered lots of ideas for how Tracy can improve our parks. For many, this starts with adding more trees, shade, and water features to make parks more comfortable in the summer. More gathering spaces, picnic areas, and barbecue areas would be great places to bring the whole family. To enjoy the parks even more, a well-marked trail system

would enhance the convenience people already love.

People also want to see a wider range of events available for parks and recreation, including block parties, art classes, inexpensive day camps for children, cultural events, fitness classes, and performances.

Some features that already exist are so important, people felt that they needed upgrades or even more attention to maintenance. This applies to water fountains, bathrooms, grass and planted areas. Lighting and cleanliness were areas of concern.



The planning team conducted a variety of "pop-up" outreach and outreach to community organizations between June and August 2019.

COMMUNITY WORKSHOPS

COMMUNITY WORKSHOP 1

The City hosted a community workshop on October 2, 2019 at the Lolly Hansen Senior Center. The workshop consisted of a series of interactive "stations" on each of the big themes of the Plan Update - parks, recreation, and trails – as well as access to nature and parks as places to come together as a community. Following the workshop, the activities were reproduced online.

PARKS

I WOULD USE PARKS MORE OFTEN IF WE HAD...

Community members would use parks more often if parks were more comfortable, with more shade and bathrooms, and felt safer, cleaner, and better lit.

WHAT AMENITIES WOULD YOU LIKE TO SEE IN TRACY PARKS?

Popular responses were picnic facilities, natural play areas, and water play features. These are features that can accommodate gatherings of family and friends and appeal to people of all ages.

RECREATION

WHAT ARE YOUR FAVORITE TIMES FOR RECREATIONAL ACTIVITIES?

This set of Tracy residents tends to use park in the early morning or late afternoon on weekdays, to bring kids to the playground, walk dogs, or simply get a little exercise. Weekend activities at the park are often more social and span more of the day.

WHAT ACTIVITIES DOES TRACY NEED MORE OF?

People reported that Tracy's recreation programming serves school-aged children best, as well as active adults. Activities that people wanted more of included yoga, teen programs, and art ("painting in the park.")

WHAT BARRIERS KEEP YOU FROM ENJOYING THE RECREATION YOU LOVE?

Many people noted not feeling safe, or feeling uncomfortable with some of the people in the park. On another note, people also mentioned not knowing what programs the City offers and suggesting better communications.

TRAILS

TRAILS IN TRACY SHOULD CONNECT ME TO...

When asked to draw lines between landmarks that should be connected by trails, many people drew lines from "home" to all the other destinations. People especially want trails to connect to community parks and nearby natural areas.

TRAILS IN TRACY SHOULD INCLUDE...

Community members want trails to be accessible for all user groups and have benches and shade. They emphasized the importance of safe places to walk and bike.

TRACY + NATURE

The current parks system has a variety of recreation opportunities. One that is missing—and missed—is good access to natural places.

WHAT DO YOU WANT IN A NATURE PARK?

People noted that they want natural habitat, long, uninterrupted trails, and places to sit and enjoy the environment. Some people mentioned getting involved with the process: community planting days and other volunteer opportunities.

TRACY TOGETHER

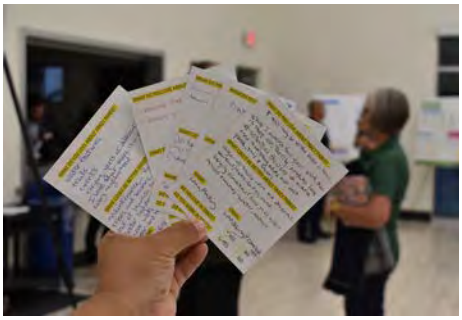
WHAT TYPES OF PLACES AND EVENTS WOULD MAKE TRACY MORE VIBRANT?

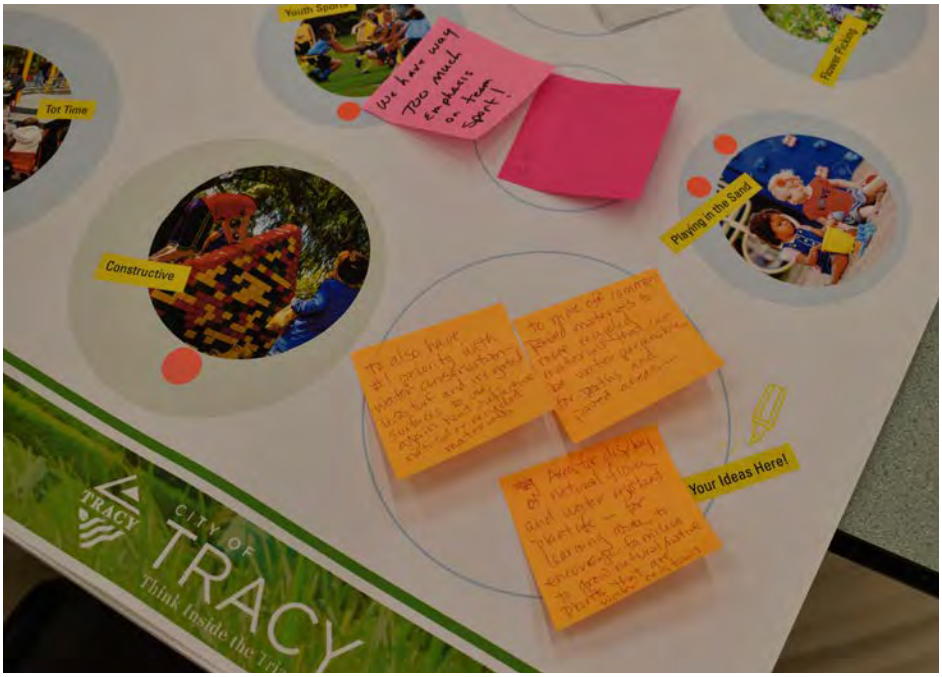
People were enthusiastic about markets, food festivals, concerts and movies in the park. These activities could be inclusive for a wide range of age groups.

TRACY AT PLAY

People of all ages contributed their thoughts about the state of play in Tracy parks, using post-it note and dots on inspiration images.

People noted their desire for a greater range of play areas, and perhaps less of an emphasis on team sports. In the dot exercise, participants indicated adventure play, water play, and creative activities.





The first community workshop was a hands-on affair,

COMMUNITY WORKSHOP 2

By summer 2020, the planning team had developed goals and policies and preliminary park improvements—together, the heart of what will guide the development of the parks and recreation system in the years ahead. These goals, policies and projects were the focus of a virtual community workshop and an online survey in August and September 2020.

City Staff publicized the August 27 virtual workshop with posters, email blasts, social media posts, and direct outreach to stakeholders. While only 8 participants attended the virtual workshop, feedback was valuable. The workshop's activities were then translated into an online survey, which was completed by 26 community members.

ACTIVITY 1: GOALS

Twelve draft goals for Tracy's parks, recreation and trails were presented, with images to convey what each goal might mean for the City's park system. Participants were asked to rate the importance of each goal on a statement of 1 (not a priority) to 5 (high priority).

All of the draft goals were generally felt to be important by participants, earning average ratings of between 4 and 5. Well-Maintained Parks emerged as the goal with the greatest support, followed by Access to Natural Places, Comfortable and Attractive Parks, Safe Parks, and Trails for Recreation and Active Transportation.

ACTIVITY 2: PARK-BY-PARK PRIORITIES

In a second activity, community members took a virtual tour through a selection of Tracy parks where significant improvements could be made, and asked to provide input on (1) how much of a priority it should be to improve each park, and (2) which potential improvements they felt most positive about.

Parks that were mentioned by workshop and survey participants but not included in the activity were:

- William Adams Park
- Veterans Park
- Joseph Tiago Park
- Dorlane Thrasher Park
- Bill Schwartz Park
- William Adams Park

Figure 2-13
Priorities for Gretchen Talley Park
Priority Score: 3.48

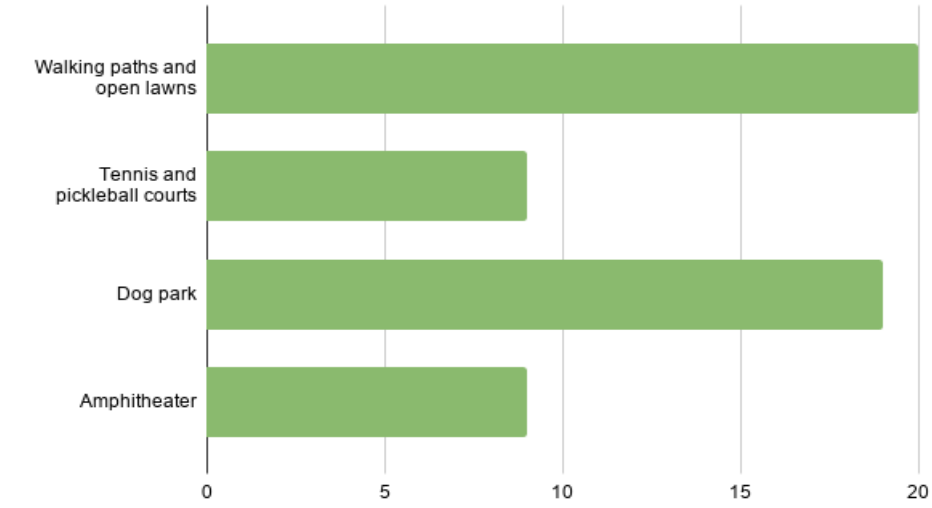


Figure 2-14
Priorities for Lincoln Park
Priority Score: 3.35

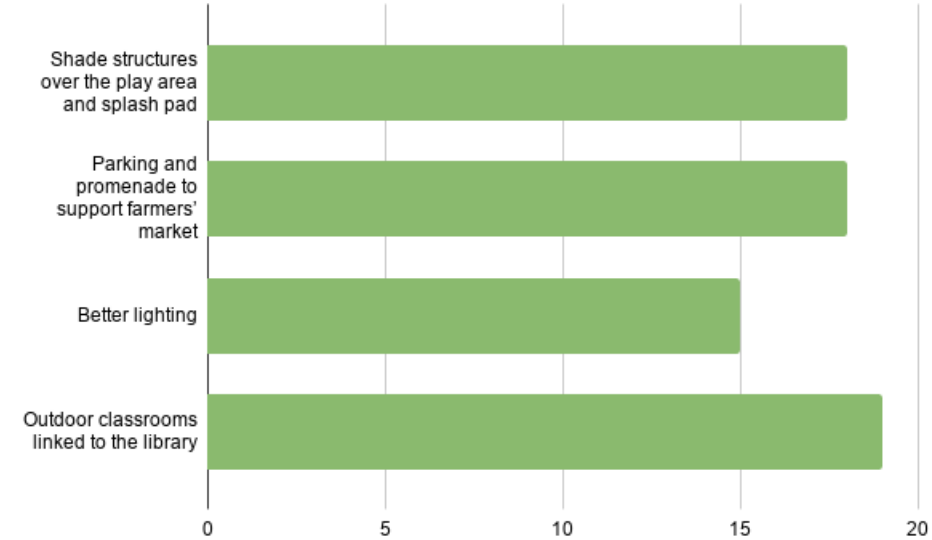


Figure 2-15
Priorities for Ritter Family Ball Park

Priority Score: 3.32

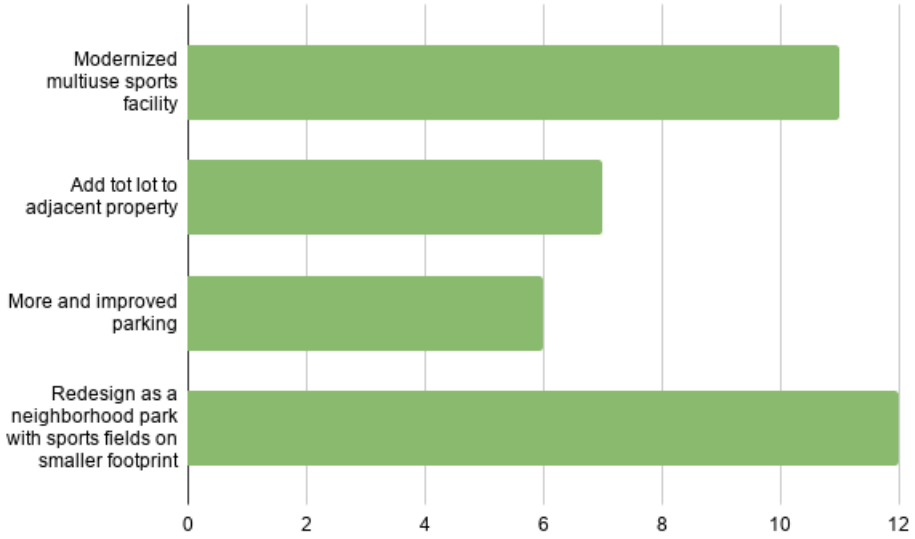


Figure 2-16
Priorities for El Pescadero Park

Priority Score: 3.17

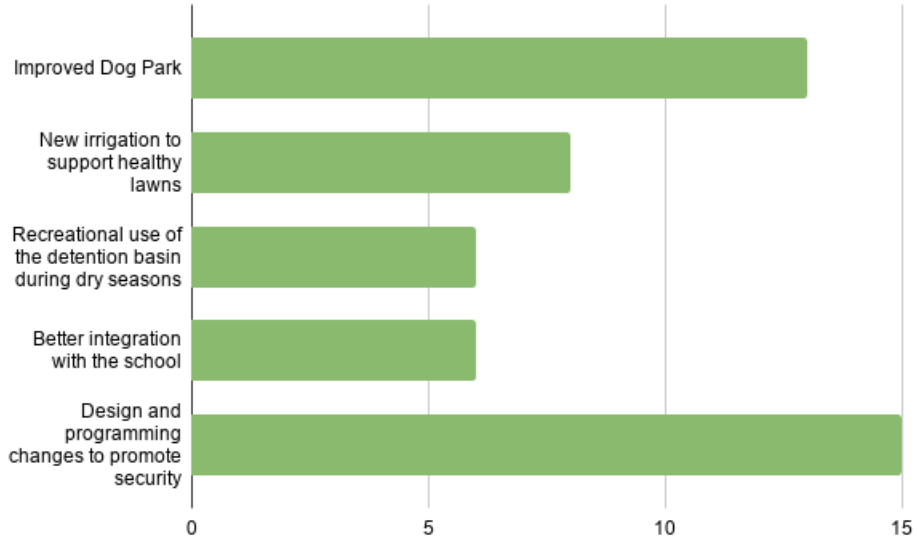


Figure 2-17

Priorities for Plasencia Fields

Priority Score: 3.12

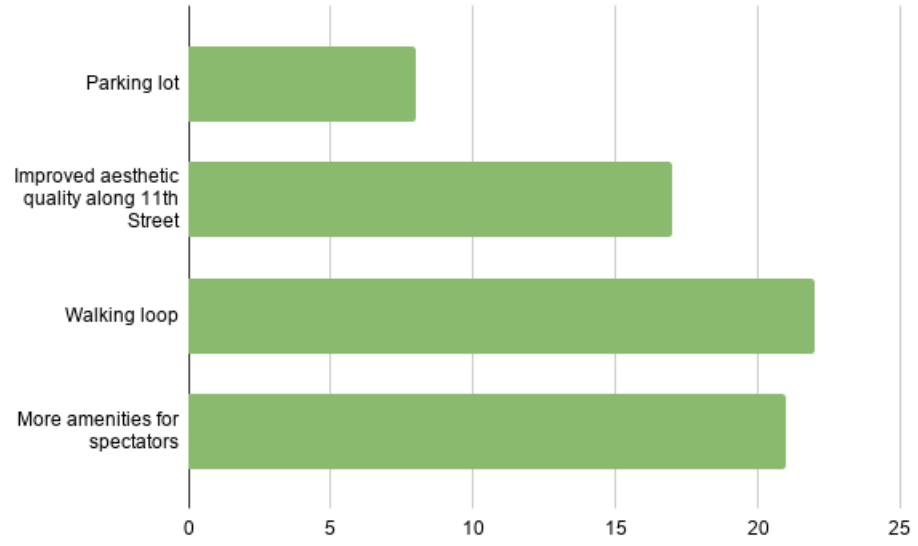
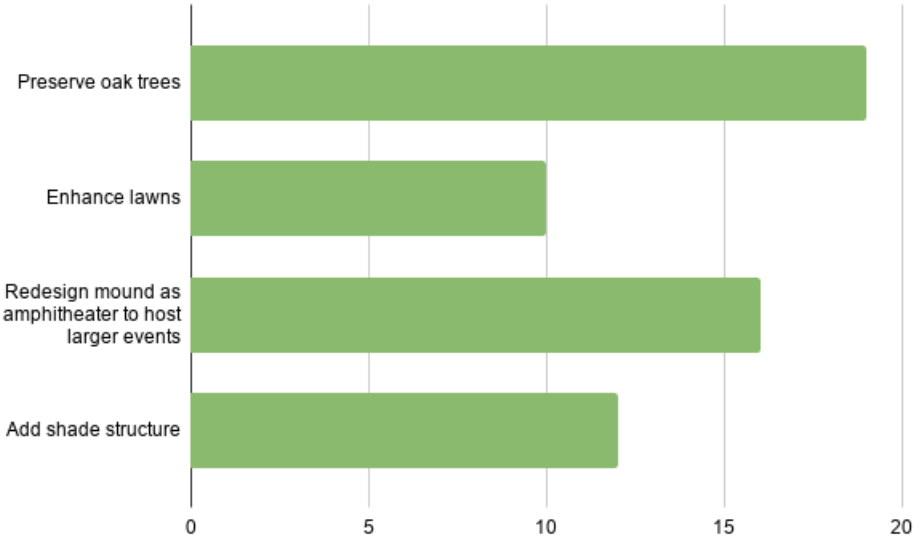


Figure 2-18

Priorities for Dr. Powers Park

Priority Score: 2.96



SURVEY

A phone and email-to-web hybrid survey of adult Tracy residents was conducted in May 2019. The survey resulted in 472 interviews conducted live in English and Spanish by trained, professional interviewers; land lines and mobile phones were both included. A web survey was made available in English and Spanish.

Tracy Parks and Recreation facilities are well-used by Tracy residents, with two-thirds using them frequently or often and most living within a ten-minute walk to a park. While a majority of residents are satisfied with Tracy Parks and Recreation overall, some express concerns over maintenance and safety, and park users rank those as top priorities for park improvements. Other priorities for the Master Plan Update include expanding recreation programs for teens and creating open space areas and nature trails. A substantial portion of residents would like additional sports and exercise programs. Over two-thirds say that a linked park system would make them more likely to utilize nearby parks. The most frequently cited reasons for not using parks include lack of time, safety concerns, cleanliness, homeless issues, and heat in the parks.

KEY FINDINGS

TRACY PARKS AND RECREATION USAGE

Two-thirds of residents (66%) currently use City parks and recreation facilities frequently or occasionally. Those with children in their household and those in their 30s are the most frequent park users, while homeowners and people who have lived in Tracy for over 20 years are less likely to be frequent park users than their counterparts. Playgrounds, picnic areas, and athletics fields are among the most-used facilities in Tracy parks among all residents.

Three-in-ten people cite bringing their children to playgrounds and other facilities as the top reason to use parks. One-fifth of residents (21%) indicate that a lack of time is a major barrier to visiting parks. Improving safety and maintenance and providing more shaded areas are the top changes that would encourage residents to use parks more often. Of the 22% of people that have reserved a park or recreation facility, one-in-ten suggest an improvement in communication and assistance.

SATISFACTION WITH PARKS

A majority of residents (60%) are satisfied with City parks and recreation facilities overall, compared to 19% who are not satisfied. Women, younger residents, and infrequent park users are slightly less satisfied with parks. Residents are satisfied with the availability of parks and recreation opportunities close to home, with 25% of residents saying they are extremely satisfied. Only four-in-ten residents (41%) are satisfied with the recreation programs and activities offered.

MASTER PLAN UPDATE PRIORITIES

Improving and maintaining existing parks is the highest priority, with half of respondents ranking it as a 7, the highest possible priority score. Path safety, ensuring recreation opportunities for all, creating nature trails and open space, improving accessibility and restrooms are also high priorities for residents. Programs for teens are the highest-ranked age-specific priority, with almost four-in-ten residents (39%) considering this a very high priority, followed by programs for kids aged twelve and under. Park priorities are similar, regardless of how frequently residents use the parks.

Though a large number of residents have no suggestions for additional recreation classes, close to one-fifth of respondents (18%) say that sports and exercise classes are their most desired recreation classes. Almost seven-in-ten residents (68%) say that a linked park system would make them more likely to use the park system, with support highest among younger residents (77% for those in their 30s; 72% for under 30) and those with children (70%).

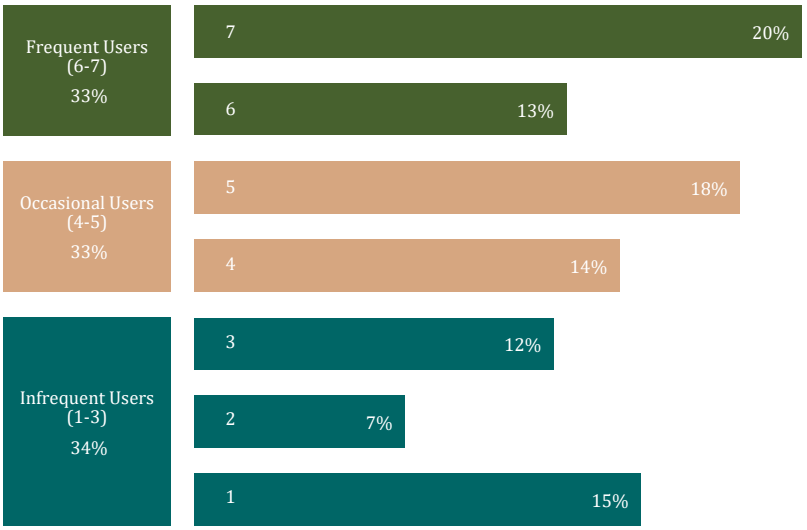
SURVEY QUESTIONS

This section summarizes just a few of the many findings of the survey. For more information, see the Comprehensive Profile.

How frequently do you or others in your household use Tracy parks and recreation areas? Please answer on a scale of 1 to 7 where 1 means very infrequently and 7 means very frequently.

Those with children in the household, and those in their 30s are more frequent park users.

Figure 2-19
Frequency of Park Use

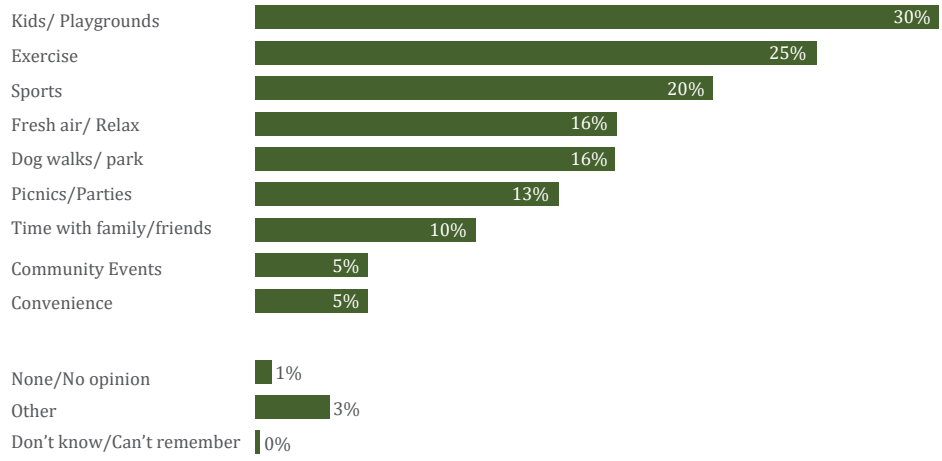


Responses indicated frequency of use on a scale of 1 to 7, where 1 means very infrequently and 7 means very frequently.

What are the top two reasons that you and your household visit or use Tracy parks and recreation facilities?

Bringing children to the parks/ facilities, exercise, and sports are the most commonly stated reasons for using parks and recreation.

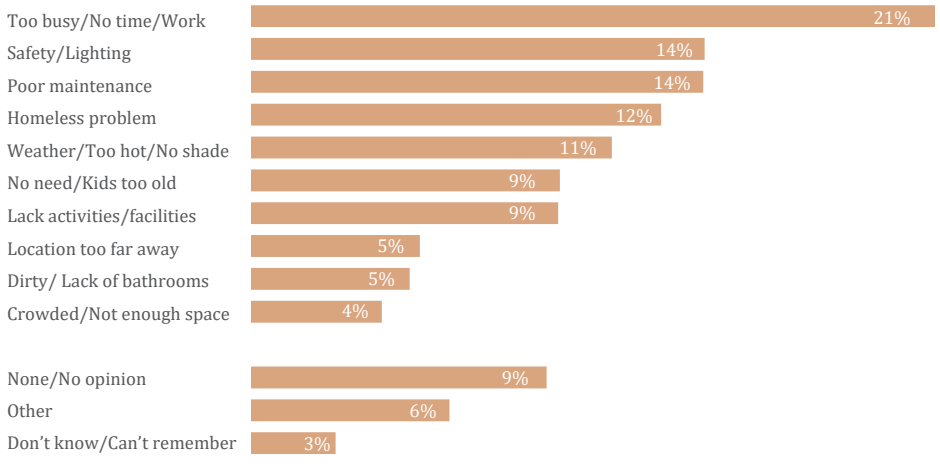
Figure 2-20
Reasons to Use Parks



What are the top two barriers that keep you from visiting public parks in Tracy more often?

The most common reason why residents don't visit parks more often is because they are busy; however, safety and cleanliness are also concerns for many.

Figure 2-21
Barriers to Park Use



The City of Tracy is updating the Parks, Recreation, and Trails Master Plan. How much of a priority do you think each of the following should be for the Parks, Recreation, and Trails Master Plan Update using a scale from 1 to 7 where 1 is not at all a priority and 7 is a very high priority?

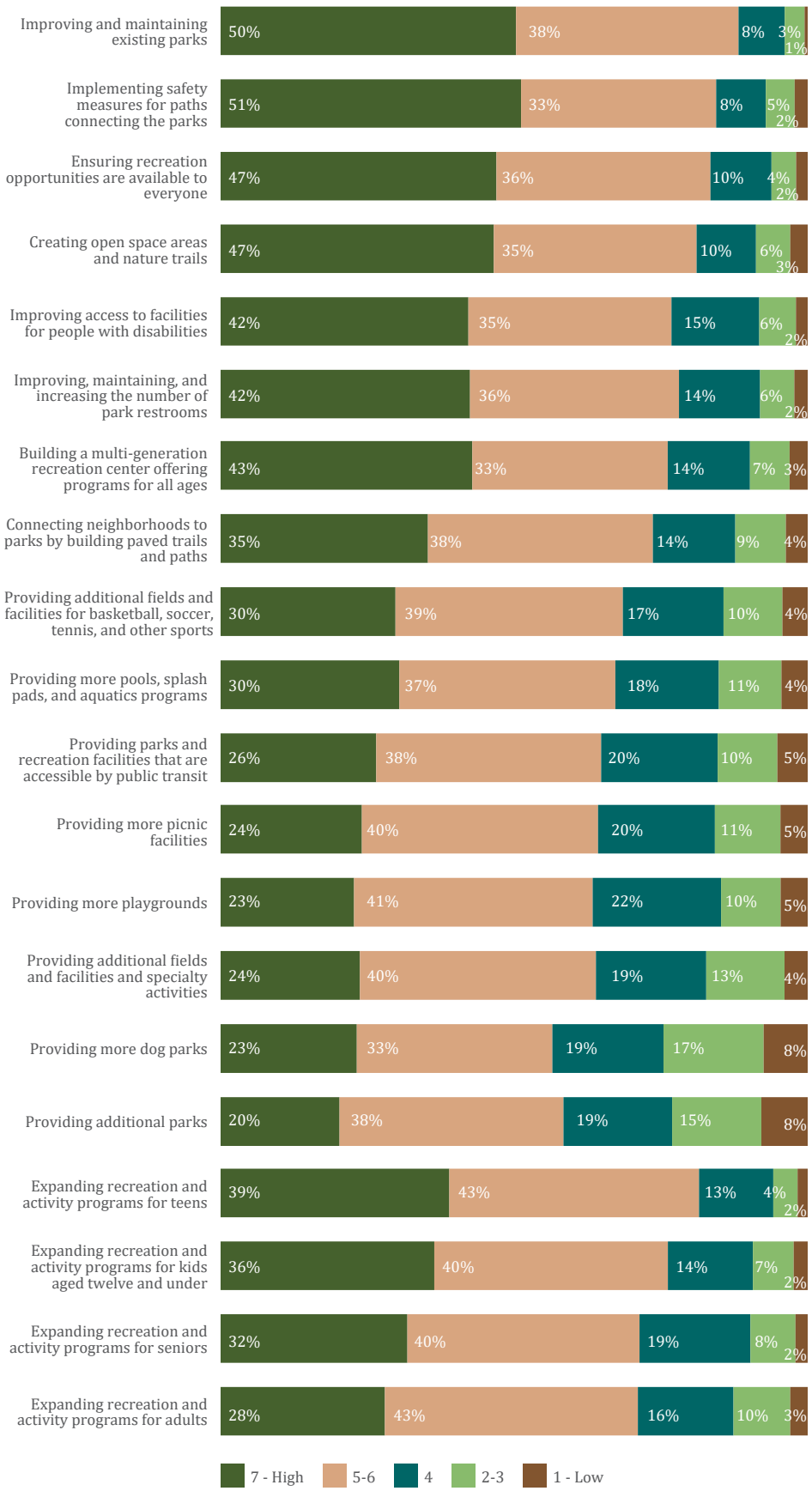
Improving and maintaining existing parks is the highest priority tested. Path safety, ensuring opportunities are available for all, creating nature trails and open space, improving accessibility, and improving restrooms are also priorities.

Priorities like a multi-generation recreation center, connecting neighborhoods to parks with trails and paths, and providing additional fields/facilities for sports are second-tier priorities.

Providing more facilities for specialty activities and dog owners and providing additional parks are lower priorities.

Programs for teens are the highest-ranked age-specific priority.

Figure 2-22
Master Plan Update Priorities



PARKS

CHAPTER 03

This chapter outlines the vision and goals for the City of Tracy's parks. It is accompanied by a set of policies designed to bring the vision to life. Community input gathered through the surveys and public meetings directly shaped the vision and goals, laying the groundwork for the plan's policies and strategies. Additional goals and policies for Recreation and Trails are described in Chapters 4 and 5, respectively.

IN THIS CHAPTER:

- The Future of our Parks
- Goal 1: A Park System for a Growing City
- Goal 2: Well-Maintained Parks
- Goal 3: Safe Parks
- Goal 4: Equitable + Inclusive Parks
- Goal 5: Comfortable + Attractive Parks
- Goal 6: Interesting + Diverse Parks
- Goal 7: Sustainable Parks
- Park Design Guidelines

THE FUTURE OF OUR PARKS

A VISION SHAPED BY THE COMMUNITY

Listening to the voices of the community was at the forefront of the planning process. Several themes emerged for our parks as we developed the Master Plan Update through our conversations and workshops with the community, including accessibility, maintenance, safety, equity, comfort, variety, and sustainability. These themes form the foundation of the update and are carefully woven into the vision and goals.

With regard to our parks, the majority of residents who participated in the surveys and events as well as our stakeholders agreed that Tracy is fortunate to have many beautiful parks. Residents generally live within ¾ of a mile of a park so these green spaces truly shape our daily lives. The overwhelming desire is to maintain and enhance Tracy's existing parks while continuing to provide a similar level of park access equitably across the city and to all of Tracy's growing population. Safety is a top concern and the primary barrier to increasing park usage. It is therefore, front and center in our overarching vision for the future. Another priority is ensuring our facilities are comfortable and attractive with amenities such as well-maintained bathrooms and ample shade so that park users can enjoy the facilities.

MacDonald Park

A VISION THAT PROTECTS NATURAL RESOURCES

Our parks are also home to valuable natural resources. Preserving wildlife habitat, expanding the tree canopy and protecting water quality are just a few of the additional benefits that our parks provide, which enhance the quality of life in Tracy. Caring for and protecting these natural systems for generations of Tracy residents to enjoy is another cornerstone of the Master Plan Update.

A VISION BASED ON RIGOROUS ANALYSIS

To get where we want to go, we needed to take an honest look at where we are today and identify the gaps to map out a strategy to reach our vision. The specific priorities, recommendations, and policies described in this document respond to a comprehensive

analysis of existing conditions. This included a park by park assessment; an inventory of park types, amenities, character, programs, and participation rates; and a close examination of how our parks are distributed across the city and accessed by residents.

A VISION BASED ON THE CITY'S PROFILE & TRENDS

Tracy is growing. Understanding how the population is projected to grow is another critical component of the analysis that informed the Master Plan Update. As described in Chapter 2, a thorough review of both national and local trends in recreation as well as the potential demand across all age segments informed the recommendations outlined by the Update with the intent that Tracy's parks will continue to offer something special for all residents, young and young at heart.

Village Green Park

GOAL 1

A PARK SYSTEM FOR A GROWING CITY

Tracy's racially and ethnically diverse population is projected to grow by 48,341 between 2020 and 2040. Tracy's park system will continue to grow and be enriched to meet the needs of a growing community with a high quality of life.

POLICIES:

1A. Park Classification

1B. Park Acreage Level of Service

1C. Access to Parks

1D. Park Land Dedication & Park Development Impact Fees

1E. Flexibility to Meet City Goals

1F. Conformance with City Standards & Guidelines

1G. Concurrent Development

1H. Public Access

GOAL 1: A PARK SYSTEM FOR A GROWING CITY

POLICIES

1A. Park Types

The Citywide Parks, Recreation and Trails Master Plan creates an updated park classification system and updated park definitions and standards. These standards will guide how the City and its partners locate and design new parks, from neighborhood parks to downtown activated plazas to sports complexes to open spaces featuring natural conditions. The City may, as appropriate and at its discretion, make modifications and exceptions when justified in writing. The City has final approval of park designs and amenities.

Park types are defined here.

Neighborhood Parks

Medium-sized parks that provide recreation opportunities within walking or biking distance for residents in one or more neighborhoods.

- **Park Size and Shape:** 2 to 10 acres. Ensure that the park site is of a shape suitable for park use. Neighborhood Parks between 2 and 4 acres in size must be connected via a continuous accessible route through a linear park or greenbelt/open space to another existing park or planned park at or above 4 acres in size. Proposed connections using standard city sidewalks will not be considered.
- **Location Characteristics:** Neighborhood parks should generally be central to the neighborhoods they serve, with positive, synergistic relationships with adjacent land uses. Parks should be well-integrated into the larger park system. Relevant considerations include good spacing of park sites and the potential for linear park and trail connections.
- Opportunities for colocation with schools and other community facilities, stormwater detention basins, and trail corridors should be optimized.
- Avoid elements that restrict the function, development or usability of the land, such as underground or overhead utilities, gas/fuel transmission lines, unsuitable topography, contamination, or development restrictions that would limit park use.
- Avoid sites with excessive slopes, swales, drainage courses, creeks, wetlands/biological habitat and similar landscapes, where these conditions would not also accommodate recreational use or add to the aesthetics and enjoyment of the park experience.
- **Frontage and Access:** Provide at least two street frontages, preferably on local or collector streets with sidewalks. Where feasible, the park should be linked to the City's trail and bikeways system.
- Minimize physical barriers, such as steep slopes and the crossing of major arterials.
- **Recreational Capacity:** At least 80% of the site should be relatively level, developable and usable.
- **Required Amenities:** All new neighborhood parks should include the following amenities. Exceptions may be made at the City's discretion.
- Site identification signage consistent with City standards.
- Appropriate site furnishings (benches, drinking fountains, trash receptacles, picnic tables, etc.) for the intended size and

use of the park.

- Playground equipment or comparable creative play environment for ages 2-5 and ages 6-12 (or a play environment serving ages 2-12), including climbing apparatus and swings.
- Flat, open, contiguous turf area for unstructured play; minimum one acre.
- At least 10 picnic tables, with 75% of tables under one shade structure.
- At least one active use amenity, such as a sport court (lighted or unlighted), such as basketball, tennis, volleyball, handball, pickleball, futsal, bocce, shuffleboard, horseshoes, etc.), skate spot, or other compatible active use facility, chosen with City guidance based on need.
- Accessible pathway connecting park elements and creating an appealing walking loop.
- General landscape improvements in natural or open space areas, including ground covers, plantings and trees for shade and windbreaks.
- Bike parking, with a minimum of 5 spaces per developed park acre.

Neighborhood parks include playgrounds, shaded seating areas, open lawns, and other features that add to a neighborhood's quality of life (Ken Yasui and Edgar Thoming parks, above).

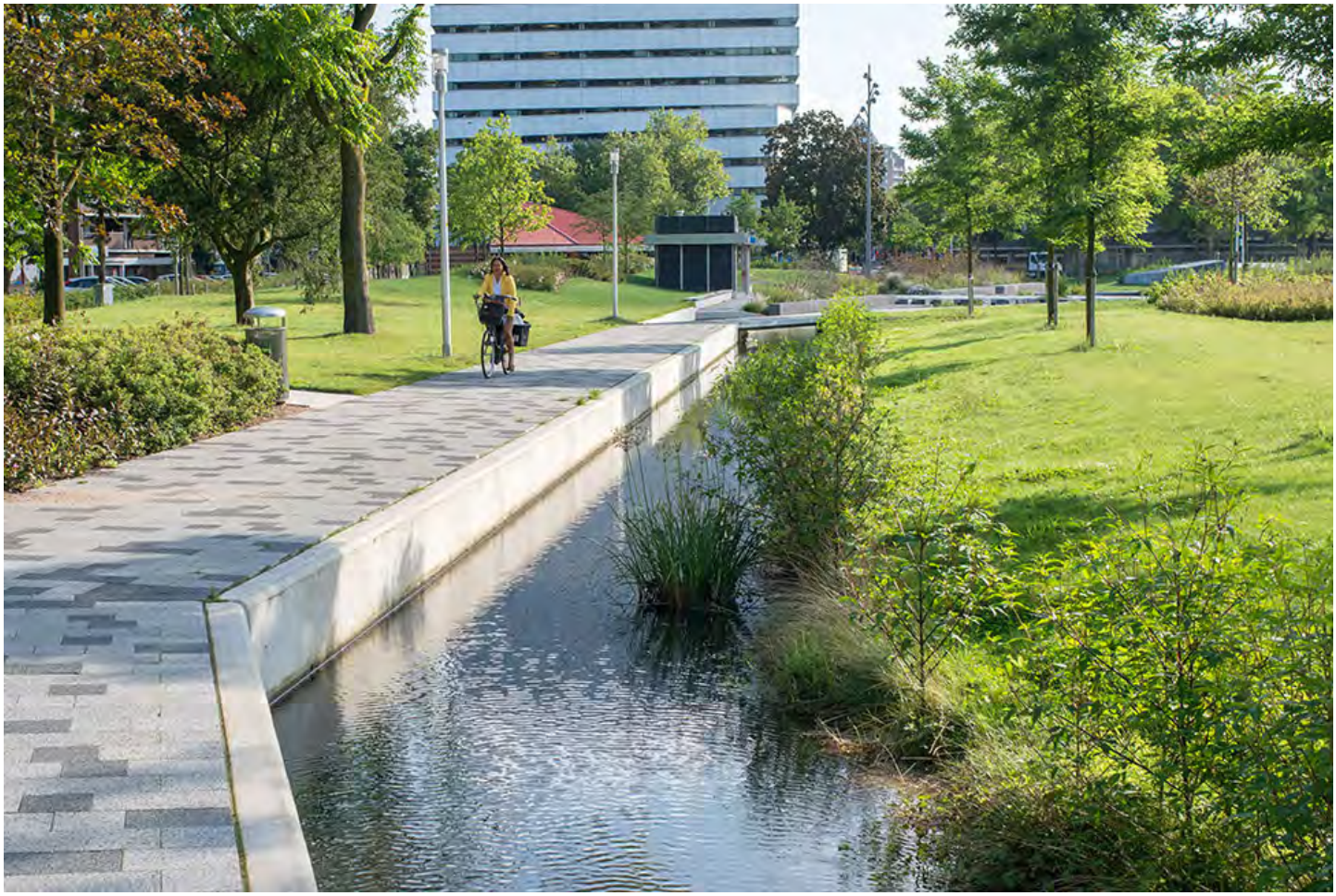
- **Additional Amenities to Consider:** All new neighborhood parks shall also include additional amenities, approved at the City's discretion, including but not limited to the following:
- Additional contiguous turf area for unstructured play (to create a larger play space than required).
- Additional covered picnic tables.
- Additional small or mid-sized picnic shelter and barbecues (serving 25-40 people or 40-60 people).
- Additional sport courts or active use facilities selected with City guidance to meet recreation needs and provide geographical equity.
- Non-lighted sports fields for organized league practice and play (e.g. baseball/softball, soccer, or multi-purpose field overlays).
- Small-scale spray or water-play area.
- Seatwalls or hillside seating.
- Gazebo trellis or arbor.
- Interpretive signage.
- Permanent restrooms; highly encouraged for neighborhood parks with active recreational amenities that encourage park users to stay at the park for longer than 1 hour. The number of restrooms should be determined based on park capacity and demand.
- Parking. Where parking is provided, it is necessary to provide accessible parking.
- Any additional amenities must be consistent with higher maintenance and funding expectations for this site.
- **Amenities to Avoid:**
- Community or regional-scale recreation facilities, such as recreation centers, stadiums, sports complexes, synthetic turf fields, swimming pools, aquatic centers or other indoor activity space.
- High-maintenance landscaping improvements (e.g., rose gardens).
- **Natural Areas and Open Space:** Natural areas for passive recreation, resource/habitat protection, windbreaks, and site aesthetics/character may typically occupy 10-20% of the site. Non-developed, non-natural park areas should be designed as attractive open space, with appropriate ground covers, grasses, and plantings consistent with City water conservation and landscaping guidelines.

Linear Parks

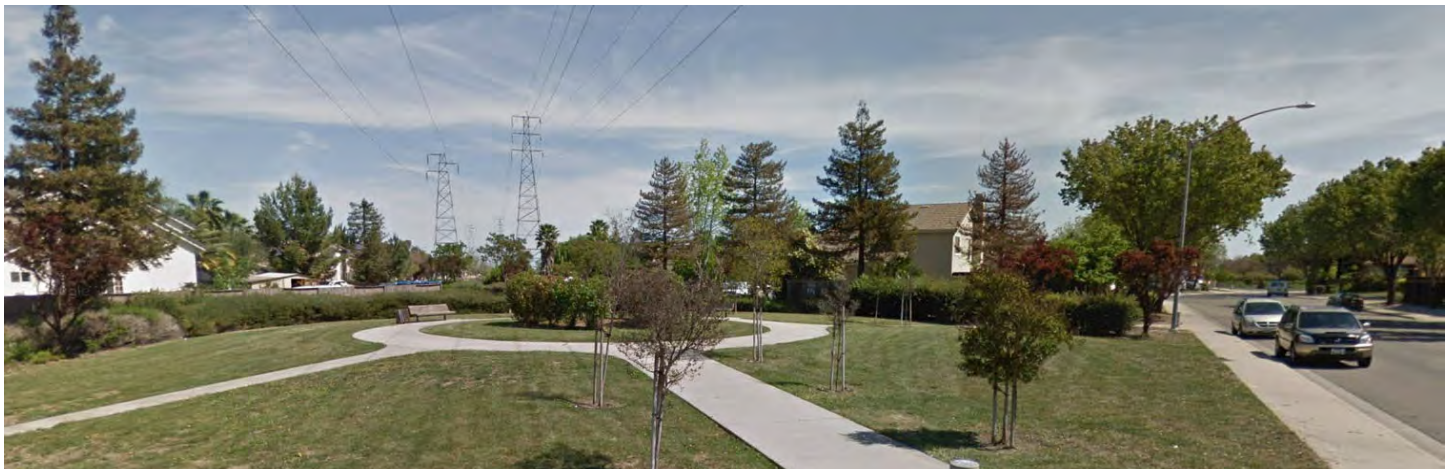
A linear park provides trails and other recreational opportunities, allows for uninterrupted and safe pedestrian and bicycle movement throughout the community, and protects open space corridors.

Linear parks are recognized by the City of Tracy as a type of neighborhood park, and treated as such for the purposes of parks planning and development.

- **Park Size and Shape:** Linear Parks should be at least 50 feet wide, to accommodate both a multiuse trail and a natural or park-like environment with additional recreational amenities, with greater width and amenities at entry points or connections. Lengths or segments less than 0.5 miles may not be able to support the intended recreational use and purpose of linear parks. If linear parks are designed to be integrated into utility easements and corridors, the park widths shall be in addition to widths of the easements.
- **Location Characteristics:** Linear parks shall be integrated with the City's system of trails and Class I bikeways, and provide connections to neighborhood and community parks, open spaces, and/or key community destinations.
- Proposed linear parks cannot be located within active transportation, utility, or stormwater corridors, but may be adjacent to these features or connect to proposed trails in these areas.
- **Frontage and Access:** Linear parks must provide off-street trail corridors for pedestrians and bikes, and also provide drivable access for maintenance and emergency vehicles.
- **Required Amenities:** Linear parks shall include:
- Site identification signage consistent with City standards. In addition, a monument shall be placed at each main entry point as determined by Parks & Recreation Staff.
- Walking and biking or multiuse trail with a 16-foot overall right-



Linear parks/greenbelts have multiuse trails, and connect between parks or other destinations or protect valued open space,.



Linear park extending from Hoyt Park. Where linear parks are integrated with utility corridors, park width shall be in addition to the easement.

of-way including 6-foot multiuse travel lanes and 2-foot soft shoulders

- Appropriate site furnishings (benches, bike racks, drinking fountains, trash receptacles, etc.)
- Wayfinding signage and mileage markers
- Natural landscape areas.
- Some combination of additonal recreational amenities such as those listed below, selected in coordination with the City.
- **Amenities to Consider:** Linear parks may include additional amenities. These may include:
- Viewpoints
- Picnic areas
- Par course/outdoor fitness equipment
- Disc golf
- Public art walks
- Interpretive signage
- Turf area for unstructured play
- **Amenities to Avoid:**
- Sports fields
- Community or regional-scale recreation facilities
- High-maintenance landscaping improvements
- **Natural Areas and Open Space:** Natural areas for passive recreation, resource/habitat protection, windbreaks, and site aesthetics/character may typically occupy 50% of a linear park site.

For more detail on trails, see Chapter 5: Trails.

Community Parks

Large parks that provide opportunities for community-scale facilities to serve a substantial portion of the City.

- **Park Size:** 10 to 30 acres. Ensure that the park site is of a shape suitable for recreation amenities.
- **Location Characteristics:** Community parks should:
- Be well-connected to the City's transportation network, with a synergistic relationship with other community-oriented uses such as middle or high schools, public facilities that draw people from around the city, and community-oriented retail.
- Be well-integrated into the larger park system. Relevant considerations include good spacing of park sites and the potential for greenway and trail connections.
- Avoid elements that restrict the function, development or usability of the land, such as underground or overhead utilities, gas/fuel transmission lines, unsuitable topography, contamination, or development restrictions that would limit park use.

Community parks include special recreation amenities that serve the whole community (Joe Wilson Pool at Dr. Powers Park, above).

- Avoid sites with excessive slopes, swales, drainage courses, creeks, wetlands/biological habitat and similar landscapes, where these conditions would not also accommodate recreational use or add to the aesthetics and enjoyment of the park experience.
- Opportunities for colocation with schools and other community facilities, stormwater detention basins, and trail corridors should be optimized.
- **Frontage and Access:** Provide two major street frontages with at least 200 feet of frontage each. Provide direct connections to sidewalks, bike facilities, and preferably, to the planned trail system. The site should also be served by transit, with a transit stop incorporated.
- **Recreational Capacity.** Approximately 75% of the site should be relatively level, developable and usable.
- **Required Amenities:** All new community parks should include the following amenities. Exceptions may be made at the City's discretion.
- Site identification signage consistent with City standards.
- Appropriate site furnishings (benches, bike racks, drinking fountains, trash receptacles, etc.) for the intended size, scale and use of the park.
- Unique, thematic, or innovative play equipment for ages 2-5 and ages 6-12, including climbing apparatus, swings, and shade structures over play area.
- Sprayground or water play area.
- Flat, open, contiguous turf area for unstructured play; minimum one acre.
- At least one dedicated lighted, regulation sports field for league practice and games for youth/adult softball, baseball, football, and/or soccer, selected to meet recreation needs and provide geographical equity.
- At least three sports courts (e.g. basketball, sand volleyball, tennis), selected to meet recreation needs and provide geographical equity.
- One special recreation amenity such as a community garden, climbing spire/wall, disc golf course, skate park, or dog park.
- Large group picnic area, with shade shelter, tables, barbecues, and appropriate amenities.
- Permanent restrooms; the number of restrooms should be determined based on park capacity and demand.
- Accessible pathway system connecting park elements, and hard-surfaced path that provides an attractive walking loop or series of loops (1 mile or more).
- Soft-surfaced jogging path or nature trail (1/2 mile or more).
- General landscape improvements in open space areas, including ground covers, plantings and trees for shade and windbreaks.
- Bike parking, with a minimum of 5 spaces per developed park acre.
- On-site vehicular parking, at 5 spaces per developed park acre, with additional parking to support large group facilities and/or multiple sport fields. This parking may be provided on-street as well as on-site. Accessible parking must make up the ratio of total on-street and on-site parking spaces required by ADA standards.
- Lockable trash enclosure with integrated shade cover. The enclosure shall be architecturally compatible with other park elements. Dumpster needs to be provided as well. Location shall be in an area away from main park attractions and be coordinated with Public Works Department.
- **Additional Amenities to Consider:** All new community parks shall also include additional amenities pproved at the City's discretion, including but not limited to the following.
- Additional contiguous turf area for unstructured play
- Destination playground.
- Topographic element with features such as a tumbling hill, viewpoint, hillside slide, or hillside seating
- Additional lighted sports fields for scheduled organized sports play or practice, selected to meet recreation needs and provide geographical equity.
- Additional sports courts selected to meet recreation needs and provide geographical equity.
- Indoor recreation center, gymnasium, or community center.
- Additional recreation amenities,

such as a disc golf course, running track, skate park, freestyle BMX park or pump track, dog park, roller hockey, climbing wall or spire, par course, or outdoor fitness equipment.

- Specialty facilities, such as R/C car track or airfield, miniature golf, fishing pond, mountain bike trail, BMX dirt track, or other compatible use.
- Additional covered picnic tables.
- Additional small or mid-sized picnic shelter and barbecues (serving 25-40 people or 40-60 people).
- Outdoor amphitheater.
- Interpretive signage or trail.
- Public art or memorial.
- Environmental education facility or nature kiosk.
- Community garden.
- Special or display gardens (rose gardens, pollinator gardens, California natives gardens, demonstration gardens, etc.).
- Storage or maintenance buildings and yard. If visible, these should be architecturally compatible with other park elements. Any exterior work areas should be screened from view.
- Any additional amenities must be consistent with higher maintenance and funding expectations for this site.
- **Natural Areas and Open Space:** Natural areas for passive recreation, resource/habitat protection, windbreaks, and site aesthetics/character may typically occupy 15-25% of the site. Non-developed, non-natural park areas should be designed as attractive open space, with appropriate ground covers, grasses, and plantings consistent with City water conservation and landscaping guidelines.

Sports Complexes

Sports complexes are parks that are primarily devoted to sports fields, play courts, and other facilities for organized athletics. Sports complexes should also include elements that create a positive and enjoyable park experience for families and spectators.

Sports complexes are recognized by the City of Tracy as a type of community park, and treated as such for the purposes of parks planning and development.

- **Park Size:** 10 to 100+ acres. Ensure that all land within park site is of a shape suitable for park use.
- **Location Characteristics:** Sports complexes will:
- Be well-connected to the City's transportation network and .integrated into the larger park system. Relevant considerations include equitable distribution and the potential for greenway and trail connections.
- Encourage the co-location of sports complexes and detention basins, allowing for dual recreational use.
- Avoid elements that restrict the function, development or usability of the land, such as underground or overhead utilities, gas/fuel transmission lines, unsuitable topography, contamination, or development restrictions that would limit park use.
- Avoid sites with excessive slopes, swales, drainage courses, creeks, wetlands/biological habitat and similar landscapes, where these conditions would not also accommodate recreational use or add to the aesthetics and enjoyment of the park experience.
- **Frontage and Access:** Site should front an arterial street with at least 200 feet of frontage. A minimum of two major street frontages is desirable.
- Directly connect to sidewalks, bike facilities, and preferably, to the planned trail system. The site should also be served by transit, with a transit stop incorporated.
- **Recreational Capacity:** Approximately 90% of the site should be relatively level, developable and usable.
- **Required Amenities:** Sports complexes include the following amenities:
- Site identification signage consistent with City standards.
- Appropriate site furnishings (benches, bike racks, drinking fountains, trash receptacles, etc.) for the intended size, scale and use of the park.
- At least one family picnic area with a minimum of 10 tables, barbecues and individual shade structures for at least half of all tables.
- Dedicated lighted, regulation

Legacy Fields will continue to be developed, providing more sports facilities for our growing community.

sports fields for league practice and games for youth/adult softball, baseball, football, and/or soccer.

- Permanent restrooms; the number of restrooms should be determined based on park capacity and demand.
- Accessible pathway system connecting park elements
- General landscape improvements in open space areas, including ground covers, plantings and trees for shade and windbreaks.
- On-site parking to adequately meet the demand generated by park elements. 50 parking spaces per field should be a minimum guideline. Accessible parking must make up the ratio of total on-street and on-site parking spaces required by ADA standards.
- Lockable trash enclosure with integrated shade cover. The enclosure shall be architecturally compatible with other park elements. Dumpster needs to be provided as well. Location shall be in an area away from main park attractions and be coordinated with Public Works Department.
- **Additional Amenities to Consider:** Sports complexes may include additional amenities, including the following. Exceptions may be made at the City's discretion.
- Large group picnic area, with shade shelter, tables, barbecues, and appropriate amenities to serve a minimum of 100 people.
- Small or mid-sized picnic shelter and barbecues (serving 25-30 people or 40-60 people).
- Destination playground.
- Flat, open, contiguous turf area for unstructured play
- Sports courts (lighted or unlighted), such as basketball, tennis, volleyball, handball, pickleball, futsal, bocce, shuffleboard, horseshoes, etc.
- Indoor recreation center, gymnasium, or community center.
- Additional recreation amenities such as a community garden, disc golf course, running track, skate park, freestyle BMX park, pump track, dog park, roller hockey, climbing wall or spire, par course, or outdoor fitness equipment.
- Soft-surfaced jogging path or nature trail. One-half mile (or longer) is preferable.
- Outdoor amphitheater or hillside seating.
- Interpretive signage.
- Interpretive trail, environmental education facility, nature kiosk.
- Public art or memorial.
- Storage or maintenance buildings and yard, sized and amenitized appropriately for site needs. If visible, these should be

Front Street Plaza creates a downtown gathering place for festivals and events.

Tracy Nature Park site. This park will create a special kind of experience in Tracy.

architecturally compatible with other park elements. Any exterior work areas should be screened from view.

- **Natural Areas and Open Space:** Sports complexes may typically contain natural areas for passive recreation, resource/habitat protection, windbreaks, and site aesthetics/character on 10% of the site.

Special Use Parks

Special use parks are designed around a specialized facility or site use, such as an aquatic center or indoor recreation /community center, or to create a unique experience, such as a nature park or a downtown plaza. The ideal size, street frontage, recreational capacity, and proportion of recreational and natural areas of a special-use community park/facility will vary depending on the purpose and function of the site. Special use parks may incorporate a variety of specific active and passive use opportunities.

Special use parks are recognized by the City of Tracy as a type of community park, and treated as such for the purposes of parks planning and development.

- **Park Size:** Less than 1 acre to 100+ acres
- **Location and Access Characteristics:** Special use parks vary widely. Each park or plaza may have its own distinct characteristics.
- **Typical Amenities:** Downtown parks and gathering spaces may include hardscape areas, water features, amphitheaters, shade structures, water features, ample seating, and public art, among other features.
- Elsewhere, special use parks may be designed around one non-traditional program, with features to support that program, such as a standalone off-leash dog area or a park designed to provide an experience of the natural environment. Special use parks may include parking, including accessible parking as required to meet ADA standards, and should include bike racks and good bike access.

Mini Parks

Mini parks are small-sized parks that provide basic recreation amenities for nearby residents in a specific neighborhood or subdivision. The PRTMP does not endorse the creation of additional mini parks. As existing mini parks are updated, it is important to ensure that they create locally-desired amenities and achieve the goals for all parks in this master plan, including comfort, inclusivity, maintenance, and sustainability.

New mini parks may be provided as part of new development, but will not earn credit toward park acreage requirements and shall be the sole responsibility of an HOA to manage and maintain.

- **Park Size:** Less than 2 acres
- **Location Characteristics:** They may be located where they create transitions and connections, such as:
- Adjacent to schools, libraries, or other community facilities
- At trailheads, where an extended linear park is not provided
- **Typical Amenities:**
- Site identification signage consistent with City standards.
- Appropriate site furnishings (benches, bike racks, drinking fountains, trash receptacles, picnic tables, etc.)
- Flat, open, contiguous turf area for unstructured play
- Individual covered picnic tables.
- At least one active use amenity, such as a sport court, skate spot, or other compatible active use facility.
- Accessible pathway connecting park elements and creating an appealing walking loop.
- General landscape improvements in open space areas, including ground covers, plantings and trees for shade and windbreaks.
- **Additional Amenities to Consider:**
- Playground equipment or comparable creative play environment for ages 2-5 and ages 6-12,, including climbing apparatus and swings.
- Additional contiguous turf area for unstructured play.
- Additional small or mid-sized picnic shelter and barbecues.
- Additional sport courts or active use facilities.
- Small-scale spray or water-play area.

- Seatwalls or hillside seating.
- Gazebo trellis or arbor.
- Interpretive signage.
- Public art.
- **Amenities to Avoid:**
- Community or regional-scale recreation facilities.
- High-maintenance landscaping improvements.

1B. Park Acreage Level of Service

Tracy currently meets the goal of 4 acres per 1,000 established in the 2013 Parks Master Plan (New Developments). The City shall continue to meet this park acreage standard for new development, under Quimby Act and park development impact fee provisions, while working to diversify the types of park experiences that are created. Park allocation shall be as follows:

- **3 acres per 1,000 residents for new neighborhood parks and linear parks.** Up to half of this amount may be provided in the form of linear parks, at the City's discretion and provided that parks meet size, locational and access characteristics and typical amenities defined in Policy 1A.
- **1 acre per 1,000 residents for new community parks, sports complexes and special use parks.** The amount of land and/or development impact fee in this category may be assigned at the City's discretion. Parks must meet size, locational and access characteristics and typical amenities defined in Policy 1A.
- **Parks that are collocated with schools** or other community facilities must be fully open to the public during regular park hours to be counted as park acreage.
- **Park acreage that is collocated with stormwater detention basins** may be counted if it is designed and programmed for recreational use. This acreage should be counted at a percentage equivalent to the percentage of the year the basin is designed to be available for recreation based on anticipated drainage.
- **Parks that are collocated with trails** must meet park size and locational characteristics requirements.

In addition, the City will continue to pursue other means of creating park land to suit community-wide recreation needs and special uses.

1C.Access to Parks

Today, many Tracy residents do not live within 3/4 mile of a neighborhood park, as recommended by the 2013 Parks Master Plan. This Master Plan Update provides a new

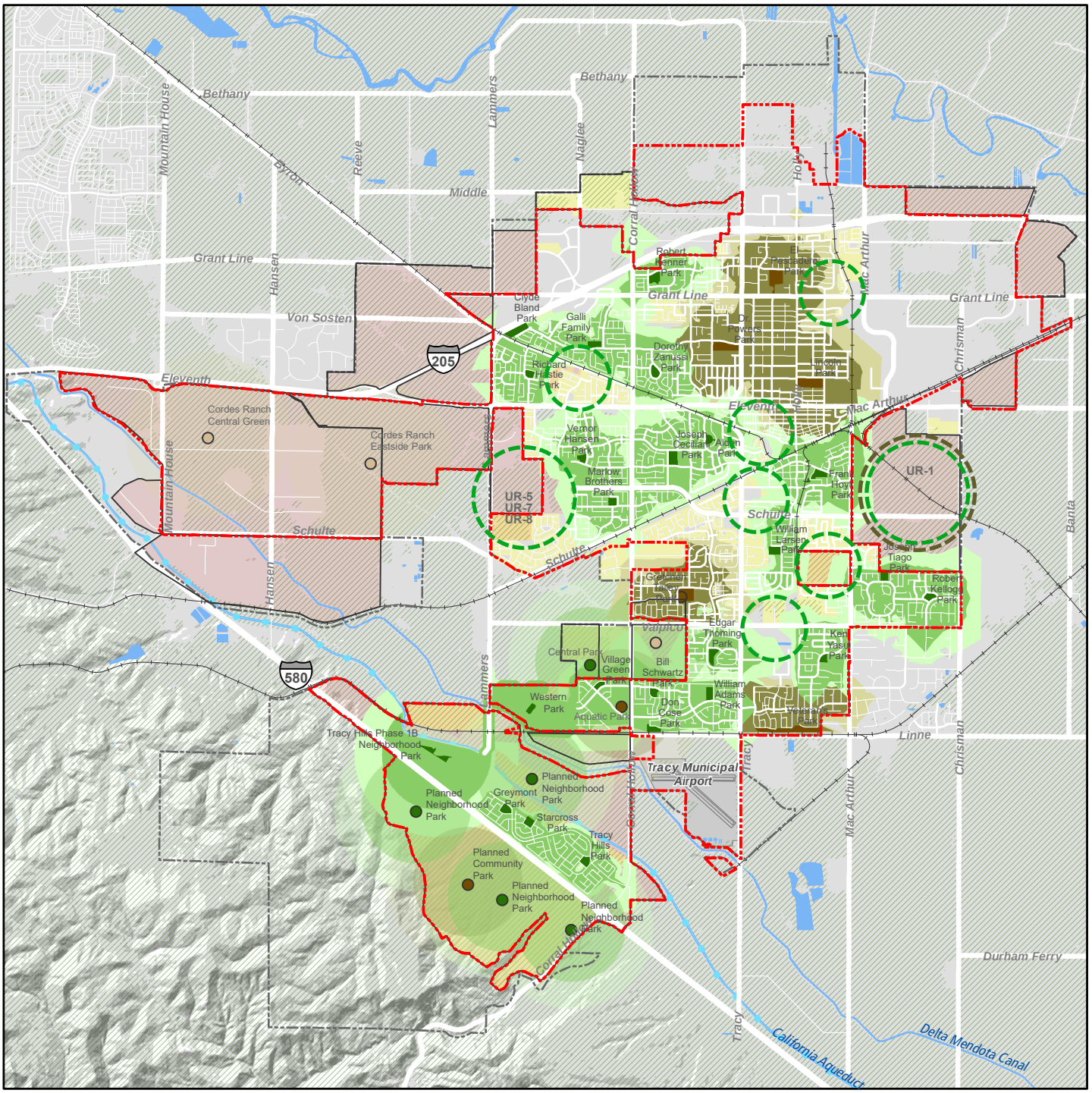
Table 3-1
Tracy Park Acreage Level of Service

PARK TYPE	SITES	AREA (AC)	EXISTING LEVEL OF SERVICE (AC/1,000)[a]	LEVEL OF SERVICE STANDARD	ACRES NEEDED TO MEET STANDARD TODAY[a]	ADDITIONAL ACRES NEEDED TO MEET STANDARD IN 2040[b]	PLANNED PARK ACREAGE	ADDITIONAL ACRES NEEDED TO MEET STANDARD IN 2040 IF PLANNED PARKS ARE DEVELOPED[c]	LOS, 2040
NEIGHBORHOOD PARKS AND LINEAR PARKS	31	119.3	1.33	3.0	150.6	304.7	30.1	274.6	1.06
COMMUNITY PARKS, SPORTS COMPLEXES AND SPECIAL USE PARKS	12	205.2	2.28	1.0	-	-	232.0	-	3.09
MINI PARKS	42	39.8	0.44	0.0	-	-	2.8	-	0.30
TOTAL	85	364.3	4.05	4.0	150.6	304.7	264.9	274.6	4.45

SOURCES: WRT, 2021; CITY OF TRACY, 2021.
NOTES:
A BASED ON 2018 POPULATION OF 89,965
B BASED ON PROJECTED 2040 POPULATION OF 141,341
C BASED ON PROJECTED 2040 POPULATION OF 141,341 AND ASSUMING DEVELOPMENT OF PLANNED PARKS

Figure 3-1

Park Access Gaps and Neighborhood Park Opportunity Areas



- Tracy City Limit
- Sphere of Influence
- Aqueduct
- Rivers/ Canals/ Ponds
- Agriculture / Undeveloped
- Airport
- Future Development Area (Outside Service Areas)
- Residential
- Neighborhood Park
- Service Area: 1/2 Mile
- Service Area: 3/4 Mile
- Planned Neighborhood Park
- Neighborhood/Linear Park Opportunity Area
- Community Park
- Service Area: 1/2 Mile
- Service Area: 3/4 Mile
- Planned Community Park
- Planned Private Park
- Community Park Opportunity Area

UR-1 should include a minimum of 4 neighborhood parks and 1 community park. UR-5, UR-7 and UR-8 must be served by adequate neighborhood parks.

N

0 0.325 0.65 1.3 Miles

approach to park access, recognizing that walkability to parks with a variety of recreational features is the intention. Therefore, the City should seek to provide a neighborhood or community park within a shorter, ½-mile walking distance of all Tracy residents. Figure 3-1 shows ½-mile and ¾-mile "walksheds" around all of Tracy's existing neighborhood and community parks, using City streets, showing which areas of the City are within comfortable walking range. The map also shows ½-mile-radius circles around future parks that are currently in the planning stages, showing generalized park walkability in future development areas.

Areas that appear as gaps on this map should be a focus for potential future neighborhood park opportunities.

In particular, within Urban Reserves 1 and 5, 50% of neighborhood/ linear park development shall be integrated and/or adjacent to the stormwater basins dedicated to that development.

Where existing development precludes the creation of new neighborhood parks, existing mini parks, special use parks, and sports complexes should be prioritized for the addition or improvement of neighborhood-serving recreation amenities.

1D. Park Land Dedication and Park Development Impact Fees

The City of Tracy is in the process of updating its citywide development impact fee. The updated impact fee's park acreage, amenity, design, and cost assumptions will be based on the policies in this Plan.

All new developments must pay park development impact fees. Parks that are located behind gates (e.g. in gated communities) are not reimbursed and do not count toward meeting park requirements as they are not open to use by the entire community. (See also Policy 1H.: Public Access).

The City will provide flexibility to ensure that required parks and amenities are provided while recognizing challenges resulting from changes to the impact fee during buildout of large master planned areas.

The City may also allow for cost recovery by developers who provide parks that meet all City standards and are delivered at below the cost assumptions underlying impact fees.

Park land dedication and development impact fees will cover some but not all of Tracy's park needs in the years to come. Development fees do not pay for renovation of existing parks.

1E. Build in Flexibility

As the City of Tracy seeks to balance a variety of recreational needs and to achieve a diverse system of parks and trails, we will maintain flexibility in how and whether to require land dedication or the payment of in-lieu fees, and the use of those fees or dedicated land, provided the use meets State legal requirements.

This includes the use of dedicated land or impact fees for special use parks, sports complexes, trails outside of linear parks, or public benefit funds, in addition to neighborhood and community parks.

1F. Conformance with City Standards and Guidelines

The design and development of proposed new parks and facilities shall take into account City standards and guidelines and goals for park maintenance, recreation programming, sustainability,

ADA accessibility, connectivity, parking, resource conservation and community development. The City shall involve all affected or interested departments, and applicable stakeholders such as the Parks and Community Services Commission, in the review and approval of park master plans to ensure that parks effectively address these elements.

1G. Concurrent Development

Parks that are created as part of planned development must be designed and built in tandem with the development they are meant to serve. The City will not permit parks to be left to the end of development projects, putting greater strain on existing facilities and failing to serve new residents. As an approval condition of development, a park must be completed and open for public use when 50% of the homes in a new development are occupied, or sooner. If a development is built in phases, the park must be completed and open for public use when 50% of the homes are occupied in that phase.

1H. Public Access

Parks that are created to satisfy City requirements for new park land as part of development must be fully open to the general public, with reasonable limitations on hours of operation. Parks will be operated by the City of Tracy unless special circumstances support a different operational model.

1I. Specific Plans and the Citywide Parks Master Plan

Specific Plans can be a tool for developers to enhance a neighborhood's "sense of place" making it more vibrant and livable. These planning documents shall not be used to circumvent minimum standards, however they can be used to enhance parks, recreation and trail planning subject to approval by the City.

Clyde Bland Park. Tracy looks to create more neighborhood parks in the years ahead.

Robert Kellogg Park

GOAL 2
WELL-MAINTAINED PARKS

The City of Tracy will remain committed to maintaining our existing parks at a high level. This includes design that considers maintainability, achieving efficiency in operations, and providing equitable and reliable funding for both maintenance and capital replacement of amenities and infrastructure.

POLICIES:

2A. Maintainable Design, Planting and Amenities

2B. Efficient Operations

2C. Adequate Funding for Park Improvements and Maintenance

THE PARKS MAINTENANCE FUNDING PICTURE

Parks maintenance for the majority of our parks (49, as of 2020) comes from the Landscape Maintenance District (LMD) or Community Finance District (CFD). These districts were set up as part of development, and have varying funding levels depending on the fees charged to local residents.

Most of our neighborhood parks and all of our community parks and sports complexes are funded through the General Fund.

Measure V, passed by Tracy voters in 2016, raises about $10 miillion each year to fund City services - which could potentially include operations and maintenance of parks.

Tracy is comprehensively studying its financing structure.

GOAL 2: WELL-MAINTAINED PARKS

POLICIES

2A. Maintainable Design, Planting and Amenities

Well-maintained parks start with design that considers ease of maintenance. Maintenance can be eased by access for maintenance vehicles; use of durable materials; plant selection and grouping; and quality and efficient irrigation systems, among other ways. The City will review all park plans and designs to assess requirements for long-term maintenance, sustainability and stewardship. Design modifications will be proposed where needed.

2B. Efficient Operations

The City will continue to do high-quality work maintaining Tracy's parks, sports complexes and trails, and continue to pursue strategies for greater efficiency in its practices, staffing, systems, materials and equipment.

Specific actions to improve maintenance and lifecycle replacement practices are provided in Chapter 6: Implementation. See pages 206-207.

2C. Adequate Funding for Park Improvements and Maintenance

Tracy's General Fund supports maintenance and improvements at most of the City's community and neighborhood parks and sports complexes. The Landscape Maintenance Districts and Community Facilities District that support over half of Tracy's parks do so at varying funding levels, resulting in uneven capacity across the system.

Tracy is comprehensively studying its LMD financing structure, and will follow this with a study of park financing from General Fund and Community Facilities District.

A high-level analysis of expected capital improvement and lifecycle maintenance costs associated with each park type is provided in Chapter 6: Implementation.

GENERAL FUND PARKS

Veterans Park

Edgar Thoming Park

William Larsen Park

Galli Family Park

SPECIAL DISTRICT PARKS

Tom Slayter Park

Daniel Busch Park

Bill Schwartz Park

Village Green Park

Lincoln Park

GOAL 3
SAFE PARKS

Tracy residents must feel safe in our parks. The City will continue to embed safety into park design, programming and operations.

POLICIES:

3A. Design For Safety

3B. Park Activation

3C. Lighting for Safety

3D. Security Cameras

3E. Park Monitoring

WHERE DOES SAFETY COME FROM?

Park safety is a product of good planning, design, day-to-day use, and management.

Natural Surveillance. Parks should have good sight lines, and "eyes on the park" from adjacent streets, homes and businesses. Good lighting is important too.

Defensible Space. Entrances should be clear - and so should edges where access is not permitted.

Park Features. Park features should be in demand, attracting people to use the park, which brings us to...

Day-to-Day Use. **People using parks is the best guarantee for safe parks.** If there are reasons for people to be there, people will be safe. This might mean park programming: movies in the park, recreation classes, food festivals...

Park maintenance, security patrols and security cameras all help complete the safety picture.

GOAL 3: SAFE PARKS

POLICIES

3A. Design for Safety

Safety will be built into the design of new parks and as existing parks are rehabilitated. Safe parks can be achieved by creating natural surveillance and ensuring defensible space. This means maintaining good sight lines from public streets and buildings and throughout parks and creating clear entrances and clear boundaries. Parks will also be designed to reduce hazards from vehicles by establishing safe crosswalks and safe bike access, placing active use and play areas away from busy streets, and using planting and fencing as a buffer.

The principles and practices of Crime Prevention Through Environmental Design (CPTED) will be considered in the design and maintenance of future parks and new amenities.

3B. Park Activation

People using parks is the greatest guarantee for safety. Parks that are equitable, inclusive, attractive, comfortable, and interesting, with recreation features people want to use will be safe parks. More directly, the Department will activate parks by providing recreational and community programming.

3C. Lighting for Safety

The City will assess lighting quality throughout the park system with a focus on providing high-quality lighting along paths and eliminating areas where glare or excessive darkness create safety concerns.

All new parks will have a main walkway or circulation path that is lighted.

3D. Security Cameras

The City will study the efficacy and sustainability of placing security cameras in or adjacent to parks, and continue to implement the Park Camera Program.

3E. Park Restroom Safety

The City will ensure that park restrooms have regular maintenance and should be self-locking whenever possible to reduce unauthorized use after hours.

3F. Park Monitoring

The Parks and Recreation Department and its public safety partners will work together to ensure that all Tracy residents feel welcome in parks and that safety concerns are addressed effectively.

Lincoln Park

GOAL 4

EQUITABLE & INCLUSIVE PARKS

The Parks and Recreation Department is committed to creating and promoting inclusion across all the public spaces, facilities and programs we manage. We aim to ensure that everyone has access to the benefits of quality parks and recreation, including persons of color, persons with cognitive and physical disabilities, LGBTQ+ individuals, and people who have immigrated from other countries.

POLICIES:

4A. Equitable Distribution of Parks and Facilities

4B. Inclusive Places

4C. Accessibility and Universal Design

GOAL 4: EQUITABLE & INCLUSIVE PARKS

POLICIES

4A. Equitable Distribution of Parks and Facilities

The City will strive for all residents to be within a one-half mile walk of a neighborhood or community park. Where this level of access is not possible, the City will prioritize improvements to other recreation facilities (mini parks, special use parks, or sports complexes) to provide enhanced neighborhood amenities. The City will also prioritize park investments in neighborhoods with a larger share of persons experiencing poverty and communities of color.

See also Policy 2c: Adequate funding for park improvements and maintenance.

4B. Inclusive Places

Tracy will work to make its parks and facilities feel inclusive for all members of the community. This may involve:

- Cultural representation through signage, artwork and murals, with involvement from the Tracy Arts Commission;
- Play equipment that is usable by people with cognitive and physical disabilities;
- Gender-neutral restrooms and changing rooms;
- Programming that meets the needs of diverse users;
- Other elements that remove barriers that may deprive some people of the opportunity to enjoy the benefits of parks and recreation.

Funding for care and replacement/repair of these items must be identified.

The City will strive to create parks that enable diverse users to interact and recreate together.

4C. Accessibility and Universal Design

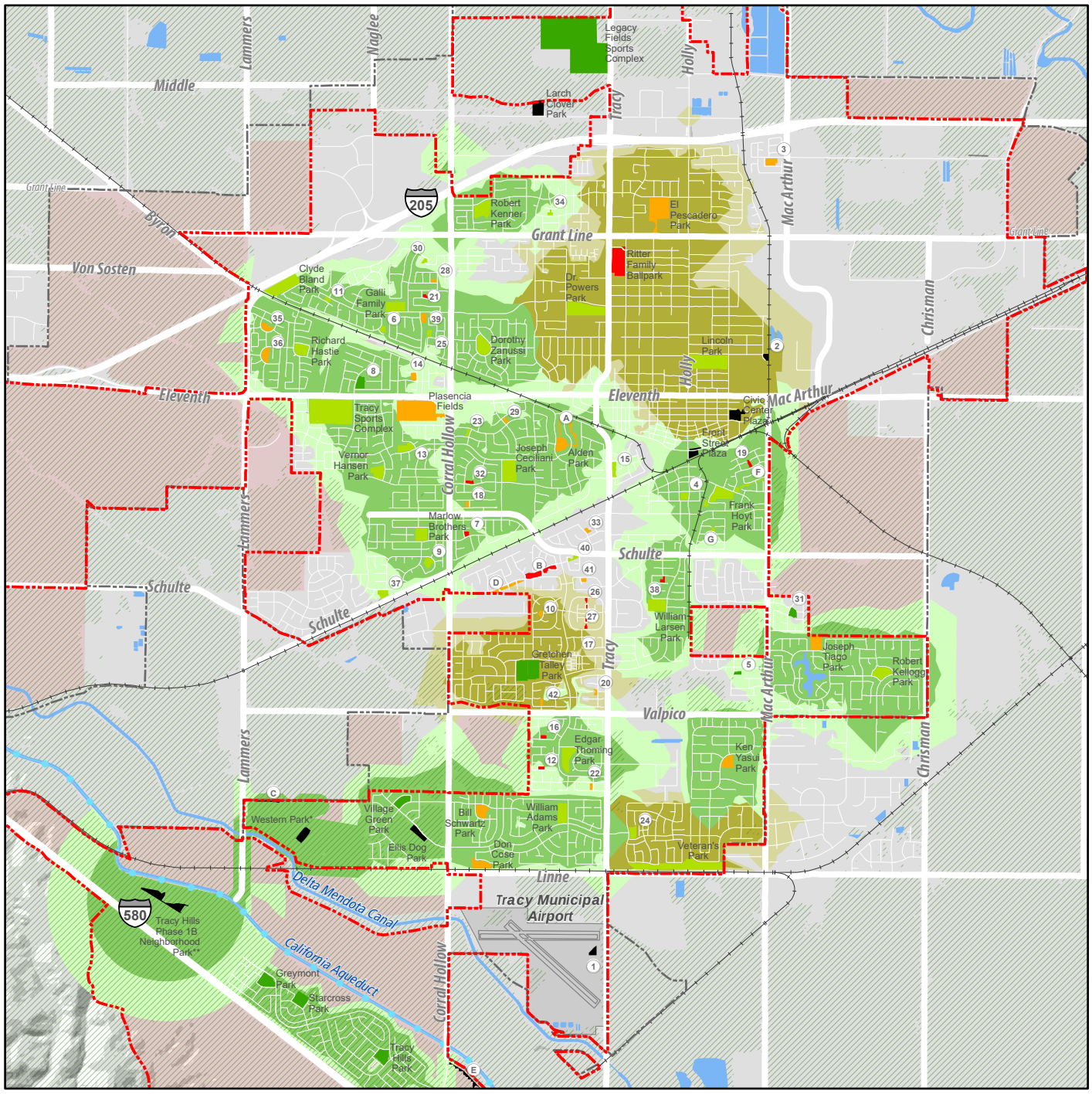
Tracy's parks and facilities will be improved as needed to ensure that people with disabilities are able to arrive on the site, approach facilities and amenities, and enter as freely as everyone else. Improvements will address issues such as paving, ramps, doorways, handrails, and signage.

The Americans with Disabilities Act (ADA) standards and/or published guidelines and the California Code of Regulations are strongly adhered to by the City of Tracy where such may apply in the built environment. As such, all City structures, elements and facilities constructed where programs, services and activities are provided by the City, shall strictly comply with such standards and be constructed as accessible for all persons with disabilities to the greatest extent possible. This would include accessible parking as a Title II program requirement and obligation where such would be a reasonable expectation. Additionally, accessibility standards shall be included in any newly constructed or remodeled employee-only areas.

More broadly, parks and amenities will be designed so that they can be accessed, understood and used to the greatest extent possible by all people regardless of their age, background or ability. Accessibility should be integrated into park design and function.

Figure 3-2

Access to Neighborhood and Community Parks and Park Condition (August 1, 2019)



Tracy City Limit
Sphere of Influence
Aqueduct
Rivers/ Canals/ Ponds
Agriculture / Undeveloped
Airport
Future Development Area
Neighborhood Park Service Area: 1/2 Mile
Neighborhood Park Service Area: 3/4 Mile
Community Park Service Area: 1/2 Mile
Community Park Service Area: 3/4 Mile

August 1, 2019 Condition Rating

Excellent
Poor
Unknown / Unclassified Condition

(#) Existing Mini Parks

1. American Legion Park
2. Fine Family Park
3. A.R. Glover Park
4. McDonald Park
5. Clyde Abbott Park
6. Dr. Ralph Allen Park
7. Bailor/Hennan Park
8. Daniel Busch Park
9. J. Kingsley Chadeayne Park
10. Evelyn Costa Park
11. Eagan Family Park
12. Albert Emhoff Park
13. John Erb Park
14. Fabian Family Park
15. Jack Fisher Park
16. Barbara Fitzpatrick Park
17. Golden Spike Park
18. Harvest Park
19. Lester Huck Park
20. Fred Icardi Park
21. George Kelly Park
22. John Kimball Park
23. Kit Fox Park
24. William Lowes Park
25. McCray Family Park
26. Mount Diablo Park
27. Mount Oso Park
28. New Harmon Park
29. Robert Patzer Park
30. Pombo Family Park
31. Jim Raymond Park
32. Naomi Rippin Park
33. Sister Cities Park
34. Tom Slayter Park
35. Souza Family Park North
36. Souza Family Park South
37. Joan Sparks Park
38. Larry Sullivan Park
39. Dorlane Thrasher Park
40. Tracy Press Park
41. Valley Oak Park
42. Westside Pioneer Park

(A) Existing Linear Parks

A. Alden Park Greenway
B. Henry Barboza Park
C. Orchard Park*
D. Dorothy Evans Park
E. Hillview Linear Park**
F. LMD Zone 17 Greenway
G. Florence Stevens Greenway

*Under construction at the time of Master Plan adoption
**Based on Vesting Tentative Maps already approved at the time of Master Plan adoption

N
0 0.225 0.45 0.9 Miles

Hoyt Park

GOAL 5

COMFORTABLE & ATTRACTIVE PARKS

Tracy's parks will feature an expanded tree canopy, shaded amenities, and restrooms located in close proximity to play areas when installed. Lighting will extend parks' usability to winter evenings and nights year-round.

POLICIES:

5A. Expanded Tree Canopy

5B. Shaded Amenities

5C. Water Features

5D. Restrooms

5E. Lighting for Activation

GOAL 5: COMFORTABLE & ATTRACTIVE PARKS

POLICIES

5A. Expanded Tree Canopy

Trees provide shade, seasonal color, natural character, and habitat. They reduce the urban heat island effect and create buffers from noise. The City will continue to develop the tree canopy in parks, guided by the Urban Forestry Management Plan.

5B. Shaded Amenities

Play areas, picnic areas, walking loops and spectator seating areas need shade to be usable throughout the year in Tracy's hot summer climate. Providing shade, particularly in children's play areas, reduces health concerns related to extended sun exposure. New parks and park improvements should increase shade in these areas by adding shade structures and/or trees. In particular, play areas should be substantially shaded from Day 1, with shading integrated into play equipment structures where possible.

5C. Water Features

The City will seek ways to add water to the experience of parks, with water features, splash pads, misters, and access to and along canals where resources and regulations allow.

Water features are considered high-water-use elements when calculating a landscape's water budget following the City's Model Water Efficient Landscaping Ordinance (MWELO). The City requires that splash pads be designed to recirculate water, and will be mindful of the need to conserve water, especially during drought years.

5D. Restrooms

Restrooms should be included in all community parks and at sports complexes, and should be provided in neighborhood parks with active recreational amenities that promote park users staying longer than 1 hour and placed in close proximity to playgrounds. The City will ensure that park restrooms have regular maintenance and should be self-locking whenever possible to reduce unauthorized use after hours.

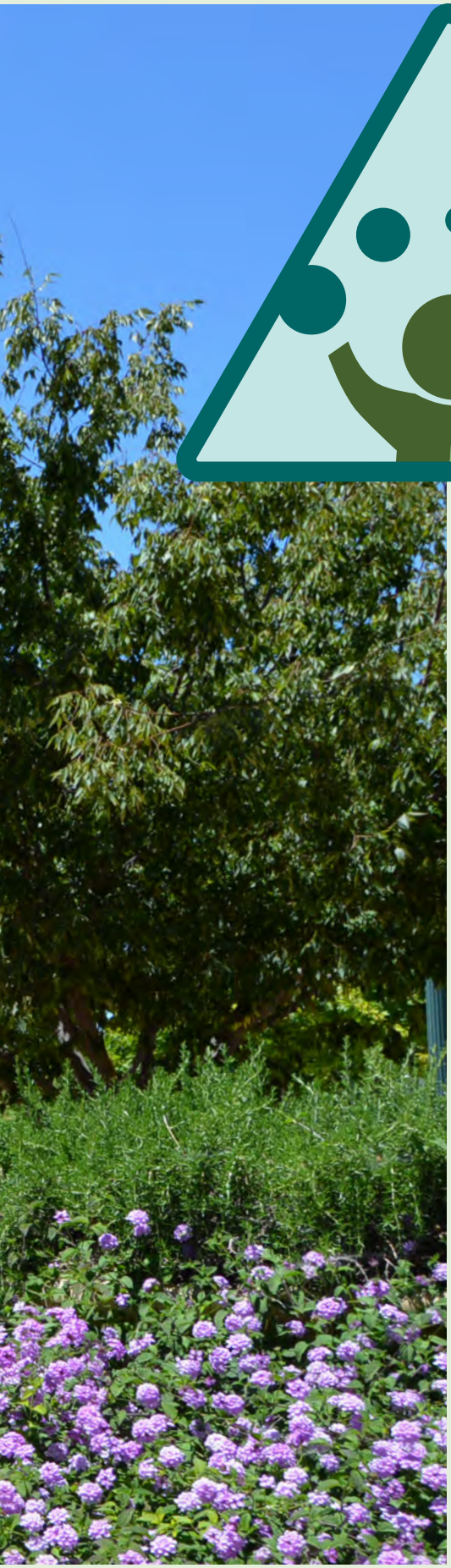
See also Policy 3E. Park Restroom Safety.

5E. Lighting for Activation

Lighting is a key feature both for safety and to make parks usable during the shorter days of late fall through early spring. Pedestrian-scaled lighting should be provided along all walking paths, street frontages, and amenity areas in parks. Lighting should be strategically added to recreation facilities to create more opportunities for active recreation (e.g. basketball, tennis, track, and field sports) distributed around the city.

See also Policy 3C: Lighting for Safety.

Shade is essential to making parks comfortable and attractive in Tracy. Veterans Park (facing page).



Front Street Plaza

GOAL 6

INTERESTING & DIVERSE PARKS

Tracy's parks will provide recreational opportunities for everyone. They will support a diversity of experiences, have multi-generational appeal, and be successful gathering places for the whole community.

POLICIES:

6A. Balance of Programmed and Unprogrammed Spaces

6B. Non-Traditional Elements

6C. Downtown Plazas and Community Gathering Spaces

6D. Nature Park and Preserved Open Spaces

6E. Gardens

GOAL 6: INTERESTING & DIVERSE PARKS

POLICIES

6A. Balance of Programmed and Unprogrammed Spaces

Tracy's parks should support organized sports as well as plenty of places for informal active recreation, areas for picnicking and walking, as well as flexible, passive use areas conducive to a range of experiences, from gathering with friends, to playing pick-up soccer, to simply taking a walk or being outdoors.

6B. Non-Traditional Elements

While neighborhood and community parks may have a set of "typical" amenities, the City will seek to create a distinct experience at each place, drawing on the character of the site, the desires of the local community, and evolving ideas in park design and programming. Examples may include:

- Recreation facilities for sports like badminton or cricket
- Adventure, educational, and sensory play areas and equipment
- Outdoor classrooms

6C. Downtown Plazas and Community Gathering Spaces

Community members want more gathering places where events, concerts and performances can take place. The City should optimize Front Street Plaza and the Civic Center for community gatherings, and ensure that attractive and diverse new public spaces are created as part of future transit-oriented development in the "Bowtie." These spaces may feature a greater proportion of hardscaped areas, and a strong connection to sidewalks, linear parkways, outdoor seating, restaurants and cafes, and performance venues.

6D. Nature Park and Preserved Open Spaces

Tracy Nature Park, and open spaces preserved in Tracy Hills and Cordes Ranch, will create new opportunities to experience open, undeveloped landscape and natural processes—experiences that are increasingly sought as Tracy grows. These areas should include trails, interpretive signage, and features to promote environmental education and passive enjoyment.

6E.Gardens

The City's park system should include demonstration gardens that show how native plants and pollinators can be used to reduce water use and support environmental health. The City will explore partnerships to support gardens, environmental and horticultural education.

6F. Public Art

Public art can add beauty, wonder and meaning to our everyday environment. If the City establishes a requirement or in-lieu fee for public art, developers should incorporate public art into future parks, in coordination with the City. Fees should also be used to bring art into existing public spaces, especially downtown and at community parks.

Facing page: Grand Center for the Performing Arts

GRAND
WILLY WONKA
AND THE CHOCOLATE FACTORY
4/5-6 7PM AND 4/6-7 2PM
5 MIN LOADING ZONE
30 MIN PARKING

Tracy Nature Park Site

GOAL 7

SUSTAINABLE PARKS

Parks can have great ecological value by preserving natural vegetation, providing suitable habitat, reducing water use, and cooling the air. By enabling more people to walk and bike, our trail system will help us reduce greenhouse gas emissions. The City will preserve and enhance natural environments in future parks, and employ ecological strategies in the design and maintenance of existing parks.

POLICIES:

7A. Create Habitat Value

7B. Support Water Quality and Groundwater Recharge

7C. Water and Energy Conservation

7D. Support Walking and Biking

GOAL 7: SUSTAINABLE PARKS

POLICIES

7A. Create Habitat Value

Tracy's park system should be designed and managed to create habitat value. Opportunities include:

- Incorporating and protecting existing natural elements such as hillsides and drainages;
- Creating relationships between mature trees and open meadows that are conducive to nesting and foraging birds;
- Incorporating native plant species;
- Creating pollinator gardens;
- Creating green corridors that support wildlife movement

7B. Support Water Quality and Groundwater Recharge

Parks provide areas where water can infiltrate and recharge groundwater basins. Parks may conserve natural drainage conditions, or may manage stormwater to slow infiltration and filter out contaminants. Parks provide opportunities to link the City's larger storm drainage and recreation systems, creating dual purpose environments. The City will seek to optimize this process by continuing the implementation of Integrated Pest Management (IPM) practices and using stormwater best management practices.

7C. Water and Energy Conservation

The design, development, and construction of park and recreation facilities will be based on sustainable guidelines that support resource, water and energy conservation practices and help to reduce greenhouse gas emissions. They may include:

- Grouping plantings based on water need (hydrozones);
- Substituting or replacing turf with low-water-use plants;
- Achieving LEED silver or higher rating for new recreation buildings;
- Ensuring that any new water features are on a recirculating system and meet state requirements;
- Limiting the use of water features during drought periods;
- Including energy efficiency upgrades in building rehabilitation projects;
- Improving the fuel economy of the vehicle fleet.

All new landscape projects will comply with the City's Water Ordinance and requirements of AB 1881.

7D. Support Walking and Biking

Tracy will emphasize accessibility of parks and trails for people on foot and using non-motorized transportation, by locating parks adjacent to bus stops, trails and bikeways; emphasizing park entrances from sidewalks; providing bike parking, maintenance stations, and (potentially) bike share docks; and incorporating biking into recreational programming. In this way, the parks system can help shift travel to non-automobile modes and help to reduce greenhouse gas emissions.

Facing page: Tracy's park system will be linked with trails and greenways, and feature amenities for walking and biking.

PARK DESIGN GUIDELINES

Design guidelines and standards are used to ensure that parks and their individual elements support the goals of this Master Plan.

In the Park Design Guidelines included here, general planning and development guidelines for all parks are presented first, followed by guidelines for each park type.

For more detail, refer to the City's Parks and Streetscape Standards.

Identity

P-1 Establish and follow a baseline vocabulary for attractive, well-designed, commonly placed site elements for standard, system-wide identity. Baseline elements include signage and standard furnishings.

P-2 Working within that overall system identity, develop distinct themes for each park site to establish a unique character. Themes may be expressed through the use of colors, materials, custom furnishings, structures, and plant selections.

P-3 Items of historic or cultural significance, public art and historic and environmental interpretive elements should be considered for inclusion in all park sites to contribute to individual character.

Entry and Perimeter Treatment

P-4 Direct connections to the street and/or sidewalk should be visible and part of the park entry sequence. Where possible, locate entry near bus stop or crosswalk.

P-5 Provide a main entry that gives a sense of arrival and encourages park use, including accent planting and attractive signage consistent with City standards. Where feasible, lighting should promote the park name and presence during evening hours.

P-6 Ensure that the exterior appearance of parks is attractive from adjacent public areas. Signage, openness, fence materials if applicable, and planting should be carefully designed to enhance park appeal.

P-7 Use universal design principles to facilitate access and movement within parks for people of all ages and abilities:

- Elements within the park should be connected with an accessible hard-surfaced trail where possible.
- Primary pathways should be able to accommodate maintenance and emergency vehicles. Secondary pathways need to be wide enough to minimize user conflicts. See Park & Streetscape Standard Plans for detailed requirements.

P-8 Place trash enclosures, backflow devices, and aboveground utilities away

from the entry or carefully conceal in other park features. When feasible, include a separate entry for maintenance vehicles away from the main entry and away from active play areas.

P-9 Include secure bicycle parking at all parks.

Site Organization and Relationships

P-10 Provide a diversity of site amenities that attract different types of recreation activity at various times of day. Provide program elements that encourage site activation among different age groups.

P-11 Locate high-use amenities such as playground equipment and basketball courts in areas that are visible from adjoining streets to promote safety and encourage use, but far enough away to ensure user safety.

P-12 Provide amenities including sports, play, and picnicking, throughout a site so "dead" zones do not welcome anti-social behavior.

P-13 Create highly visible spaces by designing park elements, including pathways, play areas, picnic areas and benches, to allow for natural surveillance among users.

- Design pathways with unobstructed sight lines, and locate seating and play elements in areas with unobstructed views.
- Design buildings and facilities so that entries, windows, staffed areas and programmed activity overlooks populated public spaces.

P-14 Locate permanent restrooms in highly utilized and visible areas to reduce vandalism risks and deter undesirable behavior.

P-15 Position play spaces a minimum of 50' from street or parking areas, when park configuration permits. Enclose play areas that are closer than 25' to arterial or collector streets and parking areas with 3' high non-climbable fence. Safety fencing will be required if playground is within 50 feet of a street. Park design shall also discourage direct path of travel from play area to street, no matter the distance.

P-16 Design sports fields and sports courts with a north-south orientation, yet allow for the re-orientation of fields in order to disperse wear and tear. Avoid sports field lighting in neighborhood parks.

P-17 Install drinking fountains near play areas and sports fields. Add bottle fillers, misters, and dog basins to drinking fountains in order to expand usefulness.

P-18 Provide seating elements that are located to take advantage of hospitable conditions including shade, views, and sound.

P-19 Employ mitigation measures for sound, air quality, views, and safety at parks located near highways and major roadways. Measures may include dense tree canopy, dense vegetation buffers, water features, or art elements with screening features.

P-20 Through placement of recreation features and use of mitigation techniques, design parks in a way that minimizes impacts such as noise and lighting on neighboring properties.

Features and Amenities

P-21 Provide both active and passive recreation opportunities. Passive recreation opportunities may include seating, picnicking, and nature viewing. Active recreation opportunities may include play areas, jogging/walking loops, aquatic and sport facilities.

P-22 Design parks for multi-generational use, with features that appeal to people of different ages placed in proximity to each other.

P-23 Design play areas to support activities for children of varied ages including tots, young children, and teenagers.

P-24 Create unique play experiences by including a variety of visual and physical elements that incorporate sight, sound and texture exploration. These features may provide increased value to special-needs children.

P-25 Provide creative play opportunities that incorporate natural features and non-traditional play environments.

P-26 Use local and recycled materials in buildings and park furnishings where appropriate.

P-27 Achieve LEED silver or higher rating for construction in the development of new recreation facilities (preferred, not required).

P-28 Shade seating wherever possible.

P-29 Select all paving, site furnishing, and landscape materials based on durability as well as aesthetic value. Integrate park equipment that is specifically designed to withstand vandalism, graffiti, and fire, as noted on a City-approved list of site furnishings.

P-30 Where feasible, incorporate existing unique or significant natural, cultural, historical, or agricultural elements in proposed parks (e.g. a water tower, barn, or rock outcroppings).

P-31 Ensure that proposed park design and construction, including park amenities and facilities, are consistent with Park and Streetscape Standard Plans.

P-32 Park amenities such as playgrounds, picnic tables, drinking fountains and benches shall be accessible to all users and abilities and comply with current state and national design standards that meet or exceed the requirements of

Create unique play experiences and provide creative play opportunities.

the Americans with Disabilities Act (ADA) Standards for Accessible Design and the California Building Code.

P-33 Safety surfacing beneath swings and playground equipment shall meet safety and ADA requirements, without a drop-off from the surrounding surface. Refer to the US Consumer Product Safety Commission (CPSC) and/or American Society for Testing and Materials (ASTM) for playground standards.

Lighting and Fencing

P-34 Use lighting to promote public safety and security, following the principles of Crime Prevention through Environmental Design (CPTED).

P-35 Where appropriate, provide lighting to extend the use of outdoor facilities at night, such as sports fields, skate parks, basketball courts and children's play areas.

P-36 Design lighting systems and select fixtures to minimize light pollution/spillage.

P-37 Require energy-efficient technology when replacing existing or installing new technologies, including light elements. Use "smart" technology when possible, i.e. lighting systems that adjust automatically depending upon user patterns in buildings and parks.

P-38 Limit fence and gate use to areas where such elements are necessary (such as select entry points and play areas to protect young children). Where fences and gates are used, use the least sight-limiting fence and gate heights possible, and the least sight-limiting fence and gate materials possible.

Signage

P-39 Provide standard entry signage that identifies the park name and promotes a positive and consistent identity for Tracy's park system. New parks created through a specific plan have the option of creating a unique park monument.

P-40 Place a standard, legally confirmed set of rules in a visible and secondary location that does not negatively impact the welcoming nature of the park entry.

P-41 Establish a standardized wayfinding system to clearly identify amenities and facilities within the park as well as nearby civic, historic, cultural or ecological landmarks.

P-42 Provide other park signage that is consistently applied across the system and is attractive, simple, and adaptive to many uses. Consider strategies to eliminate the need for a standalone sign altogether by employing better design or embedding into another object.

P-43 Use established graphic communication components, including park agency and site logos, colors, fonts, etc., in promotional material related to park events and programming.

Landscape

P-44 Use landscape as an element of Crime Prevention through Environmental Design (CPTED), including:

- Allowing unobstructed views of surrounding areas and promoting public safety and security.
- Following a planting strategy to avoid the need to maintain plants to size smaller than their natural habit, i.e. avoid plants that will limit clear sightlines into the park.

P-45 Increase plantings of trees with large canopies to provide more shade and reduce urban heat island effect.

P-46 Implement a water efficiency program in compliance with AB 1881, the Water Conservation in Landscaping Act, and all other water efficiency legislation in effect at the time of design such as:

- Develop water-efficient irrigation systems linked to a centralized, irrigation control system.
- Explore options for on-site water harvesting and rainwater capture
- Provide bubblers to trees for the establishment period and beyond as appropriate

P-47 Employ Low Impact Design (LID) practices to increase opportunities for stormwater and groundwater recharge by

utilizing:

- Bioretention areas, to provide soil- and plant-based filtration that removes pollutants
- Permeable pavers, to allow rainwater to infiltrate on site
- Soil amendments, including the addition of compost and mulch, topsoil, lime and gypsum to help offset erosion and make soil more effective for stormwater management
- Green roofs, where feasible, which help mitigate negative effects of urbanization on water quality by filtering, absorbing, or detaining rainfall

P-48 Integrate sustainable plant materials in landscaping, including:

- Minimize turf areas that are not designed to support active or passive recreation use.
- Use lawn/turf substitutes in all park areas not required for recreation. These include grasses and ground cover plants that require less water, fertilizers, and maintenance (mowing) than traditional turf.
- Use drought tolerant, low-maintenance plants for 95% of all on-site plant material (excluding turf/lawn).
- Provide mulch in plant beds and tree rings to help conserve water and suppress weeds, preferably recycled from the City's Urban Forestry program.
- Establish or follow construction guidelines for the preparation of site soil that is suitable for healthy plant growth including depth of planting soil, soil amendment, and compaction limitations, and perform soil testing to determine the necessary amendments and nutrients needed.
- Establish or follow guidelines for suitable trees and plant materials to be planted in parks, and consult the City Arborist when needed.

P-49 Preserve and create habitat and natural resources within parks.

- Design "no-mow" zones within parks in appropriate places.
- Protect existing habitat for native species where appropriate.
- Employ plants with habitat value for pollinator species
- Consider interpretive value of plantings as part of public educational program

P-50 Reduce and/or eliminate chemical use in landscape areas when possible. This may include:

- Following the City's established Integrated Pest Management (IPM) program to target pests and reduce chemical inputs where possible.
- Using organic fertilizer with humic acid and mycorrhizea fungi when possible.

Dual-Use Drainage Basins

P-51 Encourage the co-location of parks and detention basins, bioswales, or other approaches to stormwater management, allowing for dual recreational use wherever practical.

P-52 Only portions of detention basins that are designed and programmed for recreational use are eligible for park acreage credit, at a percentage equivalent to the percent of the year the basin is designed to be usable. ***See also Policy 1B: Park Acreage Level of Service.***

P-53 In order for storm drainage basins to successfully serve as dual-use park space, they must have typical recreation amenities. These amenities may include sports fields, play areas, picnic areas, nature viewing areas, shade structures, and enhanced landscape (including trees with large canopies that provide shade).

P-54 Playground equipment and related equipment shall not be placed in any area that fills with water.

P-55 Maintain topographic design that allow basins to operate functionally for storm drainage. Use this topography as an opportunity for park design. Capitalize on site topography

by, for example, designing for views from the basin edge; play areas that use the slope as a play element; and seating opportunities on slopes facing recreation activities below.

P-56 Provide clear signage and a welcoming entry and perimeter design that communicate the status of the site as a park.

P-57 Ensure universal access to recreational features in all areas of the basin site without compromising the basin's flood control use.

P-58 Minimize fencing, allowing landscape elements to act as buffers where needed for safety and access control.

A shallow bowl can function as a playfield in summer and a detention pond in winter, allowing for the slow infiltration of stormwater. An outlet keeps the basin from flooding in large storms (Bruno Canziani Park, Livermore.)

Wireless Communication Facilities

P-59 Wireless communication facilities shall be thoughtfully and strategically integrated into the park site. The facility, and required maintenance access, cannot negatively affect the current and/or future programming areas within the park without the approval of the City.

P-60 The developer shall make every attempt to mitigate the visual impacts created on the park by the facility. This may include, but is not limited to the construction or installation of walls, screens, plant material, tower facades (ie. faux trees) or other design features that will help mitigate the visual impacts of the facility. All design decisions related to aesthetics as well as other elements of the facility design such as tower height, lighting requirements and maintenance of equipment are subject to approval by the City.

P-61 Any impacts to the park either physical or visual shall be mitigated to the satisfaction of the City. Enhancements and/or improvements to the existing park site and its amenities may be required at the determination of the City. This may include improvements such as in-kind replacement of existing landscaping and/or amenities impacted by the project.

CHAPTER 04

RECREATION

From the youngest residents to the oldest, Tracy strives to provide a wide array of sports programs and fitness activities to keep the community active, healthy, and well. This chapter describes how the recreation program offerings are carefully monitored, evaluated, and refined, and how new programs are introduced to keep Tracy residents interested, inspired, and moving.

IN THIS CHAPTER:

- Recreation for a Diverse Community
- Full Range of Recreation Facilities
- Programs that Fit the Community

RECREATION FOR A DIVERSE COMMUNITY

STRIKING A BALANCE

It is no surprise that residents of Tracy like to keep moving. Feedback gathered during the planning process indicates a high demand for sports and fitness activities from traditional team-oriented sports such as basketball and soccer to individual activities such as fitness walking and lifting weights, as well interest in some new activities. Just as important, there is a desire for these spaces to be available not just for organized sports but for pick-up games and casual use.

The Master Plan Update used a data-driven approach not only to understand current offerings and potential future demand but to analyze how programs are monitored, evaluated, refined and weighed with regard to available resources—both physical and financial.

PROVIDING EQUITABLE ACCESS

The Plan Update process involved mapping existing recreation resources and exploring how they serve the community. The analysis identified gaps and pointed to strategies to fill in those gaps.

The first Recreation goal is focused on meeting the community's recreation needs equitably across the city as well as across the full spectrum of ages and levels of desired activity.

TAILORING PROGRAMS TO FIT TRACY

The second major Recreation goal is focused on tailoring programs and activities to the community's aspirations and needs. This entails classifying programs and services and taking into account the full cost involved to offer and host programs.

Facing page: Downtown Tracy Block Party

Joe Wilson Pool

GOAL 8

FULL RANGE OF RECREATION FACILITIES

Tracy's profile indicates a high demand for sports and fitness activities across the board. The City will deliver new facilities for aquatics, indoor recreation, and sports, while broadening our recreation amenities to keep pace with changing preferences and new trends. Recreation facilities will also be updated to provide full accessibility.

POLICIES:

- ***8A. Recreation Facility Level of Services***
- ***8B. Diverse Recreation Needs***
- ***8C. Equitable Access***
- ***8D. Aquatics Complex***
- ***8E. Multi-Generational Recreation Center***
- ***8F. Legacy Fields***

GOAL 8: FULL RANGE OF RECREATION FACILITIES

POLICIES

8A. Recreation Facility Level of Service

The City will seek to meet population-based level of service standards for a range of recreation facilities as shown in Table 4-1. These standards are informed by the standards set in the 2013 Parks Master Plan, and updated to reflect current needs.

8B. Diverse Recreation Needs

Tracy's parks currently serve traditional recreation needs well. In the years ahead, the City will seek to provide new facilities that meet emerging demand and serve this diverse community. These facilities include dog parks, community gardens, adventure and educational play areas, bike parks/pump tracks, and cricket pitches.

8C. Equitable Access

Tracy's recreation facilities are not evenly distributed around the city. As part of developing the program for new and remodeled parks the City will consider equitable access as part of park programming decisions.

See also policies in Goal 4.

Golden Spike Park

Table 4-1

Recreation Facility Level of Service

RECREATION FACILITY	PARKS WITH FACILITY	TOTAL NUMBER	EXISTING LEVEL OF SERVICE (PEOPLE PER FACILITY)[A]	LEVEL OF SERVICE (LOS) STANDARD IN PARKS MASTER PLAN (NEW DEVELOPMENTS), 2013	UPDATED LEVEL OF SERVICE (LOS) STANDARD[B]
SPORTS FIELDS					
BASEBALL/SOFTBALL FIELDS	6	19	4,735	4,000	4,000
SOCCER FIELDS	6	20	4,498	5,500	5,500
SPORTS COURTS					
BASKETBALL COURTS[C]	35	36	2,499	2,250	2,750
BOCCE COURTS	2	4	22,491	20,000	20,000
HORSESHOES COURTS	6	6	14,994	20,000	20,000
TENNIS COURTS	9	16	5,623	5,000	5,000
PICKLEBALL	0	0	NA	NA	10,000
SAND VOLLEYBALL COURTS	5	5	17,993	15,000	15,000
SHUFFLEBOARD	1	1	89,965	40,000	40,000
OTHER RECREATIONAL FACILITIES					
CLIMBING WALLS/ROCKS	8	9	9,996	10,000	10,000
COMMUNITY GARDENS[D]	0	0	-	20,000	50,000
DISC GOLF	0	0	-	40,000	50,000
DOG PARKS	1	1	89,965	15,000	15,000
ENVIRONMENTAL EDUCATION FACILITIES	0	0	-	40,000	100,000
GROUP PICNIC AREAS	48	56	1,607	2,000	NA
GROUP PICNIC SHELTERS (LARGE)	1	1	89,965	20,000	20,000
INDOOR RECREATION SPACE	3	4	22,491	40,000	1.5 SQ FT PER PERSON
PLAYGROUNDS	70	95	947	NONE	1,000
ROLLER HOCKEY	2	2	44,983	40,000	50,000
SHADE STRUCTURES	62	99	909	NONE	NA
SKATE ELEMENTS	6	6	14,994	13,000	25,000
BMX BIKE PARKS/PUMP TRACKS	0	0	-	NA	50,000
SPECIAL EVENT VENUES	0	0	-	40,000	NA
SWIMMING POOLS	1	1	89,965	40,000	50,000
WATER PLAY AREAS	3	3	29,988	20,000	20,000
HARD-SURFACED PATHS[E]	32	32	2,811	3,000	NA
SOFT-SURFACED PATHS[F]	1	1	89,965	10,000	NA

SOURCES: WRT, 2020; CITY OF TRACY, 2020; TRACY PARKS MASTER PLAN (NEW DEVELOPMENTS), 2013.

NOTES:

A BASED ON ESTIMATED 2018 POPULATION OF 89,965.

B BASED ON PROJECTED 2033 POPULATION OF 106,509.

C INCLUDES HALF COURTS AND FULL COURTS.

D PRIVATELY-OPERATED COMMUNITY GARDENS ARE NOT COUNTED.

E LOOP TRAILS IN PARKS.

F FITNESS, NATURE, BIKE OR INTERPRETIVE TRAILS IN PARKS.

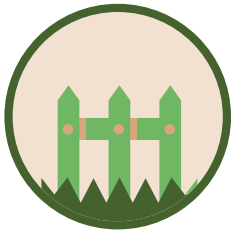
TO REALIZE OUR VISION WE WILL NEED...

6
SOCCER FIELDS

212,000
SF OF INDOOR REC SPACE

16
BASEBALL/ SOFTBALL FIELDS

8
DOG PARKS



3
COMMUNITY GARDENS

1
ENVIRONMENTAL CENTER

Following the updated recreation facility standards, the City would need 16 new baseball/softball fields; 6 new soccer fields; a variety of new sports courts and other recreation facilities, including some 212,000 square feet of indoor recreation space. When facilities that are already being planned are accounted for, a more limited need for additional facilities can be seen, including dog parks, community gardens, tennis and pickleball courts, large group picnic shelters, disc golf, and an environmental education center. See Table 4-2.

12
TENNIS COURTS (& **14** PICKLEBALL COURTS!)

6
LARGE GROUP PICNIC SHELTERS

3
DISC GOLF COURSES

3
BMX/PUMP TRACKS

&
MORE

Table 4-2

Recreation Facility Needs

RECREATION FACILITY	RECOMMENDED LOS	ADDITIONAL FACILITIES NEEDED IN 2040 BASED ON RECOMMENDED STANDARDS[A]	PLANNED FACILITIES	ADDITIONAL FACILITIES NEEDED IN 2040 IF PARKS ARE DEVELOPED AS PLANNED
SPORTS FIELDS				
BASEBALL/SOFTBALL FIELDS	4,000	16	13	3
SOCCER FIELDS	5,500	6	7	0
SPORTS COURTS				
BASKETBALL COURTS[B]	2,750	15	2	1 3
BOCCE COURTS	20,000	3	1	2
HORSESHOES COURTS	20,000	1	1	0
TENNIS COURTS	5,000	12	1	11
PICKLEBALL	10,000	14	0	14
SAND VOLLEYBALL COURTS	15,000	4	0	4
SHUFFLEBOARD	40,000	3	0	3
OTHER RECREATIONAL FACILITIES				
CLIMBING WALLS/ROCKS	10,000	5	0	5
COMMUNITY GARDENS[C]	50,000	3	0	3
DISC GOLF	50,000	3	0	3
DOG PARKS	15,000	8	2	6
ENVIRONMENTAL EDUCATION FACILITIES	100,000	1	0	1
GROUP PICNIC AREAS	NA	NA	7	NA
GROUP PICNIC SHELTERS (LARGE)	20,000	6	0	6
INDOOR RECREATION SPACE	1.5 SQ FT PER PERSON	212,000 SQ. FT.	30,000 SQ. FT.	182,000 SQ. FT.
PLAYGROUNDS	1,000	46	9	37
ROLLER HOCKEY	50,000	1	0	1
SHADE STRUCTURES	NA	NA	9	NA
SKATE ELEMENTS	25,000	0	0	0
BMX BIKE PARKS/PUMP TRACKS	50,000	3	0	3
SPECIAL EVENT VENUES	NA	NA	0	NA
SWIMMING POOLS	50,000	2	2	0
WATER PLAY AREAS	20,000	1	2	0
HARD-SURFACED PATHS[D]	NA	NA	3	NA
SOFT-SURFACED PATHS[E]	NA	NA	4	NA

SOURCES: WRT, 2020; CITY OF TRACY, 2020; TRACY PARKS MASTER PLAN (NEW DEVELOPMENTS), 2013.

NOTES:

A BASED ON PROJECTED 2040 POPULATION OF 141,341.

B INCLUDES HALF COURTS AND FULL COURTS.

C PRIVATELY-OPERATED COMMUNITY GARDENS ARE NOT COUNTED.

D LOOP TRAILS IN PARKS.

E FITNESS, NATURE, BIKE OR INTERPRETIVE TRAILS IN PARKS.

Figure 4-1
Baseball and Soccer Fields

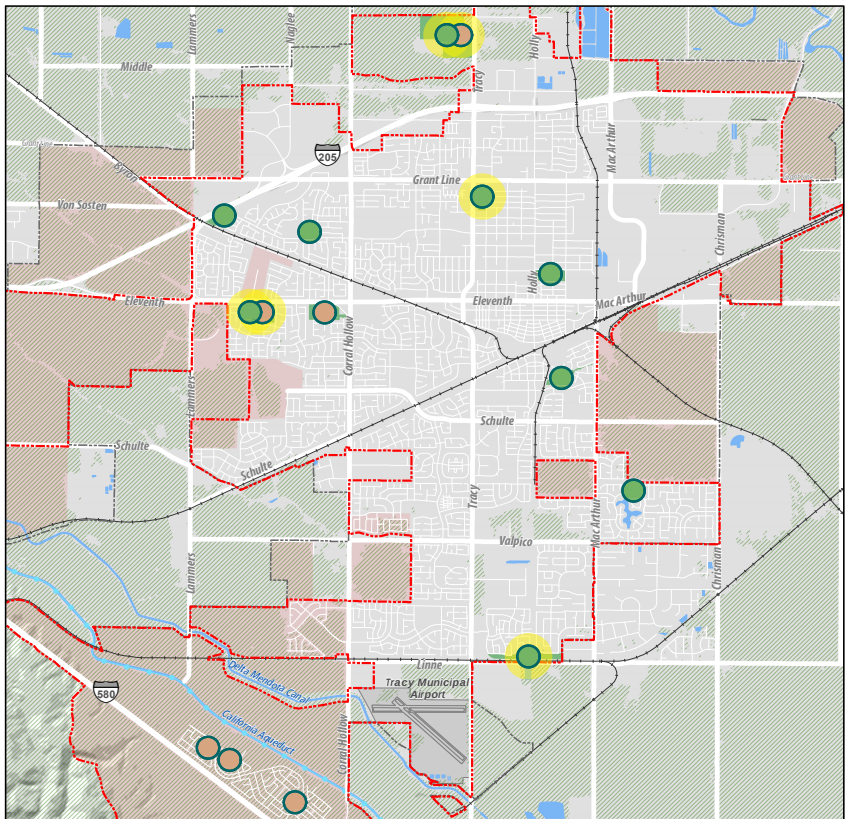


Figure 4-2
Basketball and Tennis Courts

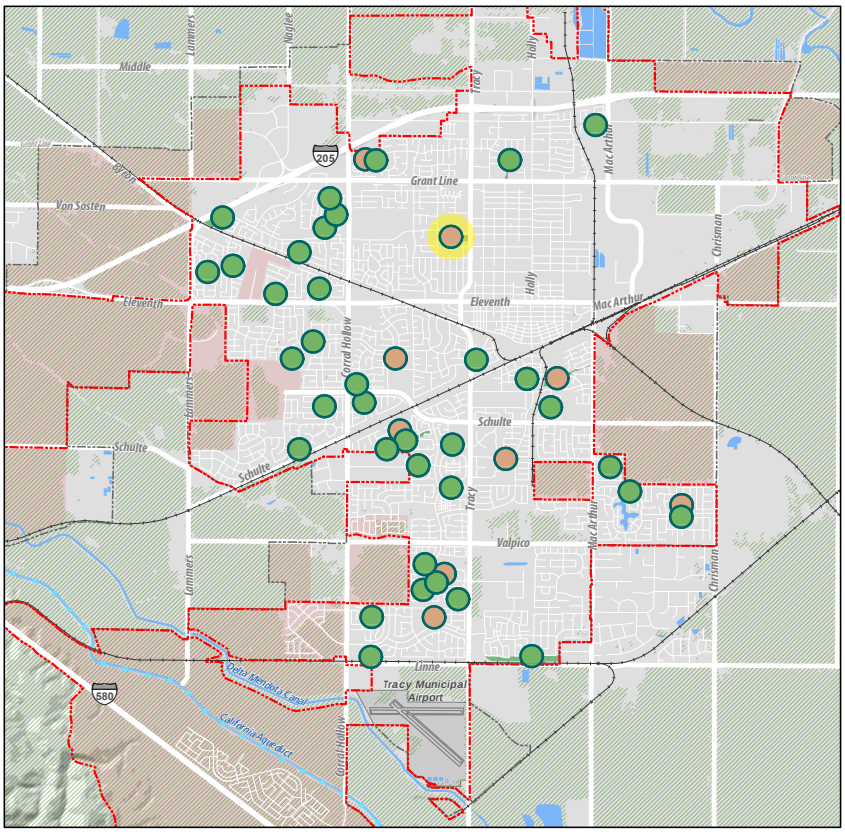
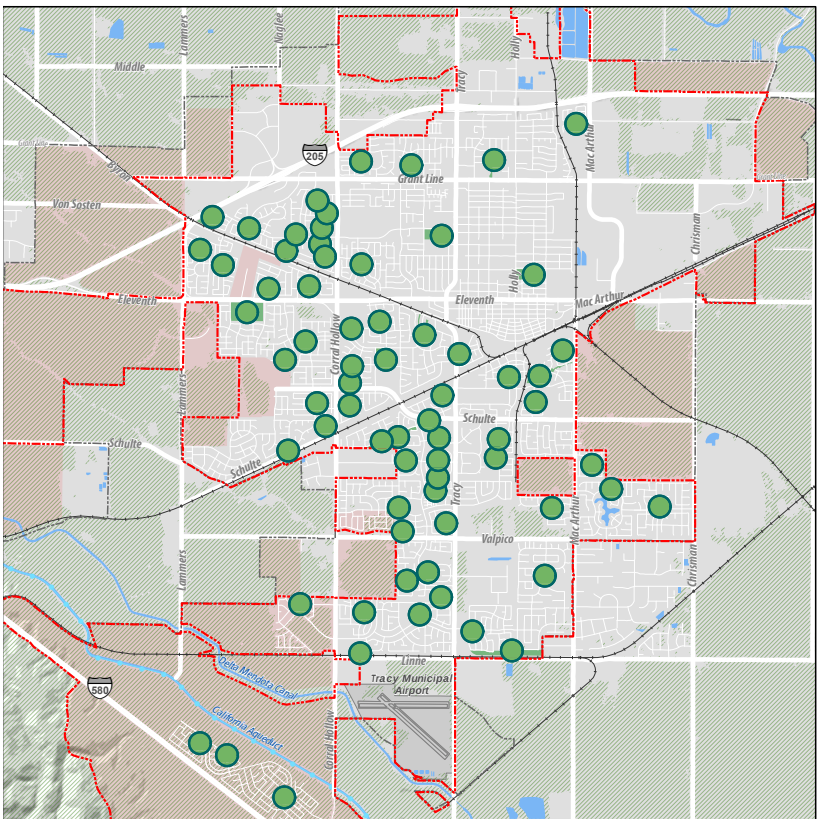


Figure 4-3
Playgrounds

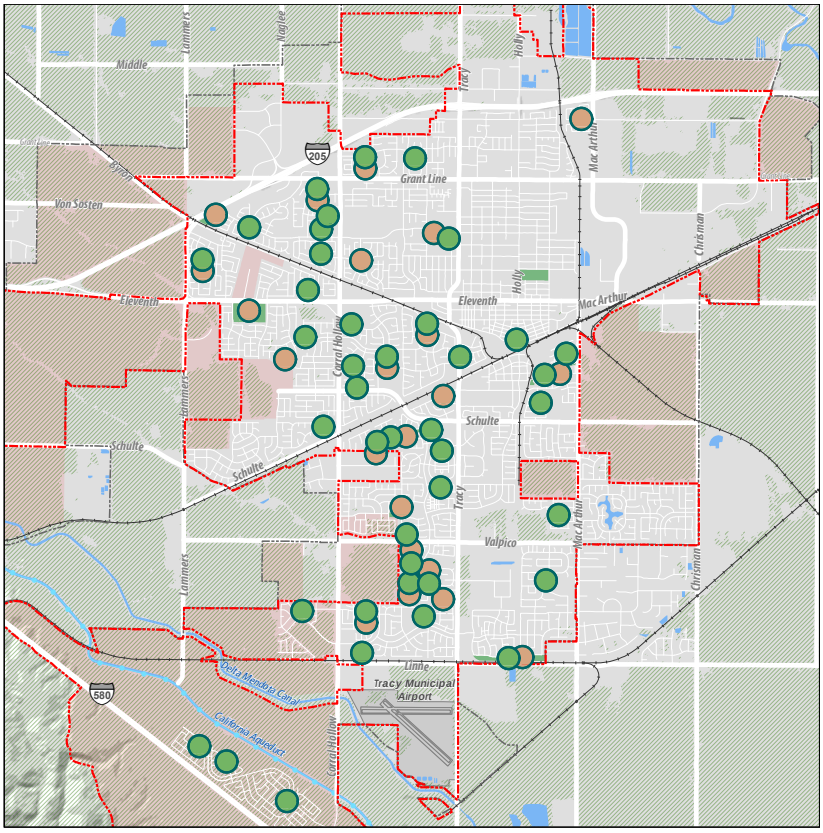


Tracy's recreation facilities are not evenly distributed around the city. As part of developing the program for new and remodeled parks the City will consider equitable access as part of park programming decisions.

- Tracy City Limit
- Sphere of Influence
- Aqueduct
- Rivers/ Canals/ Ponds
- Agriculture / Undeveloped
- Airport
- Future Development Area

Amenity
- Playground
- Park with Amenity

Figure 4-4
BBQ and Picnic Areas



- Tracy City Limit
- Sphere of Influence
- Aqueduct
- Rivers/ Canals/ Ponds
- Agriculture / Undeveloped
- Airport
- Future Development Area

Amenity
- BBQ Grill
- Picnic Area
- Park with Amenity

8D. Aquatics Center

The City will continue work with our developer partner to create an aquatics center open to all City residents. The 16-acre facility will feature a 50-meter pool, a leisure/recreation pool, a lazy river, waterslides, a toddler pool and potentially a play structure and wet deck.

8E. Multi-Generational Recreation Center

The City will continue to work toward the creation of a high-quality indoor recreation space. This may be in the form of a single multi-generational recreation center, or multiple facilities that provide the desired amenities including a gymnasium, a library and educational spaces, a teaching kitchen, administration spaces, multi-purpose rooms, and a lobby and lounge space.

8F. Legacy Fields Sports Complex

The City will continue to develop the Legacy Fields Sports Complex in strategic phases. This includes completion of Phase 1's eastern ballfields, paving of parking lots, and wayfinding/signage. A future Phase 2 expansion would continue to expand active recreation including but not limited to soccer, baseball, and football to the west toward Corral Hollow Road.

Tracy's recreation facilities and programs give all Tracy residents ways to make friends , build confidence, stay healthy, and learn lifelong skills.

Dance class at Tracy Community Center

GOAL 9

PROGRAMS THAT FIT THE COMMUNITY

The Department will continue to evaluate and refresh its recreation programs. The Department will align its cost recovery goals and pricing strategy so that resources are focused on essential programs, while enabling "value-added" programs to emerge.

POLICIES:

- *9A. Recreation Program Priorities*
- *9B. Service Classification and Cost Recovery*
- *9C. Develop a Pricing Policy Based on Classification of Programs and Services*
- *9D. Develop Pricing Strategies*
- *9E. Program Monitoring and Updating*
- *9F. Equitable and Inclusive Programming*
- *9G. Staff Training and Organizational Support*
- *9H. Inclusion Policy Development*
- *9I. Performance Measures*

GOAL 9: PROGRAMS THAT FIT THE COMMUNITY

POLICIES

9A. Recreation Program Priorities

Tracy offers a good mix of recreation programs in a range of core program areas. Expanding recreation and activity programs for teens was the highest programming priority according to the survey conducted for the Master Plan Update, echoing themes we heard from stakeholders. Programs and activities for kids, seniors and adults were also broadly supported. Program priorities and associated needed facilities are summarized in Table 4-3.

The Department will continue to evaluate and refresh its recreation program offerings to ensure that community demand is being met.

Table 4-3
Recreation Program Priorities

HIGH PRIORITY		
RECREATION EXPERIENCE	**CORE PROGRAM AREA**	**CORRESPONDING FACILITIES / AMENITY NEEDED TO SUPPORT EXPERIENCE DESIRED**
WEIGHT LIFTING	EXERCISE AND FITNESS	MULTI-GENERATIONAL RECREATION CENTER - FITNESS CENTER
JOGGING/ RUNNING	EXERCISE AND FITNESS	TRAILS & MULTI-GENERATIONAL RECREATION CENTER - INDOOR WALKING TRACK
BASKETBALL	COURT SPORTS	OUTDOOR BASKETBALL COURTS/MULTI-GENERATIONAL RECREATION CENTER - GYMNASIUM
TENNIS/PICKLEBALL	COURT SPORTS	TENNIS & PICKLEBALL COURTS - OUTDOORS
YOGA	EXERCISE AND FITNESS	MULTI-GENERATIONAL RECREATION CENTER - GROUP EXERCISE STUDIOS
AFTER SCHOOL PROGRAMS	ENRICHMENT	MULTI-GENERATIONAL RECREATION CENTER - MULTIPURPOSE SPACE/ GYMNASIUMS/CLASSROOMS
CAMPS FOR KIDS	ENRICHMENT	MULTI-GENERATIONAL RECREATION CENTER - MULTIPURPOSE SPACE/ GYMNASIUMS/CLASSROOMS
COMMUNITY SPECIAL EVENTS	COMMUNITY SPECIAL EVENTS	EVENT VENUE OR LARGE REGIONAL PARK
SOCCER	RECTANGLE FIELD ATHLETICS	MULTI-PURPOSE FIELDS
WALKING FOR EXERCISE	EXERCISE AND FITNESS	TRAILS & MULTI-GENERATIONAL RECREATION CENTER - INDOOR WALKING TRACK
VOLLEYBALL	COURT SPORTS	MULTI-GENERATIONAL RECREATION CENTER - GYMNASIUM/OUTDOOR SAND OR GRASS COURTS
BICYCLING (MOUNTAIN)	OUTDOOR ADVENTURE	MOUNTAIN BIKE TRAILS; PUMP TRACK; BMX TRACK
AEROBICS	EXERCISE AND FITNESS	MULTI-GENERATIONAL RECREATION CENTER - GROUP EXERCISE STUDIOS
SOFTBALL	DIAMOND FIELD ATHLETICS	SOFTBALL FIELDS - 65' BASES
BICYCLING (ROAD)	EXERCISE AND FITNESS	TRAILS
FOOTBALL	RECTANGLE FIELD ATHLETICS	MULTI-PURPOSE FIELDS
BASEBALL	DIAMOND FIELD ATHLETICS	DIAMOND FIELDS; 60' AND 90' BASES
HIKING	OUTDOOR ADVENTURE	TRAILS CONNECTIONS TO HIKING AREAS
PILATES	EXERCISE AND FITNESS	SENIOR CENTER/MULTI-GENERATIONAL RECREATION CENTER
SWIMMING - OPEN RECREATION SWIM	AQUATICS	INDOOR/OUTDOOR RECREATION AQUATIC FACILITIES
SWIMMING - SWIM LESSONS	AQUATICS	INDOOR/OUTDOOR AQUATIC FACILITIES (WARM WATER)

Establishing clarity about what constitutes an “Essential Public Service”, “Important Public Service”, and “Value Added Service” provides the division and its stakeholders with a better understanding of why and how to manage each program as it applies to public value and private value.

Table 4-3
Recreation Program Priorities (continued)

SWIMMING - AQUATIC EXERCISE/ THERAPY	AQUATICS	INDOOR/OUTDOOR AQUATIC FACILITIES (WARM WATER)
MEDIUM PRIORITY		
RECREATION EXPERIENCE	**CORE PROGRAM AREA**	**CORRESPONDING FACILITIES / AMENITY NEEDED TO SUPPORT EXPERIENCE DESIRED**
SWIMMING - LAP SWIMMING	AQUATICS	INDOOR/OUTDOOR AQUATIC FACILITIES (MINIMUM OF 25 YARD)
SENIOR - EDUCATIONAL/INFORMATIONAL	SENIOR SERVICES	MULTI-GENERATIONAL RECREATION CENTER - MULTIPURPOSE SPACE/ CLASSROOMS/CUSTOMER SERVICE
SENIOR - CLUBS	SENIOR SERVICES	MULTI-GENERATIONAL RECREATION CENTER - MULTIPURPOSE SPACE/ CLASSROOMS
SENIOR - SPECIAL EVENTS	SENIOR SERVICES	MULTI-GENERATIONAL RECREATION CENTER - MULTIPURPOSE SPACE/ CLASSROOMS
SENIOR - SPECIAL INTEREST	SENIOR SERVICES	MULTI-GENERATIONAL RECREATION CENTER - MULTIPURPOSE SPACE/ CLASSROOMS
SENIOR - TRIPS	SENIOR SERVICES	MULTI-GENERATIONAL RECREATION CENTER - INFORMATION DESK/CUSTOMER SERVICE
SWIMMING - SWIM TEAMS	AQUATICS	INDOOR/OUTDOOR AQUATIC FACILITIES (MINIMUM OF 25 BY 25 YARD POOL)
ZUMBA	EXERCISE AND FITNESS	MULTI-GENERATIONAL RECREATION CENTER - GROUP EXERCISE STUDIOS
ENVIRONMENTAL EDUCATION PROGRAMS	ENVIRONMENTAL EDUCATION	NATURE AREA/NATURE CENTER
LOWER PRIORITY		
RECREATION EXPERIENCE	**CORE PROGRAM AREA**	**CORRESPONDING FACILITIES / AMENITY NEEDED TO SUPPORT EXPERIENCE DESIRED**
TARGET SHOOTING	OUTDOOR RECREATION	SPORTS SHOOTING CENTER
FRISBEE/DISC GOLF	DISC GOLF	DISC GOLF COURSE
CANOEING/KAYAKING	OUTDOOR RECREATION	ACCESS TO RIVERS AND LAKES (BOAT LAUNCHES)
FISHING (FRESH WATER)	OUTDOOR RECREATION	ACCESS TO RIVERS AND LAKES (FISHING PIERS)
HORSEBACK RIDING	EQUESTRIAN	EQUESTRIAN TRAILS/EQUESTRIAN EXERCISE RINGS
ARCHERY	OUTDOOR RECREATION	ARCHERY CENTER

Table 4-4
Service Classification Summary

SERVICE CLASSIFICATION	WHO BENEFITS?	WHO PAYS?
ESSENTIAL	GENERAL PUBLIC	THE PUBLIC THROUGH THE TAX SYSTEM, NO USER CHARGES
IMPORTANT	INDIVIDUALS WHO PARTICIPATE BENEFIT BUT ALL MEMBERS OF THE COMMUNITY BENEFIT IN SOME WAY	INDIVIDUAL USERS PAY PARTIAL COST
VALUE-ADDED	INDIVIDUAL WHO PARTICIPATES	INDIVIDUAL USERS PAY FULL COSTS

9B. Service Classification and Cost Recovery

With the Citywide Parks, Recreation and Trails Master Plan Update, the Department has begun the process of classifying its services according to a pyramid with essential services at its base, important services in the middle, and value-added services at the top. Essential services are defined as those that benefit all the public. Important services benefit individuals who participate, but the broader community benefits as well. Value-added services primarily benefit individuals who participate.

Of the programs Tracy considers essential, many are in Aquatics (for all ages), and Health & Wellness (for seniors) areas. Value-added programs are concentrated in the Athletic Programs and Enrichment Programs categories.

Tracy will align its cost recovery goals and pricing strategy to support this classification, so that Department resources are focused on "essential" programs, while "value added" programs can be expected to recover more of their costs with user fees. The percentage of cost recovery is based on the classification of services and will typically fall within these ranges, although anomalies will exist:

- Essential 0-25%
- Important 25-75%
- Value Added 75%+

9C. Cost of Service Analysis

To properly fund all programs, either through tax subsidies or user fees, and to establish the right cost recovery targets, a Cost of Service Analysis should be conducted on each program, or program type, that accurately calculates direct (i.e., program-specific) and indirect (i.e., comprehensive, including administrative overhead) costs. Completing a Cost of Service Analysis not only helps determine the true and full cost of offering a program but provides information that can be used to accurately price programs.

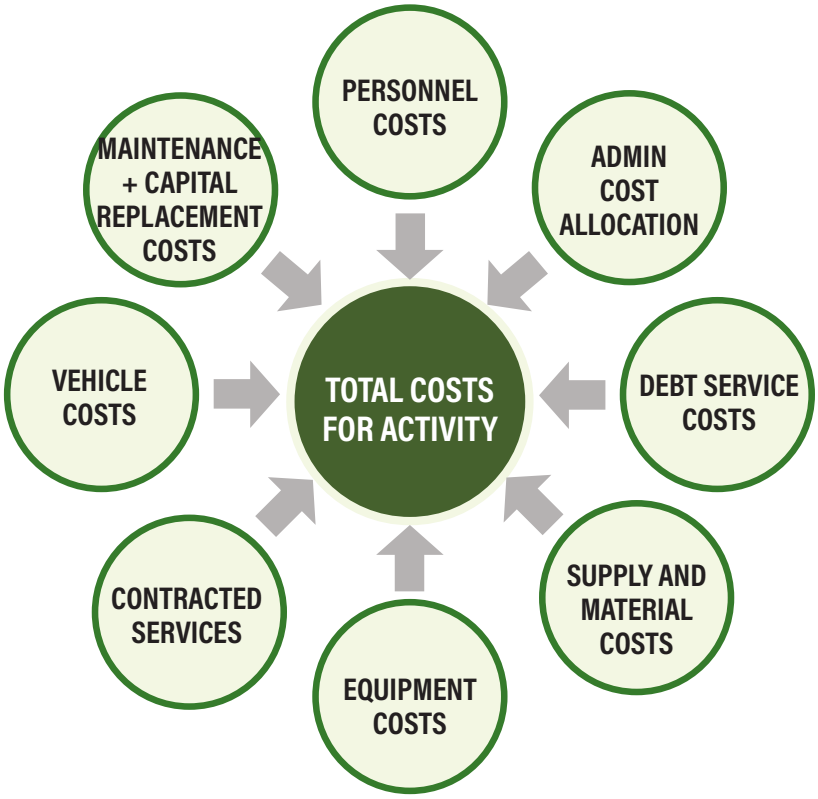


Table 4-5
Service Classification and Cost Recovery Goals

CORE PROGRAM / SERVICE AREA	BENEFIT LEVEL	CLASSIFICATION	PRICING STRATEGY	COST RECOVERY
AFTER SCHOOL PROGRAMS				
AFTER SCHOOL PROGRAM- POET	MERIT	IMPORTANT	USER FEE/GENERAL FUND	50%
AFTER SCHOOL PROGRAM- BOHN	MERIT	IMPORTANT	USER FEE/GENERAL FUND	50%
AFTER SCHOOL PROGRAM- HIRSCH	MERIT	IMPORTANT	USER FEE/GENERAL FUND	50%
S.A.F.E (STUDENTS ADDING FUN TO EDUCATION)	MERIT	IMPORTANT	USER FEE/GENERAL FUND	50%
AQUATICS				
ACTIVE ADULT 50+ SWIM	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
ADULT & TEEN SWIM LESSONS	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
ADULT/HIGH INTENSITY WATER EXERCISE	MERIT	IMPORTANT	USER FEES/GENERAL FUND	50%
ADVANCED SWIM SKILLS	MERIT	VALUE ADDED	USER FEES	75 - 100%
AQUATIC PRIVATE LESSONS	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
AQUATIC SPECIAL EVENTS	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
DEEP WATER EXERCISE	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
FREE SWIM LESSONS AT STAFF TRAINING	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
LAP SWIM	MERIT	IMPORTANT	USER FEES/GENERAL FUND	50%
LIFEGUARD TRAINING	MERIT	IMPORTANT	USER FEES/GENERAL FUND	50%
PARENT/TOT SWIM CLASSES	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
POOL SAFETY DAY	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
RECREATIONAL SWIM IN-SEASON	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
SCUBA CLASS - SEAL TEAM SCUBA CAMP	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
SWIM SKILLS	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
TEEN NIGHT & POOL PARTY	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
TINY TOTS SWIM LESSONS	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
ATHLETICS				
ATHLETE JOE'S	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
ATHLETIC PERFECTION	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
BEGINNING STRENGTH AND CONDITIONING	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
BOOTY BOOTCAMP	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
CARDIO KICKS- CROSS FIT AND PERSONAL SAFETY	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
FUTURE STARS TENNIS LESSONS	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
GOLF INSTRUCTION	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
HOOP IT UP BASKETBALL CAMPS	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
KIDZ LOVE SOCCER	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
OLYMPIC STYLE TAE KWON DO	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
ADULT SOFTBALL	MERIT	IMPORTANT	USER FEES/GENERAL FUND	50%
JUNIOR WARRIORS/JUNIOR GIANTS	COMMUNITY	ESSENTIAL	USER FEES	0-25%
CAMPS				
EDUCATIONAL/LIFE SKILLS CAMPS	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
EMPOWERMENT CAMPS	MERIT	IMPORTANT	USER FEES/GENERAL FUND	50%
SPORTS CAMPS	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
THEME CAMPS	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%

Table 4-5 (continued)

Service Classification and Cost Recovery Goals

CORE PROGRAM / SERVICE AREA	BENEFIT LEVEL	CLASSIFICATION	PRICING STRATEGY	COST RECOVERY
COMMUNITY EVENTS				
SPECIAL EVENTS (ALL COMMUNITY)	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
RESOURCE FAIRS	MERIT	IMPORTANT	USER FEES/GENERAL FUND	50%
ENRICHMENT				
SENIOR - EDUCATIONAL/INFORMATIONAL	MERIT	IMPORTANT	USER FEES	50%
SENIOR - CLUBS	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
SENIOR - SPECIAL EVENTS	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
SENIOR - SPECIAL INTEREST	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
SENIOR - TRIPS	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
YOUTH - ARTS AND CRAFTS	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
YOUTH - SPECIAL INTEREST	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
HEALTH & WELLNESS				
SENIOR BARRE FOR ACTIVE AGING	MERIT	IMPORTANT	USER FEES/GENERAL FUND	50%
SENIOR BROWN BAG 2019	MERIT	IMPORTANT	USER FEES/GENERAL FUND	50%
SENIOR CHAIR PILATES	MERIT	IMPORTANT	USER FEES/GENERAL FUND	50%
SENIOR INTERVAL TRAINING	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
SENIOR MEDICARE EVENT	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
SENIOR PING PONG	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
SENIOR YOGA	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
SENIOR- TAI CHI	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
SENIORS- CARDIO & SCULPTING	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
SENIORS- DAILY NUTRITION LUNCH	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
SENIORS-30/30 WORKOUT	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
SENIORS-CARDIO & SCULPTING	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
SENIORS-INTERVAL TRAINING	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
SENIORS-MIND & MUSCLE	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
SENIOR WALKING CLUB	MERIT	IMPORTANT	USER FEES/GENERAL FUND	50%
SENIOR CHAIR EXERCISE	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
SENIOR TWIST & SHOUT	COMMUNITY	ESSENTIAL	GENERAL FUND	0-25%
DANCE FOR PARKINSON'S	MERIT	IMPORTANT	USER FEES/GENERAL FUND	50%
CPR/AED FIRST AID (AMERICAN HEART ASSOCIATION)	MERIT	IMPORTANT	USER FEES/GENERAL FUND	50%
ELEVATE YOGA - SPECIAL CLASS	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
PIYO STRENGTH	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
SENIOR - ZUMBA GOLD	MERIT	IMPORTANT	USER FEES/GENERAL FUND	50%
SENIOR- TAI CHI	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
STABILITY BALL MUSCLE SCULPTING	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
STRONG BY ZUMBA	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
TABATA - FIT FOR BEGINNERS	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%
WOMEN'S SELF-DEFENSE & PERSONAL VIOLENCE PREVENTION	MERIT	IMPORTANT	USER FEES/GENERAL FUND	50%
YOGA	INDIVIDUAL	VALUE ADDED	USER FEES	75 - 100%

Analysis of participation in our programs helps us refine our offerings.

9D. Pricing Policy and Strategies

Pricing based on established cost recovery goals will provide flexibility to maximize all pricing strategies to the fullest. Allowing the staff to work within a pricing range tied to cost recovery goals will permit them to set prices based on market factors and differential pricing (prime-time/non-primetime, season/off-season rates) to maximize user participation and also encourage additional group rate pricing where applicable.

To gain and provide consistency, a revised pricing policy should be adopted in order for the City of Tracy Parks and Recreation Department to operate effectively and efficiently to meet the program cost recovery goals. In order to achieve the cost recovery goals, efforts must be made to:

- Consistently deliver high quality programs and services
- Strategically price programs and services
- Solicit sponsorships and donations to develop a sustainable earned income stream
- Expand marketing to increase the volume of participation in programs and services

It is expected that introducing the classification methodology and a new pricing policy along with the refinement of Department's cost of service analysis will occur over the next five years, and will begin to affect cost recovery as changes are introduced. Additionally, external factors such as economic conditions and changes to the City's financial policies will have a bearing on achieving cost recovery goals.

As the Parks and Recreation Department embarks on the implementation of a new pricing policy, it will be necessary to develop pricing strategies that will not only increase sales but also maximize the utilization of the City of Tracy' parks, programs and recreation facilities. By creating pricing options, customers are given the opportunity to choose which option best fits their schedule and price point. The Department will continue to explore pricing strategies that create options for the customer.

The most appropriate strategies for the City of Tracy to consider are as follows:

- Primetime and Non-primetime pricing strategy. The price is set based on the time of the day. Primetime is considered to be the time of day in which the demand for the service is highest. Fees for the rental of a park or pool during this time would be set at rate that would recover 125-150% of costs incurred. To lessen the demand for "primetime", the Department can lower prices for rentals of the park or pool during times in which demand is lower. This will assist in maximizing the utilization of its facilities.
- Premium pricing. The price set is high to reflect the exclusiveness of the product. An example of this would be a user group paying higher rental fees for the exclusive use of a facility that prohibits the general public or other groups from participating.

9E. Program Monitoring and Updating

The City will continue to monitor recreation programming to ensure that program offerings meet the needs of Tracy residents. This will include:

- Participation Data Analysis. Through consistent participation data analysis across all core program areas, refine recreation program offerings to reduce low enrollment or cancelled programs due to no enrollment.
- Expand programs and services in the areas of greatest demand. Ongoing analysis of the participation trends of programming allows staff to focus efforts on the programs and services of the greatest need and reduce or eliminate programs and services where interest is declining.
- Partnerships. Memorialize all partnerships in formal agreements.
- Evaluation. Implement the program assessment and evaluation tool as recommended. The assessment/evaluation tool is provided as an Excel spreadsheet as a stand-alone separate document.

9F. Equitable and Inclusive Programming

Programming in parks can be made more inclusive by having the capacity to provide one-on-one support from trained staff; language interpretation; culturally sensitive program hours (i.e. women-only pool hours), and accessible transportation options.

9G. Staff Training and Organizational Support

City staff will regularly participate in trainings grounded in effective training models using evidence-based content. Training will be comprehensive (covers multiple topics), based on credible research and delivered by qualified personnel. All new staff members will be quickly oriented to inclusive policies and practices.

We will put in place organizational supports that create a social environment (including positive relationships among staff, youth, families and community) that encourages all to be inclusive. For Staff, this includes:

Tracy strives for inclusive programs that welcome and benefit all residents.

- Demonstrating an attitude of inclusion, including nondiscriminatory language and actions
- Determining and addressing any potential unintended outcomes of activities, programs or parks to ensure that they do not limit participation or cause worse outcomes based on ability, age, sexual orientation, identity, religion or country of origin
- Providing educational materials about inclusion to all constituents at community events
- Sharing and discussing practices during community meetings

For the Parks and Recreation Department, this means:

- Developing an advisory group and/or community network of groups that support inclusive behaviors in the community
- Assessing agency hiring practices to ensure staff is representative of the diverse community and is an equal-opportunity employer
- Communications
- Providing positive messages about diversity and inclusion through written and verbal messaging, posters, pictures and books.

9H. Inclusion Policy Development

The Parks and Recreation Department will initiate an equity and inclusion policy and strategy that builds on these. The policy will involve a study of community equity issues; an engagement process that includes people who can speak to a diversity of experiences; policy integration and rollout that ensures consistency across the Department and staff; and a plan for measurement and continuous improvement.

Concerts in the park, Front Street Plaza

9I. Performance Measures

Performance measures have become the backbone of successful organizations. The Department will use the template provided here to develop three to five key performance measures for each line of service, including but not limited to, cost recovery, program service delivery, facility maintenance, and marketing and technology solutions to determine and, in turn, communicate the level of success they are achieving on an annual basis.

Table 4-6
Template of Performance Measures

LINE OF SERVICE	ACTIVITY GOAL (WHAT, WHOM, WHY?)	INPUT (BUDGET AND RESOURCES)	OUTPUT (END PRODUCT-VOLUME)	EFFICIENCY (UNIT COST)	EFFECTIVENESS (SERVICE QUALITY)
FACILITY MAINTENANCE	DETERMINE, THEN STRIKE THE OPTIMUM BALANCE BETWEEN RESOURCES NEEDED TO MAINTAIN FACILITIES AND FACILITY OPERATION TO MINIMIZE UNPLANNED CLOSURES	INCLUSIVE OF ALL OPERATIONAL COSTS: STAFF, UTILITIES, PM, ETC AS WELL AS LOST REVENUE.	# OF DAYS OF UNPLANNED CLOSURES DUE TO MAINTENANCE	COST PER DAY OF FACILITY CLOSURE (INCLUDES FUNDS EXPENDED TO RE-OPEN FACILITY AS WELL AS LOST REVENUE)	UNPLANNED CLOSURE DAYS AS A % OF TOTAL ANNUAL OPERATING DAYS
PROGRAMS & SERVICES	PROVIDE FEE ASSISTANCE TO LOW-INCOME/ MARGINALIZED TRACY RESIDENTS TO MAXIMIZE THEIR PARTICIPATION IN PROGRAMS AND SERVICES PROVIDED BY THE DIVISION	FUNDING PROVIDED	# OF LOWINCOME/ MARGINALIZED TRACY RESIDENTS THAT RECEIVED FEE ASSISTANCE	COST/FUNDING PER PARTICIPANT	FEE-ASSISTED PARTICIPANTS AS % OF TOTAL PARTICIPANTS
BUSINESS SERVICES	PROVIDE AND MANAGE TECHNOLOGY SERVICES THAT AID THE COMMUNITY IN CONVENIENTLY REGISTERING FOR PRODUCTS AND SERVICES ONLINE	RESOURCES REQUIRED TO MANAGE AND MAINTAIN ONLINE SERVICES	# OF ONLINE REGISTRATIONS SUCCESSFULLY PROCESSED	COST PER SUCCESSFUL ONLINE REGISTRATION	ONLINE REGISTRATIONS AS A% OF TOTAL REGISTRATIONS ONLINE REGISTRATION COSTS AS A% OF TOTAL REGIST RATION COSTS

Source: PROS Consulting, 2019.

TRAILS

CHAPTER 05

Trails are a new chapter in the development of our park system. We have come to see how valuable a trail system is for our health and quality of life, and intend for trails to increasingly thread between parks and throughout our community.

IN THIS CHAPTER:

- Trails: Where and Why?
- Trails for Recreation and Active Transportation
- A Complete and Connected Trail System
- Trail Design Guidelines

TRAILS: WHERE AND WHY?

TRAILS IN TOWN

We think of hiking on trails when we're out in nature. What does it mean to have a trail system in an urban environment?

We see trails as a way to bring the joy of walking (and biking) into our everyday lives, while giving people more ways to get around. Our urban trail system will have three main contexts.

- Along roadways, where multiuse trails and good bikeways are already being planned.
- Along infrastructure corridors that cross through our community: rail lines, utility corridors, and irrigation canals.
- In linear parks and open spaces, including parks in town and open spaces that give us an experience of the rural surroundings.

HEALTH & HAPPINESS

We heard loud and clear that more trails will be welcomed by Tracy residents. And trails are in suited to our recreation mission: walking and biking contribute to our physical and mental well-being. Happy trails indeed.

TRANS-PORTATION CHOICES

Trails also provide transportation choices. Where people can walk and bike safely for day-to-day life, they are less dependent on driving. That's good for kids, seniors, and everyone in between. And it's good for our air and our larger environment.

This Master Plan focuses on trails that are separate from the roadway system. Additional information related to the City's bikeways can be found in the Transportation Master Plan.

Monterey Bay Coastal Trail

GOAL 10
TRAILS FOR RECREATION & ACTIVE TRANSPORTATION

Tracy's trail system will be planned and designed to support both recreation and travel, serving everyone from casual walkers to high school cross-country teams and cycling clubs to people of all ages who could use trails as a healthy transportation option.

POLICIES:

10A. Trails that Support Recreation

10B. Trails that Support Active Transportation

GOAL 10: TRAILS FOR RECREATION & ACTIVE TRANSPORTATION

POLICIES

10A. Trails that Support Recreation

Trails will be developed with recreational users in mind. This may include but not be limited to:

- Creating loops within and between parks and natural attractions;
- Connecting to high schools to support cross-country running programs;
- Providing fully accessible shared use trails as well as unpaved trails in open space areas;
- Providing trails and staging areas for equestrians;
- Connecting trails with parks that provide amenities including restrooms and picnic areas;
- Providing trails that are designed to be comfortable, attractive and unique
- Eating and resting areas, especially where they can take advantage of special views;
- Bike racks;
- Mileage markers;
- Working with San Joaquin County and others to establish safe and clearly-identified bike routes connecting Tracy with natural areas.

10B.Trails that Support Active Transportation

Trails will be developed that enable more people in Tracy to travel safely and comfortably to work, school, shopping areas, transit stations, and other destinations on foot or by bike. This may include but not be limited to:

- Creating trails along rail, canal and utility corridors providing direct travel routes within the heart of town;
- Creating trails along major corridors, providing safe, low-stress options for walkers and bikers;
- Creating trails that create safe routes to schools;
- Creating trails that connect residential neighborhoods to downtown Tracy and regional transit;
- Creating “mobility hubs” where trails, transit, pick-up/drop-off areas and docking stations come together.
- Evaluate bikeshare programs, e-bike charging stations, and other emerging micro-mobility options;
- Providing lighting that enables year-round use.

Tracy's trails will serve a variety of users , including people walking, running and biking; for travel and everyday exercise; children and adults.

Atlanta Beltline

GOAL 11

A COMPLETE & CONNECTED TRAIL SYSTEM

The City recognizes the strong community desire for trails, and will work to create a connected and complete network of multiuse trails along roadways, rail rights-of-way, and canals, and in future development areas.

POLICIES:

11A. Coordinate to Create a Complete Network

11B. Trail System Master Plan

11C. Linear Park and Open Space Trails

11D. Canalside and Railside Trails

11E. Trails along Multimodal Corridors

11F. Trails with New Development

11G. Signage for Wayfinding, Interpretation and Identity

11H. Safety on Trails

11I. Comfort on Trails

BIKEWAYS AND TRAILS

- Tracy's Bikeways Master Plan lays out an ambitious network of bikeways across the city and future development areas. These are shown on the map at right.
- That Plan's goal is to create a low-stress system that encourages the many "interested but concerned" riders among us feel safe pedalling around town.
- This plan for a trail system is about both walking **and** biking, and its focus is on recreation **and** transportation.
- We build on the Bikeways plan, and we focus especially on how to create and design great off-street multiuse trails.

GOAL 11: A COMPLETE & CONNECTED TRAIL SYSTEM

POLICIES

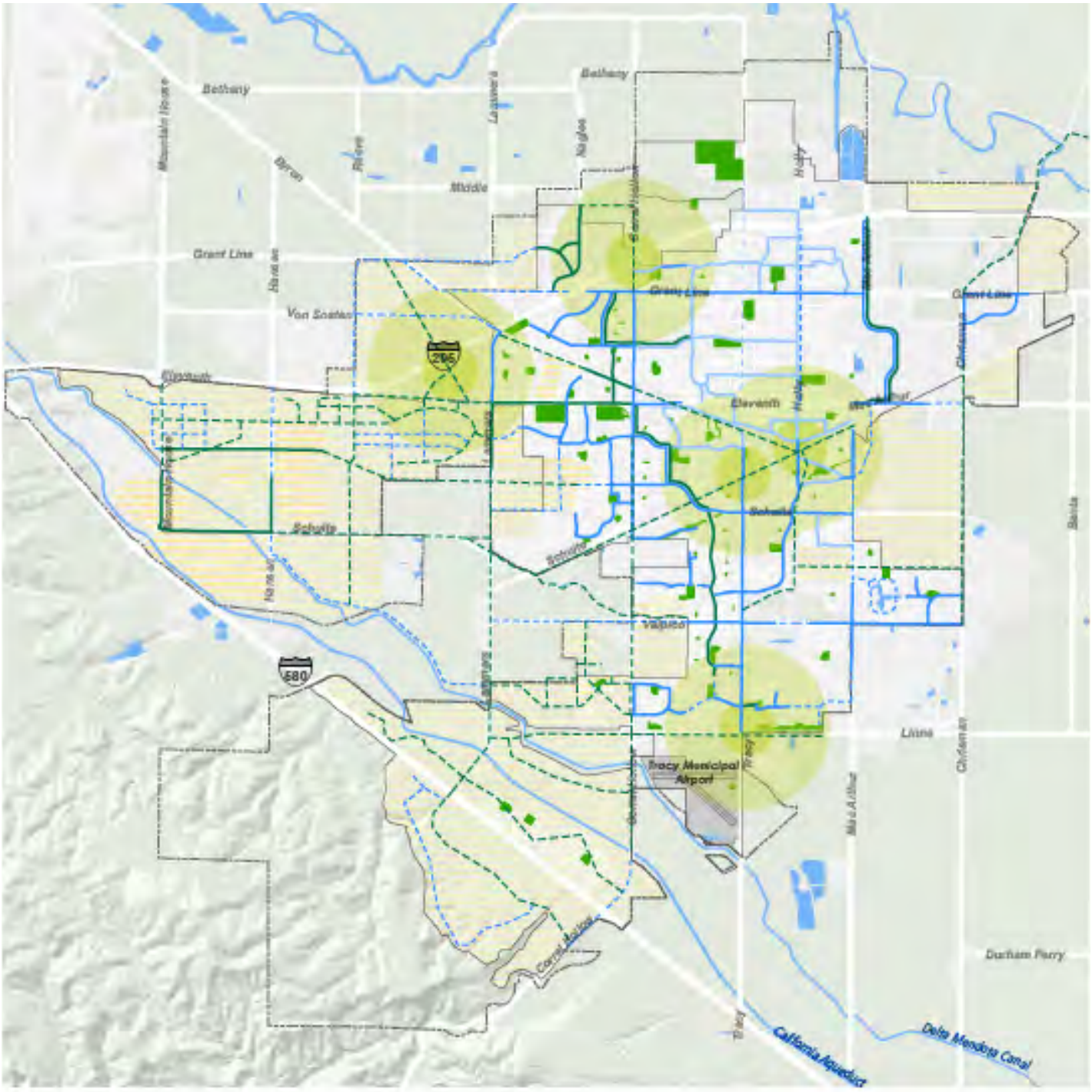
11A. Coordinate to Create a Complete Network

Building on existing off-street trails and the existing and planned bikeway network, Parks and Recreation will coordinate with other City departments to ensure that trail segments in parks and open spaces are linked with on-street segments that form part of the City's bikeway network. The City will also coordinate with railroads, irrigation districts, private land owners, San Joaquin County and regional trail initiatives.

Developers of specific or master plan areas that include linear parks and trails must coordinate with the City on trail alignment to ensure that trails contribute to an overall system.

This Master Plan focuses on trails that are separate from the roadway system. Additional information related to the City's bikeways can be found in the Transportation Master Plan.

Figure 5-1
Existing and Planned Bikeway Network



- Tracy City Limit
- Sphere of Influence
- Rivers/ Canals/ Ponds / Aqueduct
- Agriculture / Undeveloped
- Airport
- Future Development Area
- Mobility Hub & Walkshed
- Existing Class I Bike Path / Multiuse Trail
- Existing Class 2 Bikeway
- Existing Class 3 Bikeway

Planned Bikeways

- Future Class I Bikeway / Multiuse Trail
- Future Class 2 Bikeway
- Future Class 3 Bikeway

11B. Linear Park and Open Space Trails

The City will promote the creation of trails in existing and new linear parks and preserved open spaces. These trails are designed for use by people on foot, on bikes, and other non-motorized travel. Key locations for these off-street trails include:

- Trails in existing and new linear parks;
- Trails that connect between parks along open space or infrastructure corridors;
- Multi-use trails in preserved open space areas.

Linear parks may receive park credit, as described in Chapter 3.

11C. Canalside and Railside Trails

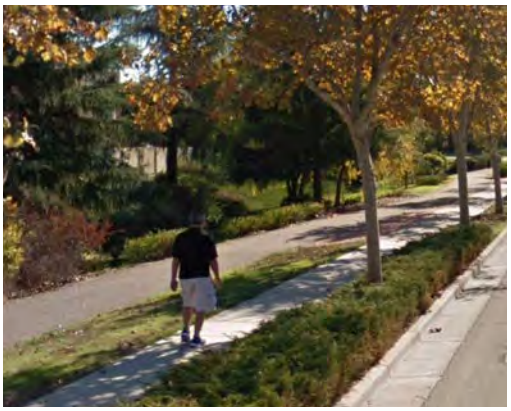
Canals and rail lines present special opportunities to thread new off-street shared use trails through Tracy, creating direct travel paths for walkers and bikers, and a way to experience our community from unfamiliar perspectives. The City will seek partnerships with irrigation districts and railroads and funding opportunities to create these trails.

11D. Trails along Multimodal Corridors

Tracy's trail system will leverage existing and planned bikeways and corridor improvements to create cross-city linkages.

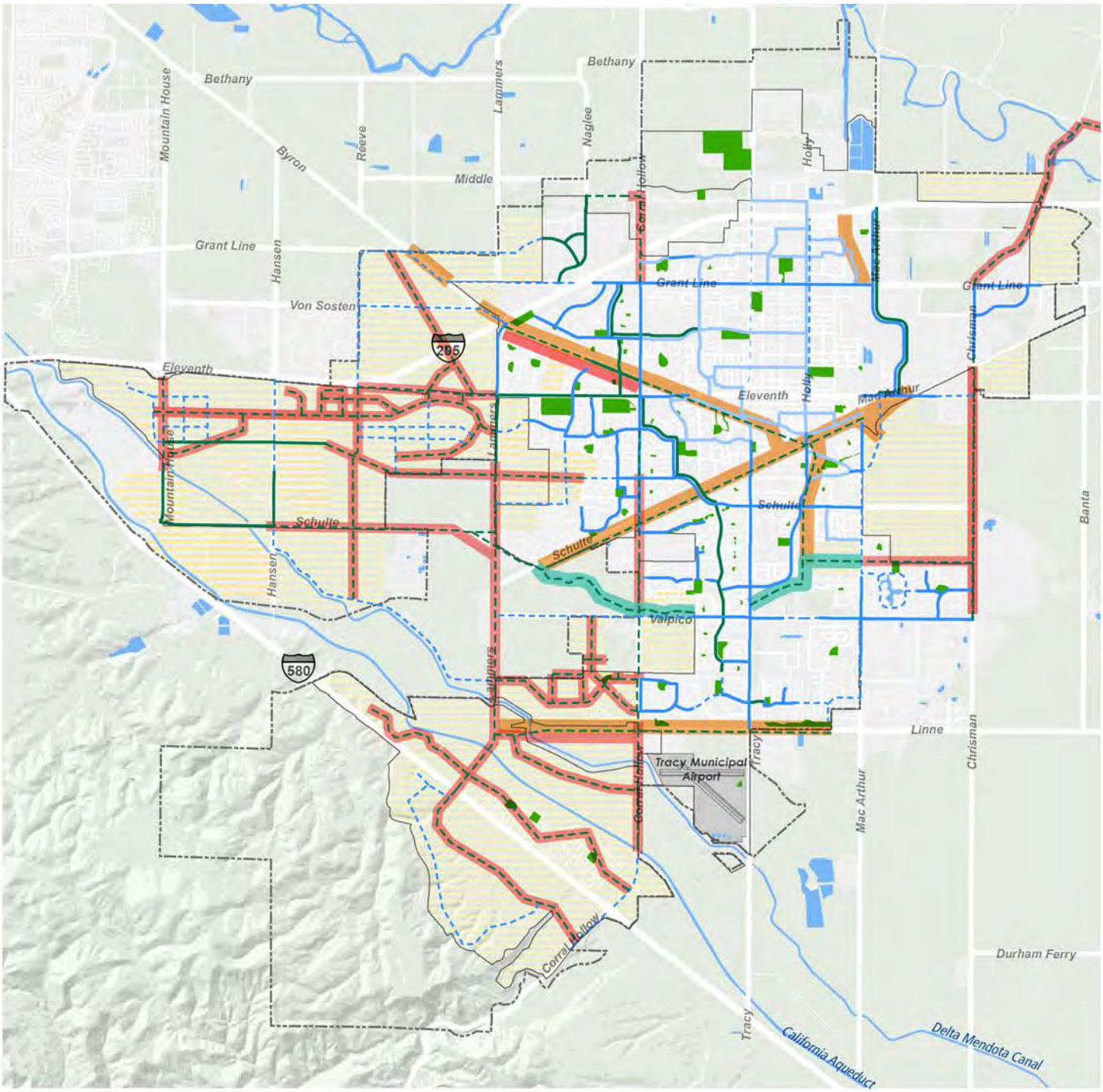
11E. Trails with New Development

Where trails identified in the Tracy Trail System map cross property planned for development, trail easements must be provided. At the City's discretion, development impact fees may be used for trail improvements.



Rail dorridors and canals (top) provide great opportunities for trails in Tracy. The trail system will also build on our multiuse trails along Sycamore Parkway and other streets, and in future open spaces areas like the Tracy Nature Park (bottom)..

Figure 5-2
Off-Street Trail Opportunities



- Tracy City Limit
- Sphere of Influence
- Rivers/ Canals/ Ponds / Aqueduct
- Agriculture / Undeveloped
- Airport
- Future Development Area
- Existing Class I Bike Path / Multiuse Trail
- Existing Class 2 Bikeway
- Existing Class 3 Bikeway

Planned Bikeways

- Future Class I Bikeway / Multiuse Trail
- Future Class 2 Bikeway
- Future Class 3 Bikeway
- Future Roadside Trail
- Future Irrigation Right-of-way Trail
- Future Rail-with-trail Alignment

HOW DO WE CREATE A FUNCTIONAL AND MEMORABLE TRAIL SYSTEM?

We can start by identifying what we want to connect. This plan proposes the following priorities:

> Connect to major destinations including downtown, transit and mobility hubs, and high schools.

> Connect to key parks, recreation and open space destinations, including our community parks, sports complexes, and the nature park.

> Connect to the river, valley and hills.

Second, we identify opportunities for building the trail system on existing or planned infrastructure: bikeways, and rail, canal, and utility corridors.

Our concept for a Trail system in Tracy shows how these criteria for trail corridors and a sense of identity for each trail ("branding") might come together.

NORTH-SOUTH CONNECTION

Connects the Tracy Hills Open Space in the south to Legacy Fields and the future nature park to the north.

RAIL TRAIL TO DURHAM FERRY

Connects the northwest and southeast areas of town, heading toward Durham Ferry. Downtown is the central node.

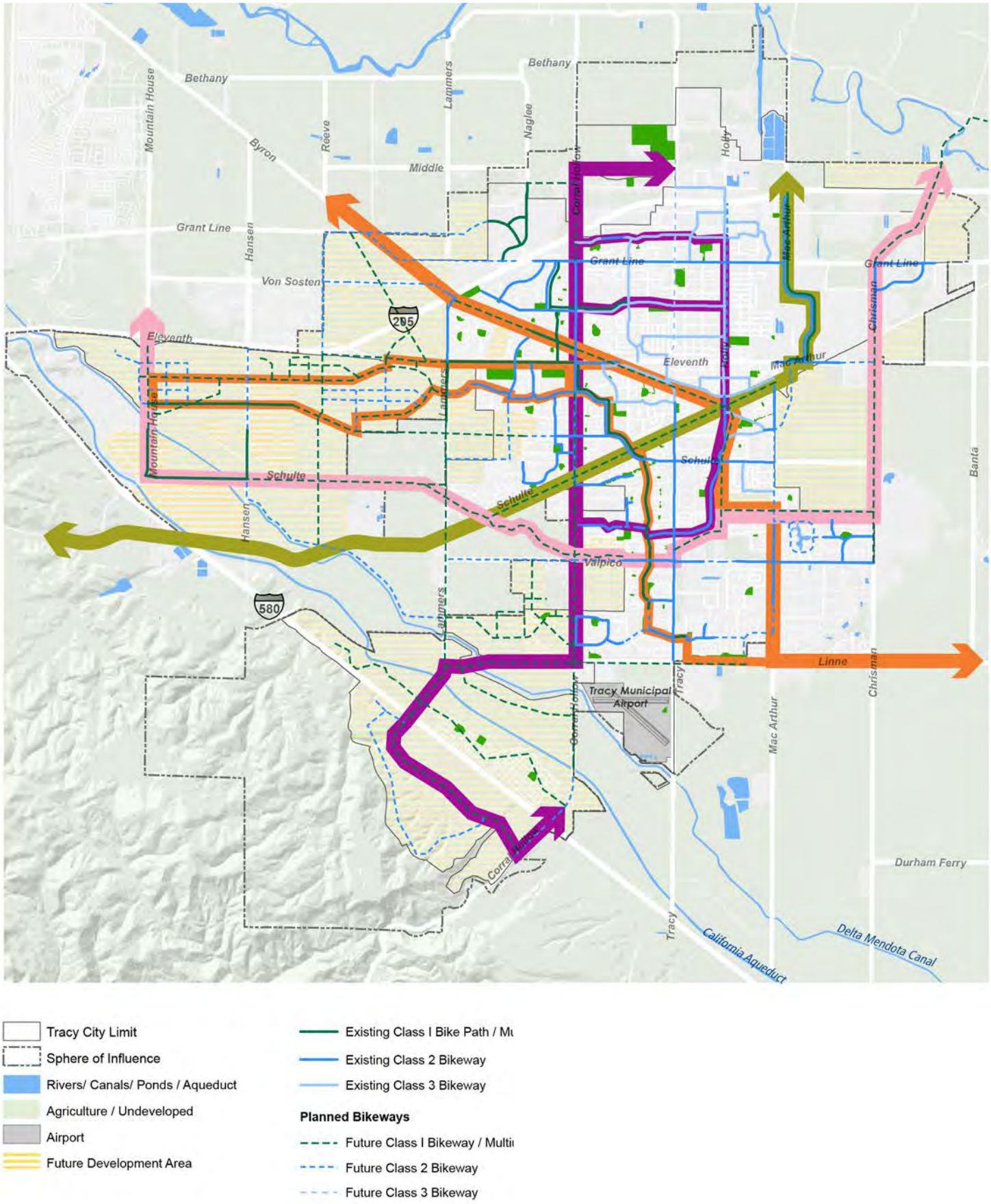
EAST-WEST CONNECTION

Connects the Old River to the route to Mountain House, using the irrigation canal easements along the way.

RAIL TRAIL TO RIVER

Perpendicular to the first rail trail, this connects the Old River to the Patterson Pass. Downtown is the central node.

Figure 5-3
Conceptual Trail Network



11F. Signage for Wayfinding, Interpretation, and Identity

Signage orients trail users to the trail system, communicates rules and precautions, provides directional guidance, and interprets the landscape. Signage also helps to create an overall identity for the trail system. Wayfinding signage will be especially critical at junctions and at major intersections and trail turning points.

The City will develop branding and a wayfinding and signage program for the trail system. Individual trails and trail systems may also have distinguishing trail signage which should be harmonized with overall trail system signage to the extent possible.

11G. Safety on Trails

It is critical that trails are designed and managed in a way that promotes safety. Trail safety will be ensured in the following ways:

Environmental Design. Safe parks can be achieved by creating natural surveillance and ensuring defensible space. This means maintaining good sight lines from public streets and buildings and creating clear entrances and clear boundaries.

Safe Crossings. Trails will also be designed to reduce hazards from vehicles and trains by establishing safe street and rail crossings and using planting and fencing as a buffer between trails and rails lines or roadways. Specific crossing design will be based on detailed, site-specific analysis.

Lighting and Barriers. Lighting and barriers are critical to keep trail users safe and provide clear

Tracy's trails will be distinguished by a signage program that orients trail users, interprets the environment, and helps provide an overall "brand identity."

delineation between trails and adjacent properties. Lighting should be placed at trail entrances and along trail segments where significant early morning and late evening use is expected.

11H. Comfort on Trails

Tracy's trail system will feature places to sit, bicycle racks, water fountains, waste receptacles, and places to gather in the shade. Seating should be placed periodically along trails and located to take advantage of views, shade trees, or other appealing conditions. Shaded gathering areas may be created at trailheads and scenic locations. Bike racks, water fountains, and waste receptacles should be placed at trail entrances.

TRAIL DESIGN GUIDELINES

Identity

T-1 Establish and follow a baseline vocabulary for attractive, well-designed, commonly placed site elements for standard, system-wide identity. Baseline elements include signage and furnishings.

T-2 Working within that overall system identity, develop distinct themes for each trail to establish a unique character. Themes may be expressed through signage, custom furnishings, and plant selections.

T-3 Historic and environmental interpretive elements should be included to contribute to trail character.

Trail Surface and Cross-Section

T-4 Off-street shared use (pedestrians, bikes, and other non-motorized use) trails should generally have the following basic design characteristics:

- Paved (asphalt or compacted AB) trail.
- Preferred width of 16', including two shared 6' travel lanes and two 2' shoulders.
- 10'-12' trail width acceptable where context requires.
- Opportunity zones for amenities in additional 4' right-of-way where possible.

See Figure 5-3 for typical trail cross-sections.

T-5 Trails should be a minimum of 10 feet wide to accommodate maintenance and emergency vehicles, or 12 feet in areas requiring storm drainage maintenance equipment.

T-6 The Bikeways Master Plan contains more detailed guidance and specifications for bike facilities, street crossings, sidewalks and paths adjacent to roadways. These paths will be an integral part of Tracy's trail system.

Trail Entry and Access

T-7 Provide trail access points that give a sense of arrival and encourage use, including accent planting and attractive signage consistent with City standards.

T-8 Use universal design principles to facilitate access and movement onto and along trails for people of all ages and abilities.

T-9 Include secure bicycle parking at all destinations along trails, and at trail amenity zones.

T-10 Maintain good sight lines from public streets and buildings and create clear entrances and clear boundaries, following principles of Crime Prevention through Environmental Design (CPTED).

T-11 Establish safe street and rail crossings, following guidelines established in the Bikeways Master Plan. Specific crossing design will be based on detailed, site-specific analysis.

Edges, Buffers and Setbacks

T-12 Trails along active rail lines should be set back a minimum of 26 feet from the centerline of the nearest track. Within this setback, a vegetated buffer backed by a safety barrier that prevents access should be provided.

T-13 Trails along irrigation canals should be set back from the top of the canal by at least four feet, with a safety barrier preventing access but allowing views to the canal.

T-14 Trails along streets should be set back according to guidelines provided in the Bikeways Master Plan.

T-15 Through placement of amenities and use of planting and lighting mitigation techniques, design trails in a way that minimizes impacts such as noise and lighting on neighboring properties.

Organization of Trail Elements

T-16 Trail alignment and plantings should be designed to optimize visibility, to allow for natural surveillance among users and minimize conflicts between bikes and pedestrians.

T-17 Include amenities along the trail at intervals that ensure user comfort. Opportunities to sit or lean should be provided at least every 1/4-mile. Shaded areas with seating should be provided at least every 1 mile. These amenity zones should be located to take advantage of hospitable conditions including shade, views, and sound.

T-18 Locate permanent restrooms and drinking fountains where trails intersection with City parks (see also Park Design Guidelines.)

Features and Amenities

T-19 Provide a diversity of trail amenities that attract and support different types of users, including recreational users, commuters, children and seniors.

T-20 Ensure that at least 50% of seating and picnic areas are shaded, either through natural tree canopy or installed shade structures (from at least 11 am – 4 pm during summer months).

T-21 Select all paving, site furnishing, and landscape materials based on durability as well as aesthetic value.

T-22 Ensure that proposed trail design and construction, including trail amenities, are consistent with City design detail and specifications.

T-23 Trails and amenities shall be accessible to all users and abilities and comply with current state and national design standards that meet or exceed the requirements of the Americans with Disabilities Act (ADA) Standards for Accessible Design and the California Building Code. Trails, paths and nature walk areas, or portions of them, shall be constructed with gradients permitting at least partial use by wheelchair occupants. Nature trails and similar educational and informational areas shall be accessible to individuals with vision impairments by the provision of rope guidelines, raised Arabic numerals and symbols, or other similar guide and assistance devices.

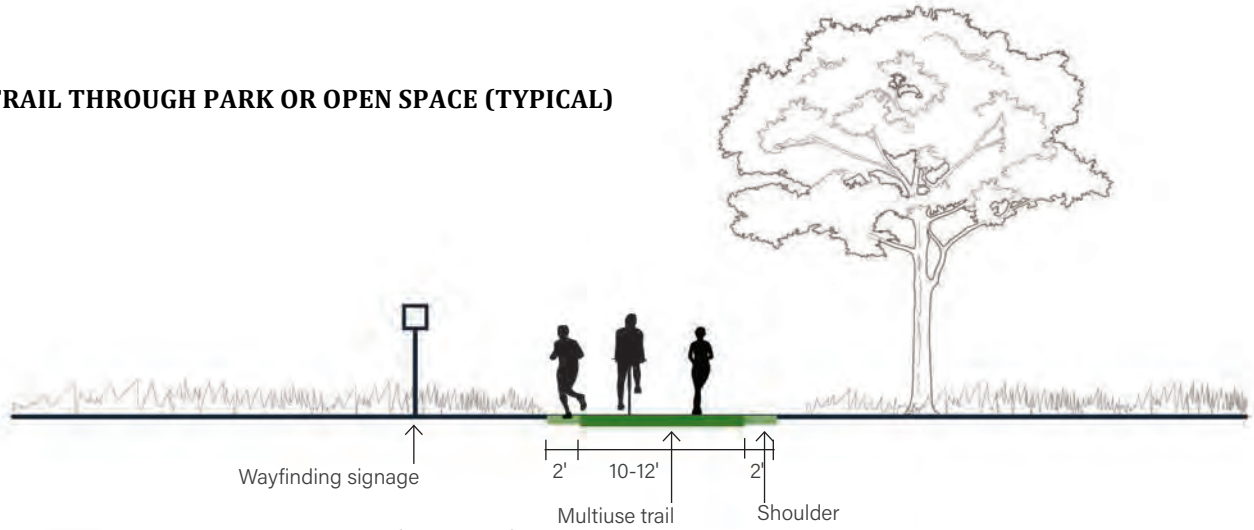
Lighting and Fencing

T-24 Use lighting to promote public safety and security, following the principles of Crime Prevention through Environmental Design (CPTED).

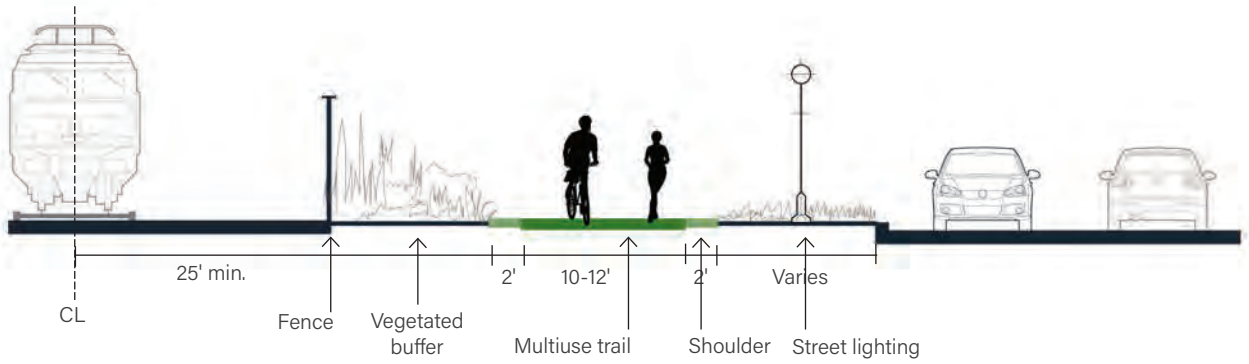
T-25 Where appropriate, provide lighting to extend the use of trails at night.

Figure 5-4**Off-Street Trail Cross-Sections**

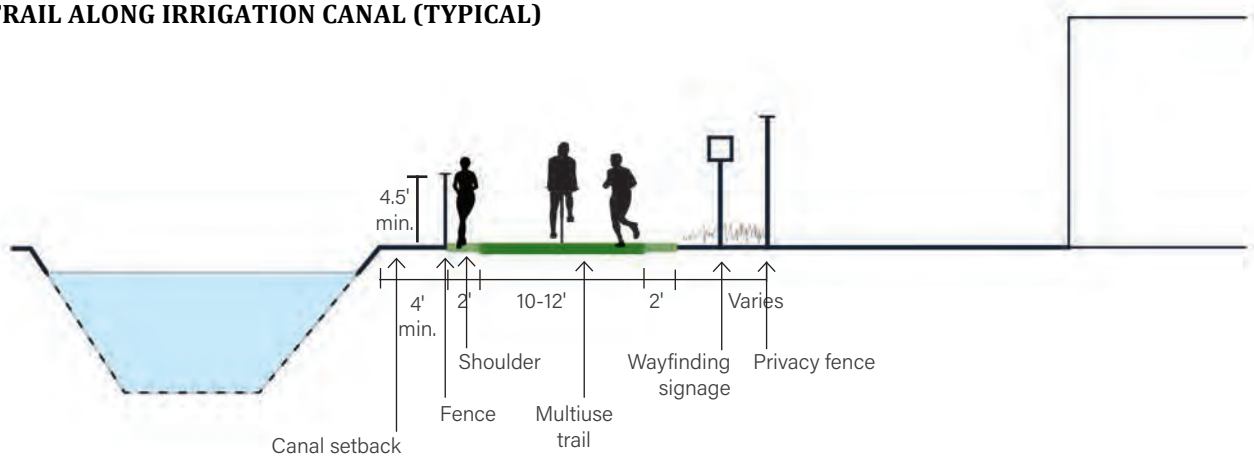
TRAIL THROUGH PARK OR OPEN SPACE (TYPICAL)



TRAIL ALONG ACTIVE RAIL LINE (TYPICAL)



TRAIL ALONG IRRIGATION CANAL (TYPICAL)



Trail cross-sections are conceptual and generalized.. Trail development will require detailed design .

T-26 Design lighting systems and select fixtures to minimize light pollution/spillage.

T-27 Require energy-efficient technology when replacing existing or installing new lighting, including light elements. Use "smart" technology when possible, i.e. lighting systems that adjust automatically depending upon user patterns in buildings and parks.

T-28 Barriers and fencing must successfully ensure privacy and prevent access, while also supporting a good trail experience.

- Trails should be separated from the back yards of private property by plantings backed by fences, which should be eight feet in height. Plantings should be minmal to reduce water use and maintenance costs.
- Trails should be set back and buffered from rail lines and arterial roadways as defined in the Bikeways Master Plan and in Policy 10c.
- Trails should be separated from irrigation canals by a barriers that meet code requirements while preserving views of the canal.

Signage

T-29 Provide standard trailhead signage that identifies the trail name and promotes a positive and consistent identity for Tracy's trail system.

T-30 Place a standard, legally confirmed set of rules in a visible and secondary location that does not negatively impact the welcoming nature of the trail entry.

T-31 Establish a standardized wayfinding system to clearly identify trail route and destinations as well as nearby civic, historic, cultural or ecological landmarks.

T-32 Trail signage will:

- Vary by context. Signs at trailheads and along off-street and on-street trail segments will be designed and scaled for their setting and the user groups they serve.
- Be legible and accessible. Signage will use lettering sized for visibility, and include translation where needed.
- Leverage other features. Signage may be mounted on street furnishings or painted on surfaces.
- Create identity. More than any other trail element, wayfinding signs produce identity for both the system and individual trail.
- Tell a story. Interpretive signage can tell us about native peoples, subsequent history, our environment, and our current experience.

Landscape

T-33 Preserve habitat and natural resources with trail development.

T-34 Follow all applicable design guidelines for landscape found in Chapter 3: Parks.

Facing page:
Livermore Valley trail

CHAPTER 06

IMPLEMENTATION

The Implementation chapter provides the bridge from goals and policies to actions. Here, we apply the goals and policies in the Plan to propose specific improvements to our parks system.

IN THIS CHAPTER:

- Implementation Framework
- Improving Existing Parks
- Building New Parks
- Recreation Amenity Needs
- Parks Planning and Development in Tracy
- Understanding the Cost of Parks
- Park Maintenance and Lifecycle Replacement
- Funding Strategy

IMPLEMENTATION FRAMEWORK

This chapter provides the bridge from goals and policies to actions. Here, we apply the goals and policies in the Plan to propose specific improvements to our parks system.

The chapter starts by defining three types of park improvements: sustaining, strategic, and visionary.

Next, the chapter summarizes the Plan's proposed park improvements by tier, by timing, and by funding source. Proposed improvements for each park in our system are summarized in Table 6-4.

Tracy will need additional parks as the city grows. The chapter summarizes future park needs, identifies parks that are already in the planning stages, and identifies areas where future parks would fill access gaps.

Tracy also needs additional recreation facilities and amenities. We summarize facility needs, based on the Plan's standards, and describe how to relate facility and amenity needs with park improvements.

Finally, we look at the costs of improvements, and a funding strategy to achieve our goals. The funding strategy applies not just to capital improvements but also to programming, maintenance and operations.

Implementing this Plan successfully will require coordination across City departments, and annual monitoring of progress.

PARK IMROVEMENT TIERS

Tier A

Tier B

Tier C

IMPROVING EXISTING PARKS

THREE TIERS

Park and facility improvements can be understood in three "tiers". The first tier is focused on maintenance, the second on strategic enhancements, and the third on new or transformed parks.

Tier A: Sustaining Park Improvements – Maintaining What We Have

Tier A includes park improvements critical to keep the park system functioning. They include routine maintenance, repairs, repainting, replanting, "lifecycle replacement" (including infrastructure replacement such as irrigation systems as well as replacement of park amenities as they reach the end of their useful life), and replacement of inaccessible amenities with accessible amenities to remove barriers to access for people with disabilities. The intention of this category is to make the most of existing resources with the primary goal being for the City to maintain services.

The actions associated with this category are expected to be funded through tax dollars and/or special assessments where applicable.

Lifecycle replacement is considered an annual value to be included in Tracy's budget and the budgets for Landscape Maintenance Districts (LMDs) and Community Facility Districts (CFDs). Total replacement value is amortized over the life of the facility.

Tier B: Strategic Park Improvements – Improving What We Have

Strategic park improvements may include site, amenity, and facility upgrades. This includes strategically enhancing existing programs, beginning new alternative programs, adding new positions, or making other strategic changes that would require additional operational or capital funding.

The City would evaluate and analyze potential sources of additional revenue for these improvements, including but not limited to Measure V funds, capital bond funding, partnerships, program income, grants, and existing or new taxes and/or special assessments.

Tier C: "Visionary" Park Improvements – Developing New Opportunities

Visionary park improvements include comprehensive park renovations, acquisitions, and the creation of new parks. This category represents the complete set of services and facilities desired by the community. It is fiscally unconstrained but can help provide policy guidance by illustrating the ultimate goals of the community, and by providing a long- range look to address future needs and deficiencies. Typically, Tier 3 improvements start with a park or facility-specific master plan to analyze conditions, explore the needs of the community, and design a new park.

Funding for visionary projects would be derived from partnerships, grants, private investments and new tax dollars, and/or special assessments.

PARK BY PARK

Tracy Staff and our Consultant team conducted a park-by-park assessment in August 2019, identifying the general condition of each site; issues pertaining to site access and use; and park-specific needs, wants, and aspirations communicated by members of the public during the Plan Update process.

The Plan identifies three priority levels and associated phasing: high priority (0- to 5-year), medium priority (5- to 10-year), and low priority (10- to 20-year) park improvements. Planned improvements for each of the City's parks are provided in table format.

A rough order-of-magnitude cost estimation of park improvements finds a total of approximately $56 million to $75 million in costs over the next 10 to 15 years, with costs spread across park tiers, implementation phases, and funding sources (Tables 6-1, 6-2, and 6-3). These cost estimates may not cover improvements identified in the City's ADA assessment.

A summary of park improvement recommendations for all parks is provided in Table 6-4.

Not all parks are included in the park-by-park table. Improvements to parks not specifically identified are covered by the Citywide Improvements category.

Table 6-1
Estimated Improvement Costs by Tier

TIER	ESTIMATED TOTAL COST
Tier A: Sustaining	$7,435,000 to $10,202,000
Tier B: Strategic	$14,200,000 to $18,125,000
Tier C: Visionary	$34,846,000 to $46,444,000
TOTAL	**$56,481,000 to $74,771,000**

Table 6-2
Estimated Improvement Costs by Timing

TIMING	ESTIMATED TOTAL COST
Short-Term (Years 1-5)	$43,135,000 to $57,205,000
Mid-Term (Years 6-10)	$11,672,500 to $15,055,000
Long-Term (Years 11+)	$1,673,500 to $2,511,000
TOTAL	**$56,481,000 to $74,771,000**

Table 6-3
Estimated Improvement Costs by Funding Source

FUNDING SOURCE	ESTIMATED TOTAL COST
General Fund	$44,966,000 to $58,667,000
LMD Zone 3	$957,500 to $1,389,000
LMD Zone 7	$682,500 to $915,000
LMD Zone 9	$2,290,000 to $3,500,000
LMD Zone 13	$1,060,000 to $1,470,000
LMD Zone 14	$225,000 to $270,000
LMD Zone 15	$675,000 to $810,000
LMD Zone 16	$300,000 to $360,000
LMD Zone 17	$487,500 to $585,000
LMD Zone 21	$75,000 to $90,000
LMD Zone 24	$525,000 to $630,000
LMD Zone 26	$562,500 to $675,000
LMD Zone 29	$325,000 to $480,000
LMD Zone 30	$75,000 to $90,000
LMD Zone 35	$75,000 to $90,000
Various (Citywide)	$3,200,000 to $4,750,000
TOTAL	**$56,481,000 to $74,771,000**

Table 6-4

Park-by-Park Improvements

** **Condition Rating:** 1-5 (poor to excellent) // **Assumptions:** (1) Site Specific Master Plan LOW END - $75,000, (2) Site Specific Master Plan HIGH END - $150,000, (3) Redevelopment Costs - LOW END - $200,000 per acre, (4) Redevelopment Costs - HIGH END - $300,000 per acre*

PARK	PARK TYPE	MAINTENANCE FUNDING	AREA (AC)	CONDITION RATING (1-5) *	IMPROVEMENT TIER	IMPROVEMENT RECOMMENDATION	TIME FRAME	ESTIMATED COST
TIER C: VISIONARY PROJECTS (NEW/MAJOR UPGRADE)								
Ritter Family Ball Park	Sports Complex	General Fund	10.82	2	C	Site Specific Master Plan and redevelopment	Short-term (1-5 years)	$20,000,000 to $25,000,000
El Pescadero Park	Community	General Fund	14.62	3	C	Site Specific Master Plan and redevelopment	Short-term (1-5 years)	$3,000,000 to $5,000,000
Lincoln Park	Community	General Fund	13.74	4	C	Prop 68 Grant Appliation submitted for Site Specific Master Plan and redevelopment of park	Short-term (1-5 years)	$8,000,000 oo $10,000,000
Alden Park	Neighborhood	General Fund	4.46	3	C	Site Specific Master Plan and redevelopment	Short-term (1-5 years)	$900,000 to $1,500,000
American Legion Park	Mini	General Fund	1.27	2	C	Site Specific Master Plan and redevelopment	Long-term (11+ years)	$335,000 to $540,000
Fine Family Park	Mini	General Fund	0.64	4	C	Site Specific Master Plan and redevelopment	Long-term (11+ years)	$91,000 to $174,000
Fabian Family Park	Mini	LMD Zone 3	1.01	3	C	Site Specific Master Plan and redevelopment	Mid-term (6-10 years)	$275,000 to $450,000
New Harmon Park	Mini	LMD Zone 3	0.51	3	C	Site Specific Master Plan and redevelopment	Short-term (1-5 years)	$175,000 to $300,000
Naomi Rippin Park	Mini	LMD Zone 7	0.56	2	C	Site Specific Master Plan and redevelopment	Short-term (1-5 years)	$195,000 to $330,000
Albert Emhoff Park	Mini	LMD Zone 9	0.48	2	C	Site Specific Master Plan and redevelopment	Short-term (1-5 years)	$175,000 to $300,000
Barbara Fitzpatrick Park	Mini	LMD Zone 9	0.46	2	C	Site Specific Master Plan and redevelopment	Short-term (1-5 years)	$175,000 to $300,000
Fred Icardi Park	Mini	LMD Zone 9	0.40	3	C	Site Specific Master Plan and redevelopment	Short-term (1-5 years)	$155,000 to $270,000
Mount Diablo Park	Mini	LMD Zone 9	0.41	2	C	Site Specific Master Plan and redevelopment	Short-term (1-5 years)	$155,000 to $270,000
Mount Oso Park	Mini	LMD Zone 9	0.43	2	C	Site Specific Master Plan and redevelopment	Short-term (1-5 years)	$155,000 to $270,000
Tracy Press Park	Mini	LMD Zone 9	0.52	4	C	Site Specific Master Plan and redevelopment	Mid-term (6-10 years)	$175,000 to $300,000
Valley Oak Park	Mini	LMD Zone 9	0.50	3	C	Site Specific Master Plan and redevelopment	Mid-term (6-10 years)	$175,000 to $300,000
Souza Family Park South	Mini	LMD Zone 13	2.30	3	C	Site Specific Master Plan and redevelopment	Mid-term (6-10 years)	$535,000 to $840,000
John Kimball Park	Mini	LMD Zone 29	0.52	3	C	Site Specific Master Plan and redevelopment	Short-term (1-5 years)	$175,000 to $300,000
TOTAL VISIONARY PROJECTS: $34,846,000 to $46,444,000								

Table 6-4 (continued)

Park-by-Park Improvements

PARK	PARK TYPE	MAINTENANCE FUNDING	AREA (AC)	CONDITION RATING (1-5) *	IMPROVEMENT TIER	IMPROVEMENT RECOMMENDATION	TIME FRAME	ESTIMATED COST
TIER B: STRATEGIC PROJECTS (UPGRADE AND RENOVATION)								
Tracy Sports Complex	Sports Complex	General Fund	27.02	4	B	Renovate and upgrade concession building and meeting room. Site improvements including new restroom for east side of park, playground renovations, parking lot renovations, removal of ADA barriers, landscaping, site furnishing replacements and fencing. Additionally, make safety upgrades to ballfields including installation of 420 linear feet of 70'-tall netting and removal of 75 linear feet of 30'-tall netting.	Short-term (1-5 years)	$1,500,000 to $2,500,000
Dr. Powers Park	Community	General Fund	11.30	4	B	Mini master plan to respect recent improvements: Rethink walking loop, reprogram as amphitheater, replace irrigation system, incorporate ADA accessible disc golf warm up area for potential disc golf course.	Mid-term (6-15 years)	$375,000 to $450,000
Henry Barboza Park	Neighborhood	General Fund	3.27	2	B	Install sport court lighting at basketball and tennis courts.	Mid-term (6-10 years)	$75,000 to $90,000
Clyde Bland Park	Neighborhood	General Fund	8.67	4	B	Expand baseball field to 90' bases, consider disc golf course around perimeter, install pathway lighting and sport court lighting, replace playground, make ADA, site furnishing and irrigation upgrades.	Mid-term (6-10 years)	$2,250,000 to $2,700,000
Joseph Ceciliani Park	Neighborhood	General Fund	6.50	4	B	Install sport court lighting at tennis courts, new picnic area, replant courtyard area, improve asphalt trail, install splash pad near playgrounds and renovate volleyball court, playground, and parking lot.	Short-term (1-5 years)	$1,300,000 to $1,900,000
Galli Family Park	Neighborhood	General Fund	4.63	4	B	Install shade over bocce courts, replace playground/climbing wall, make ADA upgrades, replace site furnishings, install pathway and sport court lighting.	Mid-term (6-10 years)	$750,000 to $900,000
Frank Hoyt Park	Neighborhood	General Fund	6.33	4	B	Install pathway and sport court lighting, upgrade irrigation, new ADA-accessible picnic area with shade structure, renovate horseshoe pits, new site furnishings, etc. Renovate/repair wooden shade structures.	Mid-term (6-10 years)	$450,000 to $540,000

Table 6-4 (continued)

Park-by-Park Improvements

PARK	PARK TYPE	MAINTENANCE FUNDING	AREA (AC)	CONDITION RATING (1-5)*	IMPROVEMENT TIER	IMPROVEMENT RECOMMENDATION	TIME FRAME	ESTIMATED COST
Robert Kenner Park	Neighborhood	General Fund	6.01	4	B	Install sport court lighting at basketball and tennis courts, new walking loop around basin and turn basin into nature area, covert areas to drought tolerant plantings, renovate or remove volleyball, rethink raised planter area and replace with low water landscaping. Consider playground replacement and ADA upgrades.	Short-term (1-5 years)	$1,800,000 to $2,100,000
William Larsen Park	Neighborhood	General Fund	5.10	4	B	Install sport court lighting at tennis courts, upgrade fitness area, rethink sculpture with new focal point and landscape beautification.	Short-term (1-5 years)	$300,000 to $360,000
Edgar Thoming Park	Neighborhood	General Fund	5.31	4	B	Renovate tennis and basketball courts including surfacing, lighting and fencing upgrades. Upgrade fitness stations along the walking loop, LED light conversions, add new picnic area, replace site furnishings, minor renovation of restroom building, new booster pump and landscaping.	Short-term (1-5 years)	$500,000 to $600,000
Ken Yasui Park	Neighborhood	General Fund	3.10	3	B	Add walking loop.	Long-term (11+ years)	$75,000 to $90,000
Dorothy Zanussi Park	Neighborhood	General Fund	4.99	4	B	Replace gazebo with steel version, rethink playground areas and combine into one area, improve ADA accessibility at picnic area, install new amenity like a sport court.	Mid-term (6-10 years)	$750,000 to $900,000
William Adams Park	Neighborhood	LMD Zone 15	4.69	4	B	Add sport court lighting to tennis courts.	Mid-term (6-10 years)	$75,000 to $90,000
Don Cose Park	Neighborhood	LMD Zone 15	3.79	3	B	Replace playground equipment, install new safety surfacing, install new sport court lighting at basketball court.	Short-term (1-5 years)	$525,000 to $630,000
Bill Schwartz Park	Neighborhood	LMD Zone 15	3.42	3	B	Add sport court lighting to dual purpose court.	Mid-term (6-10 years)	$75,000 to $90,000
Richard Hastie Park	Neighborhood	LMD Zone 21	3.43	4	B	Add sport court lighting to basketball court, add pathway lighting.	Mid-term (6-10 years)	$75,000 to $90,000
Joseph Tiago Park	Neighborhood	LMD Zone 24	4.02	3	B	New playground equipment, park lighting, site furnishings, landscaping.	Short-term (1-5 years)	$525,000 to $630,000
Vernor Hanson Park	Neighborhood	LMD Zone 26	3.46	4	B	Add sport court lighting to basketball court. Add walking loop.	Mid-term (6-10 years)	$112,500 to $135,000

Table 6-4 (continued)

Park-by-Park Improvements

PARK	PARK TYPE	MAINTENANCE FUNDING	AREA (AC)	CONDITION RATING (1-5) *	IMPROVEMENT TIER	IMPROVEMENT RECOMMENDATION	TIME FRAME	ESTIMATED COST
Robert Kellogg Park	Neighborhood	LMD Zone 29	4.08	4	B	Consider conversion of water feature to dry stream bed, add pickleball striping to tennis court, add lighting to tennis and basketball courts, add pathway lighting.	Mid-term (6-10 years)	$150,000 to $180,000
A.R. Glover Park	Mini	General Fund	2.14	3	B	Install sport court lighting at basketball court.	Short-term (1-5 years)	$475,000 to $675,000
McDonald Park	Mini	General Fund	1.46	4	B	Retrofit street-type light poles to light hand ball court.	Mid-term (6-10 years)	$15,000 to $18,000
McCray Family Park	Mini	LMD Zone 3	0.80	4	B	Add shade over play area.	Long-term (11+ years)	$22,500 to $27,000
Tom Slayter Park	Mini	LMD Zone 3	0.49	4	B	Add accessible seating area, remove non-accessible picnic tables and maintenance-intensive shade structures.	Mid-term (6-10 years)	$112,500 to $135,000
Souza Family Park North	Mini	LMD Zone 13	1.59	3	B	Add pathway lighting, replace play equipment, improve ADA accessibility, landscaping and site furnishings.	Mid-term (6-10 years)	$525,000 to $630,000
J. Kingsley Chadeayne Park	Mini	LMD Zone 14	1.72	4	B	Add pickleball court to replace horseshoes.	Mid-term (6-10 years)	$150,000 to $180,000
Joan Sparks Park	Mini	LMD Zone 14	1.75	4	B	Add sport court lighting.	Mid-term (6-10 years)	$75,000 to $90,000
Daniel Busch Park	Mini	LMD Zone 16	2.41	4	B	Add loop path, improve ADA accessibility, add sport court lighting and install new site furnishings.	Mid-term (6-10 years)	$300,000 to $360,000
Florence Stevens Park	Mini	LMD Zone 17	1.42	4	B	Renovate playground, rehab sport court including replacement of equipment, and addition of lighting. Add pathway lighting throughout greenway, replace site furnishings, make landscape enhancements and drought tolerant conversions, ADA barrier removal/ improvements, and enhance pedestrian crossings at street intersections.	Short-term (1-5 years)	$487,500 to $585,000
John Erb Park	Mini	LMD Zone 26	2.53	4	B	Add sport court lighting.	Mid-term (6-10 years)	$75,000 to $90,000
Jim Raymond Park	Mini	LMD Zone 30	1.49	4	B	Add lighting to basketball court.	Mid-term (6-10 years)	$75,000 to $90,000
Jack Fisher Park	Mini	LMD Zone 35	2.00	4	B	Add lighting to basketball court.	Mid-term (6-10 years)	$75,000 to $90,000
Civic Center Plaza	Special Use	General Fund	2.93	NR	B	Master Plan to provide opportunities for recreation for surrounding residential areas and for employees.	Long-term (11+ years)	$150,000 to $180,000
TOTAL STRATEGIC PROJECTS: $14,200,000 to $18,125,000								

Table 6-4 (continued)

Park-by-Park Improvements

PARK	PARK TYPE	MAINTENANCE FUNDING	AREA (AC)	CONDITION RATING (1-5) *	IMPROVEMENT TIER	IMPROVEMENT RECOMMENDATION	TIME FRAME	ESTIMATED COST
TIER A: SUSTAINING PROJECTS (REPAIR EXISTING)								
Arnulfo Plasencia Fields	Sports Complex	General Fund	20.96	3	A	Parking lot replacement; street frontage improvements.	Mid-term (6-10 years)	$750,000 to $900,000
Gretchen Talley Park	Community	General Fund	11.24	5	A	Replace play equipment.	Mid-term (6-10 years)	$350,000 to $500,000
Veterans Park	Community	General Fund	15.80	4	A	Renovate parking lot, address ADA barriers, upgrade sport court and pathway lighting, minor renovations at sport courts and skate park, landscaping. Convert halogen lights to LED at ballfield.	Short-term (1-5 years)	$400,000 to $600,000
Marlow Brothers Park	Neighborhood	LMD Zone 26	3.87	4	A	Replace play equipment.	Mid-term (6-10 years)	$375,000 to $450,000
George Kelly Park	Mini	LMD Zone 3	0.75	2	A	Replace playground, new shaded picnic area, drought tolerant plantings, rehab sports court.	Mid-term (6-10 years)	$350,000 to $450,000
Dorlane Thrasher Park	Mini	LMD Zone 3	1.18	3	A	Turf renovation and backstop renovation.	Mid-term (6-10 years)	$22,500 to $27,000
Bailor/Hennan Park	Mini	LMD Zone 7	0.48	2	A	Replace playground, renovate shade structure, resurface basketball court.	Short-term (1-5 years)	$487,500 to $585,000
Evelyn Costa Park	Mini	LMD Zone 9	0.53	3	A	Resurface basketball court.	Mid-term (6-10 years)	$75,000 to $90,000
Dorothy Evans Park	Mini	LMD Zone 9	1.10	3	A	Resurface basketball court, replace playground, upgrade all amenities to City standards (trash bins, shade structure, tables, benches, & drinking fountain).	Mid-term (6-10 years)	$575,000 to $750,000
Golden Spike Park	Mini	LMD Zone 9	0.50	4	A	Replace play equipment.	Short-term (1-5 years)	$375,000 to $450,000
Sister Cities Park	Mini	LMD Zone 9	0.50	3	A	Replace wooden structure.	Mid-term (6-10 years)	$100,000 to $200,000
Front Street Plaza	Special Use	General Fund	2.20	NR	A	Planting renovation; add recirculating system for splash pad.	Mid-term (6-10 years)	$375,000 to $450,000
Asset Management Plan	Various	Various	NA	NA	A	Field inventory and assessment of all assets including GPS digital logging.	Short-term (1-5 years)	$200,000 to $250,000

Table 6-4 (continued)

Park-by-Park Improvements

PARK	PARK TYPE	MAINTENANCE FUNDING	AREA (AC)	CONDITION RATING (1-5) *	IMPROVEMENT TIER	IMPROVEMENT RECOMMENDATION	TIME FRAME	ESTIMATED COST
Citywide Improvements (Short-term)[A]	Various	Various	NA	NA	A	Additional Lifecycle Replacement.	Short-term (1-5 years)	$3,500,000 to $5,000,000
Citywide Improvements (Mid-term) [A]	Various	Various	NA	NA	A	Additional Lifecycle Replacement.	Mid-term (6-10 years)	$3,500,000 to $5,000,000
Citywide Improvements (Long-term) [A]	Various	Various	NA	NA	A	Additional Lifecycle Replacement.	Long-term (11+ years)	$3,500,000 to $5,000,000
TOTAL SUSTAINING PROJECTS: $7,435,000 to $10,202,000								

SOURCES: WRT, 2021; PROS, 2021; CITY OF TRACY, 2021.

NOTES:

A CITYWIDE IMPROVEMENTS ARE FURNITURE, FIXTURE AND EQUIPMENT REPLACEMENT NOT SPECIFICALLY IDENTIFIED FOR INDIVIDUAL PARKS, INCLUDING BUT NOT LIMITED TO: IRRIGATION SYSTEMS, TRASH CANS, SECURITY LIGHTING, PICNIC TABLES, BENCHES, SINKS/TOILETS IN RESTROOMS, FENCING, SIGNAGE, AND DRINKING FOUNTAINS. DEPARTMENT ALSO REQUIRES $150,000 ANNUALLY FOR STAFFING TO STRATEGICALLY MANAGE PARK ASSETS.

Figure 6-1

Conceptual Design for a Mini Park (Fine Family Park)

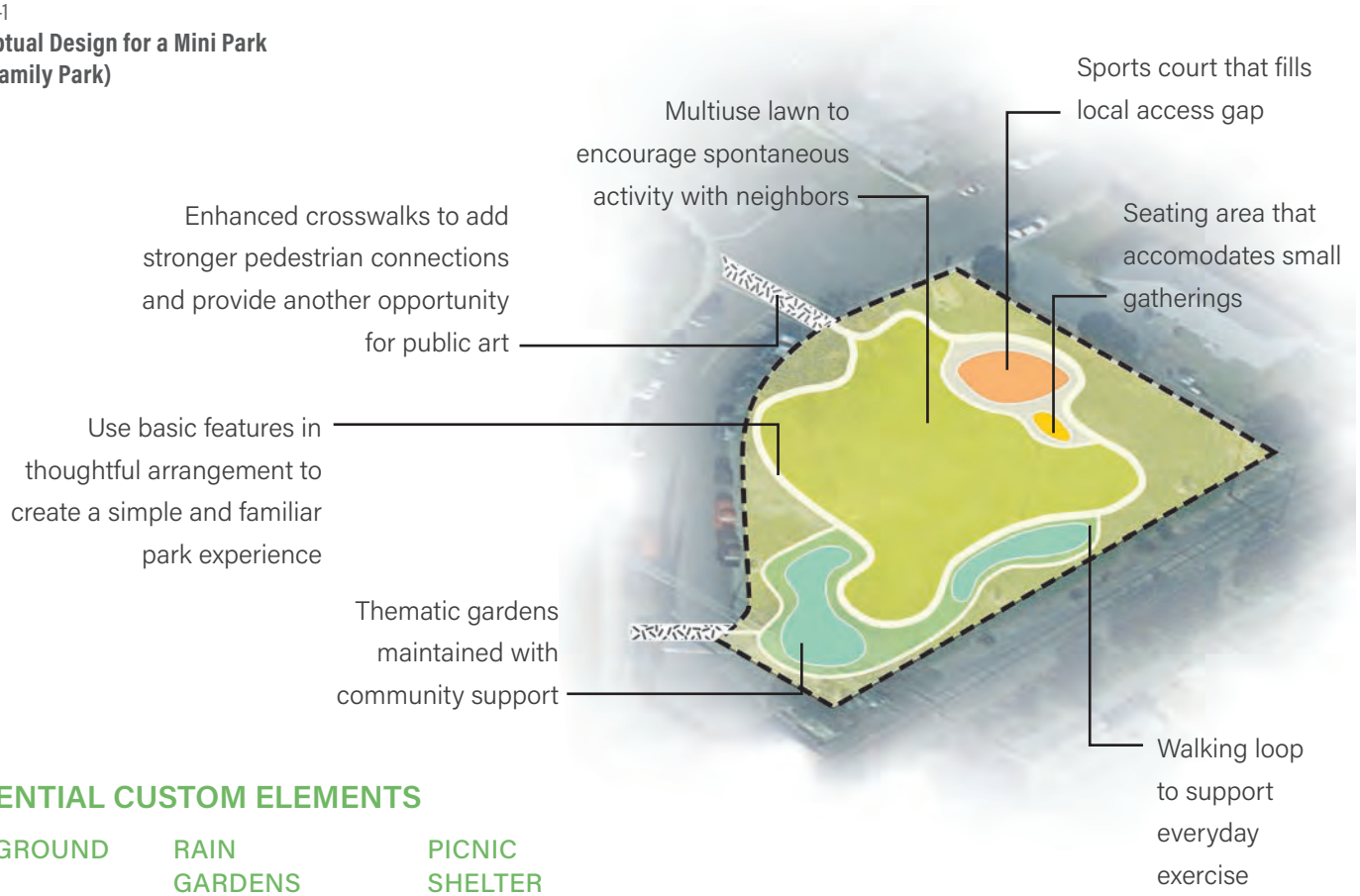
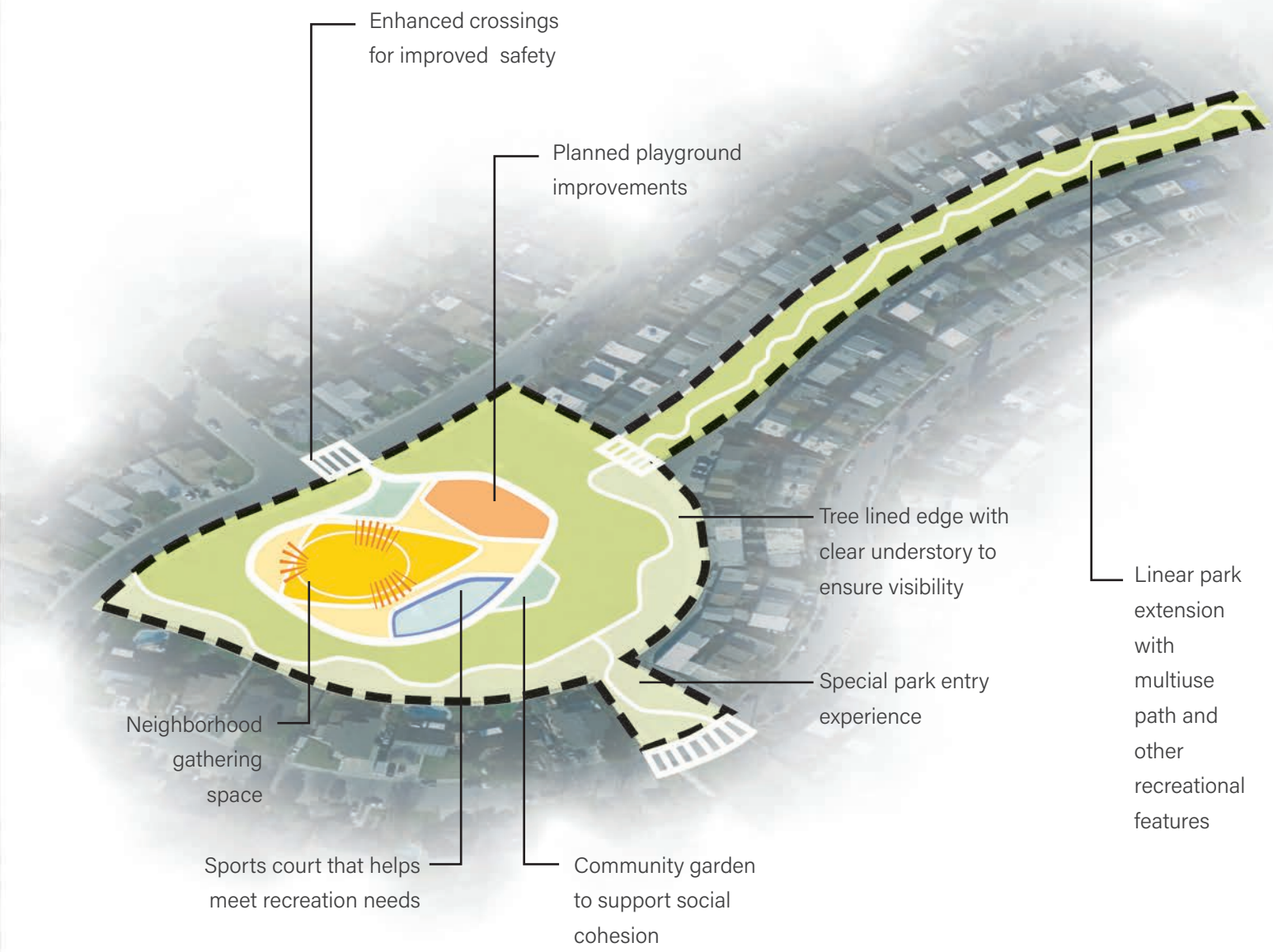


Figure 6-2
Conceptual Design for a Neighborhood Park (Alden Park)



It is a challenge to apply design standards to existing parks when we seek to adapt and update them. These diagrams show concepts for how existing parks could be adapted to embody the spirit of the Plan's goals.

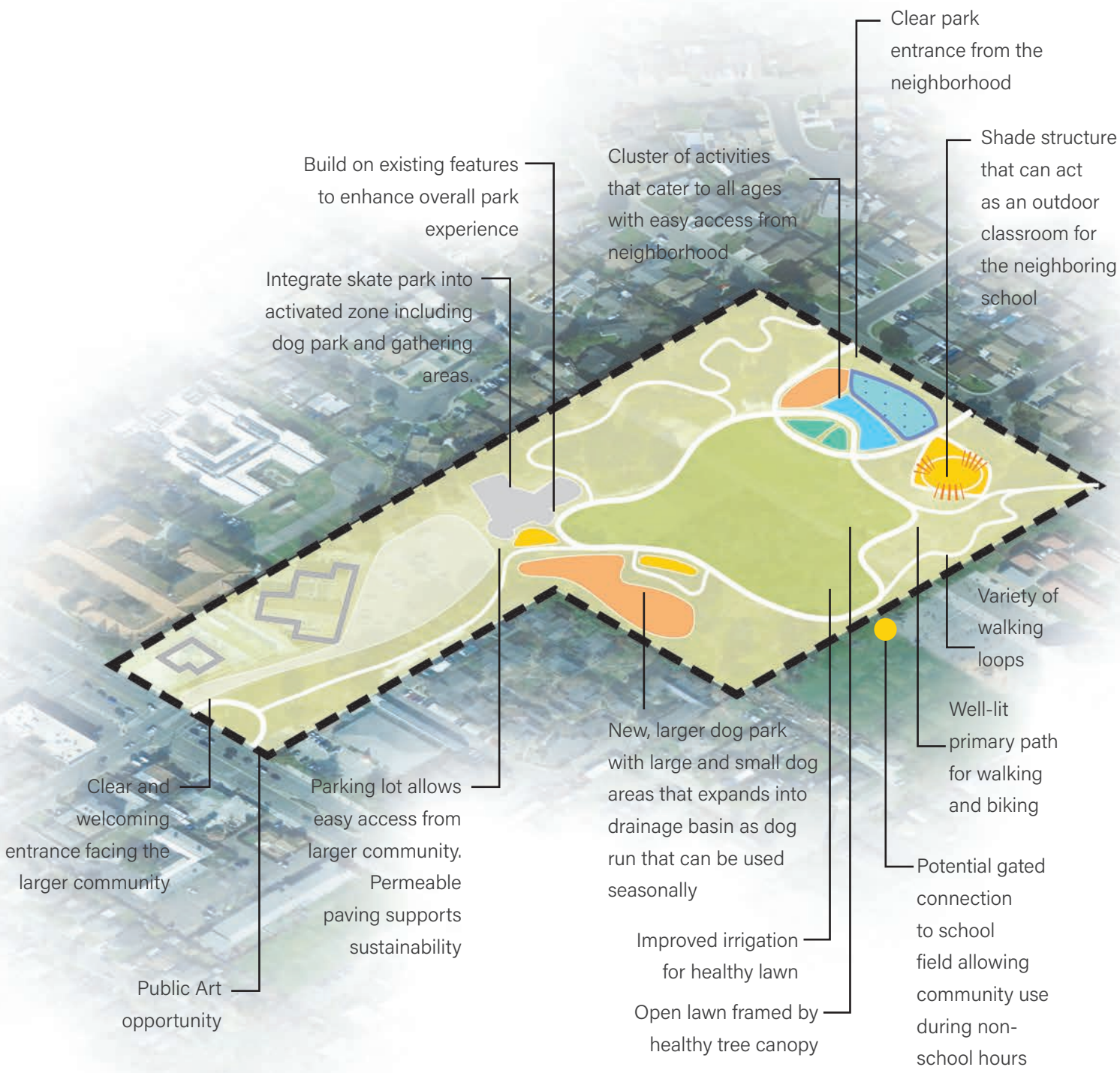
POTENTIAL SPECIAL ELEMENTS

PICKLEBALL COURT

COMMUNITY GARDEN

LARGE SHADE STRUCTURE

Figure 6-3
Conceptual Design for a Community Park (El Pescadero Park)



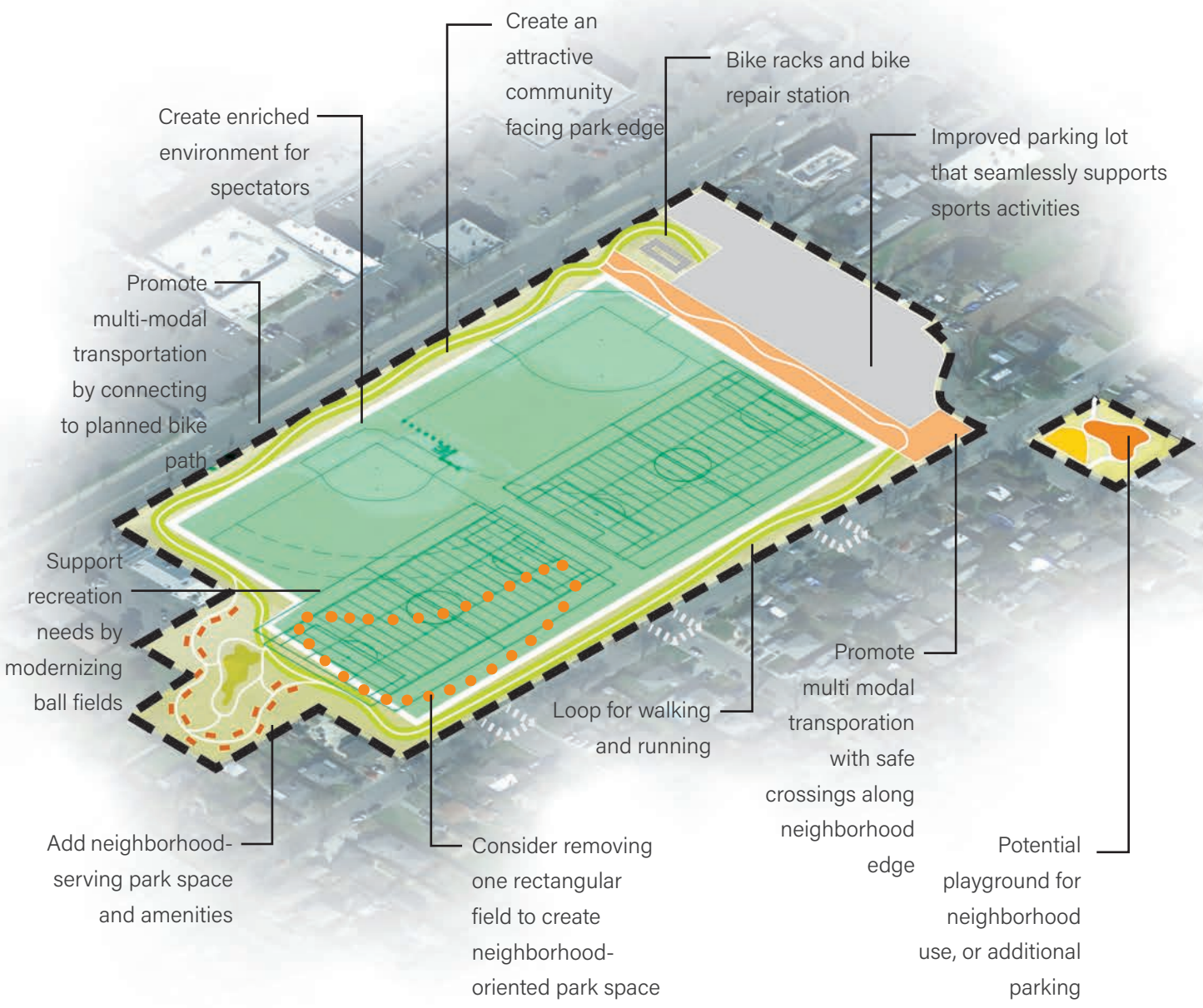
POTENTIAL SPECIAL ELEMENTS

USE OF ALTERNATIVE ENERGY SOURCES

WORKOUT STATIONS ALONG WALKING LOOP

SAND VOLLEYBALL COURT

Figure 6-4
Conceptual Design for a Sports Complex (Ritter Family Ball Park)



POTENTIAL SPECIAL ELEMENTS

SENSORY GARDEN

NEIGHBORHOOD EVENT PLAZA

NATURE PLAY IN ADJACENT LOT

BUILDING NEW PARKS

On the Drawing Board

The City of Tracy is planning the expansion of Gretchen Talley Park as a community park; the completion of Phase 1 and Phase 2 of the Legacy Fields sports complex; the creation of an Aquatics Complex; a multi-generational recreation center; and the Tracy Nature Park. These improvements would bring an additional 220 acres of park land.

The TOD Plan also provides a template for the creation of a network of plazas, paseos, and pocket parks to serve a growing and vital downtown area (see Chapter 2).

Future Development Areas

As of this writing, some 63 acres of new park land is planned as part of specific plans and development proposals for Avenues, Ellis, Hillview, Rocking Horse, Tracy Hills, and Tracy Village. Private parks are planned at Cordes Ranch. These parks are summarized in Chapter 2.

Filling Access Gaps

New parks in future development areas will be required to provide 4 acres of new park land per 1,000 residents, allocated, located, and designed according to the policies of this Plan.

In addition to future developer-provided parks in urban infill and expansion areas, the City will pursue land acquisition and park development opportunities in areas of the City that are more than ½ mile from an existing neighborhood or community park. Future park opportunities should be sought, in particular:

- In the vicinity of Valpico Road between Tracy Boulevard and MacArthur Drive.
- In the vicinity of MacArthur Drive between Schulte and Valpico roads.
- In the vicinity of Byron and Berg roads.
- In the vicinity of Tracy Boulevard and West 6th Street.
- In the vicinity of Tracy Boulevard and Mt. Diablo Avenue.
- In Northeast Tracy in the vicinity of Grant Line Road and East Street.
- In other areas where residents are more than ½ mile from a neighborhood or community park, opportunities for new parks may be scarce. These areas should be priorities for enhancing mini parks or forging community use agreemnts for school play fields.

Funding for future parks in these areas may come from a variety of sources including future development; existing LMDs; and the General Fund. Park access gaps and neighborhood park opportunity areas are shown on Figure 3-1.

Co-Location Opportunities

The Storm Drainage Master Plan (SDMP) identifies the location of existing and proposed detention basins in Tracy. Detention basins in residential areas, especially when larger than five acres in size, may be considered for co-location and/or joint use. As noted in the SDMP, three detention basins are proposed for future service areas that are anticipated to have residential development. These include the following:

- A proposed 35-acre basin in the Catellus planning area is rated as a fair candidate for joint park use because of high groundwater.
- A proposed 5-acre basin in the Rocha planning area is rated as a good opportunity for joint use because it is not far from a proposed Class I Bikeway that could potentially connect this site to Tiago Park. However, the small size will result in limited usable recreational area.

- A proposed 30-acre basin in UR 1 (Alvarez and Others) is considered to be a poor candidate for joint use because of boundary constraints and little differential grading.

In addition to these three, additional detention basins are planned for non-residential service areas.

Facilities such as fire stations, libraries, and community centers may provide future opportunities to co-locate park land. For example, a fire station located adjacent to a park can contribute to a perception of enhanced park safety. In some communities, fire stations also provide meeting rooms for community use. Current recreation trends also support the development of parks adjacent to branch libraries and community/recreation centers. This arrangement allows a site to provide a variety of recreation and leisure-based opportunities at one location, plus support both indoor and outdoor programming. These opportunities shall be considered when identifying sites for future facility and park development.

Trail Opportunities

This Plan proposes a trail system that builds on the City's existing linear parkways, multiuse paths, the planned bikeway system, opportunities for trails along rail, irrigation, and utility corridors, and opportunities for trails in existing or future preserved open spaces. The trail system should also be seen as a "co-location" opportunity for future parks. Off-street trails and pathways, when connected to park land, provide important recreation opportunities and also enhance park access.

The Trail Concept Plan is shown in Figure 5-3 on page 167.

RECREATION AMENITY NEEDS

This Master Plan provides new population-based standards for an array of amenities, to ensure that we are serving the recreation needs of the community. The standards are based on a range of factors, from national and regional best practices to demonstrated local demand. This section summarizes how many additional amenities of each type would be needed to meet the needs of the daytime population both today and in 2040, assuming that the parks currently being planned will have been completed.

Priority and location characteristics for each amenity are also outlined. Our prioritization is informed by the level of need, the location of access gaps, and public input provided during the Plan Update process.

A summary table of recreation amenity needs is provided in Chapter 4: Recreation.

Sports Fields

Inventory

Today, Tracy has 19 baseball/softball fields and 20 soccer fields. An additional 13 baseball/softball and seven soccer fields are planned, all as part of the Legacy Fields sports complex expansion.

Additional Need

Tracy will need an additional three baseball/softball fields beyond those planned. Additional facilities may be needed to host adult softball tournaments on a larger scale, and the City currently lacks 90' base path baseball fields. We also anticipate the need for additional facilities for cricket and lacrosse.

Sports Courts

Inventory

Today, Tracy has 36 basketball courts (half or full), 16 tennis courts, six horseshoe courts, five sand volleyball courts, and four bocce courts. Additional basketball courts (2), and tennis, horseshoe, and bocce courts (one each) are planned.

Additional Need

To meet the needs indicated by this Master Plan's standards, Tracy should focus on providing additional pickleball (14), basketball (13), and tennis courts (11). In addition, sand volleyball (4), shuffleboard (3), and bocce courts (2) are needed. The City lacks indoor recreational facilities, including basketball.

Other Recreational Facilities

Inventory

Today, Tracy's park system has some 95 playgrounds, 56 group picnic areas, nine climbing walls/rocks, six skate elements, four indoor recreation facilities, three water play areas, two roller hockey rinks, one swimming pool, and one dog park (with another on the way).

Additional Need

To meet our standards, and taking into account parks already in the planning stages, Tracy would need another 37 playgrounds, six dog parks, six group picnic shelters, five climbing walls/rocks, three community gardens, three disc golf courses, and one environmental education facility. Some of these may be privately operated and not located on City land.

See Table 4-2 on page 135 for a detailed list of recreation facility needs.

WHAT'S THE RIGHT FIT BETWEEN AMENITIES AND PARKS?

What criteria can help us place future amenities? How do we match amenities with parks? We identify the following considerations:

- Limited access to the amenity type in the part of Tracy where the park is located.
- Capacity of park site to accommodate additional amenities.
- Opportunity to enhance or activate a park site by re-envisioning with different amenities.
- Ease of access by all modes of travel, for amenities that serve the larger community.
- Larger-footprint, active recreation facilities (e.g. athletic fields) are a good fit for community parks that serve as destinations with a citywide draw.
- Smaller-footprint amenities (e.g. bocce ball) are a good fit for smaller parks.

PARKS PLANNING AND DEVELOPMENT IN TRACY

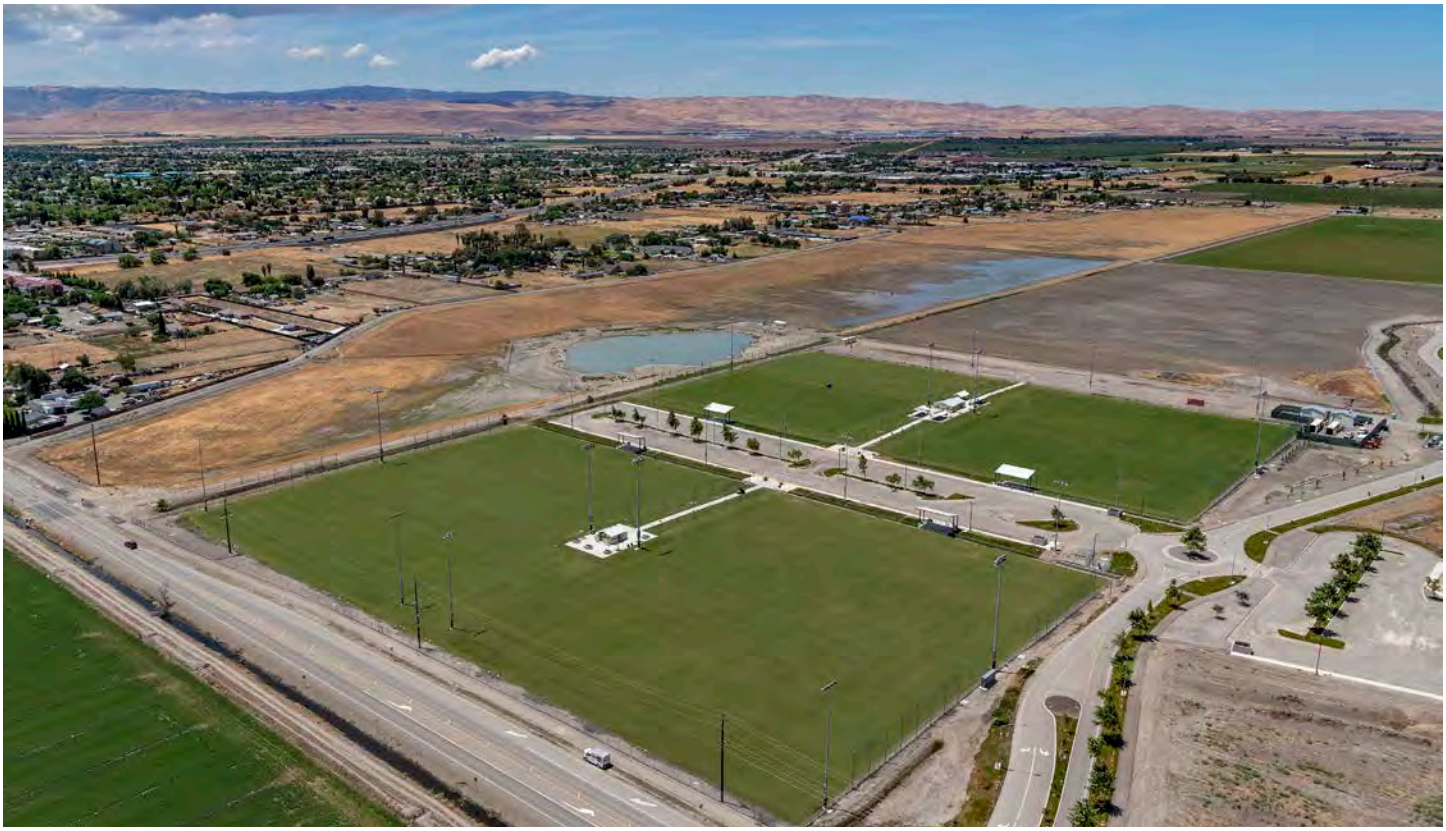
Parks Planning & Development is a division within the Parks & Recreation Department that is responsible for park and recreation facility planning, parkland acquisition, park master planning and the design and development of new – or renovation of existing parks and landscaping. Additionally, the Division ensures that projects fulfill the needs of the community, meet City standards for design, and comply with land use regulations. Parks Planning & Development ensures that all parks and recreation development within the City supports sustainable, innovative, accessible, safe and responsive facilities through community participation and transparent practices. Involvement and support from other City departments is integral to insuring that Parks and Recreation projects get reviewed and approved in a prompt timeframe.

CITY-BUILT PARK PROJECTS

The City can build parks using various funds including fees that are collected from residential development that accumulate over time. Once funding is available, this type of City-built park will be listed as a CIP (Capital Improvement Project) in the City's annual budget. Maintenance and capital replacement funding must also be identified and secured at this time. Planning our parks from start to finish is approximately a two year process. Typically it takes a year for design and preparation of the "blue prints" and a year for construction and plant establishment. Depending on the project and issues related to it, these timelines will vary. Why is this process so long? Below is an outline of the various steps and timeline taken in planning a park.

Step 1: Public Workshops (2-3 months)

The City takes pride in being able to work closely with the neighborhoods that will use the parks. The start of the design process begins with a public workshop to introduce the proposed park design and obtain input from residents. After the plan is revised, a second workshop is held to present the master plan for review. Final revisions are made based on the input gathered at the workshop. The final conceptual plan is then



Legacy Fields Sports Complex.

published and written comments to the final master plan are accepted during the public comment period.

- Initial introduction of project to public
- Online survey to gather input / follow-up
- Final conceptual plan review and public comment

Step 2: Conceptual Plan Approval and Environmental Review (2 months)

From here, the Parks and Community Services Commission reviews, provides feedback and suggestions, and approves the plan. They then forward the plan to the City Council who reviews the master plan with an accompanying environmental document for final adoption. All construction projects, by law, require environmental clearance. This is to ensure that the surrounding environment is protected and potential impacts are identified and mitigated if required. The timing between Commission approval and Council review can vary depending on the type of environmental clearance required for the park design. Both the Commission and City Council meetings are public meetings. Anyone is welcome to attend and provide comments.

- Parks & Community Services Commission design review/ approval
- Potential environmental impacts identified
- Environmental permitting application (if required)
- City Council design review/ approval

Step 3: Design Development (3-4 months)

Once the City Council has approved the plan, construction documents are prepared. Depending on the complexity of site specific issues, the layout of the park and funding, this step can take up to 14 weeks.

- Preparation of construction plans
- Refine design and address site specific issues

Step 4: Citywide Plan Review (3-4 months)

Before the park can be bid for construction, the City-wide plan review, approval and permits are required. This process takes approximately 8 weeks.

- Construction plans submitted to all City departments
- Construction permitting

Step 5: Bid and Award of Construction Contract (1-2 months)

The City is required to bid all improvement projects over $5,000 unless a pre-qualified list of contractors is established. (In those cases, there are additional California Public Contracting Code limits to the maximum dollar value of the project.) The approved plans are bid. The review of the bids and award of the contract to the lowest responsive bidder is an action taken by the City Council.

- Advertisement of bid and bid opening
- City Council review/approval of low bid received

Step 6: Construction (8 months)

Upon City Council approval of the contract award, construction begins. Depending on the complexity of the design and the time of year, this construction period can take up to 20 weeks or more.

- Contractor on site building the park
- Time period may expand due to weather

Step 7: Establishment (3-4 months)

After construction is complete, the City requires a 90-calendar day establishment period in order to assure the long-term success of the project. This is the most difficult time of the process. The grass is green, the play structure is completed and the fences are still up. The establishment period is a time when we are literally watching the grass grow. It takes time to "toughen up" the grass so that it can handle the heavy foot traffic the City experience in its parks. Without this grow-in period, the maintenance of the new park would be extremely high and could result in failure of the turf and other plant material. Generally, City staff starts counting the establishment period days after the second mowing of the grass, however, that can depend on a wide range of other conditions. This is required to ensure that the City has a good healthy stand of grass before we begin the establishment period. The entire park or phase of work remains closed during this timeframe. Because the entire project is under contract and obligations under the contract are not complete, the contractor remains responsible for the entire site. Opening certain improvements within the project is a liability issue for the contractor and the City and therefore, must remained closed. The City thanks you for your patience during this time.

- Plant establishment / grown-in period

Average Time Required to Build a Park = 24 months +/-

Step 8: Project Dedication and Opening

After the establishment period is complete and any outstanding corrections are completed, a dedication of the park occurs. This can be timed at the very end of the establishment period or a few months after the fences are taken down. The timing of the dedication is dependent upon whether the park is named after someone, their family members or other factors.

- Grand opening – fences removed

DEVELOPER-BUILT PARK PROJECTS

In many cases in the City, developers build new parks on behalf of the City as a condition of residential subdivision construction. California law requires that either land or fees be dedicated for park or recreational use. Developer-built parks can oftentimes be delivered faster than a City-built park project. Below is an outline of the various steps and milestones for a Developer to build a park.

To ensure successful, usable parks, the City will not accept for reimbursements or payment:

- Land that has any easements (underground or overhead) that precludes the City from building or using the easement space;
- Any area that useability less than 50 feet wide;
- Any grade or slope that does not allow full use and access;
- Any land or area that has hazardous or environmental limitations;
- Land that is otherwise serving a conservation purpose aside from a useable park;
- Land that could not be developed for any other purpose other than a non-useable park space.

Step 1: Project Initiation

Developer to contact Planning Division of Development Services Department as the first point of contact when planning a new housing development/project. The assigned planner will route the project to various departments/ divisions. At that time, the Parks & Recreation Department will make the determination if a park is required.

Village Green in the Ellis neighborhood.

Step 2: Master Plan and Park Naming

- After approval of a tentative map, Developer creates a conceptual plan for the park that meets City design criteria and complies with CEQA, and this Parks, Recreation and Trails Master Plan. Once the Parks & Recreation Department determines the plan substantially meets the City's criteria, Developer will be required to present the plan to the City's Parks & Community Services Commission at a public meeting for review and approval.
- Typically, it is at this time that decisions related to maintenance responsibilities and funding are determined and the preparation of a maintenance agreement between the City and Developer is initiated.
- The park will need to establish a name through the City's Park Naming Policy prior to starting construction documents.

Step 3: Construction Document Preparation

- Once a plan is approved, Developer prepares & submits 60%, 90% and 100% documents through the Engineering Division of Development Services Department
- 60% submittal is department-specific review, 90% and 100% submittals are City-wide review.
- As details of the plan are finalized, the Public Works Department works with the Developer and the Finance Department to establish estimated costs for the ongoing maintenance, operation and capital replacement of the facility. The Developer is required to join a CFD to ensure these financial obligations are met in perpetuity. (On rare occasions, such as in-fill projects, the Developer may be required to join the existing city-wide Landscape Maintenance District.)

Step 4: Plan Approval

City Engineer to notify Developer of approval.

Step 5: Park Improvement & Refund Agreement

Execute a park specific development agreement.

Step 6: Bid and Award of Construction Bid

Developer to bid project from a City pre-qualification list. Developer to review bids with City and mutually agree on the award .

Step 7: Construction

Developer to contract w/ contractor and oversee project. City to actively participate throughout construction.

Step 8: Establishment (3-4 months)

The start of the 90-day establishment period shall be mutually agreed to by developer and City.

Step 9: Project Completion

Developer and City to mutually agree. Developer to prepare deed papers.

Step 10: Project Dedication and Opening

Developer to participate with the City in the public dedication.

UNDERSTANDING THE COST OF PARKS

Capital Improvement Costs

In this section, rough order of magnitude costs for each proposed park amenity are provided, to assist the City with planning and prioritizing future park and recreation improvements. Unit cost placeholders were determined, informed by a variety of factors including past bidding history and overhead costs for Tracy. These probable costs may rise or fall based on a variety of factors, including, but not limited to, final finish selections, unique site conditions, and coordination with comprehensive park improvements. For the purposes of an "an "à la carte menu," each amenity was studied with minimum core components included, as well as allowances for soft costs and general construction preparations that would likely be needed to take a project from concept design to opening. Due to the varying scale and complexity of each amenity item, these allowances range from 10% - 50% of costs for "Permitting / Consulting" and "General Site Prep / Supervision."

"Permitting / Consulting" includes:

- Permitting fees and processing
- Consultant services and contract drawings
- Project management
- Public outreach and engagement

"General Site Prep / Supervision" includes:

- Clearing and grubbing
- Fine grading and drainage improvements
- Stormwater management (SWPPP required for projects impacting one acre or more in area)
- Site protection, fencing, security, and signage
- Mobilization and supervision
- Inspection, audits, approvals, and project closeout with as-built drawings
- Contingency

Depending on final site selection and construction climate, the following items may also add to the cost of each amenity item. The following list identifies potential exclusions, however exclusions for future project implementation are not limited to these items:

- Temporary utilities
- Permanent utility services
- Offsite improvements
- ADA access improvements
- Retaining walls
- Subgrade replacement
- Land acquisition
- Site furnishings (except where noted)
- Demolition
- Lighting and electrical
- Performance bonds
- Trees, shrubs, and groundcovers
- Maintenance and establishment
- Future capital replacement and planned renovations.

Future Cost Projections

Construction costs typically increase 4% each year.

Annual Park Operation and Maintenance Costs

It is critically important to view the financial sustainability of the Parks and Recreation System through the concept of "Total Cost of Ownership" as shown in the graphic below.

The City will need to closely monitor resources to ensure that the assets of the park system reach the anticipated lifecycles. Maintenance funding should grow to accommodate new park amenities and development in the future. Maintenance standards and expectations are a major driver of costs.

As the system grows, the following guidelines should be utilized to

identify annual operational funding required to maintain additional park acreage:

- Community Parks: $12,000 - $16,000 per acre
- Neighborhood Parks: $16,000 - $21,000 per acre
- Mini Parks: $18,000 - $25,000 per acre
- Sports Complexes:
  - $15,000 - $20,000 per rectangular field;
  - $20,000 - $25,000 per diamond field;
  - $7,000 general acreage
- Special Use Parks: Costs varies dependent upon amenities
- Open Space: $500 - $1,000 per actively managed acre
- Greenways/Trails: $10,000 -$15,000 per acre

*Maintenance costs typically increase 2-3% annually with the cost of goods, services and labor.

Labor Hours

A second driver of establishing operational funding based on maintenance standards is quantity of labor hours required to meet the standards. The number of labor hours, on average, required to manage and maintain the parks system to the standards provided in the previous section is as follows:

- Community Parks: 200-250 annual labor hours per acre
- Neighborhood Parks: 250-300 annual labor hours per acre
- Mini Parks: 350-400 annual labor hours per acre
- Special Use Parks: Varies based on amenities

TOTAL COST OF OWNERSHIP

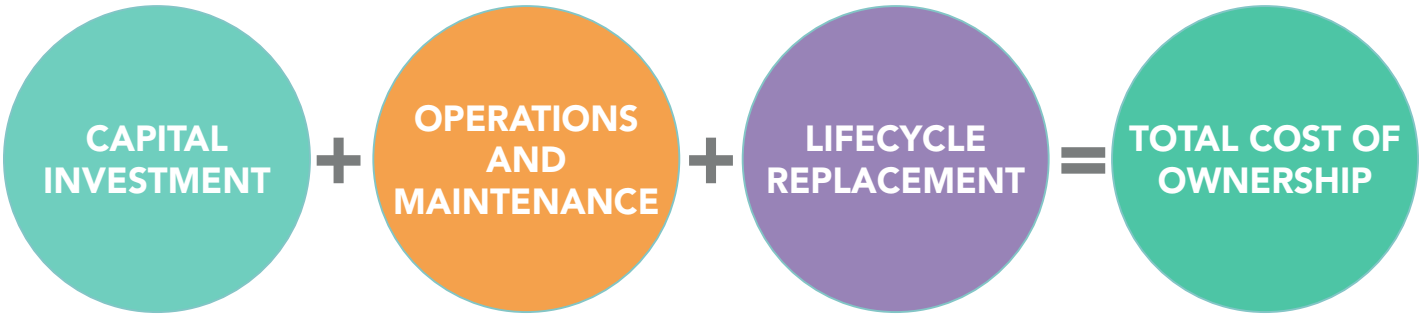


Table 6-5

Estimated Capital Improvement Costs for Typical 5-Acre Neighborhood Park

SITE FEATURE	ESTIMATED COST	DESCRIPTION
Fencing	$300,000	Access Control, 2-Rail Wood Fence, Access Control Gate, Maintenance
Playground with Shade Structure and Accessible Surfacing	$450,000	Playground equipment ages 2-5 and 6-12 with swings, and synthetic surfacing
20' x 20' Shelter	$150,000	Serves 30-32 people
Double Multipurpose Court (Lighted)	$300,000	Sports Court (basketball) with lights and bleachers
Walkway	$600,000	Concrete Walkway, 1/2 Mile x 8 ft. wide (Lighted)
Parallel Street Parking (Not Lighted)	$40,000	Unlighted Parallel Street Parking, Assumed 5 Ea.
Site Furniture	$130,000	5 park benches (5 on concrete slabs), 8 trash cans; 4 bike racks, 2 accessible picnic tables, 9 picnic tables, 3 bbq grills
Recreation Amenity Allowance	$250,000	Allowance to add amenities per community input during planning process
Landscaping, Turf and Signage	$550,000	2 acres of turf, entrance sign, rule signage, wayfinding signage
Sitework	$1,246,500	Includes temporary protection, clear and grub, clean and structural fill (1.5"), storm water allowance, drainage allowance, laser grading. Assumed at 45% of other construction costs.
Subtotal	***$4,016,500***	
Design & Planning	$401,650	Assumed at 10%
Construction Management	$401,650	Assumed at 10%
Contingency	$602,475	Assumed at 15%
Subtotal	***$1,405,775***	
Total Probable Cost (Neighborhood Park)	**$5,422,275**	**$1,084,455 per acre**

SOURCES: WRT, 2021; PROS, 2021; CITY OF TRACY, 2021.

NOTE: THE CIP COSTS IN THE TABLE ABOVE WERE ESTABLISHED IN 2021 AND SHOULD BE ADJUSTED ANNUALLY FOR INFLATION..

Table 6-6

Estimated Capital Improvement Costs for Typical 1-Mile Linear Park

SITE FEATURE	ESTIMATED COST	DESCRIPTION
Trail and Sitework	$1,200,000	Asphalt 1 mile x 12 ft. wide not lighted)
Site Furniture	$80,000	5 park benches (5 on concrete slabs), 5 trash cans; 2 bike racks
Recreation Amenity Allowance	$200,000	Allowance to add amenities per community input during planning process
Landscaping, Turf, Sitework and Signage	$1,000,000	2 acres of turf, interpretive signage, wayfinding signage, mile markers
Subtotal	*$2,480,000*	
Design & Planning	$248,000	Assumed at 10%
Construction Management	$248,000	Assumed at 10%
Contingency	$372,000	Assumed at 15%
Subtotal	*$868,000*	
Total Probable Cost (Linear Park)	**$3,348,000**	**$3,348,000 per mile**

SOURCES: WRT, 2021; PROS, 2021; CITY OF TRACY, 2021.

NOTE: THE CIP COSTS IN THE TABLE ABOVE WERE ESTABLISHED IN 2021 AND SHOULD BE ADJUSTED ANNUALLY FOR INFLATION..

Table 6-7

Estimated Capital Improvement Costs for Typical 15-Acre Community Park

SITE FEATURE	ESTIMATED COST	DESCRIPTION
Fencing	$425,000	Access Control, 2-Rail Wood Fence; Access Control Gate(s), Maintenance; Access Control Gate(s), Park Entrance-Exit, assumed 2-locations
Playground with Shade Structure and Accessible Surfacing	$600,000	"Playground equipment ages 2-5 and 6-12, with climber, swings, and synthetic surfacing"
40' x 40' Shelter	$200,000	Serves 60-75 people
One Natural Turf Multi-Use Field (Lighted)	$1,225,000	"Lighted, sand-based turf field including drainage and irrigation;"
One Double Multipurpose Court (Lighted)	$300,000	Sports Court (basketball) with lights and bleachers
Restroom/Storage Building	$1,250,000	"8-unit single occupancy restroom building, plumbing chase and storage (2,500 sq. ft.)"
Lighted Parking	$500,000	150 parking stalls (145 Std & 5 HC Accessible)
Access Road, (500'L x 25'W)	$350,000	Access Road, (500'L x 25'W)
Nature Trail	$200,000	1/2 Mile (Not Lighted); soft surface
Walkways	$1,100,000	Concrete Walkways, 1 Mile x 8 ft. wide (Lighted)
Site Furniture	$350,000	15 park benches (10 on concrete slabs), 15 trash cans; 10 bike racks, 10 accessible picnic tables, 15 picnic tables, 5 bbq grills
Recreation Amenity Allowance	$300,000	Allowance to add amenities per community input during planning process
Landscaping, Turf and Signage	$2,000,000	5 acres of turf, entrance sign, rule signage, wayfinding signage
Sitework	$3,960,000	Includes temporary protection, clear and grub, clean and structural fill (1.5"), storm water allowance, drainage allowance, laser grading. Assumed at 45% of other construction costs.
Subtotal	***$12,760,000***	
Design & Planning (10%)	$1,276,000	Assumed at 10%
Construction Management (10%)	$1,276,000	Assumed at 10%
Contingency (15%)	$1,914,000	Assumed at 15%
Subtotal	***$4,466,000***	
Total Probable Cost (Community Park)	**$17,226,000**	**$1,148,400 per acre**

SOURCES: WRT, 2021; PROS, 2021; CITY OF TRACY, 2021.

NOTE: THE CIP COSTS IN THE TABLE ABOVE WERE ESTABLISHED IN 2021 AND SHOULD BE ADJUSTED ANNUALLY FOR INFLATION..

PARK MAINTENANCE AND LIFECYCLE REPLACEMENT

Benchmark Analysis

The Consulting Team identified basic maintenance metrics to be benchmarked against comparable Parks and Recreation systems. The complexity in this analysis was ensuring direct comparison through a methodology of statistics and ratios in order to provide objective information that is relevant and accurate, as best as possible.

It must be noted that the benchmark analysis is only an indicator based on the information provided. The information sought was a combination of metrics based on jurisdiction size and park inventories. The attributes considered for selection in this benchmark study included:

- Jurisdiction population size
- Jurisdiction population density
- Jurisdiction land area size
- System focused on suburban parks and recreation service delivery

Benchmark analysis incorporates a mix of systems that are close in geographical proximity to Tracy. The benchmark includes the agencies listed in Table 6-8.

These jurisdictions, while comparable in many ways, may have differences in funding levels/mechanisms, soil types and quality, construction quality, facility/park age, groundwater level and quality, and other factors. Differences also exist in how each system collects, maintains, and reports data. These variations have an impact on the per capita and percentage allocations; hence the

overall comparison must be viewed with this in mind.

The benchmark data collection for all systems was obtained in March, 2021. Population figures used for analysis reflect data from the Environmental Systems Research Institute, as of July 1, 2020. While it is possible that there may have been changes or updates in the data provided, to ensure consistency only the original figures obtained at that time have been used in the benchmark. The goal is to evaluate how Tracy is positioned among peer agencies as it applies to the maintenance of its parks system through data that offers a view of each system's park acreage inventory.

KEY TAKEAWAYS FROM THE BENCHMARK ANALYSIS

DEVELOPED ACRES

Least developed park acres: Brentwood - 253

Most developed park acres: Livermore Area Park District - 406

Benchmark median developed park acres: 348

Tracy developed park acres: 364

DEVELOPED ACRES PER 1,000 POPULATION

Benchmark leader: Livermore Area Park District - 4.7 acres/1,000 residents

Benchmark median: 4.2 acres/1,000 residents

Benchmark bottom: Brentwood - 3.9 acres/1,000 residents

MAINTENANCE EXPENDITURES PER DEVELOPED PARK ACRE

Lowest cost per acre: Lodi - $10,751

Highest cost per acre: Brentwood - $16,203

Benchmark cost per acre: $13,783

Tracy cost per acre: $12,723

Table 6-8
Benchmark Jurisdictions

AGENCY	STATE	JURISDICTION TYPE	POPULATION	JURISDICTION SIZE (SQ. MI.)	POPULATION DENSITY PER SQ.MI.
BRENTWOOD	CA	City	64,474	14.9	4,336
LIVERMORE AREA PARK DISTRICT	CA	Park District	86,699	25.2	3,440
LODI	CA	City	71,749	13.8	5,192
MANTECA	CA	City	83,028	21.4	3,880
PLEASANTON	CA	City	81,777	24.3	3,369
TRACY	**CA**	**CITY**	**94,740**	**26.0**	**3,640**

Comparison of Inventories and Operations

SYSTEM ACREAGES

This section provides a general overview of each system within the benchmark analysis. Table 6-9 describes the total developed acres and level of service (total developed park acres per 1,000 residents for each agency).

Developed Park Acres. In terms of percentage of developed acres, the benchmark agencies range from 253-406. With a developed park acreage 346, Tracy is right in line with the benchmark median of 348 developed park acres.

When comparing developed park acreage level of service to each benchmarked community, there is a very slight difference as the benchmark range is 3.7 to 4.7 developed acres per 1,000 residents. Tracy's 3.7 acres per 1,000 residents ranks at the bottom of the list, but only slightly below the benchmark median (4.2 acres per 1,000).

PARK MAINTENANCE FUNDING

This section provides an overview of the funding available for park maintenance of the benchmarked agencies. Table 6-7 describes the total parks maintenance budget for each agencies as well as the appropriated expenditure on a per acre basis.

Total Annual Maintenance Budget. In terms of annual park maintenance budget, the benchmark agencies range from $3.945M to $6.74M. With an annual park maintenance budget of $4.4M, Tracy is below the benchmark median of $5.19M.

Maintenance Expense per Acre. When comparing the cost per acre of each benchmarked community, there is a significant difference as the benchmark range is $10,751 to $26,658 expended per acre of developed park. Tracy's $12,773 cost per acre ranks second lowest and below the benchmark median ($15,525 per acre). Tracy would need an additional $2,752 per acre in annual funding (approximately $950,000) to be in line with the benchmark median.

Park Maintenance Standards

Regular maintenance requires unit-based quantification for most major resource requirements and provides the methods for projecting future resource needs. The City's maintenance efforts are expansive and address diverse aspects of maintaining high-quality facilities, amenities, and infrastructure to preserve the integrity of public assets and their meaningful use. The prevailing objectives of a standards based park maintenance program are presented below but not in order of importance:

- Maintain and improve the sites, grounds, facilities, and structures of the City Parks and Recreation system to provide optimal and enjoyable use.
- Provide landscaping and general maintenance for a multitude of City amenities, including but not limited to, landscaped beds and turf, urban open spaces, urban forests, and selected City park buildings and structures.

Table 6-9
Benchmark Comparisons

AGENCY	TOTAL DEVELOPED ACRES	TOTAL DEVELOPED ACRES PER 1,000 POPULATION	TOTAL ANNUAL MAINTENANCE BUDGET	MAINTENANCE EXPENSE PER ACRE
BRENTWOOD	253	3.9	$6,735,786	$26,658
LIVERMORE AREA PARK DISTRICT	406	4.7	$5,883,919	$14,492
LODI	367	4.2	$3,945,470	$10,751
MANTECA	382	4.6	$5,225,937	$13,676
PLEASANTON	335	4.1	$4,975,232	$14,851
TRACY	**364**	**4.1**	**$4,401,229**	**$12,723**

- Be responsive to maintenance needs of the City's open-space tracts. Particular attention must be paid to access points, trail repair, erosion control, and trash removal.
- Protect and preserve the value of City assets so that long-term maintenance costs are minimal due to extending the service life of those assets.

Many of the objectives assigned to the Park's maintenance teams go beyond the traditional responsibilities of park maintenance employees.

It is recommended that all park maintenance agencies adopt a system of grounds maintenance levels wherein functions are organized into a tiered structure with three different levels of service. These levels are referred to as maintenance modes, and each has a unique standard that dictates routine maintenance tasks and their frequency. The appropriate maintenance mode is assigned to each park or site, which creates a framework for organizing and scheduling tasks and responsibilities at each location. A description of each of the maintenance modes is provided below:

Maintenance Mode/Level 1 (Mode/Level 1) applies to parks or sites that require the greatest level of maintenance standard or the highest level of use in the system. These parks or sites are often revenue producing facilities, such as a sports complex, where the quality and level of maintenance has a direct impact on the park facility's ability to maximize revenue generation.

Maintenance Mode/Level 2 (Mode/Level 2) applies to parks or sites that require a moderate level of effort and maintenance standards in the system. These include developed and undeveloped parks with amenities that are heavily used such as community, neighborhood, and mini parks, and special-use facilities found in the Tracy Parks system.

Maintenance Mode/Level 3 (Mode/Level 3) applies to parks or sites that require a nominal level of effort and maintenance standards in the system. These generally include undeveloped parks with minimal amenities such as natural areas.

Parks Maintenance Key Findings

MAINTENANCE MANAGEMENT PLAN/STANDARDS

Through the review of data and workshops with staff, the Consulting team determined that the City's parks and landscape operations divisions (GF/LMD/CFD) operate within the maintenance modes identified above. Tracy's maintenance operations also intuitively follow a set of routine parks and grounds maintenance standards with task, frequency and season of year for each of their four functional work areas, however, a formalized, documented, detailed maintenance management plan for work performed by City staff does not exist for all facility types.. Formalized standards are provided for third party contractors that manage and maintain the CFD and LMD parks and landscaped areas as defined in the scope of work.

A formalized maintenance management plan includes not only maintenance modes and standards for each park but also tracks the performance of the work against a set of defined outcomes as well as the costs expended to achieve each outcome. A maintenance management plan is typically memorialized within a work order management system.

WORK ORDER MANAGEMENT SYSTEM

Tracy's operational divisions utilize the Government Outreach work request system to gather and track customer service requests. The City has been developing its own daily task tracking and GIS-based work order system over the past 18 months. A fully functional CMMS that is user friendly for all field staff and tied directly to GIS/ESRI is critical to long-term success.

COST OF SERVICE/THIRD PARTY CONTRACTING OF SERVICES

Given the varying cycles of the economy, it is imperative that the division continually evaluates the capacity and cost of service in the private sector so that operational performance can be continually evaluated and benchmarked against the private sector and other agencies.

Maintenance Actions

IMPLEMENT WORK ORDER MANAGEMENT SYSTEM

A work order system should be used to track lifecycle maintenance requirements that are tied to weekly and monthly work orders. This will help the staff to stay ahead of preventative maintenance and limit breakdowns. Further, utilizing the system will provide staff the necessary "actual cost" data for work being performed. The typical components of a work order management system are as follows:

Schedule Work Activities. Detailed framework for asset management by incorporating GIS into the asset repository. Allows for grouping of assets by location, type, age, or other key parameters. These groupings can then be used to create maintenance activities such as preventive work, reactive work, tests, or inspections.

Mapping Tools. ArcGIS maps are an integral part of the work management process. This allows for the creation of map visualizations of database queries including open work orders, service requests, or work orders of a specific type and assignment. These tools empower both management and staff to interact with asset data.

Data Mobility. A variety of tools to help maintenance staff access and update valuable information while in the field. The system should have ease of use in the field.

Asset Management. Track work performed on any asset at any given time throughout its lifecycle. Users can easily search for active work orders and view them dynamically on the GIS map, track overdue work orders and monitor work associated with a specific task, contractor, or project.

COST OF SERVICE/SYSTEMIC APPROACH TO CONTRACTING SERVICES

Through the development of management processes, Tracy parks and landscape maintenance operations should begin to track unit activity costs through the implementation of a work order management system and in turn, analyze the unit cost to perform work internally and through contracts.

UPDATE WORK PLANS BASED ON MAINTENANCE STANDARDS

Maintenance standards are based on a tiered structure with three different maintenance modes or levels of service (see pages 206-7). For each level of service, maintenance tasks and frequencies should follow best practices as established by the National Recreation and Park Association. *Department personnel should refer to the Excel spreadsheet of maintenance standards provided as part of the Master Plan Update process.*

PLEASE NOTE: The best practice maintenance standards may differ from current City of Tracy park maintenance practices and may include standards for assets that are currently not a part of the City's park system, but might be in the future. The City will update and continue to customize the standards based on the park and recreation values of residents and need to be adopted and implemented by staff and followed regardless of whether work is performed by City staff or third-party contractors.

Lifecycle Replacement

It is critically important to view the financial sustainability of the Parks and Recreation System through the concept of "Total Cost of Ownership".

Tracy parks and landscape maintenance operations will need to closely monitor the assets of the park system throughout their lifecycle to ensure the safety of park patrons. It is highly recommended that assets be replaced to ensure efficient and effective utilization of operational dollars.

CREATE ASSET MANAGEMENT PLAN

The City will create an Asset Management Plan that starts with a field inventory and assessment of park fixtures and amenities.

The lifecycle replacement schedule found on the following page should be utilized as a guide for the creation of an asset management system that will guide future actions. Unit costs are also provided (in 2020 dollars).

Table 6-10
Lifecycle Replacement Schedule

AMENITIES	UNIT	SUGGESTED LIFECYCLE (IN YEARS)	AVERAGE REPLACEMENT COST (PER UNIT)	NOTES
Aquatic Center	SF	25 to 35	$500 to $700	Dependent upon type of pool
Recreation Building	SF	40 to 50	$500 to $600	
Athletic Field Lighting for Baseball/ Softball Field	EA	20 to 30	$500,000 to $750,000	To retrofit to LED, cost is $500 more per bulb
Athletic Field Lighting for Multi-Purpose (Soccer) Field	EA	20 to 30	$500,000 to $1,000,000	To retrofit to LED, cost is $500 more per bulb
Basketball - Full Outdoor Court (Lighted)	EA	20 to 30	$100,000 to $150,000	
Basketball - Full Outdoor Court (Lighted)	EA	20 to 30	$60,000 to $75,000	
BBQ Grill	EA	10 to 15	$500 to $1,500	
Bench	EA	10 to 15	$2,500 to $3,000	Metal with powder coating
Bike Rack	EA	10 to 15	$500 to $1,500	Metal with powder coating
Bocce Ball Court	EA	10 to 15	$30,000 to $60,000	12' x 60' court
Concession Stand	SF	20 to 30	$400 to $600	per square foot cost
Disc Golf Hole	EA	10 to 20	$1,000 to $2,000	Per hole cost
Dog Park (Lighted)	AC	20 to 30	$70,000 to $150,000	Lighting is for security (low-level); does not include furniture
Drinking Fountain	EA	10 to 15	$12,000 to $15,000	
Emergency Phone	EA	10 to 15	$1,800 to $3,500	Assumes replacement of public phone with emergency phone
Fencing	LF	20 to 30	$25 to $40	Assumes vinyl coating
Fit Course	Course	10 to 15	$1,500 to $2,500	Assumes cost of single piece of equipment
Fire Pit	EA	10 to 15	$250 to $2,000	
Flag Pole	EA	25 to 35	$3,500 to $5,000	
Fountain	EA	20 to 30	$2,500 to $25,000	Highly dependent upon complexity and size of fountain
Gardens	SF	20 to 30	$5 to $10	Dependent upon type of garden
Gate (Park Entrance)	EA	20 to 30	$3,500 to $5,000	Assumes double swing gates
Horseshoe Pit	EA	20 to 30	$10,000 to $16,000	Rebuild New
In-Line Hockey (Lighted)	EA	20 to 30	$100,000 to $150,000	
In-Line Hockey (Not Lighted)	EA	20 to 30	$20,000 to $40,000	

SOURCES: PROS, 2021; CITY OF TRACY, 2021.

NOTES:
1. COST ESTIMATES DO NOT INCLUDE DEMOLITION OF EXISTING INFRASTRUCTURE.
2. COST ESTIMATES DO NOT INCLUDE DESIGN OR OTHER SOFT COSTS.
3. THE REPLACEMENT COSTS LISTED IN THIS TABLE WERE ESTABLISHED IN 2021 AND SHOULD BE ADJUSTED ANNUALLY FOR INFLATION.

TABLE CONTINUES ON NEXT PAGE

Table 6-8 (continued)
Lifecycle Replacement Schedule

AMENITIES	UNIT	SUGGESTED LIFECYCLE (IN YEARS)	AVERAGE REPLACEMENT COST (PER UNIT)	NOTES
Lake	AC	25 to 50	$500,000 to $1,000,000	Assumes renovation
Parking Space	EA	15 to 25	$10,000 to $15,000	
Pedestrian Bridge	LF	30 to 50	$1,000 to $2,500	Highly dependent upon complexity of the crossing
Pickleball Court (lighted)	EA	20 to 30	$100,000 to $200,000	Assumes 4 courts (equivalent of 1 tennis court)
Pickleball Court (not lighted)	EA	20 to 30	$100,000 to $150,000	Assumes 4 courts (equivalent of 1 tennis court)
Picnic Tables	EA	10 to 15	$3,000 to $5,000	
Playground (Shaded)	EA	15 to 20	$300,000 to $1,000,000	2-5 year old and 5-12 year old components
Ramada/Shelter 10 x 10	EA	25 to 35	$100,000 to $200,000	
Ramada/Shelter 20 x 20	EA	25 to 35	$250,000 to $500,000	
Restroom	EA	20 to 30	$350,000 to $500,000	
Scoreboard	EA	10 to 15	$55,000 to $75,000	Digital on pedestal
Shade Canopy (separate from Playgrounds)	EA	10 to 15	$30,000 to $100,000	Fabric shade sail
Shuffleboard Court	EA	20 to 30	$12,000 to $18,000	
Signage (Monument-Park Name)	EA	20 to 30	$10,000 to $20,000	Low end: neighborhood park. High end: community park
Signage (Rules & Reg)	EA	10 to 15	$500 to $1,500	
Skate Park above ground	SF	10 to 15	$40 to $75	
Skate Park in-ground	SF	20 to 30	$300 to $750	
Tennis Court (lighted)	EA	20 to 30	$100,000 to $200,000	
Tennis Court (not lighted)		20 to 30	$100,000 to $150,000	
Trail (Decomposed Granite)	LF	20 to 30	$7 to $15	
Trail (Paved)	LF	20 to 30	$25 to $40	Assumes concrete surface
Trash (Receptacle)	EA	10 to 15	$1,000 to $2,500	
Volleyball Court (Sand, lighted)		20 to 30	$50,000 to $75,000	
Volleyball Court (Sand, not lighted)	EA	20 to 30	$15,000 to $25,000	
Walkways	LF	20 to 30	$15 to $35	Assumes concrete

SOURCES: PROS, 2021; CITY OF TRACY, 2021.

NOTES:
1. COST ESTIMATES DO NOT INCLUDE DEMOLITION OF EXISTING INFRASTRUCTURE.
2. COST ESTIMATES DO NOT INCLUDE DESIGN OR OTHER SOFT COSTS.
3. THE REPLACEMENT COSTS LISTED IN THIS TABLE WERE ESTABLISHED IN 2021 AND SHOULD BE ADJUSTED ANNUALLY FOR INFLATION.

FUNDING STRATEGY

Parks and recreation facilities serve many essential functions. They build community and a sense of place. They provide an affordable source of recreation provide opportunities for people to improve their health. They improve property values and encourage investment, and bring myriad environmental benefits.

This section covers various mechanisms for funding the construction and acquisition of new park facilities as well as the continued operation and maintenance of existing facilities and recreational programs.

Capital Financing

The City of Tracy is making use of multiple funding strategies as part of its 2021-22 CIP to raise capital for construction, acquisition and reimbursement of improvements, and will continue to do so in the years ahead. These include the following.

General Obligation Bonds

A General Obligation Bond, or GO Bond, is a municipal bond backed by the full credit and taxing power of the issuing agency which is paid off by an increase in the ad valorem property tax rather than the revenue from a specific project or tax. GO Bonds require a two-thirds approval of the voters voting in the election and can be used only for infrastructure, not ongoing services.

Limited Obligation Bonds

Limited Obligation Bonds are secured by a particular revenue source, often a special financing district (more on this later). A Limited Obligation Bond is not backed by the full credit and taxing power of the issuing agency, therefore, In the event the collections are not sufficient to pay debt service on Limited Obligation Bonds, the issuer is under no obligation to use other funds to satisfy that obligation. The authority to issue the bonds is typically part of the approval process for the revenue source. The revenue source will likely require approval of either voters or property owners.

The City currently uses limited obligation bonds in association with Assessment Districts.

Revenue Bonds

A Revenue Bond is a type of limited obligation bond supported by the revenues from a specific source, such as water rates. A Revenue Bond is not backed by the full credit and taxing power of the issuing agency, therefore, in the event the specific revenue source collections are not sufficient to pay debt service on the Revenue Bonds, the issuer is under no obligation to use other funds to satisfy that obligation. While the specific revenue source may require voter, property owner or rate payer approval, the issuance of the Revenue Bonds does not require separate approval.

The City currently uses many different types of revenue bonds, such as lease, water, wastewater, sewer, community development and JPA bonds.

Pay-As-You-Go

Pay-As-You-Go is a manner of paying for capital projects with existing funds. Pay-As-You-Go allows future funds to remain available for other uses as they are not encumbered by debt service payments.

In Tracy, the **General Fund** is an important source for capital improvements in parks, programmed through the annual budget and CIP process.

Measure V, the half-cent sales tax passed by Tracy voters in 2016, is another critical source of funding for parks projects, providing $10 to $14 million annually so far.

Dedication or "Fee-in-Lieu-Of"

As part of the land development process, the City may require the developer to dedicate land for public parks and recreation purposes. The City may also give developers the

option to instead pay a fee, or "fee-in-lieu-of dedication," to be used for providing park facilities, constructing recreation facilities, or privately reserving land for park and recreation purposes.

In California, the Quimby Act provides a mechanism for requiring new residential development to provide park facilities for the residents of a new development. Under the Quimby Act, a City can require a developer to dedicate land or pay in-lieu fees to provide park facilities for a new subdivision. The dedication of land or the payment of fees is imposed as a condition of approval for the subdivision. Park facilities funded under the Quimby Act do not have to be located within the subdivision that is providing the land or fee, but there must be a reasonable relationship between the subdivision and the park facilities as well as a reasonable likelihood that the residents of the subdivision will use the facilities.

Development Impact Fees

In addition to the Quimby Act, the City may condition development approvals on payment of "development impact fees" (also referred to as "developer fees") under the Mitigation Fee Act, and use those fees to fund parks and recreation facilities serving the new development. Under the Mitigation Fee Act, a developer may be required to pay fees to offset the impact of a new development on "public facilities," which include parks. Development impact fees may be used to install or refurbish parks, but they typically cannot be used to fund maintenance or operations (there are limited exceptions).

The City currently uses development impact fees to collect funds for infrastructure necessitated by new development. Recent projects funded using development impact fees include the widening of Corral Hollow Road between Parkside Drive and Linne Road and the recycled water project at the City's Wastewater Treatment Plant.

Tracy's most current impact fee schedule can be found on the City's website.

Public Private Partnership (P3) and Other Partnerships

A Public Private Partnership, or P3, is a cooperative arrangement between the City and a private sector company that can be used to finance and build infrastructure projects. Financing generally comes from the private sector, but requires some form of payment over time from either the City or the project's users. Risks are distributed to the partners.

Another type of cooperative partnership is an agreement with a land trust. A land trust is typically a charitable organization that acquires land or conservation easements to achieve one or more conservation purposes. The conservation purposes may include protecting natural habitat, water quality, or scenic views; ensuring that the land is always available for farming, forestry, or outdoor recreational use; or protecting other values provided by open land. Land trusts work cooperatively with landowners to complete real estate transactions, sometimes purchasing property interests and sometimes accepting donations of those interests. Land trusts also work to ensure that land previously acquired or placed under easement is properly conserved. They seek to bring lasting conservation benefits—permanent improvements—to communities.

There are a multitude of non-profit and charitable organizations working both locally and globally to conserve open space lands and opportunity exists to partner with these organizations. The Nature Conservancy, Natural Resources Defense Council, and the Sierra Club Foundation are several nationally recognized conservation organizations.

Grants

Grants are available at the local, state and federal level depending upon the type of financing request. Grants do not typically have to be repaid and can be an excellent way to fund specific facility and project needs. Each grant opportunity will have different requirements and while certain grants will require matching funds, others will not.

California's Statewide Park Program, funded by Proposition 68 in 2018, has provided four rounds of grant funding as of 2021, funding new and enhanced parks across the State.

Land and Water Conservation Fund (LWCF) grants provide funding for the acquisition or development of

land to create new outdoor recreation opportunities for the health and wellness of Californians.

Caltrans' Sustainable Transportation planning grants and Active Transportation Program (ATP) are focused on improving bicycle and pedestrian access and infrastructure, including trails.

Cal Fire offers urban forestry grants aimed at reducing greenhouse gas emissions and improving air quality.

The Office of Grants and Local Services (OGALS) develops grant programs that provide funding for local, state, and nonprofit organization projects.

The **National Park Service (NPS)** offers a variety of grant opportunities for park restoration, maintenance and development.

Congress established the **Community Development Block Grant (CDBG)** Programs under Title 1 of the Housing and Community Development Act of 1974 ("Act"). The CDBG programs provide federal grants to cities and counties to develop "viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low- and moderate-income." CDBG funds may be used to support a wide variety of activities, including upgrades to parks in low-income census tracts.

The **Federal Emergency Management Agency (FEMA)** offers non-disaster grants. Examples might include grants to fund tree

The City of Tracy is planning for the expansion of Gretchen Talley Park. Pay-as-You-Go funding, augmented by Measure V, makes this project possible.

thinning in areas prone to fires, or replanting grants to promote tree canopy biodiversity and reforestation.

The **National Recreation and Park Association (NRPA)** periodically offers competitive grants available for park and recreation agencies.

There are numerous other **private, public and corporate foundations** that fund parks. Fundsnet Services Online (fundsnetservices.com) is a good place to begin researching foundation grants. The site operates as a searchable database of foundation grant opportunities around the country.

Tax Increment Financing

Tax Increment Financing was used routinely via redevelopment agencies, however redevelopment agencies were officially dissolved in 2012. There are other ways to access Tax Increment Financing through Infrastructure Financing Districts or Enhanced Infrastructure Financing Districts (EIFDs), though these tools are not as flexible.

EIFDs were introduced by the California Legislature in 2014-2015, enabling a new model for financing infrastructure and economic development in California. The statutes authorize creation of districts by a local city or county. Special districts may participate. EIFDs focus on infrastructure and public/private transactions.

Maintenance and Operations Funding

Special Financing Districts

Special financing districts are a central component of parks maintenance in Tracy.

LANDSCAPING AND LIGHTING ASSESSMENT DISTRICTS

The Landscaping and Lighting Act of 1972 allows governmental agencies to form Landscaping and Lighting Assessment Districts (LLADs), also known as Landscape Maintenance Districts (LMDs) to fund the installation and annual maintenance of landscaping, public lighting, sidewalks, curbs, gutters, park or recreational improvements. In addition, an LMD may fund the acquisition of land for park, recreational, or open-space purposes. Bonds may be used for capital financing, but this is not common.

In order to form an LMD, the City must conduct a study, prepare an engineer's report and propose the formation of a district and the levy of assessments. Affected property owners are then notified and a public hearing is held. In order to approve the district, a vote of affected property owners through an assessment balloting procedure is required. Once approved, assessments are placed on property tax bills each year to pay for the improvements and services.

The City of Tracy has established many LMDs to provide landscape maintenance services in specific areas of the City. Most properties in Tracy constructed after 1985 are subject to a special annual charge for park and landscape maintenance. Parks in these areas are maintained using funds from these districts.

These LMDs were each established with different levels of funding support, which has resulted in uneven resources avaialble for maintenance across Tracy--an issue which the City is actively addressing. The Master Plan has set us up for success in tackling park needs in LMDs by establishing an understanding of improvement needs and associated costs.

COMMUNITY FACILITIES DISTRICTS

A Community Facilities District ("CFD") is formed pursuant to the Mello-Roos Community Facilities Act of 1982 ("CFD Act"), commencing with Section 53311 of the California Government Code.

A CFD special tax may fund a variety of capital improvements and infrastructure, as well as a range of services including recreation program services, maintenance and lighting of parks, parkways, streets, roads and open space, flood and storm protection services, and maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the local City or by another local City.

The successful establishment of a CFD requires approval of two-thirds of the registered voters voting in the election. Each voter has one vote regardless of their weighted share of

the proposed CFD special tax levy. In the event there are no registered voters (i.e. vacant land), the vote is by landowners based on acreage of taxable parcels.

There is flexibility in the formula used to calculate the annual special tax levy, which is referred to as the Rate and Method of Apportionment of Special Tax (RMA). The RMA may be as complex as needed to account for any unique property characteristics or development stages. CFD special tax rates can be based upon any number of parcel characteristics such as development, parcel classification, building square footage, or parcel size.

The City administers a variety of CFDs. There is also a Citywide CFD established to mitigate the costs associated with the Police and Public Works service demands associated with new development.

1911/1913/1915 ACT ASSESSMENT DISTRICTS

Pursuant to the Improvement Act of 1911 and the Municipal Improvement Act of 1913, assessment districts are authorized for establishment to finance infrastructure needs that include the following:

- Public works and infrastructure
- Utility infrastructure
- Real property acquisition
- Payment of existing special assessment liens

In order to form a 1913/1915 Act District, the City must conduct a study, prepare an engineer's report and propose the formation of a district and the levy of assessments. The engineer's report must separate the general and special benefit and assessments may only be collected for the special benefit portion. Affected property owners are then notified and a public hearing is held. In order to approve the district, a vote of affected property owners through an assessment balloting procedure is required. Once approved, assessments are placed on property tax bills each year to pay for the improvements and services.

The Improvement Bond Act of 1915 is normally used in combination with one of the above acts to issue bonds to finance the improvements. When bonds are issued, installments will be charged annually until the bonds are paid in full.

The City has several such assessment districts in place with associated limited obligation bonds. The requirement to separate general from special benefit and only assess for the special benefit makes these less flexible that other mechanisms.

User Fees

Most parks and recreation departments establish user fees in an effort to recover program costs through recreation revenues. The City currently charges facility use fees for the parks, sports facilities and picnic areas. Those fees will be reviewed and updated to ensure that charges are fair, sufficiently cover all costs, and are equitable for the use of facilities, equipment, and participation in programs.

Property Related Fee

Property Related Fees are charges to property for service provided. The service must be immediately available and an analysis must be completed to show the fee does not exceed the proportional cost of service. Property Related Fees are approved through a process that includes a public hearing and either a two-thirds vote of registered voters or a majority protest ballot proceeding.

Special Assessments

Also known as a "Special Benefit Assessment", this is a financial charge levied against a parcel of land for the Benefit that is generated by the underlying public service or improvement project. By law, benefit assessments cannot be based on the value of property. Instead, each district establishes a benefit formula and each parcel in the service area is assessed according to the benefit it receives from the services and improvements. The governing body of the entity levying the assessment must make a finding of Special Benefit in order to validate this process. The assessment amount is limited to the value of the improvement or service provided to each assessed property.

Special Assessments are approved by a protest ballot proceeding. Each property owner's ballot is weighted by the amount of the assessment assigned to that owner's property. Of the property owner ballots returned, if a majority of the ballots oppose the assessment, a majority protest exists and the assessment may not

be imposed.

Special Property Taxes

A special tax is a financial charge imposed for a specific purpose. The tax amount is calculated via some type of special tax formula and is levied annually on property for a defined period of years. The Tax measures require a two-thirds majority of voters, but have the most flexibility. If there is widespread community support, a special tax can be a reliable, durable, and flexible source of revenue for parks funding.

The amount of the special tax is not limited to the relative benefit it provides to property owners or taxpayers. Typically, they are levied on a per parcel basis either according to the square footage of the parcel or on a flat charge, although the law usually provides flexibility to levy the special tax on any "reasonable basis". However, Special Taxes cannot be imposed on an ad valorem (property value) basis.

Parcel Tax

A special tax created pursuant to California Government Code Section 50075 is also referred to as a "Parcel Tax." The City may create a Parcel Tax which does not exceed the reasonable cost of the improvements or provision of service to be levied against all taxable property within the District.

A Parcel Tax may be levied to pay for any legitimate government purpose. While the Parcel Tax code itself does not allow for bond issuance, Revenue Bonds may be issued that use the Parcel Tax as the stream of revenue securing the bonds.

There is flexibility in the formula used to levy a Parcel Tax and property owned by a public entity, or other non-taxable property, is generally exempt, presuming the property is being used for its governmental purpose.

The successful creation of a Parcel Tax requires the approval of two-thirds of the registered voters voting in the election. Each registered voter has one vote regardless of their weighted share of the proposed special tax levy. Unlike the CFD special tax, a Parcel Tax created pursuant to Government Code Section 50075 does not require the recordation of continuing lien against the property.

Funding Strategy Summary

As this section illustrates, there are a variety of financing mechanisms available to fund the ongoing maintenance, operations and improvements of Tracy's parks, recreation facilities and trails. The type of financing mechanism or mechanisms needed will depend on the types of facilities and improvements to be constructed and maintained.

The pattern, timing, and predictability of expenses will also affect the choice of revenue mechanism(s). Initial considerations should include whether a one-time expenditure is required, pay-as-you-go costs are preferable, or if both components are needed. For example, at one end of this continuum is a large infrastructure outlay for sports park improvements. This is clearly a one-time expenditure that likely will require bonds and a longer-term payback period. At the other end of the continuum is maintenance of parks. These activities require ongoing revenues that increase over time to keep up with inflation. In the middle of the spectrum could be a project that requires some maintenance and significant outlays for replacement costs during the life of the facilities.

The City will continue to explore the best funding strategies to address ongoing needs and achieve the Plan's vision over time.

MONITORING OUR PROGRESS

The Parks, Recreation and Trails Master Plan will be evaluated and updated on a yearly basis. This will involve an annual review with the Parks Commission, with updates on new parks and park improvement projects; recreation programming and attendance; and trail system development.

City and developer inititatives and outcomes as they relate to parks and recreation will be evaluated based on the goals and policies established in this Plan. The City's approach will be adjusted, as needed, to more successfully achieve the Plan's vision.

The review will also give Staff and the Commission an opportunity to revisit goals and policies, allowing for change. Revisions may be added as appendices.

This will ensure the Plan is not collecting dust on the shelf but is being actively used, and allows the City to keep the Plan up to date, reducing the burden on future Updates.

Veterans Park

APPENDIX

APPENDIX A

CITY COUNCIL

RESOLUTION

CITYWIDE PARKS, RECREATION AND TRAILS MASTER PLAN

CITY COUNCIL

OCTOBER 4, 2022

WHAT IS THE CITYWIDE PARKS, RECREATION & TRAILS MASTER PLAN?

The Master Plan guides us in maintaining a vibrant, sustainable parks system. It's how we create community livability.

…AND WHY UPDATE IT?

Evaluate our system and programs

Check in with people

Meet today's and tomorrow's recreation needs

Set priorities about how we use resources

PROJECT TIMELINE

- **PROJECT KICKOFF**
  - PCSC
- **PARKS & REC ASSESSMENT**
  - June – August 2019: Foundational Meetings
  - Youth Commission
- **COMMUNITY NEEDS ASSESSMENT & PROFILE**
  - June – August 2019: Pop-Up Outreach + Survey
  - October 2019: Community Workshop #1
  - PCSC
- **VISION RECOMMENDATIONS & PROJECTS**
  - August 2020: Community Workshop #2
- **FUNDING**
- **DRAFT PLAN**
  - PCSC and City Council
- **ENVIRONMENTAL REVIEW**
  - February 2022: Developer Outreach
  - PCSC and City Council
- **FINAL PLAN**

THE CITYWIDE PARKS, REC & TRAILS MASTER PLAN

EXECUTIVE SUMMARY

TRACY TODAY

PARKS

RECREATION

TRAILS

IMPLEMENTATION

TRACY TODAY

EXECUTIVE SUMMARY

TRACY TODAY

PARKS

RECREATION

TRAILS

IMPLEMENTATION

TRACY TODAY

OUR PARK SYSTEM

85 PARKS

364 ACRES

1 SENIOR CENTER

1 DOG PARK

1 POOL

32 PARKS WITH WALKING PATHS

95 PLAY-GROUNDS

99 SHADE OR PICNIC AREAS

5 SAND VOLLEYBALL COURTS

4 BOCCE COURTS

1 SHUFFLEBOARD COURT

19 BASEBALL/ SOFTBALL FIELDS

20 SOCCER FIELDS

2 ROLLER HOCKEY COURTS

9 CLIMBING WALLS OR ROCKS

36 BASKETBALL COURTS

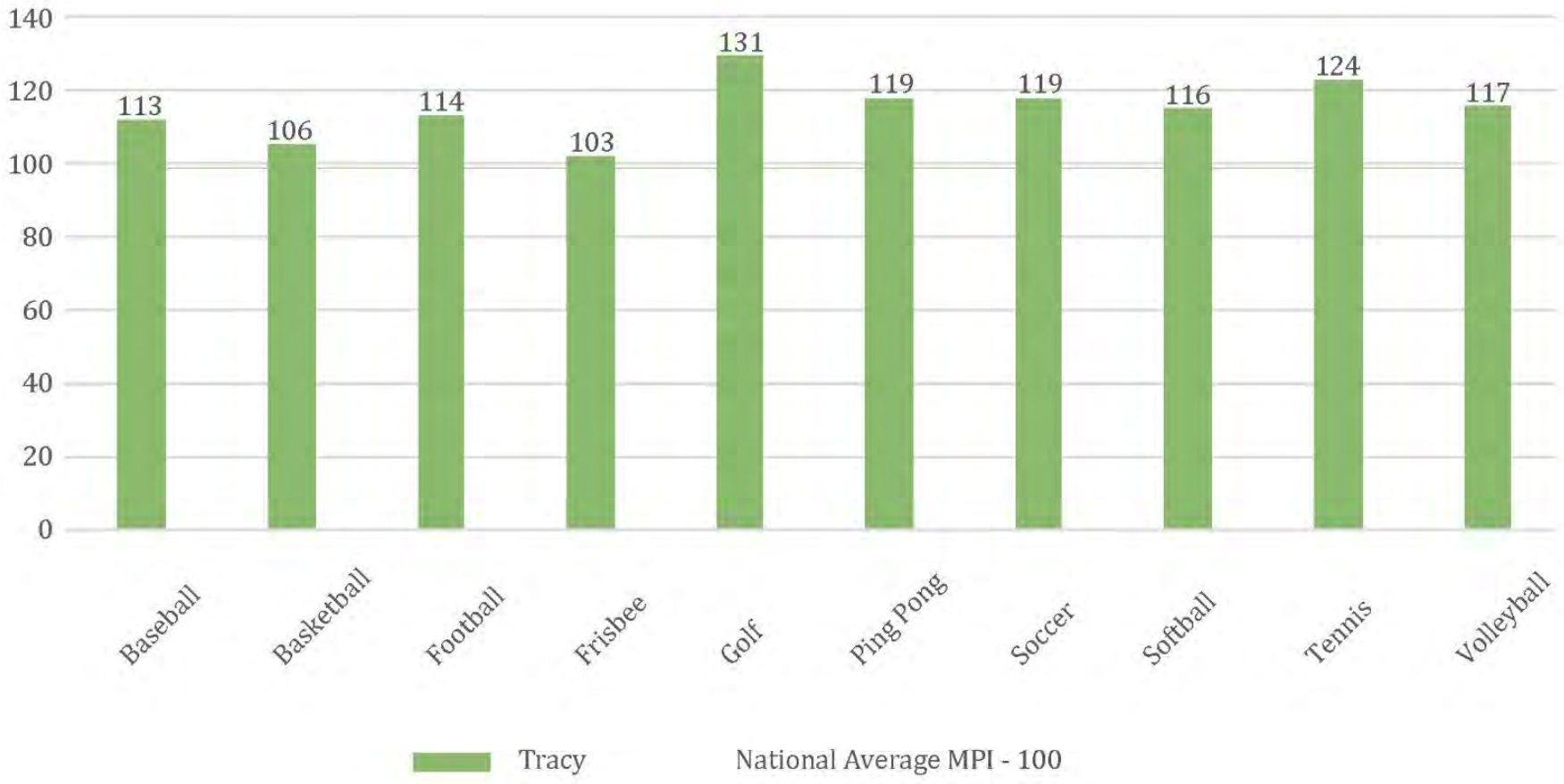
16 TENNIS COURTS

6 HORSESHOE COURTS

TRACY TODAY

OUR POTENTIAL AND PRIORITIES

Recreational Market Potential: General Sports

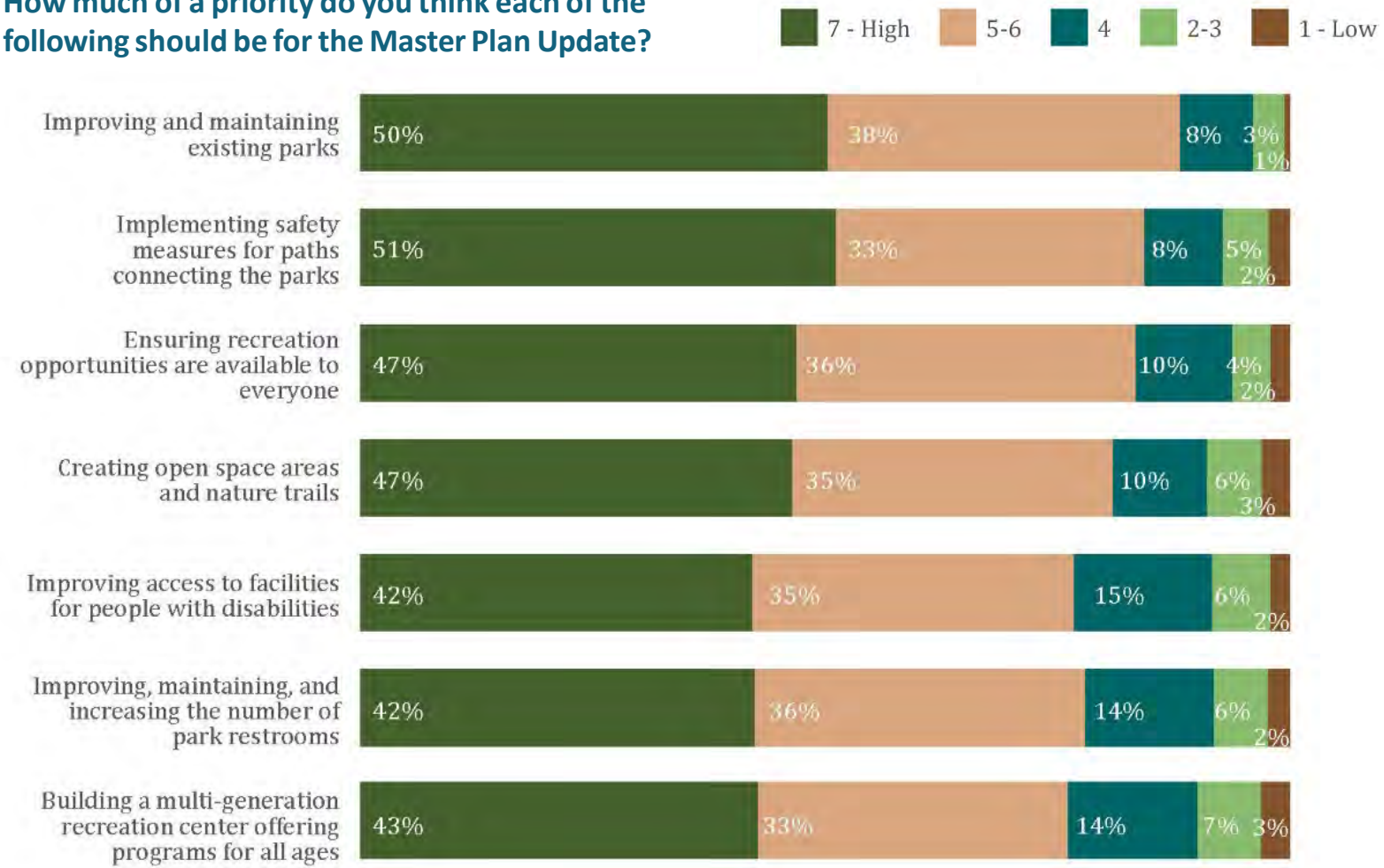


TRACY TODAY

OUR POTENTIAL AND PRIORITIES

Survey:

How much of a priority do you think each of the following should be for the Master Plan Update?



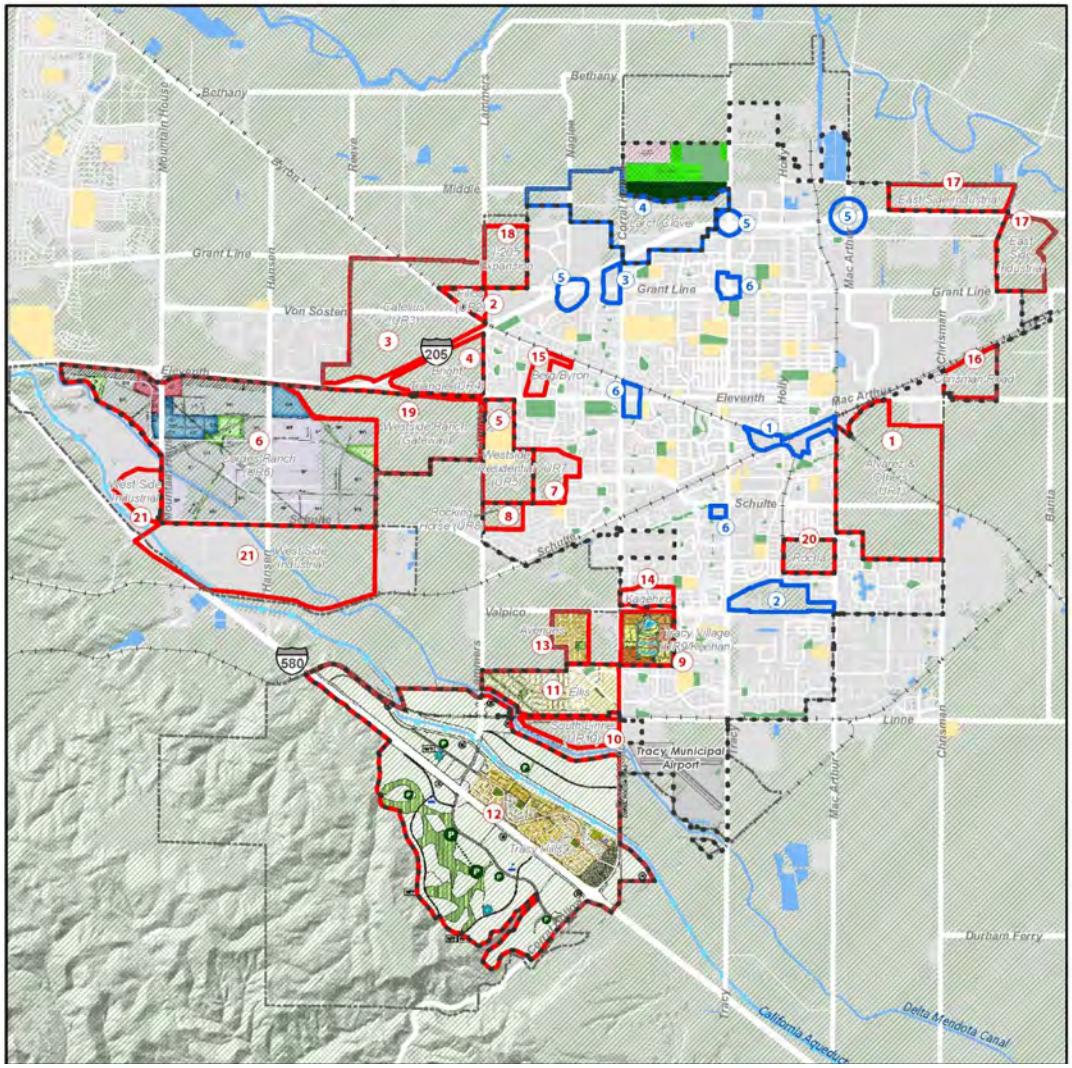
TRACY TODAY

OUR GROWING CITY

Population

- Tracy's population grew from 83,000 in 2010 to 93,000 in 2020
- Development under the General Plan is projected to bring population to 137,500 by 2040

Future Development and Change Areas



City Limit
Sphere of Influence
Aqueduct
Rivers/ Canals/ Ponds
Airport
School
Existing Park
Existing Agriculture or Undeveloped
Future Development Areas
Potential Urban Change Areas

EXECUTIVE SUMMARY

TRACY TODAY

PARKS

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IMPLEMENTATION

Village Green Park

GOAL 1

A PARK SYSTEM FOR AN ENHANCED CITY

Tracy's racially and ethnically diverse population is projected to grow by 44,500 between 2020 and 2040. Tracy's park system will continue to grow and be enriched to meet the needs of a growing community with a high quality of life.

POLICIES:

1A. Park Classification
1B. Park Acreage Level of Service 1C. Access to Parks
1D. Park Land Dedication & Park Development Impact Fees
1E. Flexibility to Meet City Goals
1F. Conformance with City Standards & Guidelines
1G. Concurrent Development
1H. Public Access

GOAL 1 – A PARK SYSTEM FOR AN ENHANCED CITY

Policy 1A. Park Classification

Neighborhood Parks

2 to 10 acres

If less than 4 acres, require strong connectivity via linear park/greenbelt

Community Parks

10 to 30 acres

Community-serving amenities

Special Use Parks

Less than 1 acre to 100+ acres

Unique park experiences

Linear Parks

3 acres or more

At least 50’ wide and ½-mile in length

Sports Complexes

10 to 100+ acres

Primarily sports facilities

Mini Parks

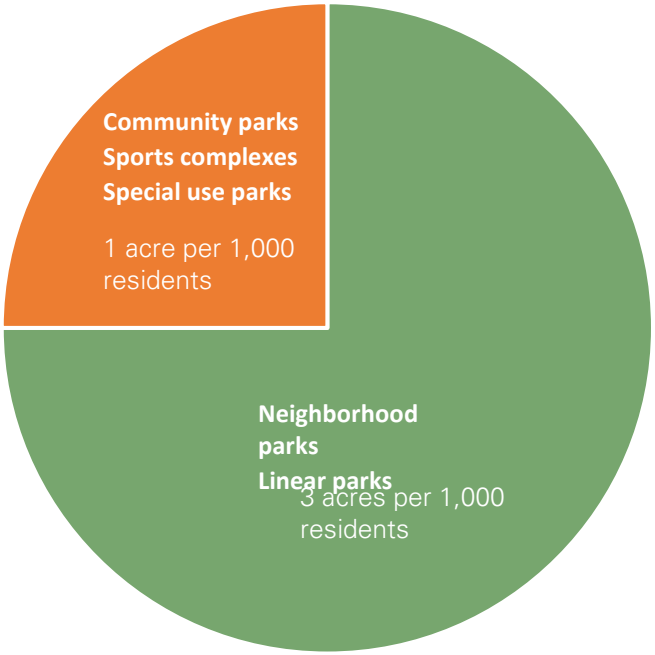
Less than 2 acres

Basic amenities for everyday use

GOAL 1 – A PARK SYSTEM FOR A GROWING CITY

Policy 1B. Park Acreage Level of Service

- City currently meets the goal of **4 acres per 1,000 residents** established in 2013 Parks Master Plan
- Plan Update maintains that standard, and updates the details to better achieve goals for a diverse park system



Community parks, sports complexes and special use parks: **1 acre per 1,000 residents**

Neighborhood and linear parks: **3 acres per 1,000 residents**
Linear parks can receive 100% credit

GOAL 1 – A PARK SYSTEM FOR A GROWING CITY

Policy 1C. Park Access Gaps and Neighborhood Park Opportunity Areas

Future Development Areas

- Urban Reserves 1, 5, 7, 8

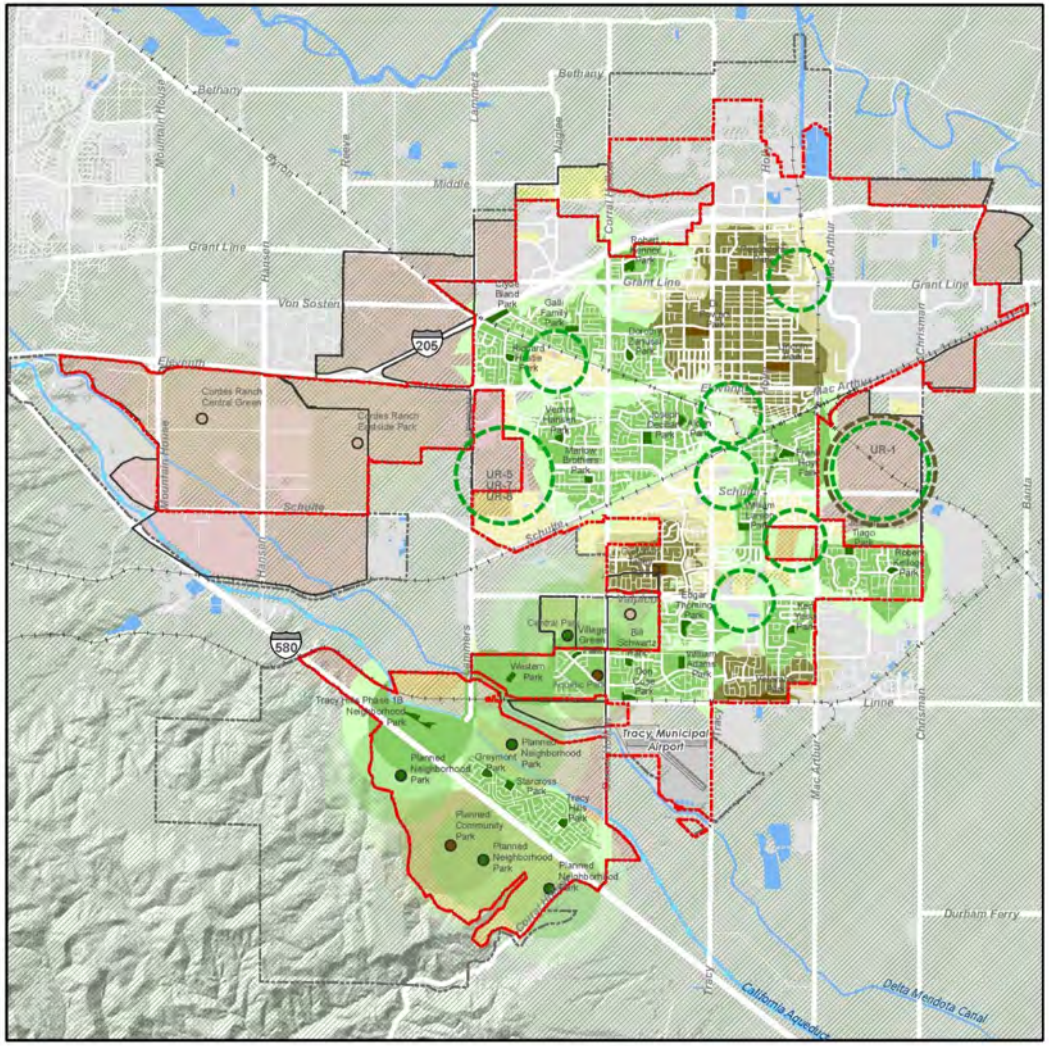
Access Gaps

- Downtown (TOD)
- Valpico Road/Tracy Boulevard
- Other Potential Change Areas

Co-Location Opportunities

- Storm Drainage Basins & Schools
- ***Enhance Park Access Using City-Owned Land***

Access to Neighborhood and Community Parks and Park Opportunity Areas



Robert Kellogg Park

POLICIES:

2A. Maintainable Design, Planting and Amenities

2B. Efficient Operations

2C. Adequate Funding for Park Improvements and Maintenance

GOAL 2

WELL-MAINTAINED PARKS

The City of Tracy will remain committed to maintaining our existing parks at a high level. This includes design that considers maintainability, achieving efficiency in operations, and providing equitable and reliable funding for both maintenance and capital replacement of amenities and infrastructure.

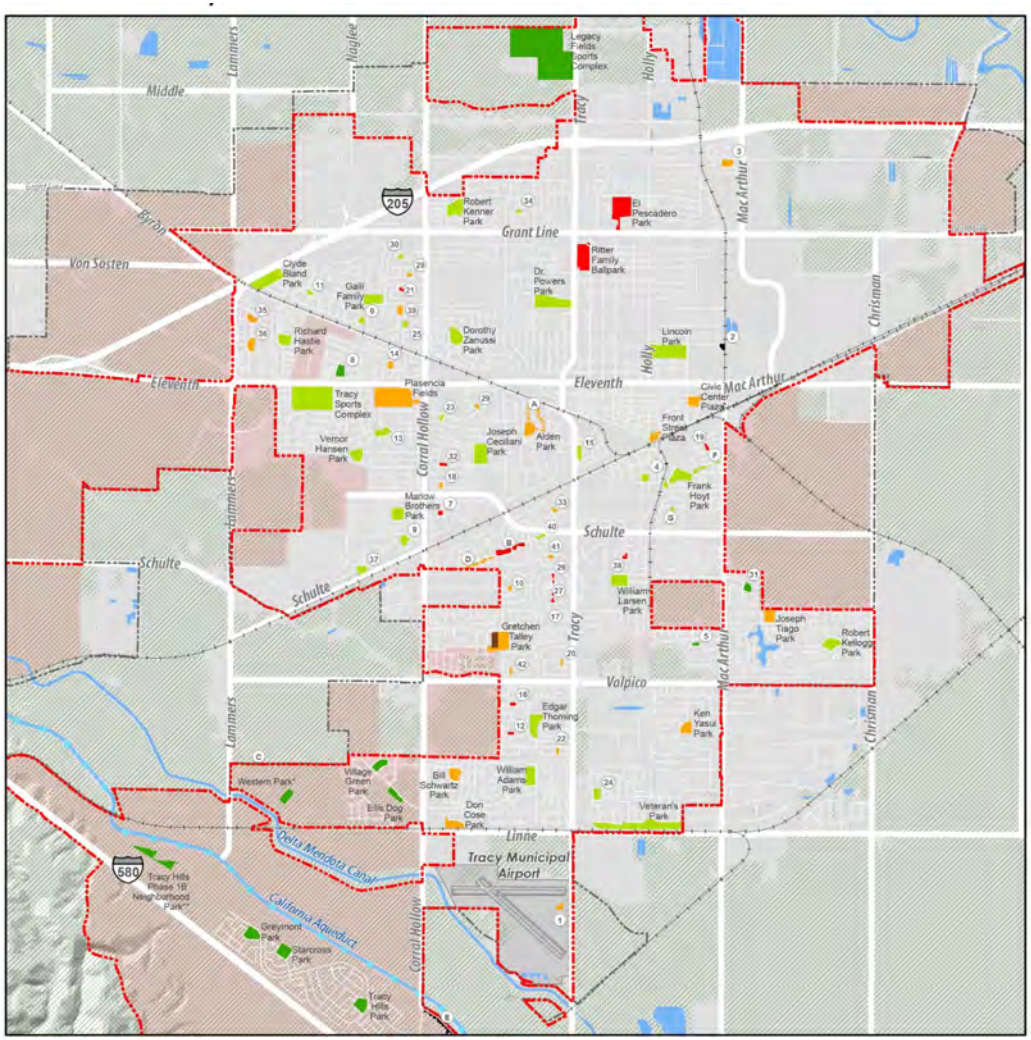
GOAL 2 – WELL-MAINTAINED PARKS

Policy 2A. Maintainable Design, Planting and Amenities

Policy 2B. Efficient Operations

Policy 2C. Adequate Funding for Park Improvements and Maintenance

Park Condition



Existing Mini Parks

1. American Legion Park
2. Fine Park
3. A.R. Glover Park
4. McDonald Park
5. Clyde Abbott Park
6. Dr. Ralph Allen Park
7. Bailor/Hennan Park
8. Daniel Busch Park
9. J. Kingsley Chadeayne Park
10. Evelyn Costa Park
11. Eagan Family Park
12. Albert Emhoff Park
13. John Erb Park
14. Fabian Family Park
15. Jack Fisher Park
16. Barbara Fitzpatrick Park
17. Golden Spike Park
18. Harvest Park
19. Lester Huck Park
20. Fred Icardi Park
21. George Kelly Park
22. John Kimball Park
23. Kit Fox Park
24. William Lowes Park
25. McCray Family Park
26. Mount Diablo Park
27. Mount Oso Park
28. New Harmon Park
29. Robert Patzer Park
30. Pombo Family Park
31. Jim Raymond Park
32. Naomi Rippin Park
33. Sister Cities Park
34. Tom Slayter Park
35. Souza Family Park North
36. Souza Family Park South
37. Joan Sparks Park
38. Larry Sullivan Park
39. Dorlane Thrasher Park
40. Tracy Press Park
41. Valley Oak Park
42. Westside Pioneer Park

Existing Linear Parks

A. Alden Park Greenway
B. Henry Barboza Park
C. Orchard Park*
D. Dorothy Evans Park
E. Hillview Linear Park**
F. LMD Zone 17 Greenway
G. Florence Stevens Greenway

- Tracy City Limit
- Sphere of Influence
- Aqueduct
- Rivers/ Canals/ Ponds
- Agriculture / Undeveloped
- Airport
- Future Development Area

Condition Rating

- Excellent
- ↓
- Poor

Lincoln Park

GOAL 3

SAFE PARKS

Tracy residents must feel safe in our parks. The City will continue to embed safety into park design, programming and operations.

POLICIES:

3A. Design For Safety
3B. Park Activation
3C. Lighting for Safety
3D. Security Cameras
3E. Park Monitoring

Alden Park

GOAL 4

EQUITABLE & INCLUSIVE PARKS

The Parks and Recreation Department is committed to creating and promoting inclusion across all the public spaces, facilities and programs we manage. We aim to ensure that everyone has access to the benefits of quality parks and recreation, including persons of color, persons with cognitive and physical disabilities, LGBTQ+ individuals, and people who have immigrated from other countries.

POLICIES:

4A. Equitable Distribution of Parks and Facilities

4B. Inclusive Places

4C. Accessibility and Universal Design

Frank Hoyt Park

GOAL 5

COMFORTABLE & ATTRACTIVE PARKS

Tracy's parks will feature an expanded tree canopy, shaded amenities, and restrooms located in close proximity to play areas when installed. Lighting will extend parks' usability to winter evenings and nights year-round.

POLICIES:

5A. Expanded Tree Canopy
5B. Shaded Amenities
5C. Water Features
5D. Restrooms
5E. Lighting for Activation

Front Street Plaza

GOAL 6

INTERESTING & DIVERSE PARKS

Tracy's parks will provide recreational opportunities for everyone. They will support a diversity of experiences, have multi-generational appeal, and be successful gathering places for the whole community.

POLICIES:

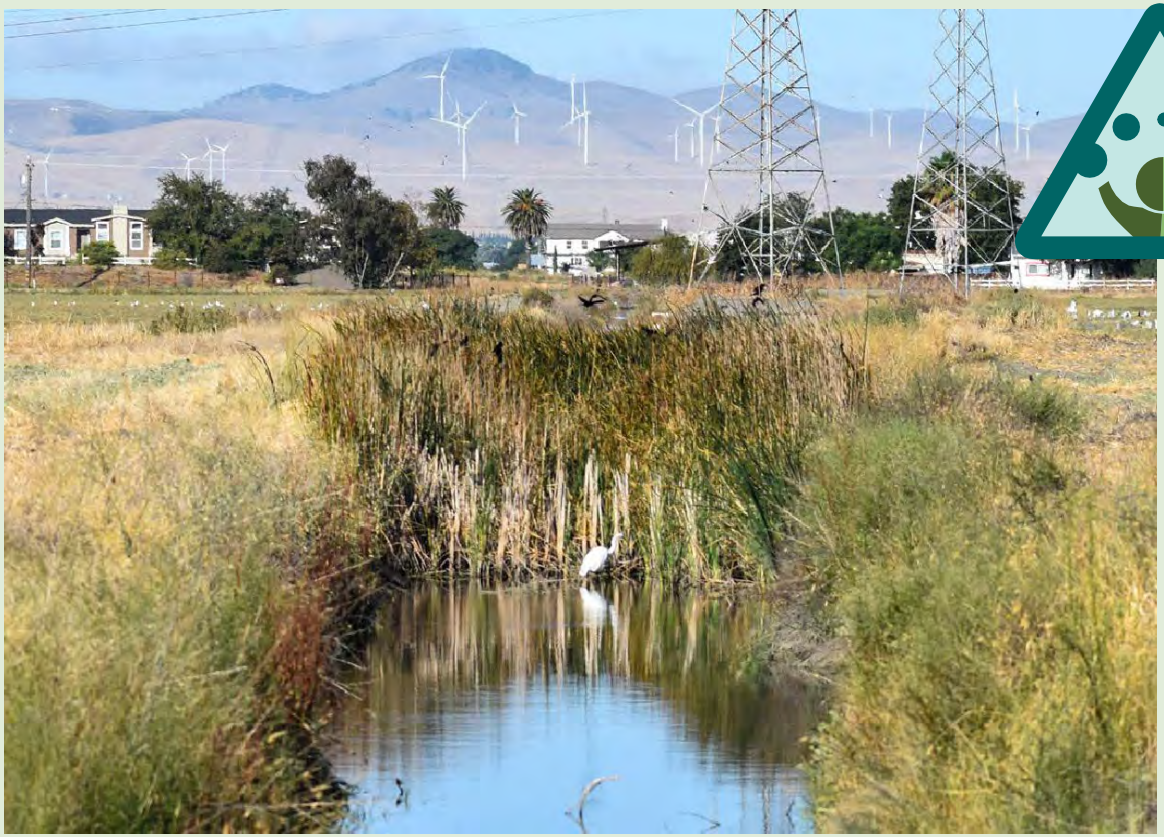
6A. Balance of Programmed and Unprogrammed Spaces

6B. Non-Traditional Elements

6C. Downtown Plazas and Community Gathering Spaces

6D. Nature Park and Preserved Open Spaces

6E. Gardens



Tracy Nature Park (planned)

GOAL 7

SUSTAINABLE PARKS

Parks can have great ecological value by preserving natural vegetation, providing suitable habitat, reducing water use, and cooling the air. By enabling more people to walk and bike, our trail system will help us reduce greenhouse gas emissions. The City will preserve and enhance natural environments in future parks, and employ ecological strategies in the design and maintenance of existing parks.

POLICIES:

7A. Create Habitat Value

7B. Support Water Quality and Groundwater Recharge

7C. Water and Energy Conservation

7D. Support Walking and Biking

EXECUTIVE SUMMARY

TRACY TODAY

PARKS

RECREATION

TRAILS

IMPLEMENTATION

Joe Wilson Pool

GOAL 8

FULL RANGE OF RECREATION FACILITIES

Tracy's profile indicates a high demand for sports and fitness activities across the board. The City will deliver new facilities for aquatics, indoor recreation, and sports, while broadening our recreation amenities to keep pace with changing preferences and new trends. Recreation facilities will also be updated to provide full accessibility.

POLICIES:

8A. Recreation Facility Level of Services
8B. Diverse Recreation Needs
8C. Equitable Access
8D. Aquatics Complex
8E. Multi-Generational Recreation Center
8F. Legacy Fields

RECREATION

GOAL 8 – FULL RANGE OF RECREATION FACILITIES

Policy 8A. Recreational Facility Level of Service

TO REALIZE THE VISION WE WILL NEED...

16 BASEBALL/ SOFTBALL FIELDS

6 SOCCER FIELDS

12 TENNIS & **14** PICKLEBALL COURTS

212,000 SF INDOOR RECREATION SPACE

2 POOLS

6 LARGE GROUP PICNIC AREAS

3 COMMUNITY GARDENS

3 DISC GOLF COURSES

3 BMX/PUMP TRACKS

8 DOG PARKS

& MORE

Swimming at Wilson Pool

GOAL 9

PROGRAMS THAT FIT THE COMMUNITY

The Department will continue to evaluate and refresh its recreation programs. The Department will align its cost recovery goals and pricing strategy so that resources are focused on essential programs, while enabling "value-added" programs to emerge.

POLICIES:

9A. Recreation Program Priorities

9B. Service Classification and Cost Recovery

9C. Pricing Policy

9D. Develop Pricing Strategies

9E. Program Monitoring and Updating

9F. Equitable and Inclusive Programming

9G. Staff Training and Organizational Support

9H. Inclusion Policy Development 9I. Performance Measures

TRAILS

EXECUTIVE SUMMARY

TRACY TODAY

PARKS

RECREATION

TRAILS

IMPLEMENTATION

Monterey Bay Coastal Trail

GOAL 10

TRAILS FOR RECREATION & ACTIVE TRANSPORTATION

Tracy's trail system will be planned and designed to support both recreation and travel, serving everyone from casual walkers to high school cross-country teams and cycling clubs to people of all ages who could use trails as a healthy transportation option.

POLICIES:

10A. Trails that Support Recreation

10B. Trails that Support Active Transportation

Atlanta Beltline

GOAL 11

A COMPLETE & CONNECTED TRAIL SYSTEM

The City recognizes the strong community desire for trails, and will work to create a connected and complete network of multiuse trails along roadways, rail rights- of-way, and canals, and in future development areas.

POLICIES:

11A. Coordinate to Create a Complete Network

11B. Trail System Master Plan

11C. Linear Park and Open Space Trails

11D. Canalside and Railside Trails

11E. Trails along Multimodal Corridors

11F. Trails with New Development

11G. Signage for Wayfinding, Interpretation and Identity

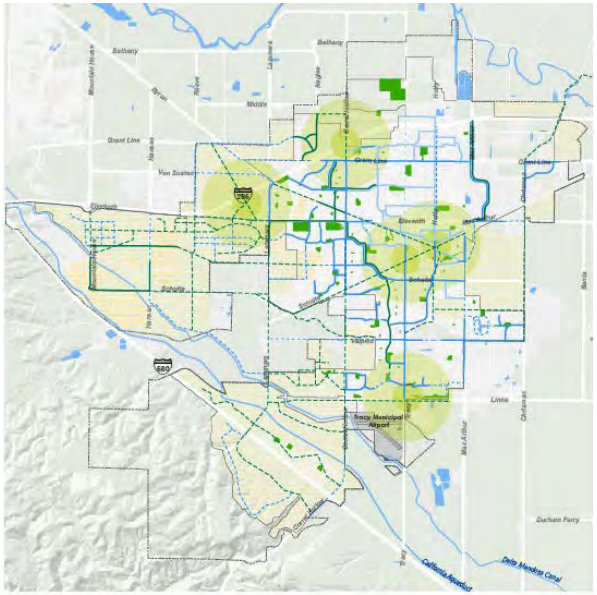
11H. Safety on Trails

11I. Comfort on Trails

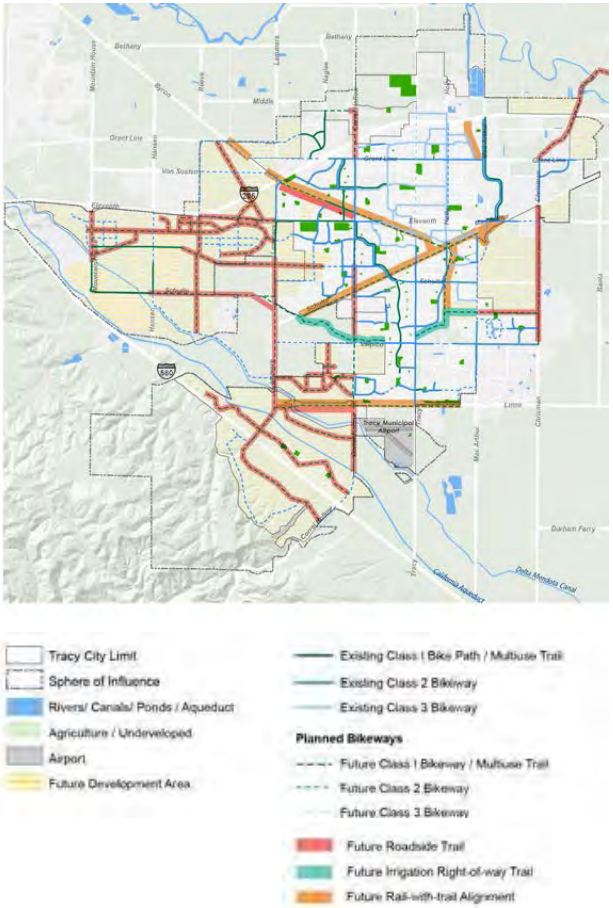
TRAILS

GOAL 11 – A COMPLETE & CONNECTED TRAIL SYSTEM

Existing & Planned Bikeway Network



Trail Opportunities



Conceptual Trail

IMPLEMENTATION

EXECUTIVE SUMMARY

TRACY TODAY

PARKS

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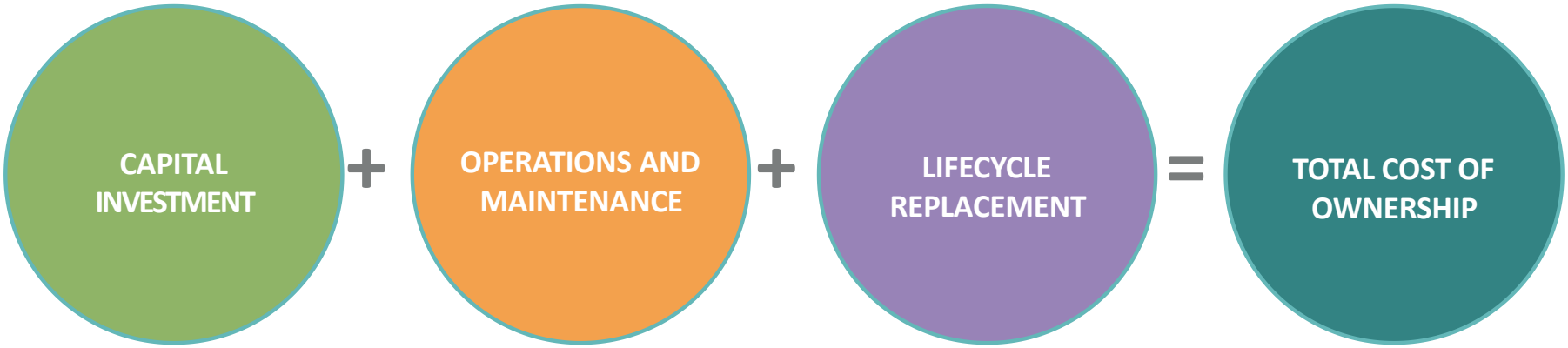
IMPLEMENTATION

IMPLEMENTATION

UNDERSTANDING THE COST OF PARKS

Total Cost of Ownership



IMPLEMENTATION

CAPITAL INVESTMENT

Improving Existing Parks

$

SUSTAINING

Maintaining What We Have

Tier A

$7,435,000 to $10,202,000

$$

STRATEGIC

Improving What We Have

Tier B

$14,200,000 to $18,125,000

$$$

VISIONARY

Developing New Opportunities

Tier C

$34,846,000 to $46,444,000

TOTAL (EXISTING PARKS): **$56,481,000 to $74,771,000**

City Budget ⟷ Grants, Sales Tax Measure, Developer Contributions

IMPLEMENTATION

CAPITAL INVESTMENT

Estimated Capital Costs for New Parks

PARK TYPE	ESTIMATED TOTAL COST PER PARK
Neighborhood Park (5 acre)	$5,422,275*
Linear Park (1 mile)	$3,348,000*
Community Park (15 acre)	$17,226,000*

* Capital costs were estimated in 2021 and may be expected to increase over time by an estimated 3% annually.

Village Green (Ellis)

Tracy Hills Phases 2-4

IMPLEMENTATION

OPERATIONS & MAINTENANCE

Benchmark Comparisons

AGENCY	TOTAL DEVELOPED ACRES	TOTAL DEVELOPED ACRES PER 1,000 POPULATION	TOTAL ANNUAL MAINTENANCE BUDGET	MAINTENANCE EXPENSE PER ACRE
BRENTWOOD	253	3.9	$6,735,786	$26,658
LIVERMORE AREA PARK DISTRICT	406	4.7	$5,883,919	$14,492
LODI	367	4.2	$3,945,470	$10,751
MANTECA	382	4.6	$5,225,937	$13,676
PLEASANTON	335	4.1	$4,975,232	$14,851
TRACY	364	4.1	$4,401,229	$12,723

Maintenance Actions

- Implement Work Order Management System
- Update Work Plans based on Maintenance Standards
- Create Asset Management Plan

IMPLEMENTATION

LIFECYCLE REPLACEMENT

Lifecycle and Estimated Replacement Costs

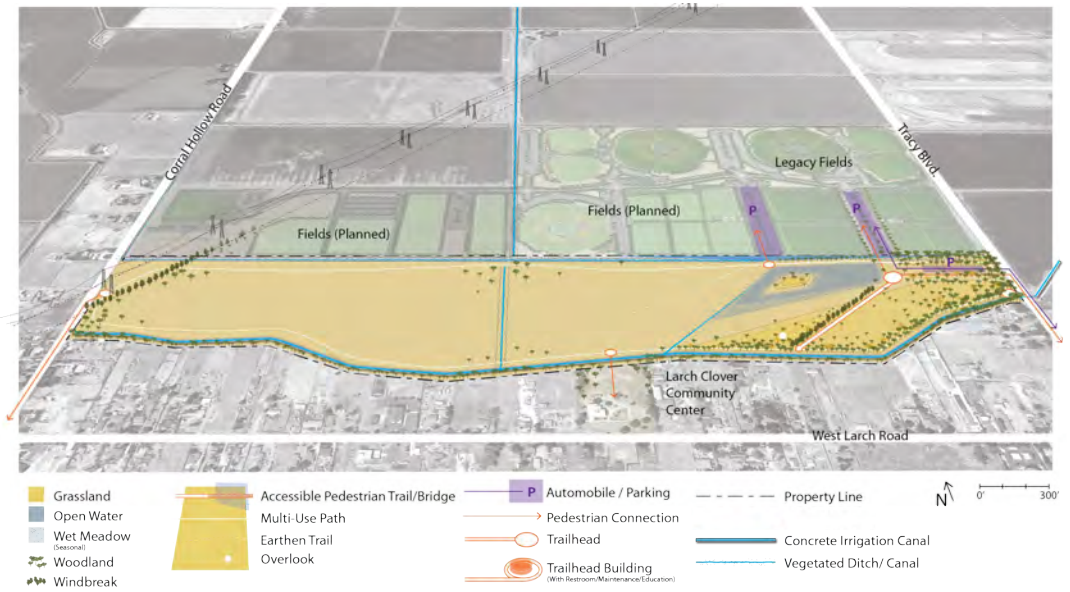
AMENITIES	UNIT	SUGGESTED LIFECYCLE (IN YEARS)	AVERAGE REPLACEMENT COST (PER UNIT)	NOTES
Aquatic Center	SF	25 to 35	$500 to $700	Dependent upon type of pool
Recreation Building	SF	40 to 50	$500 to $600	
Athletic Field Lighting for Baseball/ Softball Field	EA	20 to 30	$500,000 to $750,000	To retrofit to LED, cost is $500 more per bulb
Athletic Field Lighting for Multi-Purpose (Soccer) Field	EA	20 to 30	$500,000 to $1,000,000	To retrofit to LED, cost is $500 more per bulb
Basketball - Full Outdoor Court (Lighted)	EA	20 to 30	$100,000 to $150,000	
Basketball - Full Outdoor Court (Lighted)	EA	20 to 30	$60,000 to $75,000	
BBQ Grill	EA	10 to 15	$500 to $1,500	
Bench	EA	10 to 15	$2,500 to $3,000	Metal with powder coating
Bike Rack	EA	10 to 15	$500 to $1,500	Metal with powder coating
Bocce Ball Court	EA	10 to 15	$30,000 to $60,000	12' x 60' court
Concession Stand	SF	20 to 30	$400 to $600	per square foot cost
* Disc Golf Hole	EA	10 to 20	$1,000 to $2,000	Per hole cost

IMPLEMENTATION

THE PLAN IS BEING IMPLEMENTED TODAY!

Recent Council Actions that Support the Master Plan

- Funding Measure V Priority Projects
- Funding Key Projects to Fill Programming & Access Gaps
- Funding Parks CIPs to Address Deferred Maintenance
- Funding the Park Camera Program to Enhance Park Safety



DISCUSSION

CITYWIDE PARKS, RECREATION AND TRAILS MASTER PLAN

TRACY

CITY COUNCIL

OCTOBER 4, 2022

RECREATION

GOAL 9 – PROGRAMS THAT FIT THE COMMUNITY

Policy 9A. Recreation Program Priorities

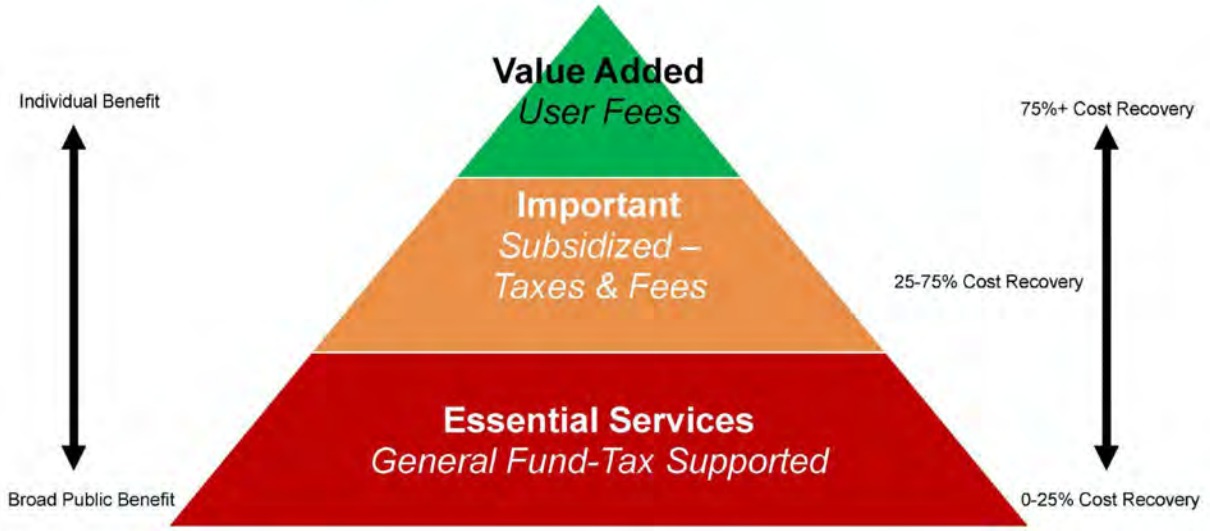
Continue to evaluate and refresh recreation program offerings to ensure that community demand is being met.

Policy 9B. Service Classification and Cost Recovery

Align cost recovery goals and pricing to focus funds on programs with broadest benefits.

Policy 9I. Performance Measures

Develop 3 to 5 performance measures for each line of service, and report annually.



TRAILS

TRAIL DESIGN GUIDELINES

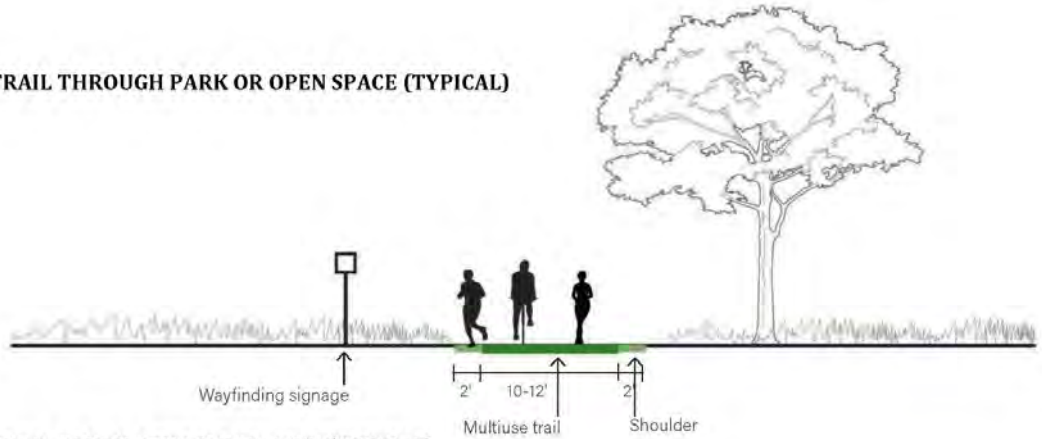
Policy 11B. Linear Park and Open Space Trails

Policy 11C. Canalside and Railside Trails Policy

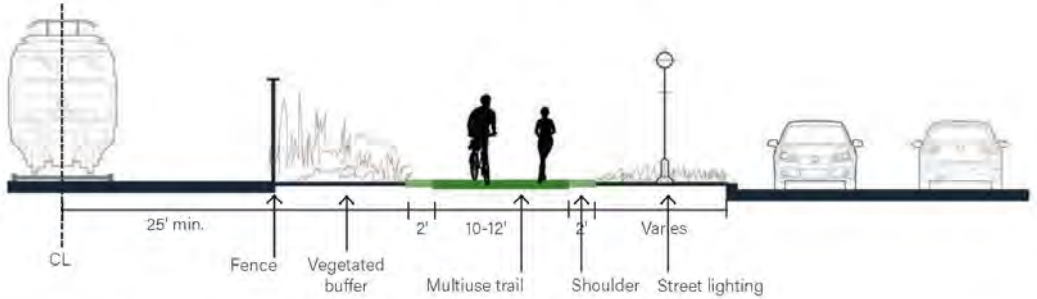
11D. Trails along Multimodal Corridors

Trail cross-sections are conceptual and generalized. Trail development will require detailed design .

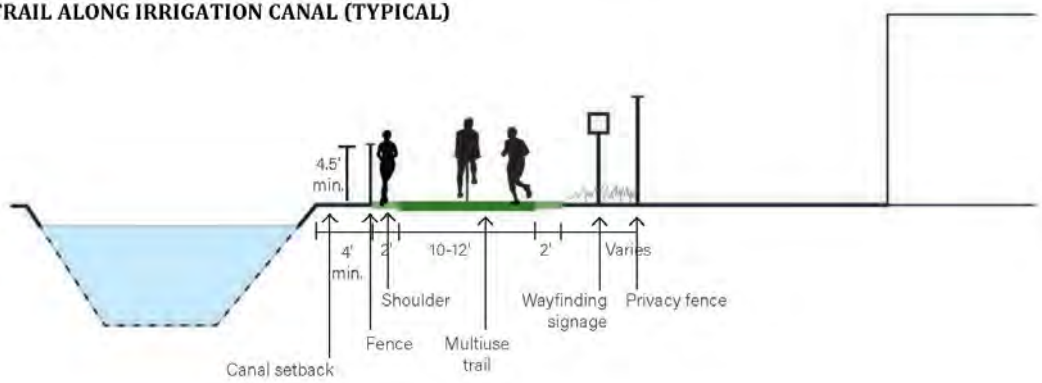
TRAIL THROUGH PARK OR OPEN SPACE (TYPICAL)



TRAIL ALONG ACTIVE RAIL LINE (TYPICAL)

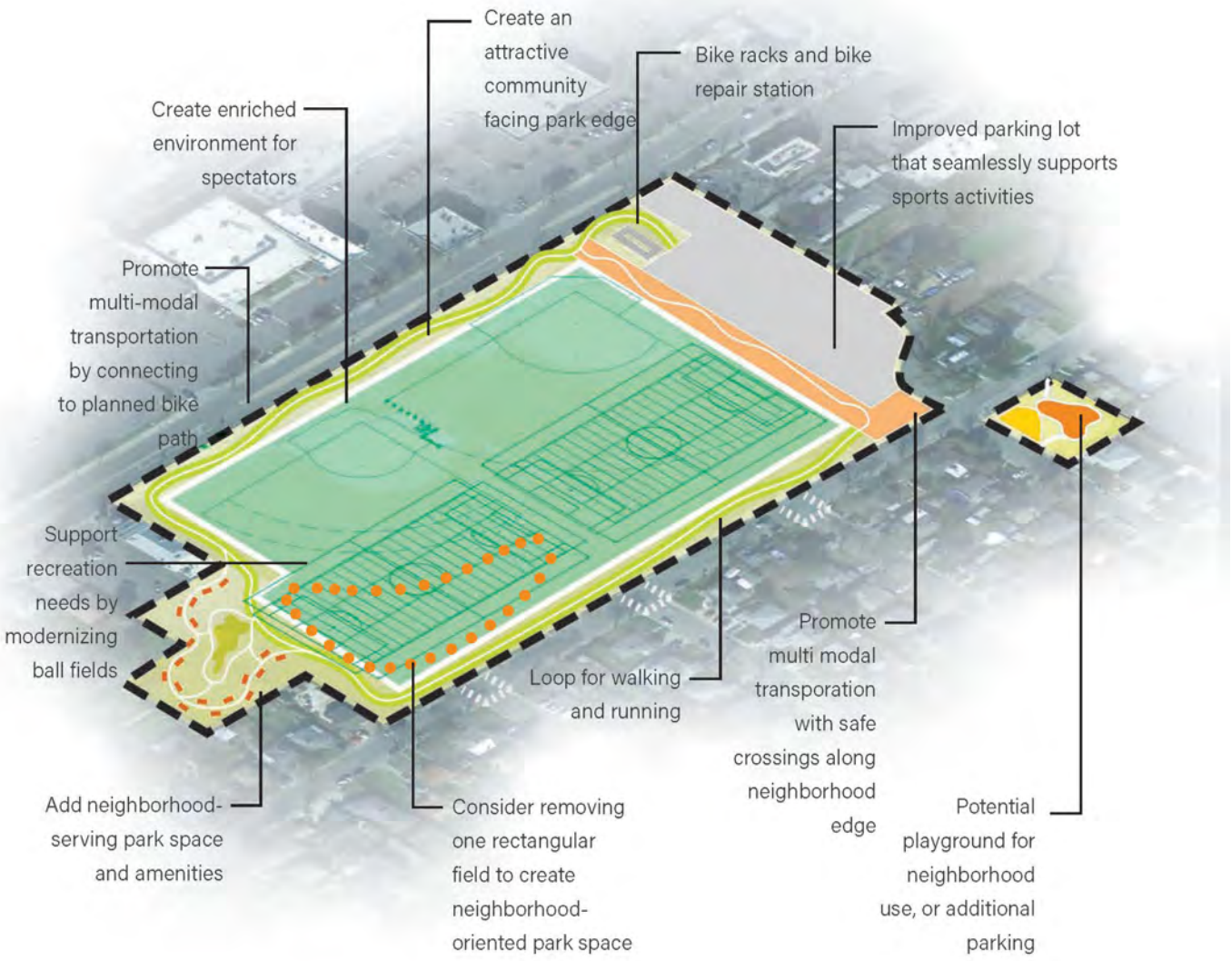


TRAIL ALONG IRRIGATION CANAL (TYPICAL)



IMPLEMENTATION

TIER C PARK IMPROVEMENTS



Conceptual Improvements at Ritter Family Ballpark (Sports Complex)

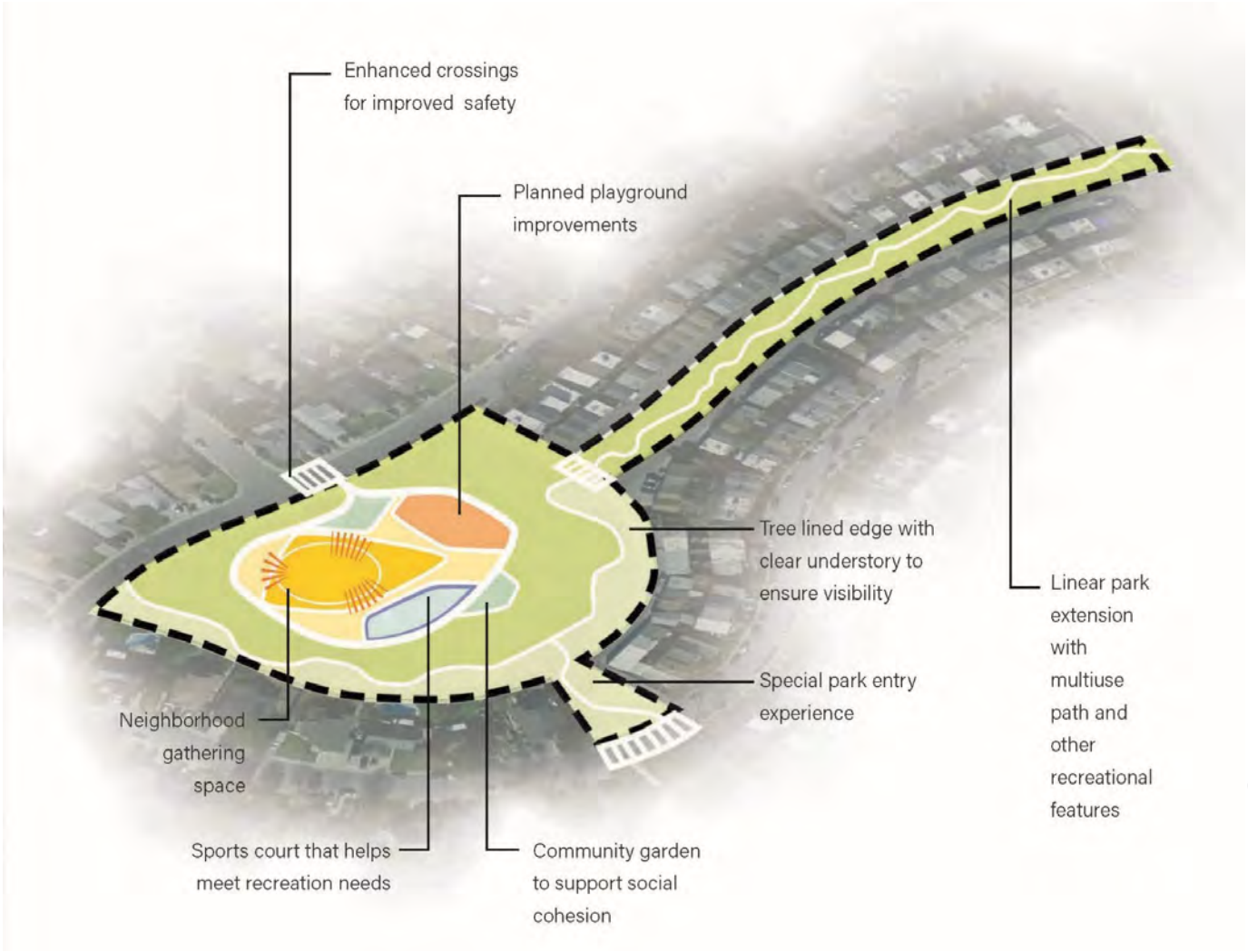
IMPLEMENTATION

TIER C PARK IMPROVEMENTS

Conceptual Improvements at El Pescadero Park (Community Park)

IMPLEMENTATION

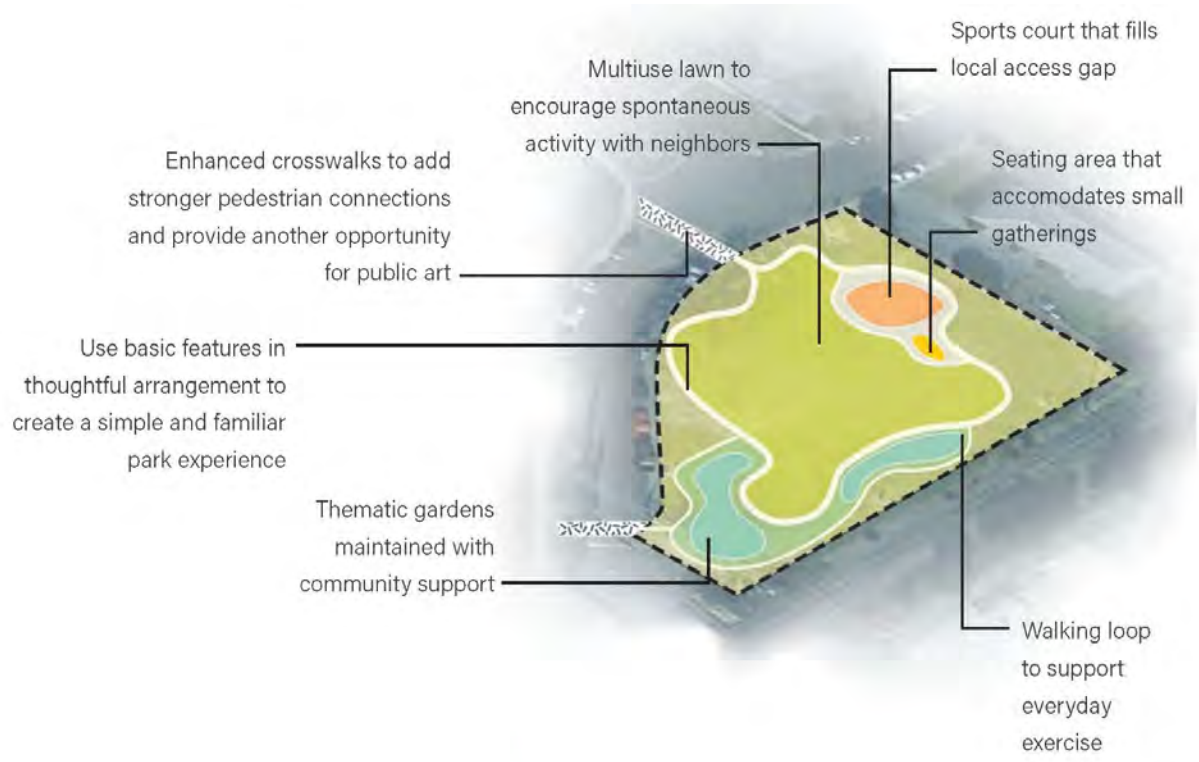
TIER C PARK IMPROVEMENTS



Conceptual Improvements at Alden Park (Neighborhood Park)

IMPLEMENTATION

TIER C PARK IMPROVEMENTS



Conceptual Improvements at Fine Park (Mini Park)

IMPLEMENTATION

FINANCING STRATEGIES

Capital Financing

- Land Dedication or in-lieu Fees
- Development Impact Fees
- Pay-as-You-Go
- General Obligation Bonds
- Limited Obligation Bonds
- Revenue Bonds
- Public-Private Partnerships
- Grants

Maintenance and Operations Funding

- Special Financing Districts
- User Fees
- Property Related Fees
- Special Taxes (Measure V)

APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION NO. _____

APPROVING THE CITYWIDE PARKS, RECREATION, AND TRAILS MASTER PLAN UPDATE AND DETERMINING THAT THE UPDATE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15183

WHEREAS, on April 16, 2013, the City Council of the City of Tracy approved the Parks Master Plan as part of an overall effort to identify the City's infrastructure needs; and

WHEREAS, this planning level document has been guiding new park development within the City's Sphere of Influence; and

WHEREAS, since 2013, the City has experienced significant development and population growth, requiring an update of the infrastructure master plans; and

WHEREAS, on February 5, 2019, the City Council authorized a professional services agreement with Wallace Roberts & Todd, LLC (WRT) to complete a comprehensive update of the 2013 Parks Master Plan, the Citywide Parks, Recreation and Trails Master Plan Update (Master Plan) pursuant to Resolution No. 2019-016; and

WHEREAS, WRT has led a multi-year process to inventory and assess parks, engage the community, research and analyze data, and to comprehensively update the 2013 Parks Master Plan; and

WHEREAS, the existing Parks impact fees shall remain in effect until the City adopts the updated Nexus Studies for the Master Plan Updates in early 2023; and

WHEREAS, the Master Plan is a policy document prepared to implement the objectives and actions of the City's General Plan, and does not propose the immediate construction or operation of new facilities or infrastructure projects at this time, and will not directly result in the construction or operation of infrastructure that could have negative environmental impacts; now, therefore, be it

RESOLVED: That the City Council of the City of Tracy hereby adopts the Recitals as findings; and be it

FURTHER RESOLVED: That the City Council hereby finds and determines that the project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15183 because all potentially significant effects have been analyzed adequately in the 2011 General Plan EIR pursuant to applicable standards, and have been avoided or mitigated pursuant to the 2011 General Plan EIR, and there are no new significant environment effects or impacts resulting from this Master Plan that were not known or studied at the time of that EIR; and be it

FURTHER RESOLVED: That the City Council adopts the Citywide Parks, Recreation, and Trails Master Plan Update.

* * * * * * * * * * * * * *

The foregoing Resolution 2022-_____ was adopted by the Tracy City Council on October 4, 2022, 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

October 4, 2022

Agenda Item 3.C

Adopt a Resolution Accepting the Irrevocable Offer of Dedication of Fee Interest for 16 Acres of Community Park Land for an Aquatic Park (Aquatic Center), generally located at the Intersection of Corral Hollow Road and Summit Drive (Property), from Ellis Village, LLC to the City of Tracy, a Municipal Corporation (City), and directing the City Manager to take Requisite Actions to Effectuate the Acceptance of the Property.

EXECUTIVE SUMMARY

Through this item, staff recommends the City Council accept the irrevocable offer of dedication for 16 acres of land (**IOD**) made by Ellis Village, LLC to the City of Tracy (**City**). The IOD was recorded on January 28, 2021, by the San Joaquin County Recorder's Office, pursuant to Section 7050 of the California Government Code. In accordance with this State law, the City may assume legal title to the dedicated acres only upon by formal acceptance of the IOD by the City Council. By the terms of the IOD, the City has no deadline by which it must accept the land dedication. However, acceptance of the land is an important first step in the City's delivery process for this long-desired Aquatic Center.

BACKGROUND AND LEGISLATIVE HISTORY

Ellis Village, LLC is a controlled entity of Surland Communities, LLC (**Surland**). The City and Surland have been parties to a longstanding development agreement, dating as far back as 2009, with respect to Surland's development of real property located within the Ellis Specific Plan. The original development agreement was invalidated during a court proceeding, and in 2013, the City Council adopted an ordinance approving an Amended and Restated Development Agreement with Surland Communities, LLC (**2013 Development Agreement**).

Among other things, the 2013 Development Agreement required Surland to dedicate 16 acres of land within the Ellis Specific Plan to the City for the future home of a public aquatics park (**Aquatic Center**) through the grant to the City of the IOD by a certain date. In addition to the IOD, the 2013 Development Agreement required Surland to pay the City $10 million towards the development, construction, operation, and maintenance of the facility. Of the $10 Million owed, Surland made an initial payment of $2 Million to the City on September 5, 2014.

Through various tolling agreements, the parties negotiated a different location for the land dedication and extended the dates by which Surland had to grant the IOD and pay the remaining $8 Million owed. The last extended dates are reflected in that certain Fourth Agreement To Toll And Extend The Dedication Acceptance Period And The 60-Day Cure Period For The Second Swim Center Payment Under The Amended And Restated Development Agreement By And Between The City Of Tracy And Surland Communities, LLC, dated April 3, 2018 (**Fourth Tolling Agreement**).

In addition to the tolling agreements, the parties also amended the 2013 Development Agreement twice. The most recent amendment occurred in 2018, pursuant to that certain Second Amendment to the Amended and Restated Development Agreement By and Between the City of Tracy and Surland Communities, LLC, effectuated by the adoption of Ordinance 1253 by the City Council (**2018 Second Amendment to Development Agreement**).

The 2018 Second Amendment to Development Agreement provided a process by which Surland could ask the City Council to exercise its legislative discretion to approve a further amendment to the 2013 Development Agreement to add additional property, which properties

could be eligible for residential growth allotments under the 2013 Development Agreement. In addition, the 2018 Second Amendment to the Development Agreement revised the City's and Surland's respective responsibilities, rights, and obligations regarding the development of the Aquatic Center. A key revision the 2018 Second Amendment made was to allow Surland to assume, from the City, responsibility for the design and construction management of the Aquatic Center. The City was required to reimburse Surland for such services, from the initial $2 Million that had been paid to the City by Surland.

Mary Mitracos filed a lawsuit against the City and Surland challenging the legality of the 2018 Second Amendment to Development Agreement and the ordinance effectuating its approval by the City Council. In 2020, the San Joaquin County Superior Court entered Judgment in Ms. Mitracos' favor and issued a Peremptory Writ of Mandate (**Writ**) ordering the City (i) to rescind and set aside Ordinance 1253 and the 2018 Second Amendment to Development Agreement, (ii) not to take any action to implement the Second Amendment, and (iii) to rescind any actions that were taken to implement Ordinance 1253 and the Second Amendment. The City and Surland appealed. In May 2022, the Court of Appeal denied the appeal and affirmed the Superior Court, and in July 2022, remitted the case back to the Superior Court. In recent months, the City Council has taken various actions to implement the Writ and Judgment, as required by the court.

ANALYSIS

The City continues to analyze and unwind actions taken under the 2018 Second Amendment, as required by the Court. As part of this process, an important action the City Council has taken is rescinding the conceptual plans for the Aquatic Center at its September 20, 2022, meeting (Resolution 2022-134). As noted above, Surland created and paid for these plans directly as a result of the 2018 Second Amendment, as prior to that amendment, the City had the responsibility for that work.

While the conceptual plans created by Surland have been rescinded, the ideas behind these plans were the result of extensive public input. In fact, an extensive public outreach campaign was conducted in 2016, subsequent to which, community consensus was reached on the elements that were incorporated into the now rescinded conceptual plans designed by Surland. This community input also served as the basis for the City Council's adopted program priorities for the Aquatic Center. The City's next steps for the design and construction work for the Aquatic Center will be based on these program priorities and are discussed in detail in a separate agenda item for this meeting.

This item is, specifically, for the City to accept the 16 acres of land dedication. The IOD was recorded on January 28, 2021, by the San Joaquin County Recorder's Office, pursuant to Section 7050 of the California Government Code. In accordance with this State law, the City may assume legal title to the dedicated acres only upon formal acceptance of the IOD by the City Council. By the terms of the IOD, the City has no deadline by which it must accept the land dedication. However, acceptance of the land is an important first step in the City's delivery process for the Aquatic Center, as it provides certainty to the location of this facility.

Importantly, in recent weeks, Surland has alleged that the City committed fraud in the recordation of the IOD and may challenge the City's acceptance of the land, if this action is approved by the City Council. Staff and the City Attorney have evaluated Surland's documentation related to the allegation and disagree with Surland.

Another area of dispute between the parties relates to the $10 Million owed by Surland under the 2013 Development Agreement. As noted above, Surland paid the City $2 Million of the total $10 Million due under the agreement. However, pursuant to the 2018 Second Amendment, the City has reimbursed Surland $1,318,287 from the original $2 Million payment. With the recission of the 2018 Second Amendment, the City believes that Surland owes the City, pursuant to the terms of the 2013 Development Agreement, the Fourth Tolling Agreement and other related documents, $9,318,287. Surland, thus far, has not agreed to pay this remaining amount due.

FISCAL IMPACT

There is no new funding impact in accepting the 16 acres of land for the Aquatic Center as routine maintenance for this land will be absorbed by the City through its existing staff. Management of the Aquatic Center project will be funded within the existing capital improvement budget CIP #78054 and is discussed in a separate agenda item.

STRATEGIC PLAN

This agenda item is consistent with the City Council's adopted Quality of Life Strategy and meets the goal of enhancing the City's amenities

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Ellis Specific Plan Environmental Impact Report (**ESP EIR**) was prepared in accordance with the California Environmental Quality Act and related Guidelines (**CEQA**), and the City Council, on January 22, 2013, certified the ESP EIR. The ESP EIR adequately analyzed key elements of the future Aquatic Center and identified no mitigation measures directly related to the Aquatic Center. This action is for an acceptance of land only and not implementation of the Aquatic Center itself. Additional discretionary actions are necessary to effectuate design and construction of the Aquatic Center. As such, any additional environmental review required under CEQA will be conducted upon completion of final design of the Aquatic Center, prior to the commencement of any construction activity.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution 1) accepting the irrevocable offer of dedication of fee interest for 16 acres of community park land for an aquatics park (Aquatic Center), generally located at the intersection of Corral Hollow Road and Summit Drive, from Ellis Village, LLC to the City of Tracy, a municipal corporation, and 2) directing the City Manager to take requisite actions to effectuate the acceptance of the property.

Respectfully submitted,

Brian MacDonald
Director of Parks and Recreation

Attachments:

- Attachment A – Irrevocable Offer of Dedication of Fee Interest – Ellis Village, LLC.
- Attachment B – Resolution 2022-134

Doc #: 2021-016679
01/28/2021 02:52:22 PM
Page: 1 of 8 Fee: $0
Steve J. Bestolarides
San Joaquin County Recorders
Paid By: SHOWN ON DOCUMENT

Recording Requested by:
City of Tracy

Return to:
Adrianne Richardson, City Clerk
333 Civic Center Plaza
Tracy, CA 95376

Recording Fee: Exempt
(Government Code Section 6103 and 27383)

Space above this line for Recorder's use
APN: 240-140-43

Documentary Transfer Tax: Exempt
(Revenue and Taxation Code Section 11922)

IRREVOCABLE OFFER OF DEDICATION OF FEE INTEREST

For A Valuable Consideration, receipt of which is hereby acknowledged, Ellis Village, LLC represents that, as the owner(s) of the herein-described real property (in the case of multiple owners, collectively referred to as "Grantor"), Grantor hereby makes an Irrevocable Offer of Dedication of fee interest to THE CITY OF TRACY, A MUNICIPAL CORPORATION, the hereinafter described real property for the following public purpose:

[Community Park Land for an Aquatic Park]

The real property referred to above is situated in the City of Tracy, County of San Joaquin, State of California and is more particularly described as follows:

SEE ATTACHED:

EXHIBIT A FOR LEGAL DESCRIPTION

EXHIBIT B FOR PLAT

This Offer of Dedication is made pursuant to Section 7050 of the Government Code of the State of California and may be accepted at any time by the City of Tracy.

This Offer of Dedication of fee interest shall be irrevocable and shall be binding on the Grantor, its heirs, executors, administrators, successors and assigns. The City and its successors or assigns shall incur no liability with respect to this offer of dedication, and shall not assume any responsibility for the Property or any improvements thereon, until this offer has been accepted by the City of Tracy.

SIGNATURE PAGE

Signed this 30 day of October, 2020

Corporation/Business Name: Ellis Village, LLC

Grantor Signatures: _____
Signature

Les Scrpa, Managing Member
Print Name and Title

_____
Signature

_____
Print Name and Title

** Corporations - signature of two (2) officers required or one (1) officer plus corporate seal.*
Partnership - signature of a partner required
Sole Proprietorship - signature of proprietor required
LLC – signature of proprietor or partner required

(Notary Acknowledgment Required for Each signatory)

CERTIFICATION

This is to certify that the interest in real property offered herein to the City of Tracy is hereby accepted pursuant to the authority conferred by Tracy City Council Resolution No. 1670, dated August, 6, 1968 and the grantee consents to the recordation thereof.

DATED: _____

_____
By: _____
Adrianne Richardson
City Clerk and Clerk of the City Council
City of Tracy

See next page for Certification

CERTIFICATION

This is to certify that the interest in real property conveyed by this Irrevocable Offer of Dedication (IOD) is hereby not accepted at this time by the undersigned City Clerk of the City of Tracy, pursuant to authority conferred by Resolution No. 1670 of the Tracy City Council, adopted on August 6, 1968, and recorded with the San Joaquin County Recorder on August 14, 1968, Book 3231, pages 581 through 583, and the grantee consents to recordation thereof by its duly authorized officer, and the grantee reserves the right to accept the offer of dedication in fee title by separate document.

By: _____ Date: January 28, 2021
Adrianne Richardson
City Clerk of Clerk of the City Council
City of Tracy

Pursuant to Section 66477.5 of the California Government Code, the local agency shall reconvey the property to the subdivider if the local agency makes a finding that the same purpose for which the property was dedicated does not exists or any portion thereof is not needed for public utilities, as specified in Subdivision C of the Section.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Joaquin)

On November 5th, 2020 before me, Kirstie L. McKenzie, Notary Public
(insert name and title of the officer)

personally appeared Les Serpa,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

KIRSTIE L. MCKENZIE
Notary Public - California
San Joaquin County
Commission # 2302416
My Comm. Expires Sep 8, 2023

Signature _____ (Seal)

OCTOBER 30, 2020
JOB NO.: 1725-000

LEGAL DESCRIPTION
SWIM CENTER
PORTION OF RESULTANT PARCEL A (DN 2016-129622)
AND A PORTION OF SUMMIT DRIVE (42 M&P 43)
TRACY, CALIFORNIA

REAL PROPERTY, SITUATE IN THE CITY OF TRACY, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF RESULTANT PARCEL A, AS SAID PARCEL A IS DESCRIBED IN THAT CERTAIN DOCUMENT RECORDED OCTOBER 21, 2016, IN DOCUMENT NO, 2016-129622 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, AND A PORTION OF THAT PORTION OF SUMMIT DRIVE (FORMERLY MIDDLEFIELD ROAD) THAT WAS REJECTED ON THE FINAL MAP FOR TRACT NO. 3764, RECORDED SEPTEMBER 28, 2015, IN BOOK 42 OF MAPS AND PLATS, AT PAGE 43, IN SAID OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY AND AS SAID FINAL MAP WAS CORRECTED PER CERTIFICATE OF CORRECTION RECORDED JANUARY 29, 2016, IN DOCUMENT NO. 2016-011616 OF OFFICIAL RECORDS IN SAID OFFICE OF THE RECORDER OF SAN JOAQUIN COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERN CORNER OF SAID RESULTANT PARCEL A;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE EAST LINE OF SAID SUMMIT DRIVE, SOUTH 00°23'03" WEST 45.50 FEET TO A POINT ON THE CENTERLINE OF SAID SUMMIT DRIVE, AS SAID CENTERLINE IS SHOWN AS SO DESIGNATED ON SAID FINAL MAP (42 M&P 43);

THENCE, LEAVING SAID EAST LINE OF SUMMIT DRIVE, ALONG SAID CENTERLINE, THE FOLLOWING NINE (9) COURSES:

1) NORTH 89°36'57" WEST 85.81 FEET,

2) ALONG THE ARC OF A TANGENT 400.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 17°32'03", AN ARC DISTANCE OF 121.41 FEET,

3) NORTH 72°04'54" WEST 73.11 FEET,

4) ALONG THE ARC OF A TANGENT 575.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 19°17'08", AN ARC DISTANCE OF 193.55 FEET,

5) NORTH 52°47'46" WEST 93.42 FEET,

6) ALONG THE ARC OF A TANGENT 2,200.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 14°10'55", AN ARC DISTANCE OF 544.55 FEET,

7) NORTH 38°36'51" WEST 124.65 FEET,

8) ALONG THE ARC OF A TANGENT 600.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 09°16'47", AN ARC DISTANCE OF 97.18 FEET, AND

LEGAL DESCRIPTION
PAGE 2 OF 2

OCTOBER 30, 2020
JOB NO. 1725-000

9) NORTH 47°53'38" WEST 28.79 FEET TO A POINT ON THE NORTHWESTERN LIMIT OF SAID PORTION OF SUMMIT DRIVE (FORMERLY MIDDLEFIELD ROAD) THAT WAS REJECTED, WHICH IS ALSO THE SOUTHWESTERLY PROLONGATION OF THE WESTERN LINE OF SAID RESULTANT PARCEL A;

THENCE, LEAVING SAID CENTERLINE, ALONG SAID NORTHWESTERN LIMIT, AND ALONG THE WESTERN LINE OF SAID RESULTANT PARCEL A, THE FOLLOWING THREE (3) COURSES:

1) NORTH 42°06'22" EAST 100.00 FEET,

2) SOUTH 89°50'36" EAST 222.58 FEET, AND

3) NORTH 00°23'03" EAST 111.39 FEET;

THENCE, LEAVING SAID WESTERN LINE OF RESULTANT PARCEL A, SOUTH 89°36'57" EAST 791.27 FEET TO A POINT ON SAID EASTERN LINE OF RESULTANT PARCEL A;

THENCE, ALONG SAID EASTERN LINE OF RESULTANT PARCEL A, SOUTH 00°23'03" WEST 888.98 FEET TO SAID POINT OF BEGINNING.

CONTAINING 16.00 ACRES OF LAND, MORE OR LESS.

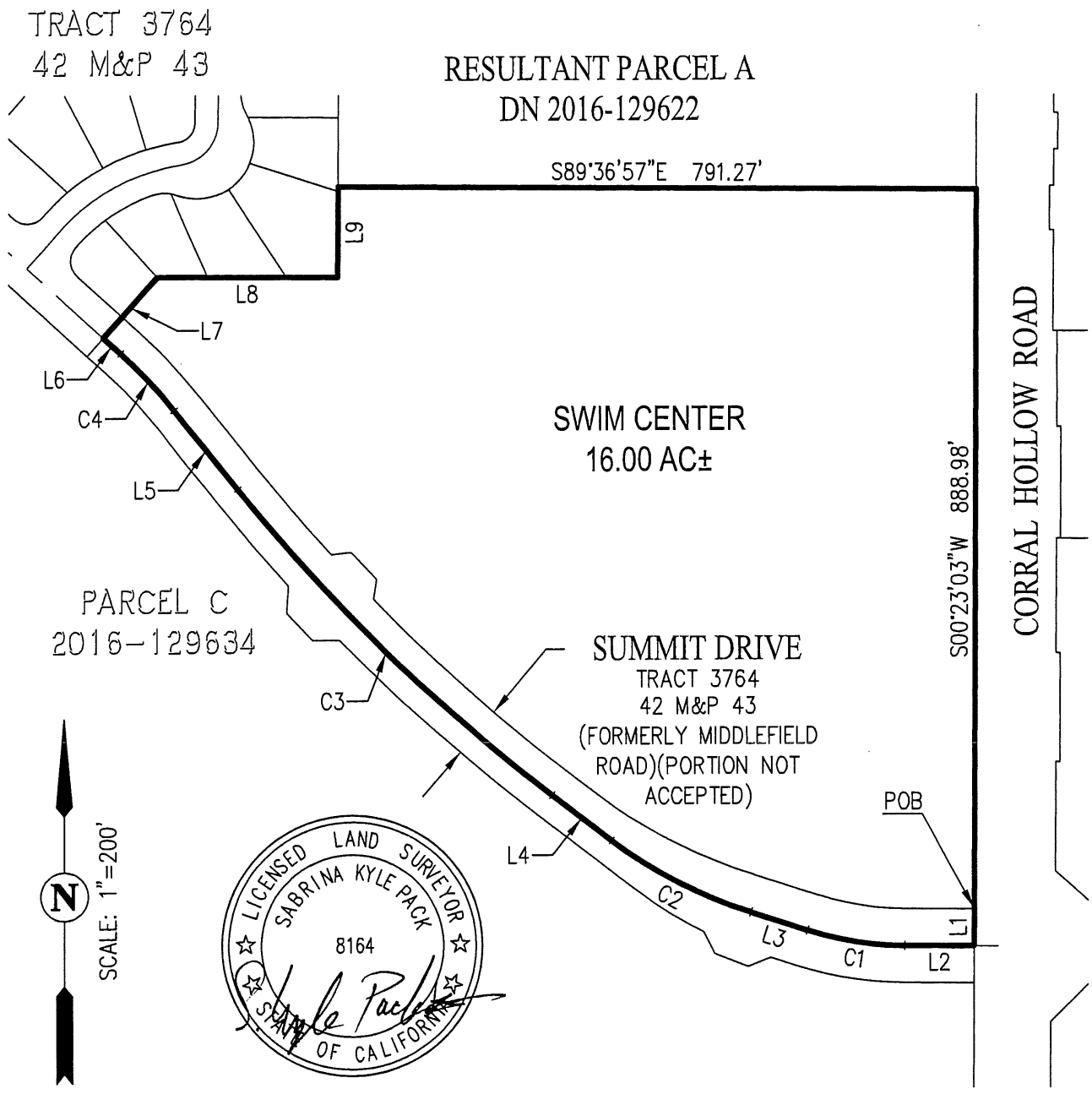
ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION AND, BY THIS REFERENCE, IS MADE A PART HEREOF.

END OF DESCRIPTION

S. Kyle Pack

SABRINA KYLE PACK, P.L.S.
L.S. NO. 8164

EXHIBIT " B "
Page 1 of 2



SEE SHEET 2 FOR COURSE TABLES.

PLAT TO ACCOMPANY LEGAL DESCRIPTION

SWIM CENTER
PORTION OF RESULTANT PARCEL A (DN 2016-129622) AND PORTION OF SUMMIT DRIVE (42 M&P 43)
TRACY, CALIFORNIA
OCTOBER 30, 2020

Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA, (925) 866-0322

10/30/2020 1:17 PM

JOB NO. 1725-000

G:\1725\ACAD\PLATS\PLAT-011 - AQUATIC CENTER V5.DWG

LINE TABLE		
NO	BEARING	LENGTH
L1	S00°23'03"W	45.50'
L2	N89°36'57"W	85.81'
L3	N72°04'54"W	73.11'
L4	N52°47'46"W	93.42'
L5	N38°36'51"W	124.65'
L6	N47°53'38"W	28.79'
L7	N42°06'22"E	100.00'
L8	S89°50'36"E	222.58'
L9	N00°23'03"E	111.39'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	400.00'	17°32'03"	122.41'
C2	575.00'	19°17'08"	193.55'
C3	2200.00'	14°10'55"	544.55'
C4	600.00'	9°16'47"	97.18'

PLAT TO ACCOMPANY LEGAL DESCRIPTION

SWIM CENTER
PORTION OF RESULTANT PARCEL A (DN 2016-129622) AND PORTION OF SUMMIT DRIVE (42 M&P 43)
TRACY, CALIFORNIA

OCTOBER 30, 2020

SHEET 2 OF 2

Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA, (925) 866-0322

10/30/2020 1:16 PM

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION NO. 2022-134

RESOLUTION RESCINDING RESOLUTION NO. 2020-154 APPROVING FINAL AQUATIC CENTER CONCEPTUAL PLAN WITH A NOT-TO-EXCEED AMOUNT OF $65 MILLION INCLUDING CONTINGENCY AND SOFT COSTS

WHEREAS, on March 19, 2013, the City Council adopted Ordinance 1182 (Ordinance 1182), an Ordinance of the City of Tracy Approving an Amended and Restated Development Agreement with Surland Communities, LLC, with respect to the development of real property in the Ellis Specific Plan area; and

WHEREAS, pursuant to Ordinance 1182, the City of Tracy (City) and Surland Communities, LLC (Surland) executed and entered into the Amended and Restated Development Agreement By and Between the City of Tracy and Surland Communities, LLC, dated April 18, 2013 ("2013 Development Agreement"); and

WHEREAS, the 2013 Development Agreement provided that, among other things: Surland would pay the City $10 Million—by an initial first installment of $2 Million followed by a second installment of $8 Million—to fund the design and construction of the Aquatic Center and offer to dedicate 16 acres of land for the Aquatic Center; and

WHEREAS, Surland has paid the first installment of $2 Million and provided an Irrevocable Land Dedication Offer, which the City recorded; and

WHEREAS, on June 3, 2014, the City Council adopted Ordinance 1194 (Ordinance 1194), an Ordinance of the City of Tracy Approving First Amendment to Amended and Restated Development Agreement with the Surland Communities, LLC; and

WHEREAS, pursuant to Ordinance 1194, the City and Surland executed and entered into the First Amendment to Amended and Restated Development Agreement By and Between the City of Tracy and Surland Communities, LLC, dated July 3, 2014; and

WHEREAS, on April 3, 2018, the City Council adopted Ordinance 1253 (Ordinance 1253), an Ordinance of the City of Tracy Approving the Second Amendment to the Amended and Restated Development Agreement By and Between the City of Tracy and Surland Communities, LLC, which became effective 30 days later, on May 3, 2018; and

WHEREAS, pursuant to Ordinance 1253, the City and Surland executed and entered into the Second Amendment to Amended and Restated Development Agreement By and Between the City of Tracy and Surland Communities, LLC, dated May 3, 2018 (2018 Second Amendment to Development Agreement or 2018 DA); and

WHEREAS, the Second Amendment to the 2013 Development Agreement revised the City's and Surland's respective responsibilities, rights, and obligations with respect to the Aquatic Center, including by providing that in lieu of paying the City $8 Million of the $10 Million owed under the 2013 Development Agreement, Surland would facilitate design and construction services for the Aquatic Center; and

WHEREAS, as to design and construction, the 2018 Second Amendment to the Development Agreement added a new section 1.01(j) which provided, among other things, that Surland would "retain and compensate consultants to design the Swim Center with input from the community and City staff and with direction from the City Council," and that before Surland prepared construction improvement plans the City Council would approve a final conceptual plan; and

WHEREAS, on May 11, 2018, Mary Mitracos, as Petitioner and Plaintiff, filed a lawsuit against the City, as Respondent and Defendant, and Surland, as Real Party in Interest, challenging the legality of Ordinance 1253 and the 2018 Second Amendment to the Development Agreement, *Mitracos v. City of Tracy, et al.*, San Joaquin County Superior Court Case No. STK-CV-UWM-2018-5531; and

WHEREAS, on September 30, 2020, the San Joaquin County Superior Court entered Judgment (Judgment) for Plaintiff Mitracos and against the City and Surland, and issued a Peremptory Writ of Mandate (Writ), each of which was served on the City on October 8, 2020; and

WHEREAS, the Judgment served on October 8, 2020 includes the following rulings (the Judgment refers to the 2018 Second Amendment to the Development Agreement as the "2018 DA"):

> IT IS SO ORDERED, DECREED AND ADJUDGED that:
>
> 1. Judgment granting a Peremptory Writ of Mandate is entered in favor of Petitioner Mitracos in this proceeding. Judgment is entered because the Court finds that Respondent committed a prejudicial abuse of discretion in taking the following actions:
>
> (a) Adopting, approving and entering into the Second Amendment to Amended and Restated Development Agreement by and between the City of Tracy and Surland Communities, LLC" ("2018 DA").
>
> (b) Adopting Ordinance 1253[.]
>
> 2. The Court finds the 2018 DA does not comply with Government Code Sections 65865(b) and 65865.2 and is therefore void ab initio.
>
> 3. A Preemptory Writ of Mandate direct[ed] to Respondents shall issue under seal of this Court, ordering Respondents to vacate and set aside, within (30) days from service of the Writ of Mandate, all approvals and adoptions of the 2008 DA and Ordinance 1253, as described in paragraph 2 above in their entirety and all other actions taken by Respondents to approve or implement the Development Agreement. Respondent City is

ordered to:

(a) Set aside, rescind, and vacate the "Second Amendment to Amended and Restated Development Agreement by and between The City of Tracy and Surland Communities, LLC" ("2018 DA").

(b) Set aside, rescind, and vacate Ordinance 1253.

(c) Set aside, rescind, and vacate any actions taken pursuant to the "Second Amendment to Amended and Restated Development Agreement by and Between the City of Tracy and Surland Communities, LLC" ("2018 DA") and Ordinance 1253.

4. Respondent City shall file a return to the Peremptory Writ of Mandate within 10 days of completion of the actions mandated by this judgment. This Court shall retain jurisdiction over Respondents' proceedings by way of the return to the Peremptory Writ of Mandate until the Court has determined that Respondent has complied with the directives of this Court.

5. Petitioner shall be awarded its costs of suit. Petitioner is the successful party pursuant to Code of Civil Procedure § 1021.5. The Court reserves jurisdiction to determine entitlement to attorneys' fees and litigation expenses, pursuant to any properly and timely filed motion which Petitioner Mitracos may make.

6. Injunctive relief is granted consistent with this ruling. Respondents, Real Parties in Interest, and their respective agents, employees, and persons acting in concert with them are permanently enjoined from any and all actions to further implement the 2018 Development Agreement as described in paragraph 1(a) above.

and

WHEREAS, the Writ served on October 8, 2022 includes the following commands:

YOU ARE HEREBY COMMANDED to comply with the following:

1. Within thirty (30) days from service of this Writ, set aside, rescind, and vacate the "Second Amendment to Amended and Restated Development Agreement by and between the City of Tracy and Surland Communities, LLC" ("2018 DA");

2. Within thirty (30) days from service of this Writ, set aside, rescind, and vacate Ordinance 1253;

3. Within thirty (30) days from service of this Writ, set aside, rescind, and vacate any actions taken pursuant to the "Second Amendment to Amended and Restated Development Agreement By and Between The City of Tracy and Surland Communities, LLC" ("2018 DA") and Ordinance 1253.

4. Respondent City shall file a return to the Peremptory Writ of Mandate within 10 days of completion of the actions mandated by this Writ. This Court shall retain jurisdiction over Respondent's proceedings by way of the return to the Peremptory Writ of Mandate until the Court has determined that Respondents have

complied with the directives of this Court.

and

WHEREAS, on November 6, 2020 (which was within 30 days of service of the Judgment and Writ), the Superior Court extended the compliance deadline to November 12, 2020, and then on November 12, 2020, extended the compliance deadline to January 22, 2021; and

WHEREAS, on October 23, 2020, the City and Surland filed a joint motion for a new trial, or in the alternative, to set aside and vacate the judgment and enter a new judgment, which was denied by operation of law on or about December 22, 2020; and

WHEREAS, on January 15, 2021, the City and Surland appealed to the California Court of Appeal, Third District, which stayed any obligation to comply with the Judgment and Writ unless and until the Judgment was affirmed by a final decision on appeal; and

WHEREAS, on May 16, 2022, the Third District Court of Appeal issued an unpublished opinion denying the appeal and affirming the Judgment, which decision became final 30 days thereafter; and

WHEREAS, on July 18, 2022, the Court of Appeal issued a Remittitur, returning the lawsuit to the Superior Court; and

WHEREAS, Surland is responsible to cover all City costs and expenses associated with the Mitracos lawsuit pursuant to a hold harmless and indemnity provision of the 2013 Development Agreement; and

WHEREAS, the City is obligated to comply with the Judgment and Writ, and is doing so; and

WHEREAS, on August 16 and September 6, 2022, the City Council introduced and adopted, respectively, Ordinances rescinding Ordinance 1253 and the 2018 Second Amendment to Development Agreement; and

WHEREAS, the City has not taken any action to implement the 2018 Second Amendment to Development Agreement since well before the Court of Appeal issued its May 16, 2022 opinion denying the appeal and affirming the Judgment; and

WHEREAS, the City understands that it may not take any action to implement the 2018 Second Amendment; and

WHEREAS, the City remains obligated to rescind and unwind actions previously taken to implement Ordinance 1253 and the Second Amendment; and

WHEREAS, on August 18, 2020, the City Council adopted, pursuant to the Second Amendment, Resolution 2020-154 Approving Final Aquatic Center Conceptual Plan with a Not-to-Exceed Amount of $65 Million Including Contingency and Soft Costs; and

WHEREAS, City staff is evaluating what additional actions need to be taken to set aside, rescind and vacate any actions previously taken to implement Ordinance 1253 and the Second Amendment; now, therefore, be it

RESOLVED: the City Council hereby rescinds, in its entirety, Resolution 2020-154 Approving Final Aquatic Center Conceptual Plan with a Not-to-Exceed Amount of $65 Million Including Contingency and Soft Costs; and be it

FURTHER RESOLVED: City staff shall further evaluate additional actions that may need to be taken to fully unwind the 2018 Second Amendment to Development Agreement and Ordinance 1253; and be it

FURTHER RESOLVED: City staff shall pursue development of the Aquatic Center, as originally intended under the 2013 Development Agreement, as modified by the First Amendment and the Tolling Agreements; and be it

FURTHER RESOLVED: the City Council finds and determines that the adoption of this Resolution is not a project within the meaning of the California Environmental Quality Act ("CEQA"), including as the term "project" is defined by section 15378 of the CEQA Guidelines, including without limitation because the adoption of this Resolution is a ministerial action not subject to and exempt from CEQA (see section 15268 of the CEQA Guidelines), and that even if it were a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

* * * * * * * * * * * * * * *

The foregoing Resolution 2022-134 was adopted by the Tracy City Council on the 20th day of September, 2022, by the following vote:

AYES:	COUNCIL MEMBERS: ARRIOLA, BEDOLLA, VARGAS, YOUNG
NOES:	COUNCIL MEMBERS: NONE
ABSENT:	COUNCIL MEMBERS: NONE
ABSTENTION:	COUNCIL MEMBERS: DAVIS

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

APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION NO. _____

ACCEPTING THE IRREVOCABLE OFFER OF DEDICATION OF FEE INTEREST FOR 16 ACRES OF COMMUNITY PARK LAND FOR AN AQUATICS PARK (AQUATIC CENTER), GENERALLY LOCATED AT THE INTERSECTION OF CORRAL HOLLOW ROAD AND SUMMIT DRIVE (PROPERTY), FROM ELLIS VILLAGE, LLC TO THE CITY OF TRACY, A MUNICIPAL CORPORATION (CITY), AND DIRECTING THE CITY MANAGER TO TAKE REQUISITE ACTIONS TO EFFECTUATE THE ACCEPTANCE OF THE PROPERTY

WHEREAS, Ellis Village, LLC is a controlled entity of Surland Communities, LLC (**Surland**); and

WHEREAS, The City of Tracy (**City**) and Surland have been parties to a longstanding development agreement, dating as far back as 2009, with respect to Surland's development of real property located within the Ellis Specific Plan; and

WHEREAS, The Ellis Specific Plan (**ESP**) and ESP Environmental Impact Report (**ESP EIR**), in accordance with the California Environmental Quality Act and related Guidelines (**CEQA**), were approved by the City Council on January 22, 2013; and

WHEREAS, The original development agreement was invalidated during a court proceeding, and in 2013, the City Council adopted an ordinance approving an Amended and Restated Development Agreement with Surland Communities, LLC (**2013 Development Agreement**); and

WHEREAS, Among other things, the 2013 Development Agreement required Surland to dedicate to the City 16 acres of land within the ESP for the future home of a public aquatics park (**Aquatic Center**), through the grant to the City of an irrevocable offer of dedication (**IOD**), by a certain date; and

WHEREAS, In addition to the IOD, the 2013 Development Agreement required Surland to pay the City $10 million towards the development, construction, operation and maintenance of the facility; and

WHEREAS, Through various tolling agreements, the parties negotiated a different location for the land dedication and extended the dates by which Surland had to grant the IOD and pay the amount due; and

WHEREAS, The last extended dates are reflected in that certain Fourth Agreement To Toll And Extend The Dedication Acceptance Period And The 60-Day Cure Period For The Second Swim Center Payment Under The Amended And Restated Development Agreement By And Between The City Of Tracy And Surland Communities, LLC, dated April 3, 2018 (**Fourth Tolling Agreement**); and

WHEREAS, The parties also amended the 2013 Development Agreement twice, the most recent of which was pursuant to that certain Second Amendment to the Amended and Restated Development Agreement By and Between the City of Tracy and Surland Communities, LLC (**2018 Second Amendment**); and

WHEREAS, Among other things, the 2018 Second Amendment revised, from the City to Surland, the responsibilities, rights, and obligations with respect to the development of the Aquatic Center; and

WHEREAS, Surland prepared conceptual plans for the Aquatic Center, and per the terms of the 2018 Second Amendment, the City has reimbursed Surland $1,318,287 for such services, from an initial $2 Million that Surland had paid to the City pursuant to the 2013 Development Agreement; and

WHEREAS, Mary Mitracos filed a lawsuit against the City and Surland challenging the legality of the 2018 Second Amendment to Development Agreement and the ordinance effectuating its approval by the City Council; and

WHEREAS, In 2020, the San Joaquin County Superior Court entered Judgment in Ms. Mitracos' favor and issued a Peremptory Writ of Mandate ordering the City to rescind the 2018 Second Amendment and all actions taken pursuant to that amendment; and

WHEREAS, The Court's ruling was affirmed on appeal and the City is complying with the Court's mandate; and

WHEREAS, On September 20, 2022, in compliance with the Court order, the City Council rescinded through Resolution 2022-134 various actions that had been taken pursuant to the 2018 Second Amendment, including the City's prior approval of the conceptual plans that had been developed by Surland; and

WHEREAS, The City now holds control of the Aquatic Center project per the rescission of the 2018 Second Amendment; and

WHEREAS, On January 28, 2021, the San Joaquin County Recorder's Office recorded the IOD that had been granted to the City, in accordance with Section 7050 of the California Government Code; and

WHEREAS, By the terms of the IOD, the City has no deadline by which it must accept the land dedication, but acceptance of the 16 acres is a critical first step in the City's delivery process for the Aquatic Center; and

WHEREAS, The ESP EIR analyzed key elements of the future Aquatic Center and identified no mitigation measures directly related to the Aquatic Center; now, therefore, be it

RESOLVED: That the City Council of the City of Tracy hereby accepts the Irrevocable Offer of Dedication of Fee Interest for 16 acres of community park land for an aquatics park **(Aquatic Center)**, generally located at the intersection of Corral Hollow Road and Summit Drive, granted by Ellis Village, LLC to the City of Tracy, a municipal corporation, and recorded by the San Joaquin County Recorder's Office on January 28, 2021, as instrument number 2021-016679; and be it

FURTHER RESOLVED: That the City Council hereby directs the City Manager to take all requisite actions necessary to effectuate the acceptance of the dedicated land; and be it

FURTHER RESOLVED: That the City Council hereby finds and determines, based upon its own independent analysis and judgment, that the Ellis Specific Plan Environmental Impact Report (**ESP EIR**) was prepared in accordance with the California Environmental Quality Act and related Guidelines (**CEQA**); that the City Council, on January 22, 2013, certified the ESP EIR; that the ESP EIR adequately analyzed key elements of the future Aquatic Center and identified no mitigation measures directly related to the Aquatic Center; that this action is for an acceptance of land only and not implementation of the Aquatic Center; that additional discretionary actions are necessary to effectuate the design and construction of the Aquatic Center project; and that any additional environmental review required under CEQA will be conducted upon completion of the final design of the Aquatic Center, prior to the commencement of any construction activity.

* * * * * * * * * * * * * * *

The foregoing Resolution 2022-_____ was adopted by the Tracy City Council on October 4, 2022, 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

October 4, 2022

Agenda Item 3.D

Staff recommends that the City Council adopt a Resolution (1) Reaffirming the program priorities for the Aquatic Center CIP 78054 Project, and (2) Authorizing the City Manager to pursue the progressive design-build delivery method for the project.

EXECUTIVE SUMMARY

Through this item, staff recommends the City Council reaffirms the program priorities for the Aquatic Center (**Project**). In addition, staff recommends that the City Council authorize staff to pursue the progressive design-build project delivery method. This is an integrated project delivery approach to help streamline the completion of this facility, and a critical next step in the process of completing the Project.

BACKGROUND AND LEGISLATIVE HISTORY

The City of Tracy and Surland Communities LLC (**Developer**) have been parties to a longstanding development agreement, dating as far back as 2009, with respect to the Surland's development of real property located within the Ellis Specific Plan. As a part of this agreement, the Developer is required to dedicate 16 acres of land within the Ellis Specific Plan through an irrevocable offer of dedication (**IOD**) to the City for the future home of an aquatics park **(Aquatic Center)** and to pay the City $10 million towards the development, construction, operation, and maintenance of the facility. Of the $10 million owed, Surland made an initial payment of $2 million to the City on September 5, 2014.

As part of this court-mandated process, an important action the City Council has taken is rescinding the Final Conceptual Plan for the Project that was adopted by the City Council in 2020 (Resolution 2020-154). The Conceptual Plan was approved with a not-to-exceed total project cost of $65 million, including contingency and soft costs. The committed funding for this Project is $55 million from the City and $10 million from the Developer. The Developer contribution is pursuant to the terms of the 2013 Development Agreement.

Further, following the rescinding of the Second Developer Agreement, the City now resumes control of project delivery of the Aquatic Center including design and construction. While the Final Conceptual Plan has been rescinded, the ideas behind this plan were the result of extensive public input. In fact, an extensive public outreach campaign was conducted in 2016; after which community consensus was reached on the elements that were incorporated into the now rescinded Final Conceptual Plan designed by Developer. Based on this community input, the City Council established the following program priorities for the Project, listed in order of importance starting with the most desirable to least desirable:

1. 50-meter pool
2. Recreation/warm-up pool
3. Lazy River
4. Water slides
5. Toddler area
6. Indoor pool (optional)
7. Fitness center (optional)

Staff is requesting the Council to reaffirm these as the established program priorities for the Project.

Irrevocable Offer of Dedication (IOD) of Fee Interest

Although the Final Conceptual Plan was rescinded as a part of the court order (Resolution 2022-134), the Project is continuing to move forward. By separate item on this meeting agenda, staff is recommending that the City Council accept the IOD. This acceptance will provide certainty as to the location of the Project.

ANALYSIS

Progressive Design Build Process

Project delivery is a comprehensive process that includes planning, design, and construction required to build a facility, such as the aquatics park. Most capital improvement projects the City completes follow the design-bid-build delivery method. This involves a competitive request for proposals (**RFP**) process to secure a designer (or the use of in-house staff), the completion of construction documents, a public advertisement for construction bids, awarding of a construction contract to the lowest responsive bidder, and then ultimately construction. In this case, staff is looking at an alternative delivery method for the Aquatic Center (Project).

The design-build method streamlines the procurement process for a project allowing an agency to select a designer and a construction contractor in one contract removing additional steps involved with design-bid-build. However, traditional design-build is still a two-step process in which project design is usually 35 percent complete at the time the designer-contractor team is selected. Following this traditional design-build path would require the City to first hire an architect-of-record to develop 35 percent construction documents to be included with a future RFP to hire the designer-contractor team. The traditional design-build method is also challenging for this Project because any consultants, whether prime or sub, that are involved in the 35 percent documents would be precluded from proposing on the design-build RFP. This limits interest in this initial portion of work for a project that is already highly specialized with a limited number of design firms and contractors that do this type of work.

To eliminate this concern, staff is recommending a slightly different delivery approach known as Progressive Design-Build (**PDB**). The PDB method, just like traditional design-build, is completed under one competitively awarded contract with a single-source team completing both design and construction services for the project allowing for fast tracking of the schedule. According to the Design-Build Institute of America, PDB allows the design-build team to be involved from the very beginning of design. This fosters collaboration between the owner (the City in this case), the designer and the contractor. Once the design documents reach somewhere between 50 and 75 percent complete, the design-builder issues a Guaranteed Maximum Price (**GMP**) for the Project. This gives the City much more certainty on total cost of the project than the traditional design-bid-build or design-build methods. The designer-builder team is responsible to meet the performance standards set by the City in the contract and for any issues that may arise during this process. Cost savings are more likely with PDB since the contractor and designer work together throughout the process resulting lower probability of change orders, claims and litigation. Change orders are typically limited to City-induced

changes because of the enhanced project coordination.

More information on PDB can be found at the following website address https://dbia.org/the-emergence-of-progressive-design-build/. For this Project, it has been made clear by the Council and the community that time is of the essence. The PDB method creates an integrated process to streamline project delivery which is also extremely critical due to the current inflationary impacts the City is seeing on capital projects.

Any procurement process initiated by staff (estimated to take approximately 90-120 days) would include an RFP process and evaluation of a designer-contractor team to begin the design process. It is important to note that 90-120 days is approximately how long staff anticipates would be needed to complete due diligence on proposals received and ultimately negotiate a contract with the preferred proposer and present it for consideration and award by the City Council. The timeline for this Project will be better refined once the final award of contract is made by the Council, but staff anticipates the design process to take approximately 12 months and construction to be an 18–24-month process with the facility opening in Summer 2025. Staff has developed this preliminary timeline based upon completed PDB projects listed on the Design-Build Institute of America's website and preliminary discussions with experts in the field. Based on this preliminary timeline, the Project timeline remains consistent with the timeline presented to the City Council in November 2021.

Staff is seeking approval, by resolution, to pursue the PDB project delivery method for the Project, which is Aquatic Center CIP 78054. This is an initial step only, and the final recommended bidder under any RFP process undertaken by staff would be presented at a future date to the City Council as well as requisite environmental review, updated project scope and budget augmentation for final consideration and approval. All of these would be the critical discretionary actions Council will need to take, at a future date, in furtherance of the Project.

Project Budget and Construction Market Conditions (Inflation)

The current committed budget for the Project is $65 million, which includes $10 million from the Developer and $55M from Measure V. As noted earlier, the City has not received Developer's full contribution and the developer has expressed disagreement with how much they owe the City. Staff notes that there will be a funding gap in the Project without this full Developer contribution.

In addition, staff has been highlighting the impacts of inflation on capital improvement projects in a number of recent staff reports and this Project is subject to the same impacts. Inflation impacts on project budgets are creating 1.5% to 2% increases per month since January 2021, or approximately 20%. Assuming that the same would apply to this Project, the inflation impacts have the potential to add an additional cost of $13M to $18M conservatively.

Two very similar aquatic centers, the Elk Grove Aquatic Center and The Wave (Dublin), were highlighted to the Council on November 5, 2019. These aquatic centers are nearly identical to this Project. The Wave was completed in May 2017 at a total project cost of $43M, and Elk Grove Aquatic Center was completed in May 2019 at a total project cost of $47.5M. Due to rising inflation and construction escalation, staff would expect these projects to be a minimum of 50-75% higher in cost if constructed in today's market, or approximately $65M-$80M. Staff is not seeking a budget increase with this report, but will return once the design work is complete

with cost estimations.

FISCAL IMPACT

This item is requesting only the commencement of an RFP process for a PDB delivery method; this first step is preliminary and not binding. The Project budget is current $65 million, and a portion of that has yet to be received by Developer. The full Project cost based on today's inflationary amounts and funding sources will not be known until the RFP process is further underway. Staff will return to the City Council for a Project budget approval at that time.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Quality of Life Strategic Priority, and specifically implements the following goals:

Goal 2: Facilitate the Completion of Measure V Amenities; Objective 2: Advance Measure V amenity planning.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Ellis Specific Plan Environmental Impact Report (**ESP EIR**) was prepared in accordance with the California Environmental Quality Act and related Guidelines (**CEQA**), and the City Council, on January 22, 2013, certified the ESP EIR. The ESP EIR adequately analyzed key elements of the Project and identified no mitigation measures directly related to the Project. This action is for a reaffirmation of program priorities and approval of a delivery method, and not implementation of the Project itself. Additional discretionary actions are necessary to effectuate design and construction of the Project. As such, any additional environmental review required under CEQA will be conducted prior to any critical discretionary approvals that are required to be taken in order to implement the Project.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution (1) reaffirming the program priorities for the Aquatic Center CIP 78054 project (project), and (2) authorizing the City Manager to pursue the progressive design-build delivery method for the project.

Respectfully submitted,

Brian MacDonald
Director of Parks and Recreation

APPROVED AS TO FORM AND LEGALITY

_____
CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION NO. _____

ADOPT A RESOLUTION (1) REAFFIRMING THE PROGRAM PRIORITIES FOR THE AQUATIC CENTER CIP 78054 PROJECT (PROJECT), AND (2) AUTHORIZING THE CITY MANAGER TO PURSUE THE PROGRESSIVE DESIGN-BUILD DELIVERY METHOD FOR THE PROJECT

WHEREAS, The City of Tracy (**City**) and Surland Communities, LLC (**Surland**) have been parties to a longstanding development agreement, dating as far back as 2009, with respect to Surland's development of real property located within the Ellis Specific Plan (**ESP**); and

WHEREAS, The ESP and ESP Environmental Impact Report (**ESP EIR**), in accordance with the California Environmental Quality Act and related Guidelines (**CEQA**), were approved by the City Council on January 22, 2013; and

WHEREAS, The original development agreement was invalidated during a court proceeding, and in 2013, the City Council adopted an ordinance approving an Amended and Restated Development Agreement with Surland Communities, LLC (**2013 Development Agreement**); and

WHEREAS, Among other things, the 2013 Development Agreement required Surland to dedicate to the City 16 acres of land within the ESP for the future home of a public aquatics park, which the City shows as the Aquatic Center CIP 78054 (**Project**), through the grant to the City of an irrevocable offer of dedication (**IOD**), by a certain date; and

WHEREAS, In addition to the IOD, the 2013 Development Agreement required Surland to pay the City $10 million towards the development, construction, operation and maintenance of the facility; and

WHEREAS, Through various tolling agreements, the parties negotiated a different location for the land dedication and extended the dates by which Surland had to grant the IOD and pay the amount due; and

WHEREAS, The parties also amended the 2013 Development Agreement twice, the most recent of which was pursuant to that certain Second Amendment to the Amended and Restated Development Agreement By and Between the City of Tracy and Surland Communities, LLC (**2018 Second Amendment**); and

WHEREAS, Among other things, the 2018 Second Amendment revised, from the City to Surland, the responsibilities, rights, and obligations with respect to the development of the Project; and

WHEREAS, Surland prepared a Final Conceptual Plan for the Project, and per the terms of the 2018 Second Amendment, the City has reimbursed Surland $1,318,287 for such services, from an initial $2 Million that Surland had paid to the City pursuant to the 2013 Development agreement; and

WHEREAS, Mary Mitracos filed a lawsuit against the City and Surland challenging the legality of the 2018 Second Amendment to Development Agreement and the ordinance effectuating its approval by the City Council; and

WHEREAS, In 2020, the San Joaquin County Superior Court entered Judgment in Ms. Mitracos' favor and issued a Peremptory Writ of Mandate ordering the City to rescind the 2018 Second Amendment and all actions taken pursuant to that amendment; and

WHEREAS, The Court's ruling was affirmed on appeal and the City is complying with the Court's mandate; and

WHEREAS, On September 20, 2022, in compliance with the Court order, the City Council rescinded (through Resolution 2022-134) various actions that had been taken pursuant to the 2018 Second Amendment, including the City's prior approval of the Final Conceptual Plan that had been developed by Surland; and

WHEREAS, The City now holds control of the Project per these court mandated actions; and

WHEREAS, This is a major shift resulting from a longstanding litigation process that that recently ended; and

WHEREAS, To actively proceed on this Project, the City must take various next steps; and

WHEREAS, A separate agenda item is recommending the City Council accept the IOD for the 16 acres of land, that will provide certainty for the Project site; and

WHEREAS, Through this item, staff recommends the City Council reaffirm the program priorities for the Project; and

WHEREAS, While the Final Conceptual Plan has been rescinded, the ideas behind this plan were the result of extensive public input; and

WHEREAS, Based on the extensive community input, the City Council established the following program priorities for the Project, listed in order of importance starting with the most desirable to least desirable:

1. 50-meter pool
2. Recreation/warm-up pool
3. Lazy River
4. Water slides
5. Toddler area
6. Indoor pool (optional)
7. Fitness center (optional)

WHEREAS, In addition to the program priorities, staff seeks authorization to pursue a specific delivery method for this Project; and

WHEREAS, Project delivery is a comprehensive process that includes planning, design and construction required to build a facility, such as an aquatics center; and

WHEREAS, The design-build method streamlines the procurement process for a project allowing an agency to select a designer and a construction contractor in one contract removing additional steps involved with design-bid-build; and

WHEREAS, However, traditional design-build is still a two-step process in which project design is usually 35 percent complete at the time the designer-contractor team is selected; and

WHEREAS Following the traditional design-build path would require the City to first hire an architect-of-record to develop 35 percent construction documents to be included with a future RFP process to hire the designer-contractor team; and

WHEREAS, The traditional design-build method is also challenging for this Project because any consultants, whether prime or sub, that are involved in the 35 percent documents would be precluded from proposing on the design-build RFP; and

WHEREAS, To eliminate this concern, staff is recommending a slightly different approach known as Progressive Design Build (PDB); and

WHEREAS, The PDB method, just like traditional design-build, is completed under one competitively awarded contract with a single-source team completing both design and construction services for the project allowing for fast tracking of the schedule; and

WHEREAS, The Project cost would not be determined until later in the project and the City is not committed to the original contractor in a PDB process if the City does not reach agreement on cost, schedule and construction terms; and

WHEREAS, The ESP EIR was prepared in accordance with the California Environmental Quality Act and related Guidelines (**CEQA**), and the City Council, on January 22, 2013, certified the ESP EIR; and

WHEREAS, The ESP EIR analyzed key elements of the future Aquatic Park and identified no mitigation measures directly related to the Aquatic Park; and

WHEREAS, This action is for a reaffirmation of program priorities and approval of a delivery method, and not implementation of the Project itself; and

WHEREAS, Critical discretionary actions are necessary to effectuate design and construction of the Project; now, therefore, be it

RESOLVED: That the City Council of the City of Tracy hereby reaffirms the following program priorities for the Project, listed in order of importance starting with the most desirable to least desirable:

1. 50-meter pool
2. Recreation/warm-up pool
3. Lazy River

4. Water slides
5. Toddler area
6. Indoor pool (optional)
7. Fitness center (optional)

and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Manager to pursue the Progressive Design-Build project delivery method for the Aquatic Center CIP 78054 Project; and be it

FURTHER RESOLVED: That this authorization is for the pursuit of a specific type of delivery method for the Project only and that the City Manager shall return to the City Council for additional discretionary approvals related to the selection of a contractor resulting from any RFP process undertaken by staff as well as all requisite actions that may be needed under CEQA, an updated Project scope, and any necessary budget augmentation; and be it

FURTHER RESOLVED: The City Council hereby finds and determines, based upon its own independent analysis and judgment that: the Ellis Specific Plan Environmental Impact Report (**ESP EIR**) was prepared in accordance with the California Environmental Quality Act and related Guidelines (**CEQA**), and the City Council, on January 22, 2013, certified the ESP EIR; the ESP EIR adequately analyzed key elements of the Project and identified no mitigation measures directly related to the Project; this action is for a reaffirmation of program priorities and approval of a delivery method only, and not implementation of the Project itself; additional discretionary actions are necessary to effectuate design and construction of the Project; any additional environmental review required under CEQA will be conducted prior to any critical discretionary approvals that are still required to be taken in order to implement the Project.

* * * * * * * * * * * * * *

The foregoing Resolution 2022-_____ was adopted by the Tracy City Council on October 4, 2022, 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

October 4, 2022

Agenda Item 3.E

RECOMMENDATION

Staff recommends that the City Council receive an informational report regarding the City of Tracy's homelessness initiatives.

EXECUTIVE SUMMARY

This report provides an update on the City's efforts to address the impacts of homelessness and quality of life issues in the community, including an update on the City's emergency interim shelter activities.

BACKGROUND AND LEGISLATIVE HISTORY

Recognizing the importance of responding to quality-of-life issues including the human services needs of the City's unsheltered population, the City has devoted significant resources toward addressing the impacts of homelessness within the community. Staff continues to coordinate efforts between various departments to conduct bi-weekly clean-ups of public spaces, foster partnerships with non-profit organizations to share information on services and programs with the unsheltered, secure grants to support homeless services, and developing and commencing construction of a temporary emergency housing shelter facility. City staff has worked vigorously to balance the circumstances of the unsheltered as well as the needs of the community.

Since the last update in May 2022, several key events have taken place:

1. Onboarding of new Homelessness Services Manager;
2. Reaffirmed shelter crisis and authorized City Manager to initiate emergency interim solutions;
3. Rejection of Bids for Phase 2 construction of the Temporary Emergency Housing Facility (TEHF);
4. Service Provider Request for Qualifications;
5. Site and services work;
6. Selection and initiation of security services at El Pescadero Park;
7. Funding status/Grants update;
8. Recruitment and selection of "Familiar Faces" personnel;
9. Tracy Homeless Advisory Committee meeting –
    - Arbor Avenue site prep for interim solution;
    - Placement of interim modulars housing units on Arbor Avenue;
    - Identification of secondary interim overflow site.
10. Phasing relocation and Transition Plan.

ANALYSIS AND POTENTIAL ALTERNATIVES

Pursuant to Council's reaffirmation of the emergency shelter crisis, the City Manager authorized staff to move forward on interim emergency shelter solutions, contracts for services, and selection of providers to run the interim sites. Staff is in the process of hiring two Police Homeless Outreach Coordinator positions with a tentative start date in mid-October 2022. Two of five modular buildings were placed at the Arbor Avenue interim site, with expected occupancy the week of October 24th.

Updates

1. Onboarding of new Homeless Services Manager

The City's Homeless Services Manager onboarded in early June to oversee the City's homelessness initiatives and begin developing the City's Homeless Services Division. Since then, the City also onboarded an Administrative Technician who joined the division in late August. The team has been tasked with managing the implementation of the two interim shelter sites, coordination of selected operators and service providers at the two sites, outreach and transition efforts within the City, and navigating gaps within these systems to provide solutions to the City's shelter crisis.

2. Reaffirm Shelter Crisis/Authorized City Manager to Initiate Emergency Interim Solutions

August 16, 2022, the Council reaffirmed an emergency shelter crisis as the City of Tracy experiences an increasing number of unsheltered or homeless individuals over the past several years with the largest encampment located at El Pescadero Park.

3. Rejection of Bids for Phase 2 Construction of TEHF

The City's efforts to construct its first emergency housing facility was delayed when, on July 20th, 2022, no successful bids were submitted for the above ground construction (Phase 2 Construction) of the Arbor Road construction site. Consequently, the bid documents were reevaluated, modified and put back out to bid on September 12, 2022. The bid will close on October 19, 2022 with above ground construction anticipated to begin before the end of the calendar year with a completion date of Summer 2023. The most recent update on the switchgear part, critical for providing electricity to the site, is that it is anticipated for delivery around the end of February 2023.

4. Statement of Qualifications Released to Solicit Service Providers

A Statement of Qualifications was posted to the public on September 1, 2022, for selection of service provider(s) to operate the facility and provide case management to connect clients experiencing homelessness with health, employment and housing resources. This solicitation closed on September 14, 2022. As of the writing of this staff report, staff is working to secure service contracts with those who submitted.

5. ***Site and Services Work***

Arbor Road Emergency Housing Facility - Phase 1 – sitework, demo and underground utilities work was completed in August 2022.

6. ***Private Security Services at El Pescadero Park***

A private security company began patrolling El Pescadero Park on September 14, 2022. The security will consist of two security officers patrolling the park 24 hours per day, seven days per week. On Wednesday, September 14th, 24-hour security services began at El Pescadero Park. Trine Security provides a daily activity report to Tracy Police Department (PD) Command staff detailing their interactions and the assistance

they provide to the people at the park. Their daily activity reports provide strong intelligence regarding the activities occurring and surrounding the park. They have frequently deterred and deescalated incidents and have called Tracy PD as needed. They are also equipped with body cameras and have shared images of suspicious activity to Tracy PD.

7. Funding Status/Grants Update

City is currently working with the County on resubmitting for additional ARPA funding proposals to help support the costs associated with the interim shelter solutions.

8. Familiar Faces Personnel (Police Homeless Outreach Coordinator Positions)

Two conditional job offers have been made. Both candidates are completing the background process.

9. Tracy Homeless Advisory Committee Meeting

A Town Hall-style meeting was scheduled on August 22, 2022 to coincide with the Tracy Homelessness Advisory Committee meeting. The Tracy Homelessness Advisory Committee met on August 22, 2022, for their quarterly meeting to receive an update on the shelter transition plan in conjunction with the Familiar Faces Program and to conduct a town hall style discussion to elicit resources for potential interim shelter solutions. The goal was to illicit shelter-related resources from the community and connect with the community organizations and providers to assist in determining the scope of services available and needs within the City and surrounding areas. Staff shared designated site progress reports and timeline phase plans to the advisory committee members. During the town-hall exercise, staff reached out to the community with an invitation to identify site operational resources and services available.

As an outcome of the unsuccessful Phase 2 construction bid process, the Tracy Advisory Committee directed the City Manager to consider co-locating an interim (emergency) site at the existing Arbor Avenue project site. The emergency carve-out at the Arbor Avenue site is planned to provide emergency housing for approximately 40 people while the Phase 2 construction of the permanent structure continues through a rebidding process and construction. The Phase 2 above ground construction went back out for bid on September 12, 2022 and will close October 19, 2022.

10. Phasing Relocation and Transition Plan

Staff is working alongside law enforcement and service providers to develop a phasing relocation plan. As encampments have grown over the last few years, it is estimated that it will take some time and planning to transition individuals from their camps into a more dignified housing situation. As of today, the interim Arbor Avenue site project is underway with the first modulars facilities placed on site on September 26, 2022. This project is expected to provide five above-ground modulars, one of which will be allotted for an administrative building to house operations and support services as well as the additional ancillary structures which may include showers, bathrooms and storage containers. This site is able to house between 32-48 individuals, based on final layout. Based on the San Joaquin County Continuum of Care's 2022 Point in

Time Count, there were 118 unsheltered homeless individuals residing in Tracy. Given that the emergency/interim solution at the Arbor Avenue site will be limited in capacity, staff has also identified a second site to serve as an overflow site. More details will be provided as they are available.

PARTNERS & COLLABORATIVE EFFORTS

Collaborative efforts, agencies, and partners: Operation Helping Hands and City staff conduct outreach weekly in some capacity with local providers. Working closely with county partners like Community Medical Centers and Whole Person Care who will be coming alongside the City of Tracy in our efforts once we have a shelter site up and running.

Coordination with SJC CoC: Working with county housing providers to look at potential sites to bring permanent supportive housing solutions to the City for a project Home key application.

FISCAL IMPACT

This discussion has no impact to the City's General Fund.

PUBLIC OUTREACH/INTEREST

A Town Hall style activity was conducted at the Homeless Advisory Committee meeting on August 22, 2022. At this meeting the community gave feedback and support for solutions to our shelter crisis.

COORDINATION

Coordinated efforts between City departments continue, including the Public Works Department, South County Fire Authority, Tracy Police Department and the Code Enforcement team to proactively address issues related to homelessness and providing bi-weekly park clean-ups. These clean-ups also serve as an opportunity to educate the homeless population on available resources in the community and the upcoming transition plan once the shelter sites are onboard.

The continued bi-weekly deployment of "Operation Helping Hands" (OHH): This team includes the Homeless Services Division, Tracy Police Neighborhood Resource Officers, San Joaquin County Behavioral Health Department, Care-Link, Whole Person Care, Community Medical Centers, The Salvation Army and local non-profits.

CEQA DETERMINATION

Any required action related to the California Environmental Quality Act will be taken at the time of project(s) approval(s).

STRATEGIC PLAN

This agenda item supports the Public Safety Strategic Priority, Implement the adopted Homelessness Strategic Plan.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends Council receive this informational report regarding the City of Tracy's homelessness initiatives.

Respectfully submitted,

Virginia Carney
Homeless Services Manager

October 4, 2022

Agenda Item 3.F

RECOMMENDATION

Staff recommends that the City Council appoint Maurice Francis to the City of Tracy Transportation Advisory Commission to serve the remainder of the vacated term beginning October 5, 2022 and ending April 30, 2025

EXECUTIVE SUMMARY

On August 8, 2022, the current City of Tracy representative on the Transportation Advisory Commission resigned. A recruitment was conducted, and an appointment needs to be made to fill the remainder of the vacated position.

BACKGROUND AND LEGISLATIVE HISTORY

On August 10, 2022 a commissioner on the City of Tracy Transportation Advisory Commission sent a notification that they would be resigning from their position. To fill the vacancy, the City Clerk's Office conducted a recruitment beginning on August 25, 2022, ending September 16, 2022, during which time, one application was received.

ANALYSIS

On September 26, 2022, a Council subcommittee consisting of Mayor Pro Tem Vargas and Mayor Young, interviewed one applicant for the City of Tracy Transportation Advisory Commission. In accordance with Resolution No. 2021-200, the Council subcommittee will recommend a candidate for appointment to the City of Tracy Transportation Advisory Commission.

FISCAL IMPACT

None

PUBLIC OUTREACH/ INTEREST

Notification of Transportation Advisory Commission recruitment has been posted on the City's Social Media pages, Tracy Press, the City's website, and Channel 26.

COORDINATION

Not Applicable

CEQA DETERMINATION

Not Applicable

STRATEGIC PLAN

This item is a routine operational item and does not relate to any of the Council's strategic plans.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council appoint Maurice Francis to the City of Tracy Transportation Advisory Commission to serve the remainder of the vacated term beginning October 5, 2022 and ending April 30, 2025.

Respectfully submitted,

Necy Lopez
Deputy City Clerk

Attachment A: Resolution 2021-200

ATTACHMENT A

RESOLUTION 2021-200

ADOPTING A COUNCIL POLICY ESTABLISHING A SELECTION PROCESS FOR APPOINTMENTS TO CITY ADVISORY BODIES AND REPEALING RESOLUTION NO. 2021-131

WHEREAS, On September 7, 2021, the Tracy City Council adopted Resolution 2021-131 establishing a policy for the selection process for appointments to City advisory Bodies and repealing Resolution 2020-009;

WHEREAS, The current policy states that Council shall appoint two Council Members to serve on a subcommittee to review applications, interview applicants and recommend a candidate for appointment to the board, commission or committee, and

WHEREAS, Council wishes to amend the language of Section 2 (D)(1) to state that Council shall appoint two members *and an alternate* to serve on a subcommittee to review applications, interview applicants and recommend a candidate for appointment to the board, commission or committee.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Tracy hereby adopts the Council Policy Establishing a Selection Process for Appointments to City Advisory Bodies, attached as Exhibit A, and thereby repeals and supersedes Resolution No. 2021-131.

****

The foregoing Resolution 2021-200 was passed and adopted by the Tracy City Council on the 21st day of December, 2021, by the following vote:

AYES: COUNCIL MEMBERS: ARRIOLA, BEDOLLA, DAVIS, VARGAS, YOUNG
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE
ABSTAIN: COUNCIL MEMBERS: NONE

MAYOR

ATTEST:

CITY CLERK

COUNCIL POLICY ESTABLISHING A SELECTION PROCESS FOR APPOINTMENTS TO CITY ADVISORY BODIES

(Exhibit "A" to Resolution No. 2021-200)

SECTION 1: PURPOSE

To establish a selection process for appointments to City advisory bodies including defining residency requirements, in accordance with Government Code sections 54970 et seq.

SECTION 2: SELECTION PROCESS FOR APPOINTEE BODIES

A. On or before December 31st of each year, the City Clerk shall prepare an appointment list of all regular and ongoing boards, commissions and committees that are appointed by the City Council of the City of Tracy. The list shall contain the following information:

   1. A list of all appointee terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of the appointment, the date the term expires and the necessary qualifications for the position.

   2. A list of all boards, commissions and committees whose members serve at the pleasure of the Council and the necessary qualifications of each position.

   3. The list of appointments shall be made available to the public for a reasonable fee that shall not exceed actual cost of production. The Tracy Public Library shall receive a copy of the list.

B. Whenever a vacancy occurs in any board, commission or committee, whether due to expiration of an appointee's term, resignation, death, termination or other causes, a special notice shall be posted in the office of the City Clerk, The Tracy Public Library, the City website, and in other places as directed within twenty (20) days after the vacancy occurs. Final appointment to the board, commission or committee shall not be made by the City Council for at least ten (10) working days after the posting of the notice in the Clerk's office. If Council finds an emergency exists, the Council may fill the unscheduled vacancy immediately.

C. Appointments shall be made for the remainder of the term created by the vacancy except as follows:

   1. If appointee will fill an un-expired term with six months or less remaining, the appointment shall be deemed to be for the new term.

   2. If the vacancy is filled by an emergency appointment the appointee shall serve only on an acting basis until the final appointment is made pursuant to section 2.

D. The Council shall use the following selection process to provide an equal opportunity for appointment to a board, commission or committee:

1. Council shall appoint two Council members and an alternate to serve on a subcommittee to review applications, interview applicants and recommend a candidate for appointment to the board, commission or committee.

2. If the Council subcommittee determines there are multiple qualified candidates, the subcommittee may recommend the Council establish an eligibility list that will be used to fill vacancies that occur in the following twelve (12) months.

3. At the Council subcommittee's discretion, the chair (or designee) of the board, committee or commission for which a member will be appointed, can participate in the interviews.

E. An individual already serving on a City of Tracy board, committee or commission may not be appointed to serve on an additional City of Tracy board, committee, or commission concurrently.

SECTION 3: DEFINITION OF RESIDENCY REQUIREMENTS

A. The following definitions shall be used to determine whether residency requirements are met for boards and commissions to which the Tracy City Council appoints members:

1. Tracy Planning Area means the geographical area defined in the City of Tracy General Plan and any amendments thereto.

2. City of Tracy means within the city limits of the City of Tracy.

3. Citizen means a resident of the City of Tracy.

4. Tracy School District means the geographical area served by the Tracy Unified School District.

5. Sphere of Influence shall be the geographical area approved by the Local Agency Formation Commission (LAFCo) of San Joaquin County and any amendments thereto.

B. Residency, as defined above and as set forth in the applicable bylaws for each board or commission, shall be verified annually by the City Clerk. The residency must be verifiable by any of the following means:

1. Voter registration,

2. Current California Driver's License or Identification,

3. Utility bill information (phone, water, cable, etc.),

4. Federal or State tax returns.

C. Members of boards or commissions shall notify the City Clerk in writing within thirty (30) days of any change in residency. If the change in residency results in the board member or commissioner no longer meeting the residency requirements, the member shall tender their resignation to the City Clerk who shall forward it to the City Council.