



August 19, 2025

Regular City Council Meeting

Resolution Exhibit 6 for Agenda Item 3.C

Please contact the City Clerk's Office at (209) 831-6105 with any questions.

**CITY OF TRACY
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
CONDITIONS OF APPROVAL**

Tracy Costco Depot Annex
Development Review Permit, Application Number D21-0020
August 19, 2025

A. General Provisions and Definitions

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

The Project: A Development Review Permit, Application Number D21-0020, for the construction of a 217,466 square foot industrial warehouse building and related site improvements on a 20.92-acre site located at 16286 W Schulte Road (APN 209-230-25) (the "Property").

A.2. Definitions.

- a. "Applicant" means the owner of the Property, and any person, or other legal entity properly authorized by said owner to serve as the owner's agent for development of the Project on the Property. Such authorization shall be in writing and to the reasonable satisfaction of the Director. "Applicant" shall also mean any person, or other legal entity, defined as "Developer", and the two terms shall be used interchangeably.
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, the City Engineer, or the Community and Economic Development Director, to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including without limitation those set forth in the City of Tracy General Plan, the Tracy Municipal Code (TMC), all applicable City ordinances, resolutions, policies, and procedures, including all applicable City Design Documents (including the Standard Plans, Standard Specifications, and relevant Public Facility Master Plans).
- d. "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 herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the development of the Project on the Property, Application Number D21-0020. 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. **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.

A.4. **Compliance with submitted plans.** The Project shall be constructed in substantial compliance with the Project plans received by the Community and Economic Development Department on October 29, 2024 (the "Project Plans"), to the satisfaction of the Director.

A.5. **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 Applicant shall comply with all laws (federal, state, and local) related to the development of the Project, including, but not limited to:

- The Planning and Zoning Law (Government Code Sections 65000, et seq.),
- the California Environmental Quality Act (Public Resources Code Sections 21000, et seq., "CEQA"),
- the Guidelines for California Environmental Quality Act (California Administrative Code, Title 14, Sections 1500, et seq., "CEQA Guidelines"),
- California Building Code, California Fire Code, and
- City Regulations.

A.6. Pursuant to Government Code section 66020, including section 66020(d)(1), the City hereby notifies the Applicant that the 90-day approval period (in which the Applicant 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 Applicant fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Applicant will be legally barred from later challenging any such fees, dedications, reservations, or other exactions.

- A.7. This Development Review Permit, Application Number D21-0020, shall not be effective until the Project site has been annexed into the City limits.
- A.8. Mitigation Measures. The Applicant shall comply with the Mitigation Monitoring and Reporting Program for the Schulte Warehouse Project, adopted by the City Council on August 19, 2025, Resolution No. 2025-_____.

B. Community and Economic Development Department, Planning Division Conditions

- B.1. Landscaping & Irrigation. Before the approval of a building permit, the Applicant shall provide detailed landscape and irrigation plans consistent with the following to the satisfaction of the Director:
 - B.1.1. Said plans shall comply with the City of Tracy Design Goals & Standards, and TMC Section 10.08.3560 for parking area landscaping. Said plans shall clearly delineate the property line and shall include a planting legend indicating, at minimum, the quantity, planting size, and height and width at maturity.
 - B.1.2. 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.1.3. Landscape & Irrigation Maintenance. Prior to the issuance of a building permit, the Applicant 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.1.4. Where landscape planters are parallel and adjacent to the side of vehicular parking spaces, a 12" wide concrete curb shall be placed adjacent to the parking space to allow for pedestrian access to vehicles without damage to the landscape areas.
- B.2. Screening Utilities and Equipment. Before the approval of a building permit, the Applicant shall submit detailed plans that demonstrate the following:
 - B.2.1. All vents, gutters, downspouts, flashing, and electrical conduits shall be internal to the structures and bollards and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior to the satisfaction of the Director.
 - B.2.2. No roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from any public right-of-way to the satisfaction of the Director. Plans to demonstrate such compliance shall be submitted and approved

by the Director prior to the issuance of a building permit.

- B.2.3. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Community and Economic Development Director.
- B.3. No business identification signs are approved with this development review permit. The Applicant shall obtain a sign permit in accordance with the Tracy Municipal Code Chapter 10.08, Article 35, Signs for all business identification signs.
- B.4. The parking lot lighting shall comply with the minimum requirement of one foot-candle power within the employee parking areas. Prior to final inspection or certificate of occupancy, all exterior and parking lot lighting shall be directed downward or shielded to prevent glare or spray of light into the public rights-of-way, to the satisfaction of the Community and Economic Development Director.
- B.5. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Community and Economic Development Director.
- B.6. Prior to final inspection of certificate of occupancy, on-site circulation signs shall be installed to the satisfaction of the Community and Economic Development Director.
- B.7. Prior to the issuance of a building permit, a detailed plan of any trash or trash compactor enclosures, shall be submitted, showing a height of at least eight feet with solid metal doors, a solid roof, an interior concrete curb, and exterior materials and colors compatible with the adjacent building exterior, to the satisfaction of the Community and Economic Development Director.
- B.8. Prior to issuance of a building permit, the developer shall provide documentation of compliance with the San Joaquin Valley Air Pollution Control District Rule 9510, Indirect Source Review to the Community and Economic Development Department.
- B.9. Prior to issuance of a building permit, the applicant shall provide details for all on-site fencing. Perimeter fencing of the site shall be comprised of tube steel, masonry, or a combination thereof. The use of chain link fencing may only be allowable along non-street frontage property lines if it is designed in conjunction with the overall site and landscape plan and is not visible from public view. 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.10. No outdoor storage of materials is permitted on the site.
- B.11. Prior to approval of a building permit, the applicant shall submit detailed plans that demonstrate the truck loading areas, dock doors, storage areas, and above-ground utilities will be substantially screened from view from the public right-of-way, to the satisfaction of the Community and Economic Development Director.

B.12. Prior to approval of a building permit, the applicant shall submit detailed plans that show the location and improvements for a high-quality outdoor employee break area to the satisfaction of the Community and Economic Development Director. Such area shall be incorporated as part of site design and should include special paving, tables, benches, shade trees and other amenities that support employee events and serve as an informal gathering space.

B.13. No refrigerated warehouse use is permitted on the site.

C. Engineering Conditions of Approval

C.1. General Conditions

C.1.1. Applicant shall comply with the applicable requirements of the technical analyses and reports prepared for the Project listed as follows:

- a) "Environmental Impact Report for Schulte Road Warehouse Project", prepared by De Novo Planning Group, dated March 2025, and bearing State Clearinghouse Number 2020080531, as adopted by Council.
- b) Mitigation Measures and Reporting Program for this Project as adopted by Council.
- c) "16286 West Schulte Road Warehouse Traffic Study" prepared by Kimley Horn and Associates, dated March 28, 2025, and any subsequent amendments or updates thereto. ("Traffic Study").
- d) "Sewer Collection System Hydraulic Capacity Analysis" by Black Water Consulting Engineers, dated October 12, 2022, and any amendments or updates thereto ("Sewer Study").
- e) "Hydraulic Evaluation of Schulte Warehouse" prepared by West Yost Associates, Inc., dated February 4, 2022, and any subsequent amendments or updates ("Water Study").

C.2. Grading Permit

Prior to grading permit release, Applicant shall demonstrate conformance to City Design Documents, Tracy Municipal Code (TMC), and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.2.1 Grading and Storm Drainage Plans

Prior to grading permit release, Applicant shall provide On-site Grading and Storm Drainage Plans prepared on a twenty-four (24) inch x thirty-six (36) inch size sheet. These plans shall use the City's Title Block. Plans shall be prepared under the supervision of, and stamped and signed by, a Registered Civil Engineer and Registered Geotechnical Engineer. Applicant shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the plans including signatures by the Fire Marshal, prior to submitting the plans to Engineering for City Engineer's signature. Erosion control measures shall be implemented in accordance with the Plans approved by the City Engineer for all grading work. All grading work not completed before

October 15 may be subject to additional requirements as applicable, to address wet weather conditions specific to the subject site. 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.

Site Grading

- a. Include all proposed erosion control methods and construction details to be employed and specify materials to be used. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.
- b. When the grade differential between the Project site and adjacent property(s) exceeds twelve (12) inches, a reinforced concrete or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) of the retaining wall or masonry wall. The entire retaining wall and footing shall be constructed on the Property, except as noted below. Structural calculations and associated specifications for all materials shall be submitted with the Grading and Storm Drainage Plans.
- c. Prior to grading permit, Applicant shall appropriate design the Project's boundaries (i.e. CMU walls; slopes to adjacent properties; etc.) to the satisfaction of the City.
- d. An engineered fill may be accepted as a substitute of a retaining wall, if any, subject to approval by the City Engineer. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Applicant shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s). The slope easement must be recorded prior to the issuance of the final building certificate of occupancy.
- e. Grading for the site should be designed such that the Project's storm water can divert and release overland flow to either a public street or to a public storm drainage facility, where no post-construction management practices are required under the State of California Construction General Permit or onsite detention is required to mitigate excess runoff.
- f. Prior to grading permit, Applicant shall submit a drainage report and drainage calculations for the Project site based on the Master Plan criteria, City Design Documents, and starting water surface elevation approved by the City. The drainage study should include, but not limited to:
 - i. A drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions;
 - ii. When applicable, a drainage study should demonstrate that the proposed drainage patterns will not overload existing storm drains;
 - iii. Detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, and storm water treatment.

g. If applicable, Applicant shall depict all existing irrigation structure(s), channel(s) and pipe(s) that are to remain or to be relocated or to be removed, if any, after coordinating with the irrigation district or owner of the irrigation facilities on the Grading and Storm Drainage Plans. If there are irrigation facilities including tile drains, that are required to remain to serve existing adjacent agricultural uses, the Applicant shall design, coordinate and construct required modifications to the improvements, if required, to the reasonable satisfaction of the City.

C.1.1 Prior to grading permit, Applicant shall obtain the approval (i.e. recorded easements for slopes, drainage, utilities, access, parking, etc.) of all other public agencies and/or private entities with jurisdiction over the required public and/or private facilities and/or property. Written permission from affected owner(s) will be required to be submitted.

C.1.2 Prior to grading permit, Applicant shall confirm that all existing on-site water well(s), septic system(s), and leach field(s), if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. Applicant 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. Applicant shall submit to the City a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s).

C.1.3 Prior to grading permit, Applicant shall pay all applicable Grading Permit fees, which include grading plan checking and inspection fees, and all other applicable fees as required by these Conditions of Approval.

C.1.4 Prior to grading permit, Applicant shall complete appropriate storm water pollution controls. For Projects on property larger than one (1) acre: Prior to the issuance of the Grading Permit, Applicant shall submit to Utilities (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 Applicant is responsible for filing the Notice of Termination (NOT) required by SWQCB and shall provide the City with 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 Applicant. Applicant 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).

C.1.5 Prior to grading permit release, Applicant shall provide a PDF copy of the Project's Geotechnical Report signed and stamped by a Registered Geotechnical Engineer. The geotechnical report must include relevant information related to soil types and characteristics, soil bearing capacity, compaction recommendations, retaining wall recommendations, if necessary, paving recommendations, paving calculations such as gravel factors, gravel equivalence, etc., slope recommendations, and elevation of the highest observed groundwater level.

- C.1.6 Prior to grading permit release, Applicant shall provide Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system.
- C.1.7 Prior to grading permit release, Applicant 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 (SJCOPG).
- C.1.8 Prior to grading permit release, Applicant shall provide a copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) requirements. All paved surfaces; including, but not limited to, the parking area and aisles, and on-site walkways must be maintained free of litter, debris and dirt. Walkways, parking areas and aisles and drive-through lanes must be swept, washed or vacuumed regularly. When swept or washed, litter, debris and dirt must be trapped and collected to prevent entry to the storm drain system in accordance with NPDES requirements.
- C.1.9 Prior to grading permit release, Applicant 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.1.10 Prior to grading permit release, Applicant shall remove all existing irrigation structures, channels, tile drains and pipes, if any, if the facilities are confirmed by the irrigation district are no longer required for irrigation purposes.
- C.1.11 Prior to grading permit release, Applicant shall provide written permission from irrigation district to alter said irrigation facilities if said facilities are required to remain to serve existing adjacent agricultural uses. The Applicant will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City Engineer. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Applicant.
- C.1.12 If at any point during grading the Applicant, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Applicant 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.1.13 Prior to grading permit release, Applicant shall demonstrate that runoff originating on the Project site will be managed in a manner that meets stormwater quality standards. The design and construction details of the Project's storm drainage system and stormwater treatment facilities shall meet City regulations and shall comply with the applicable requirements of the Multi-Agency Post-Construction Stormwater Standards Manual, dated June 2015, and any subsequent amendments.
- C.1.14 Prior to grading permit release, Applicant shall provide calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the Grading and Storm Drainage Plans and approved by City's Stormwater

Coordinator prior to issuance of the Grading Permit for the Project.

- C.1.15 All temporary excavations shall follow Cal-Osha requirements unless otherwise approved by a Registered Civil Engineer with supporting calculations, approved by the City.
- C.1.16 The project grading and drainage shall be designed in accordance with CBC Chapter 18, and all referenced and supporting sections.
- C.1.17 Backfill of any pipe or conduit must be in four-inch (4") fully compacted layers unless otherwise specified. Soil testing for trench compaction must be performed on all trenching and must be done not less than once every two feet (2') of lift and one-hundred lineal feet (100') of trench excavated. Test locations must be noted using true elevations and street stationing with offsets from street centerlines.

C.2. Improvement Plans

Prior to building permit release, Applicant shall obtain City's approval of Applicant's Improvement Plans. Said Improvement Plans shall contain the design, construction details and specifications of public improvements that are necessary to serve the Project. The Improvement Plans shall be drawn on a 24-inch x 36-inch size sheet and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with City Design Documents, these Conditions of Approval, and the following requirements:

- C.2.1 The Improvement Plans shall be prepared with the City of Tracy standard title and signature block.
- C.2.2 Prior to building permit release, Applicant shall obtain all applicable signatures by City departments and from outside agencies (where applicable) on the plans including signatures by the Fire Marshal, prior to the Applicant submitting the plans to Engineering for City Engineer's approval.
- C.2.3 The Improvement Plans shall be prepared to specifically include, but not be limited to, the following items:
 - a. All existing and proposed utilities such as domestic water line, irrigation service, storm drain, and sanitary sewer, including the size and location of the pipes.
 - b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports.
 - c. All utilities and curbs shall be provided with appropriate stationing, easements, and should include tables with required tangent and curve data.
 - d. All catch basins should be referenced with Street stationing.
 - e. Prior to building permit release, Applicant shall provide a PDF copy of the Project's Geotechnical Report signed and stamped by a Registered Geotechnical Engineer. The geotechnical report must include relevant

information related to soil types and characteristics, soil bearing capacity, compaction recommendations, retaining wall recommendations, if necessary, paving recommendations, paving calculations such as gravel factors, gravel equivalence, etc., slope recommendations, and elevation of the highest observed groundwater level.

- f. Building and/or wall footing shown when adjacent to storm drain. The storm drain should be located outside of the 1:1 zone of influence for the building footing.

C.2.4 Storm Drainage

- a. Prior to building permit release, the Applicant shall obtain approved Improvement Plans depicting the proposed storm drain line conveying the Project's on-site storm runoff and storm runoff from the roadways along the Project's street frontages connecting to the existing 18-inch storm drain line at the intersection of West Schulte Road and Hansen Road, which ultimately discharges into DET LW6.
- b. Prior to building permit release, the Applicant shall submit a drainage report and drainage calculations for the existing 18-inch storm drain line between the Project's point of connection and DET LW6, to verify that the existing line has adequate capacity to accept the design storm water flows from the Project. Calculations are to be based on the Master Plan criteria, City Design Documents, and starting water surface elevation approved by the City.

C.2.5 Sanitary Sewer

- a. Prior to building permit release, Applicant shall obtain the City Engineer's approval of Improvement Plans for the design of all on-site and off-site sanitary sewer improvements. Sewer flows from the Project shall discharge into the existing Hansen Road Sewer System in accordance with Option 1 per the Sanitary Sewer Study. The Applicant shall design and install all on-site and off-site sanitary sewer facilities, including the Project's sewer connection to the exiting Hansen Road Sewer System at the intersection of West Schulte Road and Hansen Road, in accordance with the approved Improvement Plans and applicable City Design Documents.
- b. Prior to the first building permit release, Applicant shall pay all wastewater treatment plant development impact fees for the proposed building within the Project.

C.2.6 Water Distribution System

- a. Prior to building permit, Applicant shall obtain approved Improvement Plans depicting the water infrastructure for the Project as identified in the Water Study, as follows:
 - i. Size the proposed Project pipelines to be 12-inches in diameter.
- b. Prior to building permit, Applicant shall obtain approved Improvement Plans depicting the recycled water infrastructure for the Project connecting to the existing 12-inch by 24-inch recycled water tee at the intersection of West

Schulte Road and Hansen Road. The recycled water pipeline installed for the project will be served by the City's potable water system until such time as the necessary city-wide Master Plan recycled water infrastructure is completed.

- c. During the construction phases of the Project, the Applicant 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 South San Joaquin County Fire Authority's Fire Marshal.
- d. Prior to building permit, Applicant shall obtain City approval of Improvement Plans that depict fire hydrants at the locations approved by the South San Joaquin County Fire Authority's Fire Marshal.
- e. Prior to building permit, Applicant shall submit calculations and plans as required by the Fire Authority and obtain the Fire Authorities written approvals for the proposed fire system for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.
- f. All costs associated with the installation of the Project's permanent water connection(s) as identified in the Water Study including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings, replacing traffic detecting loops, conduits, and wires, relocating existing utilities that may be in conflict with the water connection(s), and other improvements shall be paid by the Applicant and are not eligible for impact fee credits.
- g. Prior to building permit, Applicant shall obtain City approval of Improvement Plans that depict domestic and irrigation water service connection, including a remote-read master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back- flow protection device in accordance with City Design Documents.

C.2.7 Roadway Improvements

- a. Prior to building permit, Applicant shall obtain City approval Improvement Plans depicting on-site and frontage roadway improvements to serve the Project as identified in the Traffic Study and these Conditions of Approval. All improvements shall comply with City Design Documents. Such improvements shall include, the elements shown as responsibility of the project in the attached Future Hansen Road Exhibit and Future W. Schulte Road exhibit. Timing of completion of street improvements shall comply with these Conditions of Approval.

C.2.8 Schulte Road and Hansen Road Frontage Improvements

Prior to building permit, Applicant shall obtain City approval of Improvements Plans depicting frontage improvements on Schulte Road and Hansen Road in accordance with the 2012 Transportation Master Plan, Traffic Study and City Design Documents per the Tracy Municipal Code. The Applicant shall dedicate the right-of-way necessary for the widening of Schulte Road and Hansen Road

along the entire Project frontage to the satisfaction of the City Engineer as shown in the Future Hansen Road Exhibit and Future W. Schulte Road exhibit. The extent of the improvements on Schulte Road are the property frontage improvements including curb, gutter, sidewalk from the intersection curb return at Hansen Road and W Schulte Road to the adjacent property at 16310 W. Schulte Road. Street sections to be improved and striped per the entitlement plan submittal set dated October 10, 2024. The extent of the improvements on Hansen Road are the project's frontage improvements from the intersection curb return to the extent shown in the attached exhibits, which is approximately 500-feet from the south end of the curb return at Hansen and W. Schulte Road. From this termination point of improvements to the Delta Mendota Canal, no curb, gutter and sidewalk will be installed per the exhibit and a transition to the proposed driveway and existing bridge will be constructed. Additionally, the full width of the pavement for street section will not be installed, see attached Future Hansen Road Exhibit for exact limits.

C.2.9 Hansen Road Extension per 2012 Transportation Master Plan

Prior to building permit, Applicant shall execute an improvement agreement with the City, in a form approved by the City Engineer and the City Attorney, to comply with Section 7.04.120 of the Tracy Municipal Code. Said improvement agreement shall provide for, among other things, the Applicant's dedication of right-of-way and construction of frontage improvements for the Hansen Road Extension. Said agreement shall provide for security for such frontage improvements, and shall further provide that if the City modifies its Transportation Master Plan in a manner that the Hansen Road Extension requirements no longer apply to the Project, the Applicant will be relieved of the right-of-way dedication and frontage construction requirements. All costs of compliance with this condition, including all City costs associated with the improvement agreement, shall be borne by the Applicant. See attached Future Hansen Road Exhibit for more detail.

C.2.10 Traffic Control Plan

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

C.2.11 All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities.

C.3. Improvement Agreement and Security

Prior to a building permit, Applicant shall obtain a fully executed Offsite Improvement Agreement (OIA) with the City to provide for construction of, and improvement security for, all public improvements. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with Section 12.36.080 of the TMC. The amount of improvement security shall be as follows:

C.3.1 Faithful Performance (100% of estimated cost of constructing public improvements);

- C.3.2 Labor & Materials (100% of the estimated cost of constructing the public improvements); and
- C.3.3 Warranty (10% of the estimated cost of constructing the public improvements).

C.4. Encroachment Permit

Prior to a building permit, Applicant shall submit an application for encroachment permit. Applicant shall demonstrate conformance of all applicable City regulations and these Conditions, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.4.1 Improvement Plans prepared on a twenty-four (24) inch x thirty-six (36) inch sheet that incorporate all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
- C.4.2 Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.
- C.4.3 Prior to building permit, Applicant shall execute an OIA with the City to guarantee completion of the public improvements that are necessary to serve the Project as required by these Conditions of Approval.
- C.4.4 Prior to building permit, Applicant shall pay all applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and any other applicable fees.
- C.4.5 Prior to encroachment permit, Applicant shall submit for the City Engineer's review and approval a Traffic Control Plan signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.
- C.4.6 Prior to a building permit, Applicant shall submit for the City's review and approval to the Satisfaction of the Fire Marshal, Improvement Plans that are already signed by the South San Joaquin County Fire Authority's Fire Marshal. If applicable, said Improvement Plans shall also indicate fire service connection(s) and fire and emergency vehicle access.

C.5. Building Permit - Prior to a building permit, Applicant shall pay all required City and County development impact fees as they relate to the project and as otherwise required by these Conditions of Approval, to the satisfaction of the City Engineer. Including but not limited to: Transportation, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, Parks, New Address Mapping, Water Meter and Connection Fees, County Facilities Fee, Regional Transportation Impact Fee, Agricultural Mitigation Fee and Habit Mitigation fees.

C.6. Acceptance of Public Improvements, Release of Improvement Security, and Certificate of Occupancy.

Prior to any occupancy, accepting public improvements, or release of improvement security, Applicant shall demonstrate to the City Engineer satisfactory completion of the following:

- C.6.1 Prior to any occupancy, accepting public improvements, or release of improvement security, Applicant shall correct all items listed in the deficiency report prepared by the City.
- C.6.2 Prior to any occupancy, accepting public improvements, or release of improvement security, Applicant shall submit Engineer of Record Certified "As-Built" Improvement Plans (or Record Drawings) on mylars to the City.
- C.6.3 Prior to any occupancy, accepting public improvements, or release of improvement security, Applicant shall submit Engineer of Record prepared AutoCAD and GIS shape files [with "Attributes"] of said Record Drawings in format acceptable to City.
- C.6.4 Prior to any occupancy, accepting public improvements, or release of improvement security, Applicant shall complete all conditioned improvements.
- C.6.5 Prior to any occupancy, accepting public improvements, or release of improvement security, Applicant shall complete construction of all required public improvements and conform to Section 12.36.080 of the TMC.
- C.6.6 Prior to any occupancy, Applicant shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Applicant's responsibility towards the repair and maintenance of on-site storm water treatment facilities.

C.7. Special Conditions

- C.7.1 All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Design Standards and the City's Infrastructure Master Plans for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City.
- C.7.2 Prior to release of a building permit, Applicant shall be responsible to obtain any easements, rights-of-way and/or agreements with property owners as applicable for all improvements.
- C.7.3 Prior to any occupancy, Applicant shall repair any damages to existing improvements within the street right-of-way due to construction related activities shall be repaired or replaced as directed by the City at Applicant's cost.
- C.7.4 Applicant shall comply with the requirements relating to Fire Apparatus Access Roads and other Fire Code requirements to the satisfaction of the Fire Authority.
- C.7.5 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the Grading Permit, Encroachment Permit, Building Permit, Improvement Plans, OIA, and DIA, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Applicant 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.7.6 Survey Monuments - Prior to any occupancy or acceptance, Applicant shall submit centerline tie sheets; corner records; or a record of survey for the following: new public streets; any altered, damaged, destroyed, or re-established survey monuments; altered street corners; 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 Applicant's sole expense.

C.7.7 Prior to any occupancy or acceptance, Applicant shall conform to Section 3.14 of the 2020 Design Standards and install a two (2) inch thick grind and asphalt concrete (AC) overlay with reinforcing fabric at least twenty-five (25) feet from all sides of each utility trench. Said overlay shall be uniform thickness 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.7.8 Prior to any occupancy, Applicant shall obtain City approval of a TDM plan to mitigate its VMT related impacts as outlined in the Traffic Study and Mitigation Monitoring and Reporting Program and shall add additional VMT mitigations, as approved by the City, if a VMT mitigation in-lieu fee is not adopted. The Applicant shall six-months after occupancy permit is issued submit to the City a VMT mitigation monitoring report showing compliance with the CEQA findings. The report shall include traffic counts at all driveways and evidence and data of the Applicant's implementation of the TDM measures. If the VMT mitigation is not compliant with the CEQA findings, the Applicant shall collaborate with the City Engineer and City Planner to develop measures to comply with the VMT reduction requirements. The TDM monitoring report shall be submitted once per annum for at least three years following the first submittal. If the Applicant successfully mitigates the VMT impact for three consecutive years, the requirement may be suspended by the City Engineer and City Planner.