

PLANNING COMMISSION

REGULAR MEETING AGENDA

Wednesday, August 13, 2025, 7:00 P.M.

A quorum of Planning Commission will be in attendance at
Tracy City Hall, 333 Civic Center Plaza, Room 203, Tracy
Web Site: www.cityoftracy.org

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

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

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

If you only wish to watch the meeting and do not wish to address the Planning Commission, you may 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 2557-837-5623** and **Event Password:** Planning
 - **If you would like to participate in the public comment anonymously**, you may submit your comment in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting Anonymous@example.com when prompted to provide an email address.
 - Join by phone by dialing +1-408-418-9388, 2557-837-5623, #75266464# Press *3 to raise the hand icon to speak on an item.
- *Protocols for commenting via WebEx:*
 - *If you wish to comment on the "New Business" or "Items from the Audience" portions of the agenda:*
 - *Listen for the Chair to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
 - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
 - *Comments for the "New Business" or "Items from the Audience" portions of the agenda will be accepted until the public comment for that item is closed.*

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

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

Addressing the Planning Commission on Items on the Agenda – The Brown Act

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

Addressing the Planning Commission on Items not on the Agenda – The Brown Act

prohibits discussion or action on items not on the posted agenda. The City Council's Meeting Protocols and Rules of Procedure provide that in the interest of allowing Planning Commission to have adequate time to address the agendized items of business, "Items from the Audience/Public Comment" following the Consent Calendar will be limited to 15-minutes maximum period. "Items from the Audience/Public Comment" listed near the end of the agenda will not have a maximum time limit. A five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Planning Commissioners may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to Planning Commission. When members of the public address the Planning Commission, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

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

MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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

ROLL CALL

MINUTES – 07.23.25 Regular Meeting 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 CONDUCT A PUBLIC HEARING, AND UPON ITS CONCLUSION, TAKE THE FOLLOWING ACTIONS (1) ADOPT A RESOLUTION APPROVING A TENTATIVE SUBDIVISION MAP (TSM23-0004) FOR THE CREATION OF FIVE LOTS AT 10722 AND 10792 W. LARCH ROAD, ASSESSOR PARCEL NUMBERS: 212-170-33 AND 212-170-44; AND (2) DETERMINE THAT THIS PROJECT IS COVERED BY THE COMMON SENSE EXEMPTION AND IS NOT SUBJECT TO CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3).

2. ITEMS FROM THE AUDIENCE

3. DIRECTOR'S REPORT

4. ITEMS FROM THE COMMISSION

5. ADJOURNMENT

Posted: August 7, 2025

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

**MINUTES
TRACY CITY PLANNING COMMISSION
REGULAR MEETING
JULY 23, 2025, 7:00 P.M.
TRACY TRANSIT STATION
ROOM 103/104, 50 E. 6TH STREET**

CALL TO ORDER

Chair Penning called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Chair Penning led the pledge of allegiance.

ROLL CALL

Roll Call found Commissioner Atwal, Commissioner Orcutt and Chair Penning present. Commissioner English absent. Vice Chair Boakye-Boateng also absent at the time of roll call. Also present were; Forrest Ebbs, Director; Scott Claar, Planning Manager; Craig Hoffman, Senior Planner; Victoria Lombardo, Senior Planner; Kenneth Lipich, Associate Planner; Gina Peace, Executive Assistant; and Jennifer Lucero, Administrative Assistant.

MINUTES

Chair Penning introduced the Regular Meeting Minutes from the June 11, 2025 Planning Commission Regular Meeting.

ACTION: It was moved by Commissioner Atwal and seconded by Commissioner Orcutt to approve June 11, 2025 Planning Commission Regular Meeting Minutes. A voice vote found Commissioner Atwal, Commissioner Orcutt, and Chair Penning in favor. Commissioner English absent. Vice Chair Boakye-Boateng also absent at the time of the voice vote. Passed and so ordered; 3-0-2-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

None.

ITEMS FROM THE AUDIENCE

None.

Vice Chair Boakye-Boateng entered the dais at 7:05 p.m.

1. NEW BUSINESS

- A. Staff recommends that the Planning Commission conduct a public hearing, and upon its conclusion, make the following recommendations to the City Council (1) determining that in accordance with the provisions of California Environmental Quality Act (CEQA)**

guidelines sections 15162 and 15168, the Tracy Hills Phase 1C project was analyzed under a previous environmental document. no new significant environmental impacts were identified for the project. therefore, no further environmental review is necessary
(2) recommending the City Council approve a specific plan amendment to the Tracy Hills Specific Plan modifying development standards and adding appendix f for Tracy Hills Phase 1C design standards and including an addition to Appendix D for public art and project branding (3) recommending the city council approve a vesting tentative subdivision map for the Tracy Hills Phase 1C project containing 289 single family lots with associated home owner's association parcels and public space areas.

Craig Hoffman, Senior Planner, presented staff report.

Chair Penning opened the Public Hearing at 7:27 p.m.

John Palmer and Mike Souza, Project Managers for the Project, each addressed the Commission and provided a PowerPoint presentation.

Erin Reel, Tracy Hills resident, addressed the Commission in support of the Project.

Chair Penning closed the Public Hearing at 7:59 p.m.

ACTION: It was moved by Commissioner Atwal and seconded by Commissioner Orcutt that the Planning Commission recommend the City Council introduce and adopt an Ordinance that:

- (A) Approves an Amendment to the Tracy Hills Specific Plan related to Tracy Hills Phase 1C Project and the addition of Appendix F – design guidelines for Tracy Hills Phase 1C Project and including an addition to Appendix D for public art and project branding, Application Number SPA22-0001; and
- (B) Determines that based on the Environmental Impact Report that was certified by the City Council on April 5, 2016, for the Tracy Hills Specific Plan, an addendum to the EIR has been prepared in accordance with the provisions of California Environmental Quality Act (CEQA) guidelines Sections 15162 and 15168 to address the proposed amendment to the Tracy Hills Specific Plan for the Tracy Hills Phase 1B Project. The Phase 1C Project was analyzed as part of the previous Phase 1B Project. No new significant environmental impacts were identified for the project and therefore, no further environmental review is necessary; and

Recommend that the City Council adopt a resolution that:

- (A) approves a Vesting Tentative Subdivision Map to create 289 single-family residential lots and various other parcels on approximately 121.5 acres located south of I-580, west of Corral Hollow Road, Assessor's Parcel Numbers 251-040-08 and 251-040-19, Application Number TSM2022-0001, modifying Finding No. 2 (*last paragraph*) – "...suitable for *industrial residential* development in accordance with City standards;" and
- (B) determines that based on the Environmental Impact Report (EIR) that was certified by the City Council on April 5, 2016, for the Tracy Hills Specific Plan, an addendum to the EIR has been prepared in accordance with the provisions of California Environmental Quality Act (CEQA) guidelines sections 15162 and 15168 to address the proposed amendment to the Tracy Hills Specific Plan for

the Tracy Hills Phase 1B Project. The Phase 1C Project was analyzed as part of the previous Phase 1B Project. No new significant environmental impacts were identified for the Project and therefore, no further environmental review is necessary.

A roll call vote found Commissioner Atwal, Commissioner Orcutt, Vice Chair Boakye-Boateng, and Chair Penning all in favor. Commissioner English absent. Passed and so ordered; 4-0-1-0.

B. Staff recommends that the Planning Commission conduct a public hearing, and upon its conclusion, adopt a resolution recommending that the City Council (1) adopt a resolution that (A) certifies an Environmental Impact Report (EIR) and adopts a Mitigation Monitoring And Reporting Program (MMRP), findings of fact and a statement of overriding considerations for the annexation and development of the Schulte Warehouse Project, which consists of approximately 20.92 acres located at 16286 West Schulte Road and annexation, but not development, of an adjacent one-acre parcel located at 16310 West Schulte Road, (B) approves a development review permit for 16286 West Schulte Road property for construction of a 217,466 square foot industrial warehouse building, provided that the development review permit will not be effective until the first day following the effective date of the San Joaquin County Local Agency Formation Commission (LAFCo)'s approval of the annexation of the property to the City, and (C) authorizes the City Manager to submit a petition to LAFCo to annex that certain 21.92 acres located at 16286 and 16310 West Schulte Road bearing Assessor's Parcel Numbers 209-230-25 and 209-230-26 (Property) to the City of Tracy; and (2) introduce and adopt an Ordinance that approves the rezoning of the combined property to Light Industrial (M1).

Victoria Lombardo, Senior Planner, presented the staff report and a PowerPoint presentation.

Abbie Wertheim, Panattoni Development Company, addressed the Commission, via telephone.

Elise Laws, DeNovo Planning Group, addressed the Commission and presented a PowerPoint presentation.

Scott Claar, Planning Manager, and Forrest Ebbs, Community and Economic Development Director, answered questions from the Commission.

Chair Penning opened the Public Hearing at 8:39 p.m.

Juan Perez, IBEW (International Brotherhood of Electrical Workers), representing the Electrical Workers Union, representing various trade unions, addressed the Commission in support of the Project.

Liz Sutton, Sheet Metal Workers' Local Union No. 104, addressed the Commission in support of the Project.

Chair Penning closed the Public Hearing at 8:42 p.m.

ACTION: It was moved by Commissioner Orcutt and seconded by Vice Chair Boakye-Boateng that the Planning Commission recommend that the City Council of the City of Tracy take the following actions (1) adopt a resolution that (a) certifies an Environmental Impact Report (EIR), adopts findings, and adopts a statement of overriding considerations and a Mitigation Monitoring and Reporting Program (MMRP) for the annexation of approximately 21.92 acres located at 16286 West Schulte Road bearing Assessor's Parcel Number (APN) 209-230-25 and 16310 West Schulte Road, bearing APN 209-230-26 and development of an industrial building on a 20.92 acre property located at 16286 West Schulte Road bearing APN 209-230-25, all in accordance with the requirements of the California Environmental Quality Act (CEQA); approves the submittal of a petition to the San Joaquin County Local Agency Formation Commission (LAFCo) for the annexation of the combined property located at 16286 West Schulte Road bearing APN 209-230-25 and 16310 West Schulte Road, bearing APN 209-230-26 to the City of Tracy (City) and (2) adopt an ordinance that approves the rezoning of the combined property located at 16286 West Schulte Road bearing APN 209-230-25 and 16310 West Schulte Road, bearing APN 209-230-26 to Light Industrial (M1); and (3) adopt a resolution that approves a development review permit for the development property located at 16286 West Schulte Road bearing APN 209-230-25 to take effect on the first day following the effective date of the LAFCo's approval of the annexation of the Property to the City.

A roll call vote found Commissioner Atwal, Commissioner Orcutt, Vice Chair Boakye-Boateng, and Chair Penning all in favor. Commissioner English absent. Passed and so ordered; 4-0-1-0.

C. Staff recommends that the Planning Commission conduct a public hearing, and upon its conclusion, recommend that the City Council take the following actions:

(1) Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the approval of the Specific Plan Amendment and Development Review permit for the construction of an approximately 52,000 sq. ft., 4-story, 107 room hotel, an approximately 47,000 sq. ft., 4-story, 70 room hotel, and site improvements, located at 3055, 3095, 3125 N. Corral Hollow Road, Accessor's Parcel Number (APN) 212-260-07, -08, -09 (Project) in accordance with the California Environmental Quality Act, based on the findings, pursuant to Public Resources Code sections § 21064.5 and 21080(c); and

(2) Approve an amendment to the I-205 Corridor Specific Plan that amends the I-205 Corridor Specific Plan boundary to include 3055 N. Corral Hollow Road, APN: 212-260-09, amends the I-205 Corridor Specific Plan to designate 3055 N. Corral Hollow Road, APN 212-260-09 as General Commercial, and amends the I-205 Corridor Specific Plan hotel and motels' maximum floor area ratio requirement from 0.6 to 1.0; and

(3) Approve a development review permit for the construction of the project; and

(4) Approve a determination for a parking reduction of 20 percent pursuant to Tracy Municipal Code Section 10.08.3470(e).

Kenny Lipich, Associate Planner, presented staff report.

Arvind Iyer, architect for the Applicant, answered questions from the Commission.

Chair Penning opened the Public Hearing at 9:13 p.m., but seeing as no one came forward, the Public Hearing was closed.

ACTION: It was moved by Commissioner Atwal and seconded by Commissioner Orcutt that the Planning Commission recommend that the City Council of the City of Tracy take the following actions:

Recommending that the City Council of the City of Tracy conduct a Public Hearing, and upon its conclusion, take the following actions:

1. Adopt a Resolution that approves a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the approval of the Specific Plan Amendment and Development Review Permit for the construction of an approximately 52,000 sq. ft., 4-story, 107 room hotel, an approximately 47,000 sq. ft., 4-story, 70 room hotel, and site improvements, located at 3055, 3095, 3125 N. Corral Hollow Road, APN 212-260-07, -08, -09 (Project) in accordance with the California Environmental Quality Act, based on the findings, pursuant to public resources code sections § 21064.5 and 21080(c).
2. Introduce and adopt an Ordinance that approves an Amendment to the I-205 Corridor Specific Plan that:
 - A) Amends the I-205 Corridor Specific Plan Boundary to include 3055 N. Corral Hollow Road, APN 212-260-09; and
 - B) Amends the I-205 Corridor Specific Plan to designate 3055 N. Corral Hollow Road, APN 212-260-09 as General Commercial; and
 - C) Amends the I-205 Corridor Specific Plan hotels and motels maximum floor area ratio requirement from 0.6 To 1.0.
3. Adopt a Resolution that:
 - A) Approves a Development Review Permit for the construction of the project; and
 - B) Approves a Determination for a parking reduction of 20 percent pursuant to Tracy Municipal Code Section 10.08.3470(E).

A roll call vote found Commissioner Atwal, Commissioner Orcutt, Vice Chair Boakye-Boateng, and Chair Penning all in favor. Commissioner English absent. Passed and so ordered; 4-0-1-0.

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

None.

4. ITEMS FROM THE COMMISSION

Commissioner Orcutt inquired about the duration of projects in the City. Scott Claar, Planning Manager and Forrest Ebbs, Community and Economic Development Director, addressed the Commission stating that the size of the project typically determines the time frame of completion.

Commissioner Orcutt then asked staff about the status of CEQA easing in California. Matthew Summers, Interim Assistant City Attorney, stated that earlier this month CEQA was eased for affordable high density housing projects.

5. ADJOURNMENT

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

Time: 9:40 p.m.

CHAIR

STAFF LIAISON

This meeting's agenda was posted at the Tracy City Hall on July 17, 2025. The above are action minutes. A recording is available on the City's website.



PLANNING COMMISSION STAFF REPORT

Item No. 1.A

DATE	August 13, 2025
TITLE	Alvarez Tentative Subdivision Map
LOCATION	10-acre site located at 10722 and 10792 W. Larch Road, APNs: 212-170-33 and 212-170-34
APPLICATION TYPE	Tentative Subdivision Map (TSM23-0004)
CEQA STATUS	Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).
PROJECT PLANNER	Kenny Lipich Kenneth.lipich@cityoftracy.org

RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing, and upon its conclusion, take the following actions:

- (1) Adopt a Resolution approving a Tentative Subdivision Map (TSM23-0004) for the creation of five lots at 10722 and 10792 W. Larch Road, Assessor Parcel Numbers 212-170-33 and 212-170-44; and

- (2) Determine that this project is covered by the common sense exemption and is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3).

The applicant is Schack and Company, Inc. and the property owners are Byron Alvarez and Christine Vezies.

TENTATIVE SUBDIVISION MAP

The existing 10-acre project site consists of two 5-acre parcels that are situated on the north side of Interstate 205, fronting Larch Road, and approximately 600 feet west of N. Tracy Boulevard. (Attachment A: Location Map). The subdivision layout proposes five parcels ranging in size from 1.2 to 1.8-acres. Parcel 1 is proposed as a temporary retention basin for storm water runoff from parcels 2, 3, 4, and 5. The remaining four parcels are designed to facilitate future commercial development. The Tentative Subdivision Map layout includes two entrances

off Larch Road and incorporates 25-foot access easements that connect all parcels to Larch Road (Exhibit 2 to Attachment B).

The proposed Tentative Subdivision Map is consistent with the General Plan designation of Commercial and meets the minimum requirements of the Community Recreation Support Services (CRS) Zone. Parcel 2,3, and 4 as proposed do not have frontage on Larch Road. The proposed Tentative Subdivision Map in order to meet the frontage requirements of the CRS Zone has demonstrated coordinated access easements, utility connections, emergency vehicle access points, shared maintenance agreements, and/or storm water infrastructure on the Tentative Subdivision Map as an alternative to the street frontage requirement.

The majority of the surrounding areas to the east have developed over the past 30 years as commercial development. The applicant's proposal to subdivide the existing 10-acre project site into five parcels for future commercial development would be compatible with the neighboring areas.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS

This project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA pursuant to CEQA Guidelines section 15061(b)(3).

Furthermore, the subdivision does not propose any disturbance or development as a part of this subdivision process. Any access improvements, grading, or construction will require additional permits and associated environmental review. As proposed, the subdivision will not cause any physical disturbance of the property and will not impact any biological or cultural resources. Additionally, the subdivision will not result in other potential impacts to areas such as aesthetics, geology and soils, water, traffic, or cumulative impacts since land development is not proposed.

SUMMARY

This agenda item involves adoption of a resolution approving a Tentative Subdivision Map (TSM23-0004) for the creation of five lots on a 10-acre site located at 10722 and 10792 W. Larch Road, APNs: 212-170-33 and 212-170-34 and a determination that this project is covered by the common sense exemption and is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3). Staff is supportive of this project requesting a Tentative Subdivision Map (TSM23-0004) for the creation of five lots.

ATTACHMENTS

A: Location Map

B: Planning Commission Resolution

Exhibit 1 – Tentative Subdivision Map Findings

Exhibit 2 – Tentative Subdivision Map

Exhibit 3 – Tentative Subdivision Map Conditions of Approval

ATTACHMENT
A



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Feet

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION 2025-_____

- (1) ADOPT A RESOLUTION APPROVING A TENTATIVE SUBDIVISION MAP (TSM23-0004) FOR THE CREATION OF FIVE LOTS ON A 10-ACRE SITE AT 10722 AND 10792 W. LARCH ROAD, ASSESSOR'S PARCEL NUMBERS: 212-170-33 AND 212-170-34; AND**
- (2) DETERMINE THAT THIS PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3).**

WHEREAS, The subject property (the "Site") is 10-acres located at 10722 and 10792 W. Larch Road (Assessor's Parcel Numbers: 212-170-33 and 212-170-34); and

WHEREAS, The Site is designated as Commercial on the City's General Plan Map and zoned Community Recreation Support Services (CRS); and

WHEREAS, On December 11, 2023, an application was filed for a tentative subdivision map to subdivide the 10-acre Site into five parcels consistent with the CRS Zone and the General Plan designation of Commercial (Application Number TSM23-0004); and

WHEREAS, The project is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty as the project does not propose any disturbance or development as a part of this subdivision process so there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA pursuant to CEQA Guidelines section 15061(b)(3); and

WHEREAS, In accordance with TMC Chapter 12.16, the Planning Commission shall approve, conditionally approve, or deny proposed tentative subdivision maps; and

WHEREAS, The Planning Commission conducted a public hearing to receive, review and consider evidence and testimony regarding the subject application on August 13, 2025; and

NOW, THEREFORE, be it

RESOLVED: That the Planning Commission of the City of Tracy hereby determines, based on the evidence in the record and its own independent judgment, that the proposed project is covered by the common sense exemption and is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3); and be it further

RESOLVED: That the Planning Commission hereby adopts the findings set forth in Exhibit 1, and approves the Tentative Subdivision Map (TSM23-0004) set forth in Exhibit 2, subject to the conditions of approval set forth in Exhibit 3, for the creation of five lots consistent with the Community Recreation Support Services Zone.

The foregoing Resolution 2025-_____ was adopted by the Planning Commission on August 13, 2025, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

ATTACHMENTS:
Exhibit 1 – Tentative Subdivision Map Findings
Exhibit 2 – Tentative Subdivision Map
Exhibit 3 – Tentative Subdivision Map Conditions of Approval

City of Tracy
Tentative Subdivision Map Findings
Application Number TSM23-0004

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

The proposed map is consistent with Title 12 of the Tracy Municipal Code, the CRS Zone and the General Plan Commercial land use designation.

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

The site is located directly off Larch Road. Larch Road connects to North Tracy Blvd which leads to Interstate 205. The site is generally flat without any physical constraints for development. These qualities of the property make it suitable for commercial development in accordance with City standards.

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

The proposed subdivision of the property to five parcels each of approximately 1.2 to 1.8-acres is physically suitable for commercial development and meets the minimum lot size in the CRS Zone.

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

The design of the subdivision will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, because as proposed the project does not propose any disturbance or development as a part of this subdivision process so there is no possibility that this project may have a significant effect on the environment.

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

There are no public easements on the property that would conflict with the proposed project. The subdivision will have two entrances and exit points off of Larch Road that connects with North Tracy Blvd and eventually Interstate 205.

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

Parts of the subject property are located within the 200-year floodplain and the project, with conditions, will meet all applicable City design and improvement standards.

RECEIVED
August 4, 2025
City of Tracy Community
& Economic Development
Department

TRACT NO. 4258
SUBDIVISION OF SAN JOAQUIN COUNTY

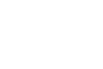
B. ALVAREZ 
TENTATIVE SUBDIVISION MAP

BEING A PORTION OF THE NORTH ONE-HALF OF LOT 18, BLOCK 15 OF "TRACY GARDEN FARMS" FILED IN VOLUME 8 OF MAPS & PLATS, PAGE 1, S.J.C.R., RANCHO EL PESCADERO

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA
DECEMBER - 2023

Schack & Company, Inc.
Professional Design Group

GENERAL NOTES

- OWNERS: BYRON B. ALVAREZ AND CHRISTINE VEZIES, TRUSTEES
BYRON B. ALVAREZ
421 W. 11TH STREET
TRACY, CA 95376
Byron Alvarez 07/19/25
DATE 
- CIVIL ENGINEER: SCHACK & COMPANY, INC.
P.O. BOX 339
TRACY, CALIFORNIA 95378
(209) 835-2178
Dan R. Schack 07/21/25
DATE 
- PROPERTY ADDRESS: 10722 & 10792 W. LARCH ROAD
TRACY, CALIFORNIA 95304
- ASSESSOR'S PARCEL NO: 212-170-33 & 34
- EXISTING LAND USE: VACANT LAND
- EXISTING GENERAL PLAN: COMMERCIAL
EXISTING ZONING: CRS
- LAND AREA: EXISTING: APN 212-170-33
APN 212-170-34
PROPOSED: PARCEL 1
1.19 AC NET 
1.53 AC GROSS
PARCEL 2
1.76 AC 
PARCEL 3
1.79 AC 
PARCEL 4
1.82 AC 
PARCEL 5
1.26 AC NET 
1.51 AC GROSS
DESIGNED BY: DW
DRAWN BY: DW
CHECKED BY: DW
SCALE: AS SHOWN
- NUMBER OF PARCELS: FIVE
- UTILITIES: WATER: CITY
SEWER: CITY
STORM: PRIVATE
GAS & ELECTRIC: PG&E
TELEPHONE: AT&T
CABLE: COMCAST
- LOT DIMENSIONS ARE PRELIMINARY ONLY AND ARE SUBJECT TO FINAL DESIGN.
- THIS PROPERTY IS NOT SUBJECT TO INUNDATION FROM THE 100 YEAR FLOOD.
- BASIS OF BEARINGS: THE LINE BEARING N89°53'00"E FOR THE CENTERLINE OF LARCH ROAD, AS SHOWN ON RECORD OF SURVEY 39-146, SAN JOAQUIN COUNTY RECORDS.
- LEGEND: APPROX EXISTING APPROXIMATE
(E) EXISTING
(C) CALCULATED FROM RECORD INFORMATION
(D.N.) DOCUMENT NUMBER, S.J.C.R.
(C.O.T.) CITY OF TRACY
(R1) R.S. 39-146, S.J.C.R.
(R2) BOOK 284, PAGE 183, S.J.C.R.
(R3) BOOK 408, PAGE 152, S.J.C.R.
(R4) BOOK 3076, PAGE 264, S.J.C.R.
(R5) BOOK 285, PAGE 140, S.J.C.R.
(R6) BOOK 3031, PAGE 192, S.J.C.R.
S.J.C.R. SAN JOAQUIN COUNTY RECORDS
//ABUTTER'S RIGHTS
CONTOUR LINES
B.D. BLUFF LINE EASEMENT OVER
ENTIRE PARCEL 1
EVA EMERGENCY VEHICLE ACCESS
C.O.T. CITY OF TRACY
P.U.E. PUBLIC UTILITY EASEMENT

14. DRONE CONTOUR AND TOPO SURVEY DONE BY RESOURCE CONCEPTS ON 10/19/24.
15. GEOTECHNICAL ENGINEERING INVESTIGATION PREPARED BY C.T.E. CAL. INC. ON 07/15/24

APPROVAL OF THESE PLANS DOES NOT RELEASE THE DESIGNER OR OWNER FROM RESPONSIBILITY FOR THE DESIGN AND CONSTRUCTION OF THE IMPROVEMENTS, WHETHER IN THE INTEREST OF ECONOMY OR OTHERWISE, OR FOR THE DEFECTS IN THE WORK. IT IS THE DUTY OF THE DESIGNER TO SECURE SUCH INSPECTION OR REHEARING AS IS NECESSARY TO ENSURE THAT THE WORK IN WHICH THE SAME IS TO BE USED IN THE CITY, APPROVED AS TO DESIGN ONLY BASED ON THE INFORMATION SUBMITTED BY THE CITY OF TRACY.

CITY ENGINEER

EVEN G. MARCENO, P.E.

DATE

1

THINK INSIDE THE TRIANGLE

TRACY

REGISTERED PROFESSIONAL ENGINEER

DAN K. SCHACK

No. 32158

CIVIL

STATE OF CALIFORNIA

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TRACT NO. 4258
SUBDIVISION OF SAN JOAQUIN COUNTY

**B. ALVAREZ
TENTATIVE SUBDIVISION MAP**

BEING A PORTION OF THE NORTH ONE-HALF OF LOT 18, BLOCK 15 OF "TRACY GARDEN FARMS" FILED IN VOLUME 8 OF MAPS & PLATS, PAGE 1, S.J.C.R., RANCHO EL PESCADERO

**CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA
DECEMBER - 2023**

Schack & Company, Inc.
Professional Design Group

MATCH LINE - SEE SHEET 3

(N) SANITARY SEWER CONNECTION

LARCH ROAD

EDGE OF PAVEMENT

TRACY BLVD

12 SS

12" W

8

SS

12 SS

18 SS

12 W

CB

SD

SD (ELLIPICAL)

16 SD

72 SD

SEWER CONNECTION

CB

TRACY BLVD.

NEW	EXIST	SYMBOL DESCRIPTION
		STORM DRAIN W/ LINE SIZE (8" OR GREATER)
		STORM DRAIN CATCH BASIN
		STORM DRAIN DROP INLET
		STORM DRAIN MANHOLE
		SANITARY SEWER W/ LINE SIZE
		SANITARY SEWER FORCE MAIN W/ LINE SIZE
		SANITARY SEWER MANHOLE
		SANITARY SEWER CLEAN-OUT
		SANITARY SEWER WYE/SWEEP TO SEWER MAIN
		WATER W/ LINE SIZE
		WATER VALVE
		WATER METER
		FIRE SERVICE W/ LINE SIZE
		FIRE HYDRANT
		JOINT TRENCH UNDERGROUND UTILITIES
		ELECTRIC UNDERGROUND LINES
		ELECTRIC OVERHEAD LINES
		TELEPHONE UNDERGROUND LINES
		TELEPHONE OVERHEAD LINES
		GAS LINES
• PP • TP • JP	○ PP ○ TP ○ JP	POWER POLE, TELEPHONE POLE OR JOINT POLE
		STREET LIGHTS (PUBLIC)



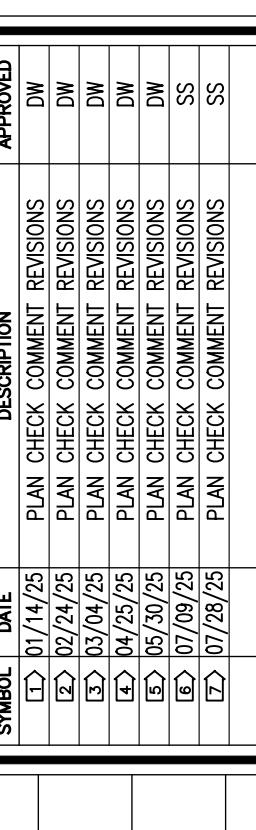
Think Inside the Triangle



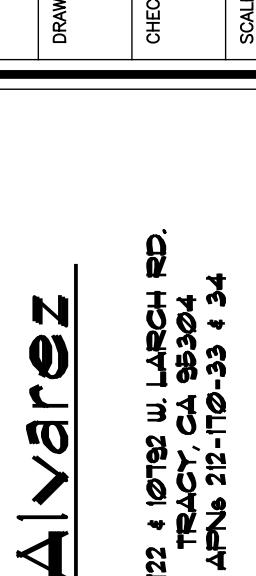
1100



JOB NO: 20.045 DATE: 07/22/22
h-engl@schackandco.com • www.schackandco.com



7



A

DRAWING RELEASE	
DESCRIPTION	DATE
PRELIMINARY PLANS	07/27/22
INITIAL PLAN REVIEW	
ADDITIONAL PLAN REVIEW	
PERMIT READY	
FINAL CONSTRUCTION	

SHEET 2

3⁷ SHEETS

TRACT NO. 4258
SUBDIVISION OF SAN JOAQUIN COUNTY

B. ALVAREZ TENTATIVE SUBDIVISION MAP

BEING A PORTION OF THE NORTH ONE-HALF OF LOT 18, BLOCK 15 OF "TRACY GARDEN FARMS" FILED IN VOLUME 8 OF MAPS & PLATS, PAGE 1, S.J.C.R., RANCHO EL PESCADERO

**CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA
DECEMBER – 2023**

Schack & Company, Inc.
Professional Design Group

PARCEL 1

PARCEL 2

PARCEL 3

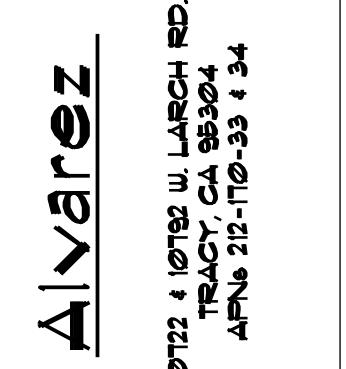
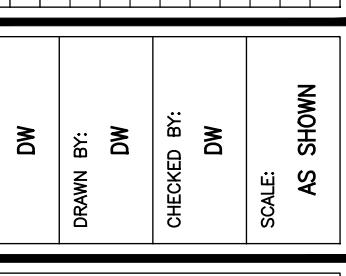
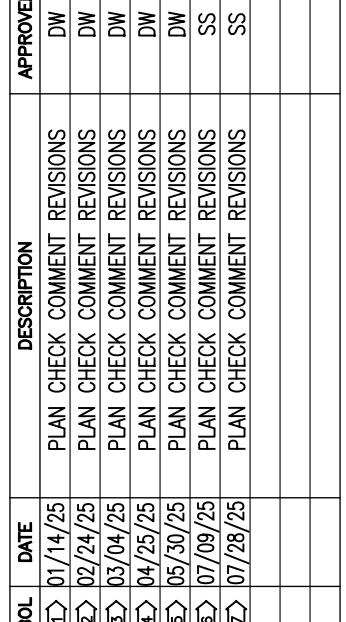
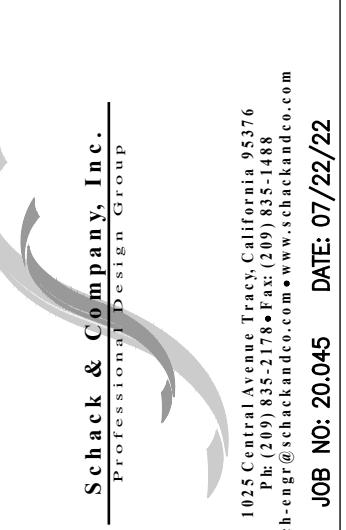
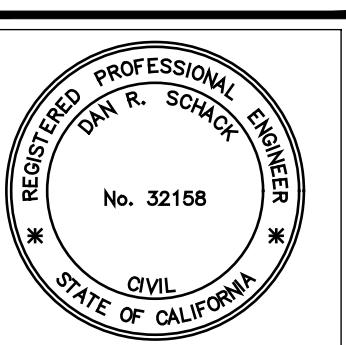
PARCEL 4

PARCEL 5

MATCH LINE - SEE SHEET 2

UTILITIES DETAIL 7

SYMBOL LEGEND		
NEW	EXIST	SYMBOL DESCRIPTION
		STORM DRAIN W/ LINE SIZE (8" OR GREATER)
CB		STORM DRAIN CATCH BASIN
DI		STORM DRAIN DROP INLET
SD		STORM DRAIN MANHOLE
		SANITARY SEWER W/ LINE SIZE
		SANITARY SEWER FORCE MAIN W/ LINE SIZE
SS		SANITARY SEWER MANHOLE
SSCO		SANITARY SEWER CLEAN-OUT
		SANITARY SEWER WYE/SWEEP TO SEWER MAIN
		WATER W/ LINE SIZE
		WATER VALVE
		WATER VACUUM RELEASE VALVE & BLOWOFF
WM		WATER METER
		FIRE SERVICE W/ LINE SIZE
FH		FIRE HYDRANT
JT.U		JOINT TRENCH UNDERGROUND UTILITIES
		ELECTRIC UNDERGROUND LINES
		ELECTRIC OVERHEAD LINES
		TELEPHONE UNDERGROUND LINES
		TELEPHONE OVERHEAD LINES
		GAS LINES
PP TP JP		POWER POLE, TELEPHONE POLE OR JOINT POLE
		STREET LIGHTS (PUBLIC)



DRAWING RELEASE	
DESCRIPTION	DATE
PRELIMINARY PLANS	07/27/22
INITIAL PLAN REVIEW	
ADDITIONAL PLAN REVIEW	
PERMIT READY	
FINAL CONSTRUCTION	

SHEET
3
OF 3 SHEETS

City of Tracy
Conditions of Approval
Alvarez Subdivision
Tentative Subdivision Map Application Number TSM23-0004
August 13, 2025

A. General Provisions and Definitions.

A.1. **General.** These Conditions of Approval apply to the Alvarez Subdivision Project (hereinafter "Project"), which includes the following:

Tentative Subdivision Map Application Number TSM23-0004:

A Tentative Subdivision Map for the creation of 5 lots at 10722 and 10792 W. Larch Rd., APNs: 212-170-33 and 212-170-44 (hereinafter "Property"), Application Number TSM23-0004.

A.2. **Compliance with submitted plans.** Except as otherwise modified herein, the Property shall be subdivided and developed in substantial compliance with the Tentative Subdivision Map (Application Number TSM23-0004) received by the Community and Economic Development Department on August 4, 2025, to the satisfaction of the City Engineer.

A.3. **Payment of applicable fees.** The Developer shall pay all applicable fees for the project for each building, 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. Applicable fees shall be paid building-by-building as each individual building permit is approved, on "pro-rata" basis, based on the individual building(s) square footage or the individual site(s) acreage, whichever applies based on the applicable impact fee.

A.4. **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), City of Tracy Design Documents, the Community Recreation Support Services Zone, and the City's Design Goals and Standards.

A.5. **Definitions.**

- a. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Community and Economic Development Director, or the City Engineer to perform the duties set forth herein.
- b. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code ordinances, resolutions, policies, procedures, the I-205 Corridor Specific Plan, and the City's Design Documents (including the Standard Plans, Standard Specifications, and relevant Public Facility Master Plans).
- c. "Community and Economic Development Director" means the Community and Economic Development Director of the City of Tracy, or any other person designated by the City

Manager or the Community and Economic Development Director, to perform the duties set forth here. (The Community and Economic Development Director is also referred to in the Tracy Municipal Code as the Development and Engineering Services Director.)

- d. "Conditions of Approval" shall mean these conditions of approval applicable to the Project, Application Number TSM23-0004. The Conditions of Approval shall specifically include all conditions set forth herein.
- e. "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.
- f. "Property" means the approximately 10-acres located at 10722 and 10792 W. Larch Rd., APN: 212-170-33 and 212-170-34 that is the subject of the Tentative Subdivision Map, Application Number TSM23-0004.
- g. "Subdivider" means a person, firm, corporation, partnership, or association who owns the property or represents the owner and who proposes to divide, divides, or causes to be divided real property into a subdivision for oneself or for others. Employees and consultants of such persons or entities, acting in such capacity, are not subdividers.

A.6. **Indemnification.** The City has determined that City, its employees, agents, and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to this project approval, or the City's activities conducted pursuant to its processing and approval of this project approval, including any constitutional claim. Accordingly, to the fullest extent permitted by law and as a condition of this approval, the applicant and property owner, and its representative(s), or its successors shall defend, indemnify and hold harmless the City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this project approval, or the City's activities conducted pursuant to its processing and approval of this project approval, including any constitutional claim. The applicant and property owner, and its representative(s), or its successors shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

B. **Final Map –** The following Conditions of Approval, unless subject to a Subdivision Improvement Agreement, shall be satisfied prior to City Council Final Map approval:

B.1. **Larch Road:** In accordance with Tentative Subdivision Map, Subdivider shall fund, design, and construct Larch Road to its full width, south of the of the street centerline, of

fifty-four (54) feet with curb, gutters, sidewalks, Class 1 bicycle lane, and landscaping and automatic irrigation, as further set forth hereafter:

- a. These improvements shall extend from the eastern property boundary and extend to the western property boundary.
- b. Subdivider shall dedicate sufficient right-of-way to ensure that the entirety of the Larch Road cross-section right-of-way, south of the centerline, is contained within the City limits. Right-of-way dedication shall occur upon Final Map approval and recordation.
- c. Larch Road is designated as a transit priority roadway in the Transportation Master Plan (TMP). The Subdivider shall coordinate with the City's Transit Manager to determine if bus turnouts and shelters are required to be installed on the Project side of the Larch Road improvements required by these Conditions. If required, the Subdivider shall be responsible for the funding, design and construction of the turnouts, shelters and any additional right-of-way dedications necessary for the turnouts/shelters.
- d. Any existing overhead lines and poles within the Project's Larch Road frontage shall be removed or undergrounded.

B.2. Sanitary Sewer: Subdivider shall fund, design, and construct all necessary on-site sanitary sewer lines and facilities, and off-site sewer improvements, including laterals, generally described on the Tentative Subdivision Map

B.3. Storm Drainage: Subdivider shall fund, design, and construct all necessary storm drainage facilities as generally described on the Tentative Subdivision Map.

- a. All permanent underground storm drainage lines and structures to be maintained by the City shall be located within right-of-way to be dedicated to the City or within an easement. If applicable, interim facilities and storm drain lines and collection basins shall be maintained by the Subdivider.
- b. Until such time as the Larch/Clover Regional Retention Basin (designated in the City's Storm Drainage Master Plan as the terminal facility for Project drainage) is constructed, accepted by the City, and fully operational, all stormwater runoff shall be retained on-site within the temporary retention basin located in Parcel No. 1 (Basin). The Basin shall be privately owned and maintained by either the Subdivider or the Property Owners' Association (POA). The Basin shall be provided with appropriate fencing with warning signs, access roadways connecting to public streets, and access into the Basin for maintenance purposes to the satisfaction of the City Engineer.

Parcels No. 2, 3, 4, and 5 shall each be allocated a maximum allowable stormwater runoff volume into the Basin (Runoff Max). The Runoff Max for each parcel shall be proportional to the ratio of its area to the combined area of Parcels No. 2 through 5 and shall not exceed its calculated share of the Basin's available storage capacity.

Conditions of Approval
Application Number TSM23-0004
August 13, 2025

If a parcel exceeds its allotted Runoff Max at the time of development, the excess stormwater runoff shall be retained within the boundaries of that parcel using appropriate onsite retention methods.

The provisions relating to the Basin and the Runoff Max allocations for Parcels No. 2 through 5 shall be documented within the POA's Covenants, Conditions, and Restrictions (CC&Rs), subject to review and approval by the City Engineer. A recorded copy of the CC&Rs shall be submitted to the City prior to Final Map approval.

- c. Prior to Final Map approval, the Subdivider shall enter into a Deferred Improvement Agreement (DIA) with the City. The DIA shall require the Subdivider to remove the temporary retention basin located in Parcel No. 1, including all associated appurtenances, and to fund, design, and construct a permanent storm drain connection to the future Larch/Clover Regional Detention Basin.

The Subdivider's obligation to perform these improvements shall be triggered upon written notification from the City Engineer confirming that the Larch/Clover Regional Detention Basin has been constructed, accepted by the City, and is fully operational (Trigger Date). The required improvements shall be completed within ninety (90) calendar days of the Trigger Date.

The DIA shall further specify, to the satisfaction of the City Engineer, the process and conditions under which the Subdivider may request a time extension for completion of said improvements.

- d. Prior to Final Map approval, the Subdivider shall execute a Storm Drainage Maintenance Agreement with the City.

B.4. Water Supply. The Subdivider shall fund, design, and construct all necessary water supply lines and facilities as generally described on the Tentative Subdivision Map.

B.5. Private Utilities. All private utility services to serve the Project such as electric, telephone and cable TV must be installed underground, within right-of-way or a dedicated ten (10) feet wide Public Utility Easement (PUE) and at the location approved by the City and the respective owner(s) of the utilities.

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

B.6. **Fire Marshall Requirement**

- a. **Fire Flow.** The Subdivider shall submit calculations, and improvement plans as required by the Fire Marshall and the City Engineer and obtain a letter from the Fire Marshall that confirms that the fire flow parameters per Tracy Design Standards Section 6.02 are met for the construction of water lines to the satisfaction of the Fire Marshal.
- b. **Fire Service Line –** The Subdivider shall design and install fire hydrants at the locations approved by the Fire Marshall. Before the approval of the Improvement Plans, the Subdivider shall obtain written approval from the Fire Marshall for the design, location and construction details of the fire service connections to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

B.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.8. **Final Map Approval and Recordation.** The Subdivider shall submit a Final Map consistent with the Tentative Subdivision Map Application Number TSM21-0003 for review by the City Engineer and approval by the City Council. The Final Map shall be prepared in accordance with the applicable requirements of the Tracy Municipal Code, these Conditions of Approval, all other applicable City Regulations, the Subdivision Map Act, and in substantial conformance with the Vesting Tentative Subdivision Map. The approved map shall be recorded at the San Joaquin County Recorder's Office. Applications for Building Permits will not be approved prior to recordation of the Final Map.

B.9. **Improvement Plans.** The construction of Items B.1 through B.6, described above, require the concurrent or prior approval of Improvement Plans through a Subdivision Improvement Agreement (SIA) with improvement security as described in Tracy Municipal Code Chapter 12.36. The Subdivider shall submit all necessary plans, studies, and application forms, for review and approval by the City Engineer.

B.10. **Credits and Reimbursement.** To the extent permitted by Chapters 12 and 13 of the Tracy Municipal Code, and pursuant to execution of a subsequent agreement, Developer shall be entitled to development impact fee credits and/or reimbursements for the construction of Master Plan improvements to be captured in the Improvement Plans and further detailed in an Improvement Agreement, except for interim improvements that must be removed to accommodate construction of the ultimate improvement condition. Temporary/interim improvements are not eligible for fee credits or reimbursements. Subdivider shall consent to any other Tentative Subdivision Map related requirements of

the City Engineer to ensure public safety and long-term feasibility of the full improvements.

C. **Grading Permit – Prior to Grading Permit release**, the following Conditions of Approval shall be satisfied prior to disturbance of the site or issuance of a Grading Permit:

C.1. **Grading Permit Requirement**: A Grading Permit will be required for the construction of improvements. The Subdivider shall submit all necessary plans and studies, as determined by the City Engineer, and pay all applicable fees for the review and approval of a Grading Permit.

C.2. **Habitat Conservation**: Prior to disturbance of the site or issuance of a Grading Permit, the Subdivider shall demonstrate compliance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), biologist survey, and the Incidental Take Minimization Measures (ITMM) prepared by San Joaquin Council of Government (SJCOC) Habitat Division, to the satisfaction of the Community and Economic Development Director.

C.3. **Air Pollution Control District**: Prior to disturbance of the site or issuance of a Grading Permit, the Subdivider shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), to the satisfaction of the Community and Economic Development Director.

D. **Acceptance of Public Improvements**

D.1. Prior to acceptance of public improvements Subdivider demonstrates to the reasonable satisfaction of the City Engineer, completion of the following:

- a. All the public improvements shown on the Improvement Plans are completed and all the deficiencies listed in the deficiency report prepared by the assigned Engineering Inspector are all corrected.
- b. Subdivider has completed the 90-day public landscaping maintenance period.
- c. Subdivider has submitted Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements.
- d. Where applicable, signed and notarized Grant Deed(s) with legal description(s) and plat maps for the offer of dedication of right-of-way, and Grant of Easements as required per these Conditions of Approval and City Regulations, or dedications shown on the Final Map.
- e. When street cuts are made for installation of utilities, the Subdivider is required to install a 2-inch-thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides and for the entire length of the utility trench. A 2-inch

deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness to maintain current pavement grades, cross and longitudinal slopes. If the utility trench extends beyond the median island, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street.

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

D.2. Release of Improvement Security City will release Improvement Security(s) to the Subdivider after City Council's acceptance of public improvements, both on-site and off-site, in accordance with TMC section 12.36.080, upon written request and submittal of the recorded Notice of Completion.