

DEVELOPMENT SERVICES PUBLIC HEARING

The City of Tracy Development Services Director will hold a Public Hearing on Monday, June 6, 2022, at 3:00 p.m. or as soon thereafter as possible, via teleconference to consider:

D21-0035: Applicant is Schack & Company, Inc. and Property Owners are Bryan Offill, Kelly Offill, and Keith Offill – Assessor's Parcel Number 238-070-10 – Public hearing to consider approving a Development Review permit for construction of three duplexes on a single parcel at 3030 Byron Road, known as Bryon Road Duplexes. The project has been determined to be categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15332, which pertains to certain infill development projects. *The Project Planner is Scott Claar, Senior Planner, (209) 831-6429, Scott.Claar@cityoftracy.org.*

All interested persons are invited to participate by joining the meeting via Microsoft Teams by viewing the Public Hearing Login information at <https://www.cityoftracy.org/government/public-notices> or by calling the Microsoft Teams teleconference line at **(209) 425-4338** Conference ID: **442 610 745#** to submit statements orally during the meeting; or submit comments in writing before the meeting by sending written statements to publiccomment@cityoftracy.org.

Should you decide to challenge the decision of the DS Director, you may be limited to those issues that were raised for consideration at the hearing.

Information concerning this matter may be obtained on the City's website on *Thursday, June 2, 2022* at the following page: <https://www.cityoftracy.org/our-city/departments/planning/director-hearings>.

KRIS BALAJI
Development Services Director

DIRECTOR PUBLIC HEARING
AGENDA ITEM 1

REQUEST

PUBLIC HEARING TO CONSIDER APPROVING A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT THREE DUPLEXES ON AN APPROXIMATELY 40,000 SQUARE FOOT PARCEL AT 3030 BYRON ROAD, KNOWN AS BYRON ROAD DUPLEXES, ASSESSOR'S PARCEL NUMBER 238-070-10. APPLICANT IS SCHACK & COMPANY, INC. AND THE PROPERTY OWNERS ARE BRYAN OFFILL, KELLY OFFILL, AND KEITH OFFILL. APPLICATION NUMBER D21-0035

Project Description

This agenda item involves a request for a Development Review Permit to construct three duplexes on an approximately 40,000 square foot parcel at 3030 Byron Road, known as Bryon Road Duplexes, Assessor's Parcel Number 238-070-10, Application Number D21-0035 (Attachment A – Location Map, Attachment B – Project Plans).

The subject property is located in the Medium Density Residential (MDR) Zone. The project complies with the standards of the MDR zone and the architecture is consistent with the City's Design Goals and Standards. The building architecture includes an attractive design featuring a high-level of detailing and articulation on all four sides of each building, a well-designed hip roof with variation between multiple roof elements to create visual interest and appeal, use of multiple building materials, variation in the building façade depth, and ample use of windows. The project also includes onsite amenities such as a usable open space area and landscaping.

Environmental Document

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 because the project is characterized as in-fill development and (1) is consistent with the General Plan designation of Residential Medium and all applicable General Plan policies as well as with the Medium Density Residential (MDR) Zone and with all applicable zoning regulations, (2) occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses, (3) has no value as habitat for endangered, rare or threatened species, (4) would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (5) can be adequately served by all required utilities and public services. Therefore, no further environmental assessment is necessary.

RECOMMENDATION

Staff recommends that the Development Services Director approve the Development Review Permit to construct three duplexes on an approximately 40,000 square foot parcel at 3030 Byron Road, known as Bryon Road Duplexes, Assessor's Parcel Number 238-070-10, Application Number D21-0035, based on the findings contained in the Director's Determination dated June 6, 2022 (Attachment C).

Prepared by: Scott Claar, Senior Planner

Approved by: Bill Dean, Assistant Development Services Director

Director Public Hearing
Agenda Item 1
June 6, 2022
Page 2

ATTACHMENTS

- A: Location Map
- B: Project Plans
- C: Development Services Director Determination
Exhibit 1 – Conditions of Approval



SITE DATA

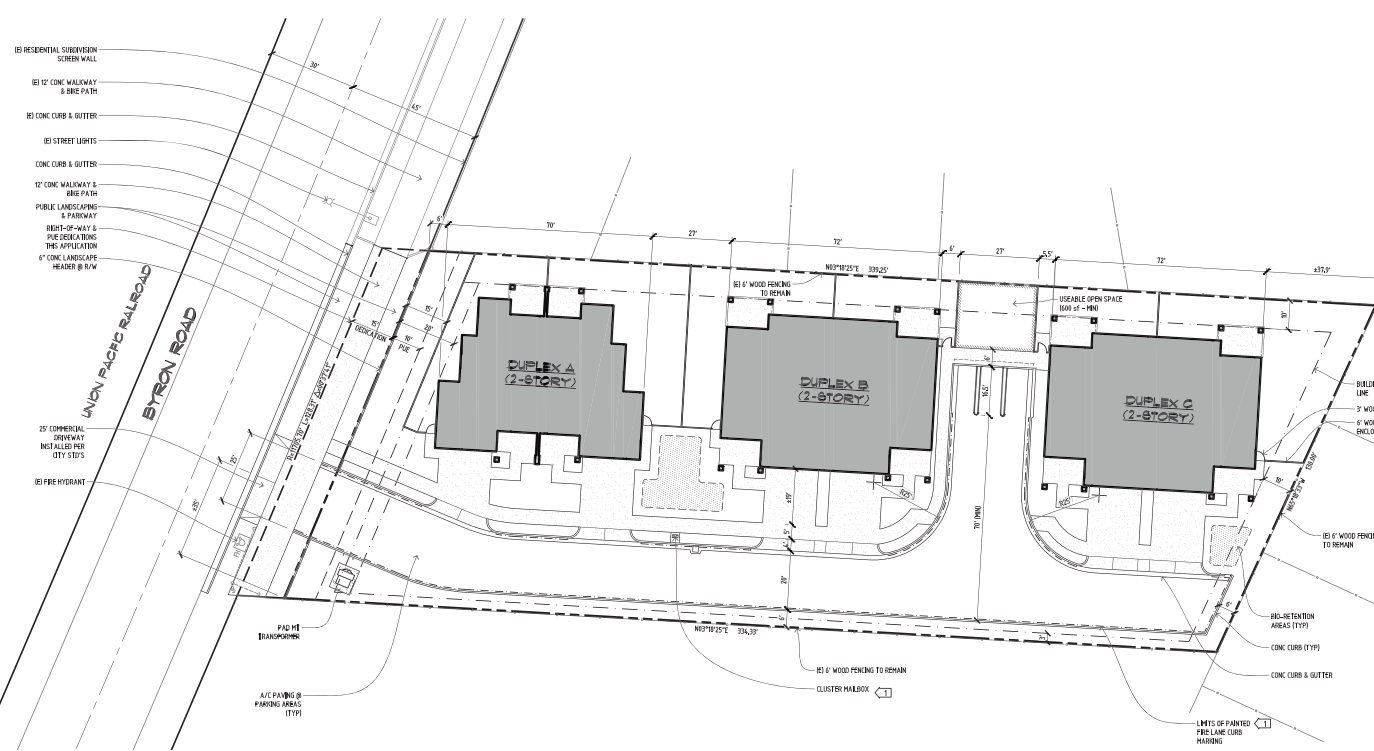
NOTES

1. ZONE: RER
2. GENERAL PLAN: RESIDENTIAL MEDIUM
3. PROPERTY OWNER: BRYAN W. OPFEL, KELLY L. OPFEL & KETH M. OPFEL
3915 GRADAM COURT
LIVERMORE, CALIFORNIA 94550
4. ENGINEER: SCHACK & COMPANY, INC.
DAN R. SCHACK
1825 CENTRAL AVENUE
TRACY, CALIFORNIA 95376
209-939-8700
5. PROPERTY ADDRESS: 3405 BYRON ROAD
TRACY, CALIFORNIA 95377
6. ASSESSORS PARCEL: 234-179-10
7. UTILITIES: WATER: CITY OF TRACY
SANITARY SEWER: CITY OF TRACY
STORM WATER: CITY OF TRACY
TELEPHONE: AT&T
CABLE TV: COMCAST
ELECTRIC: PACIFIC GAS & ELECTRIC
GAS: PACIFIC GAS & ELECTRIC
8. EXTERIOR LIGHTING MOUNTED ON BUILDING OR IN PARKING AREA WILL BE DIRECTED AWAY FROM ADJACENT PROPERTIES. ILLUMINATION OF IN-PARKING AREAS SHALL MEET MINIMUM STANDARDS OF 1-FOOT CANDLE PER SQ.FT.
9. ALL WORK WILL CONFORM TO CITY OF TRACY STANDARDS
10. TRASH COLLECTION WILL BE PROVIDED THROUGH INDIVIDUAL TOWERS AT EACH DWELLING UNIT
11. STORM DRAINAGE WILL SURFACE FLOW THROUGH CURBS TO VEGETATED BI-RETENTION AREAS & DRAIN TO EXISTING CITY OF TRACY STORM DRAIN FACILITIES. SEE PRELIMINARY GRAZING & UTILITY PLAN
12. CDC OCCUPANCY & CONSTRUCTION: OCCUPANCY GROUP: 1-2
CONSTRUCTION TYPE: V-B
13. BACKFLOW PREVENTION DEVICES FOR ALL WATER LINES SHALL BE INSTALLED PER CITY STDS.
14. BE EASEMENTS & UTILITIES SHOWN ARE PER RECORD INFORMATION
15. PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD PLAN
16. ABBREVIATIONS:

BSL	BUILDING SETBACK LINE	DN	NEW
CBC	CALIFORNIA BUILDING CODE	EX	EXISTING
CPC	CALIFORNIA FIRE CODE	FP	FUTURE
PSE	PUBLIC UTILITY easement	TY	TYPICAL
PFP	FOOTPRINT	ROW	RIGHT-OF-WAY
STD	STANDARD	sq	SQUARE FEET
MN	MINIMUM	W	WITH

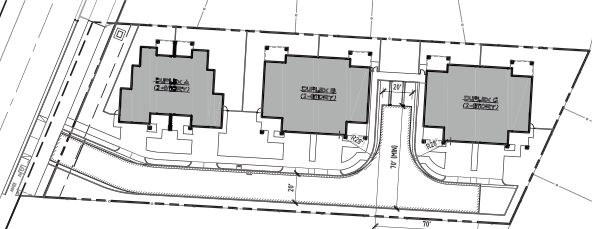
AREAS & PARKINGS

1. SITE AREA	GROSS PARCEL AREA (8.59 AC)	44,718 sf
	IRREGULAR AREA	1,924 sf
	NET PARCEL AREA (8.09 AC)	38,844 sf
2. BUILDING AREAS	(3) 2-STORY DUPLEXES (6 DWELLING UNITS)	6,444 sf
	GROUND FLOOR	8,838 sf
	TOTAL FLOOR AREA	15,972 sf
	FOOT PRINT COVERAGE AREA	9,536 sf
3. BUILDING COVERAGE	FOOT PRINT/NET PARCEL AREA	24.3%
4. USEABLE OPEN SPACE	REQUIRED @ 100 sf/UNIT PROVIDED	668 sf
5. SITE DEVELOPMENT AREAS	PAVEMENT & HARDSCAPE	15,173 sf
	PLANTING AREA (INCLUDES BI-RETENTION)	12,434 sf
	BI-RETENTION AREA	13,027 sf
	TOTAL	38,844 sf
6. REFER TO PRELIMINARY LANDSCAPE PLAN FOR PLANTING & SHADING RATIOS		
7. PARKING	REQUIRED	12 CP
	DUPLEX @ (2) ENCLOSED SP/UNIT	2 CP
	GUEST PARKING	10 CP
	TOTAL	12 CP
	PROVIDED	12 CP
	DUPLEX @ 3-4 GARAGES	3 CP
	GUEST SPACES	5 CP
	TOTAL PARKING PROVIDED	17 CP



**DEVELOPMENT REVIEW
SITE PLAN**

SCALE: 1/8"=1'-0"

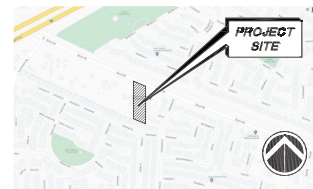


EMERGENCY VEHICLE TURNAROUND DETAIL

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

NOTE: EMERGENCY VEHICLE TURNAROUND SHALL COMPLY WITH CALIFORNIA FIRE CODE, APPENDIX 17 & CITY OF TRACY REQUIREMENTS

LOCATION MAP



REVISIONS	DATE	BY	DESCRIPTION
	07/27/22		DEVELOPMENT REVIEW COMMENT RESPONSE

ALL DRAWINGS AND SHEETS HERETOBY
HEREBY WITH CONSENT BE THE PROPERTY
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CONSENT OF THE ENGINEER.
© Schack & Company, Inc.

DRAWING RELEASE	DATE	
<input type="checkbox"/> DESCRIPTION	DATE	
<input type="checkbox"/> INITIAL MARK REVIEW	07/27/22	
<input type="checkbox"/> ADDITIONAL MARK REVIEW	08/09/2020	
<input type="checkbox"/> FINAL CONTRACT/LET		





































































DEVELOPMENT REVIEW
BYRON ROAD
DUPLEXES
3405 BYRON ROAD
TRACY, CALIFORNIA 95377

SCHACK & COMPANY, INC.
REGISTERED PROFESSIONAL ENGINEER
CIVIL ENGINEERING
1825 CENTRAL AVENUE, SUITE 100
TRACY, CALIFORNIA 95376
(209) 939-8700
WWW.SCHACKANDCOMPANY.COM

DATE:	05-25-21
DRAWN BY:	BC
CHECKED BY:	SFS
JOB NO:	21.002

DR.1
OF 2 SHEETS

SYMBOL LEGEND

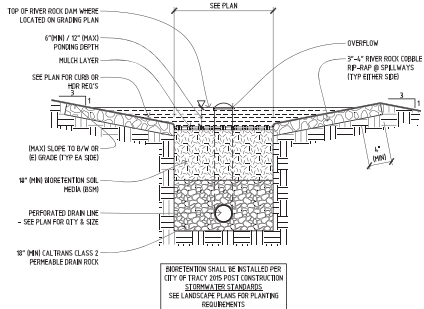
NEW	EXIST	SYMBOL DESCRIPTION
		STORM DRAIN W/ LINE SIZE 18" OR GREATER
		STORM DRAIN CATCH BASIN
		STORM DRAIN DROP INLET
		STORM DRAIN MANHOLE
		STORM DRAIN W/ LINE SIZE SMALLER THAN 18"
		PROPOSED STORM DRAIN W/ LINE SIZE
		STORM AREA DRAIN
		STORM DRAIN CLEAN-OUT
		STORM DRAIN OVERFLOW
		SANITARY SEWER W/ LINE SIZE
		SANITARY SEWER MANHOLE
		SANITARY SEWER CLEAN-OUT
		SANITARY SEWER W/ SWEEP TO SEWER MAN
		WATER W/ LINE SIZE
		WATER VALVE
		WATER METER
		FIRE SERVICE W/ LINE SIZE
		FIRE HYDRANT
		FIRE DEPARTMENT CONNECTION
		FIRE SERVICE BACKFLOW PREVENTION DEVICE
		FIRE SERVICE CHECK VALVE
		JOINT TRENCH UNDERGROUND UTILITIES
		JOINT OVERHEAD UTILITIES
		ELECTRIC UNDERGROUND LINES
		ELECTRIC OVERHEAD LINES
		TELEPHONE UNDERGROUND LINES
		TELEPHONE OVERHEAD LINES
		CABLE TELEVISION UNDERGROUND LINES
		CABLE TELEVISION OVERHEAD LINES
		GAS LINES
		WOODEN POLE, TELEPHONE POLE OR JOINT POLE
		STREET LIGHTS (POLE)
		SITE LIMITS (PRIVATE)
		GRADE SLOPE DIRECTION

GENERAL NOTES

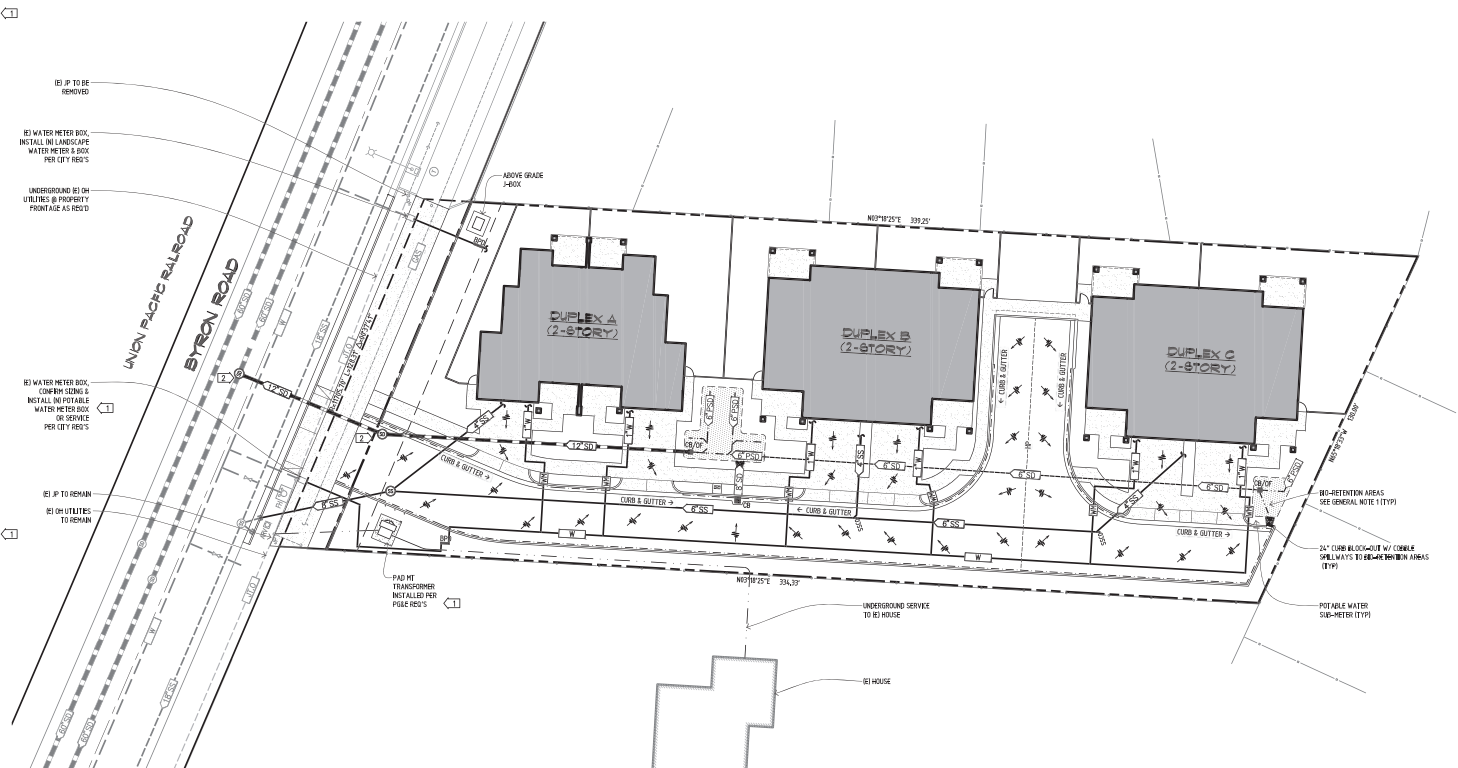
1. BIO-RETENTION AREAS SHALL BE DESIGNED & INSTALLED PER THE CITY OF TRACY "MULTI-AGENCY POST-CONSTRUCTION STORMWATER STANDARDS MANUAL", DATED JUNE 2015
2. MAIN ELECTRIC PANELS & METERS WILL BE INSTALLED INSIDE THE BUILDING. GAS SERVICE & METERS WILL BE SERVED BY LANDSCAPE OR ARCHITECTURAL FEATURE, IF REQUIRED

PRELIMINARY BIO-RETENTION ANALYSIS

PROJECT	AREA	QMA	PROJECT
Storm Retention	Roof	A	11,277
	Driveway & Paving	A	15,172
	Asphalt	A	11,629
	Impervious	A	62
	Other	A	38,888
FORMULA			
Imperviousness Ratio	$\frac{A_{I} + A_{P} + A_{A} + A_{O}}{A_{T}}$	IR	0.679
Runoff Coefficient	$0.85(A_{I} + A_{P} + A_{A} + A_{O}) + 0.25(A_{O})$	C	0.62
Site Stormwater Volume	$(A_{T} \times C) \times 2.0$	V	3,328
Stormwater Design Volume			
Stormwater Design Volume	$(A_{T} \times IR) \times 2.0$	SDV	968.8
Stormwater Annual Volume Credit	$(SDV - SDV_{A})$	SDV _{net}	61.2
Required Stormwater Design Volume	$(SDV - SDV_{A})$	SDV _{reqd}}	968.8
BIORETENTION FACILITY LAYER			
Planting Area Depth	4"	1.00	
Planting Media Layer Depth	4"	2.50	
Planting Media Permeability	75%	200	
Gravel Layer Depth	6"	1.00	
Gravel Layer Permeability	75%	200	
FORMULA			
Required Bottom Surface Area of Stormwater Facility	$(SDV_{reqd} / (L \times P \times M \times T)) \times 1.1$	SA	588.7
Provided Bottom Surface Area of Stormwater Facility			620.3



TYPICAL BIO-RETENTION SECTION
NO SCALE



DEVELOPMENT REVIEW GRADING & UTILITY PLAN

SCALE: 1"=20'



DATE	BY	DESCRIPTION
07/27/22	[Signature]	DEVELOPMENT REVIEW RESPONSE
07/27/22	[Signature]	ENGINEERING DEVELOPMENT REVIEW RESPONSE

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DRAWING RELEASE	DATE	DESCRIPTION
<input type="checkbox"/> FULL RELEASE	07/27/22	FINAL CONTRACT
<input type="checkbox"/> PARTIAL RELEASE	05/09/2020	FINAL CONTRACT

DEVELOPMENT REVIEW
**BYRON ROAD
DUPLEXES**
SCHACK & COMPANY, INC.
1000 BYRON ROAD
TRACY, CALIFORNIA 95376
TEL: 408.798.8888
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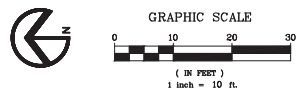
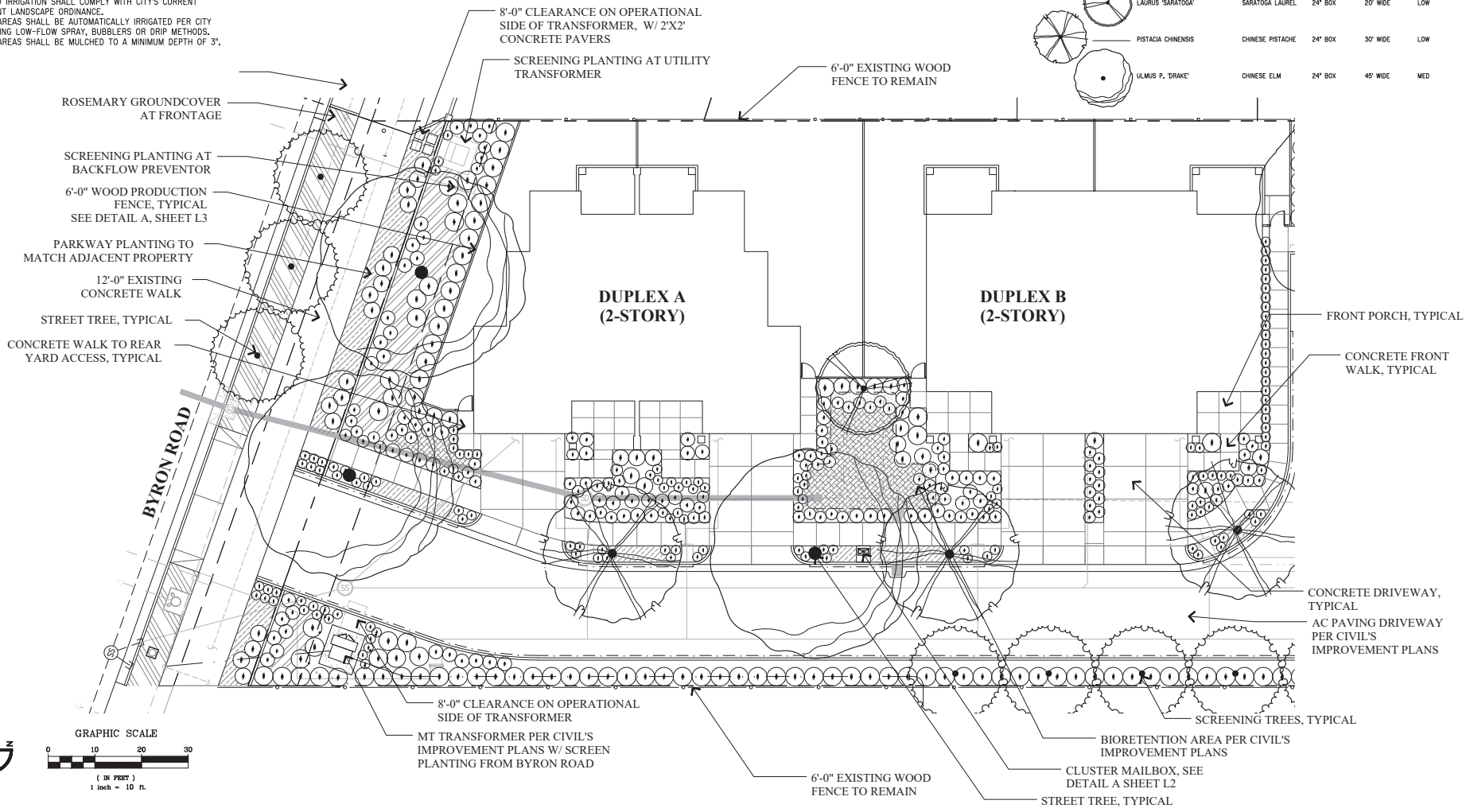
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OF 2 SHEETS



- NOTES:**
1. ALL TREES SHALL BE PLANTED AND STAKED PER CITY STANDARDS.
 2. TREES BE PLANTED WITHIN 3' OF HARDSCAPE ELEMENTS, SHALL HAVE A LINEAR ROOT BARRIER INSTALLED ADJACENT TO THE HARDSCAPE ELEMENT AT TIME OF TREE PLANTING.
 3. LANDSCAPE AND IRRIGATION SHALL COMPLY WITH CITY'S CURRENT WATER-EFFICIENT LANDSCAPE ORDINANCE.
 4. ALL PLANTING AREAS SHALL BE AUTOMATICALLY IRRIGATED PER CITY STANDARDS, USING LOW-FLOW SPRAY, BUBBLERS OR DRIP METHODS.
 5. ALL PLANTING AREAS SHALL BE MULCHED TO A MINIMUM DEPTH OF 3".

PRELIMINARY PROPOSED TREE PALETTE

BOTANICAL NAME	COMMON NAME	SIZE	WIDTH	WATER USE
GINKGO B. 'PRINCETON SENTRY'	MAIDENHAIR TREE	15 GALLON	20' WIDE	MED
LAGERSTROEMIA I. 'TUSCARORA'	CRAPE MYRTLE	24" BOX (MULTI)	20' WIDE	LOW
LAURUS 'SARATOGA'	SARATOGA LAUREL	24" BOX	20' WIDE	LOW
PISTACIA CHINENSIS	CHINESE PISTACHE	24" BOX	30' WIDE	LOW
ULMUS P. 'DRAKE'	CHINESE ELM	24" BOX	45' WIDE	MED



RIPLEY DESIGN

LANDSCAPE ARCHITECTURE
 LAND PLANNING
 1615 BONANZA STREET
 SUITE 314
 WALNUT CREEK, CA 94596
 TEL: 925.938.7377
 FAX: 925.938.7436

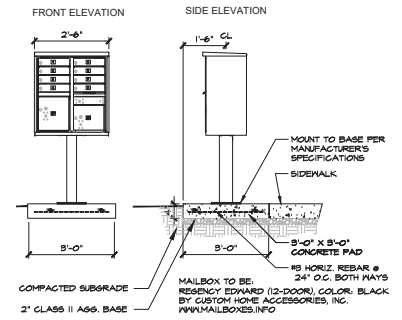
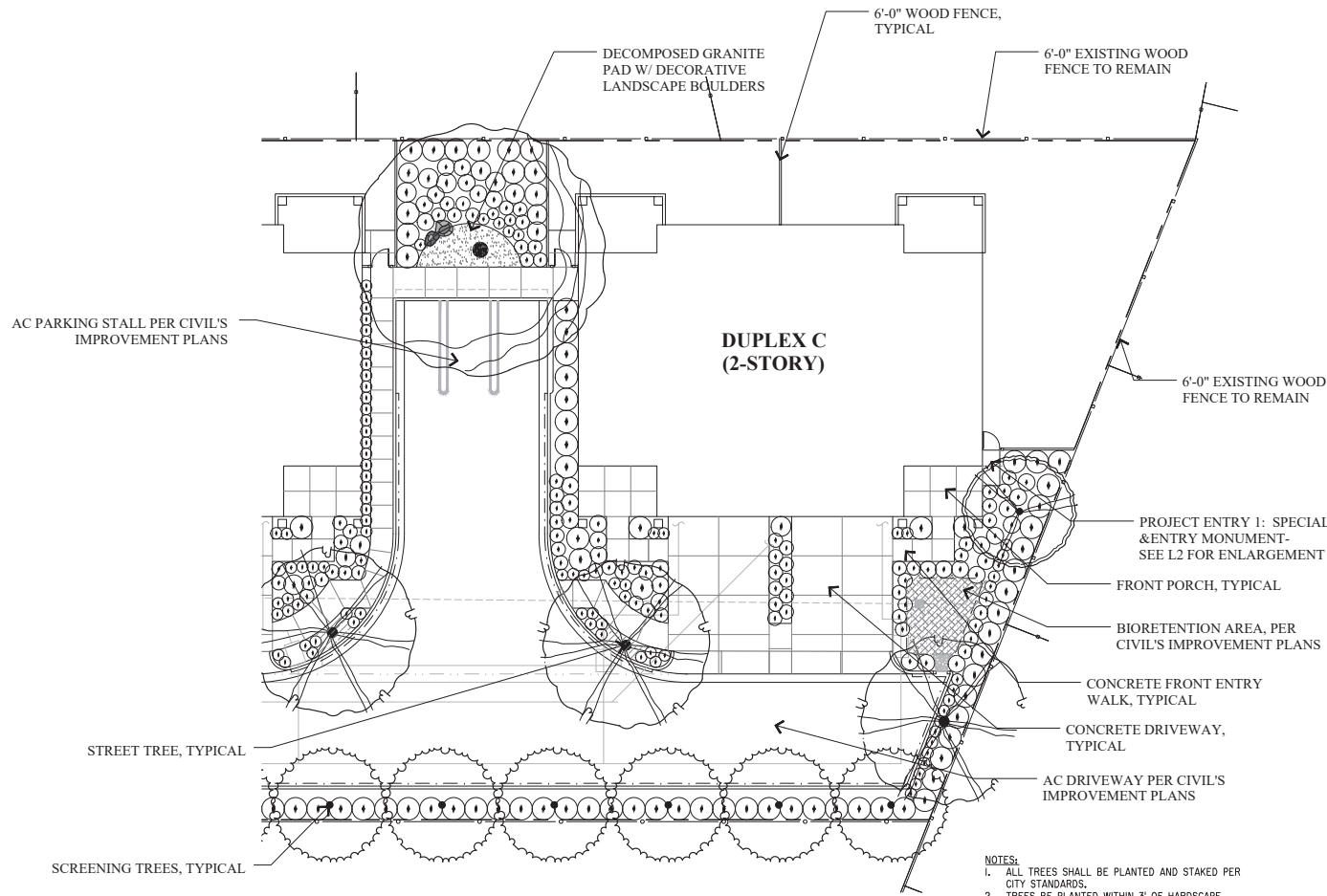
SCHACK & COMPANY, INC.

Byron Road Duplexes
 Tracy, California

Preliminary Landscape Plan

February 1, 2022

L1

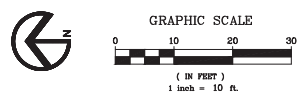


A COMMUNITY MAILBOXES

PRELIMINARY PROPOSED PLANT PALETTE

BOTANICAL NAME	COMMON NAME	WATER USE	SIZE
SHRUBS			
ACACIA REDOLENS	PROSTRATE ACACIA	LOW	5 GAL
ACACIA COGNATA 'COUSIN ITT'	LITTLE RIVER WATTLE	LOW	5 GAL
BUDOLEIA DAVIDI 'BLACK KNIGHT'	BUTTERFLY BUSH	MED	5 GAL
CALLISTEMON 'LITTLE JOHN'	DWARF BOTTLE BRUSH	LOW	5 GAL
CAREX 'TUMULICOLA'	FOOTHILL SEDGE	LOW	5 GAL
CISTIS 'S' SAHABERGF'	PINK ROSEBUSH	LOW	5 GAL
DIETES BICOLOR	FORTNIGHT LILY	LOW	5 GAL
DIETES RHODOIDES	FORTNIGHT LILY	LOW	5 GAL
ERIGERON MARYNSKIANSIUS	SANTA BARBARA DAISY	LOW	5 GAL
EUONYMUS J. 'GREEN SPIRE'	GREEN SPIRE EUONYMUS	LOW	5 GAL
FESTUCA GAUCIA	BLUE FESCUE	LOW	5 GAL
FESTUCA MAIREI	ATLAS FESCUE	LOW	5 GAL
GREVILLEA 'NOELFL'	WOOLY GREVILLEA	LOW	5 GAL
LANTANA MONTEVIDENSIS	TRAILING LANTANA	LOW	5 GAL
LAVATERA MARITIMA	SEA MALLOW	LOW	5 GAL
LORDSTALIM CHINENSIS	CHINESE FRINGE FLOWER	MED	5 GAL
MINIULUS 'JELLY BEAN WHITE'	MONKEY FLOWER	LOW	5 GAL
MINIULUS VALENTINE	MONKEY FLOWER	LOW	5 GAL
MULLENBERGIA RIGENS	DEER GRASS	LOW	5 GAL
MYRTUS COMMUNIS 'COMPACTA'	MYRTLE	LOW	5 GAL
OLEA C. 'LITTLE OLIVE'	DWARF OLIVE	LOW	5 GAL
PENSTEMON HET. 'MARGARITA BOP'	FOOTHILL PENSTEMON	LOW	5 GAL
PHORMIUM TENAX	NEW ZEALAND FLAX	MED	5 GAL
RHAMNUS CALIFORNICA	COFFEEBERRY	LOW	5 GAL
RHAPHIOLIPS UMBELLATA 'MINOR'	DWARF YERBO HAWTHORN	LOW	5 GAL
ROSMARINUS OFFICINALIS	ROSEMARY	LOW	5 GAL
ROSMARINUS O. 'TUSCAN BLUE'	ROSEMARY	LOW	5 GAL
SALVIA GREGGII 'ALBA'	AUTUMN SAGE	LOW	5 GAL
WESTRINGIA F. 'WYNABIE HIGHLIGHT'	COAST ROSEMARY	LOW	5 GAL
XYLOSMA C. 'COMPACTA'	COMPACT XYLOSMA	LOW	5 GAL
SHRUBCOVERS			
ROSMARINUS O. 'PROSTRATUS'	ROSEMARY	LOW	1 GAL
MYOPORIUM PARVIFOLIUM	MYOPORIUM	LOW	1 GAL
ARCTOSTAPHYLOS D. 'EMERALD CARPET'	BEARBERRY	LOW	1 GAL
VINES			
FICUS F. 'MINIMA'	CREeping FIG	MED	5 GAL
PARTHENOCISSUS TRICUSPIDATA	BOSTON IVY	MED	5 GAL

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 FAX: 925.938.7436

SCHACK & COMPANY, INC.

Preliminary Landscape Plan

Byron Road Duplexes
 Tracy, California

February 1, 2022

L2



REQUIRED CANOPY TREE COVERAGE TO PARKING AREA RATIO (40%)

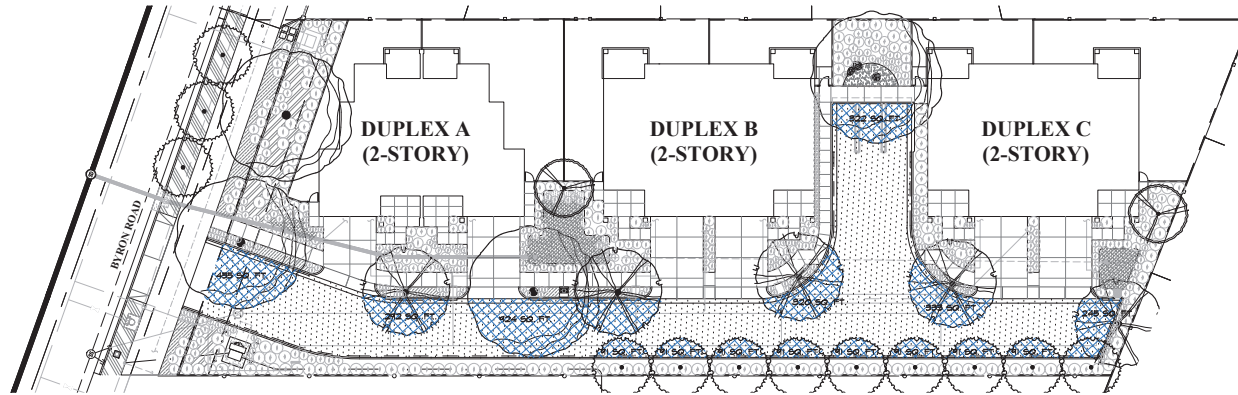
PARKING LOT AREA = 8,505 SF

TREE SHADE AREA = 3,620 SF

3,620 / 8,505 = 42.6%

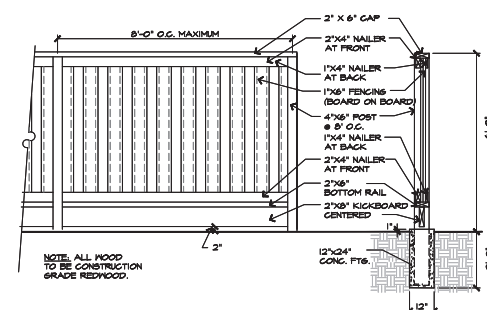
SHADE LEGEND

- PARKING ARE REQUIRED FOR SHADING
- PARKING AREA SHADED BY PROPOSED TREES

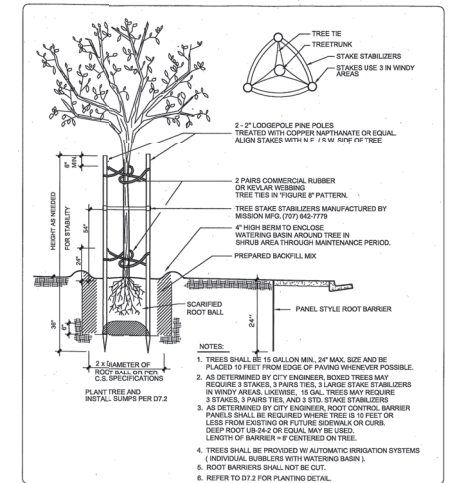


PRELIMINARY PROPOSED TREE PALETTE

BOTANICAL NAME	COMMON NAME	SIZE	WIDTH	WATER USE
TREES GINKGO B. 'PRINCETON SENTRY'	MAIDENHAIR TREE	15 GALLON	20' WIDE	MED
LAGERSTROEMIA I. 'TUSCARORA'	GRAPE MYRTLE	24" BOX (MULTI)	20' WIDE	LOW
LAURUS 'SARATOGA'	SARATOGA LAUREL	24" BOX	20' WIDE	LOW
PISTACIA CHINENSIS	CHINESE PISTACHE	24" BOX	30' WIDE	LOW
ULMUS P. 'URAKE'	CHINESE ELM	24" BOX	45' WIDE	MED

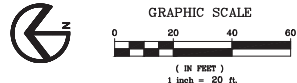


A WOOD FENCE W/KICKBOARD SCALE: 1/2" = 1'-0"
1/8" = 1/16"



CITY OF TRACY
REVIEWED BY: [Signature] DATE: [] [] []
CITY ENGINEER: [Signature] RICK 37386
Res No. 2008-233
Rev: [] [] []
DETAIL No. D 7.4.1
Sheet 1 of 1
PLANTING
Tree Staking & Planting

PARKS AND STREETSCAPE STANDARD PLANS



RIPLEY DESIGN GROUP
LANDSCAPE ARCHITECTURE
LAND PLANNING
1615 BONANZA STREET
SUITE 314
WALNUT CREEK, CA 94596
TEL: 925.938.7377
FAX: 925.938.7436

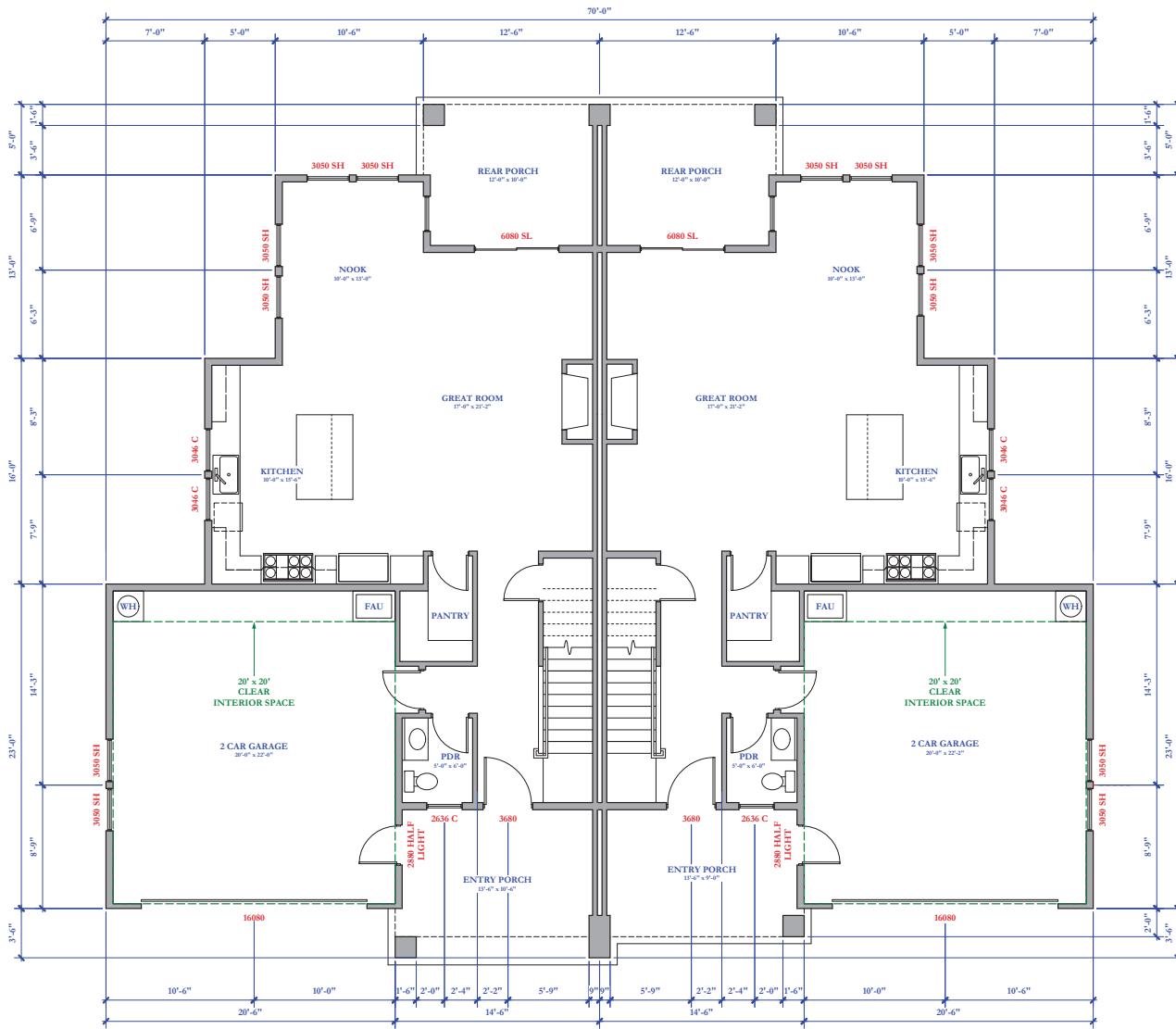
SCHACK & COMPANY, INC.

Preliminary Landscape Shading Plan

Byron Road Duplexes
Tracy, California

February 1, 2022

L3



FIRST FLOOR PLAN DUPLEX A - UNIT 1
1/4" = 1'-0"

FIRST FLOOR AREA: 920 S.F.
SECOND FLOOR AREA: 1,298 S.F.
TOTAL: 2,218 S.F.

FIRST FLOOR PLAN DUPLEX A - UNIT 2
1/4" = 1'-0"

FIRST FLOOR AREA: 920 S.F.
SECOND FLOOR AREA: 1,298 S.F.
TOTAL: 2,218 S.F.

REVISIONS

DOUGLAS J. HARWOOD
CLASSIC HOME DESIGN
2157 FOURTH STREET
LIVERMORE, CA 94550
(925) 387-4993

FIRST FLOOR PLAN
DUPLEX A
UNITS 1 & 2

A DUPLEX FOR:
BRYAN, KELLY & KEITH OFFIL
PUNSON ROAD
TRACY, CALIFORNIA

Date 1/13/22

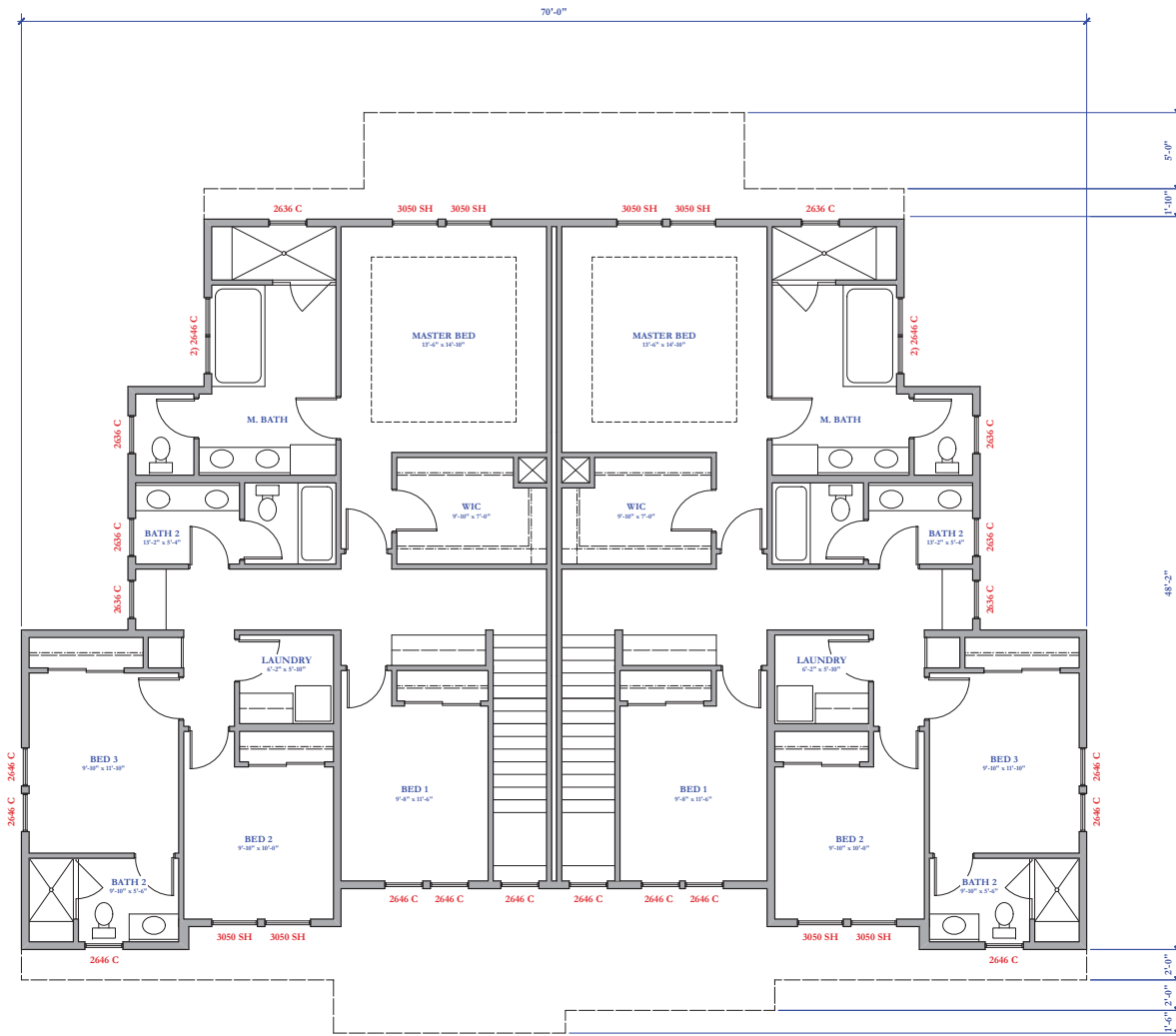
Scale

Drawn DJH

Job 21-17

Sheet

A2-A



SECOND FLOOR PLAN DUPLEX A - UNIT 1

1/4" = 1'-0"
FLOOR AREA: 1,298 S.F.

SECOND FLOOR PLAN DUPLEX A - UNIT 2

1/4" = 1'-0"
FLOOR AREA: 1,298 S.F.

REVISIONS
DOUGLAS J. HARWOOD CLASSIC HOME DESIGN 2157 FOURTH STREET LIVERMORE, CA 94550 (925) 787-4993
SECOND FLOOR PLAN DUPLEX A UNITS 1 & 2
A DUPLEX FOR: BRYAN, KELLY & KEITH OFFIL 1515 N. BROADWAY TRACY, CALIFORNIA
Date 1/13/22
Scale
Drawn DJH
Job 21-17
Sheet A3-A



UNITS 1 & 2 EAST ELEVATION
DUPLEX A
 1/4" = 1'-0"



UNITS 1 & 2 WEST ELEVATION
DUPLEX A
 1/4" = 1'-0"

ELEVATION NOTES

VERIFY ALL PLATE AND HEADER HEIGHTS, ROOF PITCH AND DIMENSIONING PRIOR TO CONSTRUCTION. INFORM DESIGNER OF DISCREPANCIES.

1. Composition shingle roof CertainTeed Landmark TL, Class "A". Install per manufacturer's requirements.
2. 3 x 8 barge rafter, 2 x 8 trim beyond at wall. T1-11 groove side down at eave.
3. 5" seamless gutter over 2 x 8 fascia.
4. HardiePanel Vertical Siding, Smooth, over weather-resistive barrier (building paper or felt).
5. Trim band: HardieTrim Boards - Historic Sill Window Profile above 7.25" 5/4 Smooth.
6. 8" HardiePlank Select Cedarmill, horizontal lap siding, over weather-resistive barrier (building paper or felt).
7. Header: HardieTrim Boards - typical 5.5" 5/4 Smooth, at garage 7.25" 5/4 Smooth.
8. Corner Trim & Jamb: HardieTrim Boards - 5.5" 5/4 Smooth.
9. Sill: HardieTrim Boards - Historic Sill Window Profile.
10. 18 x 18 post, HardiePanel, Smooth, over weather-resistive barrier (building paper or felt). Base - HardieTrim Boards - 3.5" over 11.25" 5/4 Smooth.

REVISIONS
DOUGLAS J. HARWOOD CLASSIC HOME DESIGN 2157 FOURTH STREET LIVERMORE, CA 94550 (925) 387-4993
UNITS 1 & 2 SOUTH & NORTH ELEVATIONS DUPLEX A
A DUPLEX FOR: BRYAN, KELLY & KEITH OFFIL INYON ROAD TRACY, CALIFORNIA
Date 1/13/22
Scale
Drawn DJH
Job 21-17
Sheet
A4-A

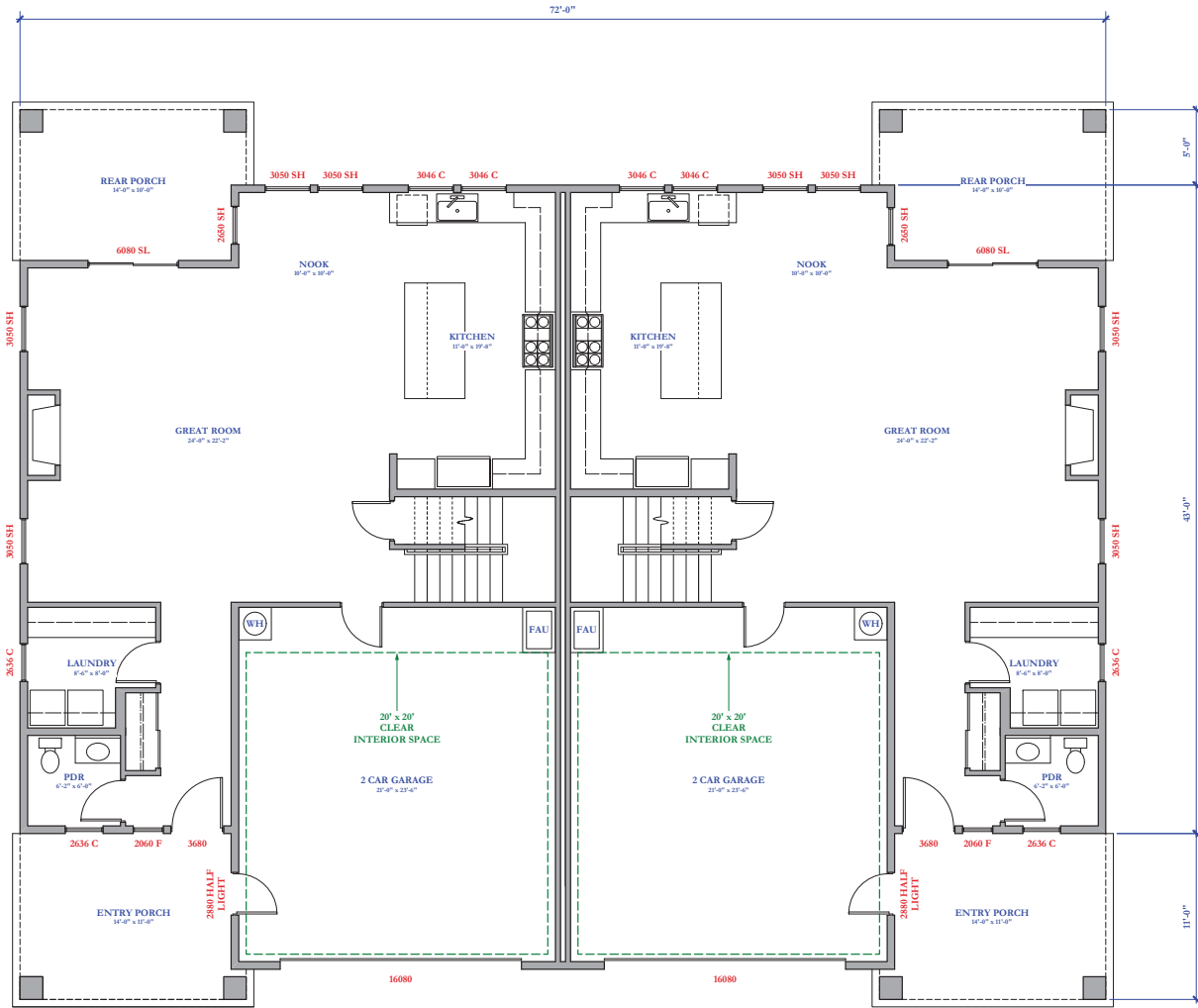


UNIT 2 SOUTH ELEVATION
 DUPLEX A
 1/4" = 1'-0"



UNIT 1 NORTH ELEVATION
 DUPLEX A
 1/4" = 1'-0"

REVISIONS
DOUGLAS J. HARWOOD CLASSIC HOME DESIGN 2157 FOURTH STREET LIVERMORE, CA 94550 (925) 387-4993
UNIT 1 NORTH ELEVATION UNIT 2 SOUTH ELEVATION DUPLEX A
A DUPLEX FOR: BRYAN, KELLY & KEITH OFFIL BAYON, TEXAS TRACY, CALIFORNIA
Date: 1/13/22
Scale:
Drawn: DJH
Job: 21-17
Sheet: A5-A



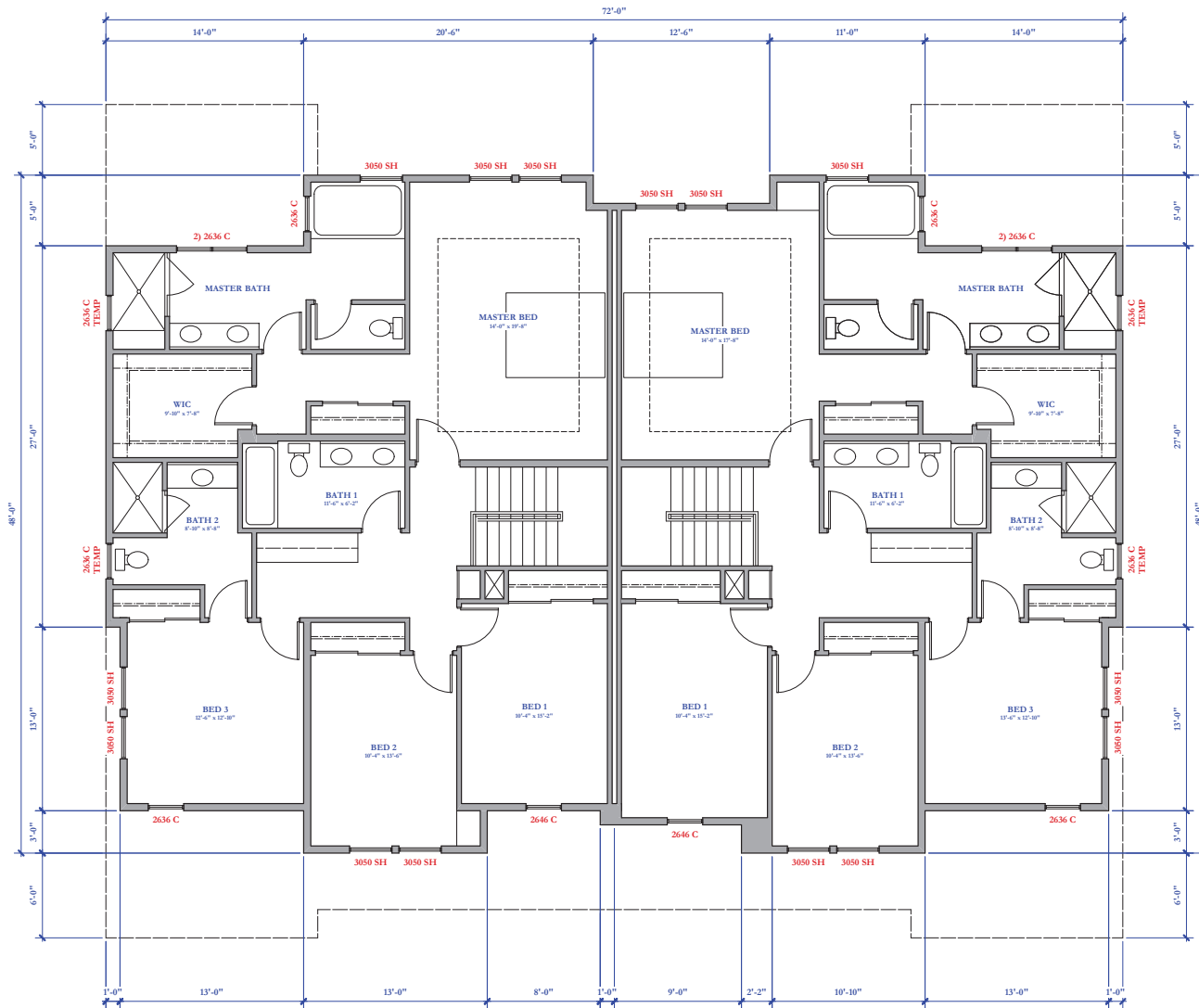
**FIRST FLOOR PLAN
 DUPLEX B - UNIT 3
 DUPLEX C - UNIT 5**

1/4" = 1'-0"
 FIRST FLOOR AREA: 1,156 S.F.
 SECOND FLOOR AREA: 1,508 S.F.
 TOTAL: 2,664 S.F.

**FIRST FLOOR PLAN
 DUPLEX B - UNIT 4
 DUPLEX C - UNIT 6**

1/4" = 1'-0"
 FIRST FLOOR AREA: 1,156 S.F.
 SECOND FLOOR AREA: 1,498 S.F.
 TOTAL: 2,654 S.F.

REVISIONS
DOUGLAS J. HARWOOD CLASSIC HOME DESIGN 2187 FOURTH STREET LIVERMORE, CA 94550 (925) 387-4993
FIRST FLOOR PLAN DUPLEXES B & C UNITS 3, 4, 5 & 6
A DUPLEX FOR: BRYAN, KELLY & KEITH OFFIL BAYVIEW CROSSING TRACY, CALIFORNIA
Date: 1/13/22
Scale:
Drawn: DJH
Job: 21-17
Sheet:
A2-B



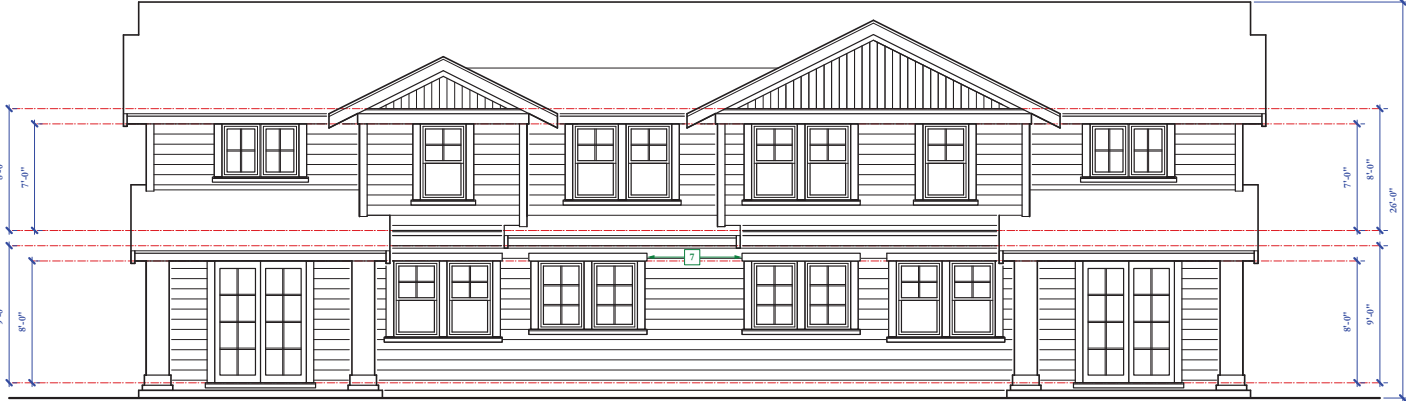
**SECOND FLOOR PLAN
 DUPLEX B - UNIT 3
 DUPLEX C - UNIT 5**

1/4" = 1'-0"
 FLOOR AREA: 1,508 S.F.

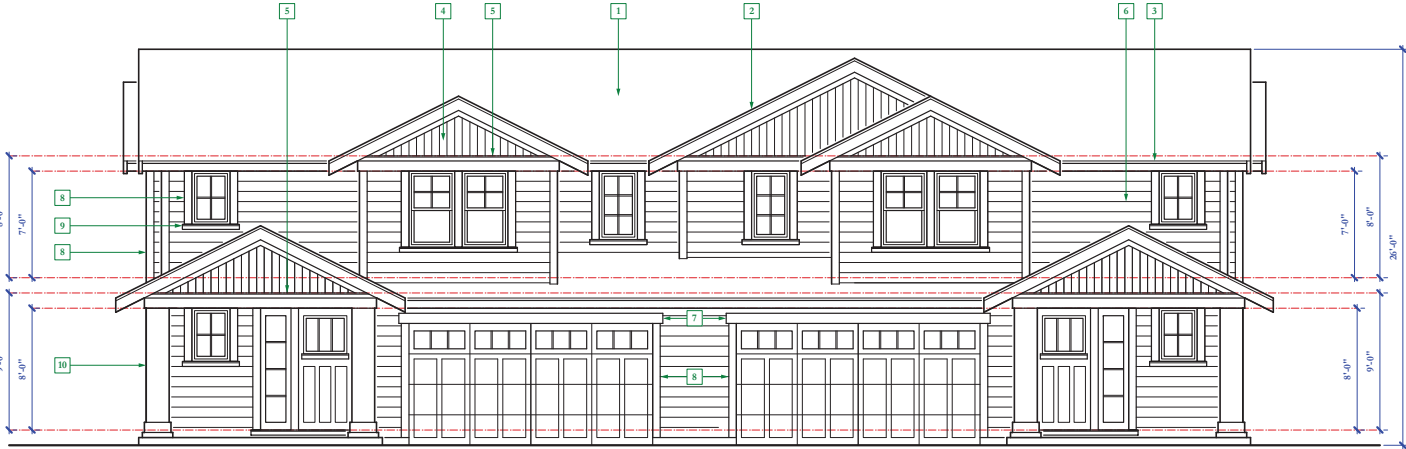
**SECOND FLOOR PLAN
 DUPLEX B - UNIT 3
 DUPLEX C - UNIT 5**

1/4" = 1'-0"
 FLOOR AREA: 1,498 S.F.

REVISIONS	
DOUGLAS J. HARWOOD CLASSIC HOME DESIGN 2157 FOURTH STREET LIVERMORE, CA 94550 (925) 387-4993	
SECOND FLOOR PLAN DUPLEXES B & C UNITS 3, 4, 5 & 6	
A DUPLEX FOR: BRYAN, KELLY & KEITH OFFIL 15100 ROAD 47 TRACY, CALIFORNIA	
Date	1/13/22
Scale	
Drawn	DJH
Job	21-17
Sheet	A3-B



UNITS 3,4,5 & 6 EAST ELEVATION
 DUPLEXES B & C
 1/4" = 1'-0"



UNITS 3,4,5 & 6 WEST ELEVATION
 DUPLEXES B & C
 1/4" = 1'-0"

ELEVATION NOTES

VERIFY ALL PLATE AND HEADER HEIGHTS, ROOF PITCH AND DIMENSIONING PRIOR TO CONSTRUCTION. INFORM DESIGNER OF DISCREPANCIES.

1. Composition shingle roof CertainTeed Landmark TL, Class "A". Install per manufacturer's requirements.
2. 3 x 8 barge rafter, 2 x 8 trim beyond at wall. T1-11 groove side down at eave.
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5. Trim band: HardieTrim Boards - Historic Sill Window Profile above 7.25" 5/4 Smooth.
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7. Header: HardieTrim Boards - typical 5.5" 5/4 Smooth, at garage 7.25" 5/4 Smooth.
8. Corner Trim & Jamb: HardieTrim Boards - 5.5" 5/4 Smooth.
9. Sill: HardieTrim Boards - Historic Sill Window Profile.
10. 18 x 18 post, HardiePanel, Smooth, over weather-resistive barrier (building paper or felt). Base - HardieTrim Boards - 3.5" over 11.25" 5/4 Smooth.

REVISIONS

DOUGLAS J. HARWOOD
 CLASSIC HOME DESIGN
 2157 FOURTH STREET
 LIVERMORE, CA 94550
 (925) 387-4993

UNITS 3, 4, 5 & 6
 EAST & WEST
 ELEVATIONS
 DUPLEXES B & C

A DUPLEX FOR:
 BRYAN, KELLY & KEITH OFFIL
 PUNYON ROAD
 TRACY, CALIFORNIA

Date 1/13/22

Scale

Drawn DJH

Job 21-17

Sheet

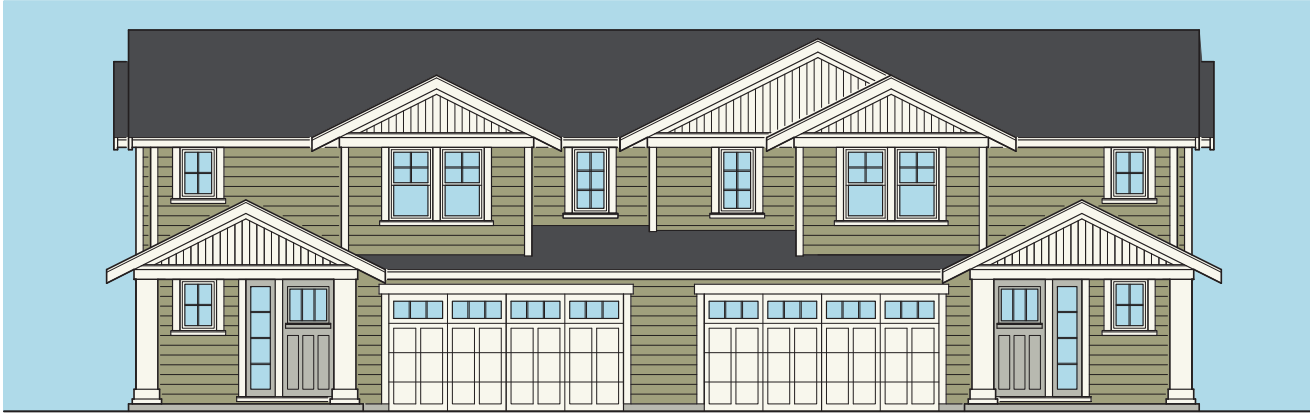
A4-B

UNIT 2 EXTERIOR COLORS & FINISHES
 ROOF: CERTAINTED LANDMARK TL
 OLD OVERTON
 TRIM, GUTTERS & FLASHING: KELLY-MOORE
 SWISS COFFEE -23
 SIDING: KELLY-MOORE
 WINTERS PARK KM524
 DOORS & WINDOWS:
 MILGARD - WHITE VINYL
 FRONT DOOR: KELLY-MOORE
 KETTLEMAN KM588



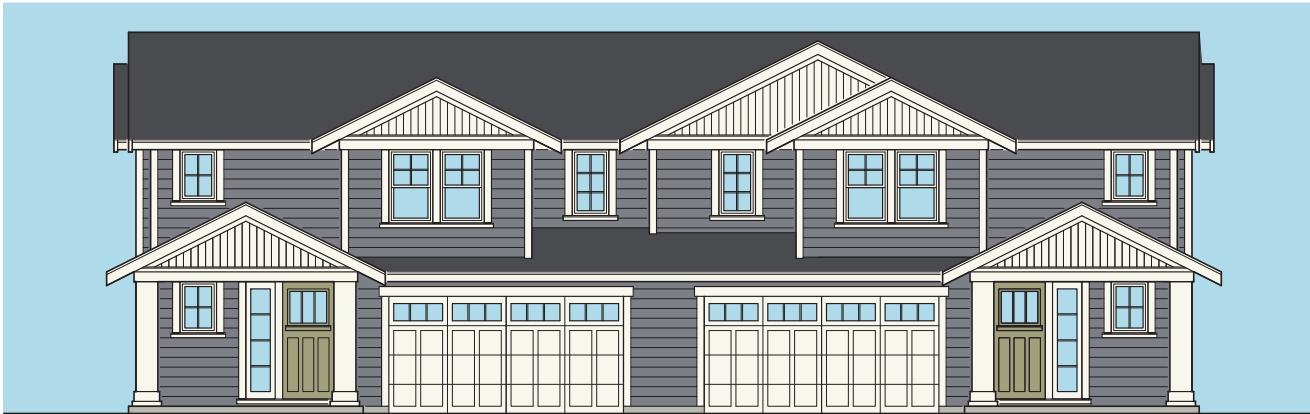
**DUPLEX A
 WEST ELEVATION**
 1/4" = 1'-0"

UNIT 2 EXTERIOR COLORS & FINISHES
 ROOF: CERTAINTED LANDMARK TL
 OLD OVERTON
 TRIM, GUTTERS & FLASHING: KELLY-MOORE
 SWISS COFFEE -23
 SIDING: KELLY-MOORE
 WESTERN RESERVE KM748
 DOORS & WINDOWS:
 MILGARD - WHITE VINYL
 FRONT DOOR: KELLY-MOORE
 WINTERS PARK KM524



**DUPLEX B
 WEST ELEVATION**
 1/4" = 1'-0"

UNIT 2 EXTERIOR COLORS & FINISHES
 ROOF: CERTAINTED LANDMARK TL
 OLD OVERTON
 TRIM, GUTTERS & FLASHING: KELLY-MOORE
 SWISS COFFEE -23
 SIDING: KELLY-MOORE
 KETTLEMAN KM588
 DOORS & WINDOWS:
 MILGARD - WHITE VINYL
 FRONT DOOR: KELLY-MOORE
 WESTERN RESERVE KM748



**DUPLEX C
 WEST ELEVATION**
 1/4" = 1'-0"

REVISIONS

DOUGLAS J. HARWOOD
 CLASSIC HOME DESIGN
 257 FOURTH STREET
 LIVERMORE, CA 94550
 (925) 787-4990

**DUPLEX A, B & C
 WEST ELEVATION**

A DUPLEX FOR:
BRYAN, KELLY & KEITH OFFEL
 BYRON ROAD
 TRACY, CALIFORNIA

Date	10/13/21
Scale	
Drawn	DJH
Job	21-17
Sheet	

CITY OF TRACY

DETERMINATION OF
THE DEVELOPMENT SERVICES DIRECTOR

Application Number D21-0035

A determination of the Development Services Director approving a Development Review permit to construct three duplexes on an approximately 40,000 square foot parcel at 3030 Byron Road, known as Bryon Road Duplexes, Assessor's Parcel Number 238-070-10, Application Number D21-0035. The applicant is Schack & Company, Inc. The property owners are Bryan Offill, Kelly Offill, and Keith Offill.

Staff has reviewed the application and determined that the following City regulations apply:

1. Medium Density Residential Zone (TMC Chapter 10.08, Article 9)
2. Development Review (TMC Chapter 10.08, Article 30)
3. City of Tracy Design Goals and Standards

The Development Services Director has determined that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 because the project is characterized as in-fill development and (1) is consistent with the General Plan designation of Residential Medium and all applicable General Plan policies as well as with the Medium Density Residential (MDR) Zone and with all applicable zoning regulations, (2) occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses, (3) has no value as habitat for endangered, rare or threatened species, (4) would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (5) can be adequately served by all required utilities and public services. Therefore, no further environmental assessment is necessary.

THE DEVELOPMENT SERVICES DIRECTOR, AFTER CONSIDERING ALL OF THE EVIDENCE PRESENTED, HEREBY APPROVES DEVELOPMENT REVIEW PERMIT APPLICATION NUMBER D21-0035, SUBJECT TO CONDITIONS CONTAINED IN EXHIBIT 1 AND BASED ON THE FOLLOWING FINDINGS:

1. The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy because the building architecture includes an attractive design featuring a high-level of detailing and articulation on all four sides of each building, a well-designed hip roof with variation between multiple roof elements to create visual interest and appeal, use of multiple building materials, variation in the building façade depth, ample use of windows, and other onsite amenities such as a usable open space area and landscaping.
2. The proposal conforms to Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, the City of Tracy General Plan, the Citywide Design Goals and Standards, applicable Infrastructure Master Plans, and other City regulations.

Kris Balaji
Development Services Director

Date of Action

City of Tracy
Conditions of Approval
Byron Road Duplexes
3030 Byron Road
Assessor's Parcel Number 238-070-10
Application Number D21-0035
June 6, 2022

A. General Provisions and Definitions.

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

The Project: Development of the Byron Road Duplexes, which consists of three two-story duplexes, totaling six units on a single parcel, Application Number D21-0035

The Property: An approximately 0.93-acre site located at 3030 Byron Road, Assessor's Parcel Number 238-070-10

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Director of the City of Tracy Development Services Department, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project, Application Number D21-0035. The Conditions of Approval shall specifically include all conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the project plans received by the Development Services Department on March 10, 2022 to the satisfaction of the Development Services Director.

- 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"),
 - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines"),
 - California Building Code, and
 - California Fire Code
- A.6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.
- A.7. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

B. Development Services Department, Planning Division Conditions

Contact: Scott Claar (209) 831-6429 scott.claar@cityoftracy.org

- B.1. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the project plans received by the Development Services Department on March 10, 2022 to the satisfaction of the Development Services Director.
- B.2. Habitat conservation. Prior to issuance of a building permit or grading permit, the developer shall demonstrate compliance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and the Incidental Take Minimization Measures prepared by San Joaquin Council of Government (SJCOG) Habitat Division, to the satisfaction of the Development Services Director.

C. Development Services Department, Engineering Division Conditions

Contact: Majeed Mohamed (209) 831-6425 majeed.mohamed@cityoftracy.org

C.1. General Conditions

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

1) NONE

C.2. RESERVED

C.3. RESERVED

C.4. Grading Permit

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

C.4.1 Developer has completed all requirements set forth in this section.

C.4.2 Developer has obtained the approval (i.e. recorded easements for slopes, drainage, utilities, access, parking, etc.) of all other public agencies and/or private entities with jurisdiction over the required public and/or private facilities and/or property. Written permission from affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit.

C.4.3 Developer has obtained a demolition permit to remove any existing structure located within the Project's limits.

C.4.4 All existing on-site water well(s), septic system(s), and leech field(s), if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s), septic system(s), and leech field(s) including the cost of permit(s) and inspection. Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.

C.4.5 The Improvement Plans for all improvements to serve the Project (on-site and off-site) including the Grading and Drainage Plans shall be prepared in accordance with the City's Subdivision Ordinance (Tracy Municipal Code (TMC)

Chapter 12.36), City Design Documents as defined in Title 12 of the TMC, and these Conditions of Approval.

- C.4.6 On-site Grading/Drainage Plans and Improvement Plans shall be prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick polyester film (mylar). These plans shall use the City's Title Block. Improvement Plans shall be prepared under the supervision of, stamped and signed by a Registered Civil Engineer and Registered Geotechnical Engineer. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by the Fire Marshal prior to submitting the mylars to Engineering Division for City Engineer's signature. Erosion control measures shall be implemented in accordance with the Improvement Plans approved by the City Engineer for all grading work. All grading work not completed before October 15 may be subject to additional requirements as applicable. Improvement Plans shall specify all proposed erosion control methods and construction details to be employed and specify materials to be used during and after the construction.
- C.4.7 Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.
- C.4.8 For Projects on property larger than one (1) acre: Prior to the issuance of the Grading Permit, Developer shall submit to the Utilities Department (stephanie.hiestand@cityoftracy.org) one (1) electronic copy and one (1) hard copy of the Storm Water Pollution Prevention Plan (SWPPP) as submitted in Stormwater Multiple Applications and Reporting Tracker System (SMARTS) along with either a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID) or a copy of the receipt for the NOI. After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Developer. Developer shall comply with all the requirements of the SWPPP, applicable Best Management Practices (BMPs) and the Stormwater Post-Construction Standards adopted by the City in 2015 and any subsequent amendment(s).

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

- C.4.9 Developer shall provide a PDF copy of the Project's Geotechnical Report signed and stamped by a Registered Geotechnical Engineer. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, compaction recommendations, retaining wall recommendations, if necessary, paving recommendations, paving calculations such as gravel factors, gravel equivalence, etc., slope recommendations, and elevation of the highest observed groundwater level.
- C.4.10 Minor Retaining – Developer shall use reinforced or engineered masonry blocks for retaining soil at property lines when the grade differential among the in-tract lots exceeds twelve (12) inches. Developer will include construction details of these minor retaining walls with the on-site Grading and Drainage Plan. Developer may use slopes among the lots to address the grade differential but said slope shall not exceed a slope gradient of 3 (horizontal) to 1 (vertical) unless a California licensed geotechnical engineer signs and stamps a geotechnical report letter that supports a steeper slope gradient. Slope easements may be required and will be subject to approval by the City Engineer.

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

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

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

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

Developer shall install a masonry wall along the Byron Rd frontage, just south of the property line and P.U.E. Wall and entries shall conform to Parks & Streetscape standards D2.0 – D2.1.5 for layout and amenities.

- C.4.11 Developer shall provide a copy of the approved Incidental Take Minimization Measures (ITMM) habitat survey [San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)] from San Joaquin Council of Governments (SJCOG).
- C.4.12 Developer shall provide a copy of the approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) from San Joaquin Valley Air Pollution Control District (SJVAPCD).
- C.4.13 Developer shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, are required to remain to serve existing adjacent agricultural uses, the Developer will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Developer.
- C.4.14 If the Project contains overhead utilities, the Developer shall underground existing overhead utilities such as electric, TV cable, telephone, and others. Each dry utility shall be installed at the location approved by the respective owner(s) of dry utility and the Developer shall coordinate such activities with each utility owner. All costs associated with the undergrounding shall be the sole responsibility of the Developer and no reimbursement will be due from the City. Developer shall submit undergrounding plans.
- C.4.15 If at any point during grading that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.
- C.5. Improvement Agreement(s)

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

Prior to the consideration of City Council's approval of said improvement agreement, the Developer shall provide all documents related to said improvements required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.5.1. Off-site and/or Public Infrastructure Improvement Plans prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick mylar that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block and, if necessary, contain a signature block for the Fire Marshal. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Fire Marshal to submitting the mylars to Engineering Division for City Engineer's signature. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:
- a. All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.
 - b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers such as benchmarks.
 - c. A PDF copy of the Project's approved Geotechnical/Soils Report that was prepared for the grading permit submittal.
- C.5.1.d. Storm Water - The Project's on-site storm water drainage connection to the City's storm water system shall be approved by the City Engineer. Drainage calculations for the sizing of the on-site storm drainage system. Improvement Plans to be submitted with the hydrology and storm water.

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

line has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least 0.70-feet lower than the building finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

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

The storm water treatment system shall be located on private property and shall be at least off-set from the right-of-way by one (1) foot.

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

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

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

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

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

After final inspection of the improvements constructed via an encroachment permit, repair and maintenance of the water service from the water meter to the point of connection with the water distribution main in the street shall be the responsibility of the City. Water service repairs after the water meter is the responsibility of the Developer or individual lot owner(s).

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

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

- C.5.1.g. Streets – The Developer shall construct frontage improvements. Frontage improvements include but are not limited to the following: curb, gutter, sidewalk, street widening, landscaping, street lighting, undergrounding of overhead utilities and other improvements. All streets and utilities improvements within City right-of-way shall be designed and constructed in accordance with City Regulations, and

City's Design Standards including the City's Facilities Master Plan for storm drainage, roadways, wastewater, and water as adopted, amended, and updated by the City, or as otherwise specifically approved by the City.

Byron Road

The Tracy Transportation Master Plan (TMP) classifies Byron Road as a four-lane divided arterial which would require ninety-seven (97) feet of right of way at ultimate buildout. Due to existing conditions, the ninety-seven (97) feet of right of way cannot be accommodated due to the adjacent railroad right of way along the north side. Subsequently, redeveloped areas to the east of the Project have dedicated and planned for seventy-five (75) feet of right of way for Byron Road. The existing right of way for Byron Road is sixty (60) feet adjacent to the Project. Therefore, the Developer shall dedicate fifteen (15) feet of right of way along the Project frontage, excluding the Public Utility Easement (P.U.E.). In addition, the Developer shall record a ten (10) foot wide P.U.E. immediately behind the new property line.

Developer shall construct a twelve (12) foot meandering sidewalk/Class I Bikeway located immediately behind landscaped parkway that varies in width (5 feet minimum).

Developer shall construct curb, gutter and sidewalk that shall conform to Section 3.07 of the 2020 Design Standards

Developer shall install a barricade at the westerly edge of the proposed sidewalk.

Developer shall construct driveways that conform to Section 3.08 of the 2020 Design Standards. Driveways shall have one and half (1.5) feet of full-height (i.e. six (6) inches) of vertical curb from the driveway's edge. Driveways shall be fire truck accessible to the satisfaction of the City Engineer.

Along the Project frontage, if applicable, Developer shall landscape and irrigate the existing parkways per current adopted City landscape standards. Landscape and irrigation plans shall be prepared on a 24-inch x 36-inch size 4-millimeter thick mylar that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block. Said landscape and irrigation plan shall be prepared by a California licensed landscape architect. Developer can either protect-in-place the existing sidewalk and repair any cracked, settled, and/or damaged sidewalk or remove and replace

the sidewalk so long as the replacement sidewalk is similar to the current sidewalk, i.e. similar width, meanders, etc.

Overhead Utilities along Project frontage shall be placed underground. The Developer may choose to defer these improvements by means of a Deferred Improvement Agreement. See Condition C.6.5. for Deferred Improvement Agreement terms.

Street cuts and trenching related to utility installation in Byron Road shall be subject to Condition C.8.1

C.5.2. Joint Trench Plans and Composite Utility Plans, prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick mylar for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the twenty-four (24) feet wide to forty-six (46) feet wide [the width varies) PUE to be installed to serve the Project. All private utility services to serve Project must be installed underground or relocated to be underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing or proposed utility easement to the building(s). If necessary, the Developer shall dedicate ten (10) feet wide PUE for access to these new utilities for re-installation, replacement, repair, and maintenance work to be performed by the respective utility owner(s) in the future.

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

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

C.5.4. Traffic Control Plan - Prior to starting the work for any work within City's right-of-way, the Developer shall submit a Traffic Control Plan (TCP). TCP can be split among the different construction phases. TCP will show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. TCP shall conform to the Manual on Uniform Traffic Control Devices as amended by the State of California, latest edition (MUTCD-CA). TCP shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Registered Traffic Engineer.

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

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

C.5.5. No street trench shall be left open, uncovered, and/or unprotected during night hours and when the Developer's contractor is not performing construction activities. Appropriate signs and barricades shall be installed on the street and on all trenches during such times. If the Developer or its contractor elects to use steel plates to cover street trenches, said steel plates will be skid-resistance, and shall be ramped on all sides. Ramps will be a minimum two-foot wide and will run the entire length of each side.

C.5.6 If at any point during utility installation or construction in general that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

C.5.7 Improvement Security - Developer shall provide improvement security for all public facilities, as required by the Improvement Agreement. The form of the improvement security may be a bond, or other form in accordance with the Government Code, and the TMC. The amount of the improvement security shall be in accordance with Title 12 of the TMC.

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

C.6. Building Permit

Prior to the release of a building permit within Project boundaries, the Developer shall demonstrate, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

C.6.1 Developer has completed all requirements set forth in Condition C.1, through C.5, above.

C.6.2 Developer pays the applicable development impact fees as required in the TMC, these Conditions of Approval, and City Regulations.

C.6.2.a. Water. The Developer shall pay the water impact fees prior to pulling the first building permit for the Project.

C.6.2.b. Wastewater. The Developer shall pay the wastewater treatment capacity development Impact fees prior to pulling the first building permit for the Project.

C.6.3 RESERVED

C.6.4 Developer has completed all requirements set forth in Condition C.8

C.6.5 Prior to the release of the building permit for the Project, Developer shall execute and enter into a Deferred Improvement Agreement (DIA) with the City and post improvement security acceptable to the City Attorney. The Deferred Improvement Agreement shall be approved by the City Council and be filed by San Joaquin County Recorder against the property. The Developer may choose to defer these improvements for a time-period of no more than **five (5) years** from the recordation date of the DIA. The DIA is to guarantee undergrounding of the overhead utilities along the Project's frontage along Byron Road.

C.7 Acceptance of Public Improvements

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

C.7.1 Developer has satisfied all the requirements set forth in these Conditions of Approval.

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

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

C.7.4 Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City, at its sole discretion, temporarily release the original mylars of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As-Built" configuration of all improvements.

C.7.5 Developer shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements along

the frontage of the Project, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.

- C.7.6 Developer has completed the ninety (90) day public landscaping maintenance period.
- C.7.7 Per Section 21107.5 of the California Vehicle Code, Developer shall install signs at all entrance(s) of the Project stating that the streets are privately owned and maintained and are not subject to the public traffic regulations or control. Said signs must be conspicuously placed, plainly visible, and legible during daylight hours from a distance of one hundred (100) feet.
- C.7.8 Survey Monuments – Any altered, damaged, or destroyed survey monuments and/or benchmarks shall be re-established. Developer shall submit centerline tie sheets or a record of survey for the following: new public streets; re-established survey monuments, and/or benchmarks. If the Developer destroyed, altered, and/or reconstructed any existing curb returns, Developer shall also submit corner records. Any survey document will be submitted the City and to the San Joaquin County Surveyor to comply with California Business and Professions Code Section 8771(c). Said work shall be executed by a California licensed Land Surveyor at the Developer's sole expense.

C.8 Special Conditions

- C.8.1 When street cuts are made for the installation of utilities, the Developer shall conform to Section 3.14 of the 2020 Design Standards and is required install a two (2) inch thick asphalt concrete (AC) overlay with reinforcing fabric at least twenty-five (25) feet from all sides of each utility trench. A two (2) inch deep grind on the existing AC pavement will be required where the AC overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. This pavement repair requirement is when cuts/trenches are perpendicular and parallel to the street's direction.
- C.8.2 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the improvement plans, prior to the City Engineer's signature on the improvement plans, and prior to issuance of Grading Permit, Encroachment Permit, Building Permit, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

- C.8.3 Prior to the release of the Building Permit, if water is required for the Project, the Developer shall obtain an account for the water service and register the water meter with the Finance Department. Developer shall pay all fees associated with obtaining the account number for the water service.

D. Utilities Department, Water Resources Division Conditions

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

- D.1. Prior to issuance of a construction or building permit, the applicant shall demonstrate compliance with the 2015 Post-Construction Stormwater Standards (PCSWS) Manual and obtain approval through the following:
- D.1.1. Develop a Project Stormwater Plan (PSP) that identifies the methods to be employed to reduce or eliminate stormwater pollutant discharges through the construction, operation and maintenance of source control measures, low impact development design, site design measures, stormwater treatment control measures and hydromodification control measures.
 - D.1.1.a. Design and sizing requirements shall comply with PCSWS Manual.
 - D.1.1.b. Demand Management Areas must be clearly designated along with identification of pollutants of concern.
 - D.1.1.c. Calculations of the Stormwater Design Volume and/or Design Flow with results from the Post-Construction Stormwater Runoff Calculator must be submitted in the PSP for approval.
 - D.1.1.d. Per the PCSWS Manual, include a hydromodification management plan ensuring the post-project runoff flow rate shall not exceed estimated pre-project flow rate for the 2-year, 24 hour storm.
 - D.1.1.e. Submit one (1) hard copy of the PSP and an electronic copy to the Utilities Department (WaterResources@cityoftracy.org), include the project name, address and Project # and/or Permit # in the title or subject line.
 - D.1.2. A separate plan sheet(s) designated SW shall be submitted in the plan set that includes the identified methods for pollution prevention outlined in the submitted PSP. You must include all standards, cross sections and design specifications such as landscape requirement in treatment areas including type of irrigation installation and/or height of drain inlet above the flow line, etc. in these SW plan sheets along with legend.
 - D.1.3. Develop and electronically submit to the Utilities Department for approval (WaterResources@cityoftracy.org) a preliminary Operations and Maintenance (O & M) Plan that identifies the operation, maintenance, and inspection requirements for all stormwater treatment and baseline hydromodification control measures identified in the approved PSP.
 - D.1.4. No later than two (2) months after approval notification of the submitted PSP, the applicant shall electronically submit the following information to the Utilities Department (WaterResources@cityoftracy.org) for development of a draft

stormwater maintenance access agreement, in accordance with the MAPCSWS:

- i. Property Owner(s) name and title report; or Corporate name(s) and binding documents (resolutions, etc) designating ability to sign agreement
 - ii. Property Address
 - iii. Exhibit A – legal property description
 - iv. Exhibit B – approved O & M Plan
- D.2. Prior to issuance of a grading permit, the applicant shall provide proof of permit coverage under the Construction General Permit and submittal of an electronic Stormwater Pollution Prevention Plan (SWPPP), to be submitted to WaterResources@cityoftracy.org.
- D.3. Prior to Certificate of Occupancy, the applicant shall complete the following to the satisfaction of the Utilities Director:
- D.3.1. Return to the City Clerk, a legally signed and notarized copy of the final maintenance access agreement including all exhibits and approved O & M plan received from the Utilities Department.
 - D.3.2. Obtain final approval by the Utilities Department of the constructed and installed Stormwater pollution prevention methods outlined in the PSP. Frequent inspections of the Post-Construction treatment measures should occur during the construction phase by calling 209-831-6333.
 - D.3.3. The project shall be in full compliance with Construction General Permit including 70% stabilization of the project with Notice of Termination approval.
- D.4. Before the approval of a construction, grading or building permit, the applicant shall demonstrate compliance with Tracy Municipal Code Chapters 11.28 and 11.34 and Chapter 4 of the California Green Building Standards Code to the satisfaction of the Utilities Director.
- D.5. Prior to issuance of a construction or building permit, applicant shall demonstrate compliance with the 2015 Model Water Efficient Landscape Ordinance and obtain approval by the Utilities Department through the following:
- D.5.1. Develop and submit electronically and by hard copy, a Landscape Document Package (LDP) that identifies the methods to be employed to reduce water usage through proper landscape design, installation and maintenance. This LDP shall consist of:
 - i. A project information sheet that includes the checklist of all documents in the LDP;
 - ii. The Water Efficient Landscape Worksheets that include a hydrozone information table and the water budget calculations – Maximum Applied Water Allowance and Estimate Total Water Use;
 - iii. A soil management report, after compaction and from various locations throughout the project;

- iv. A landscape design plan that includes the statement, "I agree to comply with the requirements of the 2015 water efficient landscape ordinance and shall submit for approval a complete Landscape Document Package:
- v. An irrigation design plan with schedule; and
- vi. A grading design plan.

D.5.2. A Certificate of Completion must be completed, signed, and submitted to the Utilities Department prior to Final approval for Occupancy.

E. Development Services Department, Building Division Conditions

Contact: Danis Isho (209) 831-6484 danis.isho@cityoftracy.org

- E.1. Prior to construction, the Applicant shall submit a building permit application along with all pertinent construction documents such as plans, specifications, and/or calculations to the Building Safety Division that conform to the Title 24 California Code of Regulations edition effective on the date of application for a building permit.
- E.2. Prior to construction, the applicant shall submit construction plans and supporting documents to the Building Safety Division that demonstrate compliance with the Building Code requirements for an R-2 (if designated as an R-2) occupancy group including but not limited to egress, accessibility, and fire protection per California Building Code; or if designated as a two-family dwelling may be designed as an R-3 per the California Residential Code.

F. South San Joaquin County Fire Authority (SSJCFA) Conditions

Contact: Tim Spears (209) 831-6707 tim.spears@sjcfire.org

- F.1. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
 - F.1.1. Construction documents shall be designed to the current edition of the California Code of Regulations, Title 24, as amended by the City of Tracy Municipal Code.
- F.2. Engineering and Building Permit Applications received for review by the South San Joaquin County Fire Authority are subject to the current fee schedule for South San Joaquin County Fire Authority.
 - F.2.1. Application processing fees and minimum plan review fees are due at time of submittal of construction documents.
 - F.2.2. Additional plan review fees, minimum inspection fees and administrative fees are calculated on approval of project and shall be paid prior to issuance of permit.

- F.2.3. Permit holder is responsible for any additional inspection fees incurred, and shall be paid prior to final inspection.
- F.3. Prior to construction, all-weather fire apparatus access roads shall be installed. Fire apparatus access roads during construction shall have a minimum 20-foot unobstructed width in accordance with CFC §503.
- F.4. Buildings shall be provided with approved address identification in accordance with CFC §505.
- G. The following conditions provide the applicant with options for funding required Citywide services.**

Contact: Karin Schnaider (209) 831-6841 karin.schnaider@cityoftracy.org

G.1. Streets, Streetlights and Sidewalks

Before issuance of any building permit for the Property, Developer shall provide for perpetual funding of the on-going costs of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping that will serve the Property (including all costs required by PG&E), by doing one of the following, subject to the approval of the City's Finance Director:

- a. Community Facilities District (CFD). Developer shall enter into an agreement with the City, to be signed by the Finance Director, which shall be recorded against the Property, which requires that prior to the final inspection, Developer shall complete the annexation of the Property to City of Tracy Community Facilities District in compliance with the requirements of the Mello – Roos Community Facilities Act of 1982 (Gov. Code § 53311 et seq.) including, without limitation, affirmative votes, and the recordation of a Notice of Special Tax Lien. Developer shall be responsible for all costs associated with the CFD proceedings.

Or

- b. Direct funding. Developer shall enter into an agreement with the City, which shall be recorded against the Property, which requires that prior to approval of final inspection, Developer shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the on-going costs of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping that will serve the Property (including all costs required PG&E).

If the provisions for adequate funding of the on-going costs of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping that will serve the Property (including all costs required by PG&E) are met prior to issuance of the building permit for the Property, subject to the Finance Director's review and approval, the terms of this condition shall be considered to have been met and this condition shall become null and void.

G.2. Police/Public Safety & Public Works

Before issuance of any building permit for the Property, Developer shall provide for perpetual funding of the on-going costs of providing Police and public safety and Public Works services for the Property, by doing one of the following, subject to the approval of the City's Finance Director:

- a. Community Facilities District (CFD). Developer shall enter into an agreement with the City, to be signed by the Finance Director, which shall be recorded against the Property, which requires that prior to the issuance of a certificate of occupancy, Developer shall complete the annexation of the Property to City of Tracy Community Facilities District in compliance with the requirements of the Mello – Roos Community Facilities Act of 1982 (Gov. Code § 53311 et seq.) including, without limitation, affirmative votes, and the recordation of a Notice of Special Tax Lien. Developer shall be responsible for all costs associated with the CFD proceedings.

Or

- b. Direct funding. Developer shall enter into an agreement with the City, which shall be recorded against the Property, which requires that prior to issuance of a certificate of occupancy, Developer shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the on-going costs of providing Police and public safety and Public Works services for the Property.

If the provisions for adequate funding of the on-going costs of providing Police and public safety and Public Works services for the Property are met prior to issuance of the first building permit for the Property, subject to the Finance Director's review and approval, the terms of this condition shall be considered to have been met and this condition shall become null and void.

G.3. Landscaping Maintenance

Prior to issuance of any building permit for the Property, Developer shall provide for perpetual funding of the on-going costs of operation, maintenance and replacement for public landscaping for the Property at a high-quality service level as determined by the Public Works Director by doing one of the following, subject to the approval of the City's Finance Director:

- a. CFD or other funding mechanism. The Developer shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates the following: (1) prior to the final inspection, the Developer shall form or annex into a Community Facilities District (CFD) for funding the on-going costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan; (2) the items

to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems; masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks, and public open space areas and trails; (3) formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien; (4) upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment; (5) prior to issuance of a building permit, the Developer shall deposit an amount equal to the first year's taxes; and (6) the Developer shall be responsible for all costs associated with formation or annexation of the CFD.

Or

- b. Direct funding. The Developer shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates that prior to issuance of a building permit, the Developer shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full on-going maintenance costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan. The items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems, masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks, and public open space areas and trails.