

**Wednesday, April 26, 2023, 7:00 P.M.**

Tracy City Hall, 333 Civic Center Plaza, Tracy

Web Site: [www.cityoftracy.org](http://www.cityoftracy.org)

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

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

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

*If you only wish to watch the meeting and do not wish to address the 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 Planning Commission meeting public comment will be accepted via the options listed below. If you would like to comment remotely, please follow the protocols below:*

- *Comments via:*
  - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following
  - **Event Number:** 2554 626 8868 and **Event Password:** Planning
  - **If you would like to participate in the public comment anonymously**, you may submit your comment in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting [Anonymous@example.com](mailto:Anonymous@example.com) when prompted to provide an email address.
  - **Join by phone by dialing +1-408-418-9388,, 25546268868#75266464#** Press \*3 to raise the hand icon to speak on an item.
- *Protocols for commenting via WebEx:*
  - *If you wish to comment on the "New Business" or "Items from the Audience" portions of the agenda:*
    - *Listen for the Chair to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
    - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
  - *Comments for the "New Business" or "Items from the Audience" portions of the agenda will be accepted until the public comment for that item is closed.*

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

**Americans With Disabilities Act** – The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate

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**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.

**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.

MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Council Meeting Protocols and Rules of Procedure, adopted by Resolution No. 2019-240, a five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Planning Commissioners may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to the Planning Commission.*

1. NEW BUSINESS
  - 1.A STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION:1) APPROVING A DEVELOPMENT REVIEW PERMIT FOR A NEW HOTEL DEVELOPMENT (EXTENDED STAY AMERICA TRACY) SOUTH OF I-205 AND NORTH OF THE INTERSECTION OF GRANT LINE ROAD AND JOE POMBO PARKWAY ON APN 214-020-40; AND 2) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE APPLICANT IS STACIE QUOI AND THE PROPERTY OWNER IS TRACY ORCHARD PLAZA L.P., APPLICATION NUMBER D22-0020.
2. ITEMS FROM THE AUDIENCE
3. DIRECTOR'S REPORT
4. ITEMS FROM THE COMMISSION
5. ADJOURNMENT

Posted: April 20, 2023

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection via the City of Tracy website at [www.cityoftracy.org](http://www.cityoftracy.org).

**MINUTES  
TRACY CITY PLANNING COMMISSION  
REGULAR MEETING  
APRIL 12, 2023, 7:00 P.M.  
CITY OF TRACY COUNCIL CHAMBERS  
333 CIVIC CENTER PLAZA**

**CALL TO ORDER**

Chair Hudson called the meeting to order at 7:09 p.m.

**PLEDGE OF ALLEGIANCE**

Chair Hudson led the pledge of allegiance.

**ROLL CALL**

Roll Call found Commissioner Atwal, Commissioner Augustus, Commissioner Boakye-Boateng, Chair Hudson, and Vice Chair Orcutt Present. Also present were: Jaylen French, Director of Development Services; Bill Dean, Assistant Director of Development Services; Alan Bell, Senior Planner; Scott Claar, Senior Planner; Kelly Hickler, Senior Planner – Denovo Planning Group; Jenny Lin, Senior Associate – EPS; Gina Peace, Executive Assistant; and Miranda Aguilar, Administrative Assistant.

**MINUTES**

Chair Hudson introduced the Regular Meeting Minutes from the March 22, 2023 meeting.

**ACTION:** It was moved by Vice Chair Orcutt and seconded by Commissioner Augustus to approve the March 22, 2023 Planning Commission Regular meeting minutes. A voice vote found Commissioner Atwal, Commissioner Augustus, Commissioner Boakye-Boateng, Chair Hudson, and Vice Chair Orcutt in favor. Passed and so ordered; 5-0-0-0.

**DIRECTOR'S REPORT REGARDING THIS AGENDA**

Bill Dean, Assistant Director of Development Services informed the Commission that Item 1.A shall be removed from tonight's agenda and re-noticed.

**ITEMS FROM THE AUDIENCE**

Veronica Vargas addressed the Commission and discussed Valley Link updates.

Dotty Nygard addressed the Commission and discussed workshops for CEQA and best practices for industrial and commercial growth.

**1. NEW BUSINESS**

**A. THIS ITEM IS REMOVED FROM THE AGENDA AND WILL BE RE-NOTICED FOR ANOTHER DATE.**

**STAFF RECOMMENDS THAT THE PLANNING COMMISSION RECOMMEND THAT THE CITY COUNCIL ADOPT AN ORDINANCE (1) DETERMINING THAT THE PROJECT IS EXEMPT FROM CEQA REVIEW, (2) REPEALING TRACY MUNICIPAL CODE (TMC) SECTION 10.08.052, DEFINITION OF ACCESSORY DWELLING UNIT AND TMC SECTION 10.08.3180, ZONING REGULATIONS REGARDING ACCESSORY DWELLING UNITS; AND (3) ADOPTING THE NEW TMC SECTION 10.08.3180.**

No action required.

**B. STAFF RECOMMENDS THAT THE PLANNING COMMISSION RECEIVE 1) AN UPDATE REGARDING THE CITY'S PROGRESS ON THE DEVELOPMENT OF THE DOWNTOWN SPECIFIC PLAN (PLAN); AND 2) DISCUSS AND PROVIDE FEEDBACK REGARDING PRIORITIES AND OTHER KEY ELEMENTS THAT SHOULD BE INCORPORATED INTO THE PLAN.**

Scott Claar, Senior Planner, introduced consultants Kelly Hickler, De Novo Planning Group; and Jenny Lin, Economic and Planning Systems (EPS).

Kelly Hickler, De Novo Planning Group; and Jenny Lin, EPS, discussed a PowerPoint presentation, addressed questions from the Commission and requested feedback.

Scott Claar, Senior Planner, addressed questions from the commission regarding a future workshop for the Downtown Specific Plan.

Chair Hudson opened the Public Hearing at 7:39 p.m.

Veronica Vargas, former Council member, expressed concern about removing "TOD" from the project name and opportunities in the downtown areas.

Don Cose expressed that the "Bowtie" area should be included in the downtown.

Mary Mitracos, Tracy resident, expressed that the demand for housing also comes from people who already live in Tracy but cannot afford to buy a home here. She also inquired about a list of historical buildings in Tracy and advocated for work force housing.

Greg Cose expressed concern that TOD designation is being removed from downtown and the lack of development near the bowtie area.

Dotty Nygard expressed support for a walkable, higher density, and a growing downtown.

Alice English expressed that there are some good things regarding the downtown area.

Miranda Aguilar, Administrative Assistant, announced that there was one email received regarding the project. A copy was provided to the Commissioners and will be added to the record after it has been redacted.

Karen Moore, via Webex, expressed excitement for the development being spoken about this evening and supports the idea of a walkable downtown.

Reza Kazemi, via Webex, as a developer, expressed the infill lots need to be looked at in a different way. They would like incentives to develop these lots.

Chair Hudson closed the Public Hearing at 8:09 p.m.

Commissioner Boakye-Boateng would like to know the concentration of businesses in the affected area.

Commissioner Augustus would like to see a walkable downtown and considers walkability to be a priority.

Commissioner Orcutt expressed that Tracy's Downtown Area has an old-town charm and historical feel but may need a plaza area in downtown where people can gather.

Scott Claar explained certain areas were included in the plan to prepare for the downtown area and the surrounding zones.

Chair Hudson had questions about the changing of the wording of the project and whether it affects grants we can receive for it.

Scott Claar advised that there are grants that apply but name of the Specific Plan does not affect the plan's primary elements and the plan itself will still be transit oriented.

Chair Hudson expressed walkability and design of downtown is important and is concerned regarding Valley Link not coming to downtown.

Commissioner Atwal expressed some questions regarding the area included and concerns regarding ADA Standards.

**ACTION:** No action required.

**C. STAFF RECOMMENDS THAT PLANNING COMMISSION ADOPT A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE 1) DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENT QUALITY ACT, PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3), AND 2) APPROVING AMENDMENTS TO SECTIONS 10.08.3196(B) AND (D) OF THE TRACY MUNICIPAL CODE TO EXPAND THE DEFINITION OF YOUTH CENTER AND TO ESTABLISH BUFFERS BETWEEN CANNABIS USES AND SENSITIVE USES.**

Bill Dean, Assistant Director of Development Services, presented the staff report and addressed questions from the Commission.

Chair Hudson opened the Public Hearing at 9:13 p.m.

Dotty Nygard expressed concerns of the changing ordinance and the difficulty of the process for businesses.

Alice English expressed support for the Ordinance.

Reza Kazemi, via Webex, expressed concern for the high concentration of businesses.

Karen Moore, via Webex, would like to see the businesses to be able to open their doors.

Matthew Nathaniel, via Webex, expressed the process has been very lengthy and complicated and the ordinance to apply to applicants already in the process would not be fair.

Chair Hudson closed the public hearing at 9:31 p.m.

Bill Dean, Assistant Director of Development Services addressed additional questions from the Commission.

Scott Claar, Senior Planner, addressed questions from the Commission regarding viewing the maps with buffers.

Chair Hudson called for recess at 9:55 p.m.

Commission resumed at 10:00 p.m.

Bill Dean, Assistant Director of Development Services, addressed additional questions from the Commission.

Alan Bell, Senior Planner, addressed additional questions from the Commission.

**ACTION:** It was moved by Vice Chair Orcutt and seconded by Commissioner Augustus that the Planning Commission adopt a resolution:

- 1) Determining that this project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061(B)(3), pertaining to activities that do not have the potential for causing a significant effect on the environment;
- 2) Recommending city council adopt an ordinance approving a Zoning Text Amendment to Tracy Municipal Code (TMC) Section 10.08.3196(b) and (d) to expand the definition of youth center and to establish buffers between

proposed cannabis uses, and (a) sensitive uses, (b) existing cannabis uses and, (c) residential uses

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

**2. ITEMS FROM THE AUDIENCE**

Alice English expressed support for Tracy being business friendly.

**3. DIRECTOR'S REPORT**

None.

**4. ITEMS FROM THE COMMISSION**

Chair Hudson is interested in having a discussion regarding warehouses and rules with the Attorney General and would like to have a presentation with what is going on with Valley Link.

**5. ADJOURNMENT**

**ACTION:** It was moved by Vice Chair Orcutt and seconded by Commissioner Atwal to adjourn.

A voice vote found Commissioner Atwal, Commissioner Augustus, Chair Hudson, and Commissioner Boakye-Boateng in favor; Vice Chair Orcutt absent. Passed and so ordered; 5-0-0-0.

Time: 10:12 p.m.

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CHAIR

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STAFF LIAISON

**From:** [Gina Peace](#)  
**To:** [Miranda Aguilar](#)  
**Cc:** [William Dean](#)  
**Subject:** FW: Downtown Specific Plan; Commission meeting 04/12/2023  
**Date:** Wednesday, April 12, 2023 2:37:36 PM

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Hi Miranda,

Please forward to Commissioners, cc CAO, and distribute redacted version for tonight's meeting,

Thanks,  
Gina

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**From:** [REDACTED] >  
**Sent:** Wednesday, April 12, 2023 1:07 PM  
**To:** Public Comment <[publiccomment@cityoftracy.org](mailto:publiccomment@cityoftracy.org)>  
**Cc:** Scott Claar <[Scott.Claar@cityoftracy.org](mailto:Scott.Claar@cityoftracy.org)>  
**Subject:** Downtown Specific Plan; Commission meeting 04/12/2023

Comments from a long term downtown area resident:

I enthusiastically support all efforts to extend Valley Link rail service to and through the existing bowtie area with direct contact with the Tracy Transit Station and its facilities. Achievement of this can, with thought, bring inevitable changes for a net positive. Any specific downsides can be identified early or with time and will need to be addressed so that the best of the downtown character can be preserved. Fears that the stock of existing housing will be substantially replaced by high density in our lifetime seem unfounded. It is entrepreneurial spirit, intelligently regulated, that will drive much of future progress.

To terminate Valley Link at Mountain House would be a mistake to be avoided with major effort.

If I am correctly reading the small scale map included in the one (?) and apparently only (?) written description of the Downtown Specific Plan at the library, the bike lane proposed for Ninth Street seems to be impractical if?? it is thought that it is to have some exclusive lane marking. The street parking on both sides of the pavement is already at a premium in many blocks with little practical alternative.

April 26, 2023

Agenda Item 1.A

RECOMMENDATION

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

- 1) APPROVING A DEVELOPMENT REVIEW PERMIT FOR A NEW HOTEL DEVELOPMENT (EXTENDED STAY AMERICA TRACY) SOUTH OF I-205 AND NORTH OF THE INTERSECTION OF GRANT LINE ROAD AND JOE POMBO PARKWAY ON APN 214-020-40; AND**
- 2) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**THE APPLICANT IS STACIE QUOI AND THE PROPERTY OWNER IS TRACY ORCHARD PLAZA L.P., APPLICATION NUMBER D22-0020.**

EXECUTIVE SUMMARY

Through this item, staff recommends that the Planning Commission approve a Development Review Permit for hotel development in northwest Tracy near I-205 and Grant Line Road.

BACKGROUND

On June 1, 2022, the City received a development review permit application for a new four-story, approximately 54,902 square foot hotel consisting of 124 guestrooms and associated parking and landscaping improvements (Extended Stay America Tracy) on a vacant 2.35-acre site south of I-205 and north of the intersection of Grant Line Road and Joe Pombo Parkway (Attachment A). The project site is currently undeveloped and surrounded by commercial development, including a medical office building to the east; multi-tenant retail buildings (Orchard Plaza), a gasoline fueling station, and a drive-through coffee kiosk to the south; a gasoline fueling station to the west; and Interstate 205 to the north.

Development review is regulated by Tracy Municipal Code (TMC) Title 10 Article 30, most recently amended by Ordinance 1236 on July 18, 2017. Because the project site is located within 500 feet of a freeway, the subject Development Review Permit is a Tier 2 application subject to Planning Commission review in accordance with TMC Section 10.08.3950.

ANALYSIS

*Architecture*

The proposal is a four-story, approximately 54,902 square foot hotel consisting of 124 guestrooms and associated parking area improvements around the building. The proposed building is architecturally interesting in that it has significant recesses and popouts, rather than a primarily rectangular shape common of hotel buildings, and it has horizontal and vertical variation through use of colored stucco and stone on the façade to give the building interest and dimension. Metal canopies highlight building entries and provide visual interest at the pedestrian level. A significant amount of landscaping comprised of a varied plant palette is

proposed throughout the site.

#### *Parking and Circulation*

In accordance with City zoning regulations, the project requires a minimum of 124 parking spaces, and the project proposes to provide 126 spaces. The site does not have frontage on Grant Line Road; instead, it will be served by an existing private access drive that was developed on the adjacent site to the south (Assessor's Parcel Number 214-020-41). The private drive is commonly referred to as "Joe Pombo Parkway," though it is not an extension of Joe Pombo Parkway that runs south of and terminates at Grant Line Road. The project proposes to construct a driveway onto this private access drive as well as connect to and widen an existing driveway that currently serves the adjacent drive-through coffee kiosk, as shown in Attachment A.

#### *Consistency with General Plan Policies and City Standards*

The project site is designated Commercial in the Tracy General Plan and zoned General Highway Commercial (GHC). Hotels are permitted uses in this land use designation and zone district.

As evidenced in the analysis above, this proposed design meets the City's objectives for high quality design as required by the Tracy General Plan and the City of Tracy Design Goals and Standards, including the following:

##### **General Plan Community Character Element**

###### **Goal CC-1     *Superior design quality throughout Tracy.***

**Objective CC-1.1     *Preserve and enhance Tracy's unique character and "hometown feel" through high-quality urban design.***

**Policy P3.     *All new development and redevelopment shall adhere to the basic principles of high-quality urban design, architecture and landscape architecture including, but not limited to, human-scaled design, pedestrian-orientation, interconnectivity of street layout, siting buildings to hold corners, entryways, focal points and landmarks.***

###### **Goal CC-7     *High quality architecture, site planning and landscaping in the I-205 Regional Commercial Area.***

**Objective CC-7.1     *Ensure that future development in the I 205 Regional Commercial Area enhances its attractiveness and pro-vides multi-modal access.***

**Policy P4.     *Building architecture in the I-205 Regional Commercial Area shall be of the highest quality.***

##### **Design Goals and Standards**

###### **Site Planning & Design**

**GOAL 1. *To integrate automobile, pedestrian, and alternative travel methods into site planning for optimal results for both the consumer and the business owner.***

###### **Architecture**

**GOAL 1. *To promote well-designed structures through attention to rich architectural details.***

**GOAL 2. *To meet or exceed the highest quality design offered by projects having corporate identity.***

###### **Landscape**

**GOAL 2. *To maximize and balance landscape areas throughout each site.***

### *Findings*

Development Review Permits must meet the requirements set forth in TMC Section 10.08.3920. Before approving a Development Review Permit, the Planning Commission must make the following findings:

- (a) That the proposal increases the quality of the project site, and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy; and
- (b) That the proposal conforms to this chapter, the general plan, any applicable specific plan, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations.

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

- (a) The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy, because the proposed project would develop an existing vacant site that is surrounded by commercial development. The proposed building and landscaped parking area meet the City's objectives for high quality design. The proposed building is architecturally interesting in that it has significant recesses and popouts, and it has incorporated a number of horizontal and vertical changes through its use of color and stone in the façade, which give the building interest and dimension. Metal canopies highlight building entries and provide visual interest at the pedestrian level. The architectural theme is present on all four sides of the building, and rooftop equipment will be hidden from view behind building parapets. Through-circulation is provided throughout the site, and the parking area will connect with an existing driveway on the site adjacent to the south to further improve circulation and provide a second point of access to the site. In furtherance of the City's landscaping goals, a significant amount of landscaping, including a variety of canopy and accent trees, is proposed throughout the parking area, on the site's perimeter, and around the building.
- (b) The proposal, as conditioned, conforms to the Tracy Municipal Code, the City of Tracy General Plan, the City Design Goals and Standards, applicable City Standards, California Building Codes, and California Fire Codes, because the proposed development will comply with all applicable City and state regulations for building design and construction, off-street parking and circulation, and landscaping design.

### PUBLIC OUTREACH/ INTEREST

This item was duly noticed in the local newspaper and public hearing notices were mailed to all property owners of property within 300 feet of the subject site.

### COORDINATION

This development application was reviewed by multiple City Departments, the South San

Joaquin County Fire Authority, Tracy Delta Disposal, and the Air Pollution Control District as part of the City's normal application review process. This staff report was prepared by the Development Services Planning Division.

**CEQA DETERMINATION**

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

**ACTION REQUESTED OF THE PLANNING COMMISSION**

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

- 1. APPROVING A DEVELOPMENT REVIEW PERMIT FOR A NEW HOTEL DEVELOPMENT (EXTENDED STAY AMERICA TRACY) SOUTH OF I-205 AND NORTH OF THE INTERSECTION OF GRANT LINE ROAD AND JOE POMBO PARKWAY ON APN 214-020-40; AND**
- 2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15332.**

Prepared by: Kimberly Matlock, Associate Planner

Reviewed by: Alan Bell, Senior Planner

Bill Dean, Assistant Development Services Director

Approved by: Jaylen French, Development Services Director

Attachments:

Attachment A – Vicinity map, civil, site, floor, roof, elevations, sections, and landscape plans, as well as color and material details received on September 16, 2022

Attachment B – Planning Commission Resolution

RECEIVED  
September 16, 2022  
City of Tracy  
Development Services

# ALTA/NSPS LAND TITLE SURVEY

## WOODSPRINGS - TRACY

### JOE POMBO PKWY, TRACY, CALIFORNIA 95377

DATE OF SURVEY: AUGUST 6, 2021

#### LEGAL DESCRIPTION

##### PARCEL ONE:

ADJUSTED PARCEL 1 AS SHOWN ON CERTIFICATE OF COMPLIANCE FOR LOT LINE ADJUSTMENT OWNERS CERTIFICATE LLA NO. MS17-0006, AS EVIDENCED BY DOCUMENT RECORDED OCTOBER 19, 2017 AS INSTRUMENT NO. 2017-121720 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF RESULTANT PARCEL ONE AS SAID PARCEL IS DESCRIBED AND SHOWN ON THAT GRANT DEED TO TRACY ORCHARD, INC., RECORDED MARCH 24, 2005, AS DOCUMENT NO. 2005-068855, SAN JOAQUIN COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID PARCEL ONE (DOC NO. 2005-068855), SAID POINT ALSO BEING ON THE SOUTHEASTERLY LINE OF INTERSTATE HIGHWAY 205, AS DESCRIBED IN THE GRANT DEED TO THE STATE OF CALIFORNIA, RECORDED JUNE 10, 1969, IN BOOK 3310 OF OFFICIAL RECORDS AT PAGE 481, SAN JOAQUIN COUNTY RECORDS; THENCE ALONG THE EASTERN LINE OF SAID PARCEL ONE (DOC. NO. 2005-068855) SOUTH 0019'00" EAST, 324.48 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL ONE (DOC. NO. 2005-068855), SAID POINT ALSO BEING ON THE NORTHERLY LINE OF THAT 60-FOOT WIDE INGRESS/EGRESS EASEMENT, AS DESCRIBED IN INSTRUMENT NO. 97028672 RECORDED MARCH 21, 1997, SAN JOAQUIN RECORDS; THENCE ALONG THE NORTHERLY LINE OF SAID 60-FOOT INGRESS/EGRESS EASEMENT (97028672) SOUTH 89°41'00" WEST, 192.83 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 205.00 FEET, THROUGH A CENTRAL ANGLE OF 54°11'25", AN ARC DISTANCE OF 193.89 FEET; THENCE LEAVING THE NORTHERLY LINE OF SAID 60-FOOT INGRESS/EGRESS EASEMENT (97028672) NORTH 53°19'27" WEST 26.68 FEET; THE SOUTH 89°41'00" WEST, 74.28 FEET TO THE WESTERLY LINE OF SAID PARCEL ONE (DOC. NO. 2005-068855), SAID POINT ALSO BEING THE EASTERN LINE OF PARCEL A. A SAID PARCEL IS DELINEATED UPON THAT CERTAIN PARCEL MAP, FILED DECEMBER 28, 1984 IN BOOK 13 OF PARCEL MAPS AT PAGE 57, SAN JOAQUIN COUNTY RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID PARCEL ONE (DOC. NO. 2005-068855), AND THE EASTERN LINE OF SAID PARCEL A (13 P.M. 57) NORTH 0019'00" WEST, 139.96 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL ONE (DOC. NO. 2005-068855), SAID POINT ALSO BEING THE SOUTHEASTERLY LINE OF SAID INTERSTATE HIGHWAY 205 (3310 O.R. 481); THENCE ALONG THE NORTHWESTERLY LINE OF SAID PARCEL ONE (DOC. NO. 2005-068855) AND THE SOUTHEASTERLY LINE OF SAID INTERSTATE HIGHWAY 205 (3310 O.R. 481), THE FOLLOWING THREE COURSES: NORTH 58°22'53" EAST, 86.50 FEET, NORTH 59°58'38" EAST, 164.02 FEET AND NORTH 61°34'22" EAST, 270.17 FEET TO THE POINT OF BEGINNING.

##### PARCEL TWO:

AN EASEMENT FOR INGRESS, EGRESS AND PUBLIC UTILITY PURPOSES SITUATED IN THE CITY OF TRACY, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

A PORTION OF RESULTANT PARCELS ONE AND TWO AS SAID PARCELS ARE DESCRIBED AND SHOWN ON THAT GRANT DEED TO TRACY ORCHARD, INC., RECORDED MARCH 24, 2005, AS DOCUMENT NO. 2005-068855, SAN JOAQUIN COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID RESULTANT PARCEL TWO (DOC. NO. 2005-068855), SAID POINT ALSO BEING THE NORTH RIGHT OF WAY LINE OF GRANT LINE ROAD; THENCE SOUTH 89°41'00" WEST, ALONG THE NORTH RIGHT OF WAY LINE OF SAID GRANT LINE ROAD, 60.00 FEET TO A POINT, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF THAT 60-FOOT WIDE INGRESS/EGRESS EASEMENT, AS DESCRIBED IN INSTRUMENT NO. 97-028672, RECORDED MARCH 21, 1997, SAN JOAQUIN COUNTY RECORDS; THENCE NORTH 0019'00" WEST, ALONG THE WESTERLY LINE OF SAID 60-FOOT INGRESS/EGRESS EASEMENT (INST. NO. 97028672), 195.00 FEET TO A POINT; THENCE SOUTH 89°41'00" WEST, ALONG THE SOUTHERLY LINE OF SAID 60-FOOT INGRESS/EGRESS EASEMENT (INST. NO. 97028672), 550.02 FEET TO A POINT; THENCE ALONG A CURVE TO THE SOUTHWEST, HAVING A RADIUS OF 145.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND AN ARC LENGTH OF 227.77 FEET TO A POINT; THENCE SOUTH 0019'00" EAST, ALONG THE EASTERN LINE OF SAID 60-FOOT INGRESS/EGRESS EASEMENT (INST. NO. 97028672), 50.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF SAID GRANT LINE ROAD; THENCE SOUTH 89°41'00" WEST, ALONG THE NORTH RIGHT OF WAY LINE OF SAID GRANT LINE ROAD, 60.00 FEET TO A POINT, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF SAID 60-FOOT WIDE INGRESS/EGRESS (INST. NO. 97028672); THENCE NORTH 0019'00" EAST, ALONG THE WESTERLY LINE OF SAID 60-FOOT WIDE INGRESS/EGRESS (INST. NO. 97028672), 50.00 FEET TO A POINT; THENCE ALONG A CURVE TO THE NORTHEAST, HAVING A RADIUS OF 205.00 FEET, A CENTRAL ANGLE OF 90°00'00", AND AN ARC LENGTH OF 322.01 FEET TO A POINT; THENCE NORTH 89°41'00" EAST, ALONG THE NORTHERLY LINE OF SAID 60-FOOT WIDE INGRESS/EGRESS (INST. NO. 97028672), 610.02 FEET TO A POINT, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID RESULTANT PARCEL TWO; THENCE SOUTH 0019'00" EAST, ALONG THE EASTERN LINE OF SAID 60-FOOT WIDE INGRESS/EGRESS (INST. NO. 97028672) 255.00 FEET TO THE POINT OF BEGINNING.

For conveyancing purposes only: APN 214-020-330 (OLD APN)  
NEW APN: 214-020-400-000 (NOT YET ASSESSED)

#### SURVEYOR'S NOTES

ITEM NUMBERS SHOWN HEREON CORRESPOND TO THE ALTA STANDARD OWNER POLICY ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY UNDER COMMITMENT NO. 3020-1077368, DATED JULY 7, 2021.

NO RESPONSIBILITY FOR COMPLETENESS, ACCURACY, OR CONTENT OF SAID PRELIMINARY REPORT IS ASSUMED BY THIS MAP.

EXCEPTION ITEM NUMBERS THAT CAN BE PLOTTED ARE SHOWN HEREON WITH A HEXAGON .

1. ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM, OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS CREATED, ATTACHES, OR IS DISCLOSED BETWEEN THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART I-REQUIREMENTS ARE MET.
2. (A) TAXES OR ASSESSMENTS THAT ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS; (B) PROCEEDINGS BY A PUBLIC AGENCY THAT MAY RESULT IN TAXES OR ASSESSMENTS, OR NOTICES OF SUCH PROCEEDINGS, WHETHER OR NOT SHOWN BY THE RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS.
3. ANY FACTS, RIGHTS, INTERESTS, OR CLAIMS THAT ARE NOT SHOWN BY THE PUBLIC RECORDS BUT THAT COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR THAT MAY BE ASSERTED BY PERSONS IN POSSESSION OF THE LAND.
4. EASEMENTS, LIENS OR ENCUMBRANCES, OR CLAIMS THEREOF, NOT SHOWN BY THE PUBLIC RECORDS.
5. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND NOT SHOWN BY THE PUBLIC RECORDS.
6. (A) UNPATED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT THE MATTERS EXCEPTED UNDER (A), (B), OR (C) ARE SHOWN BY THE PUBLIC RECORDS.
7. GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2021-2022, A LIEN NOT YET DUE OR PAYABLE.
8. THE LAND LIES WITHIN THE BOUNDARIES OF PENDING ASSESSMENT DISTRICT NO. 1991-1, AS DISCLOSED BY AN ASSESSMENT DISTRICT MAP FILED FEBRUARY 12, 1991 IN BOOK 2, PAGE 175 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, RECORDED FEBRUARY 20, 1991 AS INSTRUMENT NO. 1991-15023 OF OFFICIAL RECORDS.
9. THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO CHAPTER 3.5 COMMENCING WITH SECTION 75 OF THE CALIFORNIA REVENUE AND TAXATION CODE.
10. TAXES AND ASSESSMENTS, IF ANY, OF THE NAGLEE-BURKE IRRIGATION DISTRICT.
11. ASSESSMENT LIENS, IF APPLICABLE, COLLECTED WITH THE GENERAL AND SPECIAL TAXES, INCLUDING BUT NOT LIMITED TO THOSE DISCLOSED BY THE REFLECTION OF THE FOLLOWING ON THE TAX ROLL: 1915 BOND FOR CITY OF TRACY WATER FACILITIES AND CITY OF TRACY WASTEWATER FACILITIES / 84-1R.
12. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "DEED AND AGREEMENT" RECORDED SEPTEMBER 27, 1912 IN BOOK "A" VOL. 211 OF DEEDS, PAGE 497.
13. ABUTTER'S RIGHTS OF INGRESS AND EGRESS TO OR FROM INTERSTATE ROUTE NO. 205 HAVE BEEN RELINQUISHED IN THE DOCUMENT RECORDED JANUARY 14, 1969 AS BOOK 3269, PAGE 174 OF OFFICIAL RECORDS.
14. ABUTTER'S RIGHTS OF INGRESS AND EGRESS TO OR FROM INTERSTATE ROUTE NO. 205 HAVE BEEN RELINQUISHED IN THE DOCUMENT RECORDED JUNE 10, 1969 IN BOOK 3310, PAGE 481 OF OFFICIAL RECORDS.
15. THE FACT THAT THE LAND LIES WITHIN THE BOUNDARIES OF THE TRACY COMMUNITY DEVELOPMENT PROJECT AREA, AS DISCLOSED BY THE DOCUMENT RECORDED JULY 16, 1990 AS INSTRUMENT NO. 90071153 OF OFFICIAL RECORDS.
16. TERMS AND PROVISIONS OF AN UNRECORDED LEASE DATED NOVEMBER 10, 1997, BY AND BETWEEN TRACY ORCHARD, INC., A CALIFORNIA CORPORATION AS LESSOR AND ATLANTIC RICHFIELD COMPANY, A DELAWARE CORPORATION AS LESSEE, AS DISCLOSED BY A MEMORANDUM OF DRAINAGE LEASE RECORDED NOVEMBER 14, 1997 AS INSTRUMENT NO. 97112650 OF OFFICIAL RECORDS. DEFECTS, LIENS, ENCUMBRANCES OR OTHER MATTERS AFFECTING THE LEASEHOLD ESTATE, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS ARE NOT SHOWN HEREIN.
17. AN EASEMENT FOR INGRESS AND EGRESS AND INCIDENTAL PURPOSES, RECORDED FEBRUARY 9, 1999 AS INSTRUMENT NO. 99019645 OF OFFICIAL RECORDS.  
IN FAVOR OF: NAGLEE BURKE IRRIGATION DISTRICT  
AFFECTS: A 12 FOOT STRIP OF LAND  
TERMS AND PROVISIONS CONTAINED IN THE ABOVE DOCUMENT.
18. THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "RECIPROCAL ROAD AND UTILITY EASEMENT AND MAINTENANCE AGREEMENT ORCHARD PARKWAY, TRACY" RECORDED FEBRUARY 9, 2000 AS INSTRUMENT NO. 00013930 OF OFFICIAL RECORDS.
19. THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "RECIPROCAL ROAD AND UTILITY EASEMENT AND MAINTENANCE AGREEMENT ORCHARD PARKWAY, TRACY" RECORDED SEPTEMBER 13, 2002 AS INSTRUMENT NO. 2002-158060 OF OFFICIAL RECORDS.
20. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "DEFERRED IMPROVEMENT AGREEMENT" RECORDED SEPTEMBER 15, 2009 AS INSTRUMENT NO. 2009-135325 OF OFFICIAL RECORDS.
21. WE FIND NO OUTSTANDING VOLUNTARY LIENS OF RECORD AFFECTING SUBJECT PROPERTY. AN INQUIRY SHOULD BE MADE CONCERNING THE EXISTENCE OF ANY UNRECORDED LIEN OR OTHER INDEBTEDNESS WHICH COULD GIVE RISE TO ANY SECURITY INTEREST IN THE SUBJECT PROPERTY.
22. ANY CLAIM THAT THE TITLE IS SUBJECT TO A TRUST OR LIEN CREATED UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930 (7 U.S.C. §§81a, ET SEQ.) OR THE PACKERS AND STOCKYARDS ACT (7 U.S.C. §§81b, ET SEQ.) OR UNDER SIMILAR STATE LAWS. CONSIDERATION FOR THE DELETION OF THIS EXCEPTION IS HIGHLY FACT INTENSIVE. PLEASE CONTACT THE UNDERWRITER ASSIGNED TO YOUR FILE AS SOON AS POSSIBLE TO DISCUSS.
23. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
24. RIGHTS OF PARTIES IN POSSESSION.



 VICINITY MAP

#### PROPERTY ADDRESS

UNKNOWN IF ASSIGNED  
APN: 214-020-330 (OLD)  
214-020-400-000 (NOT YET ASSESSED)

#### FLOOD ZONE CLASSIFICATION

THE SUBJECT PROPERTY IS LOCATED IN ZONE 'X' (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE (500-YEAR) FLOODPLAIN) PER FIRM MAP NO. 06077C0590F, EFFECTIVE DATE 10/16/2009.

#### GROSS LAND AREA

PARCEL 1: 2.35 ACRES  
PARCEL 2: 1.56 ACRES

#### ZONING & SETBACK REQUIREMENTS

NO CURRENT ZONING CLASSIFICATION, BUILDING SETBACK REQUIREMENTS, HEIGHT AND FLOOR SPACE AREA RESTRICTIONS, OR PARKING REQUIREMENTS HAVE BEEN SUPPLIED TO THE SURVEYOR.

#### EVIDENCE OF EARTH MOVING OR CONSTRUCTION

AT THE TIME OF SURVEY, THERE WAS NO VISIBLE EVIDENCE OF EARTH MOVING WORK OR BUILDING CONSTRUCTION ON THE SUBJECT SITE.

#### BENCHMARK

NATIONAL GEODETIC OPUS SOLUTION:

BENCHMARK: OPUS SOLUTION  
DATUM: NAVD88  
ELEVATION: 24.85 FEET

SET TEMPORARY BENCHMARK ON-SITE (TBM) A MAG NAIL NEAR THE SOUTHWEST CORNER OF THE PROPERTY.

#### BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS BASED ON THE SOUTHEASTERLY LINE OF SAID INTERSTATE HIGHWAY 205 AS SHOWN ON THAT CERTAIN PARCEL MAP, FILED DECEMBER 28, 1984 IN BOOK 13 OF PARCEL MAPS AT PAGE 57, SAN JOAQUIN COUNTY RECORDS, BEING HELD AS NORTH 61°34'22" EAST AS SHOWN ON SAID MAP.

#### UTILITY NOTE

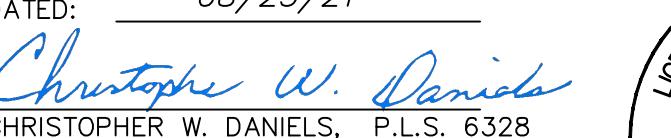
THE LOCATIONS OF UTILITIES ARE SHOWN HEREON BY OBSERVED EVIDENCE ONLY.

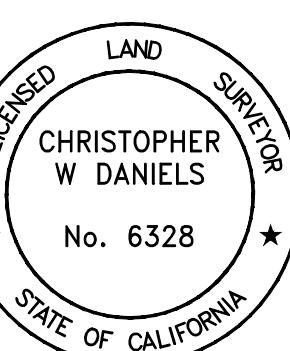
#### SURVEYOR'S STATEMENT

TO: TRACY ORCHARD PLAZA, LP, A CALIFORNIA LIMITED PARTNERSHIP; AND FIRST AMERICAN TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2-4, 6, 8, 10, 13-14 AND 16 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 6, 2021.

DATED: 08/25/21

  
Christopher W. Daniels  
CHRISTOPHER W. DANIELS, P.L.S. 6328



WOODSPRINGS - TRACY  
JOE POMBO PARKWAY, TRACY, CA 95377

IMEG Project No:  
21005308.00

File Name:  
5308 ALTA.dwg

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Field Book No:

Drawn By: BHI

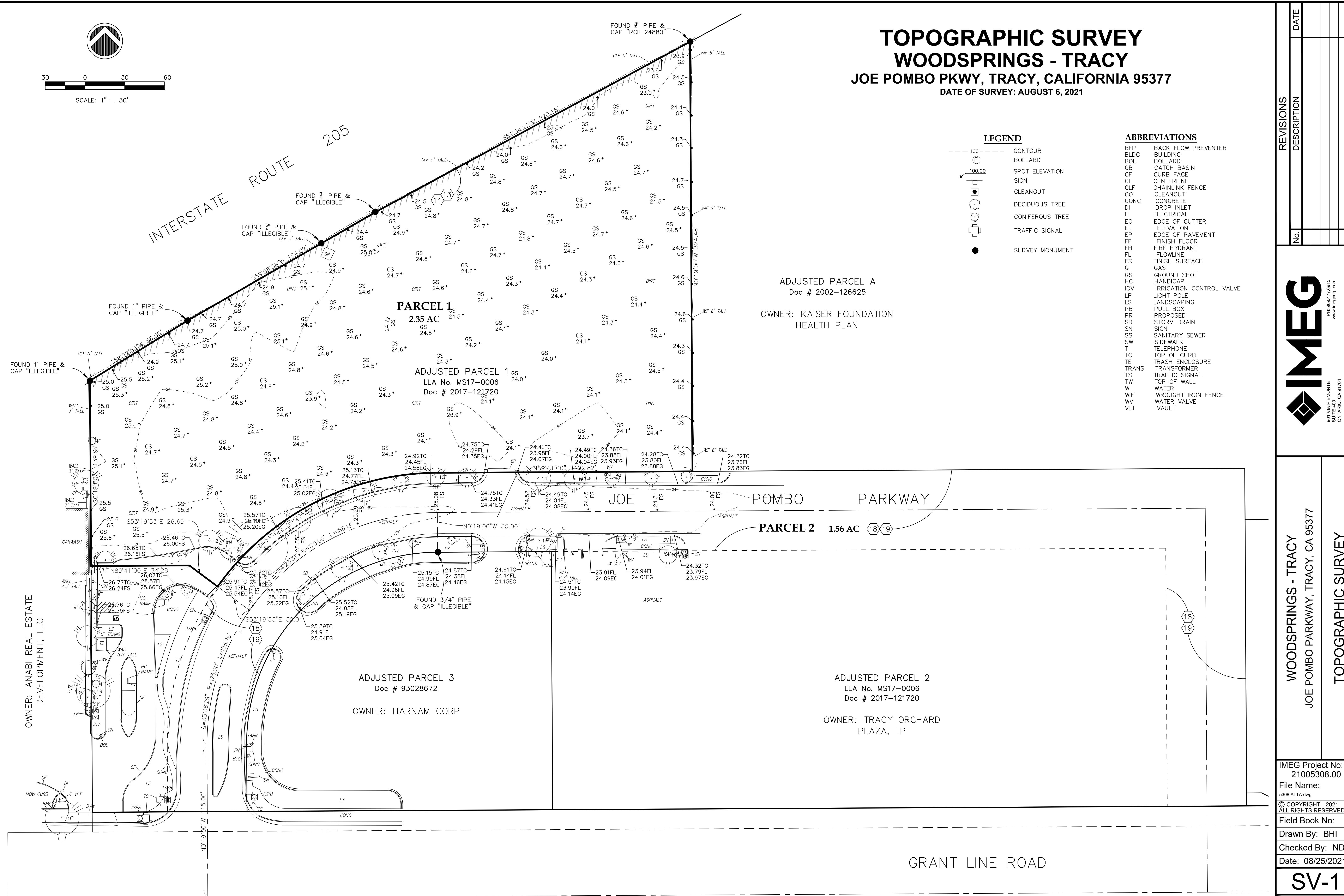
Checked By: NDO

Date: 08/25/2021

V-1

Sheet 1 of 2

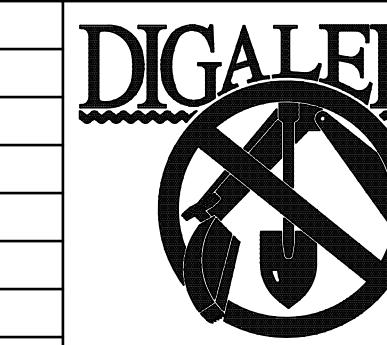




**NOT FOR CONSTRUCTION**



NO.	DATE	REVISION DESCRIPTION	BY	DATE
UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA				



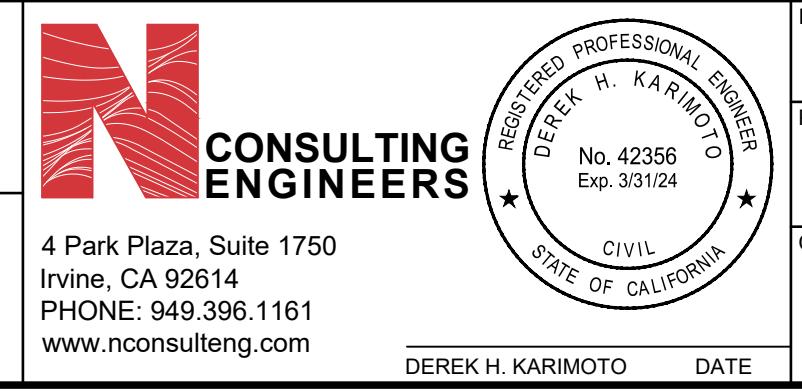
DIAL TOLL FREE  
**811**  
AT LEAST TWO DAYS  
BEFORE YOU DIG

1

2

NOTICE TO CONTRACTOR:  
1. THE LOCATIONS OF EXISTING UTILITY INSTALLATIONS AS SHOWN ON THIS PLAN ARE APPROXIMATE. THERE MAY BE OTHER UNDERGROUND UTILITY INSTALLATIONS WITHIN THE AREA THAT ARE NOT SHOWN.  
2. N CONSULTING ASSUMES NO RESPONSIBILITY FOR DAMAGES, LIABILITY OR COSTS RESULTING FROM CHANGES OR ALTERATIONS MADE TO THIS PLAN WITHOUT THE EXPRESSED WRITTEN CONSENT OF N CONSULTING.

SURVEYOR'S BENCHMARK  
BASIS OF BEARINGS

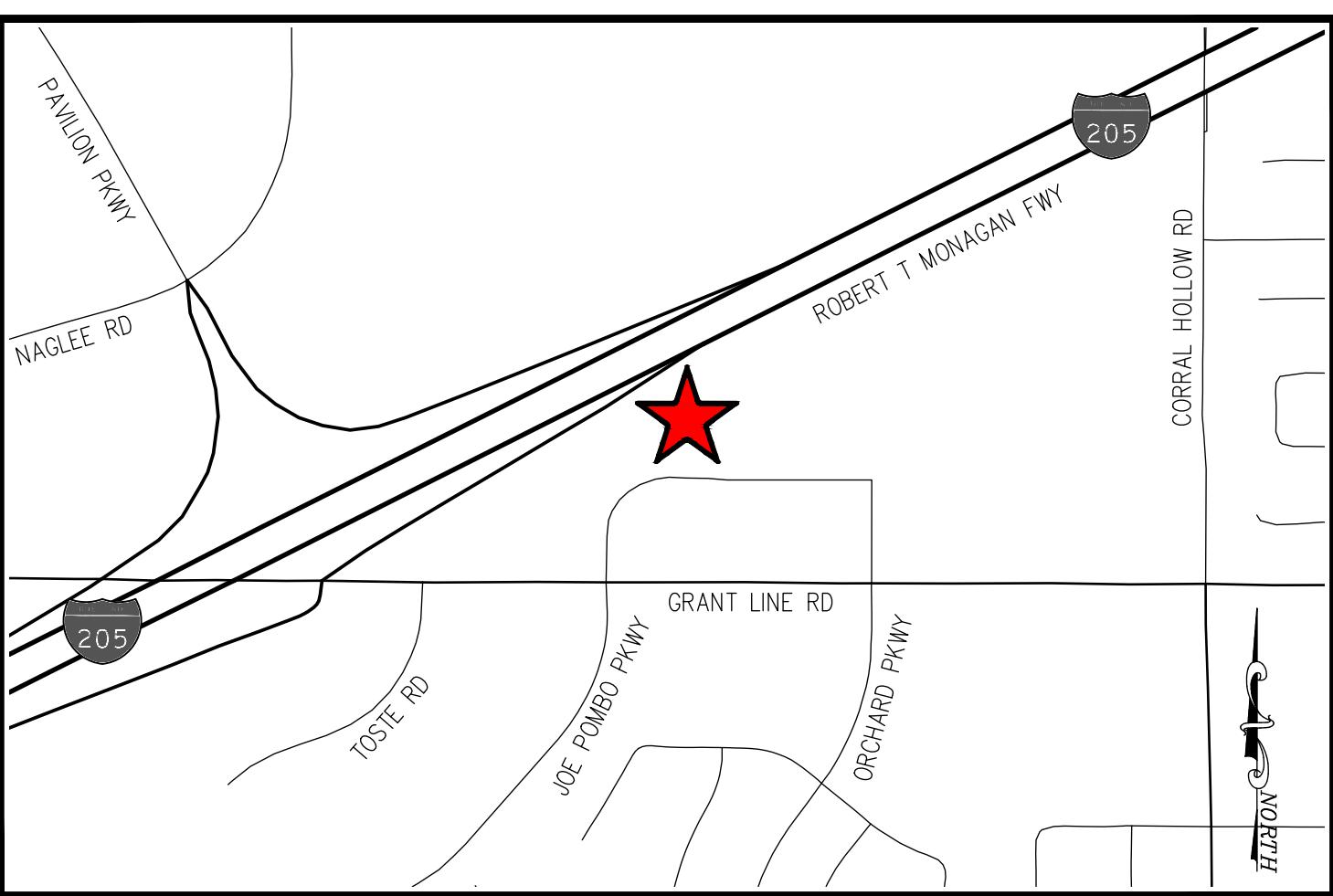
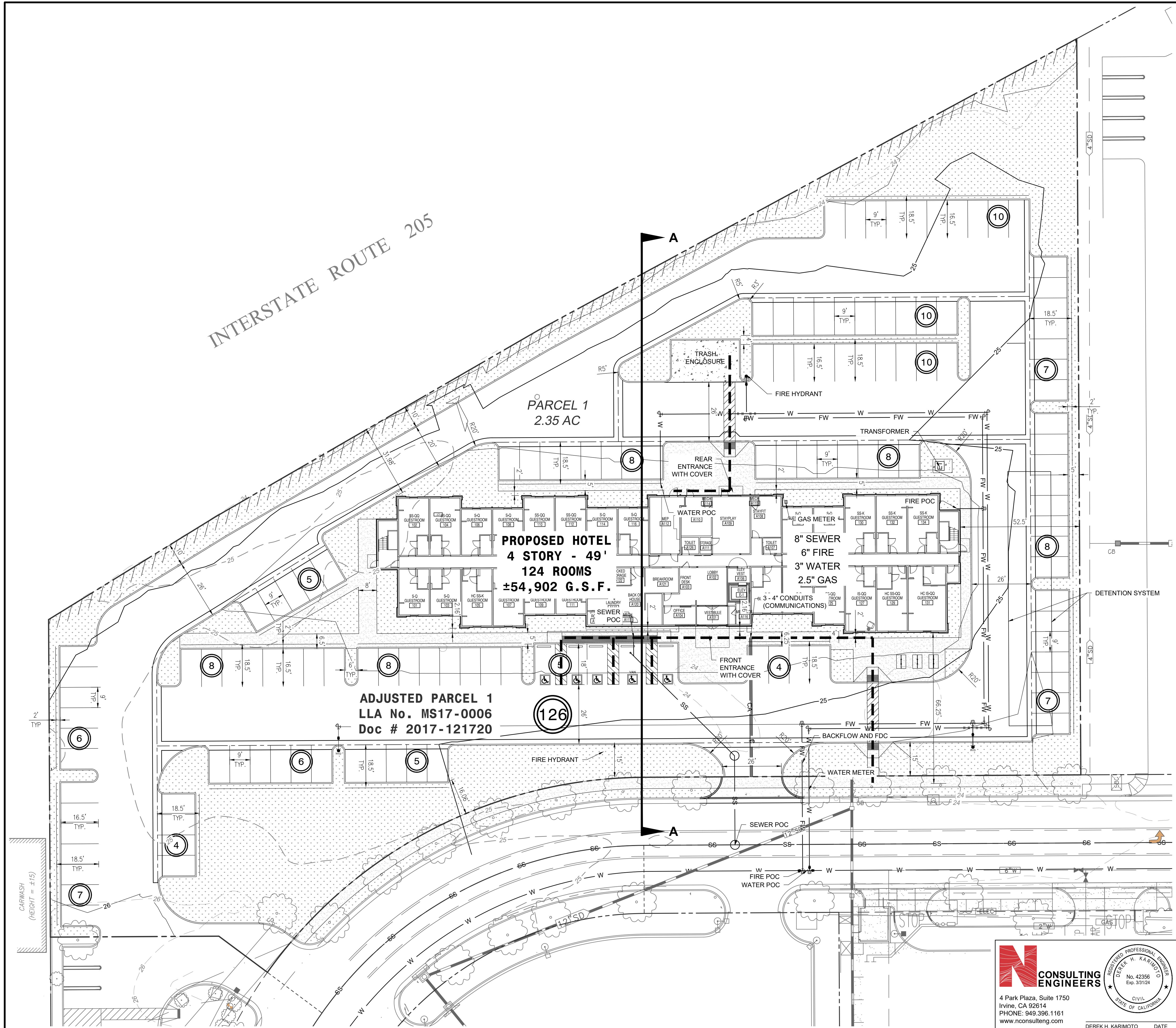


4 Park Plaza, Suite 1750  
Irvine, CA 92614  
PHONE: 949.396.1161  
www.nconsulteng.com

DEREK H. KARIMOTO DATE

ISSUE: ---  
PROJECT ADDRESS: JOE POMBO PKWY  
TRACY, CA 95377  
CLIENT: EXTENDED STAY AMERICA  
11525 N. COMMUNITY HOUSE RD. STE. 100  
CHARLOTTE, NC 28277  
DRAWN: S.S. SCALE AT D: 1" = 60' DATE: 8/3/2022 PROJECT NO: 21-014  
CHECKED: D.H.K. REV: COUNT: 1 OF 1 SHEETS SHEET: EXH103

**NOT FOR CONSTRUCTION**



**VICINITY MAP**

SCALE: 1" = 500'

**PROJECT TEAM**

**OWNER / DEVELOPER**

EXTENDED STAY AMERICA  
11525 N. COMMUNITY HOUSE RD. STE. 100  
CHARLOTTE, NC 28277  
CONTACT: PHILLIP LEE  
PHONE: 980.345.1984

**ARCHITECT**

BRD ARCHITECTURE, INC.  
6700 ANTIOCH PLAZA, SUITE 300  
MERRIAM, KS 66204  
CONTACT: BRIAN NELSON  
PHONE: 913.262.9095

**CIVIL ENGINEER**

N CONSULTING ENGINEERS, INC.  
4 PARK PLAZA, SUITE 750  
IRVINE, CA 92614  
CONTACT: DEREK KARIMOTO P.E., QSD  
PHONE: 714.514.8858

**LANDSCAPE ARCHITECT**

CONCEPTUAL DESIGN AND PLANNING COMPANY  
3195-C AIRPORT LOOP DRIVE  
COSTA MESA, CA 92626  
CONTACT: PHONE:

**PROJECT DATA**

APN	21402040
ADDRESS	JOE POMBO PKWY, TRACY, CA 95377
LEGAL DESCRIPTION	ADJUSTED PARCEL 1 AS SHOWN ON CERTIFICATE OF COMPLIANCE FOR LOT LINE ADJUSTMENT OWNERS CERTIFICATE LLA NO. MS17-0006, AS EVIDENCED BY DOCUMENT RECORDED OCTOBER 19, 2017 AS INSTRUMENT NO. 2017-121720 OF OFFICIAL RECORDS
ZONING DESIGNATION	GENERAL HIGHWAY COMMERCIAL (GHC)
GENERAL PLAN DESCRIPTION	COMMERCIAL
EXISTING LAND USE	ROUGH GRADED SITE - VACANT LOT
PROPOSED LAND USE	HOTEL
TOTAL GROSS AREA	102,366 SF
TOTAL NET AREA	99,762 SF
TOTAL BUILDING AREA	54,902 SF
LOT COVERAGE	
BUILDING AREA	13,725.5 SF
PARKING AREA	55,341 SF
LANDSCAPE OFF-SITE	26,793 SF
LANDSCAPE ON-SITE	3,833 SF
LANDSCAPE TOTAL	30,171 SF
FLOOR AREA RATIO	.55
OCCUPANCY CLASSIFICATION	R-1
TYPE OF CONSTRUCTION	V-A
FIRE SPRINKLERS AND/OR ALARM	BUILDING IS PROVIDED WITH AUTOMATIC SPRINKLER SYSTEM THROUGHOUT DESIGNED IN ACCORDANCE WITH NFPA 13 DRY SPRINKLER IN ATTIC IN LIEU OF DRAFT STOPPING. COMPLETE FIRE ALARM SYSTEM FOR TOTAL PROJECT.
ROOM COUNT	124
NUMBER OF STORIES	4
HEIGHT OF BUILDING	48' - 11 1/2"
PARKING COUNT	126

**LEGEND**

- PROPERTY LINE
- STREET CENTERLINE
- EX. MAJOR CONTOUR (1' INTERVALS)
- EX. MINOR CONTOUR (0.5' INTERVALS)
- PR. MAJOR CONTOUR (1' INTERVALS)
- PR. MINOR CONTOUR (0.5' INTERVALS)
- ET
- BF
- WM
- HYD
- FW
- SS
- W
- ACCESSIBLE PATH OF TRAVEL

**N**  
CONSULTING  
ENGINEERS  
DEREK H. KARIMOTO  
No. 42356  
Exp. 3/31/24  
CIVIL  
STATE OF CALIFORNIA  
CONSULTING  
ENGINEERS  
4 Park Plaza, Suite 1750  
Irvine, CA 92614  
PHONE: 949.396.1161  
www.nconsulteng.com  
DEREK H. KARIMOTO DATE

ISSUE:

SITE:  
EXTENDED STAY AMERICA TRACY

PROJECT ADDRESS:

TITLE:  
CONCEPTUAL SITE PLAN

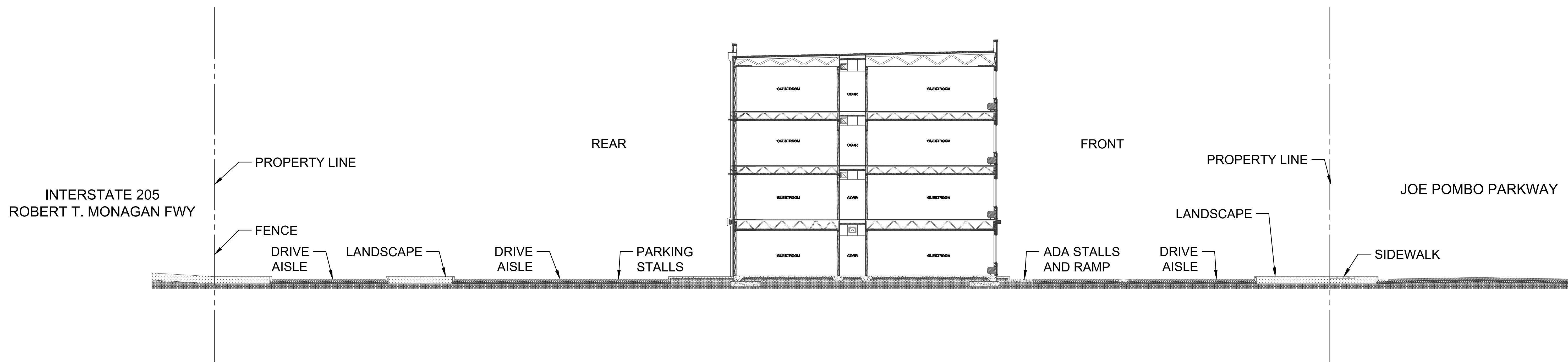
CLIENT:

DRAWN: S.S. SCALE AT D: 1" = 20' DATE: 8/5/2022 PROJECT NO: 21-014

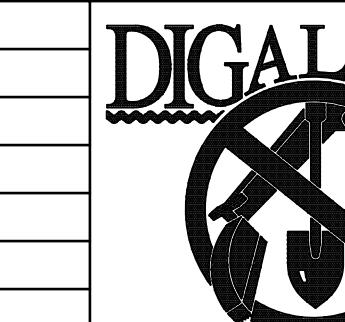
CHECKED:

REV: COUNT: 1 OF 1 SHEETS SHEET: CSP01

# NOT FOR CONSTRUCTION



NO.	DATE	REVISION DESCRIPTION	BY	DATE



DIAL TOLL FREE  
**811**  
AT LEAST TWO DAYS  
BEFORE YOU DIG

UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA

NOTICE TO CONTRACTOR:  
1. THE LOCATIONS OF EXISTING UTILITY  
INSTALLATIONS AS SHOWN ON THIS PLAN ARE  
APPROXIMATE. THERE MAY BE OTHER  
UNDERGROUND UTILITY INSTALLATIONS WITHIN  
THE PROPERTY LINE THAT ARE NOT SHOWN.  
2. N CONSULTING ASSUMES NO RESPONSIBILITY FOR  
DAMAGES, LIABILITY OR COSTS RESULTING FROM  
CHANGES OR ALTERATIONS MADE TO THIS PLAN  
WITHOUT THE EXPRESSED WRITTEN CONSENT OF  
N CONSULTING.

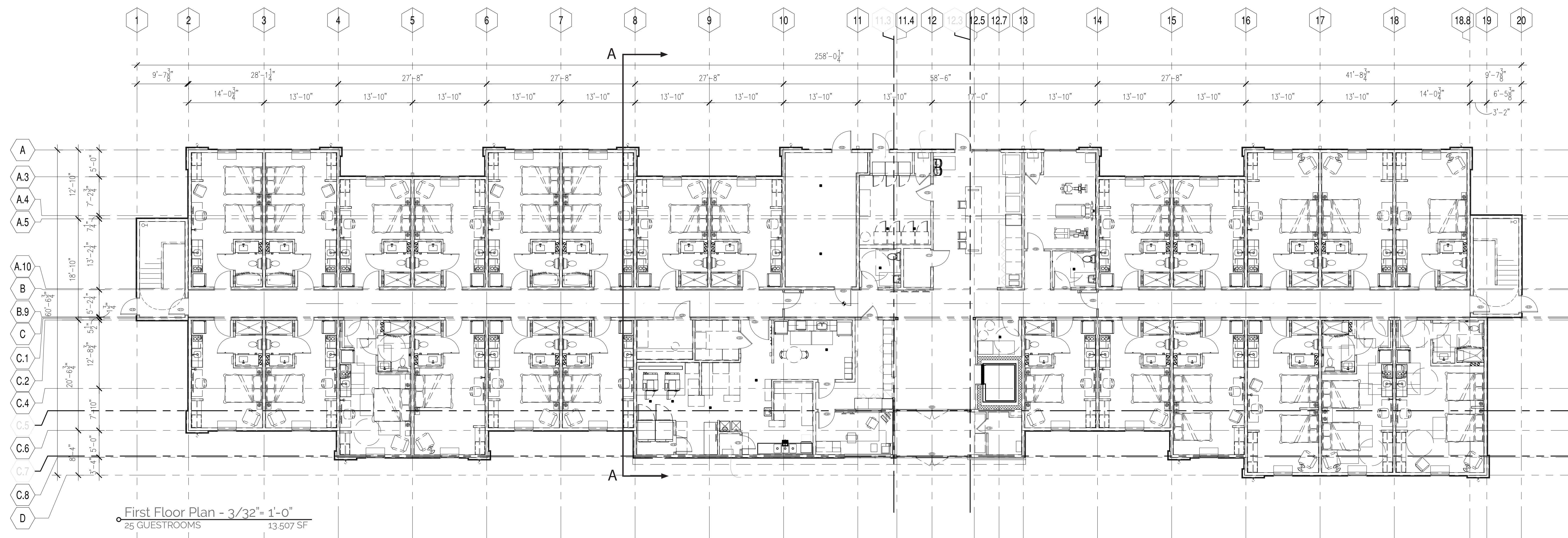
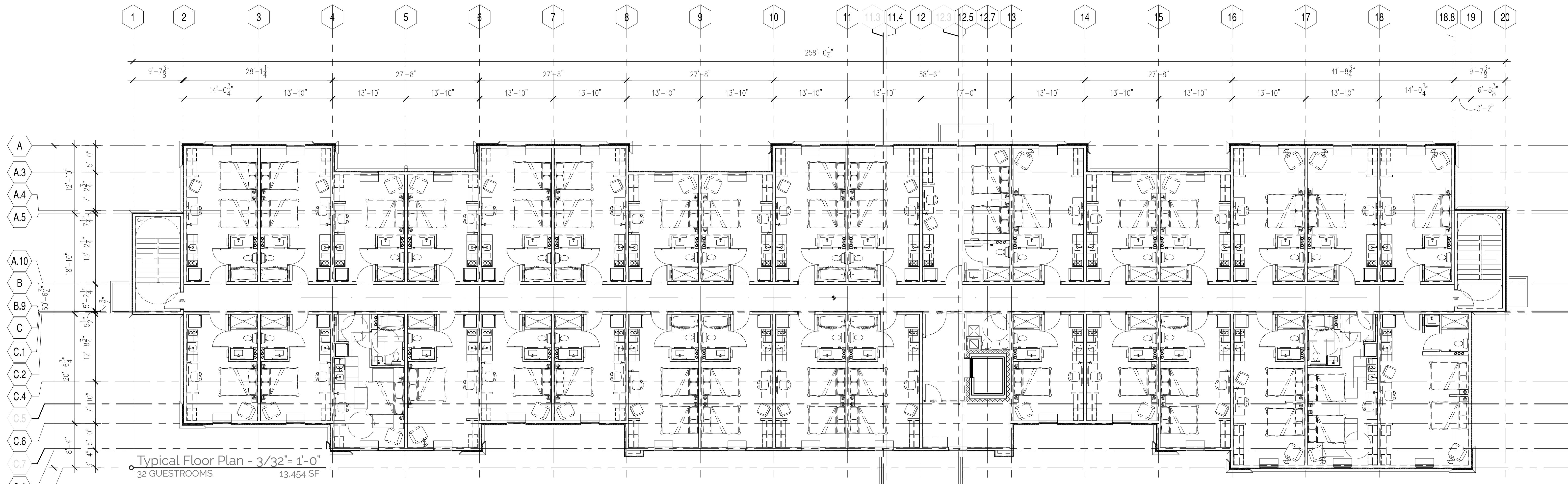
SURVEYOR'S BENCHMARK  
  
BASIS OF BEARINGS

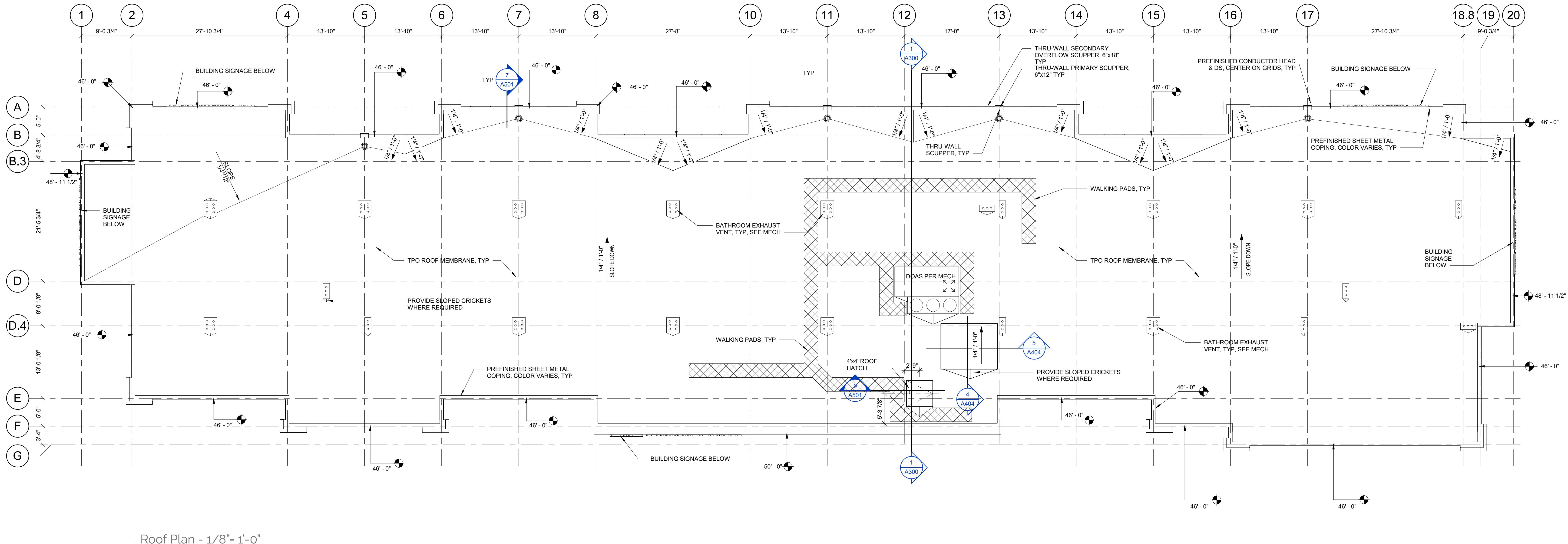


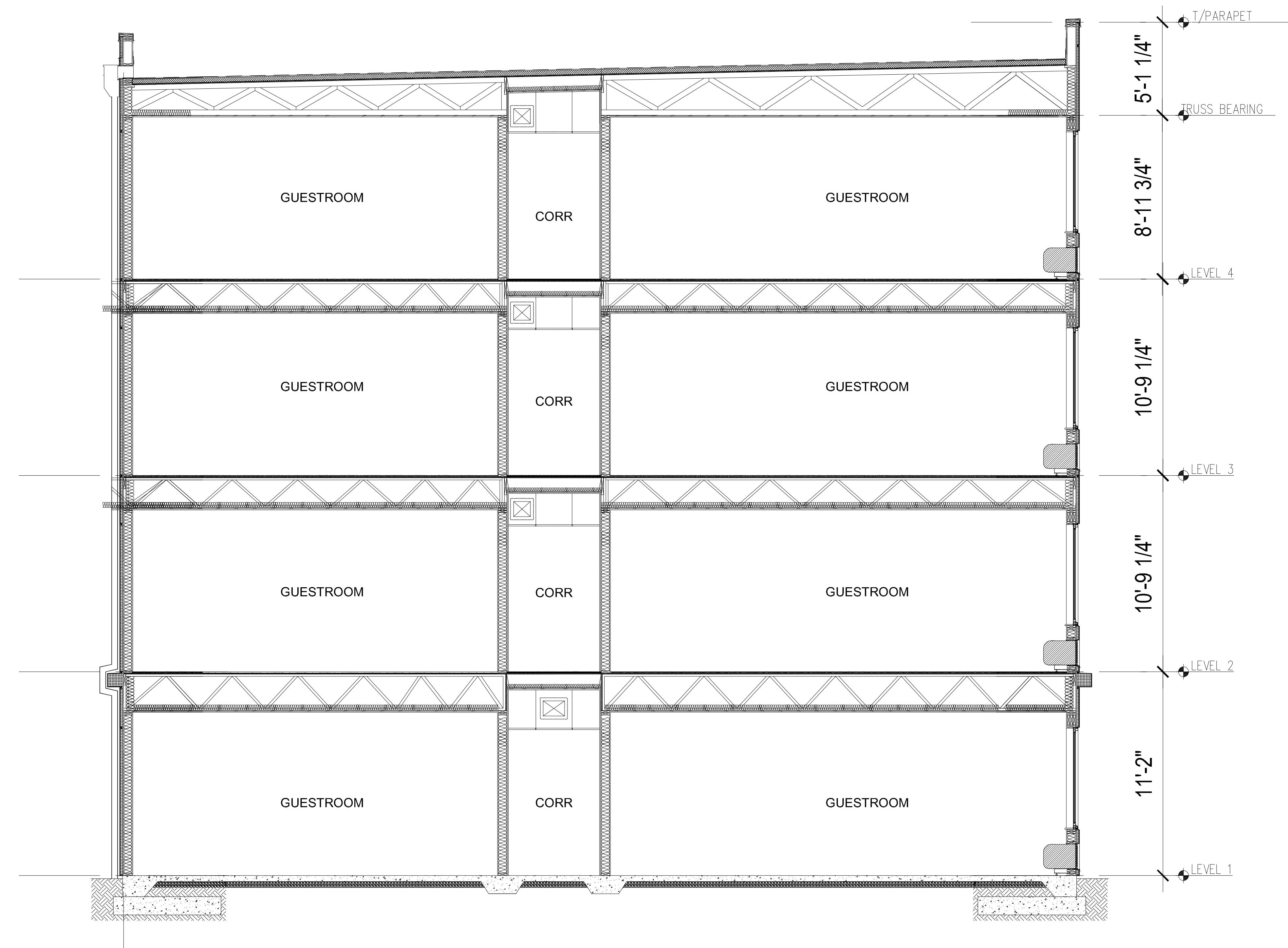
4 Park Plaza, Suite 1750  
Irvine, CA 92614  
PHONE: 949.396.1161  
www.nconsulteng.com

REGISTERED PROFESSIONAL ENGINEER  
No. 42356  
DEREK H. KARIMOTO  
Exp. 3/31/24  
CIVIL  
STATE OF CALIFORNIA  
DEREK H. KARIMOTO  
DATE

ISSUE: ----  
PROJECT ADDRESS: JOE POMBO PKWY  
TRACY, CA 95377  
CLIENT: EXTENDED STAY AMERICA  
11525 N. COMMUNITY HOUSE RD. STE. 100  
CHARLOTTE, NC 28277  
DRAWN: S.S. SCALE AT D: 1" = 120' DATE: 8/5/2022 PROJECT NO: 21-014  
CHECKED: D.H.K. REV: COUNT: 1 OF 1 SHEETS SHEET: EXH102









View 01 - Grand Line Road Looking North



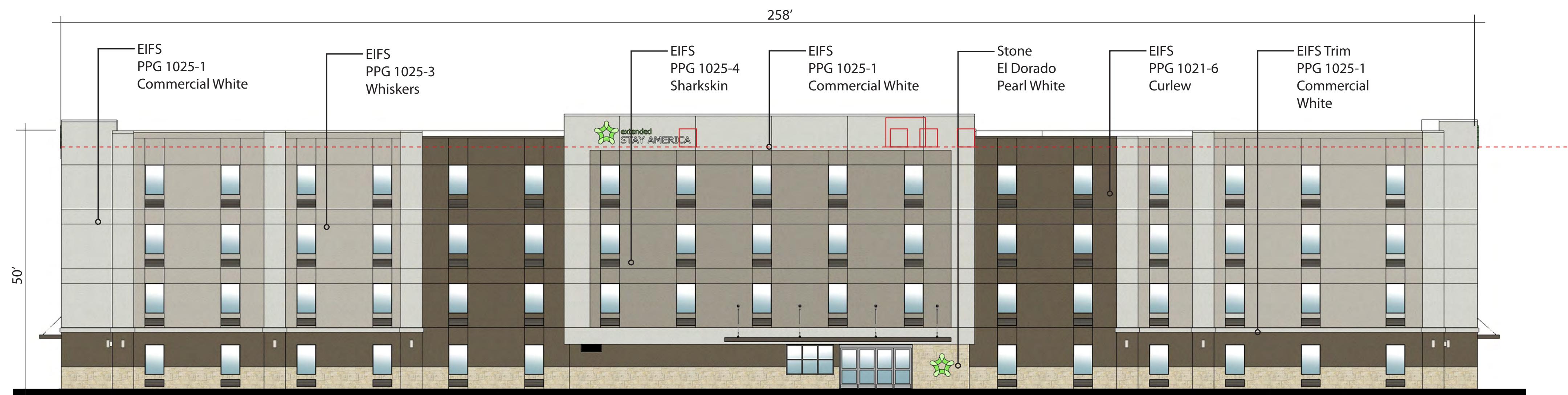
View 02 - Interstate 205 Looking Northeast



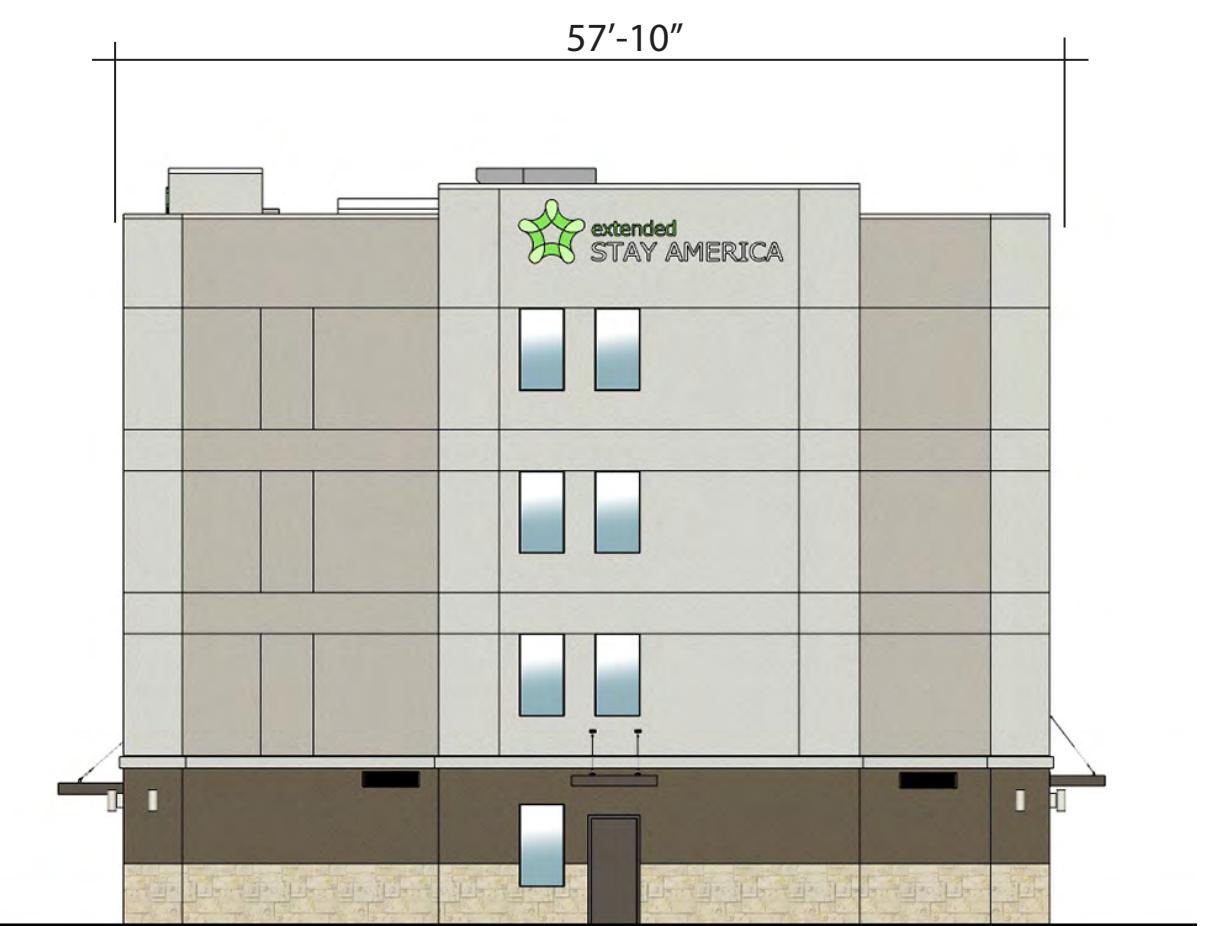
View 03 - Interstate 205 Looking Southwest



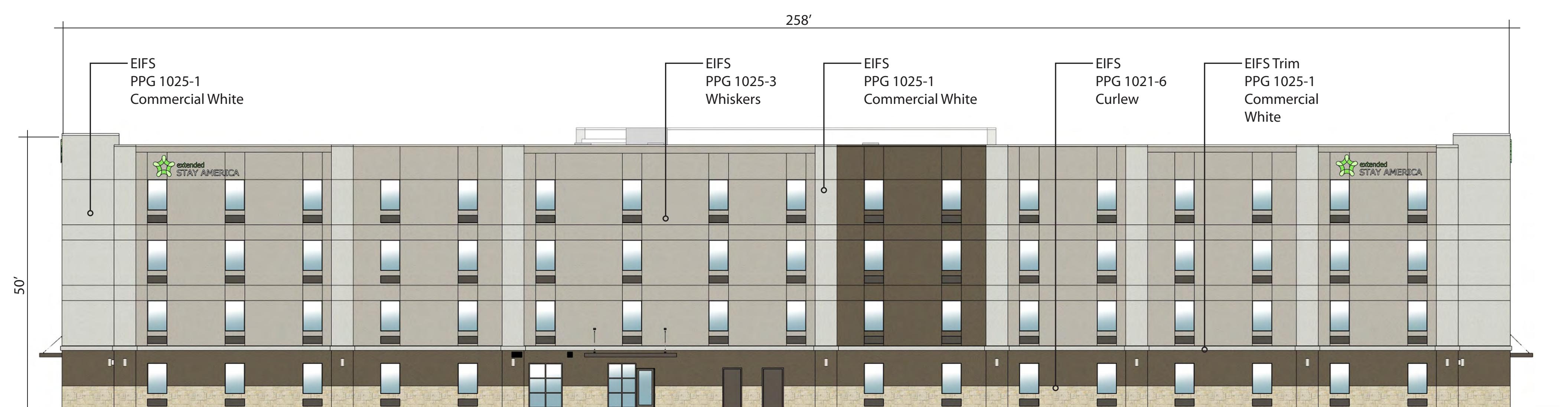
View 04 - Joe Pombo Pkwy Looking West



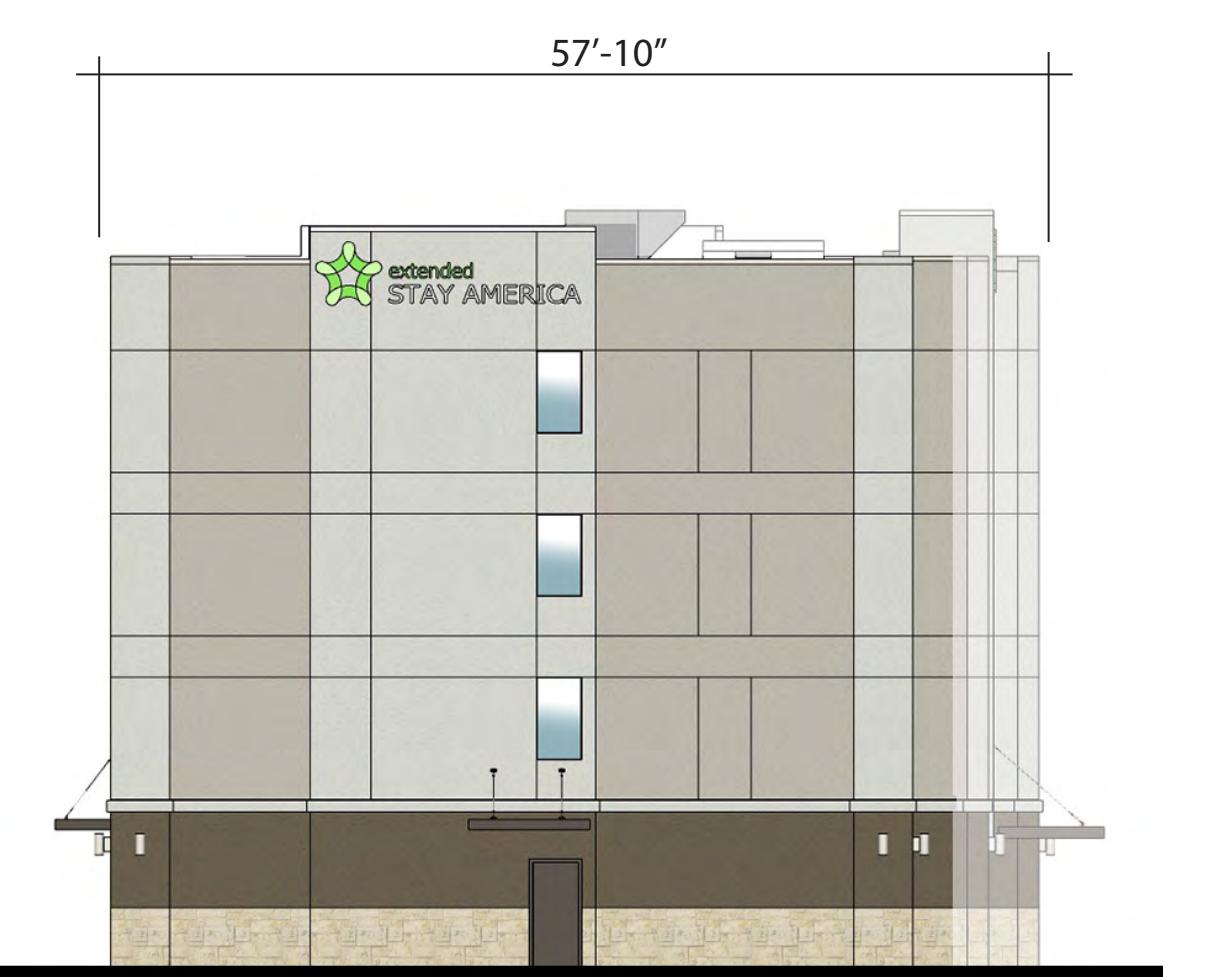
South Elevation



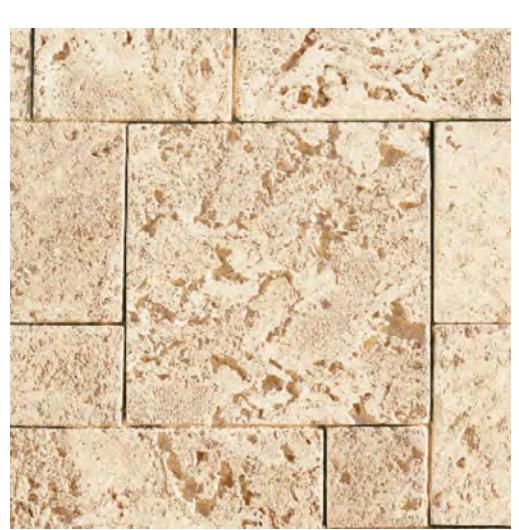
East Elevation



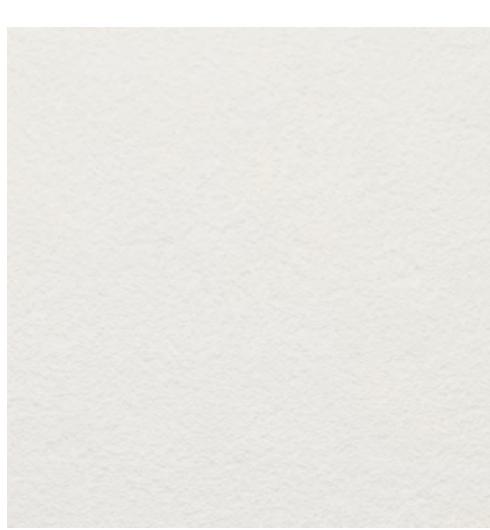
North Elevation



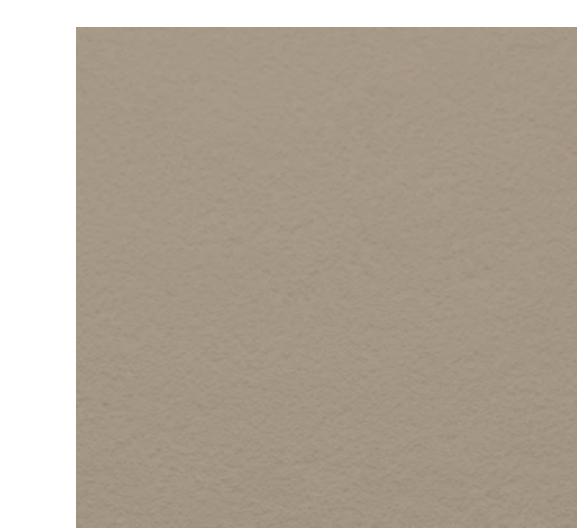
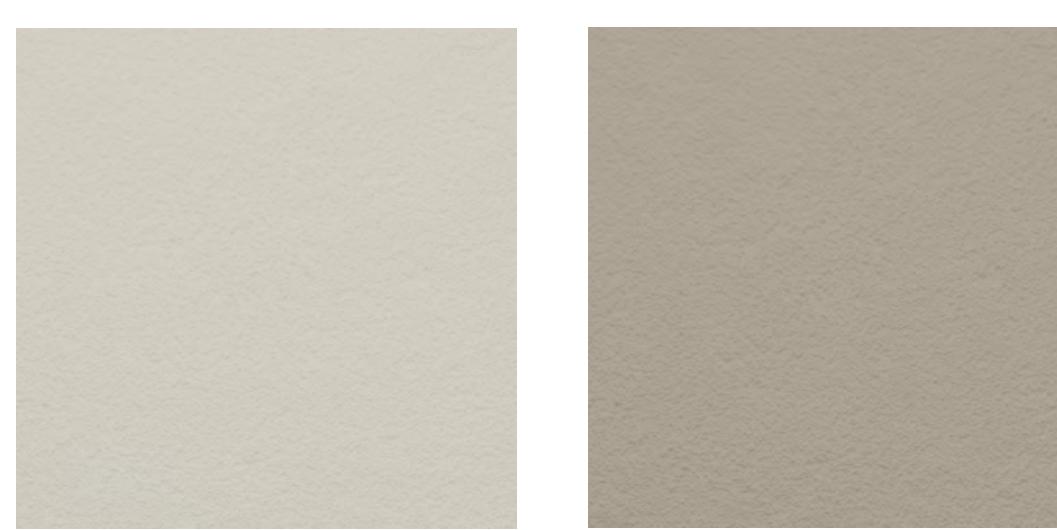
West Elevation



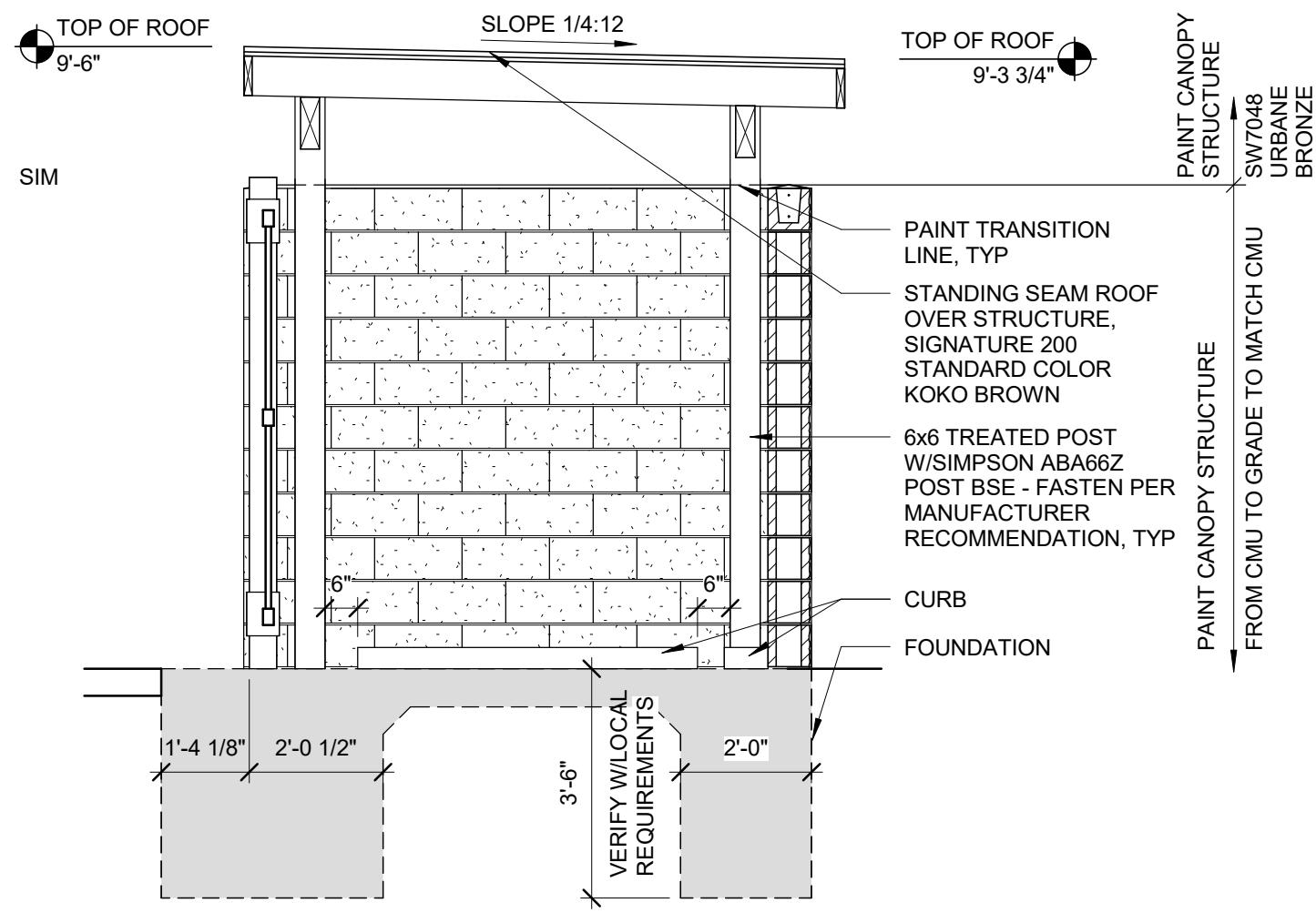
Stone



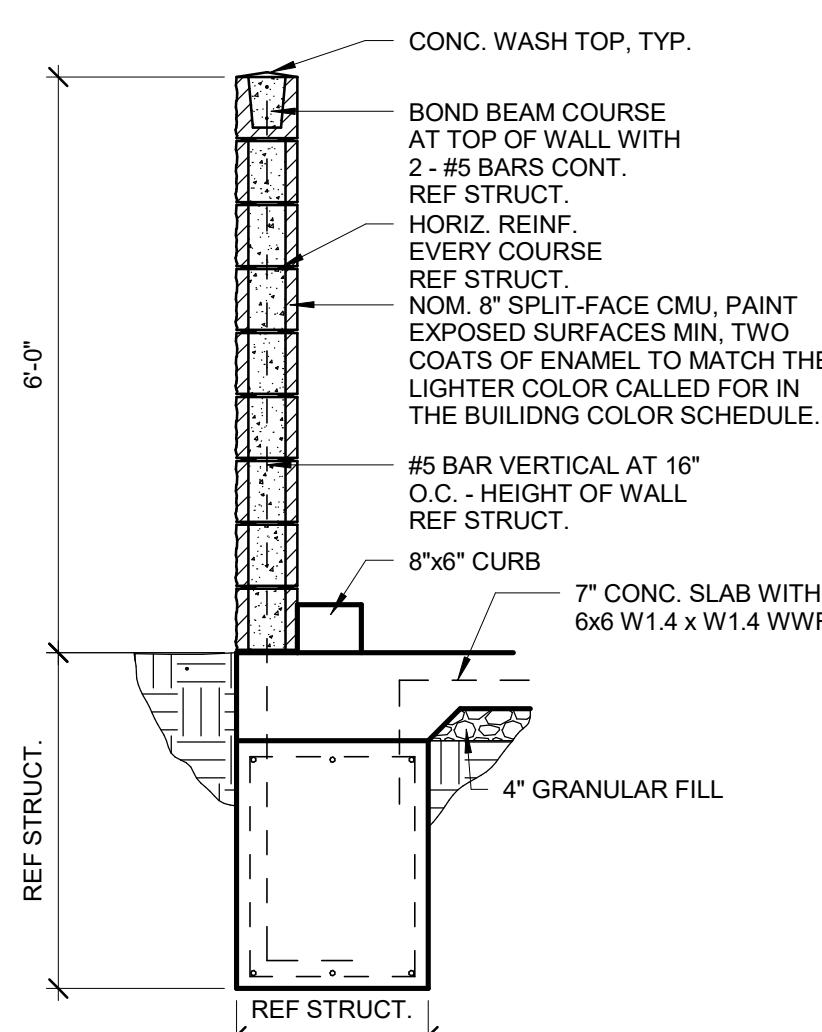
EIFS



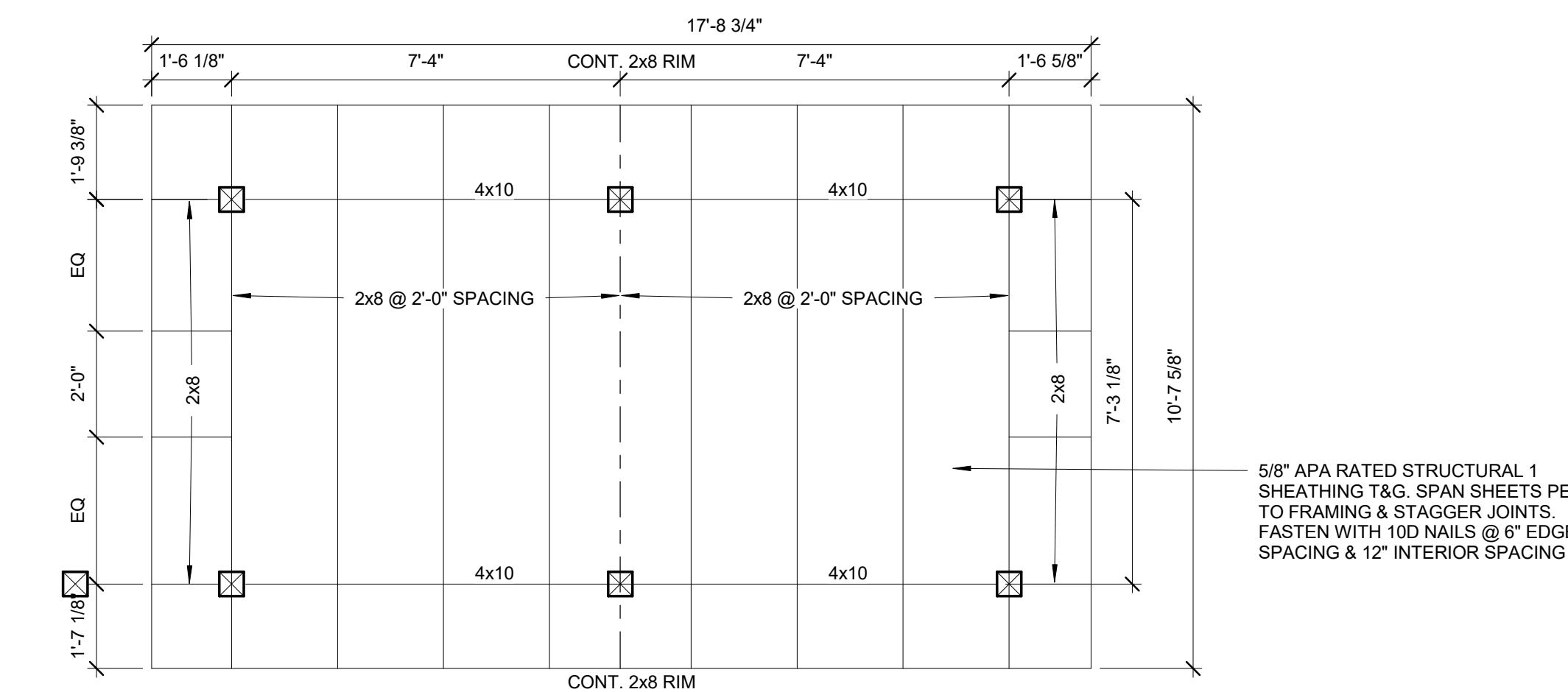




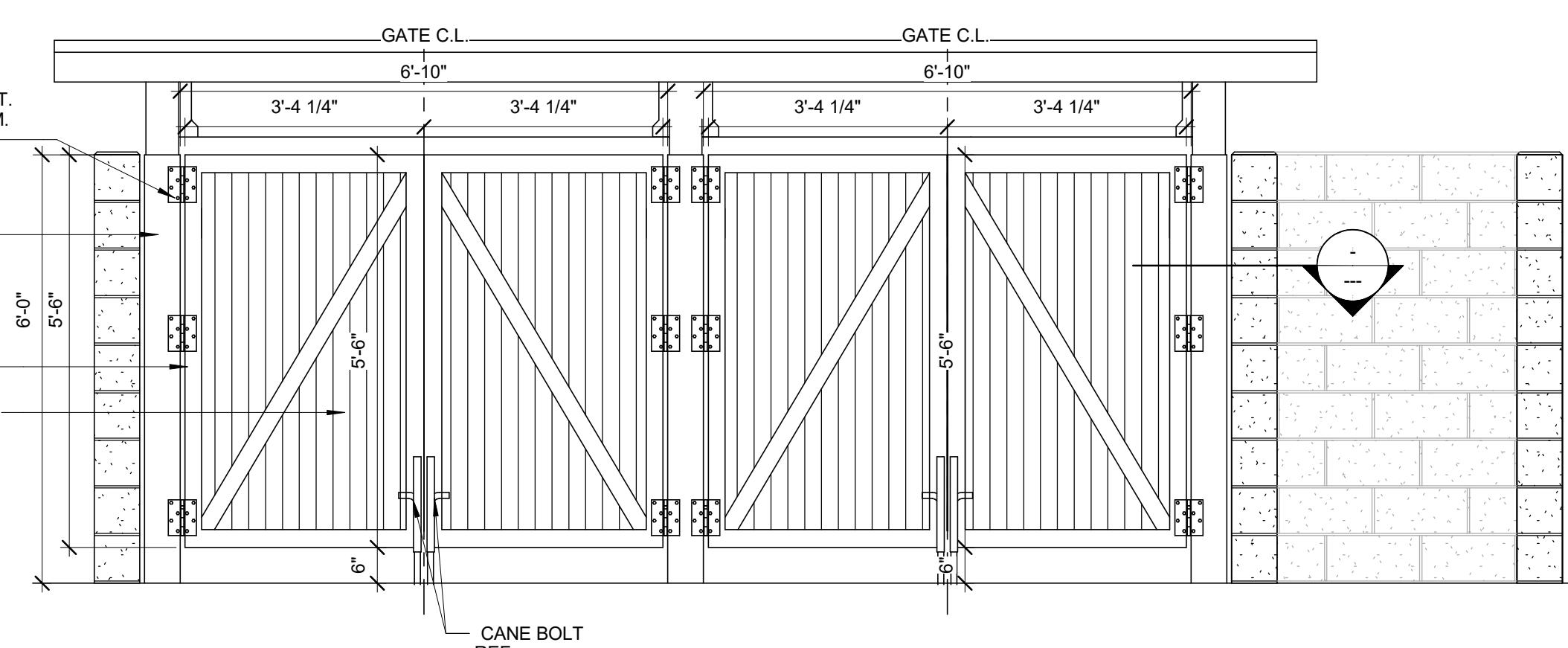
5 TRASH ENCLOSURE GATE SECTION  
3/8" = 1'-0"



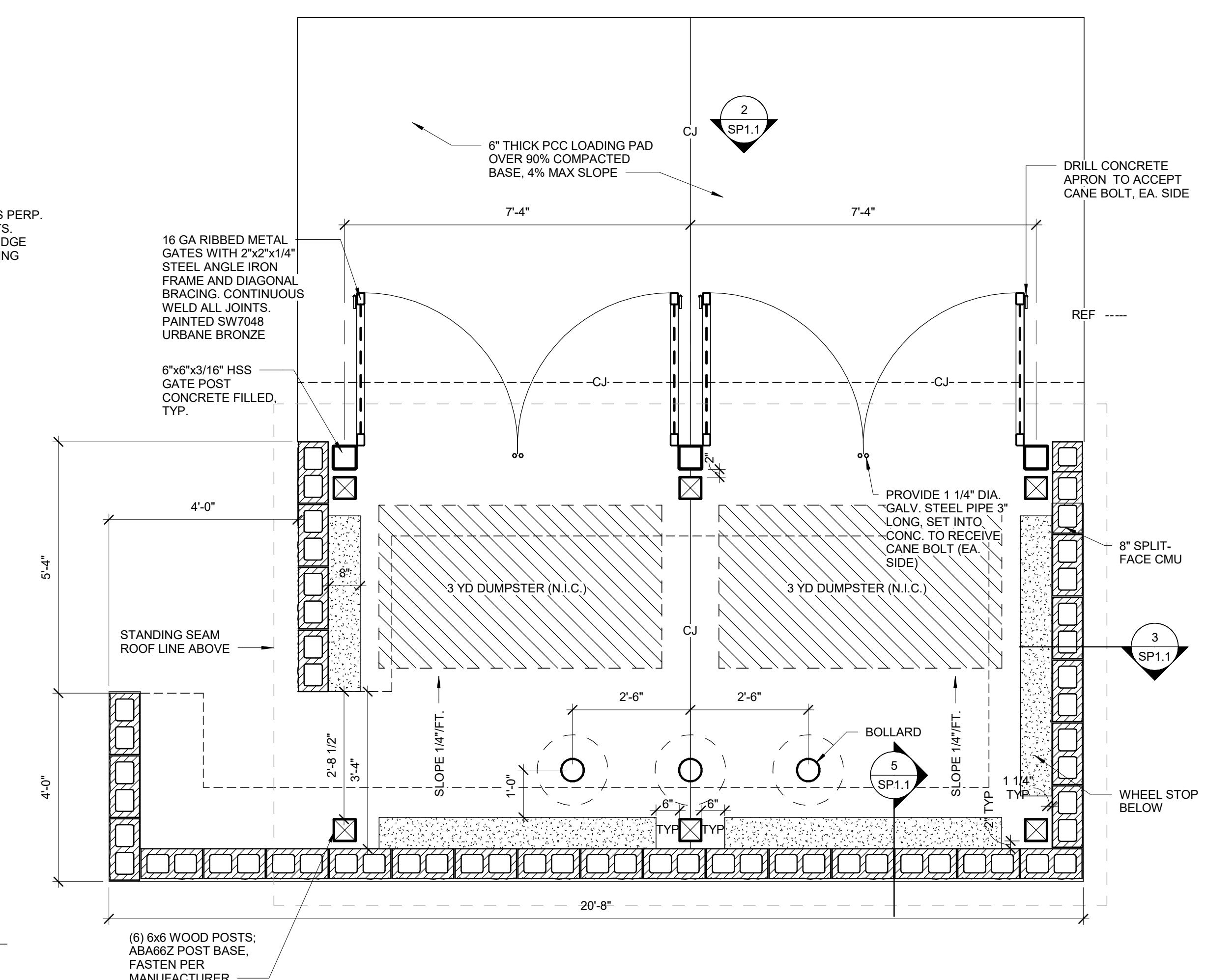
TRASH ENCLOSURE  
WALL SECTION  
3 1/2" = 1'-0"



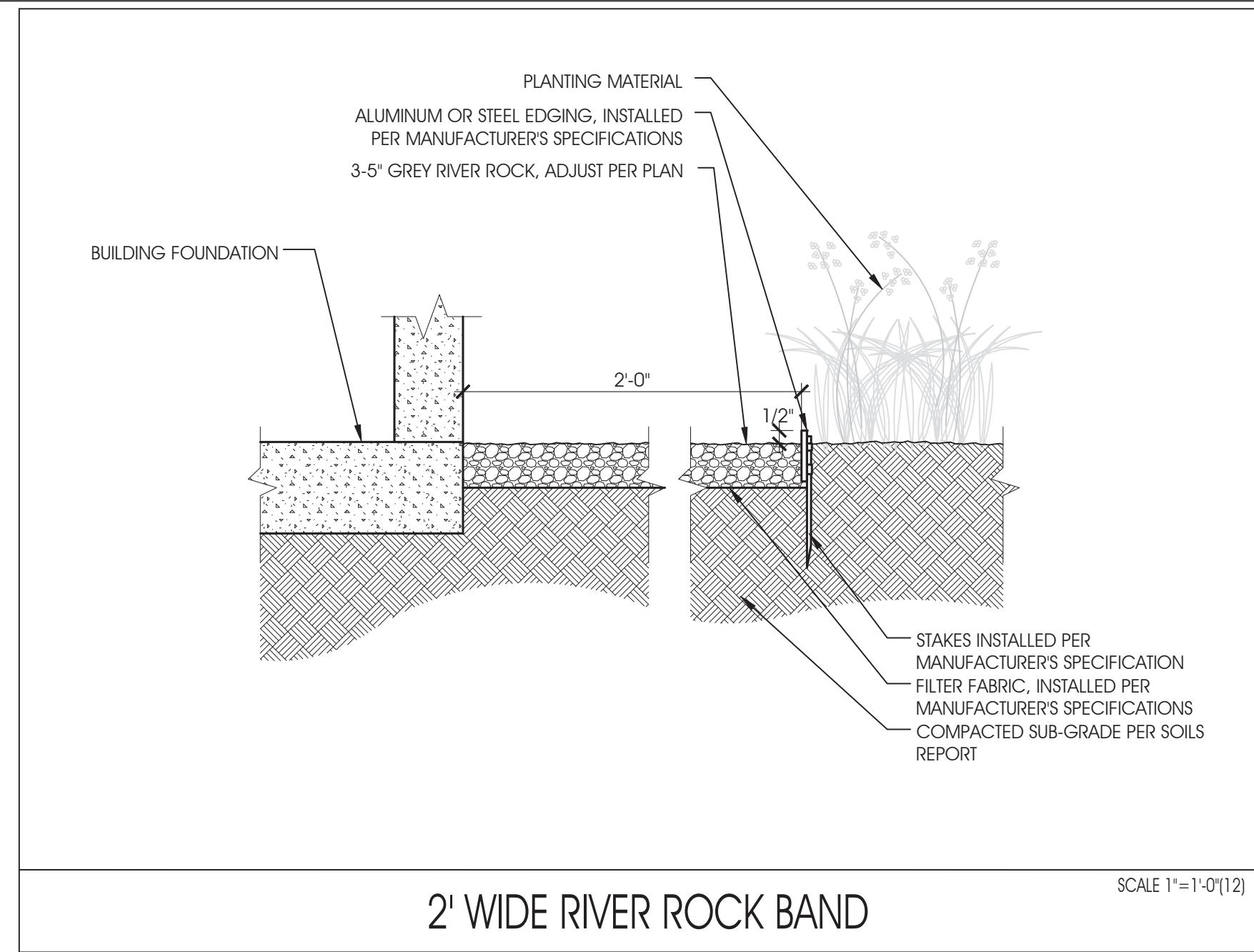
4 TRASH ENCLOSURE ROOF STRUCTURE  
3/8" = 1'-0"



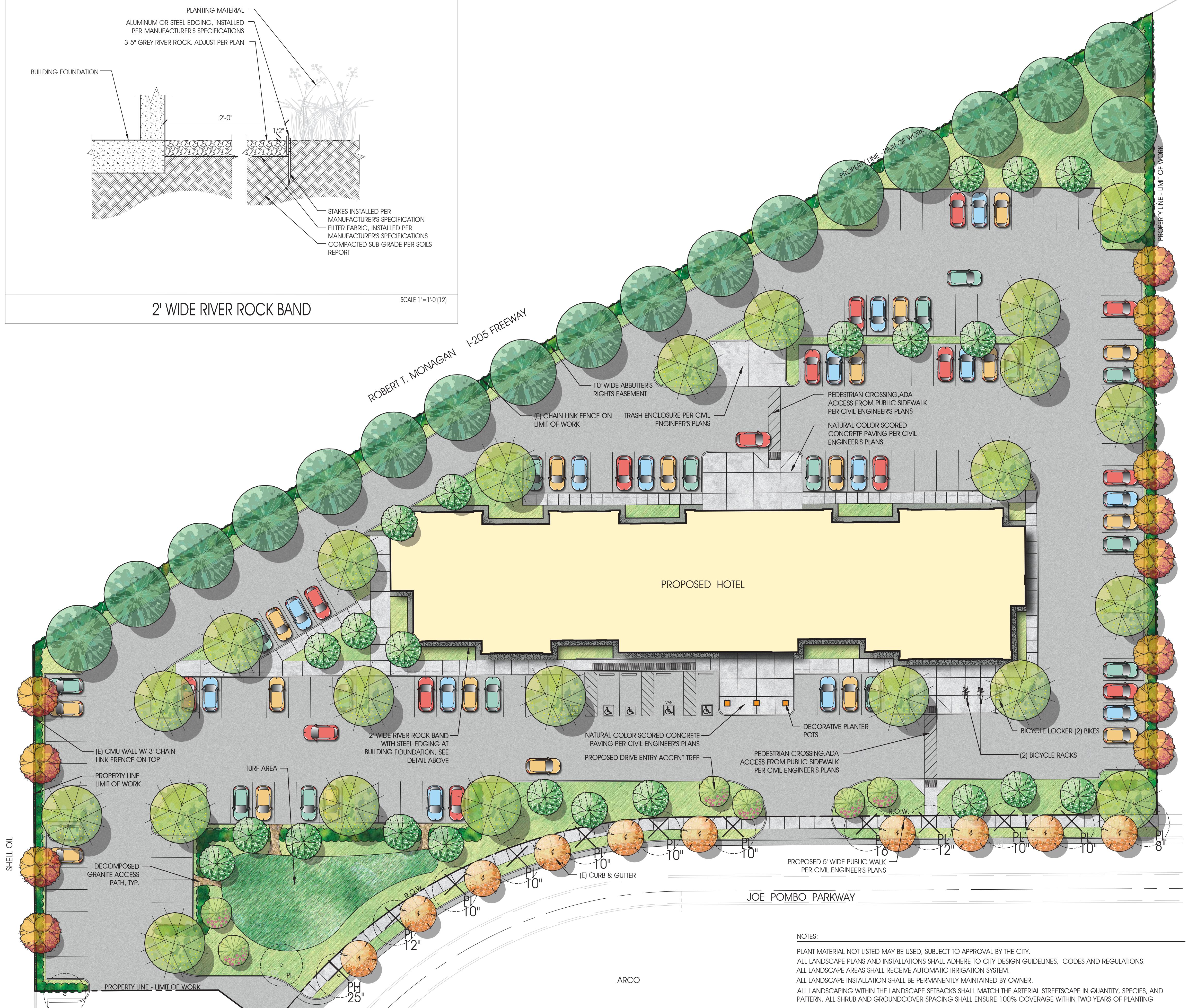
2 TRASH ENCLOSURE GATE ELEVATION  
1/2" = 1'-0"



1 TRASH ENCLOSURE PLAN  
1/2" = 1'-0"



2' WIDE RIVER ROCK BAND



## CONCEPTUAL LANDSCAPE PLAN

## PLANT PALETTE

TREES					
Symbol	Botanical Name	Common Name	Mature Size (Height x Canopy Width)	Size/ Caliper	Sunset Zone 14 (WUCOLS REGION 2)
	Cedrus deodara	Deodar Cedar	35' x 65'	24" Box/ 1.5"	Low
	Fraxinus o. 'Raywood'	Raywood Ash	20' x 35'	24" Box/ 1.5"	Mod
	Lagerstroemia l. 'Tuscarora'	Crape Myrtle	15' x 20'	36" Box/ 2.5"	Low
	Pistacia chinensis	Chinese Pistache	35' x 30'	36" Box/ 2.5"	Mod
	Pyrus c. 'Chanticleer'	Ornamental Pear	15' x 30'	24" Box/ 1.5"	Mod
	Ulmus parvifolia 'Drake'	Evergreen Chinese Elm	35' x 55'	24" Box/ 1.5"	Mod

### EXISTING TREES

Symbol	Key	EXISTING TREES TO REMAIN
	PI	Pistacia chinensis/ Chinese Pistache

XX INDICATES SPECIES

Symbol	Key	EXISTING TREES REMOVED FOR PUBLIC SIDEWALK
	PI	Phoenix canariensis Pistacia chinensis

XX INDICATES SPECIES  
PI INDICATES TRUNK DIAMETER

### SHRUBS / GROUNDCOVERS

Symbol	Botanical Name	Common Name	Sunset Zone 14 (WUCOLS REGION 2)
	Anigozanthos species	Kangaroo Paw	Low
	Baccharis pilularis	Dwarf Coyote Bush	Low
	Cistus purpureus	Orchid Rock Rose	Low
	Correa spp.	Australian Fuchsia	Low
	Dietera vegeta	Fortnight Lily	Low
	Grevillea spp.	Grevillea	Low
	Heteromeles arbutifolia	Toyon	Low
	Lantana montevidensis	Trailing Lantana	Low
	Lavandula spp.	Lavender	Low
	Ligustrum japonica Texanum'	Texas Privet	Low
	Leucophyllum c. 'Silver Cloud'	Silver Cloud Sage	Low
	Muhlenbergia capillaris	Pink Muhley	Low
	Myrsin communis 'Compacta'	Dwarf Myrtle	Low
	Olea 'Little Oliver'	Dwarf Olive	Low
	Pennisetum setaceum	Fountain Grass	Low
	Penstemon spp.	Penstemon spp.	Low
	Phormium tenax	New Zealand Flax	Low
	Punica granatum 'Nana'	Dwarf Pomegranate	Low
	Ribes viburnifolium	Evergreen Currant	Low
	Rosmarinus officinalis	Rosemary	Low
	Salvia greggii	Autumn Sage	Low

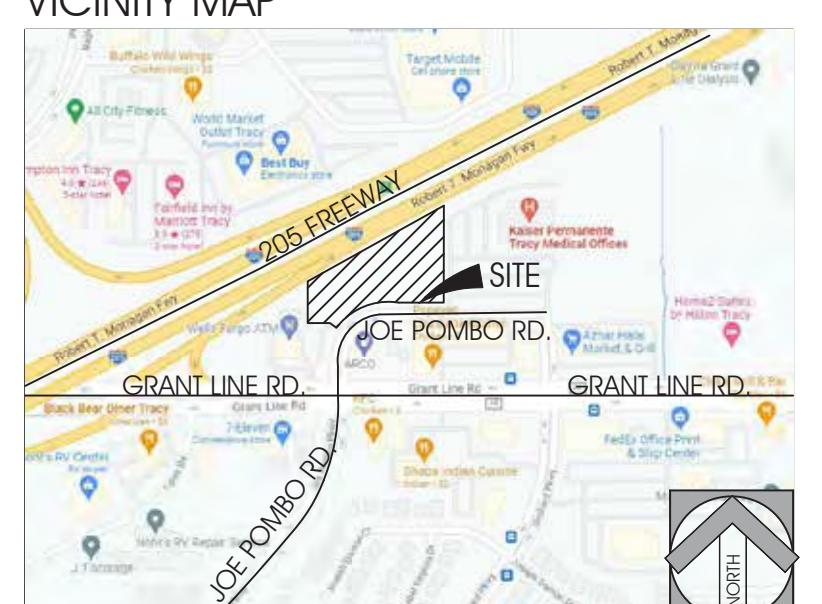
### SCREEN SHRUBS

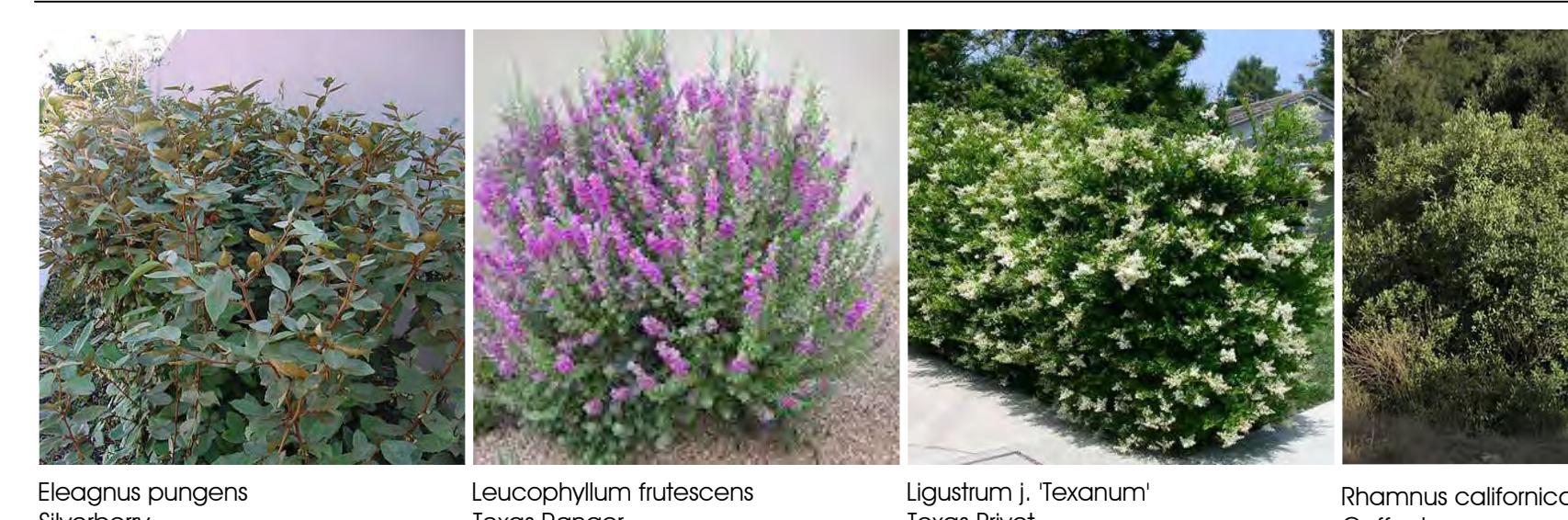
Symbol	Botanical Name	Common Name	Sunset Zone 14 (WUCOLS REGION 2)
	Elaeagnus pungens	Silverberry	Low
	Leucophyllum frutescens	Texas Sage	Low
	Ligustrum J. 'Texanum'	Waxleaf Privet	Low
	Rhamnus californica	Coffeeberry	Low

### TURF

Symbol	Botanical Name	Common Name	Sunset Zone 14 (WUCOLS REGION 2)
	Marathon II	Turf Tall Fescue	Mod

### VICINITY MAP



**TREES****SHRUBS****SCREEN SHRUBS****TURF****PLANT PALETTE IMAGERY**

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CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION NO. \_\_\_\_\_

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- 1. APPROVING A DEVELOPMENT REVIEW PERMIT FOR A NEW HOTEL DEVELOPMENT (EXTENDED STAY AMERICA TRACY) SOUTH OF I-205 AND NORTH OF THE INTERSECTION OF GRANT LINE ROAD AND JOE POMBO PARKWAY ON APN 214-020-40; AND**
- 2. DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15332.**

**WHEREAS**, A development review permit application for a four-story, approximately 54,902 square foot hotel consisting of 124 guestrooms and associated parking and landscaping improvements was submitted on June 1, 2022; and

**WHEREAS**, The site has a General Plan land use designation of Commercial and a zoning designation of General Highway Commercial Zone, wherein such uses are principally permitted; and

**WHEREAS**, The Planning Commission can approve a Development Review Permit on the basis of the application and evidence submitted, subject to making all of the requisite findings set forth in TMC Section 10.08.3920, which findings are set forth in Exhibit 1; and

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

**WHEREAS**, The Planning Commission conducted a public hearing to review and consider the applications on April 26, 2023; now, therefore, be it

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

**FURTHER RESOLVED:** That the Planning Commission hereby adopts the findings set forth in Exhibit 1, supporting the approval of Development Review Permit D22-0020 for a four-story, approximately 54,902 square foot hotel consisting of 124 guestrooms and associated parking and landscaping improvements; and be it

**FURTHER RESOLVED:** That the Planning Commission, based on the CEQA determination of exemption and the adoption of requisite findings, hereby approves Development Review Permit D22-0020 for the hotel development on an approximately 2.35-acre site located south of I-205 and north of the intersection of Grant Line Road and Joe Pombo Parkway; Assessor's Parcel Number 214-020-40, subject to the Conditions of Approval contained in Exhibit 2.

\*\*\*\*\*

The foregoing Resolution 2023-\_\_\_\_\_ was adopted by the Planning Commission on April 26, 2023, by the following vote:

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

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CHAIR

ATTEST:

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STAFF LIAISON

**City of Tracy  
Development Review Permit Findings  
Application Number D22-0020**

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 proposed project would develop an existing vacant site that is surrounded by commercial development. The proposed building and landscaped parking area meet the City's objectives for high quality design. The proposed building is architecturally interesting in that it has significant recesses and popouts, and it has incorporated a number of horizontal and vertical changes through its use of color and stone in the façade, which give the building interest and dimension. Metal canopies highlight building entries and provide visual interest at the pedestrian level. The architectural theme is present on all four sides of the building, and rooftop equipment will be hidden from view behind building parapets. Through-circulation is provided throughout the site, and the parking area will connect with an existing driveway on the site adjacent to the south to further improve circulation and provide a second point of access to the site. In furtherance of the City's landscaping goals, a significant amount of landscaping, including a variety of canopy and accent trees, is proposed throughout the parking area, on the site's perimeter, and around the building.
2. The proposal, as conditioned, conforms to the Tracy Municipal Code, the City of Tracy General Plan, the City Design Goals and Standards, applicable City Standards, California Building Codes, and California Fire Codes, because the proposed development will comply with all applicable City and state regulations for building design and construction, off-street parking and circulation, and landscaping design.

**City of Tracy**  
**Conditions of Approval**  
Extended Stay America Tracy  
Application Number D22-0020

**A. General Provisions and Definitions.**

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

**The Project:** A four-story, approximately 54,902 sq ft hotel consisting of 124 guestrooms and associated parking and landscaping improvements (Extended Stay America Tracy)

**The Property:** An approximately 2.35-acre site located south of I-205 and north of the intersection of Grant Line Road and Joe Pombo Parkway; Assessor's Parcel Number 214-020-40

**A.2. Definitions.**

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "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.
- c. "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, and relevant Public Facility Master Plans).
- d. "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.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project, Application Number D22-0020. The Conditions of Approval shall specifically include all conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

**A.3. Compliance with submitted plans.** Except as otherwise modified herein, the project shall be constructed in substantial compliance with the plans received by the Development Services Department on September 16, 2022, which include the civil, site, floor, roof, elevations, sections, and landscape plans, as well as color and material details.

**A.4. Payment of applicable fees.** The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check

fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.

A.5. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:

- the Planning and Zoning Law (Government Code sections 65000, et seq.)
- the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
- the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
- California State Title 24 and Title 19

A.6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.

A.7. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

## **B. Development Services Department, Planning Division Conditions**

Contact: Kimberly Matlock (209) 831-6430 [kimberly.matlock@cityoftracy.org](mailto:kimberly.matlock@cityoftracy.org)

B.1. Bollards. Concrete bollard pipes shall not be used in areas visible to the general public. Large boulders, planter boxes, decorative walls, or other architectural features that complement the character of the site may be used as needed for protection of site improvements from potential vehicular impact.

B.2. Parking area. Before the approval of a building permit, the applicant shall submit the following to the satisfaction of the Development Services Director:

B.2.1 Site plans and construction details that demonstrate 12-inch wide concrete curbs along the perimeter of landscape planters where such planters are parallel and adjacent to vehicular parking spaces to provide access to vehicles without stepping into the landscape planters.

B.2.2 Detailed plans that demonstrate the parking stalls are striped in accordance with Standard Plan 141.

B.2.3 Detailed plans that demonstrate sidewalk, landscape planters, and bio-retention areas perpendicular to parking stalls overhang up to 24 inches into the parking stall in place of wheel stops where feasible. Any landscape planter overhang

may not be double-counted toward the required amount of parking area landscaping.

B.2.4 Bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510.

B.3. Landscaping & irrigation plans. Before the approval of a building permit, the applicant shall provide detailed landscape and irrigation plans consistent with the following to the satisfaction of the Development Services Director:

B.3.1. Said plans shall demonstrate compliance with Tracy Municipal Code Section 10.08.3560 for parking area landscaping. Said plans shall include a planting legend indicating, at minimum, the quantity, planting size, and height and width at maturity and calculations for landscape and canopy tree shading areas.

B.3.2. Each planter shall contain a combination of trees, shrubs, and groundcover. Trees shall be a minimum of 24" box size, shrubs shall be a minimum size of 5 gallon, and groundcover shall be a minimum size of 1 gallon at planting.

B.3.3. Where trees are planted ten feet or less from a sidewalk or curb, root barriers dimensioned 8 feet long by 24 inches deep shall be provided adjacent to such sidewalk and curb, centered on the tree.

B.3.4. Landscape & Irrigation Maintenance. Prior to the issuance of a building permit, the Developer shall execute a two-year landscape and irrigation maintenance agreement and submit financial security, such as a performance bond, to ensure the success of all on-site landscaping for the term of the agreement. The security amount shall be equal to \$2.50 per square foot of the landscaped area or equal to the actual labor and material installation cost of all on-site landscaping and irrigation.

B.4. Landscaping & irrigation installation. Prior to final inspection or certificate of occupancy, all landscaping and irrigation substantially conforming with the development review permit plans dated September 16, 2022 and the approved building permit construction plans shall be installed to the satisfaction of the Development Services Director.

B.5. Lighting.

B.5.1. Before the issuance of a building permit, the applicant shall submit detailed plans that demonstrate a minimum of one foot candle throughout the parking area as defined in TMC Section 10.08.3450.

B.5.2. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way and onto any adjacent private property, to the satisfaction of the Development Services Director.

B.6. Screening utilities and equipment. Before the approval of a building permit, the applicant shall submit detailed plans that demonstrate the following:

- B.6.1. No roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be readily visible from any public right-of-way, including I-205. The plans shall demonstrate that such equipment is fully screened from view by building parapet designed to be equal to or higher than the height of the mounted equipment to the satisfaction of the Development Services Director.
- B.6.2. All vents, gutters, downspouts, flashing, plumbing lines, fire risers, and electrical conduits shall be internal to the structures and other ground-mounted, wall-mounted or building-attached utilities, including bollards, shall be painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
- B.6.3. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or substantially screened from view behind structures or landscaping, to the satisfaction of the Development Services Director.
- B.6.4. Trash enclosures shall be designed and appropriately sized for this project, including allowance for recycling collection. The trash and recycling collection enclosure shall include a solid roof structure, solid metal doors, and solid walls sufficiently sized to fully screen the dumpsters. The enclosure, including the roof, shall be architecturally compatible with the building, which includes but is not limited to, design, materials, and colors. A six-inch concrete curb and/or bollards may be installed on the interior of the enclosure for the protection and durability of the enclosure walls.

B.7. Signs. No business identification signs are approved with this permit. Prior to the installation of any signs requiring a sign permit, the applicant shall obtain applicable sign and building permits in accordance with the Tracy Municipal Code.

B.8. Fencing. No chain link fence is permitted on site where it would be visible from the public right-of-way, and the existing chain link fencing shall be removed prior to final inspection. Electronically charged, razor wire, barbed wire, integrated corrugated metal, or plain exposed plastic concrete/PCC fences, vinyl slats, and woven fabric fences are not permitted anywhere on site.

B.9. 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), including District Rule 9510, Regulation VIII, and payment of all applicable fees, to the satisfaction of the APCD.

**C. Development Services Department, Engineering Division Conditions**

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

**C.1. General Conditions**

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

- 1) Potable Water Technical Memorandum prepared by Black Water Consulting Engineers of Modesto, CA dated February 3, 2023;
- 2) Sanitary Sewer Technical Memorandum prepared by Black Water Consulting Engineers of Modesto, CA dated February 3, 2023;
- 3) Storm Drain Technical Memorandum prepared by Wood Rodgers, of Roseville, CA dated February 9, 2023;
- 4) Traffic Analysis and Engineering Review prepared by Kimley-Horn and Associates of San Jose, CA dated February 15, 2023;

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.

Prior to the release of the Grading Permit for the Project, Developer shall provide all documents related to said Grading Permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.4.1 Developer has completed all conditions set forth in this section.
- C.4.2 Developer has obtained the approval (i.e. recorded easements for slopes, drainage, utilities, access, parking, construction, etc.) of all other public agencies and/or private entities with jurisdiction or interest over the required public and/or private facilities and/or property. Written permission from affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit.
- C.4.3 Developer has obtained a demolition permit to remove any existing structure located within the project's limits.
- C.4.4 All existing on-site water well(s), septic system(s), and leech field(s), if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s), septic system(s), and leech field(s) including the cost of permit(s) and inspection. Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.
- C.4.5 The Improvement Plans for all improvements to serve the Project (on-site and off-site) including the Grading Plan shall be prepared in accordance with the City's Subdivision Ordinance (Tracy Municipal Code Chapter 12.36), City Design

Documents as defined in Title 12 of the Tracy Municipal Code, and these Conditions of Approval.

C.4.6 On-site Grading Plan shall be prepared on a twenty-four (24) inch x thirty-six (36) inch size 20-pound (min.) bond paper and PDF. These plans shall use the City's Title Block. Improvement Plans shall be prepared under the supervision of, stamped and signed by the Project's Registered Civil Engineer of Record and the Project's Registered Geotechnical Engineer. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the plans prior to submitting the mylars to Engineering Division for City Engineer's signature. Erosion control measures shall be implemented in accordance with the Grading Plan 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](mailto: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](mailto: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 the Project's Registered Geotechnical Engineer. The technical report must include relevant information related to, but not limited to, soil types and characteristics; soil bearing capacity; recommendations of soil and pavement compaction, import fill gradation, retaining wall design, slope gradients, flexible and in-flexible pavement (including paving calculations such as 5-values, gravel factors, gravel equivalence); bore logs; elevation of the highest observed groundwater level; infiltration testing at the bottom floor elevation of the proposed basin; and other design recommendations or geotechnical tests to the satisfaction of 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 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 the Project's Registered Geotechnical Engineer signs and stamps a geotechnical report letter that supports a steeper slope gradient. Slope easements may be required and will be subject to approval by the City Engineer.

Minor Retaining along Project Perimeter – Developer shall use reinforced or engineered masonry blocks for retaining soil along the Project boundary and adjacent property(s) when the grade differential exceeds 12-inches. Developer will include construction details for these minor retaining walls with the on-site Grading 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 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 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. Referenced and incorporated herein are Title 11 and Title 12 of the Tracy Municipal Code. Exemptions from this condition are further clarified in the aforementioned code sections.
- 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 potential archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan Environmental Impact Report; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

#### C.5. Improvement Agreement(s)

All construction activity involving public improvements will require a fully executed improvement agreement (Off-site, Subdivision, and/or Inspection). Any construction activity involving public improvements without a fully executed improvement agreement is prohibited. All public improvements shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Civil Engineer of Record.

Prior to the consideration of City Council's approval of said improvement agreement, the Developer shall provide 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. Off-site and/or Public Infrastructure Improvement Plans prepared on a twenty-four (24) inch x thirty-six (36) inch size 20-pound (min.) bond paper and PDF 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 Landscape Architect for the relevant discipline. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the plans including signatures by Fire Marshal to submitting the construction plans to Engineering Division for City Engineer's signature. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:

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

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

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

C.5.1.d. 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 right-of-way 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 Plans with calculations for the sizing of the storm drain pipe(s), and shall comply with the applicable requirements of the City's storm water regulations adopted by the City Council in 2012 and any subsequent amendments. Developer shall also construct the recommended mitigations described in the storm drain technical memorandum.

Developer and its heirs shall be responsible for repairing and maintaining the on-site storm water treatment system at the Developer's (and heirs') sole cost and expense.

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 shall also construct the recommended mitigations described in the sanitary sewer technical memorandum. Developer shall install a 6-inch diameter sewer lateral.

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

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 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 per City Regulations and shall not in the driveway. Other proposed locations shall be approved to the satisfaction of the City Engineer.

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.

Fire Service Line – Location and construction details of fire service line including fire hydrant(s) that are to serve the Project shall be approved by the Fire Marshal. Prior to the approval of the Improvement Plans by the City Engineer, the Developer shall obtain written approval from the Fire Marshal, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed or planned to serve the Project.

C.5.1.g Streets – The Developer shall have frontage improvements. All streets and utilities improvements within City 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, roadways, wastewater, and water as adopted, amended, and updated by the City, or as otherwise specifically approved by the City. The Developer shall construct frontage improvements as described below.

Grant Line Road and Joe Pombo Parkway

Developer shall install an audible pedestrian crossing system and ADA ramp upgrades at the existing traffic signal at Grant Line Road and Joe Pombo Parkway.

Private Access Drive

Developer shall construct or re-construct cracked, settled, and/or damaged portland cement concrete curb, gutter, and sidewalk; a parkway, construct landscaping and its automatic irrigation system; fire hydrants; and streetlights along the Project's frontage.

Throughout the Project frontage along the private access drive, Developer shall construct a landscaped and irrigated parkway. Developer shall preserve the existing trees on the Project's frontage to the extent feasible to the satisfaction of the City Engineer. Landscape and irrigation plans shall be prepared on a 24-inch x 36-inch size 20-pound (min.) bond paper and PDF 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. Said landscape and irrigation plan shall be prepared by a California licensed landscape architect.

Developer shall also construct the recommended improvements described in the traffic technical memorandum.

- C.5.2. Joint Trench Plans and Composite Utility Plans, prepared on a twenty-four (24) inch x thirty-six (36) inch size 20-pound (min.) bond paper and PDF for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within a PUE, if existing, 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).
- C.5.3. Payment of applicable fees required by City Regulations, and these Conditions of Approval including but not limited to plan checking, grading, construction inspection, agreement processing, encroachment permits, and testing fees.
- C.5.4. Project Engineer's reasonable cost estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.
- 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 either pinned and recessed into the pavement or ramped on all sides. Ramps will be made of cold-mix asphalt concrete, be a minimum two-foot wide, and will run the entire length of each side.
- C.5.6. 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.5.7 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

Prior to the release of a building permit within Project boundaries, the Developer shall demonstrate, 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 satisfied all conditions in C.1 through C.4 in these Conditions of Approval and has obtained a City approved Grading Permit.

C.6.2 Developer shall pay any applicable development impact fees.

C.7 Acceptance of Public Improvements

Prior to the consideration of City Council's acceptance of public improvements, the Developer shall demonstrate to the reasonable satisfaction of the City Engineer, completion of the following:

C.7.1 Developer has satisfied all conditions in C.1 through C.6 in these Conditions of Approval.

C.7.2 Prior to improvement acceptance, Developer submitted the Storm water Treatment Facilities Maintenance Agreement (STFMA) to the Utilities Department.

C.7.3 Developer has satisfactorily completed construction of all required/conditioned improvements. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.7.4 Certified "As-Built" On-site Grading and Off-Site Improvement Plans (or Record Drawings) - Prior to improvement acceptance, Developer shall cause its design professionals(s) to prepare Certified "As-Built" grading and off-site Improvement Plans (or Record Drawings). Said Record Drawings shall be prepared on a

twenty-four (24) inch x thirty-six (36) inch size 4-millimeter-thick polymer film (mylar). Developer shall re-obtain all signatures from outside agencies prior to submitting the Record Drawings to the City.

- C.7.5 Prior to improvement acceptance, Developer shall be responsible for any repairs or reconstruction of street pavement, curb, gutter, sidewalk and other public improvements associated with 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 Prior to improvement acceptance, Developer has completed the ninety (90) day public landscaping maintenance period.
- C.7.7 Prior to improvement acceptance 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, if applicable.
- C.7.8 Survey Monuments – Prior to improvement acceptance, Developer shall submit centerline tie sheets, corner records, a record of survey, etc. for the following: new public streets; re-established survey monuments, damaged, destroyed, altered, and/or reconstructed any existing curb returns, survey monuments and/or benchmarks. Any survey document will be submitted to 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.7.9 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.
- C.7.10 Prior to improvement acceptance, Developer shall submit warranty bonds.

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 2020 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 Prior to the release of the Building Permit, 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 Prior to acceptance of the public improvements, Developer shall cause its design professional to provide to the City in both AutoCAD format, and Shape File format (both in versions approved by the City), the public improvements associated with this Project.

#### **D. Utilities Department, Water Resources Division Conditions**

Contact: Stephanie Hiestand (209) 831-6333 [stephanie.hiestand@cityoftracy.org](mailto:stephanie.hiestand@cityoftracy.org)

- D.1. Prior to issuance of a construction or building permit, the applicant shall demonstrate compliance with the 2015 Post-Construction Stormwater Standards (PCSWS) Manual and obtain approval through the following:
  - D.1.1. Develop a Project Stormwater Plan (PSP) that identifies the methods to be employed to reduce or eliminate stormwater pollutant discharges through the construction, operation and maintenance of source control measures, low impact development design, site design measures, stormwater treatment control measures and hydromodification control measures.
    - D.1.1.a. Design and sizing requirements shall comply with PCSWS Manual.
    - D.1.1.b. Demand Management Areas must be clearly designated along with identification of pollutants of concern.
    - D.1.1.c. Calculations of the Stormwater Design Volume and/or Design Flow with results from the Post-Construction Stormwater Runoff Calculator must be submitted in the PSP for approval.
    - D.1.1.d. Per the PCSWS Manual, include a hydromodification management plan ensuring the post-project runoff flow rate shall not exceed estimated pre-project flow rate for the 2-year, 24 hour storm.
    - D.1.1.e. Submit one (1) hard copy of the PSP and an electronic copy to the Utilities Department (WaterResources@cityoftracy.org), include the project name, address and Project # and/or Permit # in the title or subject line.
  - D.1.2. A separate plan sheet(s) designated SW shall be submitted in the plan set that includes the identified methods for pollution prevention outlined in the submitted PSP. You must include all standards, cross sections and design specifications such as landscape requirement in treatment areas including type of irrigation installation and/or height of drain inlet above the flow line, etc. in these SW plan

sheets along with legend.

- D.1.3. Develop and electronically submit to the Utilities Department for approval (WaterResources@cityoftracy.org) a preliminary Operations and Maintenance (O & M) Plan that identifies the operation, maintenance, and inspection requirements for all stormwater treatment and baseline hydromodification control measures identified in the approved PSP.
- D.1.4. No later than two (2) months after approval notification of the submitted PSP, the applicant shall electronically submit the following information to the Utilities Department (WaterResources@cityoftracy.org) for development of a draft stormwater maintenance access agreement, in accordance with the MAPCSWS:
  - i. Property Owner(s) name and title report; or Corporate name(s) and binding documents (resolutions, etc) designating ability to sign agreement

- ii. Property Address
- iii. Exhibit A – legal property description
- iv. Exhibit B – approved O & M Plan

D.2. Prior to issuance of a grading permit, the applicant shall provide proof of permit coverage under the Construction General Permit and submittal of an electronic Stormwater Pollution Prevention Plan (SWPPP), to be submitted to [WaterResources@cityoftracy.org](mailto:WaterResources@cityoftracy.org).

D.3. Project shall always be in compliance with Federal, State and Local mandates with potable water, recycled water and water quality.

D.4. Prior to Certificate of Occupancy, the applicant shall complete the following to the satisfaction of the Utilities Director:

- D.4.1. Return to the Utilities Department, two legally signed and notarized copies of the final maintenance access agreement including all exhibits and approved O & M plan previously submitted and received from the Utilities Department.
- D.4.2. Obtain final approval by the Utilities Department of the constructed and installed Stormwater pollution prevention methods outlined in the PSP. Frequent inspections of the Post-Construction treatment measures should occur during the construction phase by calling 209-831-6333.
- D.4.3. The project shall be in full compliance with Construction General Permit including 70% stabilization of the project with Notice of Termination approval.

D.5. Before the approval of a construction, grading or building permit, the applicant shall demonstrate compliance with Tracy Municipal Code Chapters 11.28 and 11.34 and Chapter 4 or 5 of the California Green Building Standards Code to the satisfaction of the Utilities Director.

D.6. Prior to issuance of a construction or building permit, applicant shall demonstrate compliance with the 2015 Model Water Efficient Landscape Ordinance and obtain approval by the Utilities Department through the following:

- D.6.1. Develop and submit electronically and by hard copy, a Landscape Document Package (LDP) that identifies the methods to be employed to reduce water usage through proper landscape design, installation and maintenance. This LDP shall consist of:
  - i. A project information sheet that includes the checklist of all documents in the LDP;
  - ii. The Water Efficient Landscape Worksheets that include a hydrozone information table and the water budget calculations – Maximum Applied Water Allowance and Estimate Total Water Use;
  - iii. A soil management report, after compaction and from various locations throughout the project;
  - iv. A landscape design plan that includes the statement, “I agree to comply with the requirements of the 2015 water efficient landscape ordinance and shall submit for approval a complete Landscape Document Package;
  - v. An irrigation design plan with schedule; and

vi. A grading design plan.

D.6.2. Per State Water Resources Control Board on May 24, 2022, all Commercial, Industrial, and Institutional facilities may not use potable water to irrigate non-functional turf. Non-functional turf is defined as a ground cover surface of mowed grass that is ornamental and not otherwise used for recreational purposes.  
Please submit your final landscape plan in conformance with these new regulations.

D.6.3. A Certificate of Completion must be completed, signed, and submitted to the Utilities Department prior to Final approval for Occupancy.

#### **E. Development Services Department, Building & Fire Safety Conditions**

Contact: Phillip Rainone (209) 831-6413 [phillip.rainone@cityoftracy.org](mailto:phillip.rainone@cityoftracy.org)

E.1. At time of permit application, the applicant shall provide a business plan in order to determine if the customers will be transient to determine the occupant group.

E.2. Prior to construction of any structures, applicant must submit construction documents, plans, specifications and/or calculations to the Building Safety Division, which meet all requirements of Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable.

#### **F. South San Joaquin County Fire Authority Conditions**

Contact: Daniel Stowe (209) 831-6707 [daniel.stowe@sjcfire.org](mailto:daniel.stowe@sjcfire.org)

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

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

F.1.2. Deferred submittals shall be listed on the coversheet of each page for any fire protection system - fire service underground, fire sprinkler system, fire standpipe system, or the fire alarm system. Each deferred submittal shall be submitted, reviewed and approved by SSJCFA prior to installation.

F.2. A request for fire flow shall be submitted to the South San Joaquin County Fire Authority and results shall be approved by the Fire Marshal prior to construction. Fire flow requirements shall be in accordance with CFC Appendix B..

#### **G. The following conditions provide the applicant with options for funding required Citywide services.**

Contact: Guadalupe Pena      209.831.6834      [Guadalupe.pena@cityoftracy.org](mailto:Guadalupe.pena@cityoftracy.org)

#### G.1. Streets and Streetlights

Before issuance of any building permit for the Property, Developer shall provide for perpetual funding of the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure"), 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. POA and dormant CFD. If the POA is the chosen funding mechanism, Developer must do the following:
  - 1) Form a Property Owner's Association (POA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure");
  - 2) Cause the POA 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, setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) of the POA to ensure the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure");
  - 3) Before final inspection, annex into a CFD in a "dormant" capacity, to be triggered if the POA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of operation,

maintenance and replacement for the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure"). The dormant tax or assessment shall be disclosed to all property owners, even during the dormant period.

Or

- c. 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 the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure").

If the provisions for adequate funding of the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure") 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.

## G.2. 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 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 issuance of a building permit, 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. POA and dormant CFD. If the POA is the chosen funding mechanism, the Developer must do the following:
  1. Form a Property Owner's Association (POA) 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 that will serve the Property;
  2. Cause the POA 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, 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 POA of all public landscape areas that will serve the Property;
  3. Make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas that will serve the Property;
  4. Before final inspection, annex into a CFD in a "dormant" capacity, to be triggered if the POA 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 property owners, even during the dormant period.

Or

- c. 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.