

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 23, 2014
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 APPROVAL

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 2008-140 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. OLD BUSINESS
2. NEW BUSINESS

- A. **PUBLIC HEARING TO CONSIDER APPROVAL OF A TENTATIVE SUBDIVISION MAP FOR THE FIRST PHASE OF THE MODIFIED ELLIS PROJECT, CONSISTING OF 296 RESIDENTIAL LOTS AND 6 OTHER PARCELS ON APPROXIMATELY 150 ACRES, LOCATED WEST OF CORRAL HOLLOW ROAD IN THE VICINITY OF PEONY DRIVE AND LINNE ROAD, ASSESSOR'S PARCEL NUMBERS 240-140-30 AND 31. THE APPLICANT IS THE SURLAND COMPANIES. THE PROPERTY OWNER IS SURLAND COMMUNITIES, LLC. APPLICATION NUMBER TSM11-0002**
- B. **PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT AMENDMENT AND DEVELOPMENT REVIEW APPLICATIONS FOR A BUILDING Addition AT AN EXISTING FOOD PROCESSING PLANT AT 2401 NORTH MACARTHUR DRIVE, APN 213-070-50; APPLICANT IS E.A. BONELLI & ASSOCIATES AND PROPERTY OWNER IS LEPRINO FOODS - APPLICATION NUMBERS CUP14-0006 & D14-0012.**

3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT
5. ITEMS FROM THE COMMISSION
 - A. ELECTION OF OFFICERS**
6. ADJOURNMENT

Posted: **July 17, 2014**

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 and Engineering Services department located at 333 Civic Center Plaza during normal business hours.

**MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, MAY 14, 2014 – 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

CALL TO ORDER – Chair Sangha called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE – Chair Sangha led the pledge of allegiance.

ROLL CALL – Found Chair Sangha, Vice Chair Orcutt, Commissioner Mitracos, Commissioner Ransom and Commissioner Vargas. Also present were staff members Bill Dean, Assistant Development Services Director; Kimberly Matlock, Assistant Planner; Bill Sartor, Assistant City Attorney; and Janis Couturier, Recording Secretary.

MINUTES APPROVAL – Chair Sangha called for a review of April 9 and 23, 2014 Planning Commission Minutes. Commissioner Ransom moved to approve and accept both the April 9 and April 23, 2014 Planning Commission minutes as written. Commissioner Orcutt seconded; all in favor, none opposed.

DIRECTOR'S REPORT REGARDING THIS AGENDA – Mr. Dean advised that agenda item 2C would be re-noticed for a different date.

ITEMS FROM THE AUDIENCE – None

1. **OLD BUSINESS** – None

2. **NEW BUSINESS** –

- A. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT APPLICATION FOR AN EATING AND DRINKING ESTABLISHMENT WITH ENTERTAINMENT AT 2706 PAVILION PARKWAY – APPLICANT IS DENNIS MILLER AND PROPERTY OWNER IS LNBT ENTERPRISES, LLC. APPLICATION NUMBER CUP14-0003.**

Chair Sangha presented agenda item 2A and called for the staff report. Kimberly Matlock, Assistant Planner, advised that in 2012, City Council amended the I-205 Corridor Specific Plan and various commercial areas throughout the City to conditionally permit eating and/or drinking establishments with entertainment. She added that this effort was initiated in response to growing interest for eating and drinking establishments with entertainment, where entertainment uses are defined as live music, dancing, karaoke, comedy shows, modeling, or live performances.

Ms. Matlock indicated that the project applicant proposed to establish and operate an eating and drinking establishment with entertainment at 2706 Pavilion Parkway, located within the I-205 Corridor Specific Plan area which would be open daily from 10:00 a.m. to 2:00 a.m. and would include sit-down seating, lounge seating, billiards, video games, and a bar. In addition she said the applicant proposed forms of entertainment to include live music, disc jockeys, dancing, and comedy shows; adding that minors would be dismissed from the premises after 11:00 p.m., and

alcohol sales would terminate by 1:30 a.m. She mentioned that as a part of the conditions of approval, registered security personnel would be onsite at all times and would be prohibited from consuming alcohol while on the premises.

Ms. Matlock said the site contained two multi-tenant buildings and that one was vacant and the other building housed a dentist's office and nail salon. She added that uses that could occupy these buildings in the future would include retail, consumer services, personal services, eating and drinking establishments with or without entertainment, and offices, similar to the existing uses in the vicinity. Because the restaurant is on a multi-tenant site and will neighbor other businesses, she said that staff proposed Conditions of Approval (COA's) to limit entertainment activities to indoors and prohibit exterior amplification of sound or projection of video. The site will have ample parking, and the proposed use does not create the need for additional parking.

Ms. Matlock concluded by saying that the proposed eating and drinking establishment with entertainment, as conditioned, would operate in a complementary manner to the surrounding uses and would not impose undesirable impacts on the nearby properties and that staff recommended approval of the project. She advised the applicant was also available.

Chair Sangha asked if the Commissioners had any questions or comments. Commissioner Ransom mentioned the similarity of this project to a previous project which had required Police Department (PD) approval. She asked staff if the same process was used to gain PD approval. Ms. Matlock indicated that PD was involved in the process and had provided feedback reflected in Conditions of Approval items C.1 through C.4 and B.1 through B.6. Commissioner Ransom then asked if PD's primary concern was in assuring that minors exited by 11:00 p.m. and the licensing requirements for security. Ms. Matlock advised that the conditions were modeled after those included in the nightclub ordinance.

Commissioner Mitracos expressed concern about a situation wherein the nightclub would be a nuisance asking if staff was comfortable that these conditions would cover any nuisance. Mr. Dean mentioned that this is a new situation that this is the first project to come through on this ordinance. He added that based on the location of this night club being situated in a commercial district with the new Aspire apartments a bit further away that this use was well suited to the area. He discussed the mitigation measures of the COA's. Commissioner Mitracos asked about the immediate neighbors but added that any such situation would be between a tenant and the landlord.

Commissioner Vargas suggested the project was appropriate for the area. She recommended that PD should be advised of any special events that might draw a large attendance. She asked about assuring the applicant would calculate the necessary security for any special events. Mr. Dean said this was clearly addressed in the COA's.

Commissioner Orcutt asked why the applicant was required to have security at all times. Mr. Dean indicated there had been discussion about that issue as they drafted the COA's and that the threshold was 11:00 p.m. Commissioner Ransom indicated that condition C.2.1 required security at all times and that she felt that was excessive. There was a general discussion about that condition and the correct time for security personnel to be present. Commissioner Ransom asked if staff wanted the condition to read "at all times." Mr. Dean suggested he would work on some language and provide a modified condition.

Commissioner Orcutt asked if the applicant would be required to come back to the Planning Commission for outdoor seating for eating or drinking. Ms. Matlock advised there would be no need to come back to the Commission to get approval for outside dining as it is permitted.

Chair Sangha opened the public hearing and invited the applicant to speak at 7:24 p.m.

The applicant, Dennis Miller of Tahoe Circle, addressed the Commission. He advised that he too was concerned about the need to have security at all times and would prefer only to require security for live entertainment. Commissioner Vargas asked how the applicant felt about the adjusting condition C.2.1. Mr. Miller advised he preferred the change that was being suggested. Commissioner Vargas then asked about how they planned to staff for weekend events. Mr. Miller provided specifics on how the business would operate adding he would have a full security staff whenever they would have entertainment.

Commissioner Orcutt stated that the applicant's project was a good fit for the area and an appropriate use. He then asked how the applicant proposed to deal with any vagrants or undesirable elements in the area. Mr. Miller indicated his security personnel would patrol the parking lot at all times adding that he currently worked at a nightclub.

Chair Sangha asked if there were any questions from the audience; seeing none, she closed the public hearing at 7:30 p.m.

Mr. Dean advised that they had some language for C.2.1 he suggested the change would be removing the phrase "at all time" and replacing it with "after 10:00 p.m. and/or whenever entertainment is occurring..." Commissioner Ransom advised she felt that was appropriate.

Commissioner Orcutt moved that that the Planning Commission approve the Conditional Use Permit application, as amended, for an eating and drinking establishment with entertainment at 2706 Pavilion Parkway, subject to the conditions as stated in the Planning Commission Resolution dated May 14, 2014. Commissioner Vargas seconded; all in favor – none opposed.

B. PUBLIC HEARING TO CONSIDER A CONDITIONAL USE PERMIT TO ALLOW SPECIALIZED RECREATIONAL AND INSTRUCTIONAL USES IN DANCE, ATHLETICS, ARTS AND SELF DEFENSE AT 4100 COMMERCIAL DRIVE, APN 212-210-02; APPLICANTS ARE CHRIS MINTEN AND CARRIE GUERRA AND PROPERTY OWNER IS KAML INVESTMENT CO. APPLICATION NUMBER CUP14-0001.

Chair Sangha presented agenda item 2B and called for the staff report. Kimberly Matlock, Assistant Planner, said that a fitness and personal training gym was proposing to occupy approximately 20,000 square feet at 4100 Commercial Drive. The site is zoned Light Industrial and fitness and personal training gyms are classified within Use Group 33 and are a conditionally permitted use in the M-1 zone. She stated that the applicant and property owner were requesting personal fitness and training gym as well as specialized recreational and instructional uses throughout the building. This would accommodate the current request for personal fitness as well as allow future businesses under this land use category to occupy the building under this Conditional Use Permit.

Ms. Matlock stated that the proposed fitness and personal training gym would offer classes Monday through Friday beginning at 5:30 a.m. and ending at 9:00 pm. Weekend classes will be

offered in the morning only and training sessions would run from 30 minutes to one hour. The maximum class size would be comprised of 17 adult students and one instructor, and there would be up to two adult classes operating at the same time three times a day.

Ms. Matlock said the Tracy Municipal Code did not establish specific off-street parking requirements for specialized recreational and instructional; however, the Planning Commission had made the determination in previous years that the minimum requirement should be one space per instructor and one space per every student of driving age. Based on that ratio, the proposed fitness and personal training gym would require 36 parking spaces to accommodate the parking demand at peak times.

Ms. Matlock advised that the overall intent of this Conditional Use Permit was to allow land uses classified in Use Group 33 to occupy any or all portions of the site. She said the Planning Commission had granted Conditional Use Permits of similar breadth for various industrial properties throughout the City, and such uses have operated in a compatible manner with neighboring light industrial uses.

She concluded by saying that staff recommended approval of the project adding that the applicant was available for questions.

Chair Sangha asked if the Commissioners had any questions.

Commissioner Vargas asked for the suite number of the unit the applicant would occupy. She also asked about the main entry point as there were several indicated on the site plan. Ms. Matlock indicated the building was a metal building and that the suite was 102 adding that the main entry would be on the south side of the building and that there might not be a formal entrance planned. Commissioner Vargas asked about the Conditions of Approval Item B.2 which suggested that outside use would have to be approved each time it might be required as part of the exercise regimen. Ms. Matlock indicated she was not aware of any outdoor activities.

Commissioner Ransom asked about the size of parking stalls and mentioned a location in Tracy that had small parking stalls. Ms. Matlock indicated parking stalls are standard size and that the applicant would adhere to those requirements.

Chair Sangha asked about the main entrance, adding that there appeared to be quite a few access points.

Commissioner Mitracos asked how the space had been used. Ms. Matlock said she thought it was a warehouse for a furniture store.

Chair Sangha opened the public hearing at 7:40 p.m.

Chris Minton of 550 Gianelli, the co-owner of the business, addressed the Commission indicating that they have been in business about 5 years and he provided a background on the business. He then advised that they presently have to turn people away as they do not have enough space to be able to accommodate their customers which was the reason for the new building. He then turned the podium to his trainer Allison. She advised that the main entrance would be spaces 27 and 28 Commissioner Vargas asked if all the doors would be identified. The applicant advised yes.

Commissioner Ransom asked about the issue of the workout and outdoor activities. The applicant indicated that the majority of the workout would be inside, but that there would be a 400 meter run that would be outside.

Commissioner Vargas asked about the lights outside and in the parking lot and asked if the applicant would work with the City to assure the area was well lit. The applicant advised that they would and that they also would work with the landlord to make sure the lights in the parking lot would be in working order at all times. Commissioner Ransom asked about the hours of operation. The applicant indicated that the last class would end at 9:00 p.m.

Commissioner Vargas asked staff about the wording of Conditions of Approval item B.2. Mr. Dean advised that the wording be changed from “the use shall be conducted wholly within the building unless an outdoor activity is specifically approved through a Temporary Use Permit or an amendment to the Conditional Use Permit granted by the Planning Commission.” He suggested an alternative wording as follows: “activities requiring equipment shall be conducted wholly within the building unless an outdoor activity requiring equipment is specifically approved through a Temporary Use Permit or an amendment to the Conditional Use Permit granted by the Planning Commission.” He added that staff wanted to avoid the applicant turning the parking lot into a gym.

Commissioner Vargas asked if the applicant was ok with those changes. The applicant indicated approval. Commissioner Vargas then asked if the applicant planned to do any upgrades to the façade of the building. The applicant indicated they did not plan any changes other than signage. Commissioner Mitracos asked about signage, the applicant advised they would apply for the appropriate permits.

Chair Sangha asked if there were any further comments from the audience. Seeing none, she closed the public hearing at 7:50 p.m.

Commissioner Ransom moved that the Planning Commission approve the Conditional Use Permit to allow uses classified in Use Group 33 Specialized Recreational and Instructional Uses in Dance, Athletics, Arts and Self Defense at 4100 Commercial Drive, as amended, Application Number CUP14-0001, subject to conditions and based on findings contained in the Planning Commission Resolution dated May 14, 2014. Commissioner Orcutt seconded all in favor; none opposed.

C. PUBLIC HEARING TO CONSIDER APPROVAL OF A TENTATIVE SUBDIVISION MAP FOR THE FIRST PHASE OF THE MODIFIED ELLIS PROJECT, CONSISTING OF 296 RESIDENTIAL LOTS AND 6 OTHER PARCELS ON APPROXIMATELY 150 ACRES, LOCATED WEST OF CORRAL HOLLOW ROAD IN THE VICINITY OF PEONY DRIVE AND LINNE ROAD, ASSESSOR’S PARCEL NUMBERS 240-140-30 AND 31. THE APPLICANT IS THE SURLAND COMPANIES. THE PROPERTY OWNER IS SURLAND COMMUNITIES, LLC. APPLICATION NUMBER TSM11-0002 **

**** Item 2C will be re-noticed and presented at the May 28, 2014
Planning Commission Meeting**

3. ITEMS FROM THE AUDIENCE – None

4. DIRECTOR'S REPORT – None

5. ITEMS FROM THE COMMISSION –

Commissioner Vargas brought a commissioners handbook she found at a website that the City Attorney's Office had suggested and wanted to see if it could be presented for review and adoption for new and existing Commissioners. Mr. Dean mentioned staff would be happy to look at it and agendize it for another meeting. He mentioned it could be brought back at another time; however it would likely require significant staff time. Commissioner Vargas asked if a study session could be used to review the item. Mr. Dean advised it best to review it first and then move to see how the other Commissioners react.

Commissioner Vargas then mentioned another item that she had provided to the Recording Secretary with the changes in architecture in the past 10 years and asked if it could be reviewed for new architectural ideas suggesting that perhaps it could be agendized at another time.

Commissioner Ransom mentioned that every City has its own character and that those items had been discussed at the last meeting adding that a study session might not be necessary. She suggested that the Commissioners may need to review the existing design goals for the City.

Mr. Sartor mentioned that a brief discussion would be fine, but to avoid much more detail at this time as it would be in violation of the Brown Act.

Commissioner Mitracos mentioned that a workshop about design goals and standards had been suggested in 2013, but had not occurred. Mr. Dean indicated that at that time there was specific request from a developer to fix a table and that he felt no further action was required.

Commissioner Mitracos repeated that he felt a review would be worth having.

Mr. Dean mentioned a meeting could be used established.

Commissioner Orcutt suggested that a review might help assure that upgrades might improve upcoming projects. Mr. Dean indicated that the guidelines were to be used as a baseline. He added that architectural review is part of the Planning Commission's process. There was some general discussion about guidelines. Mr. Dean advised that with present workloads of staff they might not be able to address the issue for some time; adding that the design goals and standards apply to a small subset of developments.

6. ADJOURNMENT – Vice Chair Orcutt moved to adjourn at 8:10 p.m. Commissioner Ransom seconded, all in favor; none opposed.

CHAIR

STAFF LIAISON

AGENDA ITEM 2 A

REQUEST

PUBLIC HEARING TO CONSIDER APPROVAL OF A TENTATIVE SUBDIVISION MAP FOR THE FIRST PHASE OF THE MODIFIED ELLIS PROJECT, CONSISTING OF 296 RESIDENTIAL LOTS AND 6 OTHER PARCELS ON APPROXIMATELY 150 ACRES, LOCATED WEST OF CORRAL HOLLOW ROAD IN THE VICINITY OF PEONY DRIVE AND LINNE ROAD, ASSESSOR'S PARCEL NUMBERS 240-140-30 AND 31. THE APPLICANT IS THE SURLAND COMPANIES. THE PROPERTY OWNER IS SURLAND COMMUNITIES, LLC. APPLICATION NUMBER TSM11-0002

BACKGROUND

On January 22, 2013, City Council certified the Final Revised Environmental Impact Report for the Modified Ellis Project and approved a General Plan Amendment, annexation, and the Modified Ellis Specific Plan for the 321-acre site known as Ellis. A development agreement was approved by City Council on March 19, 2013. Annexation of the Ellis site to the City of Tracy was completed by LAFCo on April 16, 2013.

DISCUSSION

Tentative Subdivision Map

The Surland Companies has proposed a Tentative Subdivision Map for the first phase of Ellis. The subject property consists of approximately 150 acres located west of Corral Hollow Road in the vicinity of Peony Drive and Linne Road (Attachment A: Location Map). The proposal is to subdivide the 150-acre site into 296 residential lots and six other parcels (Attachment B: Tentative Subdivision Map).

The proposed residential portion of the site is designated Residential Mixed by the Ellis Specific Plan and consists of approximately 46 acres of residential lots (single-family detached houses), 22 acres of public streets and landscaping, and a 3-acre park (Parcel "A"). The proposed density is 4.2 dwelling units per acre, which is consistent with the Ellis Specific Plan. The Ellis Specific Plan permits a density range of 4 to 9 dwelling units per acre for the Residential Mixed designation.

The subdivision would have two access points from Corral Hollow Road, which would be named Ellis Place and Middlefield Road, as shown on the Tentative Subdivision Map. The proposed block pattern and street configuration is consistent with the Ellis Specific Plan because it consists of small blocks and modified grid pattern streets, which will create a walkable, pedestrian friendly environment. The proposed subdivision also includes several blocks with alleys in the rear of the lots, which will bring garages off the front of the houses and create an attractive streetscape that emphasizes the architectural details of the houses, as envisioned in the Ellis Specific Plan.

The Ellis Specific Plan identifies three neighborhoods (Village, Garden, and Town & Country) within the Plan Area. This proposed Tentative Subdivision Map is the area identified as the Village neighborhood.

The Ellis Specific Plan includes residential lot type diversity requirements to encourage an interesting and compatible neighborhood mix and to discourage the domination of a sub-area by one or only a few lot types. Within each neighborhood, the Ellis Specific Plan requires a minimum of four different lot types. This proposed Tentative Subdivision Map includes a total of twelve different lot types, which are identified in the Ellis Specific Plan. The proposed lot types include 45-foot wide (rear-loaded), 50-foot wide (front-loaded), 50-foot wide (rear-loaded), 55-foot wide (front-loaded), 55-foot wide (rear-loaded), 60-foot wide (front-loaded), 60-foot wide (rear-loaded), 65-foot wide (front-loaded), 65-foot wide (rear-loaded), 70-foot wide (front-loaded), 80-foot wide (front-loaded), and 100-foot wide (front-loaded). The proposed lots range in size from approximately 5,500 square feet to 18,000 square feet. The term "rear-loaded" signifies a lot type that has an alley in the rear of the lot, which will serve (or "load") the garage from the rear. The term "front-loaded" signifies a lot type that will have its driveway and garage facing a street in front of the lot.

The Ellis Specific Plan's residential lot type diversity requirements also state that there shall be no more than 1,200 linear feet of one lot type along the same street face without a break. A break is defined as a physical interruption. Breaks must be a minimum of 200 linear feet and can be created by use of a park or another lot type. Street rights-of-way can also be part of a break. The longest continuous run of a single lot type in this Tentative Subdivision Map is approximately 700 feet, which is consistent with the Ellis Specific Plan.

Parcel "B" on the proposed Tentative Subdivision Map is the area designated by the Ellis Specific Plan as Village Center and Commercial. This area will be a future phase of development. According to the Ellis Specific Plan, the Village Center will accommodate up to 60,000 square feet of non-residential uses, as well as up to 50 high-density residential units, possibly in a mixed-use configuration with residential over commercial. Residential units in the Village Center may be apartments, townhouses, condominiums, and/or live/work units. The area designated Commercial, which is also part of Parcel "B", may accommodate up to 40,000 square feet of commercial uses (i.e. retail, restaurants, and consumer services), according to the Ellis Specific Plan. The actual details of the proposed development for the Village Center/Commercial area will be determined at the time of a specific proposal/development application.

Parcels "C" and "D" are a future phase of development. A portion of Parcel "C" adjacent to the south side of Ellis Place is designated Village Center and Commercial to complement the planned commercial development on the north side of the street. The remaining portion of Parcel "C" and the majority of Parcel "D" are designated for a future land dedication to the City as stated in the Development Agreement, possibly for a swim center. Both parcels also have an underlying zoning designation of Residential Mixed for the area designated as potential swim center. The City is currently in negotiations regarding the potential swim center site. The details of this potential development will be determined at a later time.

Parcel "E" is another future phase of development. Parcel "E" is primarily designated as Limited Use. This area is encumbered by the Airport Land Use Compatibility Plan (ALUCP) Outer Approach/Departure Zone. Uses are restricted to low-intensity

development such as mini-storage, RV and boat storage, jogging trails, and other land uses consistent with the Specific Plan and the ALUCP. Similar to the other future phase areas, the details of the development for this parcel will be determined at the time of a specific proposal/development application.

No specific houses or architecture are proposed at this time for the residential lots or other parcels. Since this project is proposed as a Tentative Subdivision Map (not a Vesting Map), architecture is not a submittal requirement for this application. However, conceptual architecture and design guidelines were approved in the Ellis Specific Plan/Pattern Book. The Ellis Specific Plan requires that proposed development, including architecture and site details, be submitted to the City for Pattern Book Certification. Pattern Book Certification is a review process to ensure that the proposed development complies with the Ellis Specific Plan/Pattern Book. Pattern Book Certification must be completed and approved prior to building permit issuance. The Development Services Director has the authority for approving Pattern Book Certification. At some point prior to issuance of building permits, the developer will need to submit an application for Pattern Book Certification, but at this time, such application has not occurred.

Per Tracy Municipal Code Section 12.16.070, the Planning Commission has approval authority for a Tentative Subdivision Map, rather than making a recommendation for City Council action, as is required for Vesting Tentative Subdivision Maps.

RGAs

The project will require 296 Residential Growth Allotments (RGAs) for the construction of the 296 proposed residential units. The project will be eligible to apply for and receive RGAs per the regulations set forth in the Growth Management Ordinance and Growth Management Ordinance Guidelines after a Tentative Subdivision Map is approved. The RGAs will be required prior to the issuance of any building permits.

Schools

The Tracy Joint Unified School District and the Jefferson School District have determined that the project does not need to dedicate property for a school site within this Tentative Subdivision Map. However, in order to mitigate the proposed developments' impacts on school facilities, the developer has executed a Memorandum of Understanding (MOU) with the Tracy Unified School District and a School Mitigation Agreement with Jefferson School District.

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 parks or pay park in-lieu fees. The City's park requirement is 3 acres of Neighborhood Park and 1 acre of Community Park per 1,000 residents. This Tentative Subdivision Map includes a 3-acre Neighborhood Park (Parcel "A") and the developer is negotiating with the City regarding a potential community aquatics park/swim center, which could satisfy Community Park fee obligations, per the approved Development Agreement.

Public Safety Communications

On April 16, 2013, the City adopted a Citywide Public Safety Master Plan (Resolution No. 2013-56). The Master Plan identifies the need for a radio communications tower and appurtenances ("Radio Tower") to serve new development, including the Ellis Specific Plan Area. The Master Plan points out that, as topography of a new development areas change with the addition of buildings and population, there will be an additional need for emergency radio coverage in these areas. The Master Plan also anticipates that, without the Radio Tower, critical contact between emergency field units and the communications center will be impacted by new development.

The need for the Radio Tower to serve new development, including the Ellis Specific Plan Area, is further outlined in a Memorandum from the Police Department (Attachment C). The Memorandum highlights the need for the Radio Tower to mitigate health and safety concerns in new develop areas so that emergency service personnel such as Police, Fire and medical first responders can adequately communicate during service calls in such areas.

The Ellis Specific Plan Area's fair share obligation related to the Radio Tower is \$155,141.50. This amount was determined based on the methodology contained in the Memorandum from Harris and Associates (consulting engineers to the City) (Attachment D). The Tentative Map portion of the Ellis Specific Plan Area's fair share obligation is \$26,131.26.

Environmental Document

The project is consistent with the Final Revised Environmental Impact Report (EIR) certified by the City Council on January 22, 2013 for the Modified Ellis Project, which included the Modified Ellis Specific Plan (SCH#2012022023). Pursuant to CEQA Guidelines Section 15162 and Public Resources Code Section 21166, no subsequent EIR shall be prepared for the project because the project has a certified EIR and no substantial changes are proposed in the project that would require major revisions to the previous EIR; no substantial changes have occurred with respect to the circumstances under which the project will be undertaken that would require major revisions to the previous EIR; and no new information of substantial importance regarding significant effects, mitigation measures, or alternatives for this project has become known, which was not known at the time the previous EIR was certified as complete. Furthermore, as a residential subdivision that is consistent with a specific plan for which an EIR was certified after January 1, 1980, the project is exempt from the requirements of CEQA pursuant to California Government Code Section 65457. Therefore, no further environmental review is necessary.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Tentative Subdivision Map for the first phase of the Modified Ellis Project, consisting of 296 residential lots and six other parcels on approximately 150 acres, located west of Corral Hollow Road in the vicinity of Peony Drive and Linne Road, Assessor's Parcel Numbers 240-140-30 and 31, Application Number TSM11-0002, based on the findings and subject to the conditions of

approval contained in the Planning Commission Resolution dated May 28, 2014
(Attachment E: Planning Commission Resolution).

MOTION

Move that the Planning Commission approve the Tentative Subdivision Map for the first phase of the Modified Ellis Project, consisting of 296 residential lots and six other parcels on approximately 150 acres, located west of Corral Hollow Road in the vicinity of Peony Drive and Linne Road, Assessor's Parcel Numbers 240-140-30 and 31, Application Number TSM11-0002, based on the findings and subject to the conditions of approval contained in the Planning Commission Resolution dated July 23, 2014.

Prepared by: Scott Claar, Associate Planner

Reviewed by: Bill Dean, Assistant Development Services Director

Approved by: Andrew Malik, Development Services Director

ATTACHMENTS

Attachment A—Location Map

Attachment B—Tentative Subdivision Map (Oversize Item: Copies available at City Hall in the Development Services Department)

Attachment C: Memorandum from Police Department

Attachment D: Memorandum from Harris and Associates

Attachment E—Planning Commission Resolution

LOCATION MAP ELLIS PHASE 1

ATTACHMENT A

CITY OF TRACY, CALIFORNIA
MAY 5, 2014



Carlson, Barbee
& Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS

2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA 94583

(925) 866-0322
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SAN RAMON • LATHROP



POLICE DEPARTMENT

MAIN 209.831.4550

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www.ci.tracy.ca.us

Memorandum

Date: July 10, 2014
 To: William Dean, Assistant Director of Development Services
 From: Lani Smith, Support Operations Manager
 Subject: Public Safety Emergency Radio Communications System

I. BACKGROUND

The purpose of this memorandum is to ensure the needs of Health and Safety are addressed in the future development of the City of Tracy. Police and Fire Department Staff have been working with the City's Development Services Department and Radio System Professionals to identify and address potential impacts created by new development throughout the City. Staff has identified areas of concern regarding the impacts new development areas will have on the current emergency communications system in providing emergency responses to these areas.

II. THE CITY'S CURRENT EMERGENCY RADIO COMMUNICATIONS SYSTEM

The City's current emergency radio communications system is a VHF/UHF System consisting of one transmitter/receiver site at the Tracy Police Department and five receiver sites placed on roof tops of fire stations within the City. The system was designed to serve the geographical area of the City as established prior to the annexation of the area west of Corral Hollow Road and south of Interstate 205.

The following sites serve the system and provide coverage within the City:

Transmitter/Receiver Site:	Tracy Police Department- 100 foot Monopole	
Receiver Sites:	Station 96	Roof Top
	Station 97	Roof Top
	Station 98	40 foot Tower
	Station 94	Roof Top
	Station 93	Roof Top

The current VHF/UHF system shares the same facilities and infrastructure with the Fire Department's VHF system.

A recent evaluation conducted on the current performance of the system indicated the system has reached the maximum capacity it was designed to serve. Additionally, simply placing additional receivers in the field to increase the radio coverage generally is infeasible due



to space limitations. Specifically, there is not adequate floor space available in the police department's radio equipment room or on the 100 foot monopole tower to accommodate the needed additional equipment. In addition, any future expansion to the system or radio equipment room would have an impact on the existing air conditioning system, which is unable to accommodate the additional heat load created by the additional electronics.

Staff has researched the feasibility of developing an "interim" communications solution with engineers. The engineers conducted an analysis on the system and the potential of adding or relocating equipment, but determined that the system is not capable of expanding to accommodate the new growth.

III. THE NEED FOR A NEW RADIO TOWER

The City's existing Citywide Public Safety Master Plan ("Master Plan") (Resolution No. 2013-56), adopted on April 16, 2013, details and discloses the above-described need for new emergency radio communications facilities. Specifically, the Master Plan identifies the need for a radio communications tower and appurtenances ("Radio Tower") to serve new development. The Master Plan points out that, as the topography of new development areas change with the addition of buildings and population, there will be an additional need for emergency radio coverage in these areas. The Master Plan also anticipates that, without the Radio Tower, critical contact between emergency field units and the communications center will be impacted by new development.

As the City of Tracy expands with the developments to the east and west of Corral Hollow Road, staff has determined that the current communications system will not adequately cover the new geographical area. As topography of these new development areas changes with the addition of buildings and increased population, the radio coverage in these area will be critically diminished, undermining public health and safety for both future residents and the emergency service responders such as Police, Fire and medical personnel, providing emergency services to those areas. It's anticipated, that without the Radio Tower, critical contact between field units and the communications center will be adversely impacted by the new development.

Staff has been in the preliminary discussions to analyze the options available to provide coverage to the new areas proposed for future development. The studies indicate the best option is to build a 2 Site Simulcast System. This option would expand the coverage area of the system through the addition of the new Radio Tower. The attached coverage maps show the effective radio communications coverage area under the City's existing system, and the area that would be covered by the system with the addition of the proposed Radio Tower.

- The proposed 2 Site Simulcast System would have several advantages over the existing system. It would deliver a consistently stronger signal to system receivers throughout the system and the coverage area, and eliminate existing "dead spots" in the current system. It would also improve building penetration of the signal to portable (on-hip) radios used by emergency service providers. And the Radio Tower proposal is a more cost effective method of achieving these advantages, as compared to incremental improvements to the system.



Preliminary studies indicates that a 180-ft tower, built as a three leg structural steel self-supported radio communications tower with a 30-ft x 10-ft equipment communications shelter with utility connections, fencing, and a 70-ft foundation pad, would meet or exceed the standards established in the San Joaquin County Radio Master Plan and the City's Master Plan.

As part of the Master Plan, estimates were provided for the cost of a radio communications tower and equipment at \$2.8 million. This project includes but was not limited to a 180-ft tower, 30-ft x 10-ft equipment shelter with connections, fencing, and a 70-ft x 34-ft foundation pad, microwave, conventional simulcast system. 2 -sites, and 2- channels.

IV. RECOMMENDATION

To ensure the health and safety of both the residents and users of the new development areas and the emergency personnel providing emergency services to those areas, staff recommends that all new development projects contribute their fair share towards the Radio Tower proposal.

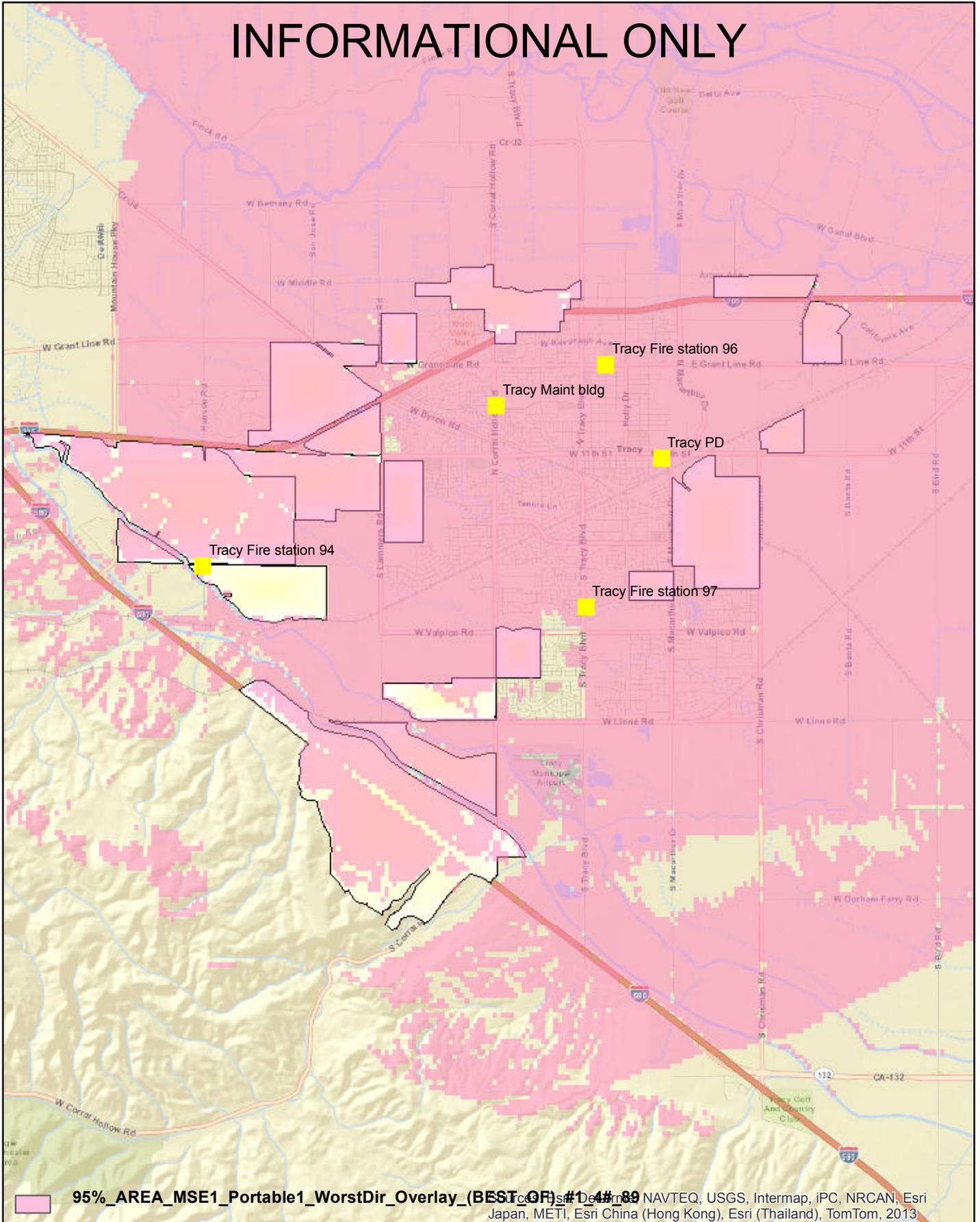
Attachments: Coverage Maps





Tracy-Compare Single site

INFORMATIONAL ONLY



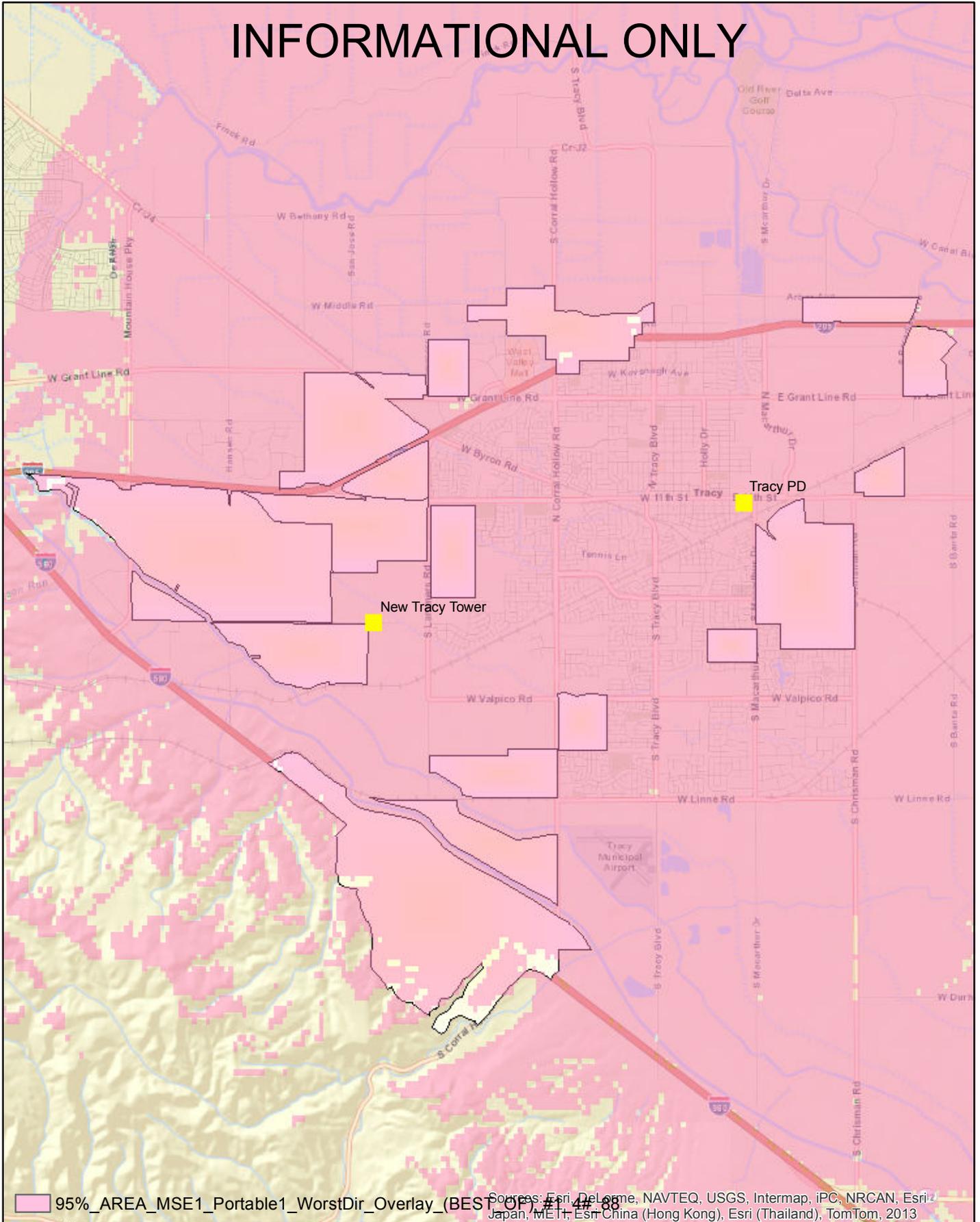
additional build loss, portable on HIP DAQ 3 95%

Run_89_single site

1 inch = 1.42 miles



INFORMATIONAL ONLY



additional build loss, portable on HIP DAQ 3 95%

Run_88_change 21 to 16

1 inch = 1.26 miles



Technical Memorandum

To: Bill Dean
From: Alison Bouley
cc: Vickey Dion, Kul Sharma, and Andrew Malik
Date: June 30, 2014
Re: **City of Tracy**
Ellis Fair Share of Tower

PURPOSE

The purpose of this memo is to provide the fair share calculation of the Ellis development related to the need for a new communication tower and related communication equipment. This facility has been identified as a critical item needed to serve new developments as they move forward.

BACKGROUND

On April 16, 2013, the “Citywide Public Safety Master Plan” was adopted by City Council. The public safety master plan evaluated current conditions; space standards and function flow; staff and space need projections; alternative facility plans and comparative cost estimates. The Public Safety Master Plan is a guideline document for the identification of public health and safety facilities needed to serve the City at build-out of the City’s Sphere of Influence. The public safety master plan is also a guideline document for the identification of public health and safety upgrades needed to adapt existing spaces to new or expanded uses.

The City of Tracy has adopted the San Joaquin County Radio Master Plan, which establishes a county-wide public health and safety digital simulcast infrastructure to serve as the building block for interoperability. This infrastructure will allow all public health and safety agencies to have emergency communications in disaster situations, and support daily tactical operations. Any future sites for towers will have to comply with this Master Plan to allow for additional communication and data transport capabilities of multiple sites and will need to communicate with the already existing communications system to provide interoperability.

As the City of Tracy expands with new developments, the current communications system does not adequately cover these new developments. This leads to concerns of public health and safety for emergency service responders such as Police, Fire and Ambulance during service calls to those areas. Staff has been researching the options to address the communications coverage into the new developments. Public health and safety officers during patrol or emergency response to these areas and responsiveness to citizen calls for service will be improved.

In response to the aggressive timeline of new developments in the City, Staff has been working on potential locations for a communications tower. In addition, staff has been working with the County of San Joaquin for greater interoperability and discussing a plan that would assist both agencies due to the expanded terrain covered by the tower. The tower would require an upgrade to the dispatch radio consoles, and portable and mobile radios that serve public health and safety.

The purpose of the tower is to expand and improve the radio communications capabilities for public health and safety. Engineering studies to define the coverage and performance will need to be completed to identify the exact location of the site of a tower and the equipment requirements.

Preliminary studies indicates that at minimum, a 180-ft tower, built as a three leg structural steel self-supported radio communications tower with a 30-ft x 10-ft equipment communications shelter with utility connections, fencing, and a 70-ft foundation pad would meet the standards established in the San Joaquin County Radio Master Plan. Also required are the equipment hardware and software to effectively use the tower.

As part of the City Wide Public Safety Master Plan adopted in 2013, estimates were provided for the cost of radio communications tower and equipment at \$2.8 million. This project includes but was not limited to a 180-ft tower, 30-ft x 10-ft equipment shelter with connections, fencing, and a 70-ft x 34-ft foundation pad, microwave, conventional simulcast system. 2 sites, 2 channels. At this time, the cost of the tower has been updated based on better information available.

COST ESTIMATES

Table 1 shows the tower cost estimates that were prepared based on input received from the police department.

Table 1 – Cost Estimates

Tower	\$ 600,000
Equipment	\$ 2,990,000
Land	\$ 75,000
Mark-ups (40% of Tower)	\$ 240,000
Subtotal New Tower and Equipment	\$ 3,905,000

POPULATION PROJECTIONS

The Ellis Fair Share is calculated based on population and employment projections. For purposes of the calculation and consistent with the Citywide Master Plan, it is assumed that a new low density residential dwelling unit has a density of 3.3 people per unit, a medium density unit is assumed to have 2.7 people per unit and a high density unit is assumed to have 2.2 people per unit. A medium density unit is defined as an attached residential unit consisting of 2-4 units and a high density unit is defined as an attached residential unit consisting of 4+ attached units. Based on these assumptions 54,457 new residents are being generated through growth in the sphere of influence.

In addition, new employees are being added as part of commercial development. It is assumed that there is one employee per 300 square foot of building for office, one employee per 500 square foot of building

for retail, and one employee per 1500 square foot for industrial. This equates to 147,145 new employees. The impact of an employee as compared to a resident is considered to be 0.5 times that of a new resident consistent with the methodology used in the existing Citywide public building study. The total number of resident equivalents is calculated using this formula and then a total number of equivalent dwelling units (EDU's) are determined. These assumptions are summarized in Table 2.

Table 2 - Population Projection

Land Use Type	Number of Units/Bldg. sf	Density (a)	Resident/Worker Projections	Resident Equivalents	Equivalent EDU's (b)	EDU Factor
Residential						
Low-Density	7,555	3.3	24,932	24,932	7,555	1
Medium-Density (attached 2-4)	7,457	2.7	20,134	20,134	6,101	0.82
High-Density (attached 4+)	4,270	2.2	9,394	9,394	2,846	0.67
Subtotal Residents			54,459	54,459	16,502	
Commercial						
Office	15,912,904	300	53,043	26,522	8,037	0.51
Retail	18,015,545	500	36,031	18,016	5,459	0.30
Industrial	87,106,932	1500	58,071	29,036	8,799	0.10
Subtotal Commercial Employees			147,145	73,573	22,295	
Total				128,032	38,797	

Because the new tower is being built in part to replace the existing communication system with new technology, the City felt that new development should not bear the entire burden of the new system. In order to determine a fair share that the City should contribute towards the communication upgrades, the City looked at their existing population and building square footage. Table 3 summarizes the existing population equivalents.

Table 3 - Existing Population

Land Use Type	Number of Units/Bldg. sf	Density (a)	Resident/Worker Projections	Resident Equivalents	EDU Factor
Residential			81548	81548	1
Commercial					
Office	191,200	300	637	319	0.51
Retail	2,791,900	500	5,584	2,792	0.30
Industrial	19,439,200	1500	12,959	6,480	0.10
Subtotal Commercial Employees			19,181	9,590	
Total				91,138	

FAIR SHARE CALCULATION

The City completed an evaluation of their existing communications infrastructure. It was estimated that their current equipment is valued at \$2,409,857 however much of this equipment will be replaced when the new communication system is installed. The City reviewed the equipment list and determined that of this existing equipment, \$598,724 will continue to be used when the new system is installed.

In order to determine the cost per resident equivalent that new development should pay, the value of the existing equipment was added to the cost of the new tower. This total cost was then divided by the total estimated population at build-out of the City. This resulted in a cost per capita of \$20.55. These calculations are shown in Table 4.

Table 4 - Cost per Capita

Tower	\$ 600,000
Equipment	\$ 2,990,000
Land	\$ 75,000
Mark-ups (40% of Tower)	\$ 240,000
Subtotal New Tower and Equipment	\$ 3,905,000
Existing Equipment	\$ 598,724
Total Cost	\$ 4,503,724
Cost per Resident Equivalent	\$ 20.55
Existing Value per Resident Equivalent	\$ 6.57
Existing Development's Differential	\$ 13.98
City's Share of Tower and Equipment	\$ 1,274,074
New Development's Share of Tower and Equipment ¹	\$ 2,630,926

¹ Includes development areas subject to Master Plan Fees as well as existing FIP areas.

The value of the existing system equates to \$6.57 per resident equivalent. This means that the City must provide an additional \$13.98 per resident equivalent. Multiplying this by the resident equivalent shown in Table 3, results in a contribution of \$1,274,074 to the project by the City to cover the share of existing residents.

Table 5 - Fair Share by Landuse

Residential	EDU Factor	Fee per EDU
Low-Density	1.00	\$ 67.81
Medium-Density (attached 2-4)	0.82	\$ 55.48
High-Density (attached 4+)	0.67	\$ 45.21
Commercial		Fee per 1000 SF
Office	0.51	\$ 34.25
Retail	0.30	\$ 20.55
Industrial	0.10	\$ 6.85

Ellis' Fair Share calculation is taken by multiplying the cost per unit above by the landuses proposed by Ellis. Table 6 shows the fair share calculation.

Table 6 - Ellis Fair Share Calculation

Landuse	Units	Total Building SF	Cost per Unit or 1000 SF	Share of Costs
Low-Density	2200		\$ 67.81	\$ 149,182.00
High-Density	50		\$ 45.21	\$ 2,260.50
Village Mixed Use		60000	\$ 20.55	\$ 1,233.00
Commercial		40000	\$ 20.55	\$ 822.00
Storage		80000	\$ 20.55	\$ 1,644.00
Total:				\$ 155,141.50

AB 1600 FINDINGS

This section proves the nexus findings for establishing a fee for a public safety communication tower which results in an increase to the Public Safety development impact fee pursuant to the **Mitigation Fee Act**, California Government Code sections 66000, et seq., AB 1600.

Description of assumptions and design criteria regarding existing level of service, including a description of the existing public safety facilities and the existing users.

The City of Tracy currently has 91,138 resident equivalents. With build-out of the sphere of influence, the City is expected to add 128,032 resident equivalents. The City currently has communication equipment valued at \$2,512,958 that serves the needs of existing residents. When the new system is integrated, only some of the equipment will continue to be used. The salvageable equipment is valued at \$598,724. New development is assumed to have an additional share of \$1,274,074 that the City will cover.

Description of assumptions regarding the type of development planned for the City of Tracy.

There are 19 service areas anticipated to develop within the City's sphere of influence, which will include approximately 54,459 new residents at build-out and another 147,145 workers.

Description of the impacts that new development will have on the level of service to existing City residents.

As the City of Tracy expands with the developments, the current communications system does not adequately cover these new developments. The new development may also reduce the level of service to the existing City. This leads to concerns of public health and safety for emergency service responders such as Police, Fire and Ambulance during service calls to those areas. New development will pay their fair share of the new communication equipment necessary to serve it.

Description of the facilities required for the new development to meet the City's design criteria and level of service standards

Preliminary studies indicates that at minimum, a 180-ft tower, built as a three leg structural steel self-supported radio communications tower with a 30-ft x 10-ft equipment communications shelter with utility connections, fencing, and a 70-ft foundation pad would meet the standards established in the San Joaquin County Radio Master Plan. This tower and related equipment upgrades will be funded by a combination of City funding sources and impact fees from new development.

Description of how new development will benefit from the public facilities

The new tower and communication equipment will expand and improve the radio communications capabilities for public health and safety to these new areas of the City. This will improve responsiveness to citizen calls for service and is critical for maintaining the safety of the public health and safety officers responding to these calls.

Pursuant to Government Code section 66005(a), an estimate of the total cost for providing the required public facilities necessary to support the build-out condition

New residents and employees will benefit from the facilities in this study. Table 4 contains the cost estimates for the communication tower and establishes the fair share of new development.

Description of the basis upon which the total estimated cost of providing the required public health and safety facilities will be allocated

The total estimated cost of providing the required public health and safety facilities to serve new development is allocated to new development based on a per capita basis. Employees are considered to utilize public health and safety services equal to 0.5 that of a resident which is consistent with the methodology established in the “Citywide Public Safety Master Plan” adopted on April 16, 2013 and the “Public Safety AB1600 Development Impact Fee Technical Memo” adopted on January 7, 2014. New development only pays for their fair share of the facilities which is estimated to be 67.4% of the total cost.

Findings with Respect to the Mitigation Fee Act

This sub-section provides findings which comply with the requirements of California Government Code Section 66000, et seq. The capital improvements to be funded by impact fees/fair share payments are required to mitigate the impacts of new development within the City, consistent with the land use and policies set forth by the City. The public health and safety facilities impact fees/fair share payments are not being imposed to improve or correct deficiencies in existing condition service levels. The impact fees/fair share payments are based on a fair share cost analysis which: 1) determines capital improvements required to mitigate impacts of new development, and 2) equitably distributes the costs of improvements to the new development areas that cause the impacts, per the provisions of the *Mitigation Fee Act*.

The *Mitigation Fee Act* requires mitigation fee/payment programs incorporate the following basic requirements and information relating to reasonable relationship:

- Identification of the purpose of the fee/fair share payment.
- Identification of how the fee/fair share payment will be used.
- Determination of how there is a reasonable relationship between the fees/fair share payments use the type of development projects on which the fee/fair share payment is imposed.
- Determination of how there is a reasonable relationship between the need for the public facilities and the type of development projects on which the fee/fair share payment is imposed.
- Determination of how there is a reasonable relationship between the amount of the fee/fair share payment and the cost of the public facilities (or portion of facilities) attributable to new development.

The following findings address these requirements on reasonable relationship:

1. Identify the purpose of the fee/fair share payment. The purpose of the fee/fair share payment is to provide a source of funding to be used to construct public safety facilities, specifically a new communication tower and related equipment to serve new development in the City.
2. Identify how the fee/fair share payment will be used. The impact fees/payments will be used to construct the new communication tower in order to expand the system to meet the demands of new development.
3. Determine how there is a reasonable relationship between the fees/payments use and the type of development projects on which the fee/payment is imposed. New residents and employees in the

proposed developments will generate additional demand for public health and safety facilities, specifically a tower and related equipment. The establishment of fees/fair share payments to fund the facilities required to serve and mitigate the impact of new development is directly related to both residential and commercial development.

4. Determine how there is a reasonable relationship between the need for public health and safety facilities and the type of development on which the fee/fair share payment is imposed. Each new resident and employee in the City creates the need for improved communications in the City. The public health and safety impact fee/payment is based on the cost of creating new public health and safety facilities to maintain a standard level of service within the City. This fee/payment is based on a cost per capita for new developments. Commercial developments are charged based on the number of new employees anticipated to be added by the project.
5. Determine how there is a reasonable relationship between the amount of the fee/fair share payment and the cost of the public health and safety facilities attributable to new development. The estimated cost of the new tower and communication equipment has that is needed to serve new development have been prepared by the City. The Public Safety Impact Fee/fair share payments allocates the fair share of the estimated costs to new development based on resident equivalent assumptions which are based on the estimated number of people per residential unit or new employees per square foot of building for non-residential.

RESOLUTION 2014 - _____

APPROVING A TENTATIVE SUBDIVISION MAP FOR THE FIRST PHASE OF THE MODIFIED ELLIS PROJECT, CONSISTING OF 296 RESIDENTIAL LOTS AND SIX OTHER PARCELS ON APPROXIMATELY 150 ACRES, LOCATED WEST OF CORRAL HOLLOW ROAD IN THE VICINITY OF PEONY DRIVE AND LINNE ROAD ASSESSOR'S PARCEL NUMBERS 240-140-30 AND 31 APPLICATION NUMBER TSM11-0002

WHEREAS, On January 22, 2013, City Council certified the Final Revised Environmental Impact Report for the Modified Ellis Project and approved a development agreement, General Plan Amendment, annexation, and the Modified Ellis Specific Plan for the 321-acre site known as Ellis, and

WHEREAS, Annexation of the Ellis site to the City of Tracy was completed by LAFCo on April 16, 2013, and

WHEREAS, The Surland Companies has proposed a Tentative Subdivision Map for the first phase of the Modified Ellis Project, consisting of 296 residential lots and six other parcels on approximately 150 acres, located west of Corral Hollow Road in the vicinity of Peony Drive and Linne Road, Assessor's Parcel Numbers 240-140-30 and 31, Application Number TSM11-0002, and

WHEREAS, The proposed residential portion of the site is designated Residential Mixed by the Ellis Specific Plan and consists of approximately 46 acres of residential lots, 22 acres of public streets and landscaping, and a three acre park, for a total of 71 acres, and

WHEREAS, The proposed Tentative Subdivision Map is consistent with the Ellis Specific Plan, including the proposed density of 4.2 dwelling units per acre, and

WHEREAS, The proposed Tentative Subdivision Map is consistent with the General Plan, and Title 12, the Subdivision Ordinance, of the Tracy Municipal Code, and

WHEREAS, Subject to the satisfaction of the attached conditions of approval, the site is physically suitable for the type of development, as the site, once graded, will be 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, and

WHEREAS, Subject to the satisfaction of the attached conditions of approval, the site is physically suitable for the proposed density of development, and

WHEREAS, Traffic circulation is designed in accordance with City standards for the proposed density to ensure adequate traffic service levels are met, and

WHEREAS, The design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, and

WHEREAS, Subject to the satisfaction of the attached conditions of approval, the design and type of the proposed subdivision and associated improvements will promote the public health, safety and welfare; and

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

WHEREAS, Subject to the satisfaction of the attached conditions of approval, the project will comply 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, and

WHEREAS, Subject to the satisfaction of the conditions of approval, all the public facilities necessary to serve the subdivision will be in place prior to the issuance of building permits. All the public facilities necessary to serve the subdivision or mitigate the impacts created by the subdivision that are not in place prior to approval of a final map will be assured through a subdivision improvement agreement prior to the approval of a final map, and

WHEREAS, The project is consistent with the project described and evaluated in the Final Revised Environmental Impact Report (EIR) for the Modified Ellis Project certified by the City Council on January 22, 2013 (SCH#2012022023), which included the Modified Ellis Specific Plan. Subject to the satisfaction of the attached conditions of approval, and pursuant to CEQA Guidelines Section 15162 and Public Resources Code Section 21166, no subsequent EIR is required for the project because the project has already been evaluated in a certified EIR and

- (i) no substantial changes are proposed in the project which will require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (ii) no substantial changes have occurred with respect to the circumstances under which the project will be undertaken which will require major revisions of the previous EIR due to involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (iii) no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete shows any of the following:
 - a. the project will have one or more significant effects not discussed in the previous EIR;
 - b. significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. mitigation measures or alternatives found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measure or alternative; or

- d. mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measure or alternative.

Therefore, no further environmental review s necessary, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the proposed Tentative Subdivision Map on July 23, 2014;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission approves the Tentative Subdivision Map for the first phase of the Modified Ellis Project, consisting of 296 residential lots and six other parcels on approximately 150 acres, located west of Corral Hollow Road in the vicinity of Peony Drive and Linne Road, Assessor's Parcel Numbers 240-140-30 and 31, Application Number TSM11-0002, subject to the conditions of approval stated in Exhibit "1" attached and made part hereof.

* * * * *

The foregoing Resolution 2014-_____ was adopted by the Planning Commission on the 23rd day of July, 2014, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

**Conditions of Approval for a Tentative Subdivision Map
for approximately 150 acres in the Ellis Specific Plan Area,
consisting of 296 residential lots and 6 other parcels,
located west of Corral Hollow Road in the vicinity of
Peony Drive and Linne Road
Assessor's Parcel Numbers 240-140-30 and 31
Application Number TSM11-0002**

These Conditions of Approval shall apply to the real property shown on the Tentative Subdivision Map for approximately 150 acres in the Ellis Specific Plan Area, consisting of 296 residential lots and 6 other parcels, located west of Corral Hollow Road in the vicinity of Peony Drive and Linne Road, Assessor's Parcel Numbers 240-140-30 and 31, Application Number TSM 11-0002.

- A. The following definitions shall apply to these Conditions of Approval:
1. "Applicant" means any person, or other legal entity, defined as a "Subdivider".
 2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, the Development Services Director, or the City Engineer, to perform the duties set forth herein.
 3. "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.
 4. "Ellis FIP" means the finance and implementation plan (titled "Ellis Program Area Finance and Implementation Plan") approved by the City Council on August 20, 2013 by Resolution 2013-136, and any amendments.
 5. "Ellis DA" means the development agreement (titled "Amended and Restated Development Agreement by and between the City of Tracy and Surland Communities, LLC") approved by the City Council on March 19, 2013 by the adoption of Ordinance 1182, and any amendments.
 6. "Ellis SP" means the specific plan (titled "Modified Ellis Specific Plan") approved by the City Council on January 22, 2013 by Resolution 2013-012, and any amendments.
 7. "Ellis EIR" means the Final Environmental Impact Report (titled "City of Tracy Modified Ellis Project Final Revised Environmental Impact Report"), bearing the State Clearing House Number 2012022023, certified by the City Council on January 22, 2013 by Resolution 2013-011, as adequate and in compliance with the California Environmental Quality Act (CEQA).
 8. "Applicable Law" shall have the meaning set forth in section 1.03 of the Ellis DA.
 9. "Conditions of Approval" means these conditions of approval applicable to the Tentative Subdivision Map for approximately 150 acres in the Ellis SP Area, consisting of 296 residential lots and 6 other parcels, located west of Corral

Hollow Road in the vicinity of Peony Drive and Linne Road, Assessor's Parcel Numbers 240-140-30 and 31, Application Number TSM 11-0002.

10. "Project" means the Tentative Subdivision Map for approximately 150 acres in the Ellis SP Area, consisting of 296 residential lots and 6 other parcels, located west of Corral Hollow Road in the vicinity of Peony Drive and Linne Road, Assessor's Parcel Numbers 240-140-30 and 31, Application Number TSM 11-0002.
11. "Property" means the approximately 150 acres in the Ellis SP Area, located west of Corral Hollow Road in the vicinity of Peony Drive and Linne Road, Assessor's Parcel Numbers 240-140-30 and 31.
12. "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, which shall include the Owner as described in the Preamble to the Ellis DA, and all successors in interest.

B. Planning Division Conditions of Approval

1. Compliance with laws. The Subdivider shall comply with all Applicable Law.
2. Mitigation Measures. The Subdivider shall comply with all mitigation measures applicable to the Project in the Ellis EIR, which was certified by the City Council on January 22, 2013 (SCH#2012022023).
3. Notice of protest period. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Subdivider that the 90-day approval period (in which the Subdivider may protest the imposition of any fees, dedications, reservations, or other exactions that are within the purview of the Mitigation Fee Act [Government Code section 66000 et seq.] ("Exactions") and imposed on this Project by these Conditions of Approval) shall commence on the date of the conditional approval of this Project. If the Subdivider fails to file a protest of the Exactions within this 90-day period, complying with all of the requirements of Government Code Section 66020, the Subdivider will be legally barred from later challenging any of the Exactions. The terms of this paragraph shall not affect any other deadlines or statutes of limitations set forth in the Mitigation Fee Act or other applicable law, or constitute a waiver of any affirmative defenses available to the Developer.
4. Conformance with Tentative Subdivision Map. All Final Maps shall be in substantial conformance with the approved Tentative Subdivision Map, which was date stamped as received by the Development Services Department on April 22, 2014, unless modified herein by these Conditions of Approval.
5. Landscape Maintenance. Before approval of the first Final Map, the Subdivider shall do one of the following, which shall be approved by the City:

- a. The Subdivider shall enter into an agreement with the City, with appropriate funding security provisions acceptable to the City, or provide sufficient evidence, to the satisfaction of the City, which stipulates the following: (1) the Project shall annex into the Tracy Consolidated Landscape Maintenance District (TCLMD) prior to issuance of a building permit; (2) when property annexes into the TCLMD, the owners of the property will be assessed for assessment district costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public special amenities as described in the TCLMD; (3) the items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems, masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, parks or open space area; (4) prior to issuance of a building permit, the developer shall deposit a first year's assessment equivalent to the Maintenance District's first twelve months of estimated costs as determined by the City's Public Works Director; and (5) the developer shall be responsible for all costs associated with annexation into the TCLMD;

Or

- b. The Subdivider shall enter into an agreement with the City, with appropriate funding security provisions acceptable to the City, or provide sufficient evidence, to the satisfaction of the City, which stipulates that prior to issuance of a building permit, the Subdivider will form a Community Facilities District (CFD) or establish another lawful funding mechanism that is reasonably acceptable to the City for funding the on-going maintenance costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project. The items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems, masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, parks or open space area. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment.
6. Emergency Radio Communications System. There is a need for a new radio communications tower and appurtenances ("Radio Tower") to provide adequate emergency services to the City, including the Ellis Specific Plan Area. The Ellis Specific Plan Area's fair share obligation related to the Radio tower is

\$155,141.50, and that portion of the Ellis Specific Plan Area's fair share obligation that is attributable to the development that is the subject of the instant Tentative Map application is \$26,131.26. Therefore, prior to approval of the first Final Map based on the instant Tentative Map application, the Subdivider shall pay to the City \$26,131.26; alternatively, the Subdivider may prepay the full fair share obligation for the Radio Tower for the entire Ellis Specific Plan Area, in the amount of \$155,141.50.

7. Deed Notice regarding Airport Land Use. Before approval of each Final Map, the Subdivider shall include the following Deed Notice on the Final Map, to the satisfaction of the Development Services Director and consistent with the San Joaquin County Airport Land Use Commission's Airport Land Use Compatibility Plan:

The San Joaquin County Airport Land Use Commission's Airport Land Use Compatibility Plan identifies the Tracy Municipal Airport's Airport Influence Area. Properties within this area are routinely subject to overflights by aircraft using this public-use airport and, as a result, residents may experience inconvenience, annoyance, or discomfort arising from the noise of such operations. State law (Public Utilities Code Section 21670 et seq.) establishes the importance of public use airports to the public interest of the people of the State of California. Residents of property near such airports should therefore be prepared to accept the inconvenience, annoyance, or discomfort from normal aircraft operations. Residents also should be aware that the current volume of aircraft activity may increase in the future. Any subsequent deed conveying this parcel or subdivisions thereof shall contain a statement in substantially this form.

C. Engineering Division Conditions of Approval

C.1 Final Map

No Final Map within the Project boundaries will be approved by the City until the Subdivider demonstrates, to the satisfaction of the City Engineer, that all the requirements set forth in these Conditions of Approval are completed, including, but not limited to the following:

- C.1.1 Subdivider has submitted one (1) reproducible copy of the approved tentative subdivision map for the Project within ten (10) days after Subdivider's receipt of a notification of approval of the Tentative Subdivision Map. The signature of the owner of the Property on the Tentative Subdivision Map means consent to the preparation of the Tentative Subdivision Map and the proposed subdivision of the Property.
- C.1.2 Each Final Map is prepared in accordance with the applicable requirements of the Tracy Municipal Code, these Conditions of Approval, and in substantial conformance with the Tentative Subdivision Map.

- C.1.3 Each Final Map includes and shows offer(s) of dedication of all right(s)-of-way and/or temporary or permanent easement(s) required to construct and serve the Project described by the Improvement Plans and Final Map, in accordance with Applicable Laws and these Conditions of Approval. If construction easement(s) is/are shown, it/they shall indicate the termination of the construction easement(s).
- C.1.4 Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of 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 separate points adjacent to or within the Property described by the Final Map.
- C.1.5 Subdivider has submitted a signed and stamped Engineer's Estimate that show construction cost of subdivision and offsite improvements that are described in Conditions C.2 and C.3.1, below. In determining the total construction cost, add 10% for construction contingencies.
- C.1.6 Subdivider 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.1.7 Subdivider has submitted a signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, for the completion of improvements described in Condition 2.5.1, below. The form and amount of Improvement Security shall be in accordance with, Applicable Law and the OIA.
- C.1.8 Subdivider has paid engineering review fees, pursuant to the City's Master Fee Resolution, including improvement plan checking, final map review, agreement processing, and all other fees required by these Conditions of Approval and Applicable Laws.
- C.1.9 Subdivider has submitted technical or materials specifications, cost estimate, and technical reports related to the design of improvements that are shown on the Improvement Plans and as required by these Conditions of Approval.
- C.1.10 Subdivider has submitted hydrologic and storm drainage calculations for the design and sizing of in-tract storm drainage pipes and the temporary storm drainage retention basin located within the Ellis SP, as required in Condition C.2.3.4, below.
- C.1.11 Subdivider has submitted a signed and notarized Park Improvement and Reimbursement Agreement (PI&RA) and Improvement Security,

for the construction of the neighborhood park improvements described in Condition C.4.1, below. The form and amount of Improvement Security shall be in accordance with, Applicable Law, and the PI&RA.

- C.1.12 Subdivider has submitted a signed and stamped Improvement Plans as required in Condition C.2, below.

C.2 Improvement Plans

C.2.1 General. Improvement Plans shall contain the design, construction details and specifications of improvements that is/are required to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with Applicable Laws and these Conditions of Approval.

C.2.2 Site Grading

C.2.2.1 Erosion Control

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

C.2.2.2 Grading and Drainage Plans

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

C.2.2.3 When the grade differential between the Project site and residential lot with the adjacent property(s) exceeds 12 inches, a reinforced or masonry block wall, engineered slope, or engineered retaining wall is required for retaining soil. The Subdivider shall submit a Grading Plan that includes the construction detail(s) and structural calculations of the retaining wall or masonry wall.

C.2.2.4 In the event an engineered slope is used to retain soil subject to approval by the City Engineer, a slope easement will be necessary from the adjacent property. The Subdivider shall obtain permission from owner(s) of the adjacent and affected property(s) and show the slope easement on the Final Map.

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

C.2.3 Storm Drainage

C.2.3.1 Storm Drainage Release Point

Site grading shall be designed such that the Project's storm drainage overland release point will be directly to an existing or a public street with a functional storm drainage system in the storm drainage line on the street has adequate capacity to drain storm water from the Property, or private property subject to a drainage release.

C.2.3.2 Permanent storm drainage connection

The Project's permanent storm drainage connection(s) shall be designed and constructed to meet Applicable Laws and the recommendations on the Ellis Program Sub-Basin – Final Storm Drainage Technical Report dated September 2012. The design of the permanent storm drainage connection shall be shown on the Grading and Storm Drainage Plans and shall be submitted with the required hydrologic 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 2008, any subsequent amendments, and Applicable Law. The Subdivider shall provide the design and construction detail shown on the improvement plans that are required to meet the City's storm water regulations, and shall construct these improvements as part of the subdivision improvements.

C.2.3.3 Temporary Storm Drainage Retention Basin Located within the Ellis SP

In the absence of a permanent downstream storm drainage facilities, the City will allow the Subdivider to use temporary storm drainage retention basin with adequate a capacity as an interim solution for the disposal of storm water generated from the Property, provided the Subdivider design and construct the on-site temporary storm drainage retention basin in accordance with Applicable Laws, and signs an improvement agreement (Deferred Improvement Agreement), to assure completion

of Subdivider's obligation to repair and maintain while the temporary storm drainage retention facility is in service and to remove the temporary storm drainage retention basin when it is no longer needed as reasonably determined by the City Engineer and it is taken out of service. The Subdivider shall pay all costs for the design, construction, and maintenance of the on-site temporary storm drainage retention basin including the removal of the on-site temporary storm drainage retention basin and re-grading of the basin site.

The Subdivider shall sign the Deferred Improvement Agreement and post reasonable improvement security in the amounts approved by the City Engineer, and form approved by the City Attorney, prior to the approval of the First Final Map.

- C.2.3.4 The Project's temporary storm drainage retention basin located in the Ellis SP must be located at the downstream portion of the Property's on-site storm drainage system, and must be designed and constructed in accordance with Applicable Laws. The sizing of the temporary storm drainage retention basin shall consider percolation of storm water into the ground. Submit the engineering calculations for determining the size of the basin with the soils report that contains information on the site's percolation rate and groundwater elevation.

Excavated materials shall be kept near the Property. If the excavated materials are removed from the Property, the Subdivider shall post cash security equivalent to the cost of import backfill materials, hauling to the basin site, spreading, compacting and re-grading the basin site. If excavated materials are retained near the site, the stockpile of excavated materials shall not be higher than 8 feet and slope should not be steeper than 1:1. A chain link fence with redwood slats and access gate shall be installed by the Subdivider to enclose the basin site. The bottom of the temporary on-site storm drainage retention basin shall be 5 feet above the observed highest groundwater elevation at the basin site. The percolation report shall also indicate the observed highest groundwater elevation at the basin site.

- C.2.3.5 The Subdivider shall record a temporary storm drainage easement to grant rights to the City to access the on-site temporary storm drainage retention for any emergency repair or maintenance work the City may have to perform within the basin site. The temporary access easement shall

be recorded after the First Final Map is recorded and shall have a sunset clause that such easement will automatically terminate after the recordation of a notice of completion.

C.2.3.6 Refundable Storm Drainage Deposit

Prior to the approval of the Final Map, the Subdivider shall deliver cash deposit in the amount of \$3,500 to cover cost of City services on any emergency repair or maintenance work that the City performs on the temporary storm drainage retention basin. The City shall return unused portion of the cash deposit within thirty (30) calendar days from the date the temporary storm drainage retention basin was removed.

C.2.3.7 Prior to the issuance of a grading permit for the Project, the Subdivider shall provide reasonable proof of compliance with the applicable Construction General Permit through a Waste Discharge ID number or Notice of Intent submittal to the reasonable satisfaction of the Public Works Director or his/her designee.

C.2.3.8 Prior to the approval of the Final Map for the Project, the Subdivider shall provide a Stormwater Quality Control Plan (SWQCP) detailing the methods in which the development will address compliance with the applicable City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual) to the reasonable satisfaction of the Public Works Director or his/her designee. The Manual includes the requirements for Site Design, Source, and Treatment Control Measures. Permanent stormwater quality control measures may include any combination of the following methods and must consider future maintenance requirements in their selection to serve the Project: deepening of future City detention basin DET 3A to the north of the Project to create a low lying “retention”, or “water quality treatment” component in the bottom of the basin, one or more extended detention basins within the Project, vegetated swales, grass filter strips or other treatment measures consistent with the Manual that are deemed to be acceptable by the Public Works Director or his/her designee. In order for future DET 3A to be considered by the City to be acceptable in providing stormwater quality treatment as a joint-use, the Subdivider will be required to obtain and submit specific geotechnical information in the location of the site of future DET 3A that clearly indicates that soil percolation rates will allow the “retention” components within the basin to drain effectively via percolation and in conformance with Applicable Law, or

provide a second low flow outlet for the water quality treatment storage.

Until such time as future DET 3A is operational, which includes adequate detention storage to accommodate storm runoff from development areas and a positive outlet, the Project will be required to provide temporary retention basins as the interim discharge element for all Project drainage in conformance with Applicable Law.

- C.2.3.9 Prior to the issuance of a building permit for the Project, the Subdivider shall provide reasonable proof of compliance with the applicable CalGreen Building Standards to the reasonable satisfaction of the Public Works Director or his/her designee, in accordance with Applicable Law.

C.2.4. Sanitary Sewer

C.2.4.1 Permanent Sewer Connection

It is the Subdivider's responsibility to pay its proportionate share of the Project's permanent sewer connection in accordance with the City of Tracy Wastewater Master Plan/ Corral Hollow Sewer Analysis dated October 2009 and the 2010 Update (STM) prepared by CH2MHill and Applicable Laws.

C.2.4.2 Temporary Sewer Line to the Eastside Sewer System

According to Section 1.13(b)(3) of the Ellis DA, sewer conveyance capacity for 250 residential units is available on the Eastside Sewer Conveyance System on an interim basis until the upgrade to the Corral Hollow Sewer Conveyance System is completed. It was determined that an additional capacity on the Eastside Sewer Conveyance System through existing sewer main on the Edgewood Subdivision is available for 46 residential units and the commercial parcels on an interim basis. The Subdivider will be required to design and install an interim sewer connection near the intersection of Ellis Drive / Corral Hollow Road up to its connection point at the existing sewer manhole on Peony Drive / Heirloom Lane on Edgewood Subdivision. The temporary sewer line must be designed and installed such that it will function as a gravity sewer line. The Subdivider shall complete the temporary sewer improvements described under this sub-section, all at the Subdivider's sole cost and expense, prior to the issuance of the 1st occupancy permit on the Property.

The Subdivider will be required to apply a 2” thick asphalt concrete overlay with reinforcing fabric along the alignment of the sewer main to its connection point. If the sewer main is installed on one side of the street, the limits of asphalt concrete overlay shall be half of the width of the street, and shall be 25 feet from both sides of the trench at crossing(s). Pavement saw-cutting and grinding will be required to remove the top 2” of the existing asphalt concrete pavement. Design of and the improvement plans for the sewer improvements described under this subsection shall be prepared and will become part of the improvement plans for Corral Hollow Road Improvements.

C.2.4.3 Temporary Sewer Main on Corral Hollow Road

In accordance with Section 1.13(b)(1) of the Ellis DA, the existing Corral Hollow Sewer Conveyance System has existing conveyance capacity for 330 residential units reserved for this Project on a permanent basis. The City is currently completing the designs for a permanent sewer main on Corral Hollow Road from Peony Drive to the existing sewer manhole at Parkside Drive. This sewer line will be designed to its ultimate size but will function with a restricted flow capacity equivalent to the sewer generation of 330 residential units only.

In order to guarantee completion of the design and installation of the permanent sewer and roadway improvements described under this section not later than October 31, 2018, the Subdivider shall sign a Deferred Improvement Agreement with the City, and post improvement security in the amounts approved by the City Engineer, before approval of the first Final Map.

C.2.4.4 The portion of the sewer main on Corral Hollow Road that will be installed within the jurisdiction of the San Joaquin County (County) will require encroachment permit and a maintenance agreement with the County. The Subdivider is required to coordinate with the County Public Works Department the design of the utility trench and extent of pavement replacement for the portion of Corral Hollow Road that is within the County right-of-way. The Subdivider shall comply with all the applicable requirements of the County, obtain encroachment permit, and pay permit processing, plan checking and inspection fees, prior to starting work. The County will require a traffic control plan and improvement plans as part of the encroachment permit application.

The temporary sewer improvements described under this sub-section shall only be completed at Subdivider's election.

C.2.4.5 Prior to starting the work described in this section, the Subdivider shall submit a Traffic Control Plan, to show the method and type of construction signs to be used for regulating traffic at work areas during the installation of the sewer improvements described in Conditions C.2.4.2 and C.2.4.4, above. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

C.2.4.6 Permanent Sewer Connection to Corral Hollow Sewer Conveyance System
When the ultimate Corral Hollow Sewer Transmission Upgrades are complete, and the Corral Hollow Road sewer trunk line is installed to Ellis Drive and becomes available for connection, the interim sewer connection from Ellis Drive shall be diverted or replaced with permanent sewer improvements that will be connected to the new sewer trunk line with a manhole on Corral Hollow Road. The gravity sewer line on Peony Drive from Corral Hollow Road to the Edgewood Subdivision shall be disconnected by plugging pipe ends at the sewer manholes.

C.2.5. Water System

C.2.5.1 Ellis Specific Plan Water System Analysis (WTM)
According to the Technical Memorandum dated August 14, 2013 titled "Ellis Specific Plan Water System Analysis" (WTM), in the interim condition, the Property can be served by Pressure Zone 2 water distribution line on Corral Hollow Road after the installation of certain permanent and temporary water line improvements as identified in the WTM (Offsite Water Improvements) by the Subdivider.

These Offsite Water Improvements must be completed by the Subdivider before the issuance of the occupancy permit of the first residential house to be constructed on the Property. In order to guarantee completion of the Offsite Water Improvements, the Subdivider shall enter into an Offsite Improvement Agreement (OIA) with the City and post improvement security in the amounts approved by the City Engineer, prior to the approval of the First Final Map. The OIA requires authorization from the City Council. The Subdivider shall design and prepare improvement plans for the Offsite Water Improvements, and pay engineering review fees such as plan checking, agreement and permit

processing, testing, and construction inspection fees based on current charge rate and as required by these Conditions of Approval, and in accordance with Applicable Law.

C.2.5.2 All costs associated with the installation of the Offsite Water Improvements 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 that may be disturbed with the installation of these improvements shall be paid by the Subdivider.

C.2.5.3 The Subdivider is also responsible for obtaining permission from the Union Pacific Railroad Company (UPRR), if necessary, for the installation of a permanent water line crossing across the UPRR right-of-way, prior to starting construction of the Offsite Water Improvements in any UPRR area. The water line crossing agreement requires approval from the City Council. The Subdivider shall pay for the cost of obtaining the written permission including the water line crossing agreement from UPRR. The City will allow construction of a portion of the Offsite Water Improvements outside UPRR's right-of-way, if the Subdivider provides the City documentation that a written request to UPRR to process a water line crossing agreement has been submitted. The City may request the required permission from UPRR if requested by Subdivider.

C.2.6 Street Improvements

C.2.6.1 Corral Hollow Road Right of Way

City will adopt a precise plan line to establish the location and alignment of the centerline of Corral Hollow Road from Parkside Drive to Highway 580 (PPL). With the adoption of the alignment plan, it will provide the amount of right-of-way to be acquired from each of the properties that are located along this portion of Corral Hollow Road including the Project. Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by City Council on November 26, 2012, pursuant to Resolution 2012-240, amended on November 19, 2013, Corral Hollow Road between Parkside Drive to Linne Road will be a 4-lane major arterial street with a raised median as depicted on Figure 4.15b Arterial Street Roadway Cross Sections of the CRTMP.

The Subdivider shall dedicate all rights-of-way and/ or easement(s) that are necessary for the widening of Corral

Hollow Road along the entire frontage of the Property on Corral Hollow Road that satisfies the roadway cross section shown on the PPL and CRTMP, and for the widening and construction of intersection improvements with a traffic signal at Ellis Drive / Corral Hollow Road and Middlefield Drive / Corral Hollow Road (“Corral Hollow Road Improvements”). The design of the intersection improvements will include the installation of a traffic signal and appurtenances and associated improvements such as right-turn lane(s), left turn lane(s), raised median(s), pavement transition, lane line marking(s), pavement markings, traffic sign(s), and other improvements as reasonably determined by the City that are necessary to be constructed to have a safe signalized intersection.

C.2.6.2 Corral Hollow Road Improvements

The Subdivider shall design and construct it’s pro rata share, as determined by the cost estimate of a licensed engineer, of the Corral Hollow Road Improvements, which shall be designed and constructed in accordance with Applicable Laws and these Conditions of Approval and shall be completed by the Subdivider per the timeline specified in the SIA. Corral Hollow Road Improvements may include but not limited to, concrete curb, gutter, and sidewalk, asphalt concrete pavement, water main, fire hydrant, storm drain line, catch basin, storm drainage drop inlet, street tree, landscaping with automatic irrigation system (Motorola Controller), pavement marking and striping, traffic sign, street light, asphalt concrete overlay (where required), pavement transition and other street and utilities improvements that are required to serve the Project and based on the phasing plan approved by the City Engineer.

Before approval of a Final Map, Subdivider shall sign a Deferred Improvement Agreement with the City for the design and construction of frontage improvements on Parcel “D” on Corral Hollow Road. If the City declines to accept the dedication of Parcel “D” as provided in the Ellis DA, the Subdivider shall, not later than ninety (90) days thereafter, post appropriate security, as determined by the City, for the completion of the design and construction of the Parcel “D” frontage improvements.

Corral Hollow Road Improvements shall be designed and constructed by the Subdivider to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (CHDM) and the California Manual of Uniform Traffic

Control Devices (MUTCD), the Applicable Law, and these Conditions of Approval, prior to the final inspection of the first building to be constructed on the Property or issuance of the first building certificate of occupancy on the commercial lots.

C.2.6.3 Traffic Signal at Ellis Drive/Corral Hollow Road

A four-way traffic signal will be required at Ellis Drive / Corral Hollow Road and shall be installed and made operational at the time specified in the traffic signal warrant analysis described in Condition C.2.6.5, below. The Subdivider shall provide improvement plans that show the design and construction details of the four-way traffic signal and all associated intersection improvements such as left-turn lane, exclusive right-turn lane, new travel lane, raised median, pavement marker and sign, traffic controller and power supply cabinet, traffic detecting loops and video camera for traffic monitoring, fiber optic traffic signal interconnect system and other improvements reasonably determined by the City Engineer to be necessary to operate a signalized intersection.

Subdivider shall provide the fiber optics system for communication of the traffic signals for the future condition. In interim condition, the Subdivider shall provide a functional communication system from the City Hall to the traffic signals that will be constructed with this Project.

C.2.6.4 Intersection Improvements at Middlefield Drive/Corral Hollow Road

Additional roadway improvements and the fourth leg of the existing traffic signal will be required at the intersection of Middlefield Drive / Corral Hollow Road. The work described under this sub-section shall be completed when Middlefield Road from the Property is extended to Corral Hollow Road. The Subdivider shall provide improvement plans that show the design and construction details of the four-way traffic signal and all associated intersection improvements such as left-turn lane, exclusive right-turn lane, new travel lane, raised median, pavement marker and sign, traffic detecting loops and video camera, traffic signal interconnect wires and conduit and other improvements reasonably determined by the City Engineer to be necessary to operate a signalized intersection

C.2.6.5 Traffic Signal Warrant Analysis (Trigger Study)

Prior to the issuance of the 200th building permit, a traffic signal warrant analysis shall be completed to determine if a

traffic signal is warranted at the intersection of Ellis Drive / Corral Hollow Road and to identify timeline when the traffic signal is needed and also identify when the portion of Middlefield Road that is within the Property must be extended to Corral Hollow Road. If a traffic signal is warranted, the Subdivider shall install the traffic signal and construct associated intersection improvements as described in Conditions C.2.6.1 and C.2.6.3, above, and per the Ellis SP, FIP, and Applicable Law. Improvements beyond the Subdivider's responsibility are subject to reimbursement from the City from City fees collected.

C.2.6.6 Bus Shelter and Turnout on Corral Hollow Road

The final location and geometric configuration such as storage length, bay taper, and others of the bus turnout shall be determined at the time of preparation of improvement plans and will require approval from the City Engineer. The bus shelter and turnout shall be located such that it does not create a horizontal sight distance issue with the outbound traffic on the commercial driveway for Parcel "C". The bus shelter and turnout shall be constructed as part of the Corral Hollow Road Improvements. Construction details of the bus shelter must be shown on the Improvement Plans. The City will provide the construction details and materials specifications of the bus shelter. The cost for the bus shelter and improvements are subject to reimbursement subject to availability of funds.

C.2.6.7 Encroachment Permit

All work to be performed and improvements to be constructed within City's right-of-way will require an Encroachment Permit from the City, prior to starting the work. The Subdivider or its authorized representative shall submit all documents that are required to process the Encroachment Permit including but not limited to, approved Improvement Plans, Traffic Control Plan that is prepared by and signed and stamped by a Civil Engineer or Traffic Engineer registered to practice in the State of California, payment of engineering review fees, copy of the Contractor's license, Contractor's Tracy business license, and certificate of insurance naming the City of Tracy as additional insured or as a certificate holder.

C.2.6.8 Dead-End Streets

A standard barricade and guardrail with appropriate traffic sign will be required at the west end of Street 10, Street 5, Street 11 and Street 15, and north end of Street 6, Street 4, Street 2, Street 1, and at temporary turn around. A

wooden fence shall be installed at the end and for the entire right-of-way width of these streets. The space behind the barricade shall be paved to prevent growth of weeds and provide easier access for removing accumulated debris. To prevent street runoff from draining to adjacent property(s), a concrete curb shall be installed through the entire width of the pavement or curb-to-curb. Asphalt concrete berm or curb is an acceptable alternative solution. Construction details of the improvements described under this sub-section must be shown on the Improvement Plans.

C.2.6.9 Temporary Turn Around

The temporary cul-de-sac at the end of Street 18, Ellis Drive and Middlefield Drive shall be enclosed with a wooden fence with chain link gate secured by a padlock. The temporary cul-de-sac shall be constructed with an asphalt concrete pavement (lesser pavement section/thickness), and temporary asphalt concrete berm. The Subdivider shall be responsible for obtaining permission to construct, use, repair and maintain the temporary cul-de-sac from the involved property owner(s) and shall also be responsible for repairing and maintaining the temporary cul-de-sac. Construction details of the temporary turn around shall be shown on the Improvement Plans. The Subdivider's obligations towards the repair and maintenance of the temporary turn around shall be guaranteed in the DIA.

C.2.6.10 Ellis Drive, Middlefield Drive and Other In-tract Streets

The Subdivider shall dedicate all rights-of-way that are necessary to construct Ellis Drive, Middlefield Drive and all the in-tract streets based on their respective cross sections shown on the Ellis SP once improvements are complete for the given street. The width of travel lanes, street median, landscaping strip and sidewalk shall be in accordance with the Ellis SP. Design and construction details of the in-tract streets such as asphalt concrete pavement, curb, gutter, sidewalk, street light, water main, fire hydrant, landscaping with automatic irrigation system (Motorola), storm drain, catch basin and drop inlets, sanitary sewer main and lateral, water main, individual water service and meter, pavement marking and striping, traffic sign, driveway, handicap ramp and other street improvements shall be consistent with the Ellis SP and shall be shown on the Improvement Plans.

C.2.7. Undergrounding of Overhead Utilities

C.2.7.1 Public Utility Easement

All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, and to be installed within dedicated Public Utility Easement (PUE) and at the location approved by the respective owner(s) of the utilities. The Subdivider shall submit improvement plans for the installation of electric, gas, telephone and TV cable lines that are to be installed under the sidewalk or within the 6 feet wide Public Utility Easement (PUE) within the Property. The Subdivider shall complete the necessary coordination work with the respective owner(s) of the utilities for the design of these underground utilities and to ensure it can be constructed under the sidewalk or within the 6 feet wide PUE, and for additional space if the 6 feet PUE is inadequate as determined by the utilities owner(s), prior to the approval of the Final Map.

C.2.7.2 Pavement cuts or utility trench(s) on existing street(s) for the installation of electric, gas, cable TV, and telephone will require the application of 2" asphalt concrete overlay and replacement of pavement striping and marking that are disturbed during construction. The limits of asphalt concrete overlay shall be 25 feet from both sides of the trench, and shall extend over the entire width of the adjacent travel lane(s) if pavement excavation encroaches to the adjacent travel lane or up to the street centerline or the median curb. If the utility trench extends beyond the street centerline, the asphalt concrete overlay shall be applied over the entire width of the street (to the lip of gutter or edge of pavement). Construction details and limits of asphalt concrete overlay shall be shown on the Improvement Plans.

C.3 Mini/Neighborhood and Community Parks

C.3.1 The Subdivider or Owner shall offer for dedication Parcel "A" (approximately 3.06 acres) for park purposes as required by subsection 1.15(a) of the Ellis DA, the Ellis SP and Applicable Law on the first Final Map. The Subdivider shall design and construct the neighborhood park improvements consistent with the Ellis SP and Applicable Law. The Subdivider is entitled to neighborhood/mini park fee credits, if the Subdivider complies with Applicable Law.

C.3.2 The Subdivider shall submit park improvement plans, signed and notarized improvement agreement ("Park Improvement and Reimbursement Agreement or PI&RA"), and Improvement Security in the amount and type specified in the Applicable Law prior to the approval of the First Residential Occupancy Permit. The timing of

completion of the neighborhood park improvements shall be in accordance with the Ellis SP, or as agreed by the Subdivider.

C.4 Grading and Encroachment Permit

No applications for grading and encroachment permits will be accepted by the City as complete until the Final Map is approved by the City Council and it is recorded, and the Subdivider has provided all documents required by these Conditions of Approval, and Applicable Law, to the reasonable satisfaction of the City Engineer, including, but not limited to, the following:

- C.4.1 Permit(s), agreement(s) and approval of other public agencies that has jurisdiction over the required public facilities, if applicable.
- C.4.2 Three (3) copies of the Project's Geo-technical /Engineering Soils Report prepared or signed and stamped by a Geo-technical Engineer as required in Condition C.3.2.2, above.
- C.4.3 Three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) identical to the reports submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID). After the completion of the Project, the Subdivider is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Subdivider. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008 and any subsequent amendment(s), and Applicable Law.
- C.4.4 Reasonable written permission from irrigation district or affected owner(s), if applicable as required in Condition C.3.2.5, above. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.
- C.4.5 Written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), if applicable. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection.
- C.4.6 Payment of engineering review fees, pursuant to City's Master Fee Resolution, including but not limited to, plan checking, grading and encroachment permits and agreement processing, construction

inspection, and testing fees as required by these Conditions of Approval and Applicable Law.

- C.4.7 Pipeline Crossing Agreement with UPRR, for the installation of water main crossing on Corral Hollow Road, as required in Condition C.2.5.3, above.

C.5 Building Permit

The City will not approve any building permit within the Project boundaries until the Final Map is approved by the City Council and it is recorded, and the Subdivider demonstrates, to the reasonable satisfaction of the City Engineer, compliance with all the required Conditions of Approval, including, but not limited to, the following:

- C.5.1 The Subdivider has submitted payment of development impact fees and all other applicable fees as determined and required on Ellis FIP and all subsequent amendments to the Ellis FIP.

C.6 Agreements and Improvement Security

C.6.1. Subdivision Improvement Agreement

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

C.6.2 Deferred Improvement Agreement

Before the City's approval of the First Final Map, the Subdivider shall execute a Deferred Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement), under the Applicable Law.

C.6.3 Improvement Security

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

- C.6.3.1 Faithful Performance (100% of the estimated cost of constructing the public facilities),
- C.6.3.2 Labor & Material (100% of the estimated cost of constructing the public facilities), and

C.6.3.3 Warranty (10% of the estimated cost of constructing the public facilities)

C.6.3.4 Monumentation (\$500 multiplied by the total number of street centerline monuments that are shown on the Final Map)

C.7 Benefit District

The Subdivider may make a written request to the City for the formation of a Benefit District only if the written request is made before the approval of the Final Map for which the public facilities are required, and in accordance with these Conditions of Approval, and Applicable Law.

C.8 Final Building Inspection

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

C.8.1 Prior to the final building inspection of the 65th residential building, the Subdivider has constructed two (2) vehicular access points (one of which may be temporary) from Corral Hollow Road for use by fire and emergency vehicles, consistent with the construction phasing of the Project, to the reasonable satisfaction of the Fire Code Officer, and as required by these Conditions of Approval. The temporary access may be a permanent parking lot (or parking aisle) or a temporary road, and if it is a temporary road, it shall not be less than 20 feet in width and shall be paved with 3 inches thick asphalt concrete and not less than 10 inches aggregate base. If the access is a temporary access road, the Subdivider shall remove the temporary access road within 60 calendar days from the date of written notification from the Fire Code Officer. The Subdivider shall be solely responsible for the costs of constructing and removing the temporary access road including signing and striping, and the City shall not be responsible for any reimbursement therefor. Design and construction details of the improvements required under this sub-section shall be shown on the Improvement Plans.

C.8.2 The Subdivider has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested or a final building inspection has to be performed. Unless specifically provided in these Conditions of Approval, or the Applicable Law, the Subdivider shall take all actions necessary to construct all public facilities required to serve the Project, and the Subdivider shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.9 Acceptance of Public Improvements

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

- C.9.1 All the public improvements shown on the Improvement Plans are completed and all the deficiencies listed in the deficiency report prepared by the assigned Engineering Inspector are all corrected.
- C.9.2 Subdivider has completed the 90-day public landscaping maintenance period.
- C.9.3 Subdivider has submitted Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements.

C.10 Release of Improvement Security

- C.10.1 Improvement Security for Faithful Performance, Labor & Materials, and Warranty will be immediately released to the Subdivider pursuant to Section 12.36.080(d) of the Tracy Municipal Code.
- C.10.2 Monumentation Bond will be immediately released to the Subdivider after City Council's acceptance of the public improvements and all the street centerline monuments shown on the Final Map are installed and tagged by a Land Surveyor licensed to practice in the State of California.
- C.10.3 Unused portion of the storm drainage cash deposit specified in Condition C.2.3.6, above, will be immediately released to the Subdivider after the removal of the off-site or on-site temporary storm drainage retention basin and in accordance with the DIA.

C.11 Special Conditions

- C.11.1. Nothing contained herein shall be construed to permit any violation of Applicable Law. Subject, however, to Applicable Law, this Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the final map, improvement agreements, and improvement plans, prior to the City Engineer's signature on the final map and improvement plans, if the City Council finds it necessary due to public health and safety reasons. The Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City. Costs may be

applicable to the Ellis FIP as credit. Health and Safety findings shall be made by the City Council under the terms of a City wide review of the Health and Safety related issue.

Nothing in these Conditions of Approval are intended or may be interpreted to limit or interfere with any of the vested rights provided in the Ellis Development Agreement. In the event of any conflict between any provision of these Conditions of Approval and the Applicable Law, the Applicable Law shall control.

AGENDA ITEM 2 B

REQUEST

PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT AMENDMENT AND DEVELOPMENT REVIEW APPLICATIONS FOR A BUILDING ADDITION AT AN EXISTING FOOD PROCESSING PLANT AT 2401 NORTH MACARTHUR DRIVE, APN 213-070-50; APPLICANT IS E.A. BONELLI & ASSOCIATES AND PROPERTY OWNER IS LEPRINO FOODS - APPLICATION NUMBERS CUP14-0006 & D14-0012.

DISCUSSION

Location and Project Description

Leprino Foods is an approximately 240,000-square foot cheese processing plant located at 2401 North MacArthur Drive at the northwest corner of MacArthur Drive and Grant Line Road (Attachment A: Location Map). The site is zoned Light Industrial (M-1) and has a General Plan land use designation of Industrial (I). The subject site is adjacent to residential sites to the north and west and industrial sites to the east and south. There is a railroad spur line between the single-family residences to the west and the cheese processing plant.

Leprino Foods has been in operation at this location for approximately 40 years. Over the years, Leprino Foods has renovated and expanded the facility with City approval. According to the applicant, the existing vat room no longer meets the operational needs of the plant. The applicant proposes to modify the existing office area and expand that portion of the building toward Grant Line Road and MacArthur Drive for a new vat room and reconstructed offices. According to the applicant, once the new vat room is operational, the existing vat room, which is located in the interior of the plant, will be modified to allow for cheese processing.

Food manufacturing is conditionally permitted in the M-1 zone. A building addition requires Planning Commission approval of a Conditional Use Permit amendment for the expansion of the facility. The building addition also requires Development Review approval, which is typically granted by the Development Services Director. For efficiency in processing the applications, the Development Services Director has referred the Development Review application to the Planning Commission.

Project Analysis

The proposed building addition is approximately 8,400 square feet and will be two stories in height (Attachment A: Floor Plan). The addition will bring the building closer to Grant Line Road and MacArthur Drive to match the existing building setbacks (Attachment A: Site Plan). The applicant proposes to continue the decorative split-faced block design on the exterior of the building containing the new vat room. The portion for the offices proposes modern architecture comprised of large and tall window glazing, metal siding and canopies, and tan brick to complement the existing split-faced block (Attachment A: Elevations).

According to the applicant, the function and operation of the proposed expansion would remain the same as existing operations and would not increase truck trips, noise, or odors. Because the project would not increase the amount of product produced or the number of employed staff, the amount of required off-street parking will not change.

City staff recommends approval of project based on the conclusion that the building addition and facility expansion will operate in a compatible manner with the existing plant operation and will not propose negative impacts to neighboring properties.

Environmental Document

The project is categorically exempt from CEQA pursuant to Guidelines Section 15301, which pertains to existing facilities where the project does not involve an addition to an existing structure greater than 10,000 square feet in an area where all public services and facilities are available and where the site is not environmentally sensitive. No further environmental assessment is required.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit Amendment and Development Review applications CUP14-0006 & D14-0012 subject to conditions and based on findings contained in the attached Planning Commission Resolution.

MOTION

Move that the Planning Commission approve the Conditional Use Permit amendment and Development Review applications CUP14-0006 & D14-0012 subject to conditions and based on findings contained in the attached Planning Commission Resolution dated July 23, 2014.

Prepared by: Kimberly Matlock, Assistant Planner

Approved by: Bill Dean, Assistant Development Services Department Director

Attachments

Attachment A: Location Map, Site Plan, Floor Plan, and Elevations (Full-size copies also available at City Hall in Development Services)

Attachment B: Planning Commission Resolution for CUP14-0006

Attachment C: Planning Commission Resolution for D14-0012

Mac Arthur Drive

Mac Arthur Drive

MOBILE HOME PARK

MOBILE HOME PARK

RV STORAGE

NORTHEAST GATE #1

EAST GATE #2

SOUTHEAST GATE #3

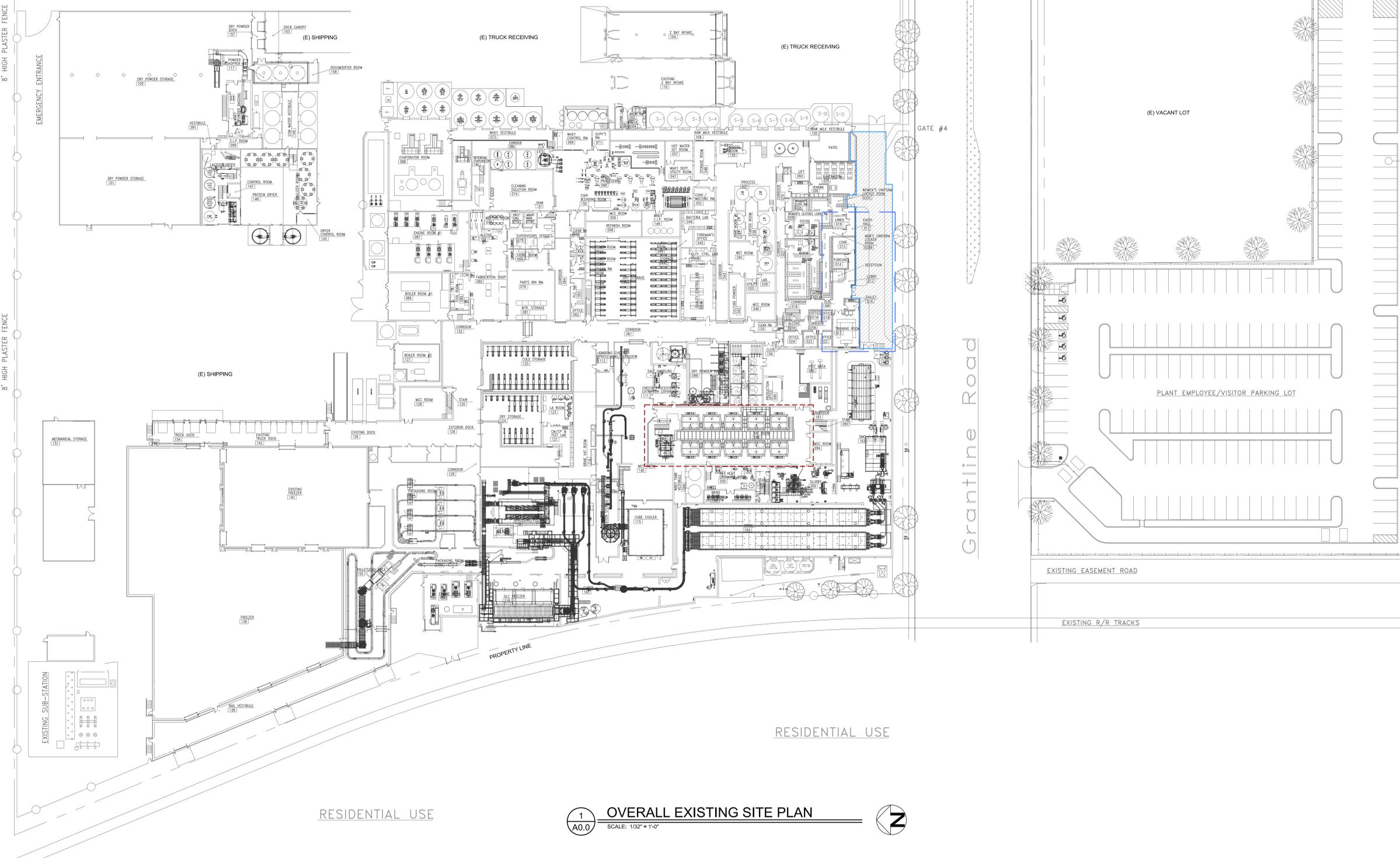
PEDESTRIAN CROSS-WALK

GATE #4

Grantline Road

EXISTING EASEMENT ROAD

EXISTING R/R TRACKS



RESIDENTIAL USE

RESIDENTIAL USE

1 OVERALL EXISTING SITE PLAN
A0.0 SCALE: 1/32" = 1'-0"

- AREA OF ADDITION
SEE FLOOR PLAN FOR SQ. FT.
- EXISTING VAT ROOM-
GOING OUT OF USE.
- NEW VAT ROOM

NO.	DATE	REVISION	BY
5/6/14		WORK IN PROGRESS	RBM
6/17/14		WORK IN PROGRESS	

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2922 W. Main Street, Visalia, CA 93291
Phone: (559)627-6448
Fax: (559)627-6483

PROJECT FOR



Leprino Foods
PROJECT NAME

TRACY VAT PROJECT

PROJECT ADDRESS
2401 Mac Arthur Drive
Tracy, CA 95376

SHEET TITLE

**OVERALL
EXISTING
SITE PLAN**

SCALE	AS NOTED	SHEET NO.
DRAWN	ACC	A0.0
CHECKED		
APPROVED		
DATE		
JOB NO	1308	

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NO.	DATE	REVISION	BY
0/16/14		DEVELOPMENT REVIEW	
0/17/14		WORK IN PROGRESS	

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Leprino Foods
PROJECT NAME

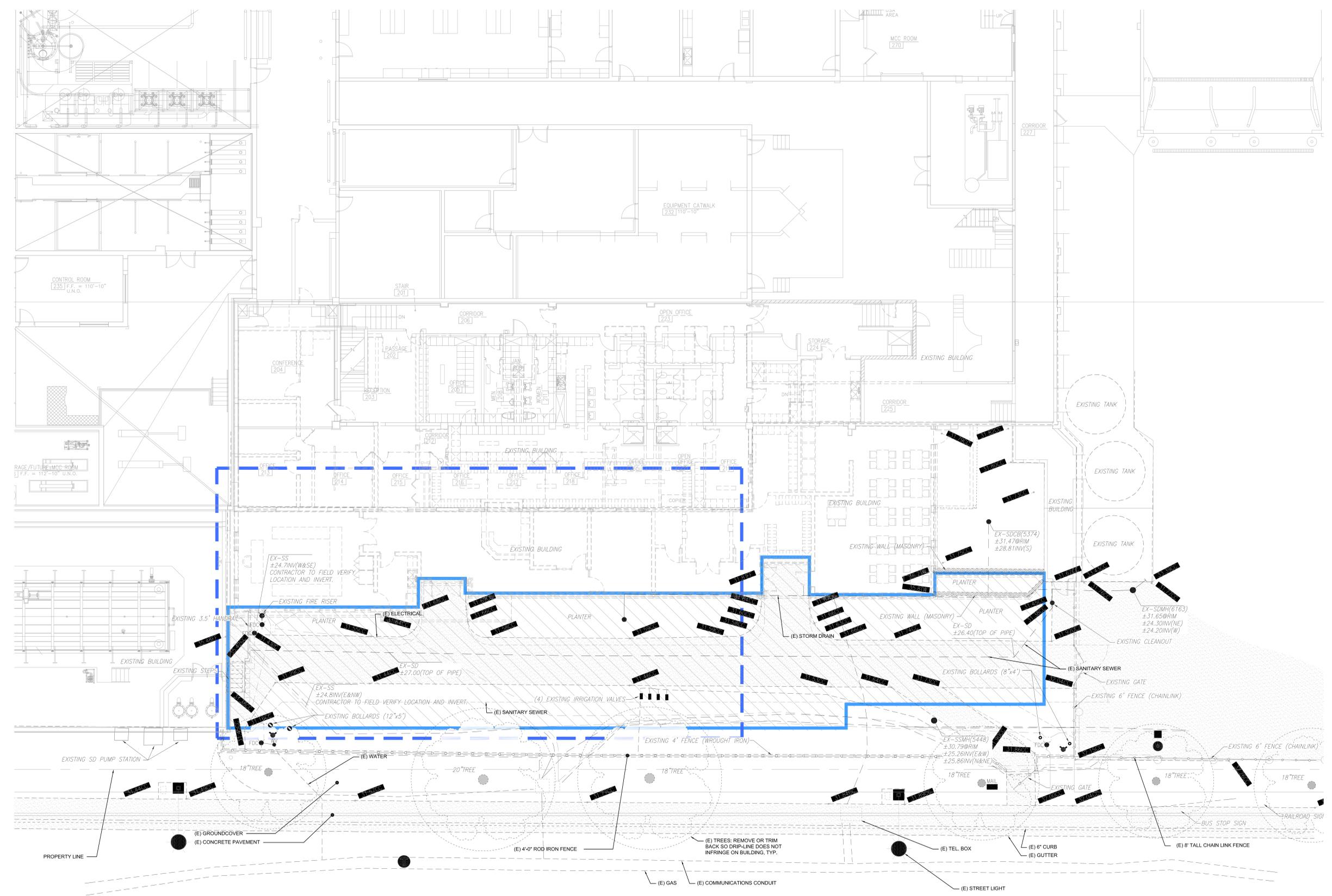
TRACY VAT PROJECT

PROJECT ADDRESS
2401 N. MacArthur Drive
Tracy, CA 95376

SHEET TITLE
EXISTING ENLARGED SITE PLAN AND LANDSCAPE

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APPROVED		
DATE		
JOB NO	1308	

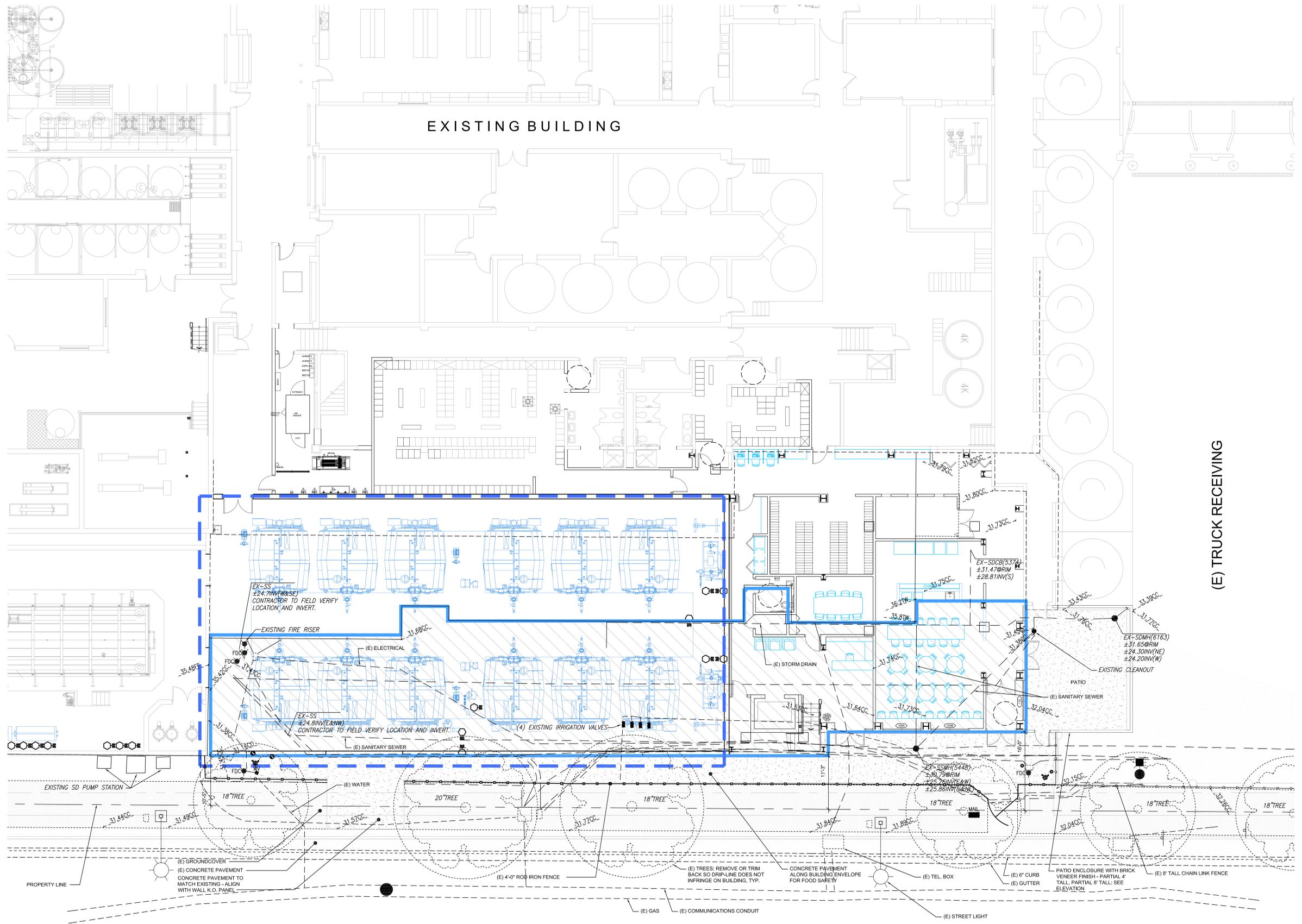
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GRANT LINE ROAD

1
A0.1
ENLARGED SITE PLAN AND LANDSCAPE
SCALE: 1/8" = 1'-0"

AREA OF ADDITION
SEE FLOOR PLAN FOR SQ. FT. NEW VAT ROOM



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	6/17/14	WORK IN PROGRESS	

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PROJECT FOR

Leprino Foods
PROJECT NAME

TRACY VAT PROJECT

PROJECT ADDRESS
2401 N. MacArthur Drive
Tracy, CA 95376

SHEET TITLE

ENLARGED PROPOSED OVERALL SITE PLAN AND LANDSCAPE

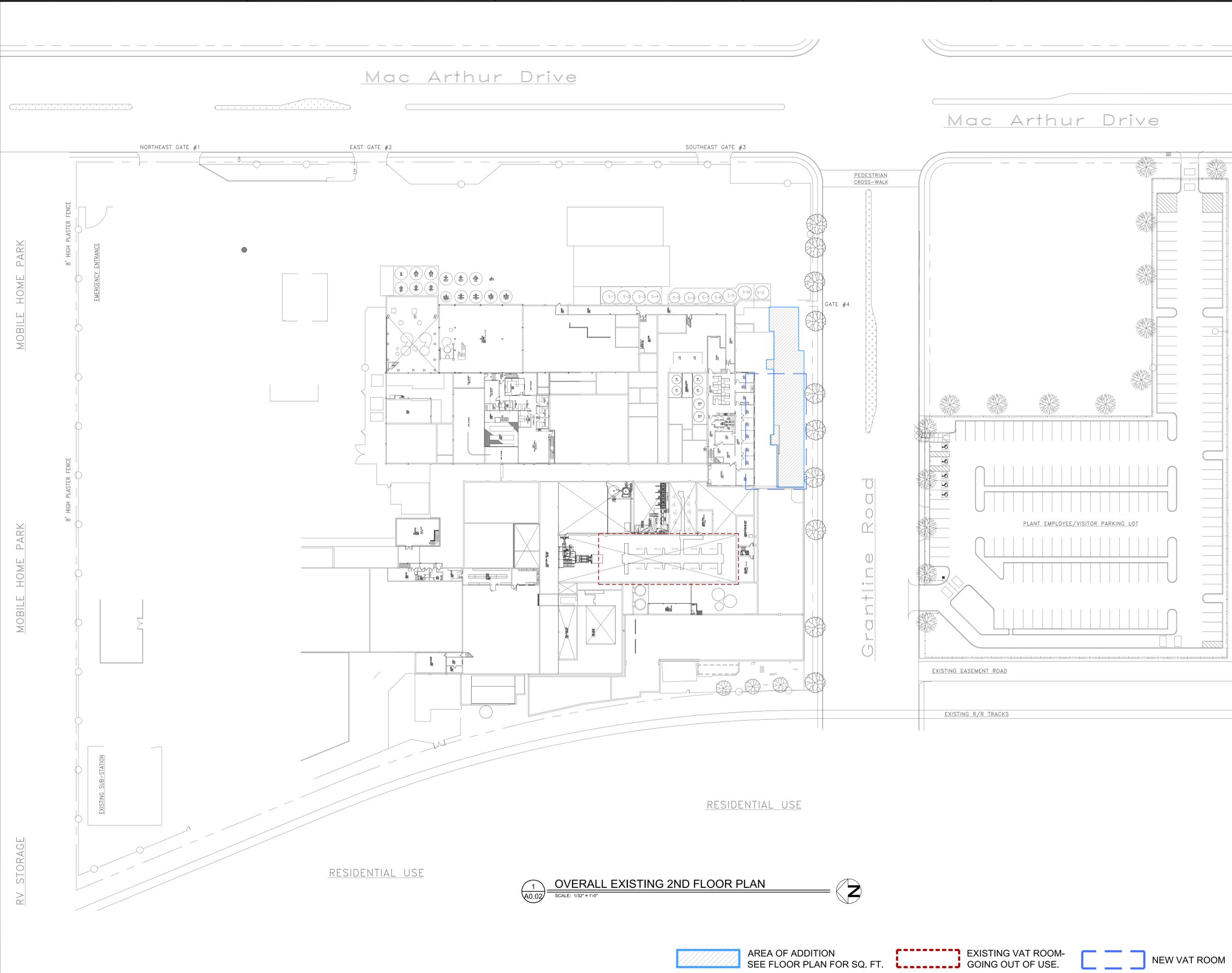
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APPROVED		
DATE		
JOB NO	1308	

1
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ENLARGED SITE PLAN AND LANDSCAPE
SCALE: 1/8" = 1'-0"

AREA OF ADDITION
SEE FLOOR PLAN FOR SQ. FT.

NEW VAT ROOM

PRELIMINARY NOT FOR CONSTRUCTION



1
A0.02

OVERALL EXISTING 2ND FLOOR PLAN

SCALE: 1/32" = 1'-0"



AREA OF ADDITION
SEE FLOOR PLAN FOR SQ. FT.



EXISTING VAT ROOM-
GOING OUT OF USE.



NEW VAT ROOM

PRELIMINARY NOT FOR CONSTRUCTION

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	6/17/14	WORK IN PROGRESS	

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PROJECT FOR



Leprino Foods
PROJECT NAME

PROPOSED
MAIN OFFICE AND
VATS ADDITION

PROJECT ADDRESS
2401 Mac Arthur Drive
Tracy, CA 95376

SHEET TITLE

**OVERALL
EXISTING
2ND
FLOOR PLAN**

SCALE	AS NOTED	SHEET NO.
DRAWN	ACC	A0.2
CHECKED		
APPROVED		
DATE		
JOB NO	1308	

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Leprino Foods
PROJECT NAME

TRACY VAT PROJECT

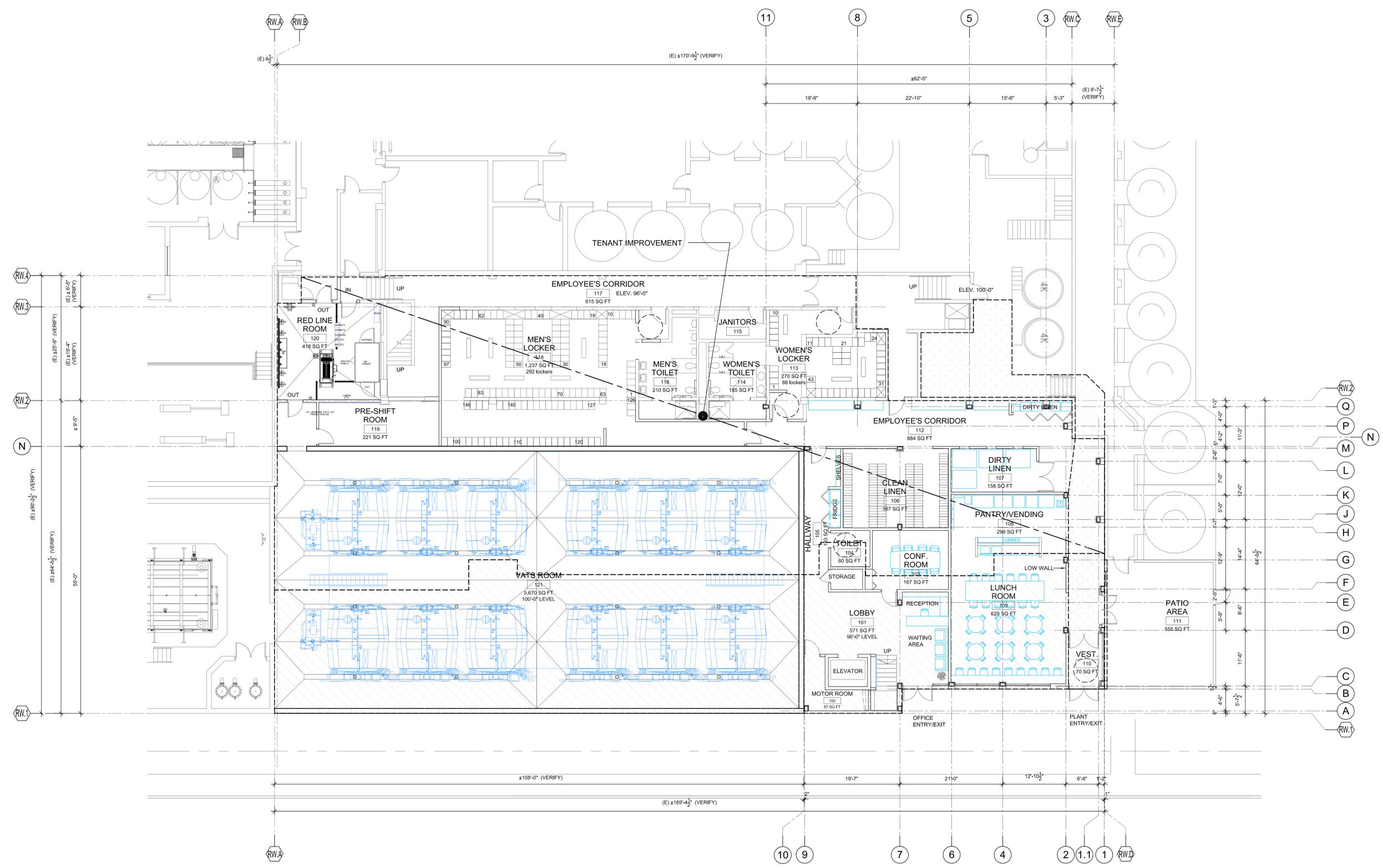
PROJECT ADDRESS
2401 Mac Arthur Drive
Tracy, CA 95376

SHEET TITLE

**PROPOSED
ENLARGED
FLOOR PLAN**

SCALE	AS NOTED	SHEET NO.
DRAWN	AC	A1.2
CHECKED		
APPROVED		
DATE		
JOB NO	1308	

PRELIMINARY NOT FOR CONSTRUCTION



PROPOSED BUILDING EXTENSION
AREA = 4,675 SQ. FT.

TEMPORARY CONSTRUCTION ACCESS

1
A1.2
ENLARGED FLOOR PLAN ELEV. 96'-0" - 100'-0"
SCALE: 1/8" = 1'-0"



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PROJECT FOR

Leprino Foods
PROJECT NAME

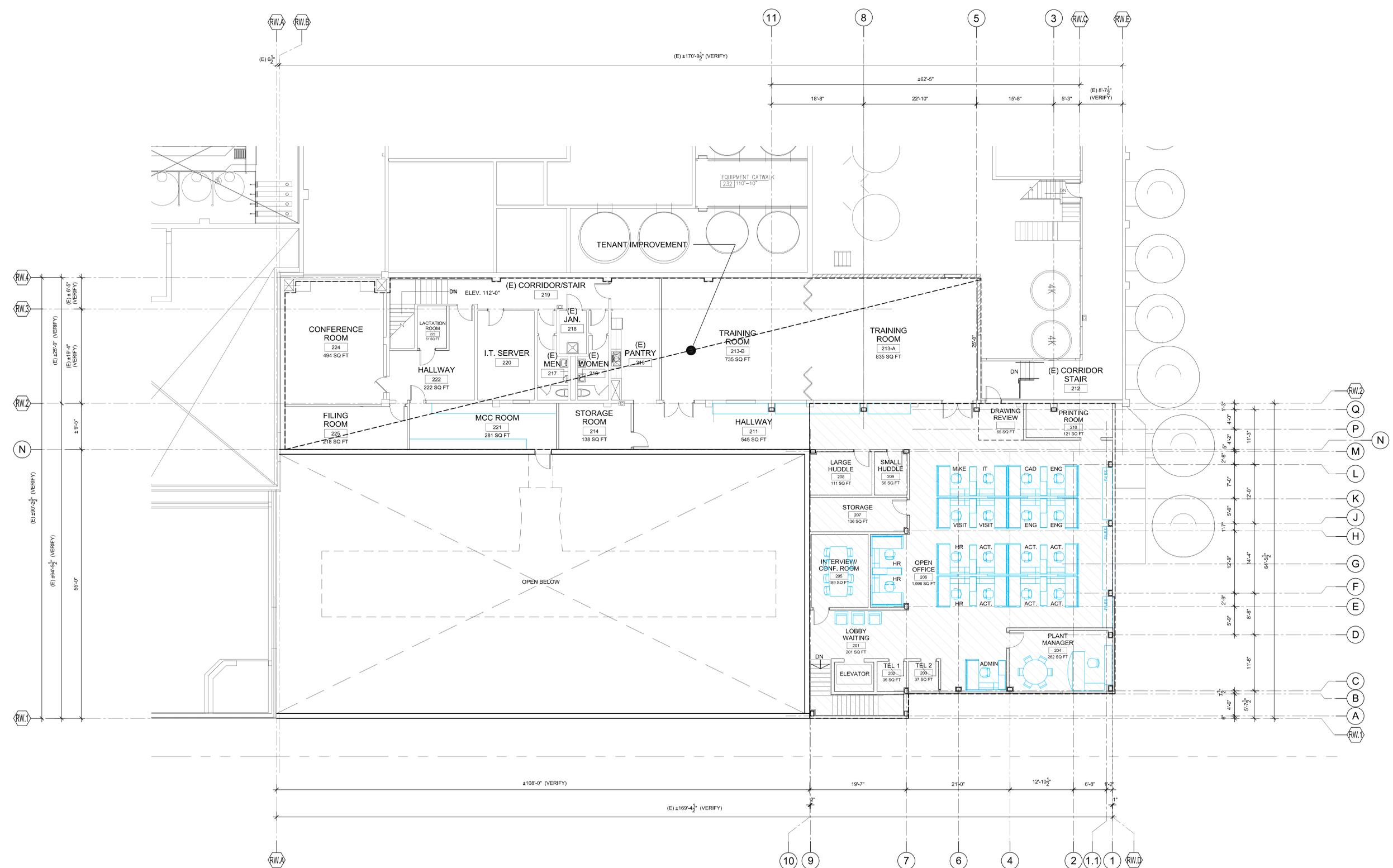
TRACY VAT PROJECT

PROJECT ADDRESS
2401 Mac Arthur Drive
Tracy, CA 95376

SHEET TITLE
PROPOSED ENLARGED FLOOR PLAN

SCALE	AS NOTED	SHEET NO.
DRAWN	AC	A2.2
CHECKED		
APPROVED		
DATE		
JOB NO.	1308	

PRELIMINARY NOT FOR CONSTRUCTION



1 ENLARGED FLOOR PLAN ELEV. 112'-0"
SCALE: 1/8" = 1'-0"

PROPOSED BUILDING EXTENSION
AREA = 3,767 SQ. FT.

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PROJECT FOR

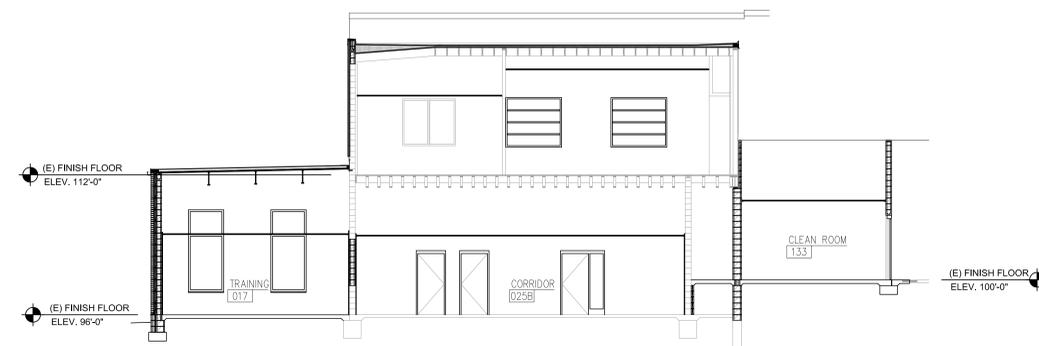
Leprino Foods
PROJECT NAME

TRACY VAT PROJECT

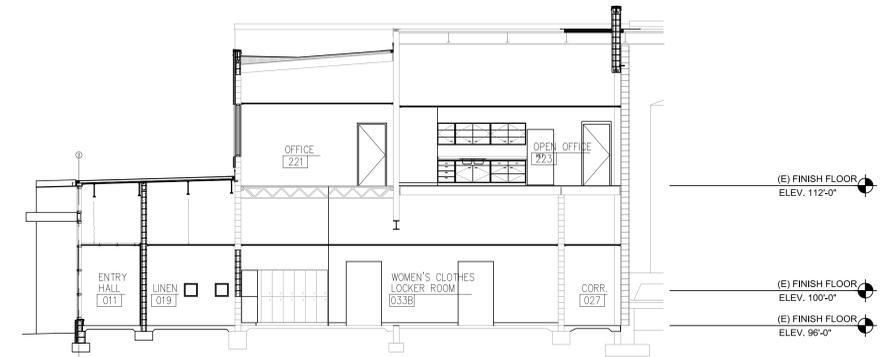
PROJECT ADDRESS
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Tracy, CA 95376

SHEET TITLE
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(FOR REFERENCE ONLY)

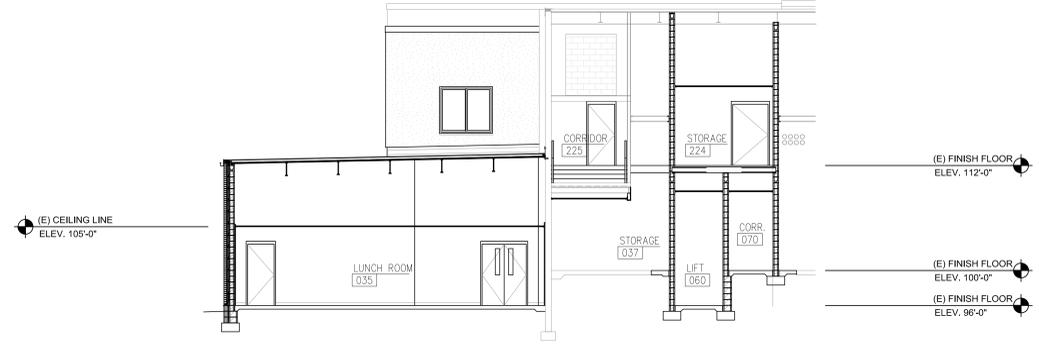
PRELIMINARY NOT FOR CONSTRUCTION



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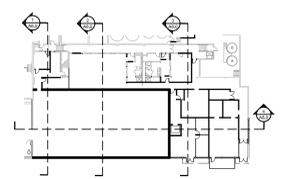
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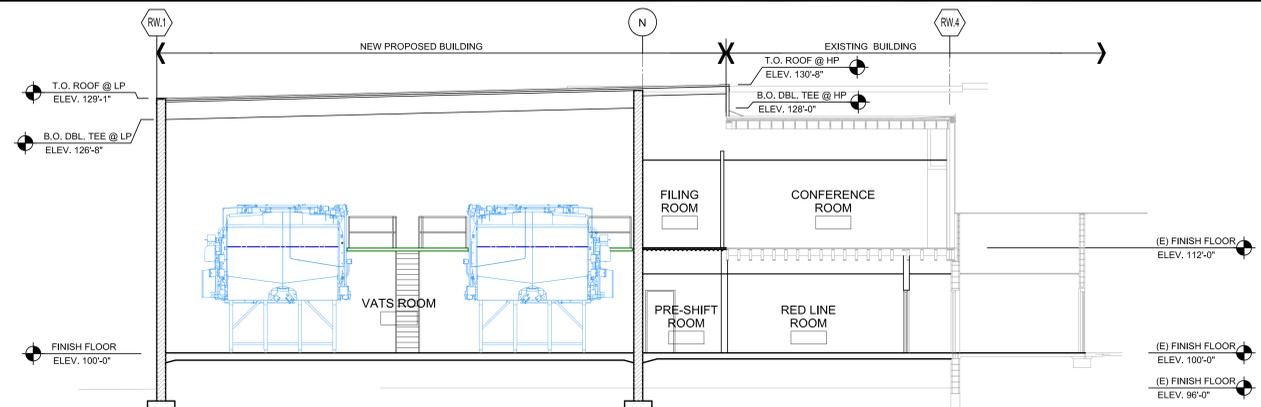


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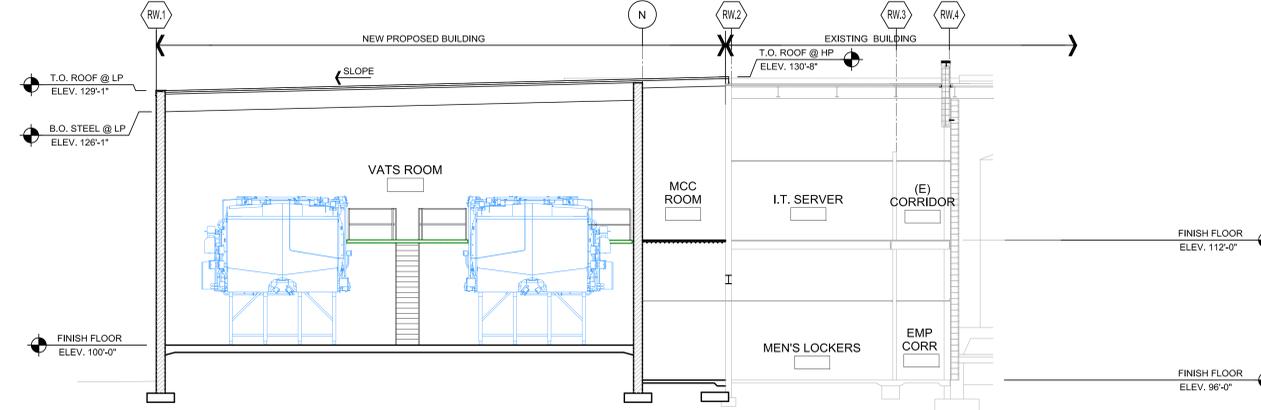


KEY PLAN

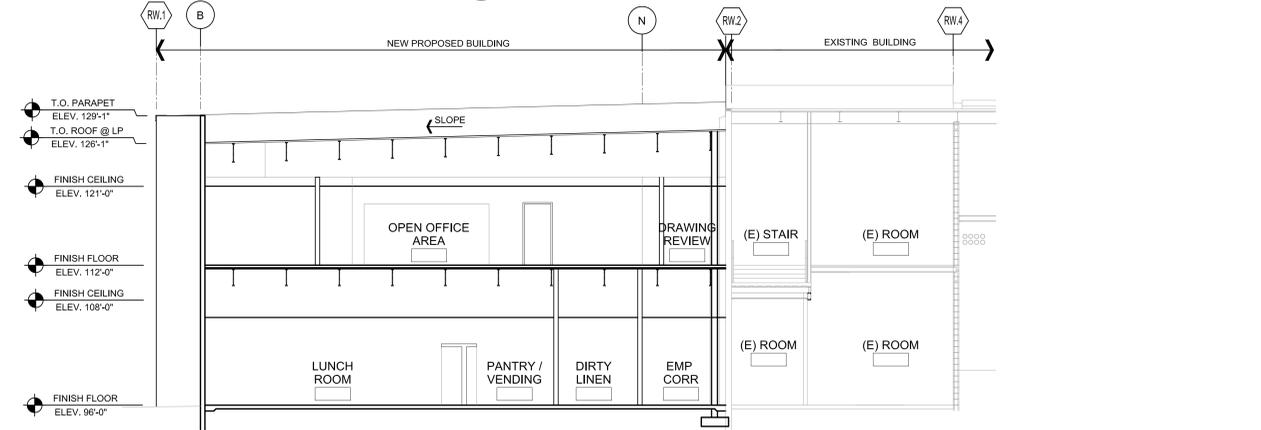
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DRAWN	RBM	A8.0
CHECKED		
APPROVED		
DATE		
JOB NO	1308	



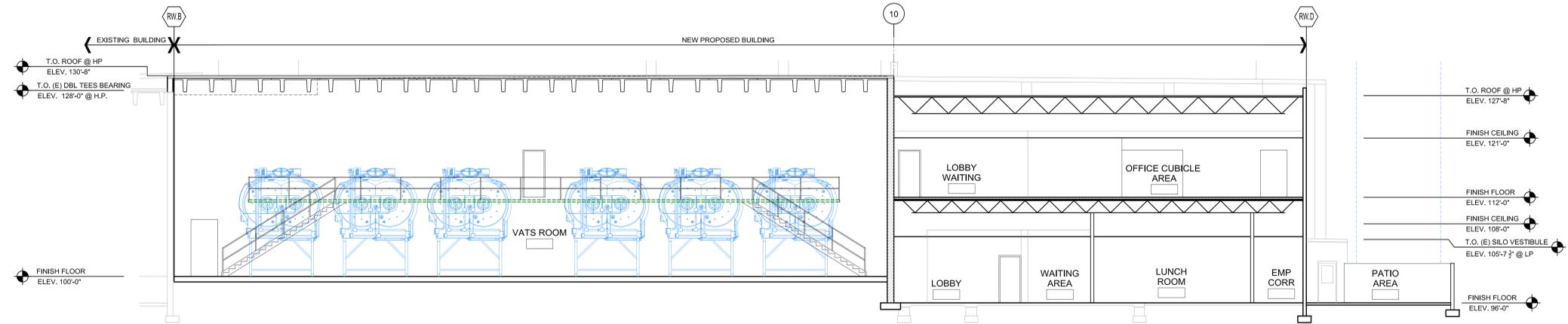
1 PROPOSED BUILDING SECTION
SCALE: 1/8" = 1'-0"



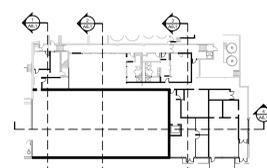
2 PROPOSED BUILDING SECTION
SCALE: 1/8" = 1'-0"



3 PROPOSED BUILDING SECTION
SCALE: 1/8" = 1'-0"



4 PROPOSED BUILDING SECTION
SCALE: 1/8" = 1'-0"



KEY PLAN

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Written directions on these drawings shall have precedence over sealed professional contractor seal and shall be responsible for all dimensions and conditions on the job and this office must be notified of any variations from the drawings and conditions shown on these drawings. Drawings shall be submitted to this office for review before commencing work. 10/20/14

NO.	DATE	REVISION	BY
	5/23/14	DEVELOPMENT REVIEW	RBM

CONFIDENTIAL AND PRELIMINARY. INCLUDES CORPORATE PROPRIETARY INFORMATION AND TRADE SECRETS. EXEMPT FROM DISCLOSURE TO THE PUBLIC.

SEAL



E. A. Bonelli
+
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PROJECT FOR

Leprino Foods
PROJECT NAME

TRACY VAT PROJECT

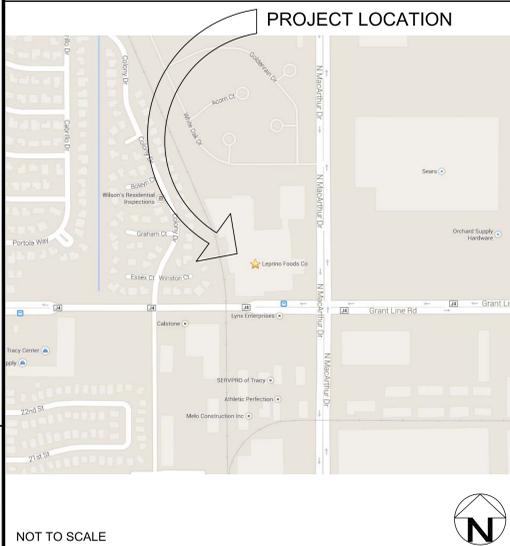
PROJECT ADDRESS
2401 Mac Arthur Drive
Tracy, CA 95376

SHEET TITLE
PROPOSED BUILDING SECTIONS

PRELIMINARY NOT FOR CONSTRUCTION

SCALE	AS NOTED	SHEET NO.
DRAWN	RBM	A8.1
CHECKED		
APPROVED		
DATE		
JOB NO	1308	

LOCATION MAP



Leprino Foods TRACY VAT PROJECT

2401 N. MacArthur Drive
Tracy, CA 95376

EXTERIOR PERSPECTIVE



AERIAL PHOTO



NO.	DATE	REVISION	BY
1	5/23/14	DEVELOPMENT REVIEW	RBM

GROUP INFORMATION

Owner:

LEPRINO FOODS
 2401 N. Mac Arthur Drive
 Tracy, CA 95378
 Contact: Jack Towle
 Tel: 1-303-480-2893

Architects and Engineers:

E. A. Bonelli + Associates, Inc.
 8450 Edes Avenue
 Oakland, CA 94621
 Contact: Marco Di Gino
 Tel: 510.740.0155
 Fax: 510.740.0160

ABBREVIATIONS

AB Anchor Bolt	DF Drinking Fountain	FLG Flange	LLH Long Leg Horizontal	QT Quarry Tile	T&G Tongue and Groove
AC Asphaltic Concrete	DIA or Ø Diameter	FLR Floor	LLV Long Leg Vertical	RH Round Head	TB Towel Bar
ADJ Adjustable	DIM Dimension	FO Face of	LP Low Point	LT Light	TC Top of Curb
AL or ALUM Aluminum	DISP Dispenser	FS Far Side	LT Light	LTG Lighting	TD Top of Drain
AGG Aggregate	DN Down	FTG Footing	LTG Lighting	REF Reference	TEL Telephone
ALT Alternate	DO Ditto	FURR Furring	MAX Maximum	REINF Reinforcing	THK Thick
APPROX Approximate	DP Door	GA Gauge	MB Machine bolt	RESIL Resilient	TP Top of Pavement
ARCH Architectural	DR Downspout	GAL Gallons	MECH Mechanical	RM Room	TPD Toilet Paper Dispenser
A.T. Acoustical Tile	DS Dry Standpipe	GALV Galvanized	MFR Manufacturer	RWD Redwood	TRD Tread
BD Board	DT Double Tee	GB Grab Bar	MIN Minimum	SC Solid Core	TSCD Toilet Seat Cover Dispenser
BLDG Building	DWG Drawing	GL Glass	MO Masonry Opening	SCH Schedule	TSW Top Seam Weld
BLKG Blocking	(E) Existing	GLB Glulam Beam	MTL Metal	SD Soap dispenser	TYP Typical
BOF Bottom of Footing	E Epoxy	GND Ground	(N) New	SHT Sheet	TW Top of Wall
BTM Bottom	EA Each	GP Guard Post	NIC Not in Contract	SHTG Sheathing	UNF Unfinished
C Camber	EC Epoxy Coating	GYP Gypsum	NS Not or #	SIM Splice	UNREINF Unreinforced
CB Catch Basin	EF Each Face	GYP BD Gypsum Board	NTS Not to Scale	SMS Sheet Metal Screw	UCN Unless Otherwise Noted
CL or CL Center Line	EJ Expansion Joint	HC Hollow Core	O/ Over	SND Sanitary Napkin Dispenser	UR Urinal
CLG Closet	EL or ELEV Elevation	HDWR Hardware	O to O Out to Out	SNTD Sanitary Napkin Disposal	VB Vapor Barrier
CLO Clear	ELEC Electrical	HM Hollow Metal	OC On Center	SO Specifications	VCT Vinyl Composition Tile
CMU Concrete Masonry Unit	EMB Embedment	HMF Hardened Monolithic Finish	OD Outside Diameter	SR Square	VEC Vinyl Ester Coating
CO Cleanout	EMER Emergency	HORZ Horizontal	OFOW Opening Outside Face of Wall	SS Sprinkler Riser	VERT Vertical
COL Column	EP Electrical Panelboard	HP High Point	OPG Opening	SS Stainless Steel	VEST Vestibule
CONC Concrete	EQ Equipment	HSB High Strength Bolt	OPP Opposite	SSW Side Seam Weld	VTR Vent Through Roof
CONN Connection	EQUIP EQUIP	HT Height	OPW Operating	STA Station	VWC Vinyl Wall Covering
CONST Construction	ES Each Side	ID Inside Diameter	OPW Operating	STD Standard	W Width
CONT Continuous	ET Epoxy Topping	IFOW Inside Face of Wall	OWJ Open Web Joist	STIFF Stiffener	W/O Without
CONTR Contractor	EW Each Way	INSUL Insulation	PL or PL Plate	STL Steel	W/ With
CORR Corridor	EWG Electric Water Cooler	INT Interior	PLF Pounds per Lineal Foot	STOR Storage	WC Water Closet
CSK Countersink	EXP Expansion	IP Insulated Panel	PLYWD Plywood	STRL Structural	WD Wood
CT Ceramic Tile	EXT Exterior	K Kips (1 kip=1000 pounds)	PR Pressed Metal	SUSP Suspended	WF Wide Flange
D Depth	FA Fire Alarm	L Length	PR Pair	SYM Symmetrical	WP Waterproof
DBL Double	FB Flat Bar	LAM Laminate	PSF Pounds per Square Foot		WR Water Resistant
DEMO Demolition	FDN Foundation	LAV Lavatory	PSI Pounds per Square Inch		WSCT Wainscot
DEPT Department	FOF Face of Finish	LBS or # Pounds	PTD Paper Towel Dispenser		WWF Welded Wire Fabric
DET Detail	FH Fire Hose Cabinet		PTDF Pressure Treated Douglas Fir		
	FIN Finish				

SYMBOL LEGEND:

FLOOR PLAN
 SCALE: 1" = 1'
 DRAWING TITLE

INTERIOR ELEVATION

DETAIL SECTION

BUILDING SECTION

GRID LINE

SHADED PORTION IS THE SIDE CONSIDERED

MATCH LINE

WINDOW IDENTIFICATION

DOOR IDENTIFICATION

WALL TYPE

EXIT BLOCK

POINTING ARROW

FINISH FLOOR LEVEL AND SECTION USE
 FIN. FL. EL. = (100'-0")

FINISHED FLOOR LEVEL

PROPERTY LINE

GRADE LEVEL

EXISTING GRADE WITHOUT BOX

NEW FINISH GRADE
 IN BOX INDICATE DESCRIPTION IF NEEDED

NORTH IDENTIFICATION

REF. POINT
 X=0, Y=0, Z=0

REFERENCE POINT, DATUM POINT OR SOIL BORING

SCALE GRAPH
 0 5 10 15 20 25
 (IN FEET)
 (INCH = FT)

ROOM IDENTIFICATION

HANDICAP SYMBOL

REVISION

EXIT LIGHT

HOSE BIB

HOSE STATION

HOSE REEL

FIRE EXT

FOOT FOAM

VENT THRU ROOF DOWN SPOUT

EYE WASH SHOWER

FLOOR DRAIN

HUB DRAIN

PROCESS FLOOR DRAIN

FLOOR SINK

AREA DRAIN

FOOT BATH

INDEX OF DRAWINGS

ARCHITECTURAL

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A0.0	EXISTING OVERALL SITE PLAN
A0.01	EXISTING ENLARGED SITE PLAN AND LANDSCAPE
A0.1	ENLARGED PROPOSED OVERALL SITE PLAN AND LANDSCAPE
A0.2	OVERALL EXISTING 2ND FLOOR PLAN
A1.1	PARTIAL EXISTING ENLARGED FLOOR PLAN - ELEV. 96'-0" - 100'-0"
A1.2	ENLARGED FLOOR PLAN - ELEV. 96'-0" - 100'-0"
A2.1	PARTIAL EXISTING ENLARGED FLOOR PLAN - ELEV. 112'-0"
A2.2	ENLARGED FLOOR PLAN - ELEV. 112'-0"
A7.0	EXISTING BUILDING ELEVATIONS
A7.1	PROPOSED BUILDING ELEVATIONS
A8.0	EXISTING BUILDING SECTIONS
A8.1	PROPOSED BUILDING SECTIONS

PROJECT INFORMATION

EXISTING SQUARE FOOTAGES:
 LANDSCAPE: 11,002
 HARDSCAPE: 148,621
 BUILDING: 230,842
 TOTAL: 390,465

AREA OF BUILDING ADDITION: 4,675

SQUARE FOOTAGES AFTER PROPOSED WORK:
 LANDSCAPE: 9,726
 HARDSCAPE: 145,222
 BUILDING: 235,517
 TOTAL: 390,465

PROJECT DESCRIPTION

RELOCATION OF VATS TO A NEW ROOM OF MASONRY CONSTRUCTION.
 DEMOLITION AND RECONSTRUCTION OF EXISTING OFFICES.
 NEW MODERN DESIGN FOR THE OFFICE- STEEL CONSTRUCTION WITH EXTERIOR CLADDING.
 EMPLOYEE COUNT IS NOT IMPACTED BY EXPANSION.
 FUTURE USE OF THE DECOMMISSIONED VAT ROOM WILL BE CHEESE PROCESS.



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 Fax: (559)627-6483



PROJECT NAME
TRACY VAT PROJECT

PROJECT ADDRESS
 2401 N. MacArthur Drive
 Tracy, CA 95376

SHEET TITLE
TITLE SHEET

SCALE	NTS	SHEET NO.
DRAWN	RBM	T1.0
CHECKED		
APPROVED		
DATE		
JOB NO	1308	

July 23, 2014

RESOLUTION 2014- _____

APPROVAL OF A CONDITIONAL USE PERMIT AMENDMENT FOR A BUILDING ADDITON AT AN EXISTING FOOD PROCESSING PLANT AT 2401 N. MACARTHUR DRIVE, APN 213-070-50; APPLICANT IS E.A. BONELLI & ASSOCIATES AND PROPERTY OWNER IS LEPRINO FOODS - APPLICATION NUMBER CUP14-0006.

WHEREAS, On June 17, 2014, the Leprino Foods cheese processing plant submitted a Conditional Use Permit amendment application for a building addition at 2401 N. MacArthur Drive, and

WHEREAS, The subject property is zoned Light Industrial (M-1), where food manufacturing uses are conditionally permitted, and

WHEREAS, In accordance with Section 10.08.4250 of the Tracy Municipal Code, the Planning Commission is empowered to grant or to deny applications for Conditional Use Permits and to impose reasonable conditions upon the granting of use permits, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15301 pertaining to existing facilities where the project does not involve an addition to an existing structure greater than 10,000 square feet in an area where all public services and facilities are available and where the site is not environmentally sensitive, and

WHEREAS, The Planning Commission held a public meeting to review and consider the Conditional Use Permit application on July 23, 2014;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does approve Conditional Use Permit application number CUP14-0006 to add approximately 8,400 square feet to the existing building at 2401 N. MacArthur Drive, based on the following findings and subject to the conditions as stated in Exhibit "1" attached and made part hereof:

1. There are circumstances or conditions applicable to the land, structure, or use that make the granting of a Use Permit necessary for the preservation and enjoyment of a substantial property right because to remain economically competitive and viable, the Leprino Foods cheese processing plant must construct a new vat facility to replace the existing vats before they fail, and the offices must be reconstructed to allow the continued operation of the plant.
2. The proposed location of the conditional use is in accordance with the objectives of the purposes of the Light Industrial zone in which the site is located because the zone allows for food manufacturing uses upon approval of a Conditional Use Permit, and the proposed project has complied with the procedural requirements of obtaining a Conditional Use Permit for the expansion of use for the site and the building addition will comply with the Conditions of Approval and with all improvement and operational requirements of the Tracy Municipal Code.

- 3. The proposed location of the use and new and relocated equipment and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity because the proposed project is consistent with the existing cheese processing plant and will not cause an increase to truck trips, noise or odors associated with operations, the amount of product produced, the number of employed staff, or the amount of required off-street parking.
- 4. The proposed project is in compliance with Chapter 10.08 of the Tracy Municipal Code, because subject to approval by the Planning Commission for a Conditional Use Permit, the proposed project will be required to comply with all applicable provisions including, but not limited to, the Tracy Municipal Code, the California Building Code, the City of Tracy Standard Plans, the City of Tracy Design Goals and Standards, and the California Fire Code.

The foregoing Resolution 2014-_____ was adopted by the Tracy Planning Commission on the 23rd day of July 2014, 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
Leprino Foods Building Addition
Application Number CUP14-0006
July 23, 2014

A. General Provisions and Definitions.

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

The Project: A building addition for a vat room and offices at an existing cheese processing plant, Application Numbers CUP14-0006

The Property: 2401 N. MacArthur Drive, Assessor's Parcel Number 213-070-50

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 building addition located at 2401 N. MacArthur Drive, Application Number CUP14-0006. The Conditions of Approval shall specifically include all Development Services Department 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 16, 2014. These plans include the site plan, floor plan, elevations, and colors.

- 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, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.

July 23, 2014

RESOLUTION 2014- _____

APPROVING A DEVELOPMENT REVIEW APPLICATION FOR A BUILDING ADDITION AT AN EXISTING FOOD PROCESSING PLANT AT 2401 N. MACARTHUR DRIVE, APN 213-070-50; APPLICANT IS E.A. BONELLI & ASSOCIATES AND PROPERTY OWNER IS LEPRINO FOODS - APPLICATION NUMBER D14-0012

WHEREAS, On June 17, 2014, the Leprino Foods cheese processing plant submitted a Conditional Use Permit application for a building addition at 2401 North MacArthur Drive, and

WHEREAS, In accordance with Section 10.08.3940 of the Tracy Municipal Code, new improvements are subject to Development Review, and

WHEREAS, In accordance with Section 10.08.4020 of the Tracy Municipal Code, the Development Services Director has referred the application to the Planning Commission for efficiency in processing the application concurrently with Conditional Use Permit application number CUP14-0006, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15301 pertaining to existing facilities where the project does not involve an addition to an existing structure greater than 10,000 square feet in an area where all public services and facilities are available and where the site is not environmentally sensitive, and

WHEREAS, The Planning Commission held a public meeting to review and consider the Conditional Use Permit application on July 23, 2014;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does approve Development Review application number D14-0012 to add approximately 8,400 square feet to the existing building at 2401 N. MacArthur Drive, based on the following findings and subject to the conditions as stated in Exhibit "1" attached and made part hereof:

1. The desirability, benefits of occupancy, most appropriate development, and maintenance or improvements of surrounding properties will not be adversely affected by the project, because the building addition, which will be publically visible, uses high quality design and materials, improve the appearance of the processing plant, and will provide aesthetic interest to the intersection of Grant Line and MacArthur Drive.
2. The project will not be detrimental to the public health, safety, or welfare or materially injurious to or inharmonious with properties in the vicinity or to the general welfare of the City, because the project will conform to the requirements and intent of the City of Tracy General Plan and Tracy Municipal Code and all applicable State laws, City regulations, and City standards. Additionally, the mature trees along the southern elevation will be protected during construction and continuously maintained.
3. The project, as conditioned, will not cause a decrease in the value of properties within the vicinity, because the proposed building addition has been designed with site context in mind, including high quality architecture that matches and complements the existing

building and provides visual interest and building relief. The project meets the City's architectural standards through its use of decorative split-face concrete block, large glazing surfaces, colored brick, and metal awning.

* * * * *

The foregoing Resolution 2014-_____ was adopted by the Planning Commission on the 23rd day of July 2014, 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
Leprino Foods Building Addition
Application Number D14-0012
July 23, 2014

A. General Provisions and Definitions.

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

The Project: A building addition for a vat room and offices at an existing cheese processing plant, Application Number D14-0012

The Property: 2401 N. MacArthur Drive, Assessor's Parcel Number 213-070-50

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 building addition located at 2401 N. MacArthur Drive, Application Number D14-0012. The Conditions of Approval shall specifically include all Development Services Department 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 16, 2014. These plans include the site plan, floor plan, elevations, and colors.

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, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.

B. Development Services Department Conditions

Contact: Kimberly Matlock (209) 831-6430 kimberly.matlock@ci.tracy.ca.us

- B.1. Trees. All trees shall remain, be protected during construction, and continuously maintained. No trees shall be removed as part of this project. Trees may be trimmed to the minimum amount necessary for construction of the project, allowing the canopy to regrow in healthy condition.
- B.2. Screening utilities and equipment.
- B.2.1 Before final inspection or certificate of occupancy, no new roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from any public right-of-way to the satisfaction of the Development Services Director.
- B.2.2 Before final inspection or certificate of occupancy, all new PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
- B.2.3 Before final inspection or certificate of occupancy, all new vents, gutters, downspouts, flashing, electrical conduit, shall be internal to the structures and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.

C. Public Works Department Conditions

Contact: Mike Contreras (209) 831-6300 mike.contreras@ci.tracy.ca.us

- C.1. Pedestrian crosswalk. Prior to final inspection or certificate of occupancy, the pedestrian crosswalk shall be repaved with thermal plastic.