

NOTICE OF A REGULAR MEETING

Pursuant to Section 54954.2 of the Government Code of the State of California, a Regular meeting of the City of Tracy Planning Commission is hereby called for:

Date/Time: Wednesday, July 25, 2018
7:00 P.M. (or as soon thereafter as possible)

Location: City of Tracy Council Chambers
333 Civic Center Plaza

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Planning Commission on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

REGULAR MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES – 06/13/18

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2015-052 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Commission Member to sponsor the item for discussion at a future meeting.*

1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AND A DEVELOPMENT REVIEW PERMIT FOR THE EXPANSION AND REMODEL OF AN EXISTING AUTOMOTIVE SERVICE STATION (VALERO) LOCATED AT 153 E. ELEVENTH STREET. THE APPLICANT IS RAMAN BAINS AND THE PROPERTY OWNER IS BFS TRACY, INC. APPLICATION NUMBERS CUP17-0004 AND D17-0010
- B. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR BROOKVIEW WEST TENTATIVE SUBDIVISION MAP TO SUBDIVIDE THE 5.6-ACRE PARCEL INTO 22 RESIDENTIAL LOTS AND A DEVELOPMENT REVIEW PERMIT TO BUILD 22 SINGLE-FAMILY DWELLING UNITS. THE PROJECT IS LOCATED AT 4005 S. TRACY BOULEVARD BETWEEN Sycamore Parkway and Whispering Wind Drive, ASSESSOR'S PARCEL NUMBER 244-020-03. THE APPLICANT IS BROOKVIEW WEST PROPERTIES AND THE PROPERTY OWNER IS JB LAND HOLDINGS LLC. APPLICATION NUMBERS D18-0007 AND TSM18-0001

C. PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE AN AMENDMENT TO SECTION 10.08.3196 OF THE TRACY MUNICIPAL CODE REGARDING ESTABLISHING ZONING AND LOCATION REQUIREMENTS FOR CANNABIS (MARIJUANA) NON-STOREFRONT RETAILERS, APPLICATION NUMBER ZA18-0002

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

Posted: July 19, 2018

The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in public meetings. Persons requiring assistance or auxiliary aids in order to participate should call City Hall (209-831-6000) at least 24 hours prior to the meeting.

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Development Services Department located at 333 Civic Center Plaza during normal business hours.

**MINUTES
TRACY CITY PLANNING COMMISSION
JUNE 13, 2018, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Vice Chair Hudson led the pledge of allegiance.

ROLL CALL

Roll Call found Vice Chair Hudson and Commissioners Kaur and Wood present, Chair Orcutt and Commissioner Gable absent. Also present were: Bill Dean, Assistant Development Services Director; Leticia Ramirez, Assistant City Attorney; Scott Claar, Senior Planner; Al Gali, Associate Civil Engineer; and Gina Peace, Recording Secretary.

MINUTES

Vice Chair Hudson introduced the Minutes from the May 9, 2018, meeting.

ACTION: It was moved by Commissioner Wood, and seconded by Commissioner Kaur, that the Planning Commission meeting minutes of May 9, 2018, be approved. A voice vote found all in favor; Chair Orcutt and Commissioner Gable absent; 3-0-2-0; passed and so ordered.

DIRECTOR'S REPORT REGARDING THIS AGENDA

None.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER APPROVING A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT THE TRACY HILLS COMMUNITY GATEWAY ICON, LOCATED AT THE NORTHWEST CORNER OF I-580 AND THE INTERCHANGE WITH CORRAL HOLLOW ROAD, ASSESSOR'S PARCEL NUMBER 253-360-15. APPLICANT IS JOHN PALMER. PROPERTY OWNER IS TRACY BPS, LLC. APPLICATION NUMBER D18-0004

Scott Claar presented the staff report.

Vice Chair Hudson opened the public hearing at 7:05 p.m.

John Palmer, Tracy Hills representative, addressed the commission and presented a PowerPoint presentation.

Vice Chair Hudson closed the public hearing at 7:12 p.m.

ACTION: It was moved by Commissioner Wood, and seconded by Commissioner Kaur, that the Planning Commission recommend that City Council approve a Development Review Permit to construct the Tracy Hills Community Gateway Icon, located at the northwest corner of I-580 and the interchange with Corral Hollow Road, Assessor's Parcel Number 253-360-15, Application Number D18-0004, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated June 13, 2018. A roll call vote found all in favor; Chair Orcutt and Commissioner Gable absent; 3-0-2-0; passed and so ordered.

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

Bill Dean discussed the upcoming APA Conference, October 7-10, 2018 in San Diego.

4. ITEMS FROM THE COMMISSION

Vice Chair Hudson highly recommended the other commissioners attend the APA Conference. He found attending beneficial, as the conference is very informative.

5. ADJOURNMENT

It was moved by Commissioner Kaur, and seconded by Vice Chair Hudson, to adjourn.

Time: 7:15 p.m.

VICE CHAIR

STAFF LIAISON

AGENDA ITEM 1.A

REQUEST

PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT AND A DEVELOPMENT REVIEW PERMIT FOR THE EXPANSION AND REMODEL OF AN EXISTING AUTOMOTIVE SERVICE STATION (VALERO) LOCATED AT 153 E. ELEVENTH STREET. THE APPLICANT IS RAMAN BAINS AND THE PROPERTY OWNER IS BFS TRACY, INC. APPLICATION NUMBERS CUP17-0004 AND D17-0010

DISCUSSION

Project Location, Background, and Description

The subject site is an existing automotive service station (Valero) with accessory retail located at the northwest corner of Eleventh Street and F Street, zoned Central Business District (CBD). A brief history of City approvals for development on this site is as follows:

- In 1955, a building permit was issued for a service station and the use was established. At this time, the site was zoned C-2, and service stations were a permitted use in the C-2 zone.
- In 1962, a building permit was issued for the remodel of the service station.
- In 1972, the General Highway Commercial (GHC) and Central Business District (CBD) zones were created. Automotive service stations were a permitted use in both zones. With the creation of these zones, the subject site was rezoned from C-2 to GHC.
- In 1976, the site received approval from the Design Review Committee for a remodel of the service station improvements.
- In 1978, the CBD zone was amended to conditionally permit Use Group 44, which includes automotive service stations.
- In 1981, the site was rezoned from GHC to CBD. Later that year, the site received development review approval for a remodel of the service station.
- In 1985, the site received development review approval for a remodel of the service station. These improvements were granted a building permit and constructed in 1986.
- In 2009, the site received development review approval and a building permit to install enhanced vapor recovery equipment in accordance with state law.

The site currently consists of three fueling pumps with an overhead canopy, a retail kiosk, a storage and restroom building, associated vapor recovery equipment, and a parking area comprised of four stalls. The proposal is to remove the retail kiosk and storage/restroom building, relocate the fueling pumps such that they are aligned perpendicular to Eleventh Street, construct an approximately 1,425 square foot convenience store building in the northwest corner of the site, remove and rebuild the fueling canopy to match the building, reconfigure the parking stalls, add additional landscaping to the site, and widen the western driveway on Eleventh Street to accommodate two-way vehicular circulation on the west side of the site (Attachment A).

As described above, the use was established at a time when automotive service stations were a permitted use in the C-2 zone that governed the site. Today, the site is zoned

CBD, and automotive service stations are a conditionally permitted use in the CBD zone and would require a conditional use permit for the establishment of a new, or expansion of an existing, automotive service station. Furthermore, pursuant to Tracy Municipal Code (TMC) Section 10.08.3330, the automotive service station use has become a nonconforming use for lack of an approved conditional use permit. In accordance with TMC Section 10.08.3370, the applicant shall obtain a conditional use permit for the expansion of the automotive service station. In accordance with TMC Section 10.08.4260, the Planning Commission is empowered to grant or to deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits. Furthermore, pursuant to TMC Section 10.08.3930, the proposed project requires a development review permit, and per TMC Section 10.08.3950(b), the Planning Commission is empowered to grant or to deny development review permit applications that are paired with a conditional use permit application that is being reviewed by the Planning Commission.

Land Use Analysis

Though the site is zoned CBD, which is primarily comprised of pedestrian-oriented uses, the subject site is located on a busy arterial street almost 1,000 feet away from the entrance to the downtown core and surrounded by other auto-oriented uses. The automotive service station is an existing land use whose retail component will be expanded in the form of a walk-in convenience store typical of an automotive service station. There is no proposed expansion to the number of fueling pumps or to other vehicle services. The expanded retail use is compatible with the automotive service station, which has been operating in a compatible manner with surrounding land uses. The approval of a conditional use permit would render the land use conforming to the CBD zone.

Architecture, Parking, and Landscaping Analysis

A new convenience store building is proposed to be constructed, and the existing retail kiosk and storage/restroom building will be removed. As part of this application, the fueling pumps and canopy will be relocated in a manner that does not increase the net number of pumps. The trash enclosure and air and water dispenser will be relocated, and the parking area will be reconfigured.

The proposed improvements meet the City of Tracy Design Goals and Standards for high quality commercial development. The new convenience store building is designed with a mixture of modern and traditional elements that is architecturally different from surrounding improvements, but is nonetheless a welcome change to the outdated improvements that exist onsite today. The new building employs varying roof heights, substantial building relief, use of lap siding, glass, and metal accents, decorative trims, and application of warm colors (Attachment A). The fueling area canopy and the trash enclosure are proposed to be rebuilt to match the building, as shown in Attachment A.

The front of the building, which faces Eleventh Street and F Street, employs numerous rich architectural detailing, but the rear of the building is much less visually interesting. The north elevation ("proposed right side view") will not be generally visible from the

public right-of-way due to the location of existing residential buildings adjacent to the site, except for the top few feet of the building. Staff recommends a condition of approval that the top several feet be finished in the brown horizontal lap siding as shown on sheet A304 rather than the red curve line metal siding shown on sheet A303, as the red metal siding is very bright and is less complementary of the character of the residential neighborhood than the lap siding. The west elevation ("proposed rear view") faces the vacant lot adjacent to the west of the site and will be entirely visible from Eleventh Street. Staff recommends a condition of approval that a decorative metal trellis is provided on that elevation to visually break up the large stucco surface as stipulated in the City's Design Goals and Standards for architecture (pg. 3-1).

The proposed project requires four parking spaces. There are four angled parking stalls currently on site, and the project proposes to restripe these stalls as 90-degree stalls in generally the same location as the current stalls. The design of the proposed parking area complies with City standards. The driveway on F Street and the two driveways on Eleventh Street will remain, with the western driveway on Eleventh Street proposed to be widened to allow for two-way vehicular circulation next to the fueling area. To accommodate the widened driveway, the Developer, at their sole expense, will need to relocate an existing street light about ten feet to the west. The street light relocation is not significant enough to require a photometric analysis, and staff does not expect this portion of the right-of-way to be noticeably darker.

The project proposes to add landscape planters adjacent to the parking stalls, thereby bringing the parking area into conformity with the TMC requirements for parking area landscaping. Additionally, the landscape planter along the west property line will be planted with new trees, shrubs, and groundcover. The additional landscaping will provide aesthetic and shading benefits to the site.

Environmental Document

The proposed project is categorically exempt from the California Environmental Quality Act, pursuant to CEQA Guidelines Section 15332 pertaining to in-fill development projects. The project occurs within city limits, is consistent with the General Plan and zoning, is no more than five acres in size substantially surrounded by urban uses, has no value as habitat for endangered, rare, or threatened species, and would not result in any significant effects relating to traffic, noise, air quality, or water quality beyond what was analyzed and mitigated in the General Plan environmental impact report; therefore, no further environmental assessment is required.

RECOMMENDATION

Staff recommends that the Planning Commission:

- 1) Approve Conditional Use Permit Application Number CUP17-0004 for the expansion of an automotive service station at 153 E. Eleventh Street, based on the findings contained in the Planning Commission Resolution dated July 25, 2018, and

- 2) Approve Development Review Permit Application Number D17-0010 for the expansion and remodel of an automotive service station at 153 E. Eleventh Street, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated July 25, 2018.

POTENTIAL MOTION

Move that the Planning Commission:

- 1) Approve Conditional Use Permit Application Number CUP17-0004 for the expansion of an automotive service station at 153 E. Eleventh Street, based on the findings contained in the Planning Commission Resolution dated July 25, 2018, and
- 2) Approve Development Review Permit Application Number D17-0010 for the expansion and remodel of an automotive service station at 153 E. Eleventh Street, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated July 25, 2018.

Prepared by: Kimberly Matlock, Associate Planner
Al Gali, Associate Civil Engineer

Approved by: Bill Dean, Assistant Development Services Director
Robert Armijo, PE, City Engineer/Assistant Development Services Director

ATTACHMENTS

Attachment A – Oversized documents: Vicinity Map, Existing Site Plan, Proposed Site Plan, Landscape Plans, Floor Plan, Elevation Plans, and Colored Perspective Views received July 11, 2018

Attachment B – Planning Commission Resolution for Conditional Use Permit

Attachment C – Planning Commission Resolution for Development Review Permit

Attachment A is available at the City of Tracy Development Services Department, City Hall, 1st Floor, 333 Civic Center Plaza, Tracy, or on the City's website: www.cityoftracy.org.


Architects
K12 Architects, Inc
 3090 Fite Circle, #104
 Sacramento, CA 95827
 PH:(916) 455-6500 FAX:(916) 455-8100

CONSULTANTS:

CONTRACTOR:

**TRACY
VALERO
Food
Shop**
PROJECT DATA
 ASSESSOR'S PARCEL NUMBER(S): 233-366-020
 ZONING: CBD-CENTRAL BUSINESS DISTRICT
 PROJECT SITE AREA (GROSS): (0.221 ACRES) ± 9,632.71 S.F.

 BUILDING DATA:

STRUCTURE	U.B.C. OCCUP.	TYPE OF CONST.	AREA
-----------	------------------	-------------------	------

RETAIL STORE M V.B. 1426.8 S.F.

FUELING CANOPY B II B 1,776 S.F.

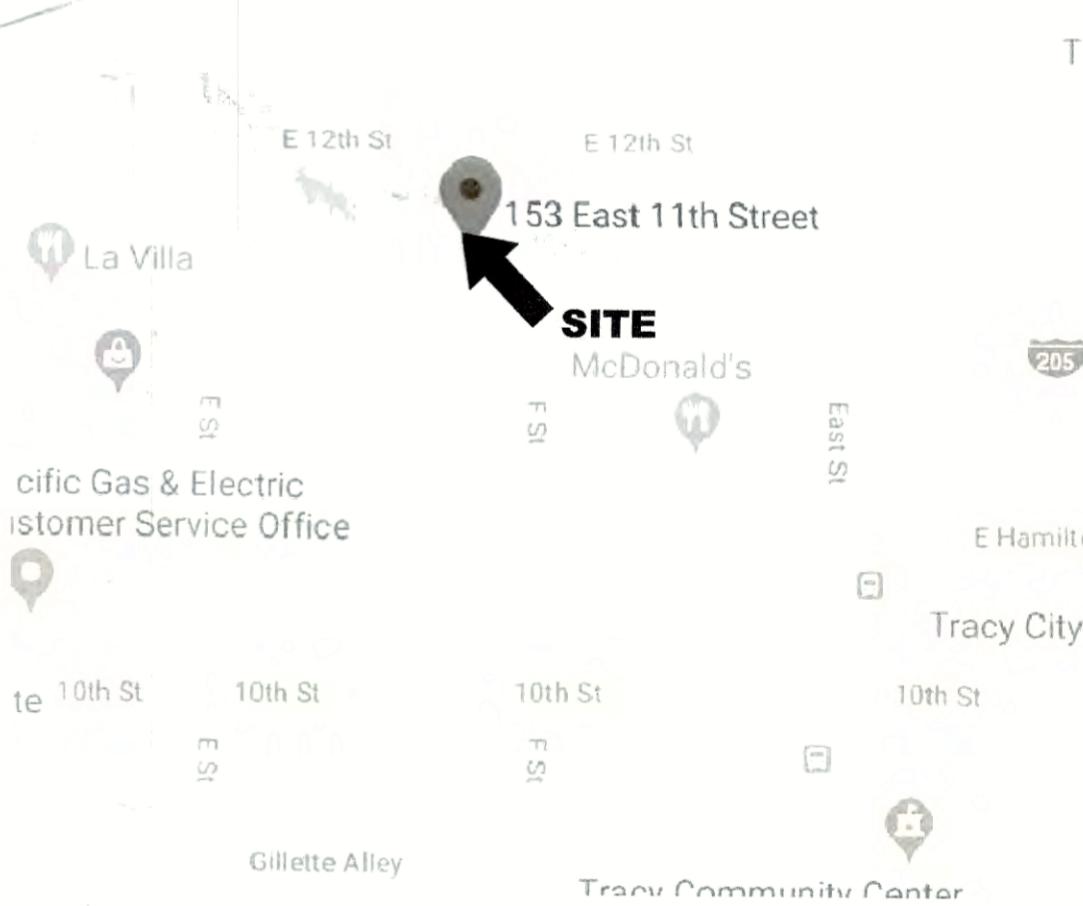
PARKING DATA:

BUILDING AREA	PARKING RATIO	REQ'D.
TOTAL BUILDING 1,425 S.F.		
RETAIL AREA 854 S.F. (/250)	= 3.42	
STORAGE 571 S.F. (/1000)	= .57	

TOTAL = 3.99

 PARKING PROVIDED

REGULAR SPACES	= 2
ACCESSIBLE SPACES	= 1
AIR WATER	= 1
TOTAL =	4

VICINITY MAP
TRACY, CA

— — — PATH OF TRAVEL

153 E. 11th Street
Tracy, California

DEVELOPER:

REVISIONS:

PROFESSIONAL SEALS:



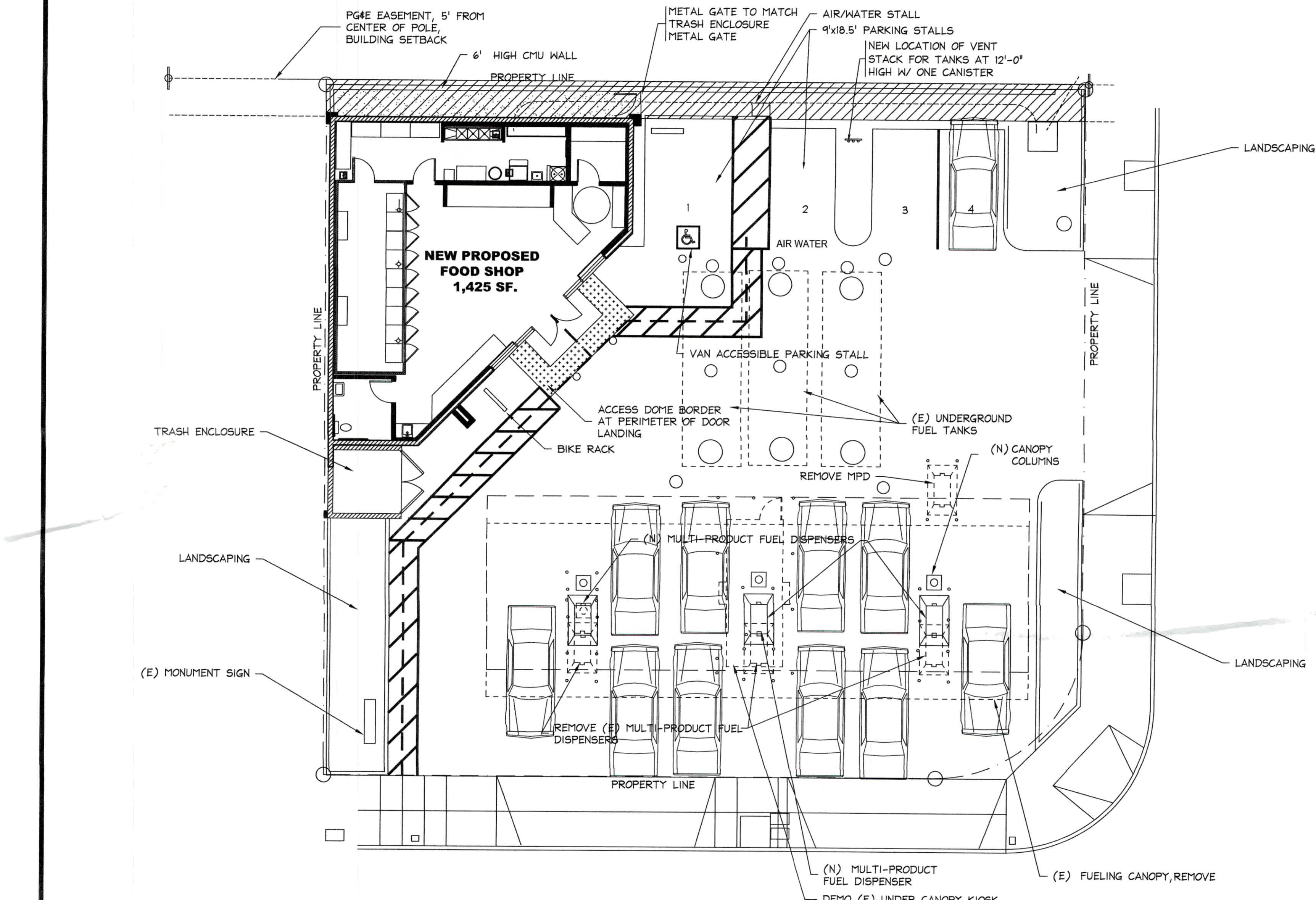
PROJECT NUMBER: 16-040 | PROJECT DATE: 12-11-2017

SHEET CONTENTS:

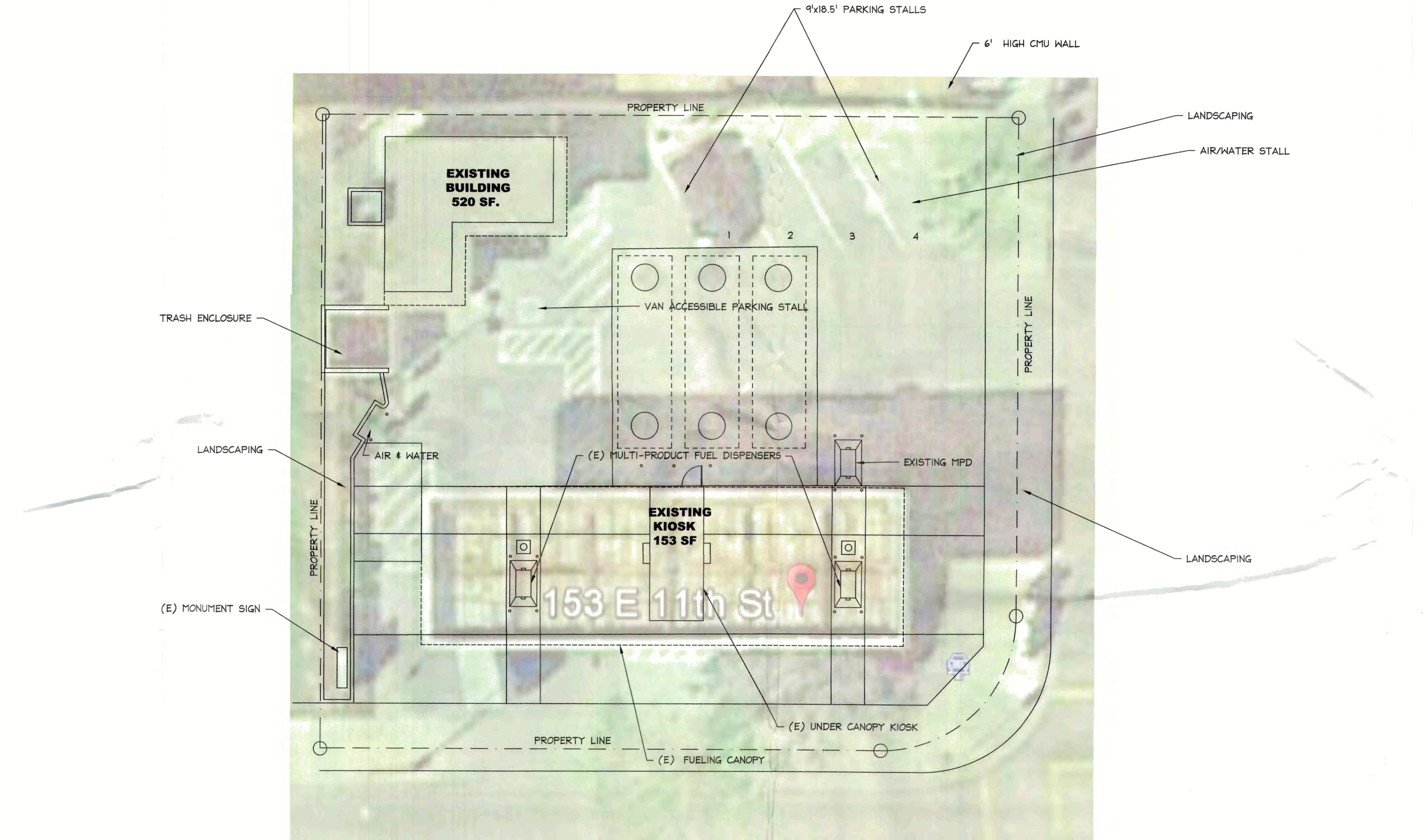
 RECEIVED
 JUL 11 2018
 CITY OF TRACY
 DEVELOPMENT SERVICES

**PROPOSED
SITE PLAN**

SHEET NUMBER:

A101

PROPOSED SITE PLAN

SCALE: 1" = 10'-0"



CONSULTANTS:

CONTRACTOR:

PROJECT:

**TRACY
VALERO
Food
Shop****153 E. 11th Street
Tracy, California**

DEVELOPER:

REVISIONS:

PROFESSIONAL SEALS:



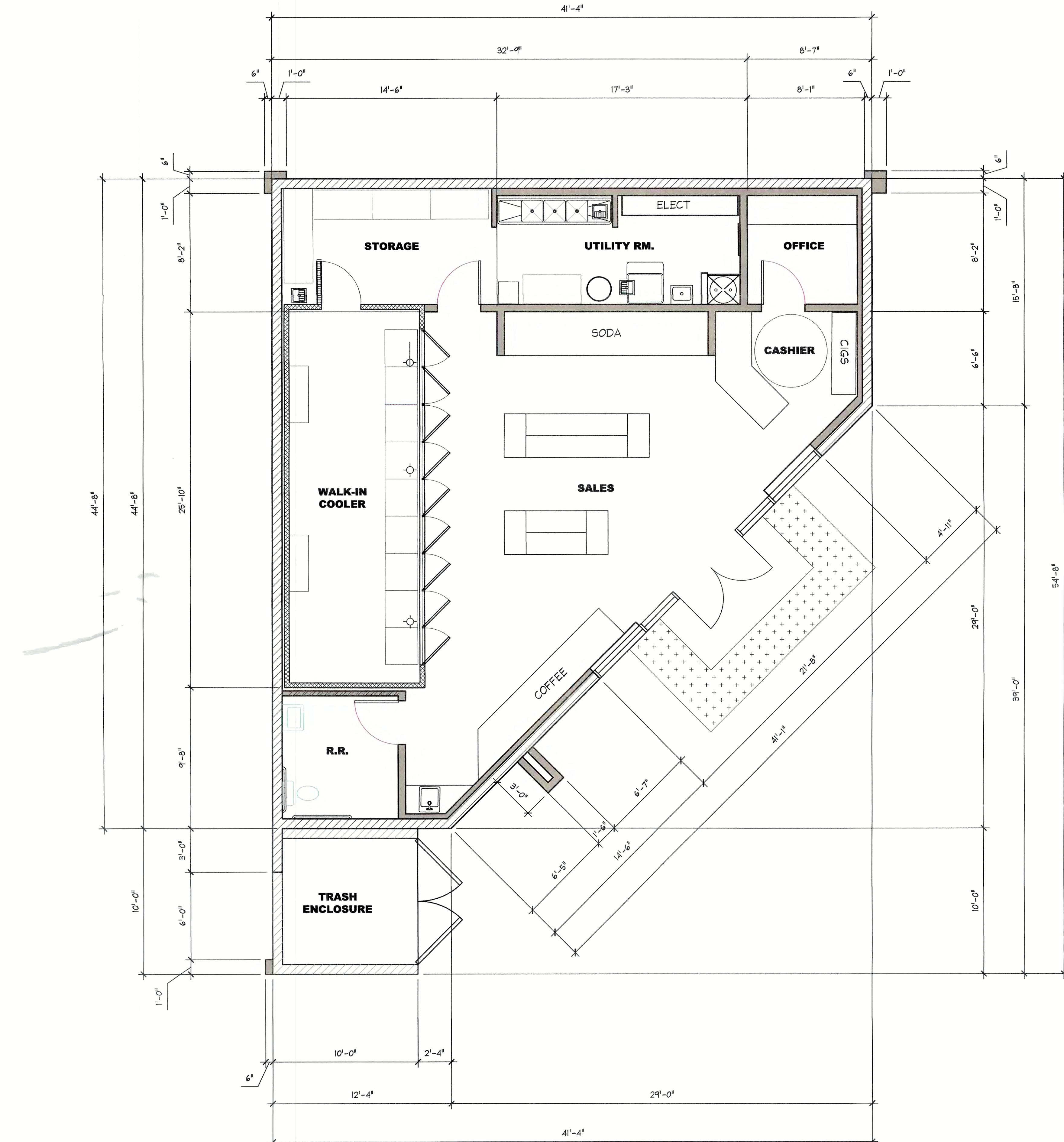
PROJECT NUMBER:

16-040 | **12-11-2017**

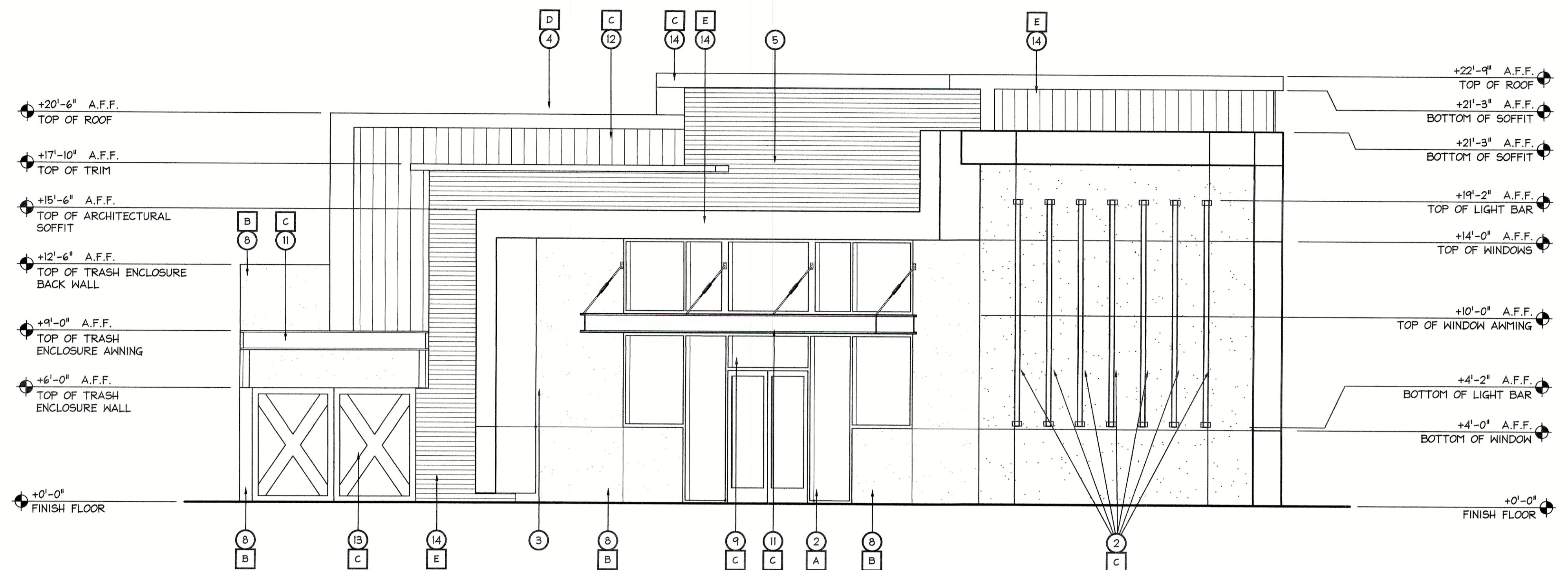
SHEET CONTENTS:

**PROPOSED
FLOOR PLAN**

SHEET NUMBER:

A201**PROPOSED FLOOR PLAN**

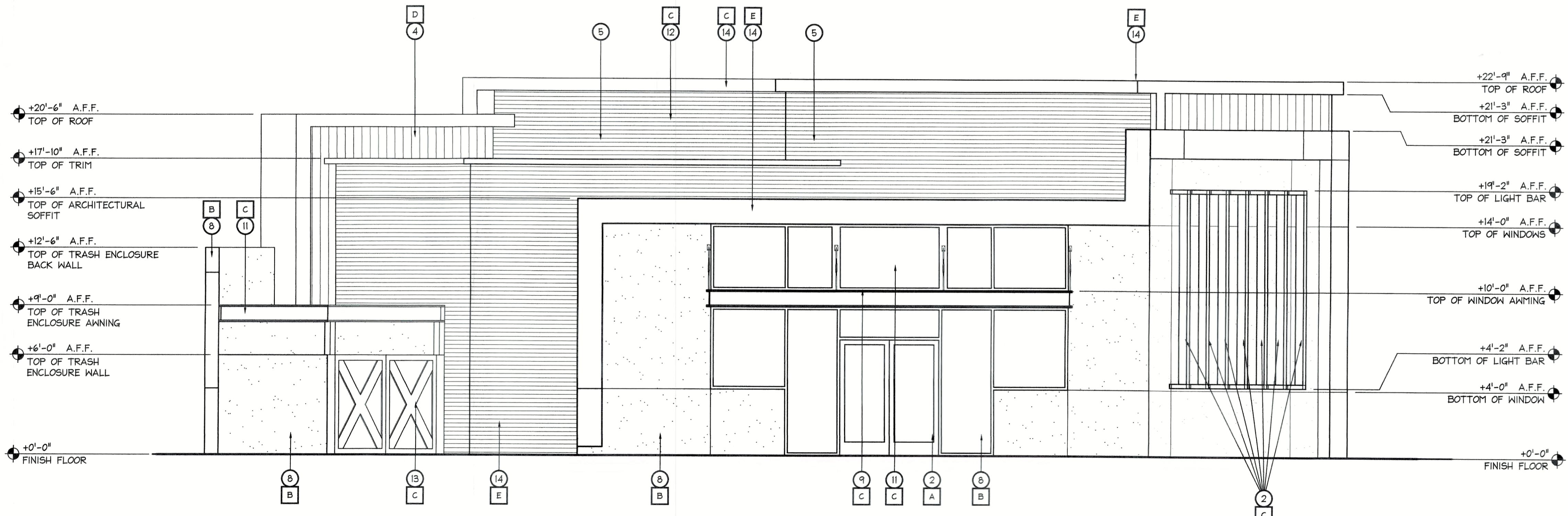
SCALE: 1/4" = 1'-0"

KEY NOTES

WEST SIDE VIEW

SCALE: 1/4" = 1'-0"

COLOR LEGEND

- [A] ALUMINUM STOREFRONT SYSTEM - KAWNEER "DARK BRONZE".
- [B] SHERWIN WILLIAMS SW7032 "WARM STONE".
- [C] SHERWIN WILLIAMS SW6258 "TRICORN BLACK".
- [D] SHERWIN WILLIAMS SW6871 "POSITIVE RED".
- [E] SHERWIN WILLIAMS SW7757 "HIGH REFLECTIVE WHITE".


NORTH WEST SIDE VIEW

SCALE: 1/4" = 1'-0"

**153 E. 11th Street
Tracy, California**

DEVELOPER:

REVISIONS:

PROFESSIONAL SEALS:



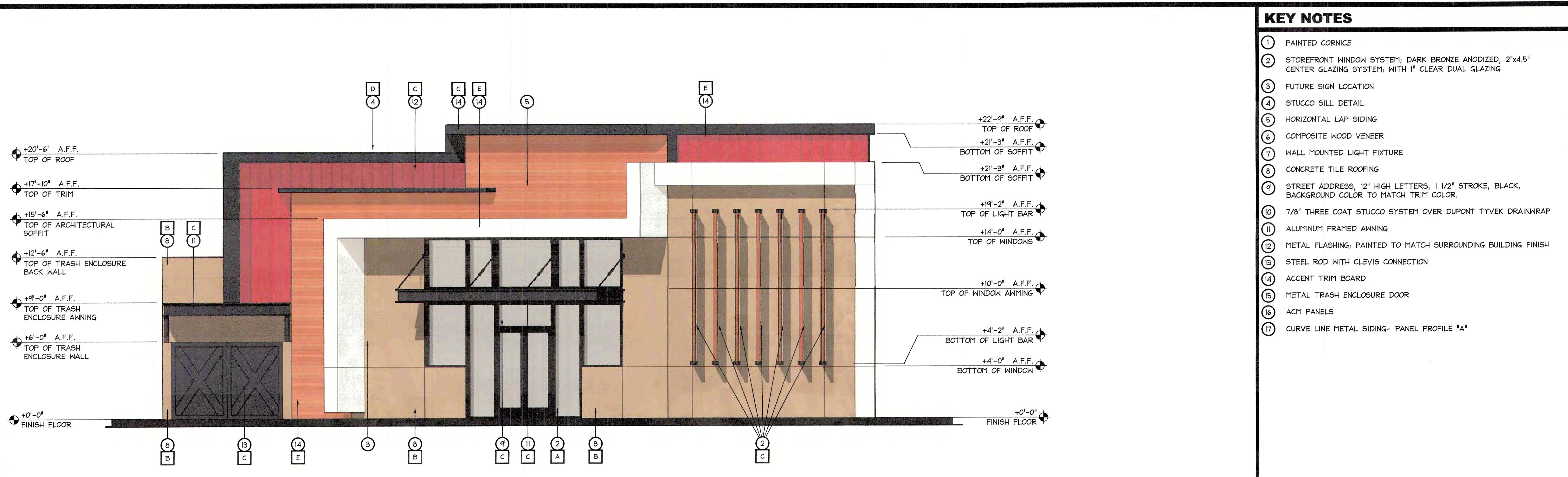
PROJECT NUMBER: 16-040 | PROJECT DATE: 12-11-2017

SHEET CONTENTS:

**PROPOSED
EXTERIOR
ELEVATIONS**

SHEET NUMBER:

A301


WEST SIDE VIEW

SCALE: 1/4" = 1'-0"


NORTH WEST SIDE VIEW

SCALE: 1/4" = 1'-0"

KEY NOTES

- (1) PAINTED CORNICE
- (2) STOREFRONT WINDOW SYSTEM; DARK BRONZE ANODIZED, 2"x4.5" CENTER GLAZING SYSTEM; WITH 1" CLEAR DUAL GLAZING
- (3) FUTURE SIGN LOCATION
- (4) STUCCO SILL DETAIL
- (5) HORIZONTAL LAP SIDING
- (6) COMPOSITE WOOD VENEER
- (7) WALL MOUNTED LIGHT FIXTURE
- (8) CONCRETE TILE ROOFING
- (9) STREET ADDRESS, 12" HIGH LETTERS, 1 1/2" STROKE, BLACK, BACKGROUND COLOR TO MATCH TRIM COLOR.
- (10) 7/8" THREE COAT STUCCO SYSTEM OVER DUPONT TYVEK DRAINWRAP
- (11) ALUMINUM FRAMED AWNING
- (12) METAL FLASHING; PAINTED TO MATCH SURROUNDING BUILDING FINISH
- (13) STEEL ROD WITH CLEVIS CONNECTION
- (14) ACCENT TRIM BOARD
- (15) METAL TRASH ENCLOSURE DOOR
- (16) ACM PANELS
- (17) CURVE LINE METAL SIDING- PANEL PROFILE "A"

COLOR LEGEND

(A)	ALUMINUM STOREFRONT SYSTEM - KAWNEER "DARK BRONZE".
(B)	SHERWIN WILLIAMS SW7032 "WARM STONE".
(C)	SHERWIN WILLIAMS SW6258 "TRICORN BLACK".
(D)	SHERWIN WILLIAMS SW6871 "POSITIVE RED".
(E)	SHERWIN WILLIAMS SW7757 "HIGH REFLECTIVE WHITE".

**153 E. 11th Street
Tracy, California**

DEVELOPER:

REVISIONS:

PROFESSIONAL SEALS:



PROJECT NUMBER: 16-040 | PROJECT DATE: 12-11-2017

SHEET CONTENTS:

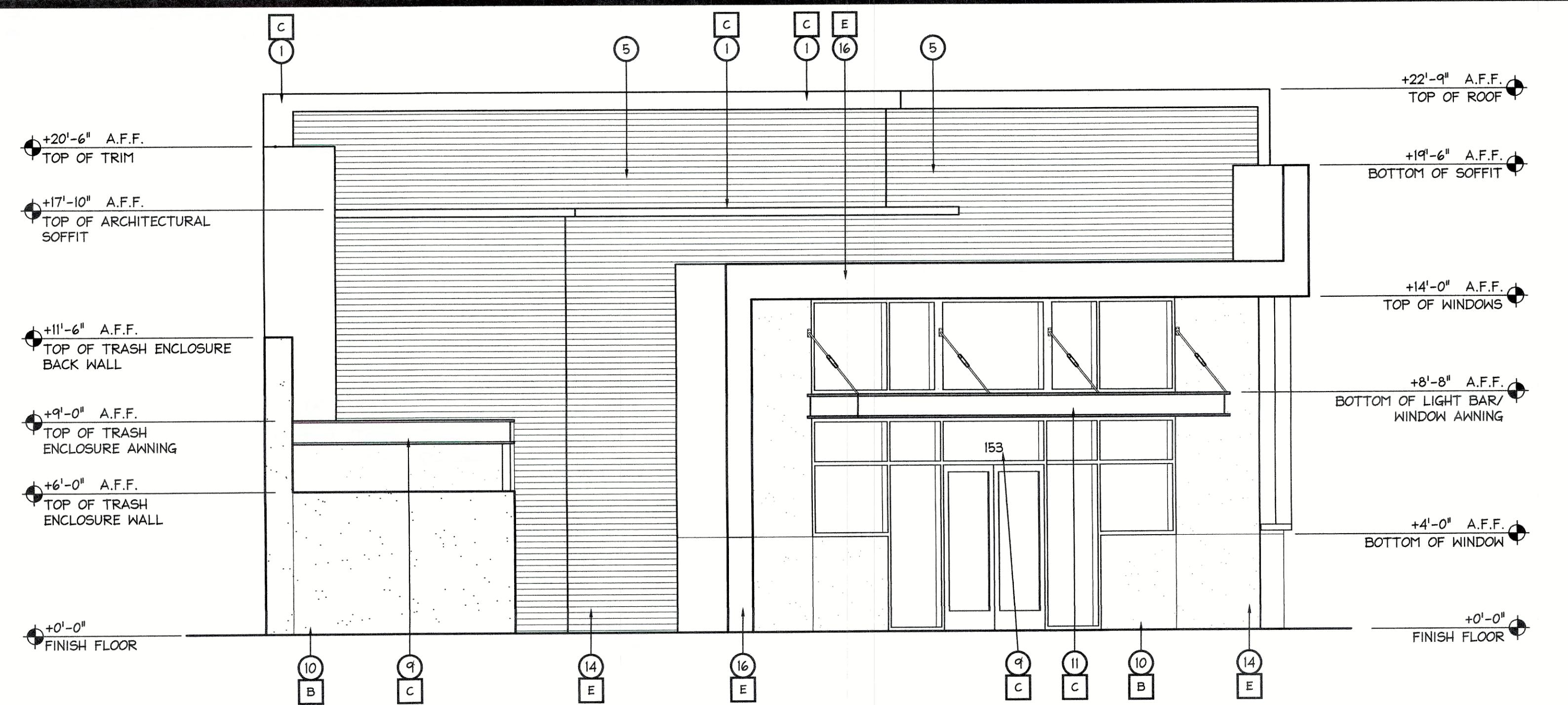
**PROPOSED
EXTERIOR
ELEVATIONS**

SHEET NUMBER:

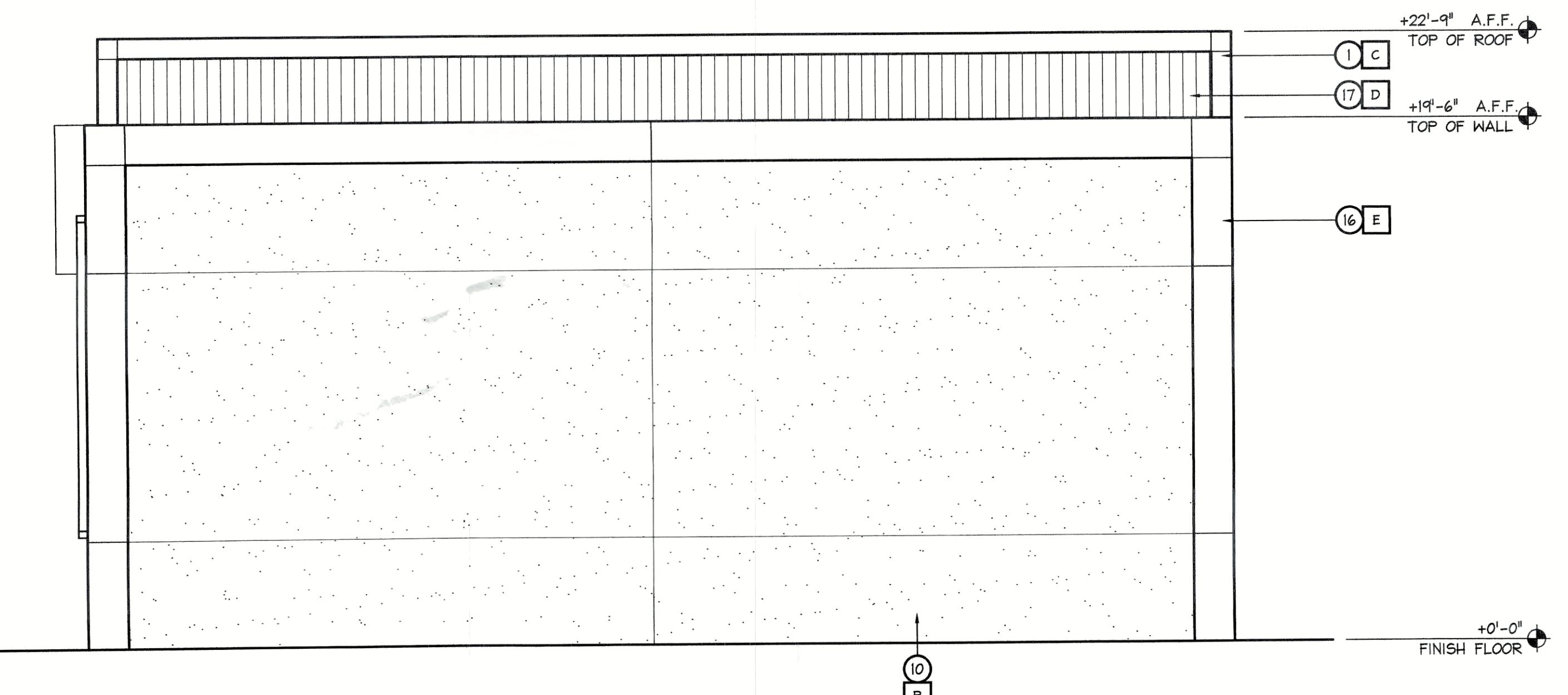
A302

KEY NOTES

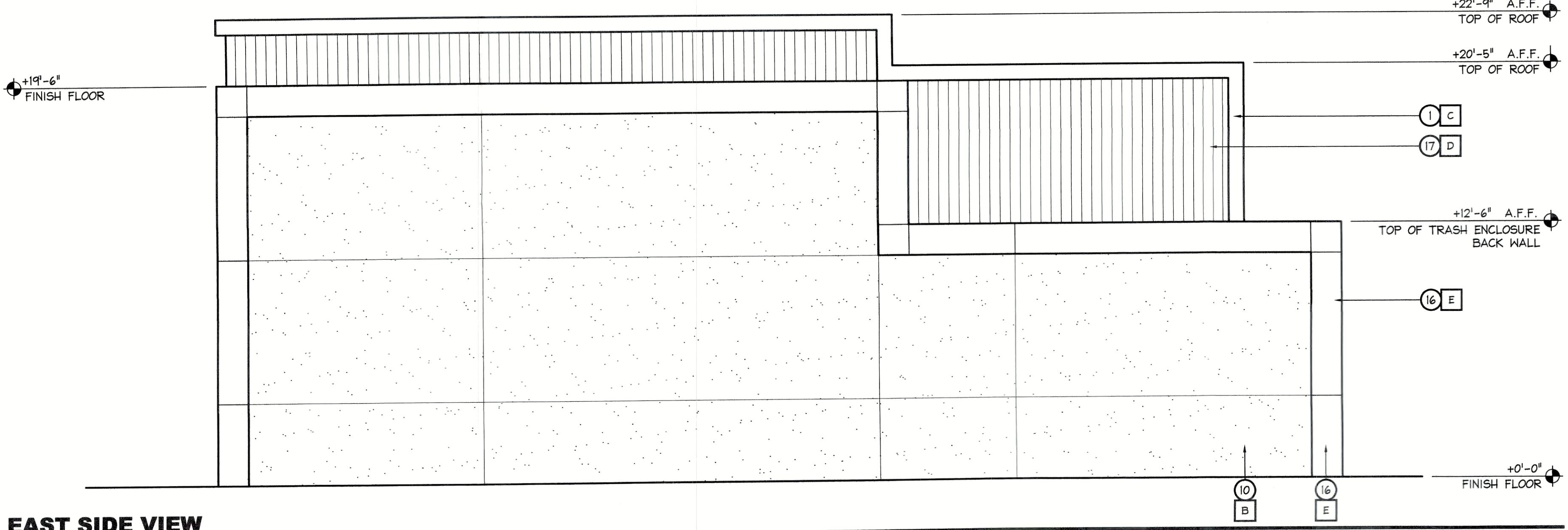
- ① PAINTED CORNICE
- ② STOREFRONT WINDOW SYSTEM; DARK BRONZE ANODIZED, 2"x4.5" CENTER GLAZING SYSTEM; WITH 1" CLEAR DUAL GLAZING
- ③ FUTURE SIGN LOCATION
- ④ STUCCO SILL DETAIL
- ⑤ HORIZONTAL LAP SIDING
- ⑥ COMPOSITE WOOD VENEER
- ⑦ WALL MOUNTED LIGHT FIXTURE
- ⑧ CONCRETE TILE ROOFING
- ⑨ STREET ADDRESS, 12" HIGH LETTERS, 1 1/2" STROKE, BLACK, BACKGROUND COLOR TO MATCH TRIM COLOR.
- ⑩ 7/8" THREE COAT STUCCO SYSTEM OVER DUPONT TYVEK DRAINWRAP
- ⑪ ALUMINUM FRAMED AWNING
- ⑫ METAL FLASHING; PAINTED TO MATCH SURROUNDING BUILDING FINISH
- ⑬ STEEL ROD WITH CLEVIS CONNECTION
- ⑭ ACCENT TRIM BOARD
- ⑮ METAL TRASH ENCLOSURE DOOR
- ⑯ ACM PANELS
- ⑰ CURVE LINE METAL SIDING- PANEL PROFILE "A"


NORTH SIDE VIEW

SCALE: 1/4" = 1'-0"


SOUTH SIDE VIEW

SCALE: 1/4" = 1'-0"



SCALE: 1/4" = 1'-0"

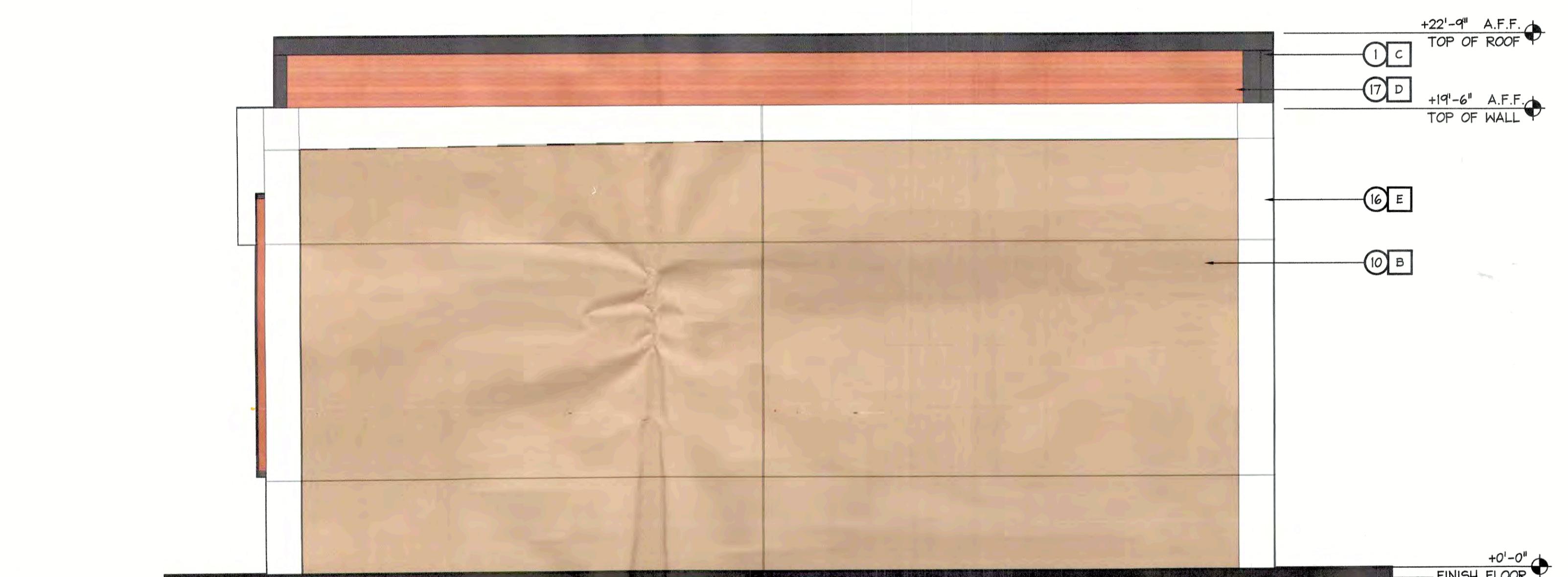
COLOR LEGEND

A	ALUMINUM STOREFRONT SYSTEM - KAWNEER "DARK BRONZE".
B	SHERWIN WILLIAMS SW7032 "WARM STONE".
C	SHERWIN WILLIAMS SW6258 "TRICORN BLACK".
D	SHERWIN WILLIAMS SW6871 "POSITIVE RED".
E	SHERWIN WILLIAMS SW7757 "HIGH REFLECTIVE WHITE".


KEY NOTES

PROPOSED LEFT SIDE VIEW

SCALE: 1/4" = 1'-0"


COLOR LEGEND

[Color Box A]	ALUMINUM STOREFRONT SYSTEM - KAWNEER "DARK BRONZE".
[Color Box B]	SHERWIN WILLIAMS SW7032 "WARM STONE".
[Color Box C]	SHERWIN WILLIAMS SW6258 "TRICORN BLACK".
[Color Box D]	SHERWIN WILLIAMS SW6871 "POSITIVE RED".
[Color Box E]	SHERWIN WILLIAMS SW7757 "HIGH REFLECTIVE WHITE".

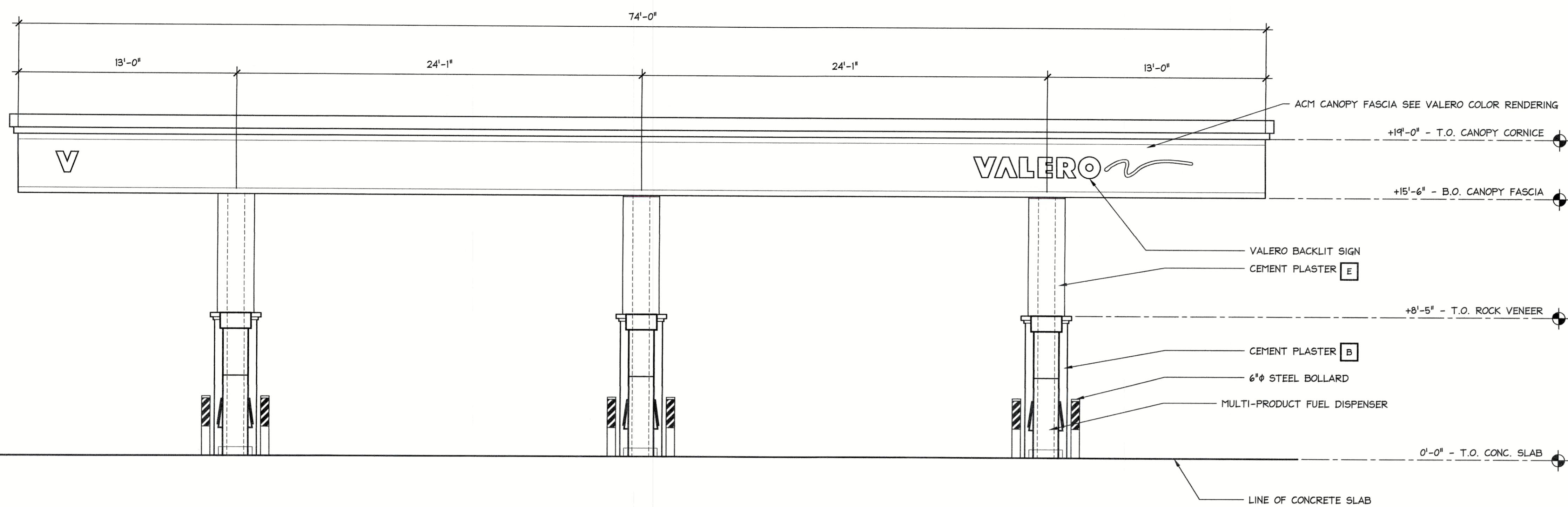
PROPOSED RIGHT SIDE VIEW

SCALE: 1/4" = 1'-0"

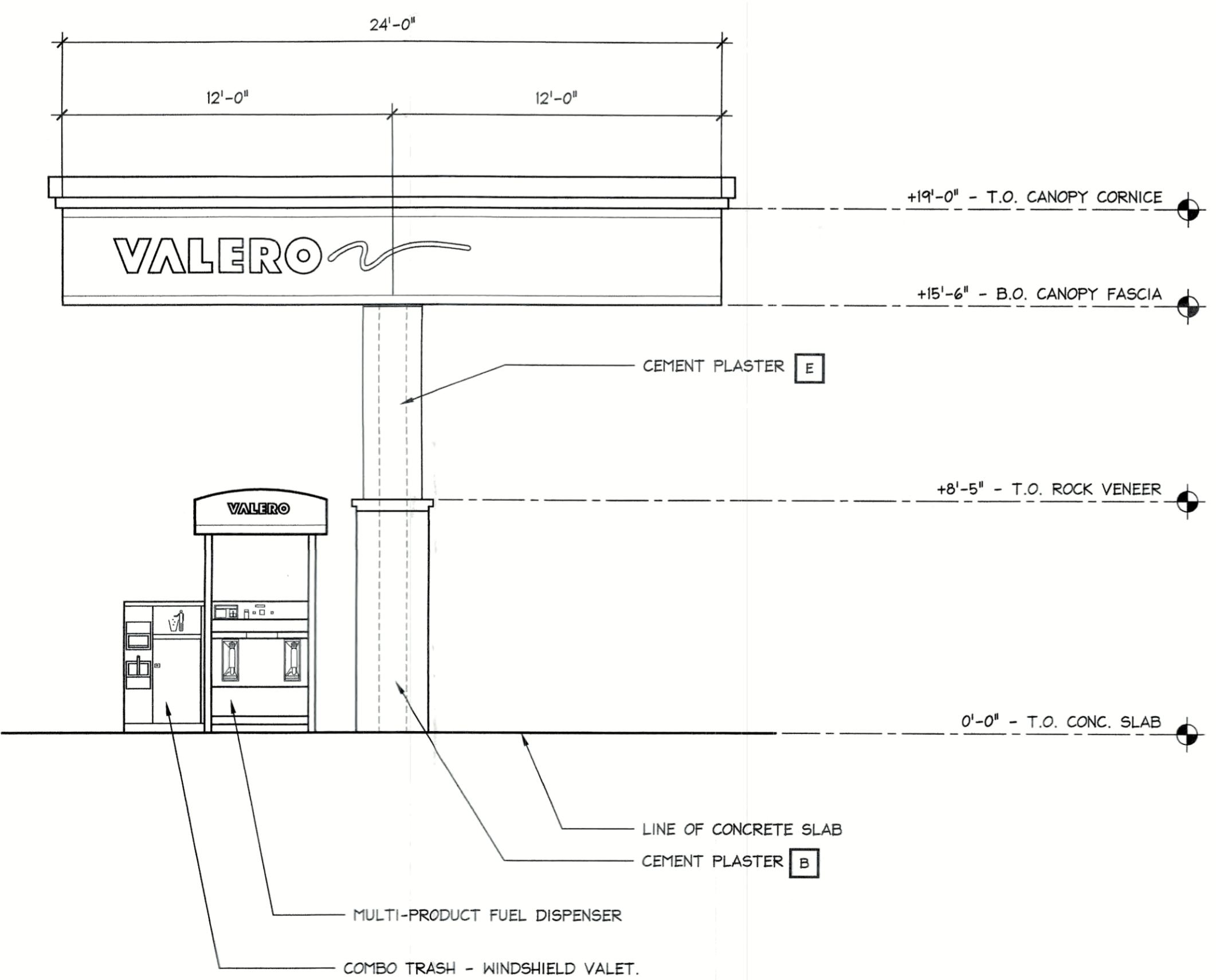


SCALE: 1/4" = 1'-0"

PROPOSED REAR VIEW


PROPOSED CANOPY FRONT VIEW

SCALE: 1/4" = 1'-0"


PROPOSED CANOPY SIDE VIEW

SCALE: 1/4" = 1'-0"

COLOR LEGEND

A	ALUMINUM STOREFRONT SYSTEM - KAWNEER "DARK BRONZE".
B	SHERWIN WILLIAMS SW7032 "WARM STONE".
C	SHERWIN WILLIAMS SW6258 "TRICORN BLACK".
D	SHERWIN WILLIAMS SW6871 "POSITIVE RED".
E	SHERWIN WILLIAMS SW7757 "HIGH REFLECTIVE WHITE".

**153 E. 11th Street
Tracy, California**

DEVELOPER: _____

REVISIONS: _____

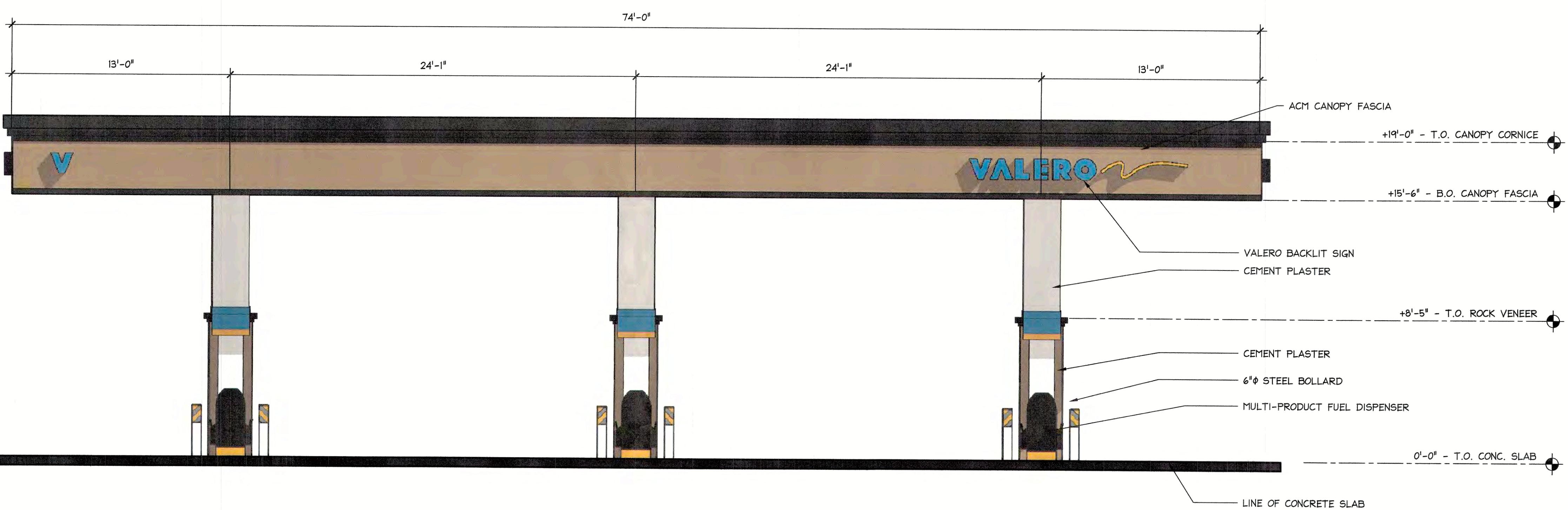
PROFESSIONAL SEALS: _____


PROJECT NUMBER: **16-040** | PROJECT DATE: **12-11-2017**

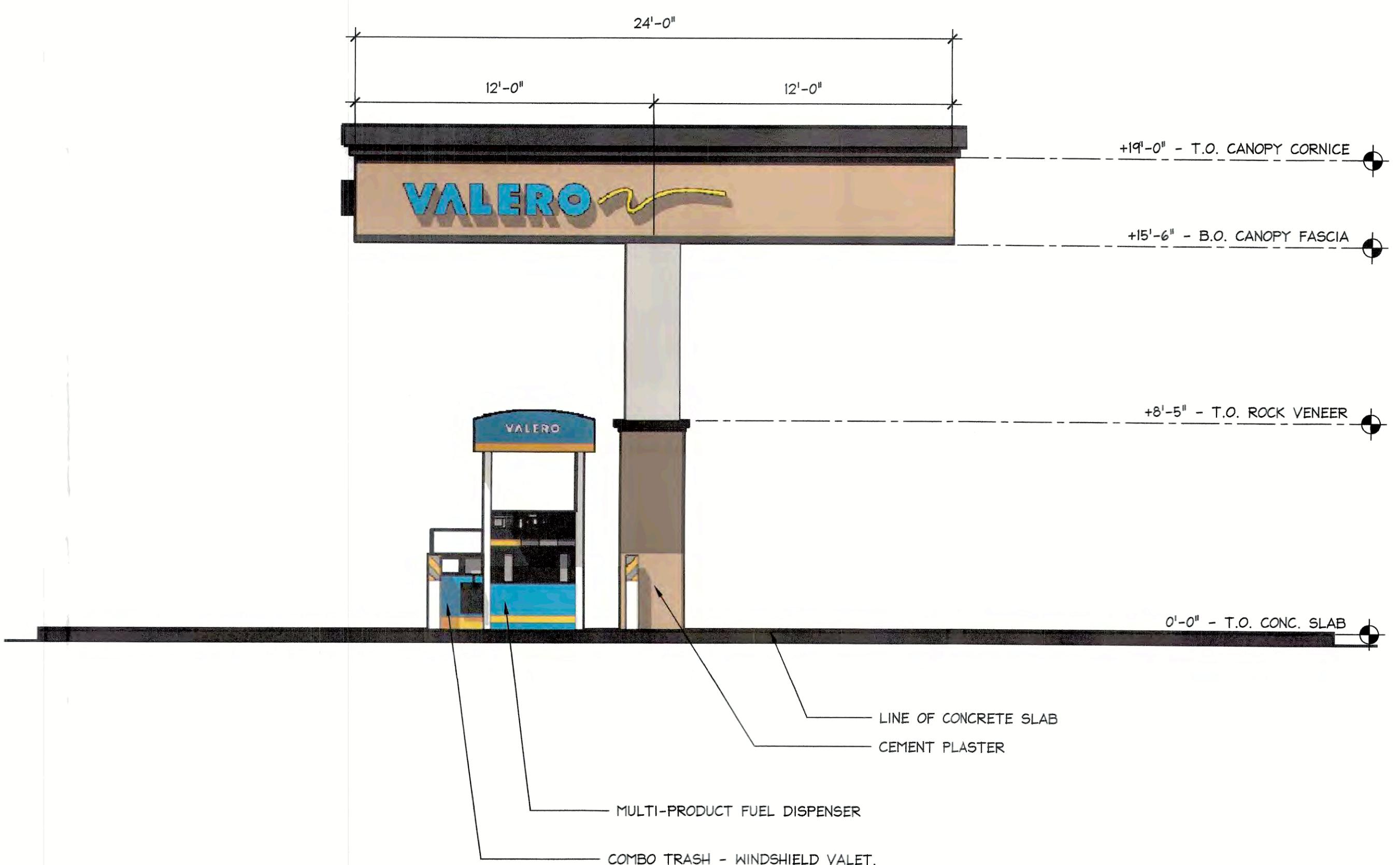
SHEET CONTENTS: _____

**PROPOSED
CANOPY EXTERIOR
ELEVATIONS**

SHEET NUMBER: _____


PROPOSED CANOPY FRONT VIEW

SCALE: 1/4" = 1'-0"

153 E. 11th Street
Tracy, California

PROPOSED CANOPY SIDE VIEW

SCALE: 1/4" = 1'-0"



PROJECT NUMBER: 16-040 | PROJECT DATE: 12-11-2017

SHEET CONTENTS:

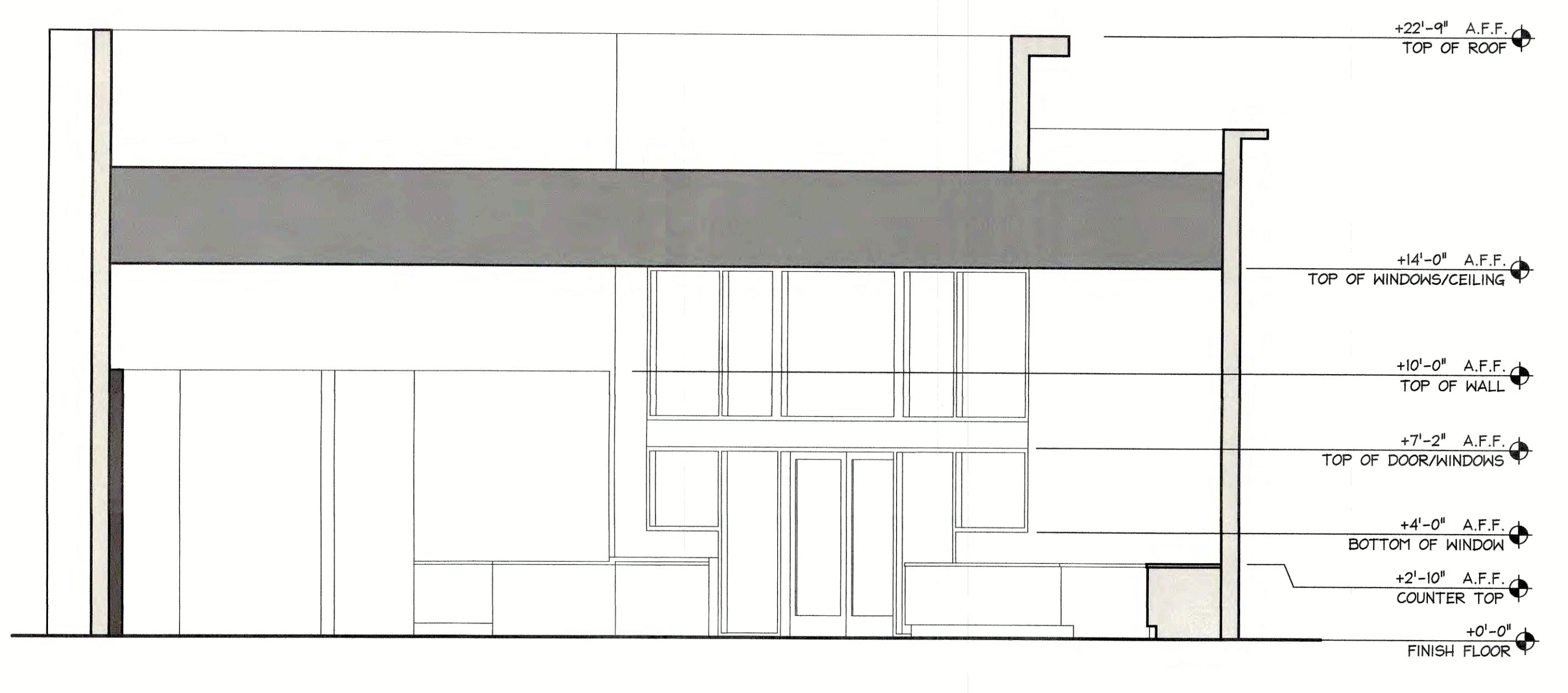
**PROPOSED
CANOPY COLOR
EXTERIOR
ELEVATIONS**

SHEET NUMBER:

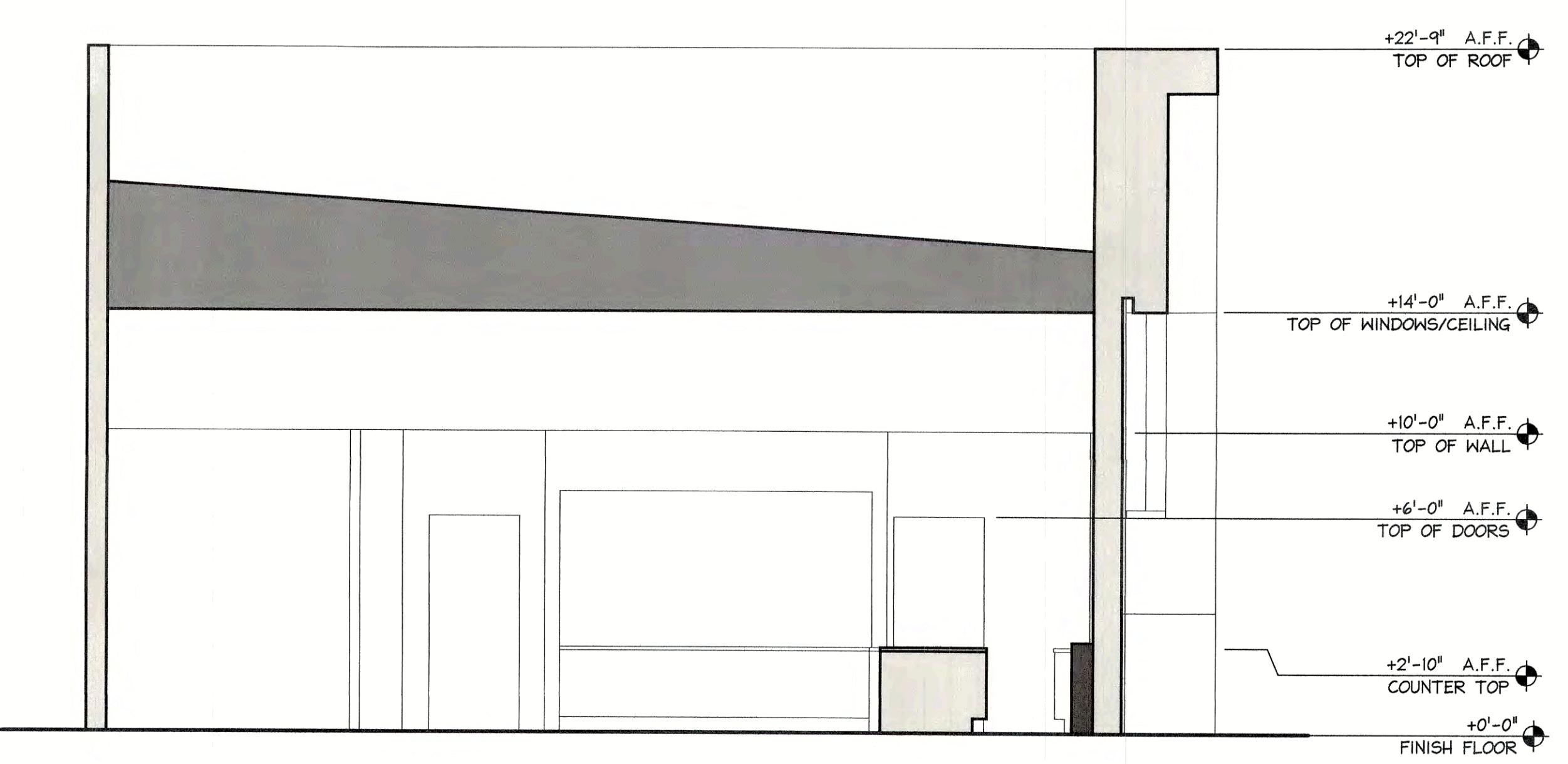
A306



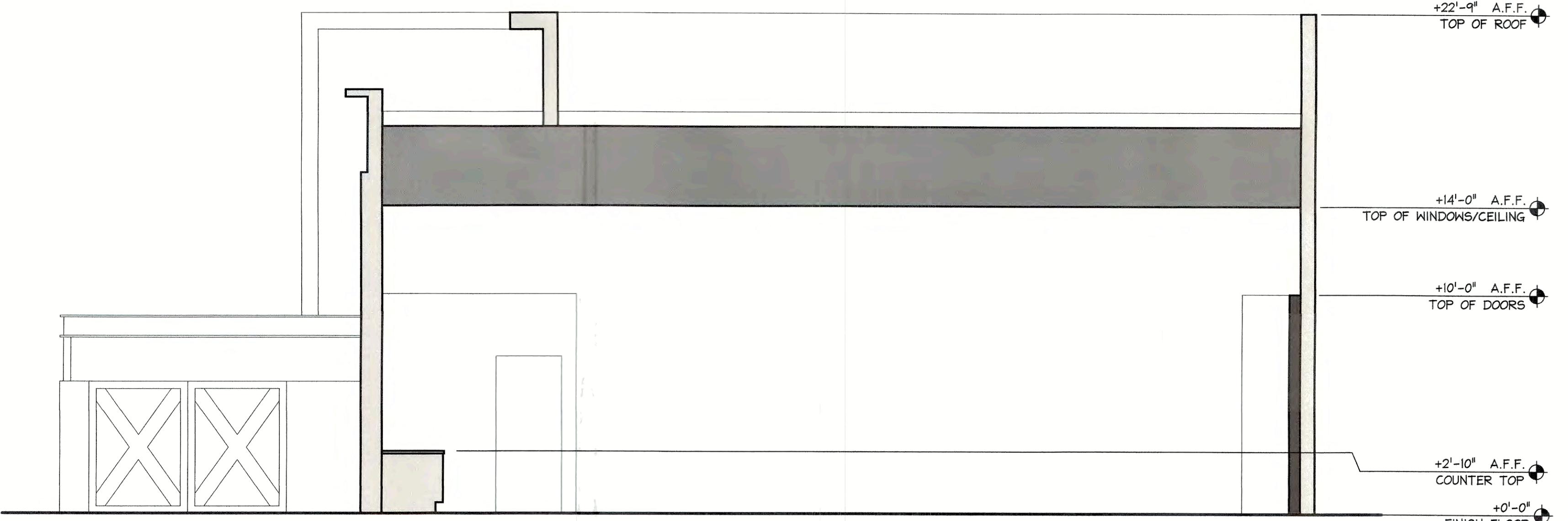



BUILDING SECTION B-B

SCALE: 1/4" = 1'-0"


BUILDING SECTION A-A

SCALE: 1/4" = 1'-0"


BUILDING SECTION C-C

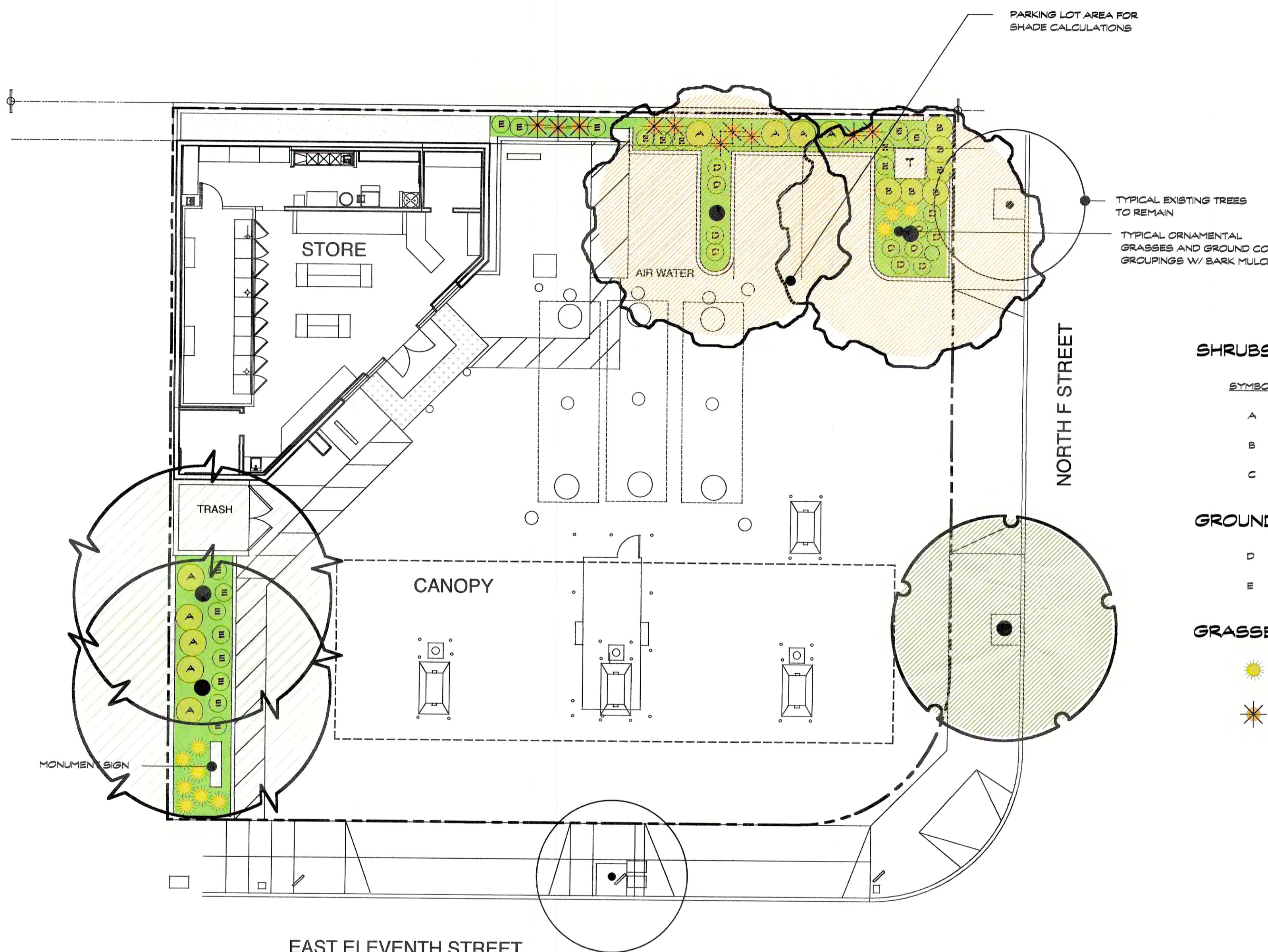
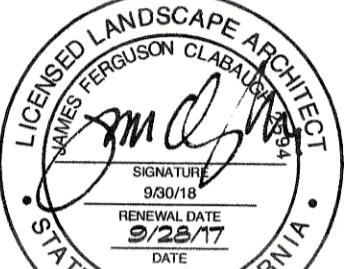
SCALE: 1/4" = 1'-0"

JAMES
FERGUSON
CLABAUGH

LANDSCAPE
ARCHITECT

4556 SHAWN LANE
VACAVILLE, CA 95688
PHONE/FAX: 707-449-3916

These drawings are the instrument of the service and
shall not be used, in part or in whole, for any work
not specifically contracted with James Clabaugh,
Landscape Architect.



TREE LEGEND

SIZE COUNT

LIQUIDAMBAR STYRACIFLUA
SWEETGUM

24" BOX

1

PISTACHIA CHINENSIS
CHINESE PISTACHE

24" BOX

2

ULMUS PARVIFLORA
CHINESE EVERGREEN ELM

24" BOX

2

SHRUBS

SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY	CONTAINER	WATER USE	SIZE
A	ERYSIMUM BOWLES MAUVE	WALLFLOWER	9	5 GAL.	L	3' x 3'
B	SALVIA MICROPHYLLA 'HOT LIPS'	RED SAGE	6	5 GAL.	L	3' x 3'
C	PHORMIUM AMAZING RED	RED FLAX	0	5 GAL.	L	3' x 3'

GROUND COVERS

D	OSTEOSPERMUM FRUTICOSUM 'PURPLE'	AFRICAN DAISY	11	1 GAL.	L	2' x 4'
E	TEUCRIUM X LUCIDRYS	PROSTRATE GERMANDER	18	1 GAL.	L	1' x 3'

GRASSES

	PENNISETUM ALOPECUROIDES 'HAMELN'	DAWRF FOUNTAIN GRASS	10	1 GAL.	L	2' x 2'
	IMPERATA CYLINDRICA 'RUBRA'	JAPANESE BLOODGRASS	10	1 GAL.	L	2' x 2'

TOTAL LANDSCAPED AREA: 663 SQFT

NOTE THAT ALL PLANTERS ARE TO BE IRRIGATED BY AN AUTOMATIC, LOW VOLUME, INLINE DRIP SYSTEM BURIED BELOW GRADE.

ALL PLANTERS WILL BE MULCHED WITH A 2' LAYER OF BROWN WALK-ON FIR BARK.

THE LANDSCAPE AND IRRIGATION PLANS WILL COMPLY WITH AB 1881 WATER CONSERVATION IN LANDSCAPING ACT.

CIRCLE K
VALERO GAS

153 E. ELEVENTH STREET
TRACY, CA

Scale	1" = 10'-0"	REVISIONS
Date	7/11/18	No. Date
Job No.		
Designed by	J.C.	
Drawn by	J.C.	

RECEIVED

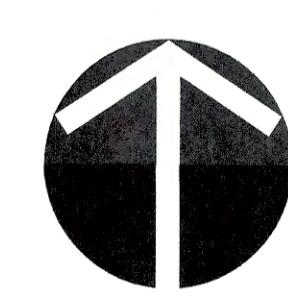
JUL 12 2018

CITY OF TRACY
DEVELOPMENT SERVICES

PRELIMINARY
LANDSCAPE
PLAN

SITE PLAN

SCALE: 1" = 10' - 0"



0' 5' 10' 20' 30'

Sheet No.

L1
of 1

RESOLUTION 2018-_____

APPROVAL OF A CONDITIONAL USE PERMIT FOR THE EXPANSION OF AN EXISTING GASOLINE SERVICE STATION (VALERO) LOCATED AT 153 E. ELEVENTH STREET. THE APPLICANT IS RAMAN BAINS AND THE PROPERTY OWNER IS BFS TRACY, INC., APPLICATION NUMBER CUP17-0004

WHEREAS, The City granted a building permit for the establishment of a gasoline service station in 1955 and subsequent development permits in 1962, 1981, and 1985 for remodels of the gasoline service station at 153 E. Eleventh Street, and

WHEREAS, The gasoline service station currently consists of three fueling pumps, an overhead canopy, a retail kiosk, a storage and restroom building, and associated equipment and parking area, and

WHEREAS, On May 2, 2017, the applicant submitted an application to remove the kiosk and building, relocate the three fuel pumps, construct an approximately 1,425 square foot convenience store building, remove and rebuild the fueling canopy, reconfigure the parking stalls and vapor recovery equipment, and add additional landscaping to the site, and

WHEREAS, The site is zoned Central Business District, in which gasoline service stations are a conditionally permitted use, expansions of such use require a conditional use permit, and obtaining a conditional use permit would render the site compliant with Tracy Municipal Code Section 10.08.3370, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15332 pertaining to in-fill development projects. The project occurs within city limits, is consistent with the General Plan and zoning, is no more than five acres in size substantially surrounded by urban uses, has no value as habitat for endangered, rare, or threatened species, and would not result in any significant effects relating to traffic, noise, air quality, or water quality beyond what was analyzed and mitigated in the General Plan environmental impact report; therefore, no further environmental assessment is necessary, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the application on July 25, 2018;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission does hereby approve a conditional use permit for the expansion of the gasoline service station, Application Number CUP17-0004, subject to the conditions contained in Exhibit 1 to this Resolution and based on the findings below.

1. There are circumstances applicable to the use which make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right, because the site contains an existing service station with a small retail component, and granting of the use permit to expand the retail component of the service station would allow the business to provide increased retail service to the community and would render its use and development

in conformance with Tracy Municipal Code Sections 10.08.3370 and 10.08.2380, which establish the requirements for a conditional use permit.

2. The proposed location of the use and the conditions under which it would be operated or maintained are in accordance with the objectives of the Tracy Municipal Code and Central Business District in which the site is located because, although the Central Business District zone is primarily comprised of pedestrian-oriented uses, the proposed project would operate in a compatible manner with the intent of the zone and with adjacent land uses. The project is an expansion of the existing service station that is located on an automobile-oriented arterial street almost 1,000 feet away from the entrance to the downtown core and surrounded by other auto-oriented uses. The gasoline service station is an existing land use whose retail component will be expanded in the form of a walk-in convenience store typical of a gasoline service station, and there is no proposed expansion to the number of fueling pumps or to other vehicle services.
3. The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the City because the project, as conditioned, is consistent with the land use, design, and other elements of the Tracy Municipal Code, the City of Tracy General Plan, the Design Goals and Standards, City Standards, California Building Codes, California Fire Codes, and California air quality regulations.

The foregoing Resolution 2018-_____ was adopted by the Planning Commission on the 25th day of July, 2018, by the following vote:

AYES: COMMISSION MEMBERS:
NOES: COMMISSION MEMBERS:
ABSENT: COMMISSION MEMBERS:
ABSTAIN: COMMISSION MEMBERS:

CHAIR

ATTEST:

STAFF LIAISON

**City of Tracy
Conditions of Approval**

Valero Gasoline Service Station Expansion at 153 E. Eleventh Street

Application Number CUP17-0004

July 25, 2018

A. General Provisions and Definitions.

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

The Project: Valero Gasoline Service Station Expansion, Application No. CUP17-0004

The Property: 153 E. Eleventh Street, Assessor's Parcel Number 233-366-20

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project located at the Property. The Conditions of Approval shall specifically include all conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the plans received by the Development Services Department on July 11, 2018.

A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.

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

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

A.6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations.

RESOLUTION 2018-_____

APPROVAL OF A DEVELOPMENT REVIEW PERMIT FOR THE REMODEL AND EXPANSION OF AN EXISTING GASOLINE SERVICE STATION (VALERO) LOCATED AT 153 E. ELEVENTH STREET. THE APPLICANT IS RAMAN BAINS AND THE PROPERTY OWNER IS BFS TRACY, INC, APPLICATION NUMBER D17-0010

WHEREAS, The City granted a building permit for the establishment of a gasoline service station in 1955 and subsequent development permits in 1962, 1981, and 1985 for remodels of the gasoline service station at 153 E. Eleventh Street, and

WHEREAS, The gasoline service station currently consists of three fueling pumps, an overhead canopy, a retail kiosk, a storage and restroom building, and associated equipment and parking area, and

WHEREAS, On May 2, 2017, the applicant submitted an application to remove the kiosk and building, relocate the three fuel pumps, construct an approximately 1,425 square foot convenience store building, remove and rebuild the fueling canopy, reconfigure the parking stalls and vapor recovery equipment, and add additional landscaping to the site, and

WHEREAS, New and remodeled improvements require review and approval of a development review permit pursuant to Tracy Municipal Code Section 10.08.3930, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15332 pertaining to in-fill development projects. The project occurs within city limits, is consistent with the General Plan and zoning, is no more than five acres in size substantially surrounded by urban uses, has no value as habitat for endangered, rare, or threatened species, and would not result in any significant effects relating to traffic, noise, air quality, or water quality beyond what was analyzed and mitigated in the General Plan environmental impact report; therefore, no further environmental assessment is necessary, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the application on July 25, 2018;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission does hereby approve a development review permit for the expansion of the gasoline service station, Application Number D17-0010, subject to the approval of Conditional Use Permit Application Number CUP17-0004 and the conditions contained in Exhibit 1 to this Resolution, and based on the findings below.

1. The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy, because the proposed project is a remodel and expansion of the existing service station with high-quality design of the building and employs varying roof heights, substantial building relief, use of lap siding, glass, and metal accents, decorative trims, and application of warm colors. The fueling area canopy and the trash enclosure are proposed to be remodeled to match the building. The parking area will be restriped, but no net gain

or loss of parking will result from this project; rather, additional landscaping will be provided to aid in the screening and softening of the new improvements.

2. The proposal, as conditioned, conforms to the Tracy Municipal Code, the City of Tracy General Plan, the Citywide Design Goals and Standards, applicable City Standards, California Building Codes, and California Fire Codes, including land use (with the granting of Conditional Use Permit Application Number CUP17-0004 for the proposed expansion), building design, off-street parking and circulation, and landscape design.

The foregoing Resolution 2018-_____ was adopted by the Planning Commission on the 25th day of July, 2018, by the following vote:

AYES: COMMISSION MEMBERS:
NOES: COMMISSION MEMBERS:
ABSENT: COMMISSION MEMBERS:
ABSTAIN: COMMISSION MEMBERS:

CHAIR

ATTEST:

STAFF LIAISON

**City of Tracy
Conditions of Approval**

Valero Gasoline Service Station Expansion at 153 E. Eleventh Street

Application Number D17-0010

July 25, 2018

A. General Provisions and Definitions.

A.2. General. These Conditions of Approval apply to:

The Project: Valero Gasoline Service Station Expansion, Application No. D17-0010

The Property: 153 E. Eleventh Street, Assessor's Parcel Number 233-366-20

A.3. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project located at the Property. 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.4. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the plans received by the Development Services Department on July 11, 2018.

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

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

A.7. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, the Northeast Industrial Areas (NEI) Specific Plan, and Design Goals and Standards.

A.8. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

B. Development Services Department, Planning Division Conditions

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

B.1. Architecture. Before the approval of a building permit, the applicant shall submit detailed plans that demonstrate the following to the satisfaction of the Development Services Director:

B.1.1 The top several feet is finished in the brown horizontal lap siding as shown on sheet A304 rather than the red curve line metal siding shown on sheet A303.

B.1.2 A decorative metal trellis is provided on the west elevation to visually break up the large stucco surface.

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

B.2.1 Detailed plans that demonstrate the parking stalls are striped in accordance with Standard Plan 154.

B.2.2 Detailed plans that demonstrate any sidewalk, landscape planters, or bio-retention areas perpendicular to parking stalls overhang up to 24 inches into

the parking stall in place of wheel stops where feasible. Any landscape planter overhang may not be double-counted toward the required amount of parking area landscaping.

- B.2.3 Detailed plans that demonstrate a minimum of one foot candle throughout the parking area as defined in TMC Section 10.08.3450.
- B.2.4 The one-foot gap between the handicap stall and the building shall either be filled in with live groundcover or concrete to match the curb.

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

- B.3.1. Said plans shall demonstrate compliance with the Tracy Municipal Code Section 10.08.3560 for parking area landscaping. Said plans shall clearly delineate the property line and shall include a planting legend indicating, at minimum, the quantity, planting size, and height and width at maturity.
- B.3.2. Each planter shall contain a combination of trees, shrubs, and live groundcover. Trees shall be a minimum of 24" box size, shrubs shall be a minimum size of 5 gallon, and groundcover shall be a minimum size of 1 gallon at planting. Landscaping shall be continuously maintained to prevent incidence of wildfire.
- B.3.3. Where trees are planted ten feet or less from a sidewalk or curb, root barriers dimensioned 8 feet long by 24 inches deep shall be provided adjacent to such sidewalk and curb, centered on the tree.
- B.3.4. Landscape & Irrigation Maintenance. Prior to the issuance of a building permit, the Developer shall execute a two-year landscape and irrigation maintenance agreement and submit financial security, such as a performance bond, to ensure the success of all on-site landscaping for the term of the agreement. The security amount shall be equal to \$2.50 per square foot of the landscaped area or equal to the actual labor and material installation cost of all on-site landscaping and irrigation.

B.4. Screening utilities and equipment. Before the approval of a building permit, the applicant shall submit detailed plans that demonstrate the following:

- B.4.1. The trash and recycling enclosure shall be designed and appropriately sized for this project, including allowance for recycling collection, to the satisfaction of the Development Services Director. The trash and recycling collection enclosure shall include a solid roof structure, solid metal doors, and solid walls sufficiently sized to fully screen the dumpsters. The enclosure, including the roof, shall be architecturally compatible with the commercial building, which includes but is not limited to, design, materials, and colors. A six-inch concrete curb and/or bollards may be installed on the interior of the enclosure for the protection and durability of the enclosure walls.

- B.4.2. 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 readily visible from any public right-of-way, which includes, but is not limited to, Eleventh Street, F Street, and Twelfth Street. The plans shall demonstrate that such equipment is fully screened from view behind parapet walls equal to or higher than the height of the mounted equipment to the satisfaction of the Development Services Director.
- B.4.3. All vents, gutters, downspouts, flashing, and electrical conduits shall be internal to the structures and other ground-mounted, wall-mounted, or building-attached utilities, including bollards, shall be painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
- B.4.4. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or substantially screened from view behind structures or landscaping, to the satisfaction of the Development Services Director.
- B.4.5. The enhanced vapor recovery canister and vents shall be located to the rear of the building on the north elevation, provided the applicant receives approval for location of the equipment within the PG&E easement. In the event PG&E denies the location of the EVR equipment in their easement, the canister and vents shall be located in the planter and screened by the shade tree as shown in the plans dated December 19, 2018.

B.5. Fencing.

- B.5.1 Before final inspection, a metal gate shall be provided between the rear of the building and the north property line as shown on the plans dated December 19, 2018. The gate shall be appropriately monitored and/or locked to prevent the use of the area behind the building for unpermitted loitering or establishment of encampments to the satisfaction of the Fire Marshal.
- B.5.2 Before final inspection, the existing chain link fence with slats shall be removed.

B.6. Lights. The wall-mounted light bars shall face the building and project low light onto the wall and shall not cast light outward. No lighting, including the wall-mounted light bars, shall blink, flash, or change colors, and its luminosity shall not shine or cast glare in to neighboring properties in an objectionable manner to the satisfaction of the Development Services Director.

B.7. Signage. Signage shall be installed in accordance with Tracy Municipal Code, Article 35 *Signs*. Sign permits shall be obtained prior to installation and erection of signs that require a sign permit. All unpermitted signs shall be immediately and permanently removed.

C. Development Services Department, Engineering Division Conditions

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

C.1. General Conditions

C.1.1. Developer shall comply with the applicable sections of approved documents and/or recommendations of the technical analyses/memorandums prepared for the Project listed as follows:

Kimley-Horn and Associates Traffic Circulation Review Technical
Memorandum dated December 8, 2017 as modified by these Conditions
of Approval.

C.2. Grading Permit

All grading work (on-site and off-site) shall require a Grading Plan. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Geotechnical Engineer. The City will not accept a Grading Permit application for the Project until the Developer provides all documents related to said Grading Permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.2.1. The Developer has completed all requirements set forth in this section.

C.2.2. The Developer has obtained the approval (i.e. recorded easements for slopes, drainage, utilities, access, parking, etc.) of all other public agencies and/or private entities with jurisdiction over the required public and/or private facilities and/or property.

C.2.3. The Improvement Plans for all improvements to serve the Project (on-site and off-site) including the Grading and Drainage Plans shall be prepared in accordance with the City's Subdivision Ordinance (Tracy Municipal Code (TMC) Title 12), City Design Documents as defined in Chapter 12.36 of the TMC, and these Conditions of Approval.

C.2.4. On-site Grading/Drainage Plans (Improvement Plans) prepared on a 24-inch x 36-inch size 4-millimeter thick polyester film (mylar). These plans shall use the City's Title Block. Improvement Plans shall be prepared under the supervision of, stamped and signed by a Registered Civil Engineer and Registered Geotechnical Engineer. The Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by the Fire Marshal prior to submitting the mylars to Engineering Division for City Engineer's signature. Erosion control measures shall be implemented in accordance with the Improvement Plans approved by the City Engineer for all grading work. All grading work not completed before October 15 may be subject to additional requirements as

applicable. Improvement Plans shall specify all proposed erosion control methods and construction details to be employed and specify materials to be used during and after the construction.

C.2.5. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.

C.2.6. For Projects on property larger than one (1) acre: Prior to the issuance of the Grading Permit, Developer shall submit to the Utilities Department (stephanie.hiestand@cityoftracy.org) one (1) electronic copy and one (1) hard copy of the Storm Water Pollution Prevention Plan (SWPPP) as submitted in Stormwater Multiple Applications and Reporting Tracker System (SMARTS) along with either a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID) or a copy of the receipt for the NOI. After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Developer. The Developer shall comply with all the requirements of the SWPPP, applicable Best Management Practices (BMPs) and the Stormwater Post-Construction Standards adopted by the City in 2015 and any subsequent amendment(s).

For Projects on property smaller than one (1) acre: Prior to the issuance of the Grading Permit, the Developer shall submit to the Utilities Department (stephanie.hiestand@cityoftracy.org) one (1) electronic copy and 1 hard copy of the City of Tracy Erosion and Sediment Control Plan (ESCP) for approval. Cost of preparing the ESCP including any annual storm drainage fees shall be paid by the Developer. The Developer shall comply with all the requirements of the ESCP, applicable BMPs and the Post-Construction Stormwater Standards adopted by the City in 2015 and any subsequent amendment(s).

C.2.7. An electronic 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 requirements and recommendations, retaining wall design specifications, paving recommendations, and elevation of the highest observed groundwater level.

C.2.8. Developer shall provide a copy of the approved Incidental Take Minimization Measures (ITMM) habitat survey [San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)] from San Joaquin Council of Governments (SJCOC).

C.2.9 Developer shall provide a copy of the approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) from San Joaquin Valley Air Pollution Control District (SJVAPCD).

C.2.10 If overhead on-site private utilities (such as electric, TV cable, telephone, and others) including project's service connections are present, the Developer will be required to underground those overhead utilities. All costs associated with the undergrounding shall be the sole responsibility of the Developer and no reimbursement will be due from the City.

Each dry utility shall be installed at the location approved by the respective owner(s) of dry utility and the Developer shall coordinate such activities with each utility owner. Limits of on-site private overhead utilities undergrounding will be the total length of the utility located within the Project and to the nearest pole(s). If the nearest pole(s) is more than 100 feet, the pole(s) can be relocated so that it is 100 feet from the Project's property line.

C.2.11 All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.

C.3. Encroachment Permit

Any work within the public right-of-way, including the installation of utility connections to City's storm, water and sanitary sewer lines, construction of driveway, frontage improvements will require an Encroachment Permit.

The City will not accept encroachment permit application for the Project as complete until the Developer provides all documents related to said encroachment permit required by the applicable City regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.3.1. Off-site/Public Infrastructure Improvement Plans prepared on a 24-inch x 36-inch size 4-millimeter thick mylar that incorporate all requirements described in the documents described in Section C.1, these Conditions of Approval, the City's Design Documents as defined in Title 12 of the TMC, City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted and amended by the City, and/or as otherwise specifically approved by the City. The Developer shall use the latest title block and, if necessary, contain a signature block for the Fire Marshal. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars

including signatures by Fire Marshal to submitting the mylars to Engineering Division for City Engineer's signature. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:

- C.3.1.a. All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.
- C.3.1.b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports.
- C.3.1.c. Provide the appropriate number of copies of the Project's Geotechnical/Soils Report, prepared or signed and stamped by a Registered Geotechnical Engineer. The technical report must include relevant information related to street pavement thickness, materials, compaction and other pertinent information.
- C.3.1.d. If the project has any landscaping within the right-of-way, Developer shall comply with the current MWELO requirements.
- C.3.1.e. Storm Water - The Project's on-site storm water drainage connection to the City's storm water system shall be approved by the City Engineer. Drainage calculations for the sizing of the on-site storm drainage system. Improvement Plans to be submitted with the hydrology and storm water.

Storm drainage release point is a location at the boundary of the Project adjacent private property where storm water leaves the Property, in a storm event and that the Property's on-site storm drainage system fails to function or it is clogged. Site grading shall be designed such that the Project's storm drainage overland release point will be directly to an adjacent private property with a functional storm drainage system and the existing storm drainage line has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least 0.70-feet lower than the building finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

The Project's permanent storm drainage connection(s) shall be designed and constructed in accordance with City Regulations. The design of the permanent storm drainage connection shall be shown on the Grading and Drainage Plans with calculations for the sizing of the storm drain pipe(s), and shall comply with the applicable requirements of the City's storm water regulations adopted by the City Council and any subsequent amendments.

The Developer and its heirs shall be responsible for repairing and maintaining the on-site storm drain retention basin at the Developer's (or heirs') sole cost and expense.

C.3.2. Sanitary Sewer - It is the Developer's responsibility to design and construct the Project's permanent on-site sanitary sewer (sewer) improvements including the Project's sewer connection in accordance with the City's Design Standards, City Regulations and Standard Specifications. Sewer improvements shall include but not limited to, replacing asphalt concrete pavement, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's permanent sewer connection. The Developer shall submit improvement plans that include the design of the sewer line from the Property to the point of connection.

The Developer is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plans. The City's responsibility to maintain on the sewer lateral is from the wye/onsite sewer manhole at the right-of-way line/property line/wye fitting to the point of connection with the sewer main.

The Developer is hereby notified that the City has limited wastewater treatment capacity in the City's Wastewater Treatment Plant until current and future expansion capital improvement projects are completed and operational. As of January 2015, the City had an unused capacity of approximately 4200 EDU's within its wastewater treatment plant available to new development within the City on a first come-first served basis. These EDU's are currently available to serve the proposed project, but as other development projects within the City come forward and building permits are issued, this remaining capacity will be reduced.

C.3.3. Water Distribution System - Developer shall design and construct domestic and irrigation water service that comply with the City Regulations. Water line sizing, layout and looping requirements for this Project shall comply with City Regulations. During the construction of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as approved by the Fire Marshal.

Interruption to the water supply to the existing businesses and other users will not be allowed to facilitate construction of improvements related to the Project. The Developer shall be responsible for notifying business owner(s) and users, regarding construction work. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business

owner(s) at least 72 hours before start of work. Prior to starting the work described in this section, the Developer shall submit a Work Plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be used during the installation of the off-site water mains and connections.

The Project's water service connections shall use a remote-read (radio-read) master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City Regulations. The domestic and irrigation water service connection(s) must be completed before the inspection of the building. The location of the meters shall be approved by the City Engineer.

Repair and maintenance of the water service from the water meter to the point of connection with the water distribution main in the street shall be the responsibility of the City.

Repair and maintenance of all on-site water lines, laterals, sub-water meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer or the individual lot owner(s).

All costs associated with the installation of the Project's water connection(s) including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings on existing street or parking area(s) that may be disturbed with the installation of the permanent water connection(s), or domestic water service, and other improvements shall be paid by the Developer.

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

All water connections shall conform to City Standard Detail No. 403/404 with a continuous copper connection. Any minor deviations shall be processed through Section 1.05-1.07 of the 2008 Design Standards.

C.3.4. Access and Traffic Circulation to Existing Businesses - The Developer shall take all steps necessary to plan and construct site improvements such that construction operations do not impact safety and access (including emergency

vehicles) to the existing businesses and residents throughout the duration of construction. Developer shall coordinate with the owners and cooperate to minimize impacts on existing businesses and residents. All costs of measures needed to provide safe and functional access shall be borne by the Developer.

- C.3.5. Joint Trench Plans and Composite Utility Plans, prepared on a 24-inch x 36-inch size 4-millimeter thick mylar for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the 10-feet wide Public Utility Easement (P.U.E.) to be installed to serve the Project. If necessary, the Developer shall dedicate 10-feet wide P.U.E. for access to these new utilities for re-installation, replacement, repair, and maintenance work to be performed by the respective utility owner(s) in the future.
- C.3.6. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans. The cost estimate shall show the cost of designing the public improvements.
 - C.3.6.a Developer shall submit payment in the form of a check for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on May 16, 2017, per Resolution 2017-098.
- C.3.7. All streets and utilities improvements within public right-of-way shall be designed and constructed in accordance with City regulations, and City's Design Documents as defined in Title 12 of the Municipal Code including the City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted and amended by the City, or as otherwise specifically approved by the City.
- C.3.8. Traffic Control Plan - Prior to starting the work for any work within City's right-of-way, the Developer shall submit a Traffic Control Plan 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. Traffic Control Plan shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Registered Traffic Engineer.
- C.3.9. No street trench shall be left open or uncovered and unprotected during the night. Appropriate signs and barricades shall be installed on the street and on all trenches during and after work hours. If the Developer or its authorized representative(s) elect to use steel plates to cover street trenches, said steel plate will be skid-resistance, will be pinned to the adjacent asphalt concrete pavement, and ramped on all sides. All ramps will be a minimum two feet wide and will be the entire length of each side.
- C.3.10. Payment of applicable fees required by these Conditions of Approval and City Regulations, including but not limited to, plan checking, grading and

encroachment permits and agreement processing, construction inspection, and testing fees.

C.4. Building Permit

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

- C.4.1 The Developer has completed all requirements set forth in Condition C.1, C.2, and C.3, above.
- C.4.2 Payment of all applicable development impact fees required by these Conditions and City Regulations.
- C.4.3 Payment of San Joaquin County Facilities Fees (CFF), Regional Traffic Impact Fees (RTIF), and School Mitigation Fees (SMF), as required in the Tracy Municipal Code, these Conditions of Approval and City Regulations.
- C.4.4 The Geotechnical report shall provide recommendations regarding adequacy of the site relative to the stability of soils such as soil types and classification, percolation rate, soil bearing capacity, and others including the highest observed ground water elevation.

C.5. Certificate of Occupancy

Certificate of Occupancy (Final) of the Project's building(s) will be issued by the City until after the Developer provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer that:

- C.5.1 The Developer has satisfied all the requirements set forth in these Conditions of Approval.
- C.5.2 The Developer has satisfactorily completed construction of all required/conditioned improvements. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).
- C.5.3 Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City shall temporarily release the originals of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As Built" configuration of all improvements.

- C.5.4 The Developer shall submit centerline tie sheets or a record of survey for the following: new public streets, altered survey monuments, or benchmarks. The Developer shall submit corner records for destroyed and reestablished curb returns. At the City Engineer's request, the Developer shall file survey data with the San Joaquin County.
- C.5.5 The Developer shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements along the frontage of the Project, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.

C.6. Special Conditions

- C.6.1 When street cuts are made for the installation of utilities, the Developer shall conform to Section 3.14 of the 2008 Design Standards and is required install a 2-inch thick asphalt concrete (AC) overlay with reinforcing fabric at least 25-feet from all sides of each utility trench. A 2-inch deep grind on the existing AC pavement will be required where the AC overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes.
- C.6.2 All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers such as benchmarks. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Developer's (or Contractor's) sole expense. In addition, the information will be submitted both to San Joaquin County and the City. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871). If the Developer's project altered curb returns, the Developer shall submit to the City either corner records or centerline tie sheets.
- C.6.3 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the improvement plans, prior to the City Engineer's signature on the improvement plans, and prior to issuance of Grading Permit, Encroachment Permit, Building Permit, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.
- C.6.4 If water is required for the project, the Developer shall obtain an account for the water service and register the water meter with the Finance Department. The Developer shall pay all fees associated with obtaining the account number for the water service.

- C.6.5 Developer shall obtain an account for the water service to the Project and register the water meter with the Finance Department. Developer shall prepare and submit a map depicting the location of the water meter on an 8.5-inch X 11-inch sheet to Finance Department.
- C.6.6 Developer shall widen the westerly driveway by an amount to be in substantial conformance with the site plan dated July 11, 2018. The driveway shall conform to City of Tracy Standard Detail 133 and shall be a maximum thirty-four (34) feet in width. A wider driveway will require a minor deviation from the designs standards.
- C.6.7 The wider driveway will affect an existing street light. Developer shall, at their sole expense, replace the affected street light with one that conforms to City Standard Detail 140 and shall be thirty (30) feet in height with a 200-watt luminaire.
- C.6.8 At the City Engineer's instruction, Developer shall install on their private property directional guidance arrows (arrows) on the finished asphalt concrete pavement. The arrows shall conform to California Department of Transportation's (Caltrans) standards, latest edition. Dimensions and type of arrows shall be determined during the grading permit review.
- C.6.9 Developer shall install new street tree(s) in any empty street tree well(s) along the frontage of the project site. The tree(s) shall be one of the approved trees designated to be in the public right-of-way. The installation shall include installing or repairing irrigation and its appurtenances as determined by the Public Works Department and/or the City Engineer's Office.

AGENDA ITEM 1.B

REQUEST

PUBLIC HEARING TO CONSIDER AN APPLICATION FOR BROOKVIEW WEST TENTATIVE SUBDIVISION MAP TO SUBDIVIDE THE 5.6-ACRE PARCEL INTO 22 RESIDENTIAL LOTS AND A DEVELOPMENT REVIEW PERMIT TO BUILD 22 SINGLE-FAMILY DWELLING UNITS. THE PROJECT IS LOCATED AT 4005 S. TRACY BOULEVARD BETWEEN SYCAMORE PARKWAY AND WHISPERING WIND DRIVE, ASSESSOR'S PARCEL NUMBER 244-020-03. THE APPLICANT IS BROOKVIEW WEST PROPERTIES AND THE PROPERTY OWNER IS JB LAND HOLDINGS LLC. APPLICATION NUMBERS D18-0007 AND TSM18-0001

BACKGROUND AND PROJECT DESCRIPTION

The subject property is an approximately 5.6-acre parcel located on the west side of S. Tracy Boulevard, south of Sycamore Parkway and north of Whispering Wind Drive. The proposed project would subdivide the site into 22 residential lots and one additional lot to be permanently occupied by a stormwater treatment system.

The property site is bordered by the Victoria Greens residential subdivision to the north and the Edgewood residential subdivision to the south and west (Attachment A: Location Map). Adjacent uses include residential development to the north, west, and south, and vacant land to the east (across Tracy Boulevard) zoned for light industrial uses.

In June 2001, St. Mark's Episcopal Church received approval of a Development Review Permit and a Conditional Use Permit. At that time, the project was approved for the full 5.6-acre site to be developed in five phases over 25 years; however, only phase one was completed. Phase one included expanding the existing 3,145 square foot residence to include a 525 square foot meeting room/office complex, a parking lot with 40 parking spaces, access driveways, and a storm water detention facility.

In 2014, the Church of the Resurrection submitted an application for a Conditional Use Permit to use 1.86 acres of open space on the Church property for a community garden. This project was not completed and the garden was never built.

While not a part of Edgewood, a conceptual development concept for the project site was included with the adjacent Edgewood Planned Unit Development. That conceptual development concept included a tentative street and circulation system. Circulation was planned to be served through Cherry Blossom Lane and Crepe Myrtle Lane, which connects with Whispering Wind Drive with access to Tracy Boulevard, south of the project site. The current project's proposed right-of-ways will line up with the stubbed streets that the Edgewood subdivision completed at the time of its development.

DISCUSSION

General Plan

The site has a General Plan designation of Residential Low. The developer's proposal for single-family dwelling units are the principal type of housing stock allowed in these

areas. This designation is consistent with the surrounding neighborhoods to the north, south, and west (regarding land use, size of lots, and scale of houses). Tracy Boulevard separates this site from land to the east that has an Industrial designation. The density proposed for the project is approximately 3.9 units per acre, which satisfies the allowable density in the Residential Low density of 2.1 to 5.8 units per acre.

Zoning Standards

The site is zoned Low Density Residential (LDR), which was applied to the site when it was annexed in 1995. The proposed land use of single-family dwelling units is a permitted use in the LDR Zone. All lot area and lot dimension requirements have been met with this proposal. The proposed houses are one and two stories in height, which complies with the 35-foot maximum building height. All four house plans discussed below include two side-by-side parking spaces within an enclosed garage, consistent with City Standards.

Tentative Subdivision Map

The proposed subdivision includes 22 residential lots and one additional lot to be used permanently as a stormwater treatment pond. The stormwater treatment is an infiltration basin facility that manages the stormwater runoff and satisfies the City's required stormwater quality treatment requirements. A Homeowners Association will be formed as a part of this development and will be responsible for maintaining the private stormwater basin. This will be the first privately owned and maintained stormwater quality basin, serving a single-family home subdivision in Tracy. New state laws are more stringent and require the application of various techniques to filter water before it enters the City's stormwater system. This basin is the developer's preferred option.

The proposed residential land use is compatible with the surrounding residential neighborhoods. The proposed lots range between 5,678 and 11,853 square feet (Attachment B: Tentative Subdivision Map) with an average lot size of 7,127 square feet. The lot sizes are similar to the surrounding subdivisions.

The subdivision would have its primary access from S. Tracy Boulevard by way of Whispering Wind Drive. The proposed street layout aligns with existing streets, including Cherry Blossom Lane and Crepe Myrtle Lane, allowing for the efficient circulation of vehicles and pedestrians. The subdivision will also create a court, off of Crepe Myrtle Lane, on the southwest end of the project site, proposed as Crepe Myrtle Court.

Development Plan and Architecture

Upon submittal of a Tentative Subdivision Map, as well as a Development Review Permit Application, the applicant is required by Tracy Municipal Code Section 10.08.3930 to submit architectural floor plans and elevations for review and approval by the Planning Commission. The proposed architecture for the 22 lots contains a total of four floor plans. Each of the four plan types would have three distinct elevation styles, giving the subdivision 12 different exterior house designs (Attachment C).

The proposal includes one single-story plan and three two-story plans, with sizes ranging between approximately 2,111 and 2,556 square feet of living space (2,551-3,000 total square feet). The proposed architectural styles took inspiration from Mediterranean (Elevation A), Traditional (Elevation B), and Spanish (Elevation C) styles. The architectural styles utilize differing building planes, various roof lines, a variety of building materials, decorative doors and windows, covered entries, and decorative details. The garages are deemphasized, with all four plans designed with their garage facades five or more feet behind the leading edge of the house.

The applicant is in the process of building the Brookview residential subdivision, which is located approximately one-half mile away on the east side of Tracy Boulevard off Whispering Wind Drive, surrounded by the Garden Square residential neighborhood. The same architecture is proposed for this site as the Brookview project, with the addition of a single-story plan for Brookview West.

Through the use of the design techniques described above, the proposed architecture would complement the quality and design of existing homes in the surrounding neighborhoods. The proposed architecture is consistent with the City's Design Goals and Standards and applicable General Plan policies for residential design.

Residential Growth Allotments

In accordance with the City's Growth Management Ordinance (GMO), the project will require 22 Residential Growth Allotments (RGAs) for the construction of the 22 proposed residential units. The project will be eligible to apply for RGAs per the regulations set forth in the GMO and GMO Guidelines after a Tentative Subdivision Map is approved. The RGAs will be required prior to the issuance of any building permits. The project may be able to utilize an exemption to the RGA requirements; however, such exemptions are based on daily building activity and thus subject to review.

Schools

The project site is located within the Jefferson Elementary School District (K through 8) and the Tracy Unified School District (9 through 12). Both districts report having adequate capacity in their existing facilities to accommodate students from the proposed new homes.

Parks

Parks are required to be established within residential neighborhoods to serve the residents of the homes that are established in Tracy. In order to meet the need for park land, projects are either required to build their own park or pay park in-lieu fees. For this project, due to the small size of the site, the applicant would be required to pay the park in-lieu fees. These fees would provide funds for the creation of parks and recreation facilities consistent with the Parks Master Plan and the City's General Plan.

California Environmental Quality Act Documentation

The project is exempt from the California Environmental Quality Act per Guidelines Section 15183. On February 1, 2011, the City of Tracy adopted the General Plan. The associated Environmental Impact Report (EIR) (SCH# 2008092006) was certified on February 1, 2011. The project does not propose new significant changes to the environment that were not analyzed in the General Plan EIR, including the areas of traffic, air quality, and aesthetics. Therefore, no further documentation is needed.

RECOMMENDATION

Staff recommends that the Planning Commission approve Application Number TSM18-0001 and Application Number D18-0007, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated July 25, 2018, which includes the following:

1. Approval of the Tentative Subdivision Map to subdivide the approximately 5.6-acre site into 22 residential lots and one additional lot for stormwater treatment; and
2. Approval of a Development Review Application for the architecture of the houses.

RECOMMENDED MOTION

Move that the Planning Commission approve the Brookview West Tentative Subdivision Map Application TSM18-0001 and Development Review Application D18-0007 for the 5.6-acre parcel located at 4005 S. Tracy Boulevard, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated July 25, 2018.

Prepared by: Genevieve Fernandez, Assistant Planner

Reviewed by: Alan Bell, Senior Planner

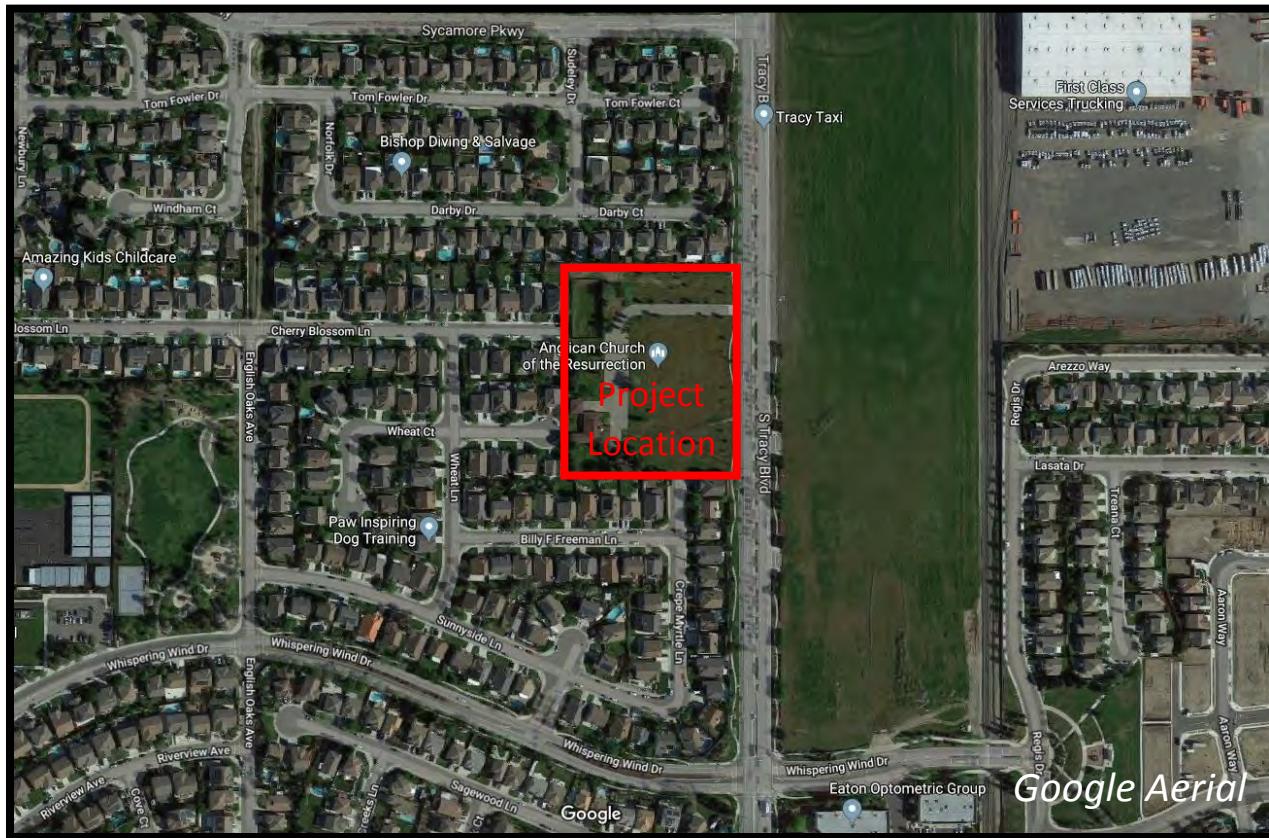
Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENTS

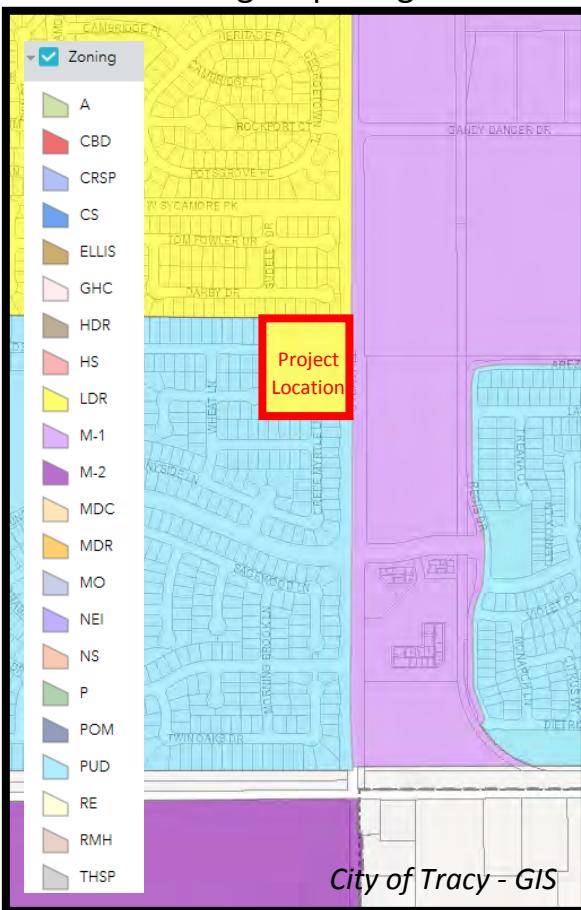
- A: Location Map
- B: Tentative Subdivision Map
- C: Exterior Building Elevations and Floor Plans
- D: Planning Commission Resolution (includes Exhibit 1)

[Oversized Tentative Map (Attachment B) and Exterior Building and Floor Plans (Attachment C) are available for review at: Tracy City Hall, 333 Civic Center Plaza, Tracy; the Tracy Branch Library, 20 E Eaton Avenue, Tracy; and the City of Tracy website www.cityoftracy.org]

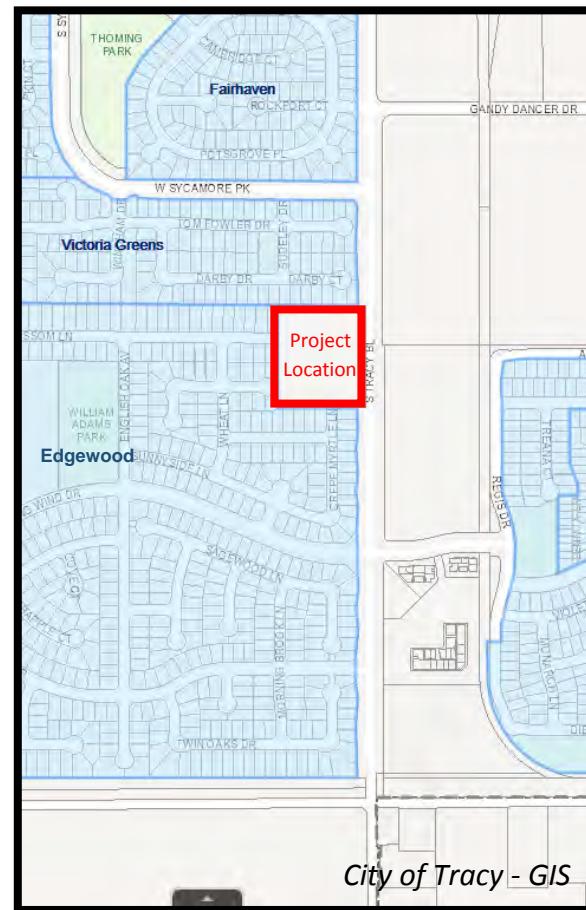
Location Map

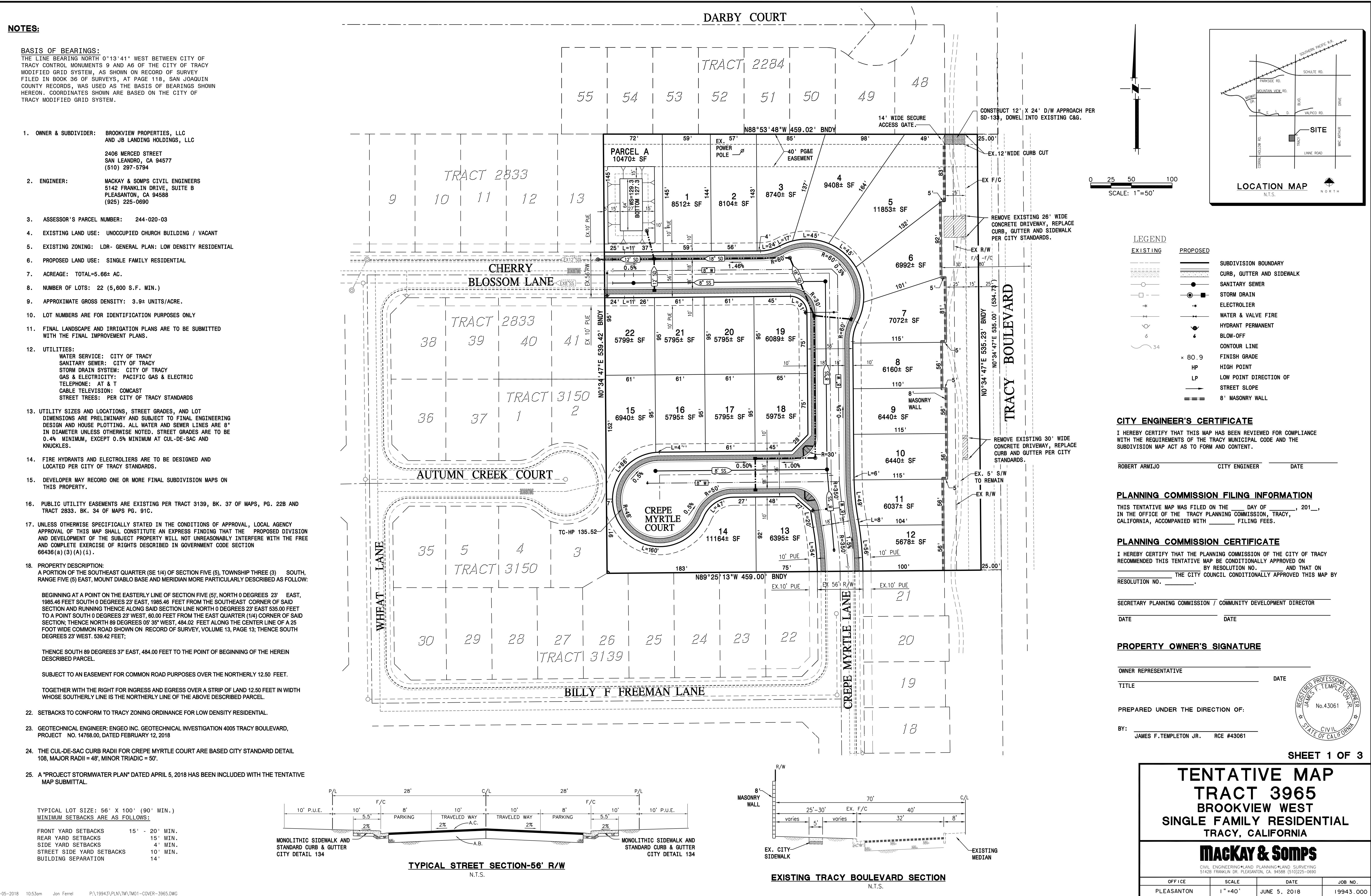


Zoning Map Image



Residential Subdivisions Image







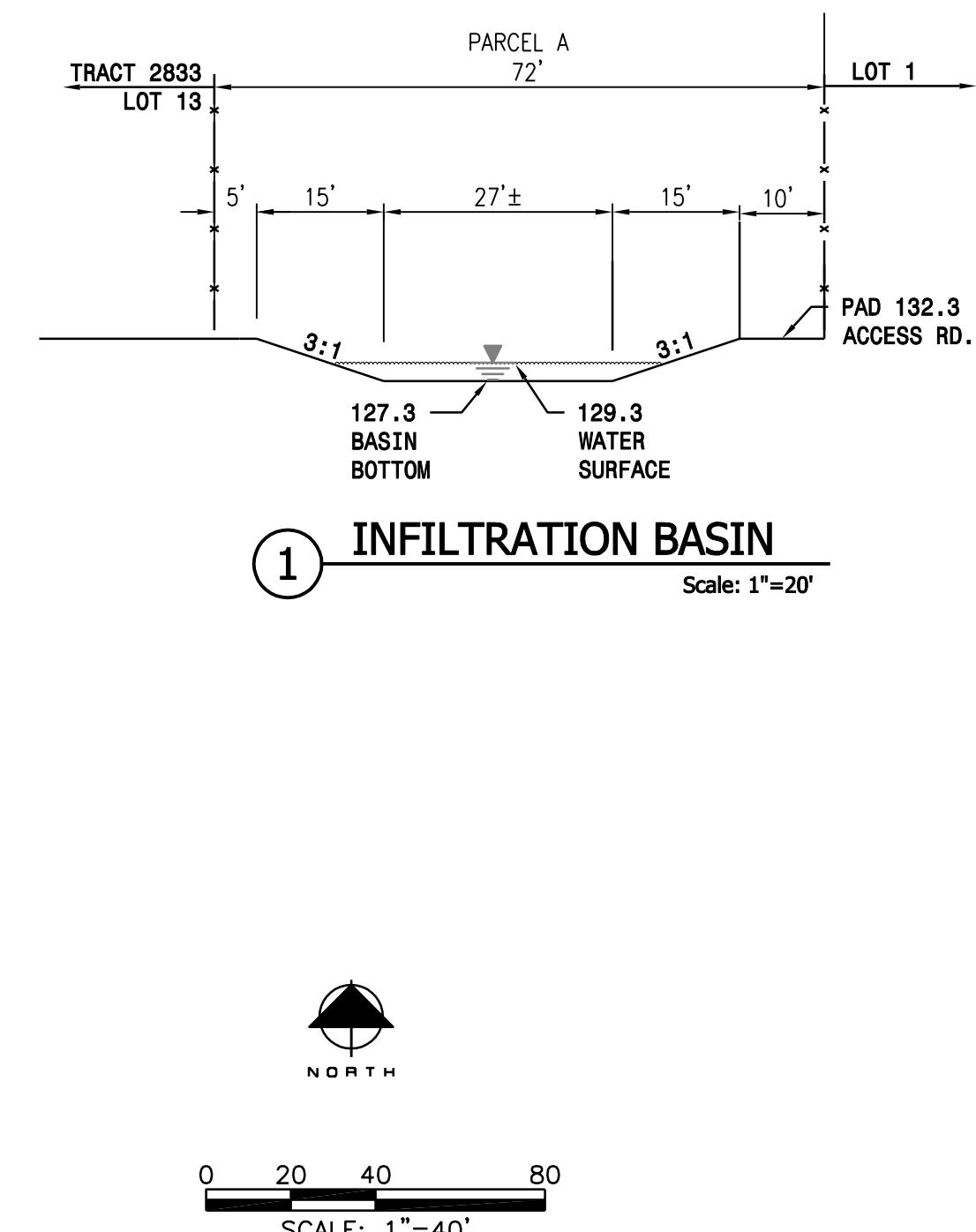
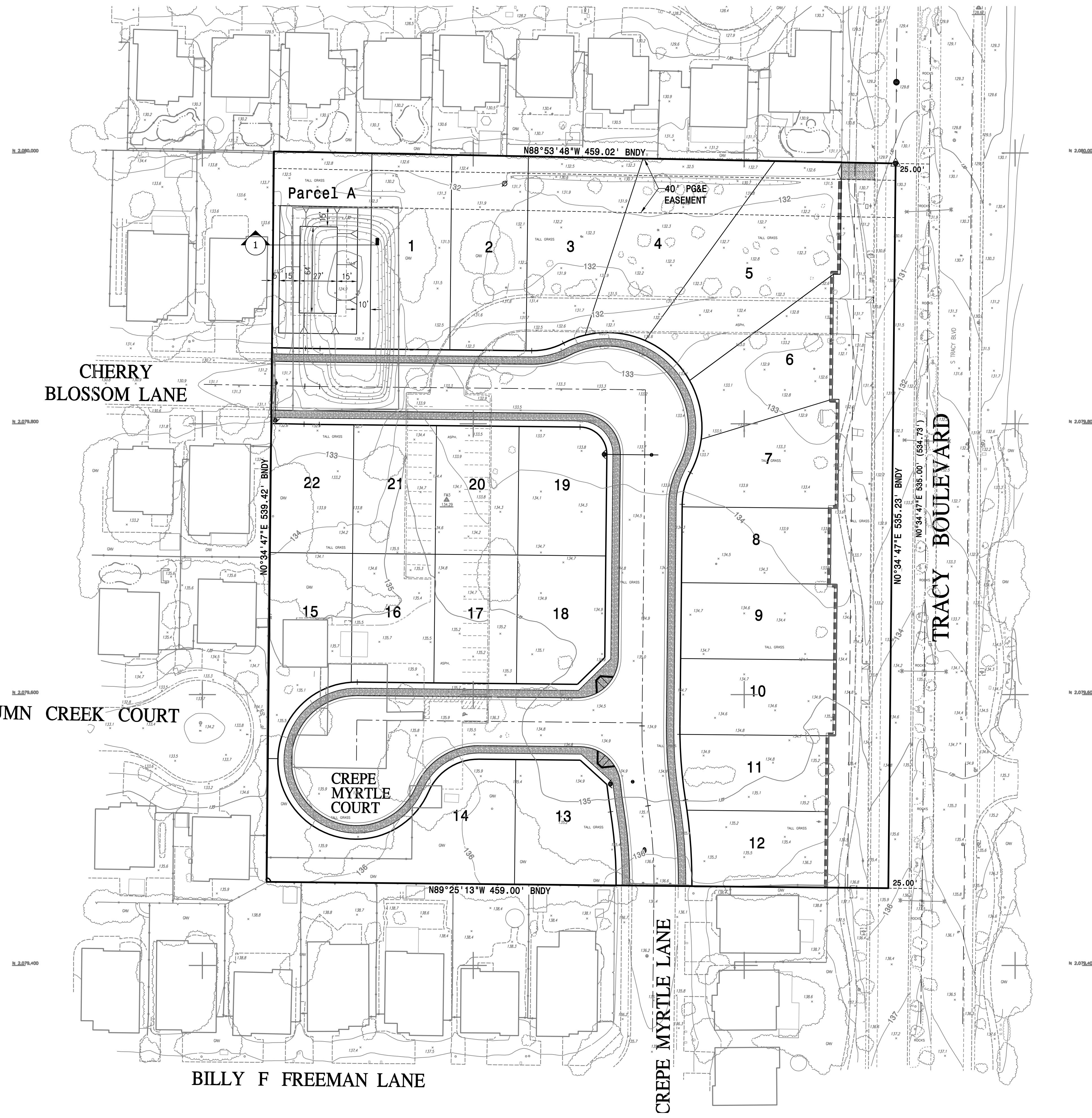
SHEET 2 OF 3

**TENTATIVE MAP
TRACT 3965
BROOKVIEW WEST
AERIAL PHOTO
TRACY, CALIFORNIA**

MACKAY & SOMPS

CIVIL ENGINEERING AND PLANNING AND SURVEYING
51428 FRANKLIN DR. PLEASANTON, CA 94568 (925) 462-0890

OFFICE	SCALE	DATE	JOB NO.
PLEASANTON	1"=40'	JUNE 5, 2018	19943-000



SHEET 3 OF 3

**TENTATIVE MAP
TRACT 3965
BROOKVIEW WEST
AERIAL TOPO
TRACY, CALIFORNIA**

MACKAY & SONS

CIVIL ENGINEERING • LAND PLANNING • LAND SURVEYING
5142B FRANKLIN DR. PLEASANTON, CA. 94588 (510)225-0690

SCALE	DATE	
1:1000000		

I"=40'	JUNE 5, 2018	19943.000
--------	--------------	-----------

06-05-2018 10:42am Jon Ferrel P:\19943\PLN\TM\TM03-AERIAL TOPO.DWG

BROOKVIEW WEST



BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

COVER SHEET

A1

SCALE: 1/16"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038

SHEET INDEX

A1	COVER	A19	PLAN 6 -FRONT ELEVATIONS
A2	SHEET INDEX	A20	PLAN 6 -FLOOR PLANS
A2.1	PROPOSED SITE PLAN	A21	PLAN 6 - MEDITERRANEAN ELEVATIONS
A2.2	TENTATIVE MAP	A22	PLAN 6 - TRADITIONAL ELEVATIONS
A3	SITE PLAN WITH SETBACK DIMENSIONS	A23	PLAN 6 - SPANISH ELEVATIONS
A4	PLAN 3 - FRONT ELEVATIONS		
A5	PLAN 3 - FLOOR PLANS		
A6	PLAN 3 - MEDITERRANEAN ELEVATIONS		
A7	PLAN 3 - TRADITIONAL ELEVATIONS		
A8	PLAN 3 - SPANISH ELEVATIONS		
A9	PLAN 4 - FRONT ELEVATIONS		
A10	PLAN 4 - FLOOR PLANS		
A11	PLAN 4 - MEDITERRANEAN ELEVATIONS		
A12	PLAN 4 - TRADITIONAL ELEVATIONS		
A13	PLAN 4 -SPANISH ELEVATIONS		
A14	PLAN 5 - FRONT ELEVATIONS		
A15	PLAN 5 - FLOOR PLANS		
A16	PLAN 5 - MEDITERRANEAN ELEVATIONS		
A17	PLAN 5 -TRADITIONAL ELEVATIONS		
A18	PLAN 5 - SPANISH ELEVATIONS		

BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

SHEET INDEX

A2

SCALE: 1/8"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PROPOSED SITE PLAN

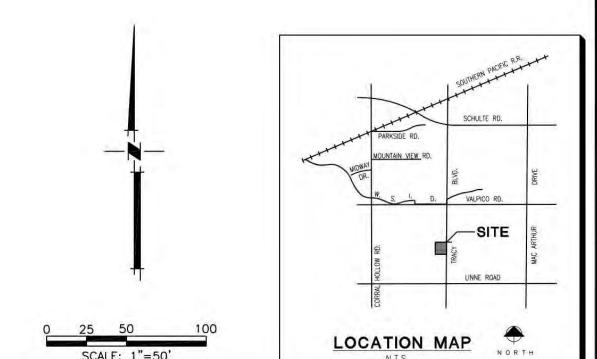
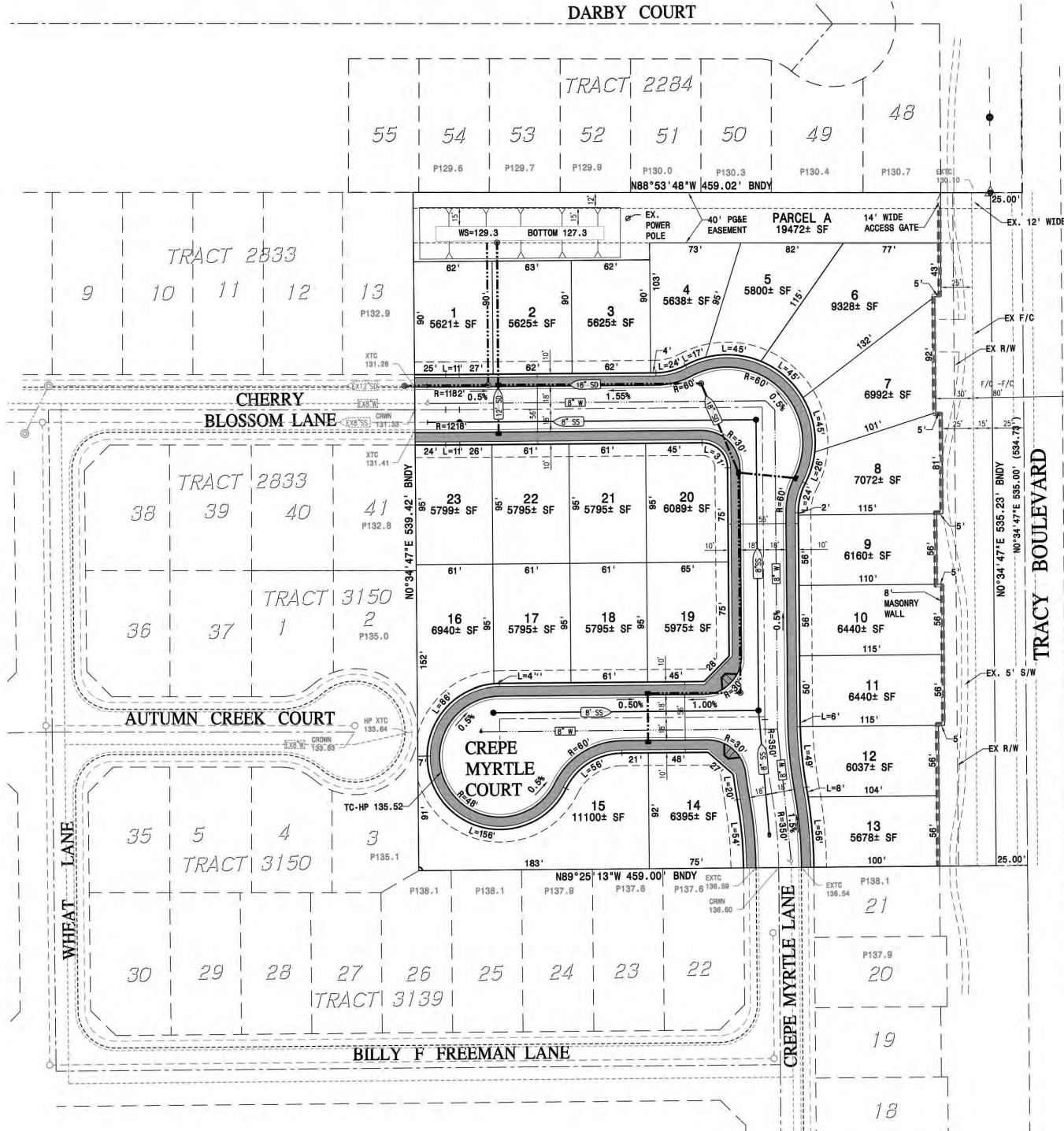
A2.1

SCALE: 1"=120'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038

NOTES:

BASIS OF BEARINGS:
THE LINE BEARING NORTH 0°13'41" WEST BETWEEN CITY OF TRACY CONTROL MONUMENTS 9 AND AG OF THE CITY OF TRACY MODIFIED GRID SYSTEM, AS SHOWN ON RECORD OF SURVEY FILED IN BLDG 36 OF SURVEYS, AT PAGE 118, SAN JOAQUIN COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS SHOWN HEREON. COORDINATES SHOWN ARE BASED ON THE CITY OF TRACY MODIFIED GRID SYSTEM.

1. OWNER & SUBDIVIDER: JB LANDING HOLDINGS, LLC AND BROOKVIEW PROPERTIES, LLC
2406 MERED STREET SAN LEANDRO, CA 94577 (510) 297-5794
2. ENGINEER: MACKAY & SOMPS CIVIL ENGINEERS 5142 FRANKLIN DRIVE, SUITE B PLEASANTON, CA 94588 (925) 225-0690
3. ASSESSOR'S PARCEL NUMBER: 244-020-03
4. EXISTING LAND USE: UNOCCUPIED CHURCH BUILDING / VACANT
5. EXISTING ZONING: LDR - GENERAL PLAN: LOW DENSITY RESIDENTIAL
6. PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL
7. ACREAGE: TOTAL=5.66± AC.
8. NUMBER OF LOTS: 23 (5,600 S.F. MIN.)
9. APPROXIMATE GROSS DENSITY: 4.0± UNITS/ACRE.
10. LOT NUMBERS ARE FOR IDENTIFICATION PURPOSES ONLY
11. FINAL LANDSCAPE AND IRRIGATION PLANS ARE TO BE SUBMITTED WITH THE FINAL IMPROVEMENT PLANS.
12. UTILITIES:
WATER SERVICE: CITY OF TRACY
SANITARY SEWER: CITY OF TRACY
STORM DRAIN SYSTEM: CITY OF TRACY
GAS & ELECTRICITY: PACIFIC GAS & ELECTRIC
TELEPHONE: AT & T
CABLE TELEVISION: COMCAST
STREET TREES: PER CITY OF TRACY STANDARDS
13. UTILITY SIZES AND LOCATIONS, STREET GRADES, AND LOT DIMENSIONS ARE PRELIMINARY AND SUBJECT TO FINAL ENGINEERING DESIGN AND HOUSE PLOTTING. ALL WATER AND SEWER LINES ARE 8" IN DIAMETER UNLESS OTHERWISE NOTED. STREET GRADES ARE TO BE 0.4% MINIMUM, EXCEPT 0.5% MINIMUM AT CUL-DE-SAC AND KNUCKLES.
14. FIRE HYDRANTS AND ELECTROLIERS ARE TO BE DESIGNED AND LOCATED PER CITY OF TRACY STANDARDS.
15. DEVELOPER MAY RECORD ONE OR MORE FINAL SUBDIVISION MAPS ON THIS PROPERTY.
16. PUBLIC UTILITY EASEMENTS ARE EXISTING PER TRACT 3139, BK. 37 OF MAPS, PG. 228 AND TRACT 2833, BK. 34 OF MAPS PG. 91C.
17. UNLESS OTHERWISE SPECIFICALLY STATED IN THE CONDITIONS OF APPROVAL, LOCAL AGENCY APPROVAL OF THIS MAP SHALL CONSTITUTE AN EXPRESS FINDING THAT THE PROPOSED DIVISION AND DEVELOPMENT OF THE SUBJECT PROPERTY WILL NOT UNREASONABLY INTERFERE WITH THE FREE AND COMPLETE EXERCISE OF RIGHTS DESCRIBED IN GOVERNMENT CODE SECTION 66436(a)(3)(A)(i).
18. PROPERTY DESCRIPTION: (FINAL BASIS OF BEARINGS TO BASED ON TRACY GPS SYSTEM)
A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION FIVE (5), TOWNSHIP THREE (3) SOUTH, RANGE FIVE (5) EAST, MOUNT DIABLO BASE AND MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOW:
BEGINNING AT A POINT ON THE EASTERLY LINE OF SECTION FIVE (5), NORTH 0 DEGREES 23' EAST, 1985.46 FEET SOUTH 0 DEGREES 23' EAST, 1985.46 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION AND RUNNING THENCE ALONG SAID SECTION LINE NORTH 0 DEGREES 23' EAST 536.00 FEET TO A POINT SOUTH 0 DEGREES 23' WEST, 60.00 FEET FROM THE EAST QUARTER (1/4) CORNER OF SAID SECTION; THENCE NORTH 89 DEGREES 05' 35" WEST, 484.02 FEET ALONG THE CENTER LINE OF A 25 FOOT WIDE COMMON ROAD SHOWN ON RECORD OF SURVEY, VOLUME 13, PAGE 13; THENCE SOUTH DEGREES 23' WEST, 539.42 FEET; THENCE SOUTH 89 DEGREES 37' EAST, 484.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.
SUBJECT TO AN EASEMENT FOR COMMON ROAD PURPOSES OVER THE NORTHERLY 12.50 FEET.
TOGETHER WITH THE RIGHT FOR INGRESS AND EGRESS OVER A STRIP OF LAND 12.50 FEET IN WIDTH WHOSE SOUTHERLY LINE IS THE NORTHERLY LINE OF THE ABOVE DESCRIBED PARCEL.
22. SETBACKS TO CONFORM TO TRACY ZONING ORDINANCE FOR LOW DENSITY RESIDENTIAL.
23. GEOTECHNICAL ENGINEER: ENGO INC. GEOTECHNICAL INVESTIGATION 4005 TRACY BOULEVARD, PROJECT NO. 14768.00, DATED FEBRUARY 12, 2018
24. THE CUL-DE-SAC CURB RADI FOR CREPE MYRTLE COURT ARE BASED CITY STANDARD DETAIL 108, MAJOR RADI = 48', MINOR RADI = 50'.
25. A "PROJECT STORMWATER PLAN" DATED APRIL 5, 2018 HAS BEEN INCLUDED WITH THE TENTATIVE MAP SUBMITTAL.
TYPICAL LOT SIZE: 56' X 100' (90' MIN.)
MINIMUM SETBACKS ARE AS FOLLOWS:
FRONT YARD SETBACKS 15' - 20' MIN.
REAR YARD SETBACKS 15' MIN.
SIDE YARD SETBACKS 4' MIN.
STREET SIDE YARD SETBACKS 10' MIN.
BUILDING SEPARATION 14'



LEGEND
EXISTING PROPOSED
 ■ SUBDIVISION BOUNDARY
 ○ SANITARY SEWER
 □ STORM DRAIN
 + ELECTROLIER
 ▲ WATER & VALVE FIRE
 ● HYDRANT PERMANENT
 ▲ BLOW-OFF
 - CONTOUR LINE
 x BO. 9
 HP HIGH POINT
 LP LOW POINT DIRECTION OF
 STREET SLOPE
 - 8' MASONRY WALL

CITY ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT THIS MAP HAS BEEN REVIEWED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE TRACY MUNICIPAL CODE AND THE SUBDIVISION MAP ACT AS TO FORM AND CONTENT.

ROBERT ARMijo CITY ENGINEER DATE

PLANNING COMMISSION FILING INFORMATION

THIS TENTATIVE MAP WAS FILED ON THE _____ DAY OF _____, 201____, IN THE OFFICE OF THE TRACY PLANNING COMMISSION, TRACY, CALIFORNIA, ACCOMPANIED WITH _____ FILING FEES.

PLANNING COMMISSION CERTIFICATE

I HEREBY CERTIFY THAT THE PLANNING COMMISSION OF THE CITY OF TRACY RECOMMENDED THIS TENTATIVE MAP BE CONDITIONALLY APPROVED ON _____ BY RESOLUTION NO. _____ AND THAT ON _____ THE CITY COUNCIL CONDITIONALLY APPROVED THIS MAP BY RESOLUTION NO. _____.

SECRETARY PLANNING COMMISSION / COMMUNITY DEVELOPMENT DIRECTOR

DATE DATE

PROPERTY OWNER'S SIGNATURE

OWNER REPRESENTATIVE DATE
TITLE

PREPARED UNDER THE DIRECTION OF:

BY: JAMES F. TEMPLETON JR. RCE #43061



SHEET 1 OF 3

TENTATIVE MAP
TRACT 3965
BROOKVIEW WEST
SINGLE FAMILY RESIDENTIAL
TRACY, CALIFORNIA

MACKAY & SOMPS

CIVIL ENGINEERING LAND PLANNING LAND SURVEYING

5142 FRANKLIN DR. PLEASANTON, CA 94588 (925)225-0690

OFFICE	SCALE	DATE	JOB NO.
PLEASANTON	1"=40'	APRIL 5, 2018	19943.000



BROOKVIEW WEST
BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC
TRACY, CALIFORNIA



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

TENTATIVE MAP
A2.2

SCALE: 1"=120'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

SITE PLAN

A3

SCALE: 1/16"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



FRONT ELEVATION

PLAN 3A - MEDITERRANEAN



FRONT ELEVATION

PLAN 3B - TRADITIONAL

BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288



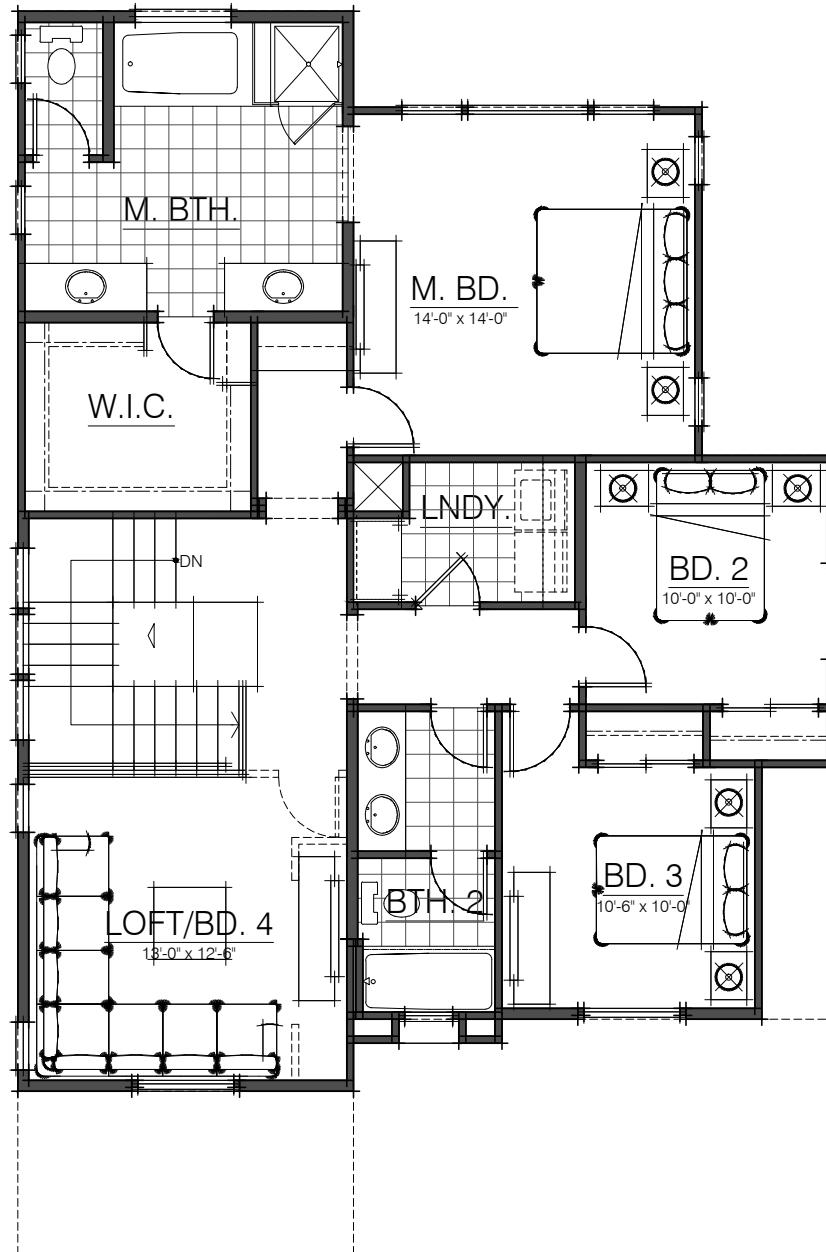
FRONT ELEVATION

PLAN 3C - SPANISH

PLAN 3 FRONT ELEVATIONS

A4

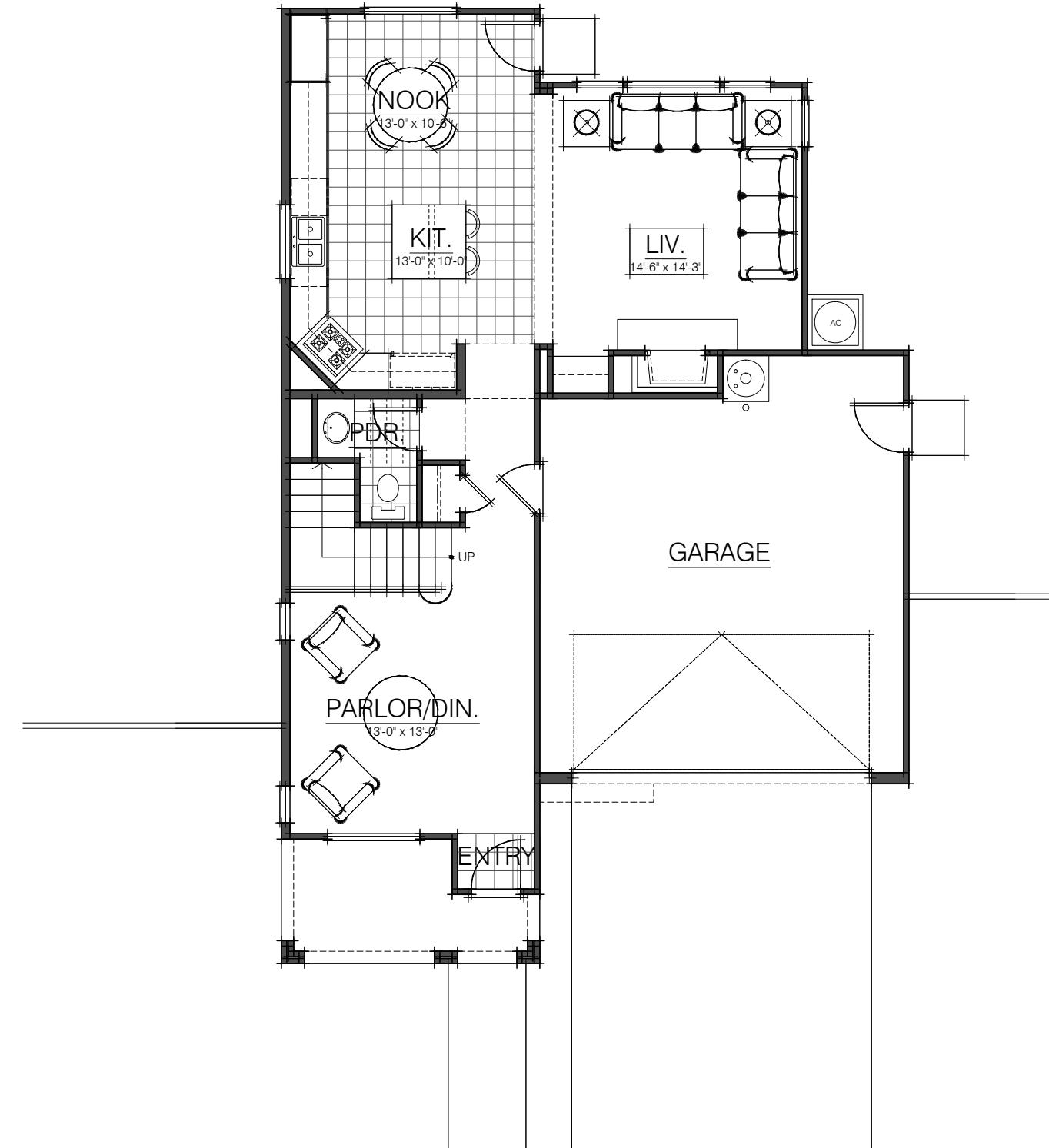
SCALE: 1/8"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



UPPER FLOOR PLAN

PLAN 3C SPANISH

1229 SQ. FT. LIVING



MAIN FLOOR PLAN

PLAN 3C SPANISH

881 SQ. FT. LIVING
2111 SQ. FT. LIVING TOTAL

BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PLAN 3 FLOOR PLANS

A5

SCALE: 1/8"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



LEFT ELEVATION

PLAN 3A - MEDITERRANEAN



FRONT ELEVATION

PLAN 3A - MEDITERRANEAN



RIGHT ELEVATION

PLAN 3A - MEDITERRANEAN



REAR ELEVATION

PLAN 3A - MEDITERRANEAN

MEDITERRANEAN:

ROOFING:
EXTERIOR FINISH:
TRIM:
ACCENTS:

CONCRETE 'S' TILE
STUCCO
STUCCO
SHUTTERS, CORBELS, WINDOW BOXES

BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PLAN 3A - MEDITERRANEAN ELEVATION

A6

SCALE: 3/32"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



LEFT ELEVATION

PLAN 3B - TRADITIONAL



FRONT ELEVATION

PLAN 3B - TRADITIONAL



RIGHT ELEVATION

PLAN 3B - TRADITIONAL



REAR ELEVATION

PLAN 3B - TRADITIONAL

TRADITIONAL

ROOFING: COMPOSITION SHINGLE OR FLAT CONCRETE TILE
EXTERIOR FINISH: LAP SIDING & STUCCO
TRIM: WOOD & STUCCO
ACCENTS: WOOD PANELS, BRICK, SHUTTERS, CORBELS, WINDOW BOXES

BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PLAN 3B - TRADITIONAL ELEVATION

A7

SCALE: 3/32"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



LEFT ELEVATION

PLAN 3C - SPANISH



FRONT ELEVATION

PLAN 3C - SPANISH



RIGHT ELEVATION

PLAN 3C - SPANISH

SPANISH:

ROOFING:
EXTERIOR FINISH:
TRIM:
ACCENTS:

CONCRETE 'S' TILE
STUCCO
STUCCO
PIPE VENTS, SHUTTERS, CORBELS, WINDOW BOXES



REAR ELEVATION

PLAN 3C - SPANISH

BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PLAN 3C - SPANISH ELEVATION

A8

SCALE: 3/32"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



FRONT ELEVATION

PLAN 4A MEDITERRANEAN



FRONT ELEVATION

PLAN 4B TRADITIONAL



FRONT ELEVATION

PLAN 4C SPANISH

BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

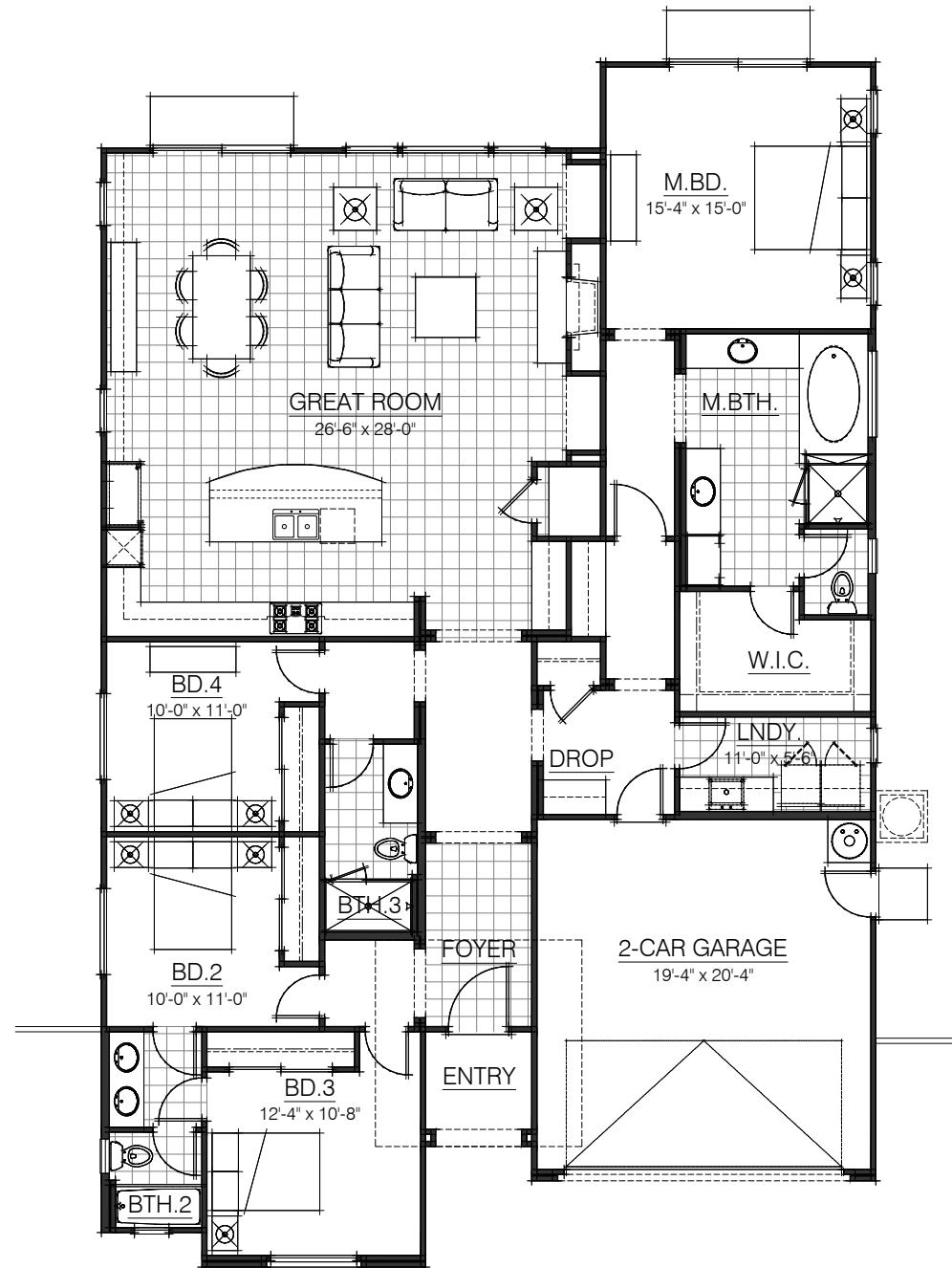
444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PLAN 4A - FRONT ELEVATIONS

A9

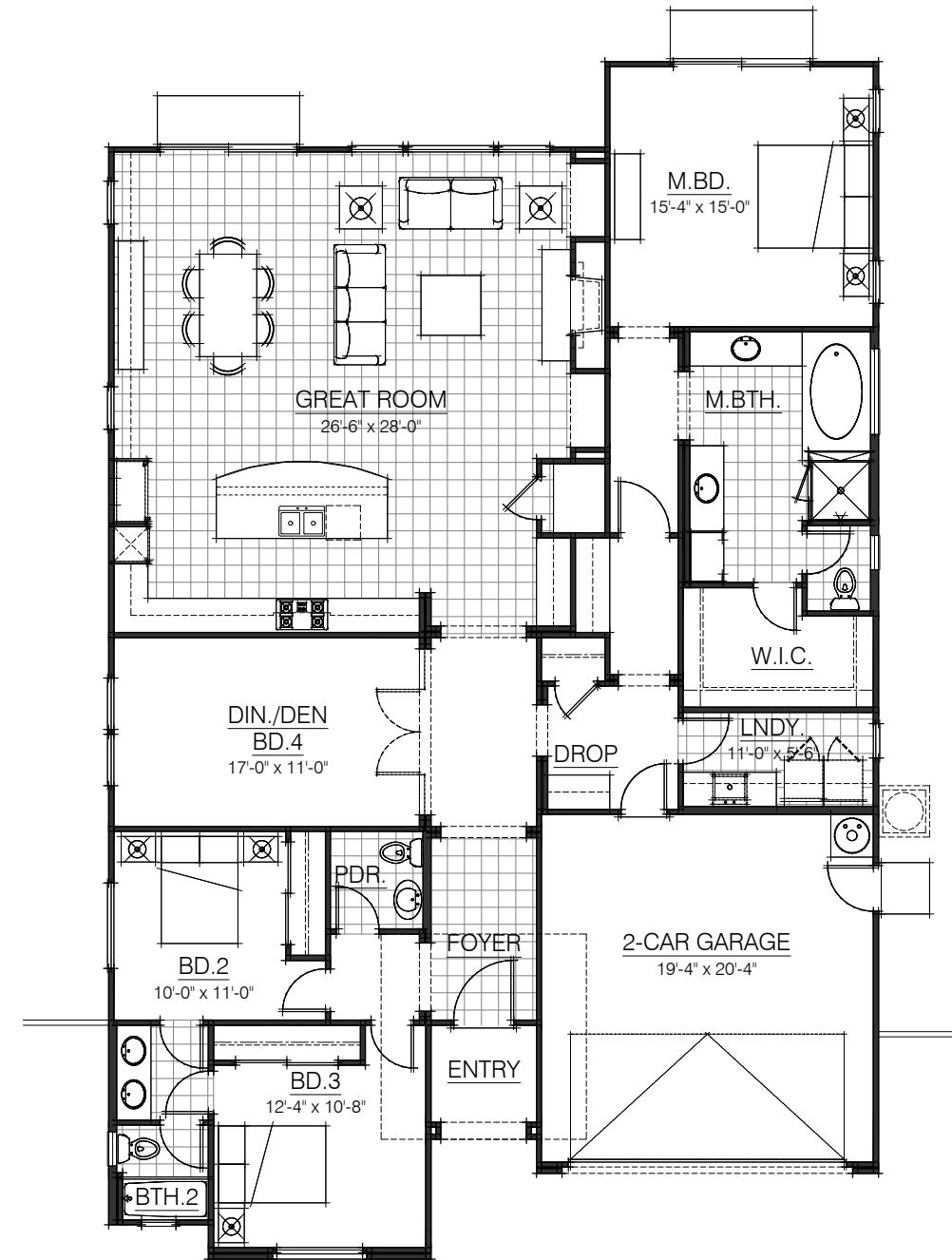
SCALE: 3/16"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



MAIN FLOOR PLAN

PLAN 4C - BD.4 OPTION

MAIN LIVING: 2393 SQ. FT.
TOTAL LIVING: 2393 SQ. FT.
GARAGE: 416 SQ. FT.



MAIN FLOOR PLAN

PLAN 4C

MAIN LIVING: 2393 SQ. FT.
TOTAL LIVING: 2393 SQ. FT.
GARAGE: 416 SQ. FT.

BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PLAN 4 FLOOR PLANS

A10

SCALE: 3/16"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



LEFT ELEVATION

PLAN 4A MEDITERRANEAN



FRONT ELEVATION

PLAN 4A MEDITERRANEAN



RIGHT ELEVATION

PLAN 4A MEDITERRANEAN

MEDITERRANEAN:

ROOFING:
EXTERIOR FINISH:
TRIM:
ACCENTS:

CONCRETE 'S' TILE
STUCCO
STUCCO
SHUTTERS, CORBELS, WINDOW BOXES



REAR ELEVATION

PLAN 4A MEDITERRANEAN

BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA

HUNT
HALE
JONES

Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PLAN 4A - MEDITERRANEAN ELEVATION

A11

SCALE: 3/16"=1'-0"

DATE: 04/01/2018

REVISED:

PROJECT: 223038



LEFT ELEVATION

PLAN 4B TRADITIONAL



FRONT ELEVATION

PLAN 4B TRADITIONAL



RIGHT ELEVATION

PLAN 4B TRADITIONAL

TRADITIONAL:

ROOFING:
EXTERIOR FINISH:
TRIM:
ACCENTS:

COMPOSITION SHINGLE OR CONCRETE FLAT TILE
LAP SIDING & STUCCO
WOOD & STUCCO
WOOD PANELS, SHUTTERS, CORBELS, WINDOW BOXES



REAR ELEVATION

PLAN 4B TRADITIONAL

BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA

HUNT
HALE
JONES

Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PLAN 4B - TRADITIONAL ELEVATION

A12

SCALE: 3/16"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



LEFT ELEVATION

PLAN 4C SPANISH



FRONT ELEVATION

PLAN 4C SPANISH



RIGHT ELEVATION

PLAN 4C SPANISH

SPANISH:

ROOFING:
EXTERIOR FINISH:
TRIM:
ACCENTS:

CONCRETE "S" TILE
STUCCO
STUCCO
PIPE VENTS, SHUTTERS, CORBELS, WINDOW BOXES



REAR ELEVATION

PLAN 4C SPANISH

BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PLAN 4C - SPANISH ELEVATION

A13

SCALE: 3/16"=1'-0"

DATE: 04/01/2018

REVISED:

PROJECT: 223038



FRONT ELEVATION

PLAN 5A - MEDITERRANEAN



FRONT ELEVATION

PLAN 5B - TRADITIONAL



FRONT ELEVATION

PLAN 5C - SPANISH

BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

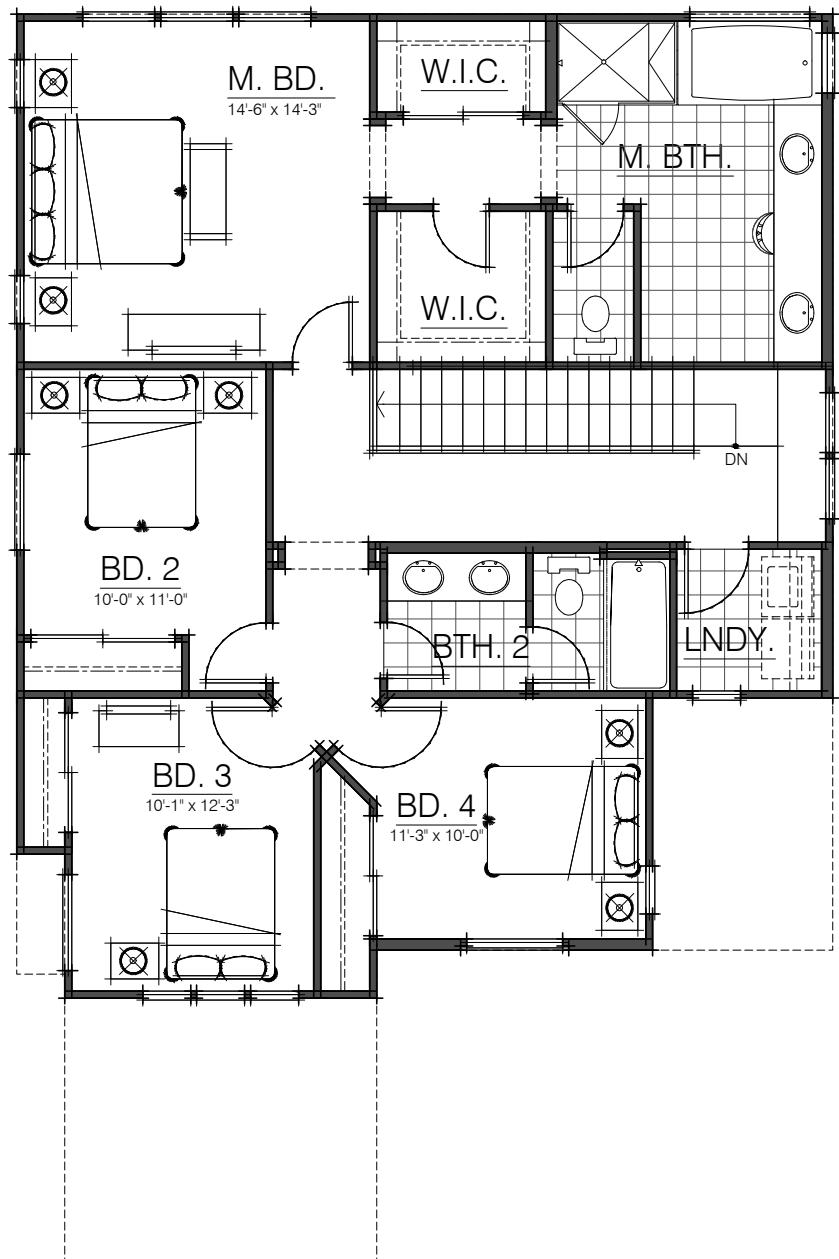
444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PLAN 5 - FRONT ELEVATIONS

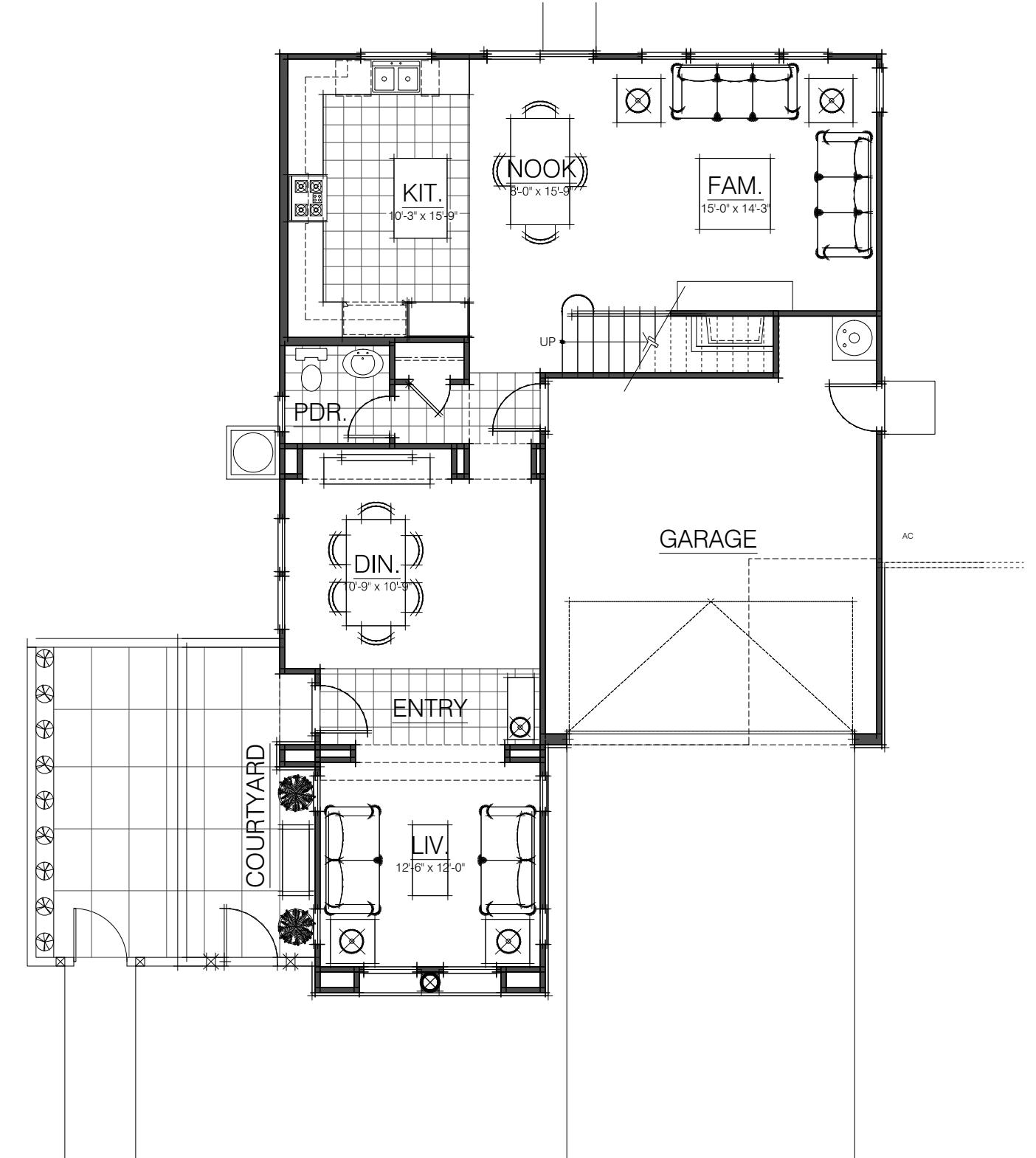
A14

SCALE: 1/8"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



UPPER FLOOR PLAN

PLAN 5A - MEDITERRANEAN 1204 SQ. FT. LIVING



MAIN FLOOR PLAN

PLAN 5A - MEDITERRANEAN 1048 SQ. FT. LIVING
2252 SQ. FT. LIVING TOTAL

BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PLAN 5 FLOOR PLANS

A15

SCALE: 1/8"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



LEFT ELEVATION

PLAN 5A - MEDITERRANEAN



FRONT ELEVATION

PLAN 5A - MEDITERRANEAN



RIGHT ELEVATION

PLAN 5A - MEDITERRANEAN



REAR ELEVATION

PLAN 5A - MEDITERRANEAN

MEDITERRANEAN:

ROOFING:
EXTERIOR FINISH:
TRIM:
ACCENTS:

CONCRETE 'S' TILE
STUCCO
STUCCO
SHUTTERS, CORBELS, WINDOW BOXES

BROOKVIEW WEST
BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC
TRACY, CALIFORNIA



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PLAN 5A - MEDITERRANEAN ELEVATION

A16

SCALE: 3/32"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



LEFT ELEVATION

PLAN 5B - TRADITIONAL



FRONT ELEVATION

PLAN 5B - TRADITIONAL



RIGHT ELEVATION

PLAN 5B - TRADITIONAL

TRADITIONAL

ROOFING: COMPOSITION SHINGLE OR FLAT CONCRETE TILE
EXTERIOR FINISH: LAP SIDING & STUCCO
TRIM: WOOD & STUCCO
ACCENTS: WOOD PANELS, BRICK, SHUTTERS, CORBELS, WINDOW BOXES



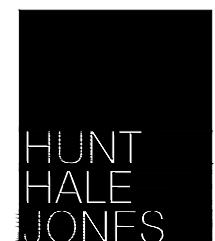
REAR ELEVATION

PLAN 5B - TRADITIONAL

BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PLAN 5B - TRADITIONAL ELEVATION

A17

SCALE: 3/32"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



LEFT ELEVATION

PLAN 5C - SPANISH



FRONT ELEVATION

PLAN 5C - SPANISH



RIGHT ELEVATION

PLAN 5C - SPANISH

SPANISH:

ROOFING:
EXTERIOR FINISH:
TRIM:
ACCENTS:

CONCRETE 'S' TILE
STUCCO
STUCCO
PIPE VENTS, SHUTTERS, CORBELS, WINDOW BOXES



REAR ELEVATION

PLAN 5C - SPANISH

BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PLAN 5C - SPANISH ELEVATION

A18

SCALE: 3/32"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



FRONT ELEVATION

PLAN 6A - MEDITERRANEAN



FRONT ELEVATION

PLAN 6B - TRADITIONAL



FRONT ELEVATION

PLAN 6C - SPANISH

BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

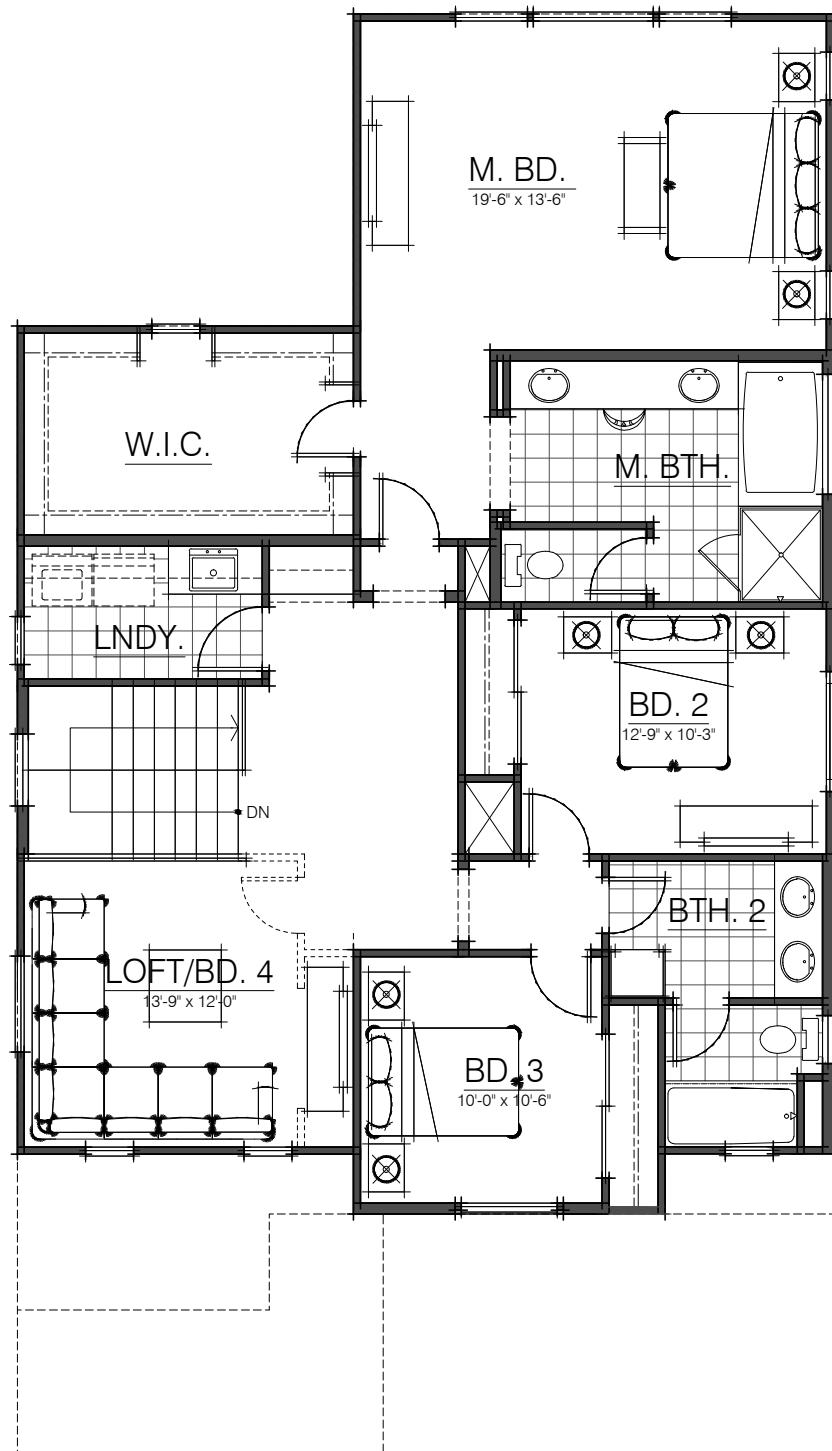
444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PLAN 6 - FRONT ELEVATIONS

A19

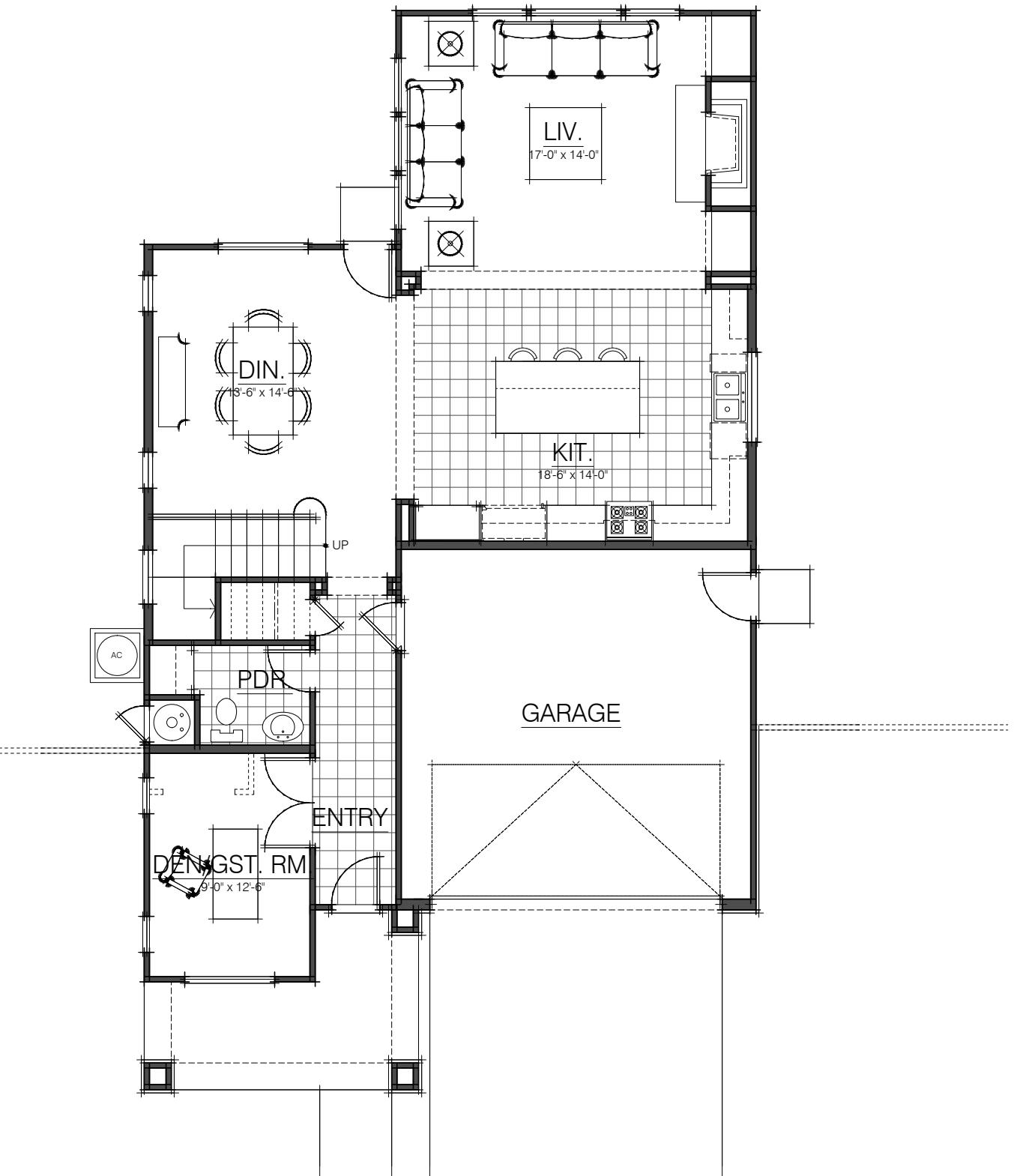
SCALE: 1/8"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



UPPER FLOOR PLAN

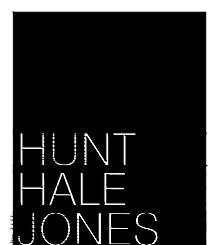
PLAN 6A - MEDITERRANEAN 1419 SQ. FT. LIVING

BROOKVIEW WEST
BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC
TRACY, CALIFORNIA



MAIN FLOOR PLAN

PLAN 6A - MEDITERRANEAN 1137 SQ. FT. LIVING
2556 SQ. FT. LIVING TOTAL



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PLAN 6 FLOOR PLANS

A20

SCALE: 1/8"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



LEFT ELEVATION

PLAN 6A - MEDITERRANEAN



FRONT ELEVATION

PLAN 6A - MEDITERRANEAN



RIGHT ELEVATION

PLAN 6A - MEDITERRANEAN

MEDITERRANEAN:

ROOFING:
EXTERIOR FINISH:
TRIM:
ACCENTS:

CONCRETE 'S' TILE
STUCCO
STUCCO
SHUTTERS, CORBELS, WINDOW BOXES



REAR ELEVATION

PLAN 6A - MEDITERRANEAN

BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PLAN 6A - MEDITERRANEAN ELEVATION

A21

SCALE: 3/32"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



LEFT ELEVATION

PLAN 6B - TRADITIONAL



FRONT ELEVATION

PLAN 6B - TRADITIONAL



RIGHT ELEVATION

PLAN 6B - TRADITIONAL

TRADITIONAL

ROOFING: COMPOSITION SHINGLE OR FLAT CONCRETE TILE
EXTERIOR FINISH: LAP SIDING & STUCCO
TRIM: WOOD & STUCCO
ACCENTS: WOOD PANELS, BRICK, SHUTTERS, CORBELS, WINDOW BOXES



REAR ELEVATION

PLAN 6B - TRADITIONAL

BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PLAN 6B - TRADITIONAL ELEVATION

A22

SCALE: 3/32"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038



LEFT ELEVATION

PLAN 6C - SPANISH



FRONT ELEVATION

PLAN 6C - SPANISH



RIGHT ELEVATION

PLAN 6C - SPANISH

SPANISH:

ROOFING:
EXTERIOR FINISH:
TRIM:
ACCENTS:

CONCRETE 'S' TILE
STUCCO
STUCCO
PIPE VENTS, SHUTTERS, CORBELS, WINDOW BOXES



REAR ELEVATION

PLAN 6C - SPANISH

BROOKVIEW WEST

BROOKVIEW PROPERTIES, LLC & JB LAND HOLDINGS, LLC

TRACY, CALIFORNIA



Architecture | Planning | Interiors

444 Spear Street, Suite 200
San Francisco, CA 94105
www.hunthalejones.com

t. 415-512-1300
f. 415-288-0288

PLAN 6C - SPANISH ELEVATION

A23

SCALE: 3/32"=1'-0"
DATE: 04/01/2018
REVISED:
PROJECT: 223038

RESOLUTION 2018-_____

APPROVING THE TENTATIVE MAP AND DEVELOPMENT REVIEW PERMIT FOR THE BROOKVIEW WEST RESIDENTIAL SUBDIVISION, LOCATED AT 4005 S. TRACY BOULEVARD, APPLICATION NUMBERS TSM18-0001 AND D18-0007

WHEREAS, On April 10, 2018, Brookview Properties, LLC submitted applications for a Tentative Subdivision Map (TSM18-0001) and Development Review Permit for architectural review of the houses (D18-0007); and

WHEREAS, The approximately 5.6-acre subject property is located at 4005 S. Tracy Boulevard, on the west side of S. Tracy Boulevard, Assessor's Parcel Number 244-020-03, and

WHEREAS, The project includes a Tentative Subdivision Map to create 22 single-family dwelling units, one lot for stormwater treatment, plus in-tract residential streets and Tracy Boulevard right-of-way improvements, and

WHEREAS, The project is consistent with the development density established by the City of Tracy General Plan, for which an Environmental Impact Report was certified, and there are no project-specific significant effects which are peculiar to the project; therefore no additional California Environmental Quality Act review is required, and

WHEREAS, The Planning Commission conducted a public hearing to consider the project on July 25, 2018;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission as follows:

1. Tentative Subdivision Map (Application Number TSM18-0001)

- a. The site is physically suitable for this type of development, as the site is virtually flat and the characteristically high clay content of Tracy's soils may require amendments and treatment for proposed landscaping, foundations, and other surface and utility work. The physical qualities of the property make it suitable for residential development in accordance with City standards.
- b. The site is physically suitable for the proposed density of development. The 3.9 dwelling units per acre proposed is consistent with the allowable density range prescribed by the General Plan Residential Low land use designation. Traffic circulation is designed in accordance with City standards for the proposed density to ensure adequate traffic service levels are met.
- c. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat. The project is consistent with the density established by the Zoning and General Plan designations and does not include project-specific significant effects that would require additional environmental review and is, therefore, in accordance with the California Environmental Quality Act per Guidelines Section 15183 and no further environmental documentation is required.

- d. The design of the subdivision and 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. A Pacific Gas and Electric (PG&E) easement is located along the northern project boundary, which will be kept free of any structures and will be included as private property in the rear portion of five lots, to be consistent with the treatment of the PG&E easement by the existing single-family home development to the west.
- e. The project complies with all other applicable ordinances, regulations and guidelines of the City, including but not limited to, the local floodplain ordinance. The subject property is not located within any floodplain and the project, with conditions, will meet all applicable City design and improvement standards.
- f. All of the public facilities necessary to serve the subdivision will be in place prior to the issuance of building permits. All of the public facilities necessary to serve the subdivision or mitigate the impacts created by the subdivision will be assured through a subdivision improvement agreement prior to the approval of a final map.
- g. The Planning Commission approves the Brookview West Tentative Map, Application Number TSM18-0001, subject to the conditions contained in Exhibit 1.

2. Development Review Permit (Application Number D18-0007)

- a. The architectural renderings are in compliance with Tracy's Design Goals and Standards because they have incorporated significant variation between floor plans and elevations, located garages set back from the facades of the living space, and used architectural features on all four sides of each house.
- b. The proposal increases the quality of the project site, and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy. The proposal is consistent with the adjacent residential land use, is proposing the use of high quality materials, and develops all right-of-ways to be consistent with the existing development to the south and west of the project site.
- c. The Planning Commission approves the Brookview West Development Review Permit, Application Number D18-0007, subject to the conditions contained in Exhibit 1.

The foregoing Resolution 2018-_____ was adopted by the Planning Commission on the 25th day of July, 2018, by the following vote:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAIN: COMMISSION MEMBERS:

CHAIR

ATTEST:

STAFF LIAISON

**Conditions of Approval for the
Brookview West Tentative Subdivision Map, and
Development Review Permit
Application Numbers TSM18-0001, and D18-0007
Planning Commission – July 25, 2018**

These Conditions of Approval shall apply to the real property described as the Brookview West Tentative Subdivision Map, and Development Review Permit, Application Numbers TSM18-0001, and D18-0007 (hereinafter “Project”), generally located on approximately 5.6 acres at 4005 S. Tracy Boulevard, on the west side of S. Tracy Boulevard, south of Sycamore Parkway and north of Whispering Wind Drive, Assessor’s Parcel Number 240-020-03.

A. The following definitions shall apply to these Conditions of Approval:

1. “Applicant” means any person, or other legal entity, defined as a “Developer”.
2. “City Engineer” means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
3. “City Regulations” means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City’s Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
4. “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.
5. “Development Services Director” means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
6. “Conditions of Approval” shall mean the conditions of approval applicable to the Brookview West Tentative Subdivision Map, and Development Review, Application Numbers TSM18-0001, and D18-0007. The Conditions of Approval shall specifically include all Development Services Department Conditions set forth herein.

7. "Project" means the real property consisting of approximately 5.6 acres located at 4005 S. Tracy Boulevard, Assessor's Parcel Number 240-020-03.
8. "Subdivider" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. "Subdivider" also means the Developer. The term "Subdivider" shall include all successors in interest.

B. General Conditions of Approval:

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to the Planning and Zoning Law (Government Code sections 65000, *et seq.*), the Subdivision Map Act (Government Code sections 66410, *et seq.*), the California Environmental Quality Act (Public Resources Code sections 21000, *et seq.*, "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, *et seq.*, "CEQA Guidelines").
2. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the General Plan Environmental Impact Report, approved February 1, 2011.
4. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) 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.
5. 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.
6. All improvements shall be consistent with the Tracy Municipal Code, Standard Plans, and other applicable City Regulations.

7. All final map(s) shall be consistent with the Tentative Subdivision Map received by the Development Services Department on June 5, 2018, unless modified herein.
8. Prior to the issuance of a building permit, the developer shall document compliance with all applicable school mitigation requirements consistent with City Council standards and obtain certificate of compliance from Tracy Unified School District and the Jefferson School District for each new residential building permit.
9. The floor plans and architectural elevations, except as modified herein, shall be consistent with the plans received by the Development Services Department on June 5, 2018.
10. The Developer shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit, a pre-construction survey prior to ground disturbance, and payment of all applicable fees, to the satisfaction of San Joaquin Council of Governments.
11. Prior to recording the Final Map, the applicant shall do one of the following, subject to the approval of the Finance Director:
 - a. CFD or other funding mechanism. The applicant shall enter into an agreement with the City, to be signed by the Finance Director, which shall be recorded against the property, which stipulates that prior to the issuance of the first building permit, the applicant will form or annex into a Community Facilities District (CFD) or establish another lawful funding mechanism that is reasonably acceptable to the City for funding the on-going operational costs of providing Police services, Public Works services and other City services to serve the Project area. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. The applicant shall be responsible for all costs associated with the formation or annexation proceedings. Upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment.

Or

- ol style="list-style-type: none;">- b. Direct funding. The applicant shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that prior to the issuance of the first building permit, the applicant will fund a fiscal impact study to be conducted and approved by the City to determine the long term on-going

operational costs of providing Police services, Public Works services and other City services to serve the Project area, and deposit with the City an amount necessary, as reasonably determined by the City, to fund the full costs in perpetuity as identified by the approved study.

12. Parcel A, on the Tentative Map (received by the City on June 5, 2018), will be owned, operated, and maintained by the Homeowners Association (HOA) (or similar, non-City entity) as part of the storm water treatment system. Parcel A may also contain landscaping, irrigation, security, or other improvements in accordance with City standards. Prior to recordation of the first final map, the developer shall cause to be recorded, after approval by the State Department of Real Estate or other appropriate State agency, the Conditions, Covenants and Restrictions or other relevant document(s) to fully fund, in perpetuity, the operation and maintenance costs of the storm water treatment system within and associated with Parcel A in accordance with City standards. The funding shall also be sufficient to ensure the maintenance of Parcel A, including, but not limited to landscaping, irrigation, signs, security, weed control, liability insurance, and maintenance or development of any improvements on Parcel A.

Prior to recordation of the final map, the developer shall enter into an agreement with the City, signed by the Finance Director, to form a Community Facilities District (CFD), in accordance with City standards, to fund the maintenance of the storm water quality system and Parcel A as described above. The CFD shall be formed prior to the issuance of the first building permit for a residential home. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. The applicant shall be responsible for all costs associated with the formation proceedings. The CFD will be kept in a "dormant" status and only activated if the HOA does not provide for maintenance in accordance with City standards, as determined by the Public Works Director.

C. Engineering Conditions of Approval:

C.1. General Conditions

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

- 1) NONE

C.2 Tentative Subdivision Map

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

- C.2.1 Tentative Subdivision Map shall contain all the appropriate signature blocks.
- C.2.2 Prior to the Final Subdivision Map show restricted access to prevent future homeowners from accessing nearby streets:
 - C.2.2.a. Restrict access to Tracy Boulevard along the eastern property line of Lots 5, 6, 7, 8, 9, 10, 11, and 12;
 - C.2.2.b. Restrict access to Crepe Myrtle Lane along the eastern edge of Lots 13, 18, and 19; and
 - C.2.2.c. Restrict access to Autumn Creek Court along the western edge for Lot 15.
- C.2.3 Outline the right-of-way dedication on Tracy Boulevard. This dedication shall conform to the current right-of-way at the northern and southern boundary.
- C.2.4 Developer shall obtain approval regarding the cul-de-sac's street name.
- C.2.5 Submit one (1) mylar copy of the approved tentative subdivision map for the Project within ten (10) days after Developer's receipt of a notification of approval of the Tentative Subdivision Map. The owner of the Property must consent to the preparation of the Tentative Subdivision Map, and the proposed subdivision of the Property.

C.3 Final Subdivision Map

No final subdivision map within the Project boundaries will be approved by the City Council until Developer demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, the following:

- C.3.1 Developer has completed all the requirements set forth in this section, and Condition C.2, above.
- C.3.2 The Final Subdivision Map prepared in accordance with the applicable requirements of the Tracy Municipal Code (TMC), the City Design Standards, and in substantial conformance with the Tentative Subdivision Map for the Project.

- C.3.3 The Final Subdivision Map shall include dedications or offers of dedication of all right(s)-of-way and/or Public Utility Easement(s) required to serve the Project described by the Final Subdivision Map, in accordance with City Regulations and these Conditions of Approval. Said Public Utility Easement (P.U.E.) shall be ten (10) feet wide as measured from the right-of-way and shall be continuous along each lot's frontage along every right-of-way.
- C.3.4 All proposed right-of-way dedication for the internal in-tract streets shall conform to the 2008 Standard Plans Detail 102 and shall have a right-of-way width of fifty-six (56) feet, excluding the P.U.E. The cul-de-sac shall conform to the 2008 Standard Plans Detail 108. The right-of-way dedication on Tracy Boulevard shall be from the Project's easterly boundary to the eastern property lines of Lots 5 through 12. The general width of the dedication is forty (40) feet as measured from the Project's eastern boundary with an additional five (5) feet dedication (for a total of forty-five (45) feet of dedication as measured from the Project's eastern boundary) along Lots 6, 8, 11, and 12.
- C.3.5 Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearing" and shown as such on the final map. The final map shall also identify surveyed ties from two of the horizontal control points to a minimum of two (2) separate points adjacent to or within the Property described by the Final Map.
- C.3.6 A construction cost estimate of subdivision improvements and for all required public facilities, prepared in accordance with City Regulations to be used for calculating engineering review fees and for bonding purposes. In determining the total construction cost, add ten percent (10%) for construction contingencies.
- C.3.7 All the required improvement agreements are executed, improvement security is submitted and documentation of insurance are provided, as required by these Conditions of Approval. The amounts of improvement security shall be approved by the City and the type and form of improvement security shall be in accordance with the TMC.
- C.3.8 Developer will include slope easement with the final map submittal to address slopes among the lots to address grade differentials.
- C.3.9 Payment of final map checking fees and all fees required by these Conditions of Approval and City Regulations.
- C.3.10 At the conclusion of the City's review, Developer shall submit one (1) mylar copy of the approved Final Subdivision Map for signature.

- C.3.11 Developer has submitted a signed and notarized Subdivision Improvement Agreement (SIA) and Improvement Security, for the completion of improvements that are required to serve the Project as shown on the Improvement Plans. The form and amount of Improvement Security shall be in accordance with the Applicable Law and the SIA.
- C.3.12 Developer shall submit a Final Subdivision Map that will maintain the existing Pacific Gas and Electric (PG&E) easement for the existing overhead powerlines that are located along the northerly property boundary at the rear of proposed Lots 1 through 5. Details of any relocating and/or modifications to the overhead facilities shall be approved by PG&E and the City. The cost of relocating and/or modifications to the overhead facilities, providing satisfactory access, and maintenance is the sole responsibility of the Developer.
- C.3.13 City will not permit utility corridors behind lots. Hence, the Developer is required to provide access as acceptable to PG&E within the lots.
- C.3.14 The Developer shall notify in writing, the future buyers of Lots 1 through 5 regarding the existing PG&E easement and any requirements and restrictions related to the overhead power lines within the PG&E easement. Said restrictions include but are not limited to the following:
 - C.3.14.a. PG&E's right to install vehicular access gates;
 - C.3.14.b. PG&E's right to trim or remove trees or portion of any tree or vegetation;
 - C.3.14.c. PG&E's right to prohibit any erection of any building or structure located within the easement; and
 - C.3.14.d. PG&E's right to prohibit any drilling or operating any well within the easement.
- C.3.15 Parcel A shall remain a storm water quality basin for the life of the parcel's existence and shall be owned and maintained by the Developer or its heir(s). Parcel A will not be filled unless a replacement and equivalent storm water quality basin is constructed. The filling and construction of the storm water basin requires the written approval from the City. A Deed Restriction shall be placed on the property as aforementioned to the Satisfaction of the City Engineer.

C.4. Grading Permit

All grading work (on-site and off-site) shall require a Grading Plan. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Geotechnical Engineer. The City will not accept a Grading Permit application for the Project until Developer provides all documents related to said Grading Permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.4.1 Developer has completed all requirements set forth in this section.
- C.4.2 Developer has obtained the approval (i.e. recorded easements for slopes, drainage, utilities, access, parking, etc.) of all other public agencies and/or private entities with jurisdiction over the required public and/or private facilities and/or property. Written permission from PG&E or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit.
- C.4.3 Developer has obtained a demolition permit to remove any existing structure located within the project's limits.
- C.4.4 All existing on-site water well(s), septic system(s), and leech field(s), if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s), septic system(s), and leech field(s) including the cost of permit(s) and inspection. Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.
- C.4.5 The Improvement Plans for all improvements to serve the Project (on-site and off-site) including the Grading and Drainage Plans shall be prepared in accordance with the City's Subdivision Ordinance (TMC Chapter 12.36), City Design Documents as defined in Title 12 of the TMC, and these Conditions of Approval.
- C.4.6 On-site Grading/Drainage Plans and Improvement Plans shall be prepared on a 24-inch x 36-inch size 4-millimeter thick polyester film (mylar). These plans shall use the City's Title Block. Improvement Plans shall be prepared under the supervision of, stamped and signed by a Registered Civil Engineer and Registered Geotechnical Engineer. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by the Fire Marshal prior to submitting the mylars to Engineering Division for City Engineer's signature. Erosion control measures shall be implemented in accordance with the Improvement

Plans approved by the City Engineer for all grading work. All grading work not completed before October 15 may be subject to additional requirements as applicable. Improvement Plans shall specify all proposed erosion control methods and construction details to be employed and specify materials to be used during and after the construction.

C.4.7 Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.

C.4.8 For Projects on property larger than one (1) acre: Prior to the issuance of the Grading Permit, Developer shall submit to the Utilities Department (stephanie.hiestand@cityoftracy.org) one (1) electronic copy and one (1) hard copy of the Storm Water Pollution Prevention Plan (SWPPP) as submitted in Stormwater Multiple Applications and Reporting Tracker System (SMARTS) along with either a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID) or a copy of the receipt for the NOI.

After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Developer. Developer shall comply with all the requirements of the SWPPP, applicable Best Management Practices (BMPs) and the Stormwater Post-Construction Standards adopted by the City in 2015 and any subsequent amendment(s).

For Projects on property smaller than one (1) acre: Prior to the issuance of the Grading Permit, the Developer shall submit to the Utilities Department (stephanie.hiestand@cityoftracy.org) one (1) electronic copy and 1 hard copy of the City of Tracy Erosion and Sediment Control Plan (ESCP) for approval. Cost of preparing the ESCP including any annual storm drainage fees shall be paid by the Developer. Developer shall comply with all the requirements of the ESCP, applicable BMPs and the Post-Construction Stormwater Standards adopted by the City in 2015 and any subsequent amendment(s).

C.4.9 Developer shall provide a PDF copy of the Project's Geotechnical Report signed and stamped by a Registered Geotechnical Engineer. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, compaction recommendations, retaining wall recommendations, if necessary, paving recommendations, slope recommendations, and elevation of the highest observed groundwater level.

C.4.10 In-tract Minor Retaining –Developer shall use reinforced or engineered masonry blocks for retaining soil at property lines when the grade differential among the in-tract lots exceeds 12-inches. Developer will include construction details of these minor retaining walls with the on-site Grading and Drainage Plan. Developer may use slopes among the lots to address the grade differential but said slope shall not exceed a slope gradient of 3 (horizontal) to 1 (vertical). Slope easements may be required and will be subject to approval by the City Engineer.

Minor Retaining along Project Perimeter – ADeveloper shall use reinforced or engineered masonry blocks for retaining soil along the Project boundary and adjacent property(s) when the grade differential exceeds 12-inches. Developer will include construction details for these minor retaining walls with the on-site Grading and Drainage Plan. Developer may use slopes to address the grade differential but said slope shall not exceed a slope gradient of 3 (horizontal) to 1 (vertical). Slope easements may be subject to approval by the City Engineer and if adjacent and affected property(s) owner(s) grants said easements.

Slopes are an acceptable option as a substitute to engineered retaining walls, where cuts or fills do not match existing ground or final grade with the adjacent property or public right of way, up to a maximum grade differential of two (2) feet, subject to approval by the City Engineer.

Slope easements will be recorded, prior to the issuance of the Grading Permit. The Developer shall be responsible to obtain and record slope easement(s) on private properties, where it is needed to protect private improvements constructed within and outside the Project, and a copy of the recorded easement document must be provided to the City, prior to the issuance of the Grading Permit.

Walls - Developer shall show proposed retaining walls and masonry walls on the on-site Grading and Drainage Plan. The Developer is required to submit improvement plans, construction details, and structural calculations for retaining walls and masonry walls to Building and Safety. Retaining wall and masonry wall design parameters will be included in the geotechnical report.

C.4.11 Developer shall provide a copy of the approved Incidental Take Minimization Measures (ITMM) habitat survey [San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)] from San Joaquin Council of Governments (SJCOC).

C.4.12 Developer shall provide a copy of the approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) from San Joaquin Valley Air Pollution Control District (SJVAPCD).

C.4.13 Developer shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, are required to remain to serve existing adjacent agricultural uses, the Developer will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Developer.

C.4.14 If the Project contains overhead utilities, the Developer shall underground existing overhead utilities such as electric, TV cable, telephone, and others. Each dry utility shall be installed at the location approved by the respective owner(s) of dry utility and the Developer shall coordinate such activities with each utility owner. All costs associated with the undergrounding shall be the sole responsibility of the Developer and no reimbursement will be due from the City. Developer shall submit undergrounding plans.

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

C.5. Improvement Agreement(s)

All construction activity involving public improvements will require a fully executed improvement agreement (Off-site, Subdivision, and/or Inspection). Any construction activity involving public improvements without a fully executed improvement agreement is prohibited. All public improvements shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Civil Engineer. The City will not start writing any improvement agreement or schedule any improvement agreement to be approved by City Council for the Project until the Developer provides all documents related to said improvements required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.5.1. Off-site and/or Public Infrastructure Improvement Plans prepared on a 24-inch x 36-inch size 4-millimeter thick mylar that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block and, if necessary, contain a signature block for the Fire Marshal. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Fire Marshal to submitting the mylars to Engineering Division for City Engineer's signature. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:

- C.5.1.a. All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.
- C.5.1.b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers such as benchmarks.
- C.5.1.c. A PDF copy of the Project's Geotechnical/Soils Report, prepared or signed and stamped by a Registered Geotechnical Engineer. The technical report must include relevant information related to street pavement thickness, materials, compaction and other pertinent information.
- C.5.1.d. Storm Water - The Project's on-site storm water drainage connection to the City's storm water system shall be approved by the City Engineer. Drainage calculations for the sizing of the on-site storm drainage system. Improvement Plans to be submitted with the hydrology and storm water.

Storm drainage release point is a location at the boundary of the Project adjacent private property where storm water leaves the Property, in a storm event and that the Property's on-site storm drainage system fails to function or it is clogged. Site grading shall be designed such that the Project's storm drainage overland release point will be

directly to an adjacent private property with a functional storm drainage system and the existing storm drainage line has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least 0.70-feet lower than the building finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

The Project's permanent storm drainage connection(s) shall be designed and constructed in accordance with City Regulations. The design of the permanent storm drainage connection shall be shown on the Grading and Drainage Plans with calculations for the sizing of the storm drain pipe(s), and shall comply with the applicable requirements of the City's storm water regulations adopted by the City Council in 2012 and any subsequent amendments.

Developer shall form/create a Homeowners Association (A Property Owners Association is not permitted to be formed/created.) that conforms to the requirements of other California State laws and/or other California Agencies such as Bureau of Real Estate to be its heirs. Developer and its heirs (i.e. Homeowner's Association) shall be responsible for repairing and maintaining the on-site storm water quality basin at the Developer's (and heirs') sole cost and expense.

The storm drain structure for the storm water quality basin shall be designed and constructed in a manner that does not impose any additional maintenance or reconstruction burdens to the City. Said design and construction methods shall be to the satisfaction of the City Engineer.

C.5.1.e. Sanitary Sewer - It is the Developer's responsibility to design and construct the Project's permanent on-site sanitary sewer (sewer) improvements including the Project's sewer connection in accordance with the City's Design Standards, City Regulations and Standard Specifications. Sewer improvements shall include but not limited to, replacing asphalt concrete pavement, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's permanent sewer connection. Developer shall submit improvement plans that include the design of the sewer line from the Property to the point of connection. Developer is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed

in conformance with Standard Plans. The City's responsibility to maintain on the sewer lateral is from the wye/onsite sewer manhole at the right-of-way line/property line/wye fitting to the point of connection with the sewer main.

Developer is hereby notified that the City has limited wastewater treatment capacity in the City's Wastewater Treatment Plant until current and future expansion capital improvement projects are completed and operational. As of January 2015, the City had an unused capacity of approximately 4200 EDU's within its wastewater treatment plant available to new development within the City on a first come-first served basis via building permit issuances. These EDU's are currently available to serve the proposed project, but as other development projects within the City come forward and building permits are issued, this remaining capacity will be reduced. Only the issuance of building permits will guarantee sewer capacity.

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

Interruption to the water supply to the existing businesses and other users will not be allowed to facilitate construction of improvements related to the Project. Developer shall be responsible for notifying business owner(s) and users, regarding construction work. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before start of work. Prior to starting the work described in this section, the Developer shall submit a Work Plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be used during the installation of the off-site water mains and connections.

The Project's water service connections shall use a remote-read (radio-read) master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City Regulations. The domestic and

irrigation water service connection(s) must be completed before the inspection of the building. The location of the meters shall be approved by the City Engineer.

Repair and maintenance of the water service from the water meter to the point of connection with the water distribution main in the street shall be the responsibility of the City.

Repair and maintenance of all on-site water lines, laterals, sub-water meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer or the individual lot owner(s).

All costs associated with the installation of the Project's water connection(s) including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings on existing street or parking area(s) that may be disturbed with the installation of the permanent water connection(s), or domestic water service, and other improvements shall be paid by the Developer.

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

C.5.1.h. Streets – All streets and utilities improvements within City right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design Standards including the City's Facilities Master Plan for storm drainage, roadways, wastewater, and water as adopted, amended, and updated by the City, or as otherwise specifically approved by the City.

All proposed public residential street widths and cross sections shall conform to the 2008 Standard Plans Detail 102 and shall have a right-of-way width of fifty-six (56) feet, excluding the Public Utility Easements. The cul-de-sac shall conform to the 2008 Standard Plans Detail 108. The sidewalk shall be immediately behind the Portland cement

concrete curb and gutter. Immediately behind the sidewalk will be a 4.5-ft wide public landscape area. Developer will construct the new residential driveways per Standard Detail 134.

Developer shall use existing utility stubs. If the stubs are not present or additional utility connections are required, the pavement restoration shall conform to C.8.1 of these Conditions.

Developer shall remove the two (2) existing driveways that serve the property. Developer shall protect-in-place the existing driveway that aligns with PG&E's easement. If PG&E requests a modification of the existing driveway, Developer shall modify the driveway to the satisfaction of the City and PG&E.

On the western side of Tracy Boulevard, Developer shall landscape and irrigate the existing area as per current adopted City landscape standards. Landscape and irrigation plans shall be prepared on a 24-inch x 36-inch size 4-millimeter thick mylar that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block. Said landscape and irrigation plan shall be prepared by a California licensed landscape architect. Developer can either protect in-place the existing sidewalk and repair any cracked, settled, and/or damaged sidewalk or remove and replace the sidewalk so long as the replacement sidewalk is similar to the current sidewalk, i.e. similar width, meanders, etc. Developer shall also install street trees in the landscaped area between the existing meandering sidewalk and the curb and gutter. On the opposite side of the sidewalk, Developer shall install additional street trees, shrubs, ground cover, and other landscaping as required. The landscaping and irrigation shall conform to MWELD standards. If recommended, Developer shall use structural soil if the street trees' well is narrower than five (5) feet wide. Developer shall also remove existing sign monument and its appurtenances, and any other existing items such as bollards, mailboxes, etc.

C.5.2. Joint Trench Plans and Composite Utility Plans, prepared on a 24-inch x 36-inch size 4-millimeter thick mylar for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the 10-feet wide P.U.E. to be installed to serve the

Project. All private utility services to serve Project must be installed underground or relocated to be underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing or proposed utility easement to the building(s). If necessary, the Developer shall dedicate 10-feet wide P.U.E. for access to these new utilities for re-installation, replacement, repair, and maintenance work to be performed by the respective utility owner(s) in the future.

C.5.3. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans. The cost estimate shall show the cost of designing the public improvements.

Payment of applicable fees required by these Conditions of Approval and City Regulations, including but not limited to, plan checking, grading and encroachment permits and agreement processing, construction inspection, and testing fees. The engineering review fees will be calculated based on the fee rate adopted by the City Council on September 2, 2014, per Resolution 2014-141 and on May 16, 2017, per Resolution 2017-098. Developer shall submit payment in the form of a check for the aforementioned fees.

C.5.5. Traffic Control Plan - Prior to starting the work for any work within City's right-of-way, the Developer shall submit a Traffic Control Plan (TCP). TCP can be split among the different construction phases. TCP will show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. TCP shall conform to the Manual on Uniform Traffic Control Devices as amended by the State of California, latest edition (MUTCD-CA). TCP shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Registered Traffic Engineer.

Access and Traffic Circulation to Existing Businesses/Residents - Developer shall take all steps necessary to plan and construct site improvements such that construction operations do not impact safety and access (including emergency vehicles) to the existing businesses and residents throughout the duration of construction. Developer shall coordinate with the owners and cooperate to minimize impacts on existing businesses. All costs of measures needed to provide safe and functional access shall be borne by the Developer.

C.5.6. No street trench shall be left open, uncovered, and/or unprotected during night hours and when the Developer's contractor is not performing construction activities. Appropriate signs and barricades shall be installed on the street and on all trenches during such times. If the Developer or its contractor elects to use steel plates to cover street trenches, said steel plates will be skid-resistance, and shall be

ramped on all sides. Ramps will be a minimum two-foot wide and will run the entire length of each side.

C.5.7. If at any point during utility installation or construction in general that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

C.5.8. On-site, in-tract Public Improvements - Prior to the City's approval of the Final Subdivision Map, and prior to the Developer commencing construction of on-site, in-tract public improvements, Developer shall possess a fully executed Subdivision Improvement Agreement (SIA). Developer shall also complete all of the following requirements to the satisfaction of the City Engineer:

Developer has submitted a complete application for a Final Subdivision Map which is served by the required public improvements, and the Final Subdivision Map has been approved by the City Engineer.

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

Improvement Security - Developer shall provide improvement security for all public facilities, as required by the Improvement Agreement. The form of the improvement security may be a bond, or other form in accordance with the Government Code, and the TMC. The amount of the improvement security shall be in accordance with Title 12 of the TMC. Monumentation Bonds shall be five hundred (\$500.00) dollars multiplied by the total number of street centerline monuments that are shown on the Final Map.

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

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

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

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

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

C.6. Building Permit

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

- C.6.1 Developer has completed all requirements set forth in Condition C.1, through C.5, above.
- C.6.2 Developer pays the applicable development impact fees as required in the TMC, these Conditions of Approval and City Regulations.
- C.6.4 Developer shall provide documentation to demonstrate that the Developer and its successor(s) or assign(s) will participate which include payment of the Project's share towards the use, repair and maintenance of the temporary storm drainage retention basin that serves this Property. The Homeowner's association shall be formed prior to the issuance of the first building permit.

C.7 Acceptance of Public Improvements

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

- C.7.1 Developer has satisfied all the requirements set forth in these Conditions of Approval.
- C.7.2 Developer submitted the Storm water Treatment Facilities Maintenance Agreement (STFMA) to the Utilities Department.
- C.7.3 Developer has satisfactorily completed construction of all required/conditioned improvements. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to

construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

- C.7.4 Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City, at its sole discretion, temporarily release the original mylars of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As-Built" configuration of all improvements.
- C.7.6 Developer shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements along the frontage of the Project, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.
- C.7.7 Developer has completed the 90-day public landscaping maintenance period.
- C.7.8 Release of Improvement Security – Release of improvement security shall be in accordance with the requirements of Title 12 of the TMC. Monumentation Bond will be released to the Developer after City Council's acceptance of the public improvements and if the Developer meets the terms set in Section 66497(c) of the Subdivision Map Act. All survey monuments shown on the Final Map must be installed. Any altered, damaged, or destroyed survey monuments and/or benchmarks shall be re-established. Developer shall submit centerline tie sheets or a record of survey for the following: new public streets; re-established survey monuments, and/or benchmarks. If the Developer destroyed, altered, and/or reconstructed any existing curb returns, Developer shall also submit corner records. Any survey document will be submitted the City and to the San Joaquin County Surveyor to comply with California Business and Professions Code Section 8771(c). Said work shall be executed by a California licensed Land Surveyor at the Developer's sole expense.

C.8 Special Conditions

- C.8.1 When street cuts are made for the installation of utilities, the Developer shall conform to Section 3.14 of the 2008 Design Standards and is required install a 2-inch thick asphalt concrete (AC) overlay with reinforcing fabric at least 25-feet from all sides of each utility trench. A 2-inch deep grind on the existing AC pavement will be required where the AC overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. This pavement repair requirement is when cuts/trenches are perpendicular and parallel to the street's direction.

- C.8.2 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the improvement plans, prior to the City Engineer's signature on the improvement plans, and prior to issuance of Grading Permit, Encroachment Permit, Building Permit, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.
- C.8.3 If water is required for the project, the Developer shall obtain an account for the water service and register the water meter with the Finance Department. Developer shall pay all fees associated with obtaining the account number for the water service.
- C.8.4 Developer shall obtain an account for the water service to the Project and register the water meter with the Finance Department. Developer shall prepare and submit a map depicting the location of the water meter on a 8.5-inch X 11-inch sheet to Finance Department.

AGENDA ITEM 1.C

REQUEST

**PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE CITY COUNCIL
TO APPROVE AN AMENDMENT TO SECTION 10.08.3196 OF THE TRACY
MUNICIPAL CODE REGARDING ESTABLISHING ZONING AND LOCATION
REQUIREMENTS FOR CANNABIS (MARIJUANA) NON-STOREFRONT RETAILERS,
APPLICATION NUMBER ZA18-0002**

DISCUSSION

Background

During a regular meeting of the Tracy City Council on December 5, 2017, the Council directed staff to prepare an ordinance to allow up to two medical cannabis non-storefront (i.e., delivery only) retailers (i.e., dispensaries) to operate in the City's industrial locations, subject to a high level of regulation and oversight by the City. Per City Council direction, staff has prepared two ordinances: (1) an amendment to Chapter 6.36 of the Tracy Municipal Code (TMC) and (2) an amendment to Section 10.08.3196 of the TMC, as well as regulations. These proposed ordinances and regulations would create a regulatory permitting scheme for cannabis businesses and cannabis business employees. The amendment to Section 10.08.3196 would establish zoning and locational requirements for cannabis delivery-only establishments that would make them conditional uses in certain industrial areas in the City.

Staff will be presenting both proposed ordinances and regulations; however, the Planning Commission will only be making recommendations to Council regarding the proposed zoning amendment to Section 10.08.3196. The documents will be forwarded to the City Council for discussion on September 18, 2018. Tracy voters will decide on a special cannabis sales tax that will appear on the November 6, 2018 ballot. If the tax is approved, the cannabis ordinances will go before the City Council for approval after November 2018. Until the Tracy City Council takes action on the ordinances, all commercial medicinal and adult-use cannabis activity is prohibited in Tracy. This includes the manufacturing, cultivation, distribution, testing, and any other cannabis activity licensed by the State of California.

Proposed New Ordinances

The proposed ordinances would create a 2-track system for addressing two non-storefront dispensaries of medicinal cannabis. The first track addresses "who" will operate in Tracy and under what type of permit, and the second track involves "where" such dispensaries could be located and under what permit.

The first track is an ordinance establishing (and defining) commercial cannabis activity and establishes an application process to evaluate potential cannabis business operators. The process would be managed and administered by the Tracy Police Department and involves a heightened level of review and permitting requirements in order for the City to select an operator of such business. The City has an interest in ensuring that the operators meet certain minimum criteria and that they and their

employees undertake appropriate background checks before being able to operate in Tracy.

The second track occurs once an operator has successfully applied for and obtained approval by the Tracy Police Department. This second track is an ordinance that establishes where medicinal cannabis dispensaries are permitted to be located (allowable land uses) in the City. The ordinance also establishes that neither of the two medicinal cannabis dispensaries can operate without Planning Commission approval of a Conditional Use Permit. Both of these ordinances are briefly described below.

Ordinance Amending Chapter 6.36, COMMERCIAL CANNABIS ACTIVITY

- The purpose and intent of this Chapter is to regulate commercial cannabis activity in a responsible manner to protect the health, safety, and welfare of the residents of Tracy and to enforce rules and regulations consistent with state law.
- It is the further purpose and intent of this Chapter to require all commercial cannabis operators meeting the established requirements to obtain and renew annually a regulatory permit in order to operate a cannabis business within Tracy.
- Highlighted sections from Ordinance

Section 6.36.060. Cannabis Business Permit Required to Engage in a Commercial Cannabis Activity.

(a) *No person may engage in any commercial cannabis activity within the City of Tracy unless the person (1) has a valid Cannabis business permit from the City of Tracy; (2) has a valid State License; and (3) is currently in compliance with all applicable state and local laws and regulations pertaining to the cannabis business and the commercial cannabis activities and land use and zoning requirements, including obtaining a valid conditional use permit.*

Section 6.36.070. Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted.

The number of each type of cannabis business that shall be permitted to operate in the City at any one given time shall be as follows:

Medicinal (M-License) Non-Storefront Retailer; maximum of two.

- “M-license” means a state license issued under this Chapter for commercial cannabis activity involving medicinal cannabis [Section 6.36.030(ah)].
- “M-licensee” means any person holding a license under this Chapter for commercial cannabis activity involving medicinal cannabis [Section 6.36.030(ai)].

Ordinance Amending Section 10.08.3196 – Cannabis Uses.

▪ Highlighted sections from Ordinance

(c)(3) *Cannabis Medicinal (M-License) Non-Storefront Retailers are permitted to establish as a conditional use on property meeting the following criteria, subject to the granting of and compliance with terms of a City cannabis business permit and a conditional use permit issued pursuant to Section 10.08.4250:*

- (i) *Property shall be located in an area designated as industrial in the City's General Plan;*
- (ii) *Property shall be located at least 600 feet from any parcel zoned as residential and any parcel containing any of the following sensitive uses as of the date the conditional use permit is issued: school, day care facilities, youth center, places of assembly, public parks, and youth congregating land uses;*
- (iii) *Property shall not be within half (1/2) a mile of Gandy Dancer Drive; and*
- (iv) *The distance between the cannabis business and the sensitive use property shall be measured from the outer boundaries of the sensitive use parcel to the first structure on the parcel seeking to operate a cannabis business.*

CEQA Documentation

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Business and Professions Code Section 26055(h), which provides that CEQA does not apply to the adoption of an ordinance, rule, or regulation that requires discretionary review and approval of permits or other authorizations to engage in commercial cannabis activity. This project is further exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As this is only a series of text amendments and additions, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

RECOMMENDATION

Staff recommends that the Planning Commission recommend the City Council introduce an ordinance and approve the Tracy Municipal Code amendment regarding the proposed zoning amendment to Section 10.08.3196.

MOTION

Move that the Planning Commission recommend that the City Council approve the Tracy Municipal Code amendment regarding the proposed zoning amendment to Section 10.08.3196., as indicated in the Planning Commission Resolution dated July 25, 2018.

Agenda Item 1.C

July 25, 2018

Page 4

Prepared by: Karin Schnaider, Finance Director

Approved by: Bill Dean, Assistant Development Services Director

Leticia Ramirez, Assistant City Attorney

ATTACHMENTS

A - Planning Commission Resolution (including Exhibit 1: Proposed Ordinance Amending Section 10.08.3196, Cannabis Uses)

B - Proposed Ordinance Amending Chapter 6.36, Commercial Cannabis Activity

RESOLUTION 2018-_____

PLANNING COMMISSION RECOMMENDATION THAT THE CITY COUNCIL
INTRODUCE AND ADOPT AN ORDINANCE AMENDING TRACY MUNICIPAL CODE SECTION
10.08.3196 REGARDING ESTABLISHING ZONING AND LOCATIONAL REQUIREMENTS FOR
CANNABIS (MARIJUANA) NON-STOREFRONT RETAILERS,
APPLICATION NUMBER ZA18-0002

WHEREAS, On September 19, 2017, Tracy City Council adopted Ordinance 1240, prohibiting all commercial medicinal and adult-use cannabis activity in the city; thus, until Council takes action via new or revised ordinances, all such activity (including the manufacturing, cultivation, distribution, testing, and any other cannabis activity licensed by the State of California) is prohibited in Tracy, and

WHEREAS, On December 5, 2017, Tracy City Council directed staff to prepare an ordinance to allow up to two medical cannabis non-storefront (i.e., delivery only) retailers (i.e., dispensaries) to operate in the City's industrial locations, subject to a high level of regulation and oversight by the City, and

WHEREAS, The proposed amendments establish specific locational requirements and permit requirements for commercial medicinal and adult use cannabis activities, and

WHEREAS, The proposed ordinance is exempt from the California Environmental Quality ACT (CEQA) pursuant to Business and Professions Code Section 26055(h), which provides that CEQA does not apply to the adoption of an ordinance, rule, or regulation that requires discretionary review and approval of permits or other authorizations to engage in commercial cannabis activity, and

WHEREAS, This project is further exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As this is only a series of text amendments and additions, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment, and

WHEREAS, On July 25, 2018, the Planning Commission conducted a public hearing to consider the ordinance;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission hereby recommends the City Council introduce and adopt an ordinance to amend Tracy Municipal Code Section 10.08.3196 regarding establishing zoning and locational requirements for cannabis non-storefront retailers as indicated in Exhibit 1, attached.

* * * * *

The foregoing Resolution 2018-_____ was adopted by the Planning Commission on the 25th day of July, 2018, by the following vote:

AYES: COMMISSION MEMBERS:
NOES: COMMISSION MEMBERS:
ABSENT: COMMISSION MEMBERS:
ABSTAIN: COMMISSION MEMBERS:

CHAIR

ATTEST:

STAFF LIAISON

Proposed Amendments to TMC Section 10.08.3196**Chapter 10.08 - Zoning Regulations****10.08.3196 – Cannabis Uses.**

(a) **Purpose and Intent.** The purpose of this section is to impose zoning and locational restrictions on commercial cannabis activities or uses and on the personal cultivation of cannabis. This section is not intended to give any person or entity authority to conduct commercial cannabis activities in the City of Tracy.

(b) **Definitions.** Unless otherwise provided in this section, the definitions set forth in Chapter 10.08 (Zoning Regulations), Chapter 6.36 (Commercial Cannabis Activity) and Chapter 6.40 (Cannabis Business Tax) apply. The following words shall have the meanings set forth below when used in this section:

- (1) “Fully enclosed and secure structure” means a space within a building, greenhouse, or other structure that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, and which is accessible only through one or more lockable doors.
- (2) “Outdoors” means any location within the City of Tracy that is not within a fully enclosed and secure structure or private residence, as defined by California Health and Safety Code section 11362.2.

(c) **Commercial Cannabis Uses.**

- (1) All commercial cannabis uses are prohibited from operating in all zoning districts in the City, except as expressly permitted in this section.
- (2) All commercial cannabis uses permitted by this section must, prior to establishing and commencing operations, obtain and maintain a City cannabis business permit and any other state or local license or permit, as may be applicable.
- (3) Cannabis Medicinal (M-License) Non-Storefront Retailers are permitted to establish as a conditional use on property meeting the following criteria, subject to the granting of and compliance with terms of a City cannabis business permit and a conditional use permit issued pursuant to Section 10.08.4250:
 - (i) Property shall be located in an area designated as industrial in the City’s General Plan;
 - (ii) Property shall be located at least 600 feet from any parcel zoned as residential and any parcel containing any of the following sensitive uses as of the date the conditional use permit is issued: school, day care facilities, youth center, places of assembly, public parks, and youth congregating land uses;
 - (iii) Property shall not be within half (1/2) a mile of Gandy Dancer Drive; and
 - (iv) The distance between the cannabis business and the sensitive use property shall be measured from the outer boundaries of the sensitive use

Proposed Amendments to TMC Section 10.08.3196

parcel to the first structure on the parcel seeking to operate a cannabis business.

(d) Personal Cultivation of Cannabis.

- (1) All outdoor cultivation of medicinal and adult use marijuana within the City is prohibited, and shall be unlawful, as a principal use, conditional use, special use, or accessory use in any zone. The indoor cultivation of adult use marijuana shall comply with state law.

(e) Penalties.

- (1) Violations of this chapter are hereby declared a public nuisance.
- (2) Violations of this section are punishable as misdemeanors and as otherwise set forth in chapter 1.04 of this Code. Each day of operation of a commercial cannabis business or the outdoor cultivation of marijuana occurs, in violation of this section, constitutes a separate offense.

Proposed Ordinance Amending Chapter 6.36

Chapter 6.36 COMMERCIAL CANNABIS ACTIVITY.

- Section 6.36.010 Purpose and Intent.**
- Section 6.36.020 Legal Authority.**
- Section 6.36.030 Definitions.**
- Section 6.36.040 Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter.**
- Section 6.36.050 Compliance with State and Local Laws.**
- Section 6.36.060 Cannabis Business Permit Required to Engage in a Commercial Cannabis Activity.**
- Section 6.36.070 Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted.**
- Section 6.36.080 Application Procedure for a Cannabis Business Permit.**
- Section 6.36.090 Selection of Cannabis Business Permittee(s).**
- Section 6.36.100 Expiration of Cannabis Business Permits.**
- Section 6.36.110 Revocation of Permits.**
- Section 6.36.120 Renewal Applications.**
- Section 6.36.130 Effect of State License Suspension, Revocation, or Termination.**
- Section 6.36.140 Change in Location; Updated Registration Form.**
- Section 6.36.150 Transfer of Cannabis Business Permit.**
- Section 6.36.160 Cannabis Employee Permit Required.**
- Section 6.36.170 Permittee Selection Process.**
- Section 6.36.180 City Business License.**
- Section 6.36.190 Limitations on City's Liability.**
- Section 6.36.200 Records and Recordkeeping.**
- Section 6.36.210 Security Measures.**
- Section 6.36.220 Restriction on Alcohol & Tobacco Sales.**
- Section 6.36.230 Fees and Charges.**
- Section 6.36.240 Miscellaneous Operating Requirements.**
- Section 6.36.250 Other Operational Requirements.**
- Section 6.36.260 Non-Storefront Retailer Vehicle Requirements.**
- Section 6.36.270 Permissible Delivery Locations and Customers.**
- Section 6.36.280 Packaging and Labeling.**
- Section 6.36.290 Promulgation of Regulations, Standards and Other Legal Duties.**
- Section 6.36.300 Fees Deemed Debt to City of Tracy.**
- Section 6.36.310 Permit Holder Responsible for Violations.**
- Section 6.36.320 Inspection and Enforcement.**
- Section 6.36.330 Compliance with State Regulation.**
- Section 6.36.340 Violations Declared a Public Nuisance.**
- Section 6.36.350 Each Violation a Separate Offense.**
- Section 6.36.360 Criminal Penalties.**
- Section 6.36.370 Remedies Cumulative and not Exclusive.**

Proposed Ordinance Amending Chapter 6.36

Section 6.36.010. Purpose and Intent

It is the purpose and intent of this Chapter to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”) to accommodate the needs of medically-ill persons in need of and provide access to cannabis for medicinal purposes and implement the desire of California voters who approved the Adult Use of Marijuana Act (“AUMA”) by Proposition 64 in November 2016, while imposing sensible regulations on the use of land to protect the City’s residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this Chapter to regulate the commercial cannabis activity in a responsible manner to protect the health, safety, and welfare of the residents of Tracy and to enforce rules and regulations consistent with state law. It is the further purpose and intent of this Chapter to require all commercial cannabis operators meeting the established requirements to obtain and renew annually a regulatory permit to operate a cannabis business in Tracy. Nothing in this Chapter is intended to authorize the possession, use, or provision of cannabis for purposes that violate state or local law. The provisions of this Chapter are in addition to any other permits, licenses and approvals which may be required to operate a cannabis business in the City, such as a conditional use permit issued pursuant to Title 10 of this Code, and are in addition to any permits, licenses and approval required under state, county, or other law.

Section 6.36.020. Legal Authority.

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, the provisions of MAUCRSA, and any subsequent state legislation and/or regulations regarding same, the City of Tracy is authorized to adopt ordinances that establish standards, requirements and regulations for the licensing and permitting of commercial cannabis activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of Tracy to all commercial cannabis activity.

Section 6.36.030. Definitions.

When used in this Chapter, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

- (a) “A-license” means a state license issued under this Chapter for cannabis or cannabis products that are intended for adults who are 21 years of age and older (adult-use) and who do not possess a physician’s recommendation.

Proposed Ordinance Amending Chapter 6.36

- (b) "A-licensee" means any person holding a license under Business and Professions Code Section 26000 et seq. for cannabis or cannabis products that are intended for adults who are 21 years of age and older (adult-use) and who do not possess a physician's recommendation.
- (c) "Applicant" means an owner applying for a cannabis business permit or cannabis employee permit pursuant to this Chapter.
- (d) "Batch" means a specific quantity of homogeneous cannabis or cannabis product that is one of the following types:
 - (1) "Harvest batch" means a specifically identified quantity of dried flower or trim, leaves, and other cannabis plant matter that is uniform in strain, harvested at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals and harvested at the same time.
 - (2) "Manufactured cannabis batch" means either of the following:
 - (A) An amount of cannabis concentrates or extract that is produced in one production cycle using the same extraction methods and standard operating procedures.
 - (B) An amount of a type of manufactured cannabis produced in one production cycle using the same formulation and standard operating procedures.
- (e) "Bureau" means the Bureau of Cannabis Control within the California Department of Consumer Affairs, formerly named the Bureau of Marijuana Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Marijuana Regulation.
- (f) "Cannabis" means all parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this Chapter, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.
- (g) "Cannabis accessories" has the same meaning as in Section 11018.2 of the Health and Safety Code.
- (h) "Cannabis concentrate" means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this Chapter. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health and Safety Code, or drug, as defined by Section 109925 of the Health and Safety Code.

Proposed Ordinance Amending Chapter 6.36

- (i) “Cannabis employee permit” means a regulatory permit issued by the City pursuant to this Chapter to persons working, volunteering, interning, or apprenticing at any cannabis business operating in the City.
- (j) “Cannabis product” means a product containing cannabis or cannabis, including, but not limited to, manufactured cannabis, and shall have the same meaning as in Section 11018.1 of the Health and Safety Code. For purposes of this Chapter, “cannabis” does not include industrial hemp as defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.
- (k) “Caregiver” or “primary caregiver” has the same meaning as that term is defined in Section 11362.7 of the California Health and Safety Code.
- (l) “City” or “City of Tracy” means the City of Tracy, a California general law City.
- (m) “Commercial cannabis activity” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as provided for in this Chapter.
- (n) “Commercial cannabis business” or “Cannabis business” means any business or operation which engages in medicinal or adult-use commercial cannabis activity.
- (o) “Commercial cannabis business permit” or “City cannabis business permit” means a regulatory permit issued by the City pursuant to this Chapter to a person operating a cannabis business in the City. This permit is required before any commercial cannabis activity may be conducted in the City and does not constitute a land use entitlement nor a conditional use permit. The issuance of a cannabis business permit is made expressly contingent upon the business’ ongoing compliance with all of the requirements of this Chapter and any regulations adopted or imposed by the City governing the commercial cannabis activity at issue.
- (p) “Customer” means a natural person 21 years of age or older or a natural person 18 years of age or older who possesses a physician’s recommendation.
- (q) “Day care center” has the same meaning as in Section 1596.76 of the Health and Safety Code.
- (r) “Delivery” means the commercial transfer of cannabis or cannabis products to a customer. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer.
- (s) “Dispensing” means any activity involving the retail sale of cannabis or cannabis products from a retailer.
- (t) “Distribution” means the procurement, sale, and transport of cannabis and cannabis products between licensees.
- (u) “Distributor” means a person holding a valid commercial cannabis state license for distribution, required by state law to engage in the business of purchasing cannabis from a licensed cultivator, or cannabis products from a license manufacturer, for sale to a licensed retailer.
- (v) “Dried flower” means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.
- (w) “Edible cannabis product” means cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited

Proposed Ordinance Amending Chapter 6.36

to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

(x) “Greenhouse” means a fully enclosed fixed, permanent structure that is clad in transparent or translucent material with its own irrigation and climate control, such as heating and ventilation capabilities and supplemental and artificial lighting, and that uses a combination of natural and supplemental lighting for cultivation. A greenhouse used for purposes of cannabis cultivation is subject to the MAUCRSA and related state and local regulations, rather than the California Food and Agricultural Code, and its related state and local regulations.

(y) “Kind” means applicable type or designation regarding a particular cannabis variant or cannabis product type, including, but not limited to, strain name or other grower trademark, or growing area designation.

(z) “Labeling” means any label or other written, printed, or graphic matter upon a cannabis product, upon its container.

(aa) “Labor peace agreement” means an agreement between a licensee and any bona fide labor organization that, at a minimum, protects the state’s proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the applicant’s business. This agreement means that the applicant has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the applicant’s employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the applicant’s employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.

(ab) “License” means a state license issued under this Chapter, and includes both an A-license and an M-license, as well as a testing laboratory license.

(ac) “Licensee” means any person holding a license under this Chapter, regardless of whether the license held is an A-license or an M-license, and includes the holder of a testing laboratory license.

(ad) “Licensing authority” means the state agency responsible for the issuance, renewal, or reinstatement of the license, or the state agency authorized to take disciplinary action against the licensee.

(ae) “Live plants” means living cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.

(af) “Local jurisdiction” means a city or county.

(ag) “Lot” means a batch or a specifically identified portion of a batch.

(ah) “M-license” means a state license issued under this Chapter for commercial cannabis activity involving medicinal cannabis.

(ai) “M-licensee” means any person holding a license under this Chapter for commercial cannabis activity involving medicinal cannabis.

Proposed Ordinance Amending Chapter 6.36

- (aj) “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.
- (ak) “Manufactured cannabis” means raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.
- (al) “Manufacturer” means a licensee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or container.
- (am) “Manufacturing site” means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid commercial cannabis business permit for manufacturing from the City of Tracy and, a valid state license as required for manufacturing of cannabis products.
- (an) “Medicinal cannabis” or “medicinal cannabis product” means cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician’s recommendation.
- (ao) “Natural person” is an individual human being as opposed to an artificial or legal person like a company which may be a private entity or non-governmental organization or public government organization.
- (ap) “Non-Storefront retailer” means a cannabis business that conducts sales of cannabis or cannabis products to customers exclusively by delivery and whose premises are closed to the public. The term “Non-Storefront Retailer” is synonymous with the terms “delivery only” or “delivery service.”
- (aq) “Operation” means any act for which licensure is required under the provisions of this Chapter, or any commercial transfer of cannabis or cannabis products.
- (ar) “Owner” means any of the following:
 - (1) A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
 - (2) The chief executive officer of a nonprofit or other entity.
 - (3) A member of the board of directors of a nonprofit.
 - (4) An individual who will be participating in the direction, control, or management of the person applying for a license.
- (as) “Package” means any container or receptacle used for holding cannabis or cannabis products.
- (at) “Patient” or “qualified patient” shall have the same definition as California Health and Safety Code Section 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of California Health & Safety Code Section 11362.5.

Proposed Ordinance Amending Chapter 6.36

- (au) “Person” includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
- (av) “Person with an identification card” shall have the meaning given that term by California Health and Safety Code Section 11362.7.
- (aw) “Physician’s recommendation” means a recommendation by a physician and surgeon that a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.
- (ax) “Premises” means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.
- (ay) “Retailer” means a cannabis business issued a state license for the retail sale and delivery of cannabis or cannabis products to customers. “Retailer” shall have the same meaning as Business and Professions Code section 26070 and as may be amended from time to time.
- (az) “Sell,” “sale,” “to sell” and “retail sale” include any transaction whereby, for any consideration, title to cannabis or cannabis products are transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom the cannabis or cannabis product was purchased.
- (ba) “State License” means a permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same to engage in commercial cannabis activity.
- (bb) “Testing laboratory” means a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products and that is both of the following:
 - (1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.
 - (2) Licensed by the bureau.
- (bc) “Topical cannabis” means a product intended for external application and/or absorption through the skin. A topical cannabis product is not considered a drug as defined by Section 109925 of the California Health and Safety Code.
- (bd) “Transport” means the transfer of cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized by the MAUCRSA which may be amended or repealed by any subsequent State of California legislation regarding the same.

Proposed Ordinance Amending Chapter 6.36

- (be) "Unique identifier" means an alphanumeric code or designation used for reference to a specific plant on a licensed premises and any cannabis or cannabis product derived or manufactured from that plant.
- (bf) "Youth center" has the same meaning as in Section 11353.1 of the Health and Safety Code.

Section 6.36.040. Commercial Cannabis Activities Prohibited Unless Specifically Authorized by this Chapter.

Except as specifically authorized in this Chapter, the commercial cultivation, manufacture, processing, storing, laboratory testing, labeling, retail sale, delivery, distribution or transportation (other than as provided under Bus. & Prof. Code section 26090(e)), of cannabis or cannabis product is expressly prohibited in the City of Tracy.

Section 6.36.050. Compliance with State and Local Laws.

It is the responsibility of the owners and operators of the cannabis business to ensure that it is always operating in a manner compliant with all applicable state and local laws, policies, rules, and regulations including, but not limited to, the California Health and Safety Code, the City adopted Building Code, Plumbing Code, Electrical Code, Mechanical Code, Fire Code, the Tracy Municipal Code, the Tracy Zoning Code, all requirements and conditions related to the land use entitlement process, and any regulations promulgated thereunder. Nothing in this Chapter shall be construed as authorizing any actions that violate state law or local law with respect to the operation of a cannabis business. It shall be the responsibility of the owners and the operators of the cannabis business to ensure that the cannabis business is, at all times, operating in a manner compliant with all applicable state and local laws, including for as long as applicable, the Compassionate Use Act ("Prop. 215") and the Medical Cannabis Program Act ("MMPA") (collectively "the Medical Cannabis Collective Laws"), any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the cannabis business permit. Nothing in this Chapter shall be construed as authorizing any actions that violate state law regarding the operation of a commercial cannabis business.

Section 6.36.060. Cannabis Business Permit Required to Engage in a Commercial Cannabis Activity.

- (a) No person may engage in any commercial cannabis activity within the City of Tracy unless the person (1) has a valid Cannabis business permit from the City of Tracy; (2) has a valid State License; and (3) is currently in compliance with all applicable state and local laws and regulations pertaining to the cannabis business and the commercial cannabis activities

Proposed Ordinance Amending Chapter 6.36

and land use and zoning requirements, including obtaining a valid conditional use permit.

Section 6.36.070. Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted.

Maximum Number and Type of Authorized Cannabis Businesses Permitted. The number of each type of cannabis business that shall be permitted to operate in the City at any one given time shall be as follows:

Medicinal (M-License) Non-Storefront Retailer; maximum of two (2).

This Section is only intended to create a maximum number of cannabis businesses that may be issued permits to operate in the City under each category. Nothing in this Chapter creates a mandate that the City Council must issue any or all of the cannabis business permits if it is determined that the applicants do not meet the standards which are established in the application requirements or further amendments to the application process.

- (a) Each year following the Police Chief's initial award of cannabis business permits, if any, or at any time in the City Council's discretion, the City Council may reassess the number of cannabis business permits which are authorized for issuance. The City Council, in its discretion, may determine by ordinance that the number of commercial cannabis permits should stay the same, or be increased.

Section 6.36.080. Application Procedure for a Cannabis Business Permit.

- (a) The City Council shall adopt by resolution the procedures to govern the application process, and the manner in which the decision to issue a cannabis business permit(s), which resolution shall authorize City staff to provide detailed objective review criteria to be evaluated on a point system or equivalent quantitative evaluation scale tied to each set of review criteria ("Review Criteria") and to prepare the necessary forms, adopt any necessary rules to the application, regulations and processes, solicit applications, and conduct evaluate the applicants.
- (b) At the time of filing, each applicant shall pay an application fee established by resolution of the City Council, to cover all costs incurred by the City in the application process.
- (c) After the initial review of applications, ranking, and scoring under the Review Criteria by the Development Services Director or designee, Finance Director or designee, and Fire Chief or designee ("Review Committee"), the

Proposed Ordinance Amending Chapter 6.36

Review Committee shall make a recommendation to the Police Chief or designee, who shall make a final selection in accordance with Section 6.36.0970.

(d) THE CITY'S RESERVATION OF RIGHTS:

The City reserves the right to reject any or all applications. Prior to cannabis business permit issuance, the City may also modify, postpone, or cancel any request for applications, or the entire program under this Chapter, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California state law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this Chapter, may be cancelled at any time prior to cannabis business permit issuance. The City further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to any other justification provided, , an application RISKS BEING REJECTED for any of the following reasons:

- (1) Application was received after designated time and date.
- (2) Application did not contain the required elements, exhibits, nor organized in the required format.
- (3) Application was considered not fully responsive to this request for permit application.

Section 6.36.090. Selection of Cannabis Business Permittee(s).

- (a) The top four applicants identified by the Review Committee may be invited to attend a public hearing with the Police Chief or designee, where they may be expected to make a public presentation regarding their application. In order to provide adequate time, presentations may be divided over more than one meeting over multiple days as determined to be necessary.
- (b) The Police Chief or designee shall determine which top applicants will be granted a cannabis business permit. The Police Chief's or designee's decision as to the selection of permittees shall be appealable to the City Manager. Such appeals shall comply with Chapter 1.12 of this Code.
- (c) Issuance of a cannabis business permit does not constitute a land use entitlement nor does it constitute a land use permit. Following the Police Chief's selection, the prevailing candidate(s) shall apply to the City's Development Services Department to obtain a conditional use permit pursuant to Section 10.08.4250 and any other required land use approvals

Proposed Ordinance Amending Chapter 6.36

or entitlements for the permittee's premises. Land use approvals shall include compliance with all applicable provisions of CEQA.

- (f) Furthermore, no permittee shall begin operations, notwithstanding the issuance of a cannabis business permit, unless all of the state and local laws and regulations have been complied with, including but not limited to the requirements of this Chapter and Section 10.08.3196.
- (g) Notwithstanding anything in this Chapter to the contrary, the City reserves the right to reject any or all applications if it determines it would be in the best interest of the City, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a cannabis business permit until a permit is actually issued, and then only for the duration of the term specified in the permit. Each applicant assumes the risk that, at any time prior to the issuance of a cannabis business permit, the City Council may terminate or delay the program created under this Chapter.
- (h) If an application is denied for a cannabis business permit, a new application may not be filed for one (1) year from the date of the denial.
- (i) Each person granted a cannabis business permit shall pay the permit fee established by resolution of the City Council, to cover the costs of administering the cannabis business permit regulatory program created in this Chapter.

Section 6.36.100. Expiration of Cannabis Business Permits.

Each cannabis business permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance. Cannabis business permits may be renewed as provided in Section 6.36.120.

Section 6.36.110. Revocation of Permits.

Cannabis business permits may be revoked for any violation of state law and/or any local law, rule, regulation or operational procedure, including but not limited to Section 6.36.040 Compliance with State and Local Laws, and/or any other regulations adopted pursuant to this Chapter.

Proposed Ordinance Amending Chapter 6.36

Section 6.36.120. Renewal Applications.

- (a) An application for renewal of a cannabis business permit shall be filed at least sixty (60) calendar days prior to the expiration date of the current permit.
- (b) The renewal application shall contain all the information required for new applications.
- (c) The applicant shall pay a fee in an amount set by the City Council to cover the costs of processing the renewal permit application, together with any costs incurred by the City to administer the program created under this Chapter.
- (d) An application for renewal of a cannabis business permit shall be rejected if any of the following exists:
 - (1) The application is filed less than sixty (60) days before its expiration.
 - (2) The cannabis business permit is suspended or revoked at the time of the application.
 - (3) The cannabis business has not been in regular and continuous operation in the four (4) months prior to the renewal application.
 - (4) The cannabis business has failed to conform to the requirements of this Chapter, or of any regulations adopted pursuant to this Chapter.
 - (5) The permittee fails to or is unable to renew its state license.
 - (6) If the City or state has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of this Chapter, of the City's Municipal Code, the conditions of approval associated with the conditional use permit or of the state rules and regulations, and the City or state has determined that the violation is grounds for termination or revocation of the cannabis business permit.
- (e) The Police Chief or designee(s) is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the Police Chief or designee(s) is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the Police Chief or designee(s) shall be directed to the City Manager and shall be handled pursuant to Chapter 1.12.

Proposed Ordinance Amending Chapter 6.36

- (f) If a renewal application is rejected, a person may file a new application pursuant to this Chapter no sooner than one (1) year from the date of the rejection.
- (g) If an existing cannabis business permit holder fails to renew their permit, the City may, in its discretion, solicit and consider permit applications from other applicants pursuant to Sections 6.36.080 and 6.36.090.

Section 6.36.130. Effect of State License Suspension, Revocation, or Termination.

Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a cannabis business, such revocation or termination shall constitute grounds for revoking a City cannabis business permit.

Section 6.36.140. Change in contact information; updated registration form.

- (a) Any time the contact information listed on cannabis business permit has changed, the business shall re-register with the Police Chief or designee(s). The process and the fees for re-registration shall be the same as the process and fees set forth section 6.36.120.
- (b) Within fifteen (15) calendar days of any other change in the information provided in the application or any change in status of compliance with the provisions of this Chapter, including any change in the cannabis business ownership or management members, the applicant shall file an updated registration form with the Police Chief or designee(s) for review along with a registration amendment fee, as set forth in section 6.36.120.

Section 6.36.150. Transfer of Cannabis Business Permit.

- (a) The holder of a cannabis business permit shall not transfer ownership or control of the permit to another person or entity unless and until the transferee obtains an amendment to their state license issued by the Bureau of Cannabis Control, if required, and an amendment to the permit from the Police Chief stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the Police Chief or designee(s) in accordance with all provisions of this Chapter (as though the transferee were applying for an original cannabis business permit) accompanied by a transfer fee in an amount set by resolution of the City Council, and the Police Chief or designee(s)

Proposed Ordinance Amending Chapter 6.36

determines that the transferee passed the background check required for permittees and meets all other requirements of this Chapter.

- (b) Cannabis business permits issued through the grant of a transfer by the Police Chief shall be valid for a period of one year beginning on the day the Police Chief approves the transfer of the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this Chapter.
- (c) Changes in ownership of a permittee's business structure or a substantial change in the ownership of a permittee business entity (changes that result in a change of more than 51% of the original ownership), must be approved by the Police Chief or designee(s) through the transfer process contained in this subsection (a). Failure to comply with this provision is grounds for permit revocation.
- (d) A permittee may change the form of business entity without applying to the Police Chief or designee(s) for a transfer of permit, provided that either:
 - (1) The membership of the new business entity is substantially similar to original permit holder business entity (at least 51% of the membership is identical), or
 - (2) If the original permittee is an unincorporated association, mutual or public benefit corporation, agricultural or consumer cooperative corporation and subsequently transitions to or forms a new business entity as allowed under the MAUCRSA and to comply with Section 6.36.060, subdivision (b), provided that the Board of Directors (or in the case of an unincorporated association, the individual(s) listed on the City permit application) of the original permittee entity are the same as the new business entity.Although a transfer is not required in these two circumstances, the permit holder is required to notify the City Manager or designee(s) in writing of the change within ten (10) days of the change. Failure to comply with this provision is grounds for permit revocation.
- (e) No cannabis business permit may be transferred when the Police Chief or designee has notified the permittee that the permit has been or may be suspended or revoked.
- (f) Any attempt to transfer a cannabis business permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

Proposed Ordinance Amending Chapter 6.36

Section 6.36.160. Cannabis Employee Permit Required.

- (a) Any person who is an employee or who otherwise works within a cannabis business must be legally authorized to do so under applicable state law.
- (b) Any person who is an employee or who otherwise works within a cannabis business must obtain a cannabis employee permit from the City prior to performing any work at any cannabis business.
- (c) Applications for a cannabis employee permit shall be developed, made available, and processed by the Police Chief or designee(s), and shall include, but not be limited to, the following information:
 - (1) Name, address, and phone number of the applicant;
 - (2) Age and verification of applicant. A copy of a birth certificate, driver's license, government issued identification card, passport or other proof that the applicant is at twenty-one (21) years of age must be submitted with the application;
 - (3) Name, address of the cannabis business where the person will be employed, and the name and phone number of the primary manager of that business;
 - (4) A list of any crimes enumerated in California Business and Professions Code Section 26507(b)(4) for which the applicant has been convicted;
 - (5) Name, address, and contact person for any previous employers from which the applicant was fired, resigned, or asked to leave and the reasons for such dismissal or firing;
 - (6) The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the Police Chief or designee(s).
 - (7) A fee paid in an amount set by resolution of the City Council in an amount necessary to cover the costs of administering the cannabis employee permit program. The fee is non-refundable and shall not be returned in the event the employee permit is denied or revoked.
- (d) The Police Chief or designee(s) shall review the application for completeness, shall conduct a background check to determine whether the applicant was convicted of a crime or left a previous employer for reasons that show the applicant:

Proposed Ordinance Amending Chapter 6.36

- (1) Has been convicted of a crime involving dishonesty, fraud or deceit, including but not limited to fraud, forgery, theft, or embezzlement as those offenses are defined in California Penal Code sections 186.11, 470, 484, and 504a, respectively; or
- (2) Has committed a felony or misdemeanor involving fraud, deceit, embezzlement; or
- (3) Was convicted of a violent felony, a crime of moral turpitude; or
- (4) The illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

Discovery of these facts showing that the applicant is dishonest or has been convicted of those types of crimes are grounds for denial of the permit. Where the applicant's sentence (including any term of probation, incarceration, or supervised release) for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is completed, such underlying conviction shall not be the sole ground for denial of a commercial cannabis work permit. Furthermore, an applicant shall not be denied a permit if the denial is based solely on any of the following (i) a conviction for any crime listed in subsection (d) (4) above for which the applicant has obtained a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the California Penal Code or (ii) a conviction that was subsequently dismissed pursuant to Sections 1203.4, 1203.4a, or 1203.41 of the California Penal Code or any other provision of state law allowing for dismissal of a conviction.

- (e) The Police Chief or designee(s) shall issue the cannabis employee permit or a written denial to the applicant within thirty (30) calendar days of the date the application was deemed complete. In the event the cannabis employee permit cannot be issued within this time period then the Police Chief or designee(s) may issue a temporary employee permit for an employee upon completing a preliminary background check and if the business can demonstrate to the Police Chief or designee(s) that the employee is necessary for the operation of the business. The temporary permit may be immediately revoked by the Police Chief or designee(s) upon determination that the applicant has failed the background check or upon the issuance of the permanent employee permit.
- (f) A cannabis employee permit shall be valid for a twelve (12) month period and must be renewed on an annual basis. Renewal applications shall contain all the information required in subsection 6.36.070 (b) above

Proposed Ordinance Amending Chapter 6.36

including the payment of a renewal application fee in an amount to be set by resolution of the City Council.

- (g) In the event an employee permit holder voluntarily or involuntarily separates from employment from the cannabis business, the permit holder shall notify the Police Chief or designee(s) in writing of the change within ten (10) calendar days, or the employee permit shall be suspended or revoked. The failure to notify the City of the change in employment status may result in the permit holder being ineligible for an employee permit in the future.
- (h) The City may immediately revoke the cannabis employee permit should the permit holder be convicted of a crime listed in subsections (d) and (i) above or if facts become known to the Police Chief or designee(s) that the permit holder has engaged in activities showing that he or she is dishonest. The following are additional grounds for revoking a cannabis employee permit based on the specific role and function of that employee:
 - (i) A cannabis employee permit for drivers, delivery persons, or any person delivering cannabis on behalf of a cannabis non-storefront retailer to customers shall be revoked if the employee permit holder:
 - (1) Sells or provides cannabis or cannabis products to a minor;
 - (2) Attempts to give away cannabis or cannabis products;
 - (3) Acts to illegally divert cannabis or cannabis products to the black market, including stealing cash; stealing the licensee's product for personal consumption; or selling the licensee's product and keeping the proceeds of the sale; or
 - (4) Is cited for driving under the influence of alcohol, cannabis or another illicit drug while on- or off-duty.
- (j) The Police Chief or designee(s) is hereby authorized to promulgate all regulations necessary to implement the work permit process and requirements.
- (k) The applicant may appeal the denial or revocation of a cannabis employee permit to the City Manager by filing a notice of appeal with the City Clerk within ten (10) working days of the date the applicant received the notice of denial or revocation, which appeal shall be conducted as set forth in Chapter 1.12 of this Code.

Section 6.36.180. City Business License.

Prior to commencing operations, a cannabis business shall obtain a City of Tracy business license.

Proposed Ordinance Amending Chapter 6.36

Section 6.36.190. Limitations on City's Liability.

To the fullest extent permitted by law, the City of Tracy shall not assume any liability whatsoever with respect to having issued a cannabis business permit pursuant to this Chapter or otherwise approving the operation of any commercial cannabis business. As a condition to the approval of any cannabis business permit, the applicant shall be required to meet all of the following conditions before receipt of the permit:

- (a) The applicant must execute an agreement, in a form approved by the City Attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of Tracy, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City's issuance of the cannabis business permit, the City's decision to approve the operation of the commercial cannabis business or activity, the process used by the City in making its decision, or the alleged violation of any state or local laws by the cannabis business or any of its officers, employees or agents.
- (b) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the City Attorney and/or Risk Manager.
- (c) Reimburse the City of Tracy for all costs and expenses, including but not limited to attorney fees and costs and court costs, which the City of Tracy may be required to pay as a result of any legal challenge related to the City's approval of the applicant's cannabis business permit, or related to the City's approval of a commercial cannabis activity. The City of Tracy may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

Section 6.36.200. Records and Recordkeeping.

- (a) Each owner and operator of a cannabis business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a commercial cannabis business permit issued pursuant to this Chapter), or at any time upon reasonable request of the City, each cannabis business shall file a sworn statement detailing the number of sales by the commercial cannabis business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each owner and operator

Proposed Ordinance Amending Chapter 6.36

shall submit to the City a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the City Manager or designee(s).

- (b) Each owner and operator of a commercial cannabis business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the commercial cannabis business. The register required by this paragraph shall be provided to the Police Chief or designee(s) upon a reasonable request.
- (c) All cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes in accordance with the MAUCRSA.
- (d) Subject to any restrictions under the Health Insurance Portability and Accountability Act (HIPPA) and other applicable regulations, each cannabis business shall allow City of Tracy officials to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the City's request, unless otherwise stipulated in writing by the City. The City may require the materials to be submitted in an electronic format that is compatible with the City's software and hardware.

Section 6.36.210. Security Measures.

- (a) A permitted cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the cannabis business. Except as may otherwise be determined by the Police Chief or designee and Fire Chief or designee, these security measures shall include, but shall not be limited to, all of the following:
 - (1) Preventing individuals from remaining on the premises of the cannabis business if they are not engaging in an activity directly related to the permitted operations of the cannabis business.

Proposed Ordinance Amending Chapter 6.36

- (2) Establishing limited access areas accessible only to authorized commercial cannabis business personnel.
- (3) All cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault. All cannabis and cannabis products that are being sold for retail purposes shall be kept in a manner as to prevent diversion, theft, and loss.
- (4) Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the commercial cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. The commercial cannabis business shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the Police Chief or designee(s), and that it is compatible with the City's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the Police Chief or designee(s). Video recordings shall be maintained for a minimum of ninety (90) days, or as required under state law, and shall be made available to the Police Chief or designee(s) upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis business.

Section 6.36.220. Restriction on Alcohol & Tobacco Sales.

- (a) It shall be unlawful to cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the cannabis business.
- (b) It shall be unlawful to cause or permit the sale of tobacco products on or about the premises of the cannabis business.

Section 6.36.230. Fees and Charges.

- (a) No person may commence or continue any cannabis activity in the City, without timely paying in full all fees and charges required for the operation of a cannabis business. Fees and charges associated with regulation of a cannabis business shall be established by resolution of the City Council which may be amended from time to time.
- (b) All cannabis businesses authorized to operate under this Chapter shall pay all sales, use, business and other applicable taxes, and all license,

Proposed Ordinance Amending Chapter 6.36

registration, and other fees required under state and local law. Each cannabis business shall cooperate with the City or designee(s) with respect to any reasonable request to audit the cannabis business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

Section 6.36.240. Miscellaneous Operating Requirements.

- (a) Cannabis businesses may operate only during the hours specified in the cannabis business permit issued by the City.
- (b) **Restriction on Customer Consumption.** Cannabis shall not be consumed by any retail customer on the premises of any cannabis businesses.
- (c) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a cannabis business permit, or on any of the vehicles owned or used as part of the cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.
- (d) **Reporting and Tracking of Product and of Gross Sales.** Each cannabis business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the City. Said tracking system must be in compliance with state's designated track-and-trace system of METRC. The commercial cannabis business shall ensure that such information is compatible with the City's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review. Furthermore, any system selected must be approved and authorized by the Police Chief or designee(s) prior to being used by the permittee.
- (e) There shall not be a physician located in or around any cannabis business at any time for the purpose of evaluating patients for the issuance of a cannabis recommendation or card where applicable.
- (f) **Emergency Contact.** Each cannabis business shall provide the Police Chief or designee(s) with the name, telephone number (both land line and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day.

Proposed Ordinance Amending Chapter 6.36

- (g) Minors.
 - (1) Persons under the age of twenty-one (21) years shall not be allowed on the premises of a cannabis business. It shall be unlawful and a violation of this Chapter for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age.
- (h) Odor Control. Odor control devices and techniques shall be incorporated in all cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, cannabis businesses must install and take all measures, including installing equipment, to control odor as required by the Development Services Director or designee.
- (i) Display of Permit and City Business License. The original copy of the cannabis business permit issued by the City pursuant to this Chapter and the City issued business license shall be posted inside the cannabis business in a location readily-visible to the City officials inspecting the premises.
- (j) Permits and other Approvals. Prior to commencing operations of any cannabis business, the person seeking to establish a cannabis business must first obtain all applicable land use, zoning, building, and other applicable permits from the City which are applicable to property in which such cannabis business intends to establish and to operate.

Section 6.36. 250. Other Operational Requirements.

The City Manager or designee may develop other cannabis business operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare. Such operational requirements or regulations shall take effect as determined by the City Manager or designee, and existing cannabis business permit holders shall comply as amended.

Proposed Ordinance Amending Chapter 6.36

Section 6.36.260. Non-Storefront Retailer Vehicle Requirements.

Prior to commencing operations, a Cannabis Non-Storefront Retailer shall provide the City with all information requested by the Police Chief or designee(s) regarding the vehicles used to deliver cannabis to customers. Such information shall include, but not be limited to the following:

- (a) Proof of ownership of the vehicle or a valid lease for any and all vehicles that will be used to deliver medicinal cannabis or cannabis products.
- (b) Proof of insurance as required in section 6.36.190 (b) for any and all vehicles being used to deliver medicinal cannabis goods.
- (c) The make, model, and license number of all vehicles owned or leased by the commercial cannabis retailer and used to deliver medicinal cannabis or cannabis products.

Section 6.36.270. Permissible Delivery Locations and Customers.

Non-storefront cannabis retailers are subject to the following requirements:

- (a) Cannabis and cannabis products shall only be delivered to customers located at a residential address including a nursing or assisted living facility and/or to customers located in other jurisdictions in which it is not prohibited to conduct deliveries of cannabis goods;
- (b) The delivery of cannabis and cannabis products to any location or facility owned, leased or occupied by a public agency, including but not limited to, a public school, library, and community center, is expressly prohibited. No deliveries shall be conducted on private property open to the public, including but not limited to, business and professional offices, retail stores and their adjoining parking lots, places of assembly, eating and drinking establishments; and
- (c) Deliveries shall only be completed to patients and primary caregivers that have a physician's recommendation on file with the retailer.

Section 6.36.280. Packaging and Labeling.

- (a) All cannabis, cannabis products, and cannabis accessories sold by a cannabis business shall be packaged, labeled and placed in tamper-evident packaging which at least meets the requirements of the MAUCRSA and all state implementing rules and regulations.

Proposed Ordinance Amending Chapter 6.36

Section 6.36.290. Promulgation of Regulations, Standards and Other Legal Duties.

- (a) In addition to any regulations adopted by the City Council, the City Manager or designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of cannabis business permits, the ongoing operation of cannabis businesses and the City's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this Chapter.
- (b) Regulations shall be published on the City's website.
- (c) Regulations promulgated by the City Manager or designee shall become effective as determined therein. Cannabis businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the City Manager or designee.

Section 6.36.300. Fees Deemed Debt to City of Tracy.

The amount of any fee, cost or charge imposed pursuant to this Chapter shall be deemed a debt to the City of Tracy that is recoverable via an authorized administrative process as set forth in the Tracy Municipal Code, or in any court of competent jurisdiction.

Section 6.36.310. Permit Holder Responsible for Violations.

The person to whom a permit is issued pursuant to this Chapter shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of Tracy, whether committed by the permittee or any employee, volunteer, or agent of the permittee, which violations occur in or about the premises of the cannabis business, and violations which occur during deliveries to off-site locations, whether or not said violations occur within the permit holder's presence.

Section 6.36.320. Inspection and Enforcement.

- (a) The City Manager or designee(s), Chief of Police or designee(s), and Fire Chief or designee(s) charged with enforcing the provisions of the Tracy Municipal Code, or any provision thereof, may enter the location of a cannabis business at any time, without notice, and inspect the location of any cannabis business, obtain samples of the cannabis to test for public safety purposes, and review any recordings and records required to be maintained pursuant to this Chapter or under applicable provisions of State law.

Proposed Ordinance Amending Chapter 6.36

(b) It is unlawful for any person having responsibility over the operation of a cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the City to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a cannabis business under this Chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a cannabis business under this Chapter or under state or local law.

Section 6.36.330. Compliance with State Regulations.

It is the stated intent of this Chapter to regulate commercial cannabis activity in the City of Tracy in compliance with all provisions MAUCRSA and any subsequent state legislation.

Section 6.36.340. Violations declared a public nuisance.

Each and every violation of the provisions of this Chapter is hereby deemed unlawful and a public nuisance.

Section 6.36.350. Each violation a separate offense.

Each and every violation of this Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Tracy Municipal Code. Additionally, as a nuisance per se, any violation of this Chapter shall be subject to injunctive relief, and any permit issued pursuant to this Chapter shall be deemed null and void, entitling the City to disgorgement and payment to the City of any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of Tracy may also pursue any and all remedies and actions available and applicable under state and local laws for any violations committed by the cannabis business or persons related to, or associated with, the commercial cannabis activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the Police Chief or designee(s), may take immediate action to temporarily suspend a cannabis business permit issued by the City, pending a hearing before the City Manager.

Section 6.36.360. Criminal Penalties.

Each and every violation of the provisions of this Chapter may in the discretion of the City Attorney be prosecuted as a misdemeanor and upon conviction be subject to a fine not to exceed one thousand dollars (\$1,000) or imprisonment in the county jail for a period of

Proposed Ordinance Amending Chapter 6.36

not more than twelve (12) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

Section 6.36.370. Remedies cumulative and not exclusive.

The remedies provided herein are not to be construed as exclusive remedies. The City is authorized to pursue any proceedings or remedies provided by law.

DRAFT