

April 10, 2023

DIRECTOR PUBLIC HEARING
AGENDA ITEM 3

REQUEST

PUBLIC HEARING TO CONSIDER (1) APPROVING A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT AN APPROXIMATELY 14,600 SQ. FT., THREE STORY BUILDING WITH FIRST FLOOR RETAIL AND SIX RESIDENTIAL UNITS LOCATED ON THE SECOND AND THIRD FLOOR AT 1000 N. CENTRAL AVE. AND (2) DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15332 WHICH PERTAINS TO CERTAIN INFILL DEVELOPMENT PROJECTS. APPLICANT IS SCHACK & COMPANY, INC. AND PROPERTY OWNER IS REZA KAZEMI. APPLICATION NUMBER D22-0048.

DISCUSSION

Project Description

The project site is a vacant parcel at 1000 N. Central Avenue. The project site is on the northeast corner of N. Central Ave. and 10th Street. The project site is 350 feet south of 11th Street, located across from Valley First Credit Union, and backs up to Versailles Salon. (Attachment A: Location Map).

Site Analysis

The project site is zoned Central Business District (CBD) and has a General Plan designation of Downtown. Retail and residential are principally permitted uses under the CBD Zone. The proposed uses of retail and residential would be compatible with the surrounding land uses, which include retail spaces, existing multifamily, and office spaces. The project meets the requirements of the CBD Zone.

Architecture

The proposed building consists of approximately 4,400 sq. ft. of first floor retail space consisting of three proposed lease spaces. The second and third floor will have six residential units consisting of four one-bedroom, one-bath units and two two-bedroom, one-bath units. The proposed architecture consists of an attractive design, which includes variation in façade depth/height and a mix of complementary building colors, and other desirable elements such as ample use of balconies, exposed rafters, pop-outs, and windows to break up the façade and add interesting details to the elevations. The including of various elements reflecting downtown architecture, close orientation to the street, and metal awning help create a sense of arrival and high level of visibility on the south and west elevations facing 10th street and N. Central Ave. for the first-floor retail. The proposed architecture is consistent with the City's Design Goals and Standards (Attachment B: Site Plan and Elevations).

Environmental Document

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, because the project is consistent with the General Plan and Zoning; occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses; has no value as habitat for endangered, rare or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and can be adequately served by all required utilities and public services. No further environmental assessment is necessary.

RECOMMENDATION

Staff recommends that the Development Services Director (1) approve a Development Review Permit to construct an approximately 14,600 sq. ft., three story building with first floor retail and six residential units located on the second and third floor at 1000 N. Central Ave. and (2) determine the project is categorically exempt from the California Environmental Quality Act pursuant to CEQA guidelines section 15332 which pertains to certain infill development projects, based on the findings contained in the Director Determination dated April 10, 2023 (Attachment C).

Prepared by Kenny Lipich, Associate Planner

Approved and Reviewed by Bill Dean, Assistant Director of Development Services

ATTACHMENTS

- A: Location Map
- B: Site Plan and Elevations
- C: Development Services Director Determination
Exhibit 1 – Conditions of Approval

11TH STREET

ATTACHMENT
A



Valley First
Credit Union

Versailles Salon

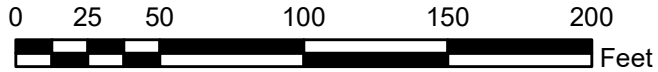
Subject
Property

10TH STREET

CENTRAL AVE.



Think Inside the Triangle™



SITE DATA

- NOTES**
1. ZONE: CBD
 2. GENERAL PLAN: DOWNTOWN
 3. PROPERTY OWNER: 1000 N CENTRAL AVE, LLC
REZA KAZEMI
2426 S CABE ROAD, #10
TRACY, CALIFORNIA 95304
 4. ENGINEER: SCHACK & COMPANY, INC.
DAN R. SCHACK
1025 N CENTRAL AVENUE
TRACY, CALIFORNIA 95376
(209) 835-2178
 5. PROPERTY ADDRESS: 1000 N CENTRAL AVE.
TRACY, CALIFORNIA 95376
 6. ASSESSORS PARCEL: 235-171-22
 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 ADJOINING PROPERTIES. ILLUMINATION OF INI PARKING AREAS SHALL MEET MINIMUM STANDARD OF 1-FOOT CANDLE PER SQ.FT
 9. TRASH ENCLOSURE WILL BE COVERED & HAVE SCREEN WALLS/GATES TO A MINI OF 7'-0" HT. FINISH WILL CONFORM TO BUILDING FINISH IN COLOR & TEXTURES. GATES WILL BE SCREENED WOOD & OF METAL CONSTRUCTION. SCREEN WALLS WILL BE OF MASONRY CONSTRUCTION.
 10. ALL WORK WILL CONFORM TO CITY OF TRACY STANDARDS
 11. CBC OCCUPANCY & CONSTRUCTION: OCCUPANCY GROUP: B OR M (GROUND FLOOR)
OCCUPANCY GROUP: R-2 (2ND & 3RD FLOOR)
CONSTRUCTION TYPE: V-B (ALL FLOORS)
 12. BACKFLOW PREVENTION DEVICES FOR ALL WATER LINES SHALL BE INSTALLED PER CITY STD'S.
 13. (E) EASEMENTS & UTILITIES SHOWN ARE PER RECORD INFORMATION
 14. PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN
 15. ABBREVIATIONS:

BSL	BUILDING SETBACK LINE	(N)	NEW
CBC	CALIFORNIA BUILDING CODE	(E)	EXISTING
CFC	CALIFORNIA FIRE CODE	(F)	FUTURE
PUE	PUBLIC UTILITY EASEMENT	(TYP)	TYPICAL
FTP	FOOTPRINT	ROW	RIGHT-OF-WAY
STD	STANDARD	SF	SQUARE FEET
MIN	MINIMUM	W/	WITH



AREAS & PARKING

1. SITE AREA: PARCEL AREA (0.11 AC) 5,000 sf
2. BUILDING AREAS:

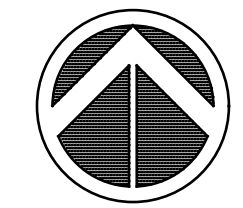
3-STORY COMMERCIAL BLDG	4,433 sf
GROUND FLOOR (COMMERCIAL)	5,104 sf
SECOND FLOOR (APARTMENTS)	5,104 sf
THIRD FLOOR (APARTMENTS)	14,641 sf
TOTAL FLOOR AREA	
3. OFF-STREET PARKING IS NOT REQUIRED IN THE CBD ZONE/DOWNTOWN INCENTIVE AREA PER EXCEPTIONS NOTED IN THE CITY OF TRACY ZONING ORDINANCE, SEC 10.08.3470
4. SITE DEVELOPMENT AREAS:

PAVEMENT & HARDSCAPE	416 sf
PAVEMENT & HARDSCAPE (DEV.)	1,002 sf
PLANTING AREA	151 sf
BUILDING FOOTPRINT AREA	6,433 sf
TOTAL DEVELOPMENT AREA	6,002 sf

LOCATION MAP



DEVELOPMENT REVIEW
OVERALL SITE PLAN
SCALE: 1"=30'



REVISIONS	DATE	STANDARD

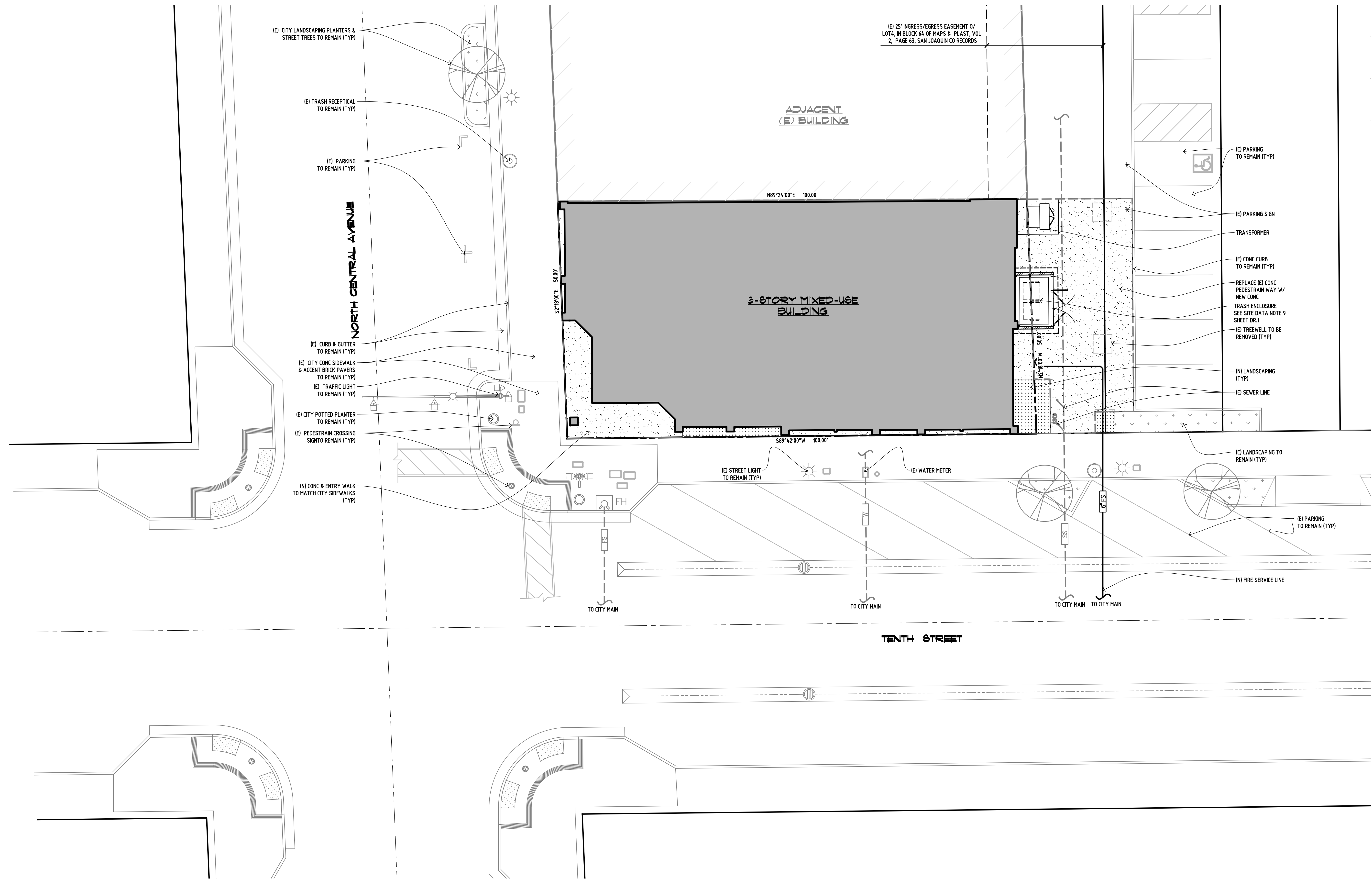
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DRAWING RELEASE	DESCRIPTION	DATE
<input type="checkbox"/>	PRELIMINARY REVIEW	11/17/22
<input type="checkbox"/>	INITIAL PLAN REVIEW	12/21/22
<input type="checkbox"/>	FINAL REVIEW	01/25/23
<input type="checkbox"/>	FINAL CONSTRUCTION	

DEVELOPMENT REVIEW
10th STREET
MIXED-USE BUILDING
1000 N CENTRAL AVENUE
TRACY, CALIFORNIA 95376

Schack & Company, Inc.
PROFESSIONAL DESIGN GROUP
1025 Central Avenue, Tracy, California 95376
P: (209) 835-2178 | F: (209) 835-1488
www.schackandco.com
arch@schackandco.com

DATE:	11-28-22
DRAWN BY:	MQN
CHECKED BY:	SFS
JOB NO:	22.021
DR.1	
OF 4 SHEETS	



REVISIONS	DATE	SYMBOL

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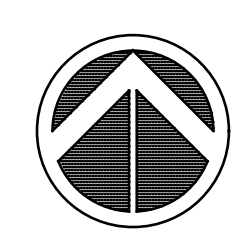
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<input type="checkbox"/>	INITIAL PLAN REVIEW	12/21/22
<input type="checkbox"/>	FINAL PLAN REVIEW	01/25/23
<input type="checkbox"/>	CONSTRUCTION READY	
<input type="checkbox"/>	FINAL CONSTRUCTION	

DEVELOPMENT REVIEW
10th STREET
 MIXED-USE BUILDING
 1000 N CENTRAL AVENUE
 TRACY, CALIFORNIA 95376

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DEVELOPMENT REVIEW
SITE PLAN
 SCALE: 1"=10'

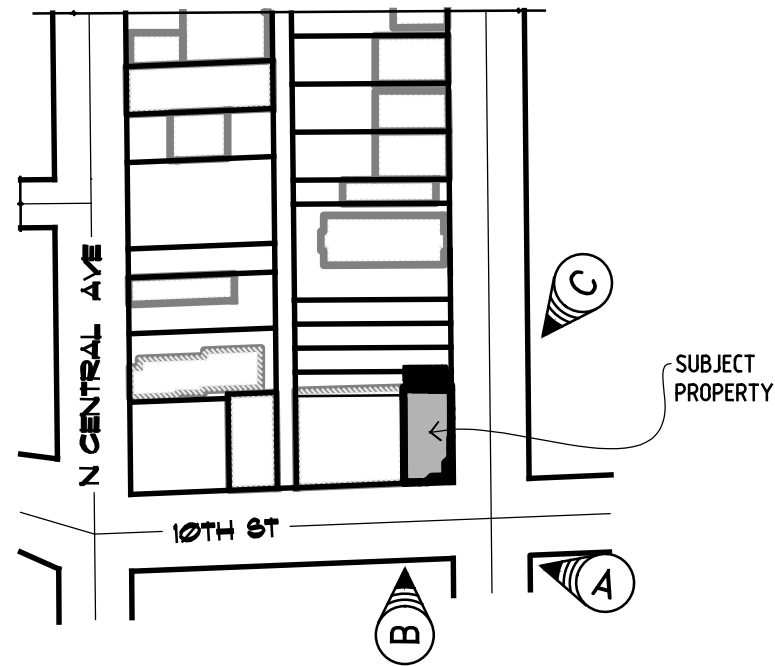




PICTURE A



PICTURE B



PHOTOGRAPH
PLOT PLAN
NO SCALE

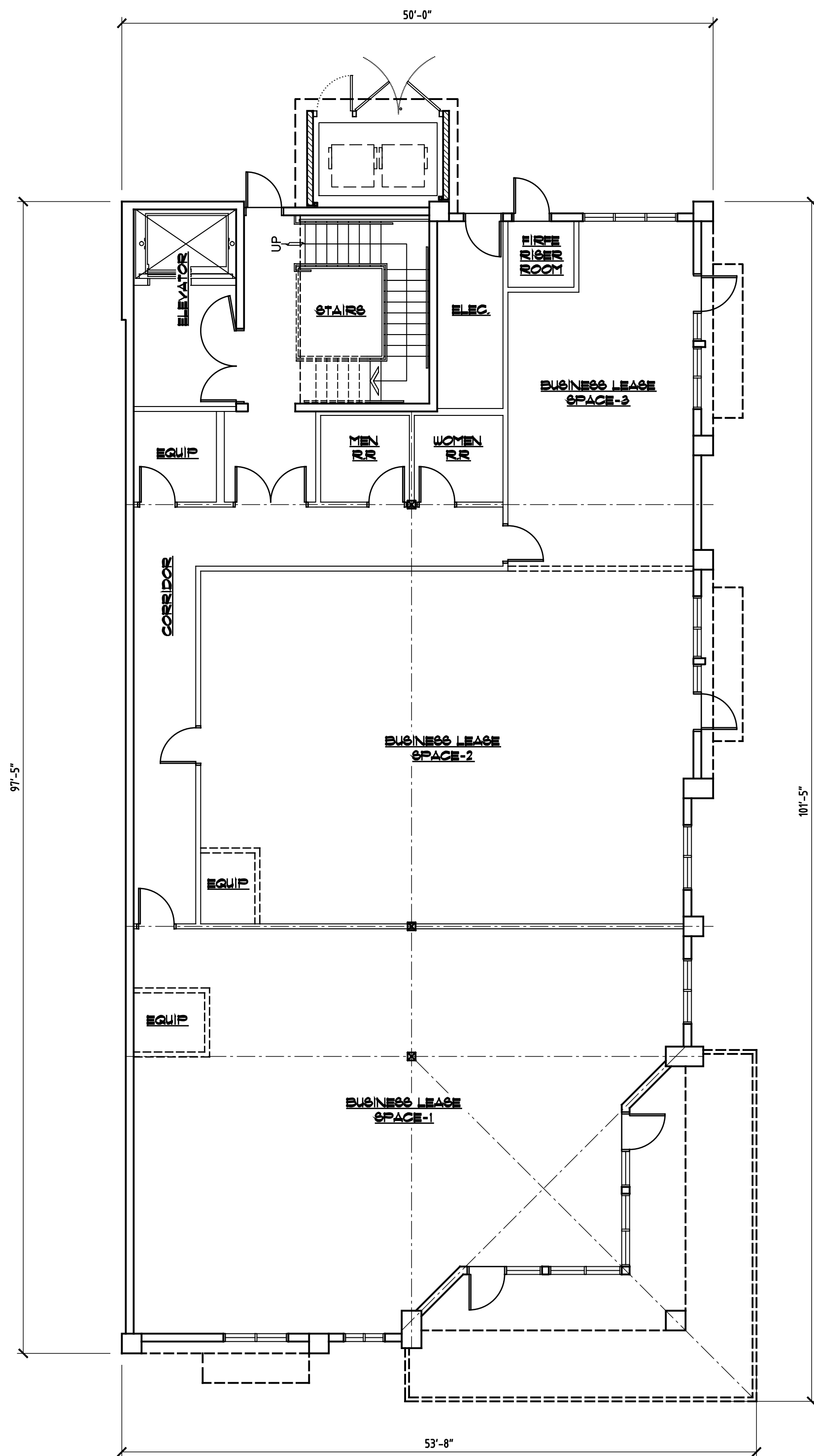


PICTURE C

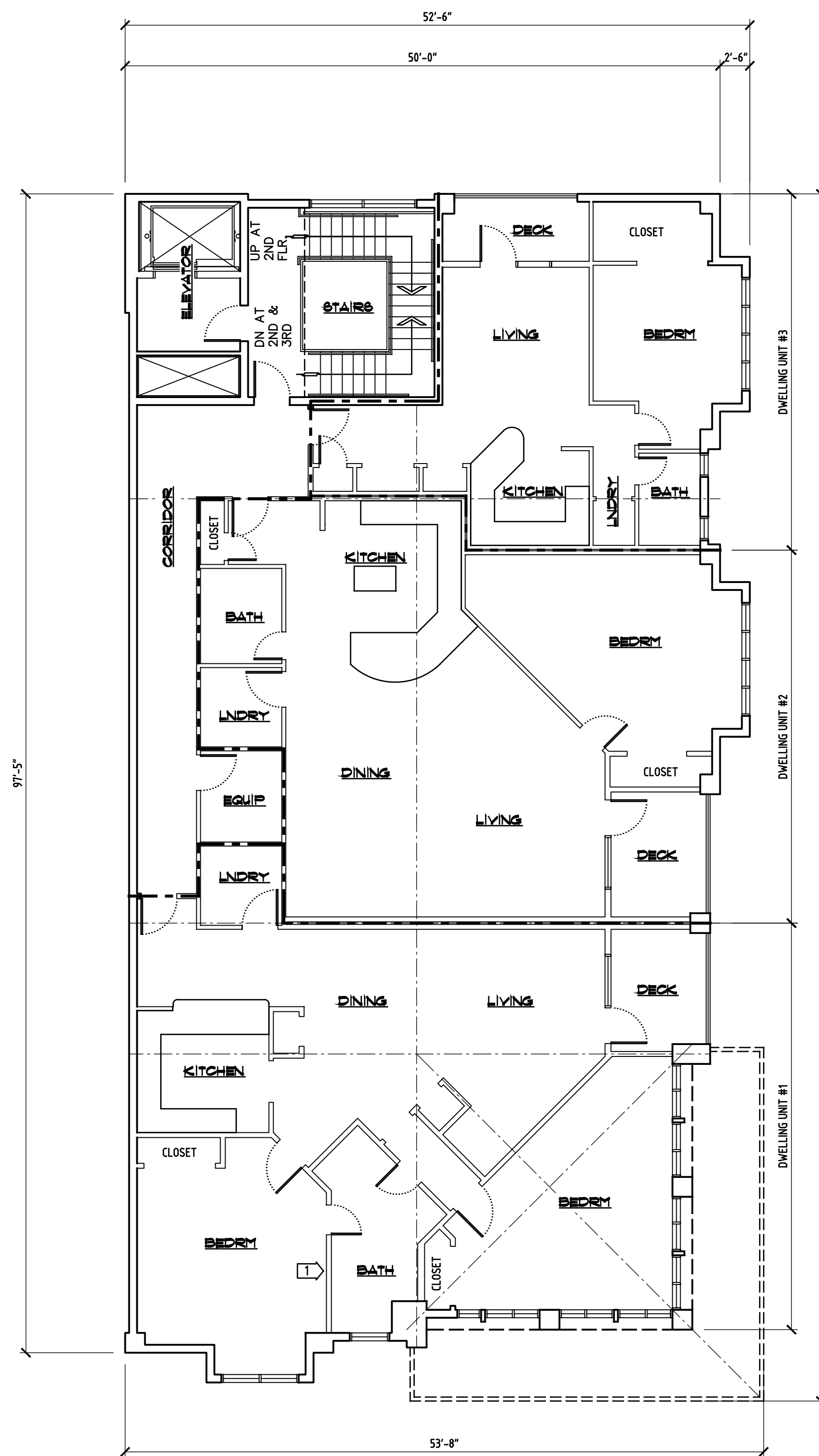
10th STREET
MIXED USE BUILDING
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Civil Engineering • Building Design • Surveying
(800) 885-2178 • P.O. Box 330 • Tracy, California 95378 • FAX (209) 885-1488

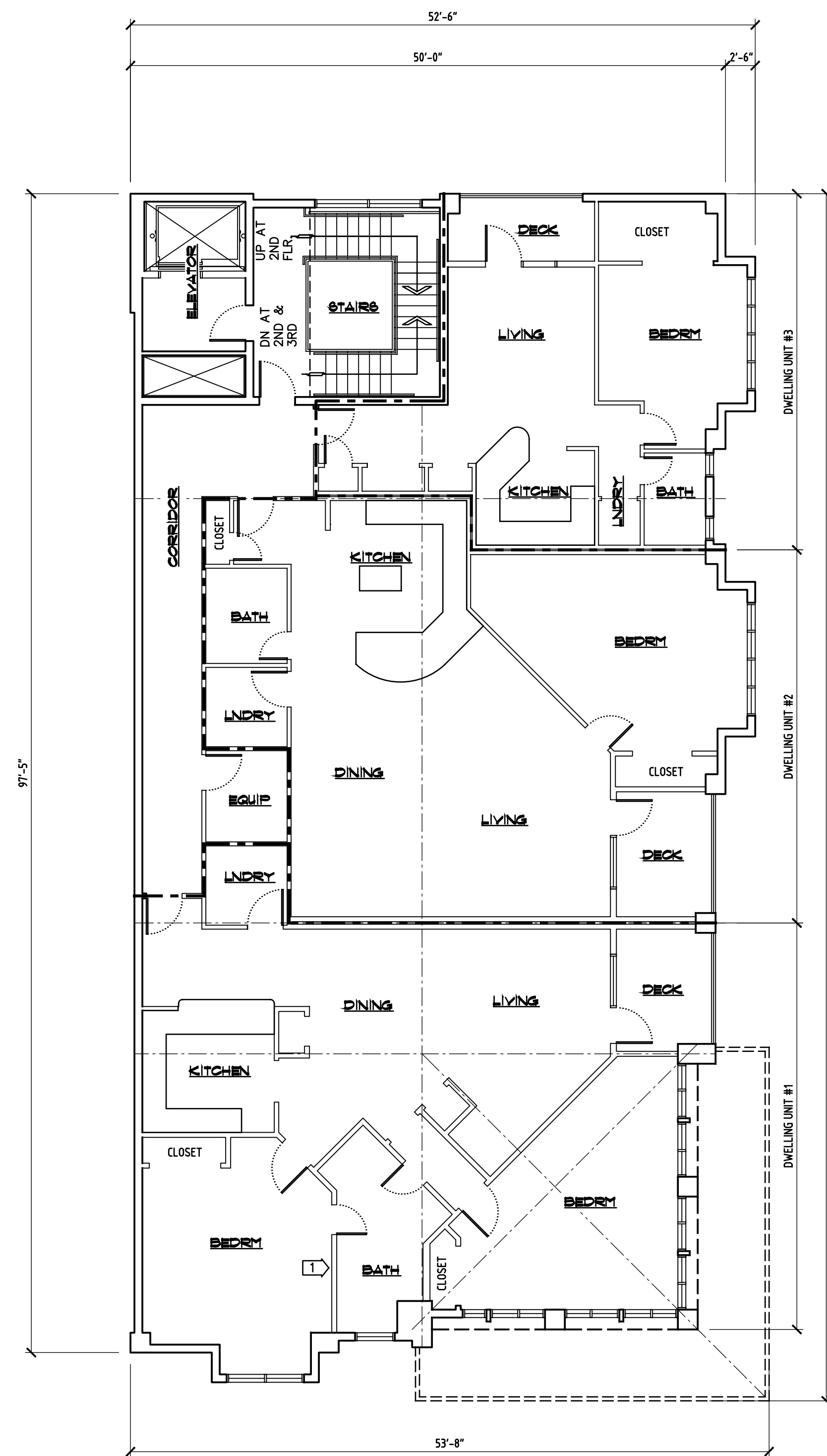
Date: 11/28/22
Job: 22.021
By: MQN
Sheet
of 1 **1**



FIRST FLOOR
(4,625 SF)



SECOND FLOOR
(5,104 SF)

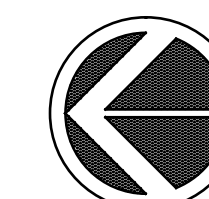


THIRD FLOOR
(5,104 SF)

DEVELOPMENT REVIEW
FLOOR PLANS

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

TOTAL BUILDING AREA = 14,833 SF



DATE	SYMBOL	REVISIONS
01/25/23	[Symbol]	PLANNING COMMENTS RESPONSE

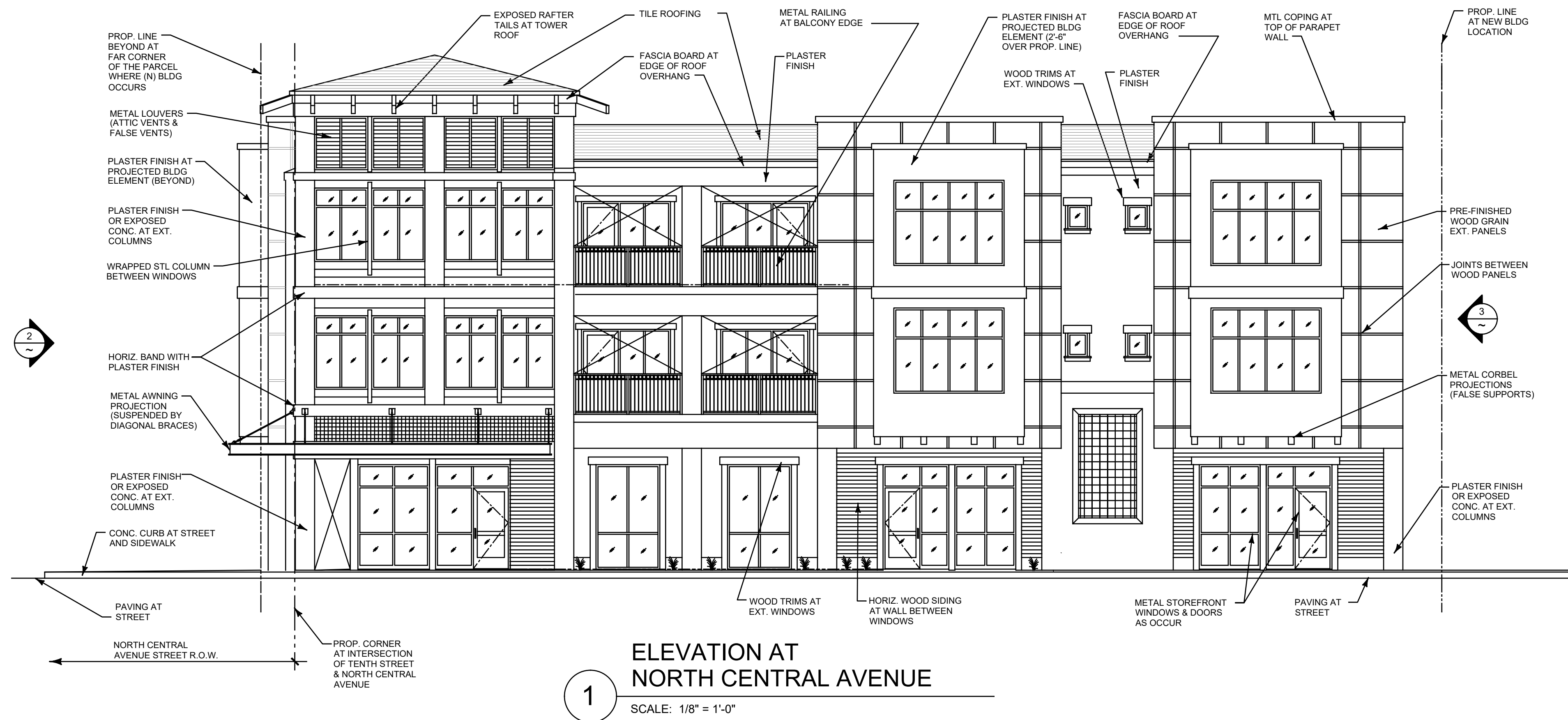
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DEVELOPMENT REVIEW
10th STREET
MIXED-USE BUILDING
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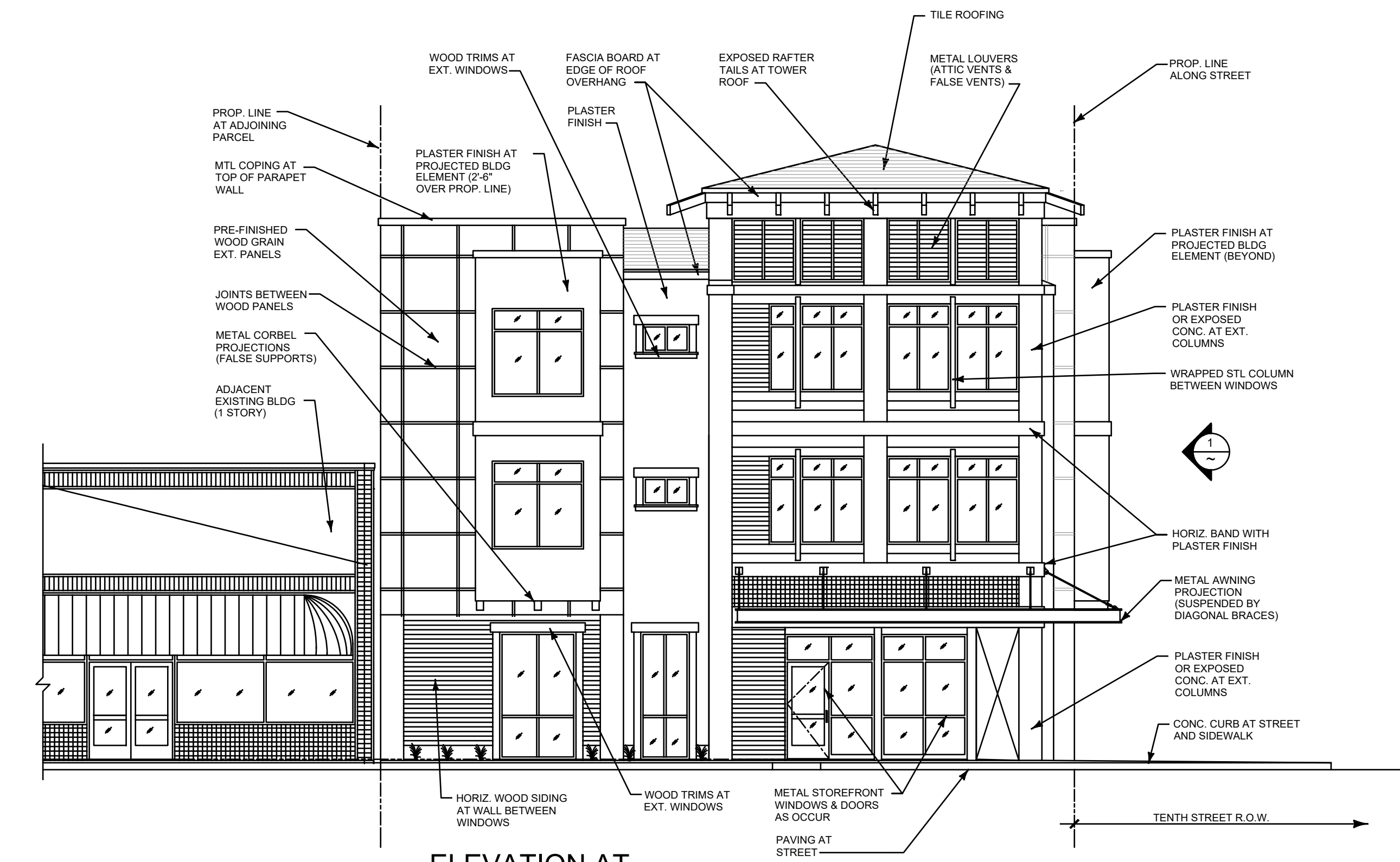
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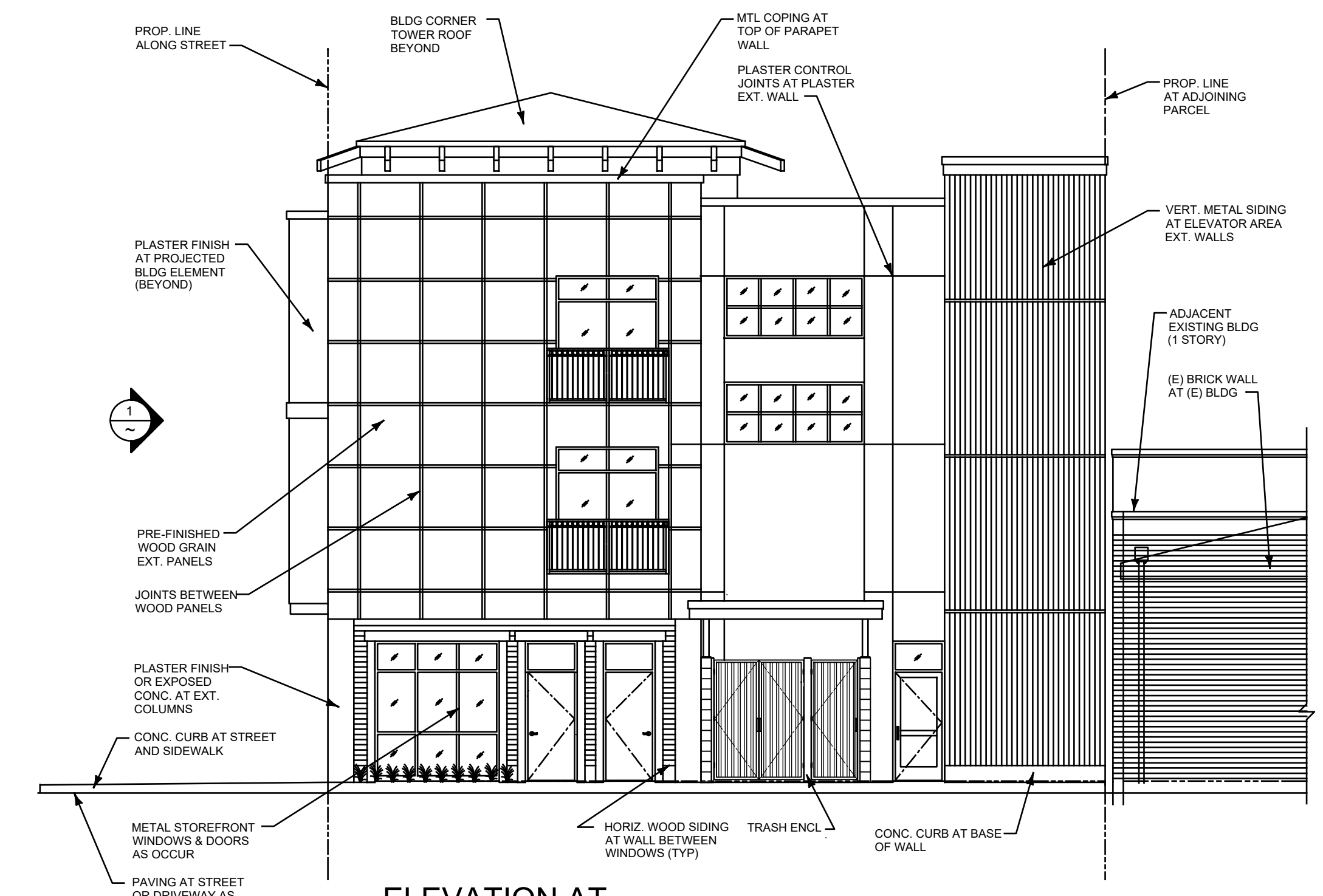
1
ELEVATION AT NORTH CENTRAL AVENUE
 SCALE: 1/8" = 1'-0"



COLOR RENDERING



2
ELEVATION AT TENTH STREET
 SCALE: 1/8" = 1'-0"



3
ELEVATION AT ACCESS EASEMENT
 SCALE: 1/8" = 1'-0"

REVISIONS	SYMBOL	DATE

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DATE: 11-28-22
 DRAWN BY: MQN
 CHECKED BY: SFS
 JOB NO: 22.021

DR.4
 OF 4 SHEETS

DEVELOPMENT REVIEW
EXTERIOR ELEVATIONS
 SCALE: NONE



COLOR RENDERING



ROOF TILE SELECTION

MANUF: EAGLE ROOFING PRODUCTS
 TYPE: CAPISTRANO
 COLOR: 3636 PIEDMONT BLEND



CEMENT PLASTER #1

MANUF: OMEGA PRODUCTS INTERNATIONAL
 FINISH: AKROFLEX 12 / 9243 SAGE



CEMENT PLASTER #2

MANUF: OMEGA PRODUCTS INTERNATIONAL
 FINISH: AKROFLEX MALIBU 12 / 9239 CAPPACINO



ACCENT TRIM PAINT # 1

MANUF: BENJAMIN MOORE
 COLOR: CINNABAR (CSP 1165)



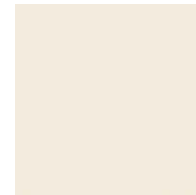
ACCENT PAINT # 2 O/ CEMENT PLASTER & TRIM

MANUF: BENJAMIN MOORE
 COLOR: ESPRESSO (2099-30)



ACCENT PAINT # 3 O/ CEMENT PLASTER & WOOD SIDING

MANUF: BENJAMIN MOORE
 COLOR: AUTUMN COVER (2170-30)



CUSTOM METAL AWNING

MANUF: BENJAMIN MOORE
 COLOR: LINEN WHITE (OC-146)



1st FLOOR STOREFRONT WINDOWS

MANUF: OLD CASTLE
 FRAME COLOR: ANODIZED-BRONZE
 GLASS COLOR: BRONZE TINT



2nd & 3rd FLOOR WINDOWS

MANUF: OLD CASTLE
 FRAME COLOR: ANODIZED-ALUM
 GLASS COLOR: CLEAR



CUSTOM BALCONY RAILING

MANUF: EAGLE ROOFING PRODUCTS
 TYPE: 'S' ROOF TILE
 COLOR: SHERWIN WILLIAMS 6340 BACKED CLAY

**10th STREET
 MIXED USE BUILDING**

1000 N CENTRAL AVENUE
 TRACY, CALIFORNIA 95376

Schack & Company, Inc.

Civil Engineering • Building Design • Surveying
 (209) 855-2170 • P.O. Box 339 • Tracy, California 95376 • FAX (209) 855-1488

Date: 12/15/22
 Job: 22.020
 By: MQN
 Sheet 1
 of 1

CITY OF TRACY

DETERMINATION OF THE DEVELOPMENT SERVICES DEPARTMENT

Application Number D22-0048

A determination of the Development Services Department (1) approving a Development Review Permit to construct an approximately 14,600 sq. ft., three story building with first floor retail and six residential units located on the second and third floor at 1000 N. Central Ave. and (2) determining that the project is categorically exempt from the California Environmental Quality Act pursuant to CEQA guidelines section 15332 which pertains to certain infill development projects. The applicant is Schack & Company Inc., and property owner is Reza Kazemi.

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

1. Central Business District Zone (TMC Chapter 10.08, Article 18)
2. Development Review (TMC Chapter 10.08, Article 30)
3. City of Tracy Design Goals and Standards

The project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15332 which pertains to certain infill development projects, because the project is consistent with the General Plan and Zoning; occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses; has no value as habitat for endangered, rare or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and can be adequately served by all required utilities and public services. No further environmental assessment is necessary.

THE DEVELOPMENT SERVICES DEPARTMENT, AFTER CONSIDERING ALL OF THE EVIDENCE PRESENTED, HEREBY (1) DETERMINES THE PROJECT IS CATEGORICALLY EMEXPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15332 WHICH PERTAINS TO CERTAIN INFILL DEVELOPMENT PROJECTS AND (2) APPROVES DEVELOPMENT REVIEW APPLICATION NUMBER D22-0048, 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 proposal consists of desirable elements such as first floor retail space, building variation in façade depth/height, and close orientation to the street that creates a sense of arrival.
2. The project is consistent with the Central Business District, Chapter 10.08, Article 18 of the Tracy Municipal Code, the City of Tracy General Plan, the Citywide Design Goals and Standards, and other City regulations because the three-story retail residential building is a permitted use and will be constructed to adhere to all requirements of the Central Business District Zone.

Jaylen French
Director of Development Services

Date of Action

City of Tracy
Development Review Permit
Conditions of Approval

Three Story Retail & Residential Bldg.
1000 N. Central Ave.
Application Number D22-0048
April 10, 2023

These Conditions of Approval shall apply to the Development Review Permit to construct an approximately 14,600 sq. ft., three story building with first floor retail and six residential units located on the second and third floor at 1000 N. Central Ave. (hereinafter "Project"), proposed by Schack & Company, Inc. (hereinafter "Applicant") and Reza Kazemi (hereinafter "Property Owner").

A. Definitions

The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "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.
3. "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.
4. "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, City's Design Goals and Standards, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
5. "Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
6. "Conditions of Approval" shall mean the conditions of approval, applicable to Development Review Permit Application Number D22-0048.
7. "Property" means the subject property of the Development Review Permit to construct an approximately 14,600 sq. ft., three story building with first floor retail and six residential units located on the second and third floor at 1000 N. Central Ave. (hereinafter "Project"), proposed by Schack & Company, Inc. (hereinafter "Applicant"), Application Number D22-0048.

B. Planning Division Conditions of Approval

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., “CEQA”), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., “CEQA Guidelines”).
2. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
3. 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.
4. Except as modified herein, the project shall be developed in substantial compliance with the plans received by the Development Services Department on January 26, 2023, to the satisfaction of the Development Services Director.
5. Prior to final inspection or certificate of occupancy, the back side of any visible roof parapets shall consist of the same material and be painted the same color as the front side of the roof parapets, to the satisfaction of the Development Services Director.
6. Prior to issuance of a building permit, the construction documents shall comply with California Building Standards Commission (Cal Green Code Emergency Standards; Title 24, Part 11) regarding landscaping and irrigation water efficiency, to the satisfaction of the Utilities Director.
7. Prior to issuance of a building permit, the Developer shall submit construction documents, plans, specifications, and/or calculations to the Building Safety Division, which meet all applicable requirements of Title 24 California Code of Regulations, to the satisfaction of the Chief Building Official.
8. Prior to issuance of a building permit, the Developer shall submit plans that clearly depict an accessible route per California Building Code (CBC) 11B-206.2.2 from each building to the trash enclosure and all facilities on-site, to the satisfaction of the Chief Building Official.
9. Prior to issuance of a building permit, the Developer shall conform with all requirements of the California Fire Code as amended by the Tracy Municipal Code, to the satisfaction of the South San Joaquin County Fire Authority.

10. Prior to final inspection or certificate of occupancy, no roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from any public right-of-way to the satisfaction of the Development Services Director. Plans to demonstrate such compliance shall be submitted to the City prior to the issuance of a building permit.
11. Prior to the issuance of a building permit, the developer shall submit plans demonstrating that the trash enclosure shall be a masonry enclosure at a minimum height of seven feet, exterior materials and colors to match the proposed building, solid metal doors painted to match the proposed building colors, a roof designed with complementary materials and design, and a concrete apron in front of the enclosure where the dumpsters, loading/transport equipment, or vehicles will maneuver, to the satisfaction of the Development Services Director.
12. Prior to final inspection or certificate of occupancy, all PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
13. Prior to final inspection or certificate of occupancy, all vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match the adjacent building surface or otherwise designed in harmony with the building exterior, to the satisfaction of the Development Services Director.
14. No signs are approved as a part of this development review permit. Approval of a separate sign permit by the Development Services Department is necessary prior to the installation of any signs.
15. Prior to issuance of a building 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), to the satisfaction of the Development Services Director.
16. Prior to issuance of a building permit, the Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), including District Rule 9510, Regulation VIII, and payment of all applicable fees, to the satisfaction of the APCD.

C. Engineering Division Conditions of Approval

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
2. RESERVED
3. RESERVED
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.

- 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.

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:

- C.5.1.a. All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.
- C.5.1.b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers such as benchmarks.
- C.5.1.c. A PDF copy of the Project’s 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.

Developer shall remove and replace the existing sewer lateral with a 6” sewer lateral (minimum). The said sewer lateral installation shall be subject to Condition C.8.1.

- 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.

If applicable, Developer shall remove and replace the existing domestic water service with a 3” domestic water service (minimum) and shall provide calculations for the sizing of said domestic water service. The new domestic water service installation shall be subject to Condition C.8.1.

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.

10th Street

If applicable, along the Project frontage, 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.

Street cuts and trenching related to utility installation in 10th Street shall be subject to Condition C.8.1

Developer shall submit a request for minor deviation from City Design Standard 3.02(C) for exemption from ten (10) foot Public Utility Easement (PUE). Exemption will be granted upon City Engineer approval.

- 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.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 3.13 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. South San Joaquin County Fire Authority Conditions of Approval

Contact: Daniel Stowe (209) 831-6707 daniel.stowe@sjcfire.org

1. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
 - i. 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.
 - ii. Deferred submittals shall be listed on the coversheet of each page. Each deferred submittal shall be submitted, reviewed, and approved by SSJCFA prior to installation.
 - iii. Fire protection water supply must be submitted separately from construction permit. All piping and installation shall be in accordance with CFC §507 & NFPA standards. Approval of grading and/or on-site improvements does not grant installation of underground fire service.
 - iv. Fire sprinklers shall be designed by a licensed fire protection contractor or engineer. Hydraulic calculations, specifications and plans shall be submitted prior to issuance of building permit.
 - v. A request for fire flow shall be submitted to the South San Joaquin County Fire Authority and results shall be approved by the Fire Marshal prior to construction. Fire flow requirements shall be in accordance with CFC Appendix B.
 - vi. Fire department connections shall be installed in accordance with CFC §912 and NFPA standards. A hydrant shall be placed within 100' of the FDC, in accordance with NFPA 14 §6.4.5.4. FDC locations shall be approved by the fire code official prior to issuance of construction permit.
 - vii. Fire control room locations shall be approved the fire code official prior to the issuance of construction permit.
2. Engineering and building permit applications received by our offices are subject to the current fee schedule for South San Joaquin County Fire Authority. Contact our offices for additional information.
3. Building is assumed it will be constructed as a 'speculative building'. Additional permits will be required for each separate tenant improvement. Construction documents shall

be submitted to South San Joaquin County Fire Authority for review and approval prior to the start of construction or demolition.

- i. Prior to occupancy of each new business, the tenant shall contact South San Joaquin County Fire Authority for a new business inspection. Additional fees may be required for New Business, Annual and Operational Fire Permits. All fees shall be paid prior to approval of inspections.
4. Prior to occupancy of each new business, the tenant shall contact South San Joaquin County Fire Authority for a new business inspection. Additional fees may be required for New Business, Annual and Operational Fire Permits. All fees shall be paid prior to approval of inspections.
5. Building and each tenant space shall be provided with approved address identification in accordance with CFC §505.
6. Prior to final inspection, emergency radio responder coverage shall be tested to confirm coverage areas. It is beneficial for the applicant to conduct testing at foundation as retrofitting for the conduit is costly. If coverage is inadequate, a separate permit for emergency radio responder coverage shall be submitted to SSJCFA for review and approval prior to installation.
 - i. Additional improvements may warrant additional testing to be performed. Testing shall be the determination of the fire code official.
7. Prior to construction, an address must be posted at the construction site entrance. Address must be a minimum of 4 inches high by ½ inch numerals. Address must be provided so that emergency service personnel can locate the construction site in the event of an emergency.

E. The following conditions provide the applicant with options for funding required Citywide services.

Contact: Guadalupe Pena 209.831.6834 Guadalupe.pena@cityoftracy.org

E.1. Streets and Streetlights

Before issuance of any building permit for the Property, Developer shall provide for perpetual funding of the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the “Infrastructure”), 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. POA and dormant CFD. If the POA is the chosen funding mechanism, Developer must do the following:

- 1) Form a Property Owner’s Association (POA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the “Infrastructure”);
- 2) Cause the POA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property prior to the final inspection, setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) of the POA to ensure the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the “Infrastructure”);
- 3) Before final inspection, annex into a CFD in a "dormant" capacity, to be triggered if the POA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of operation, maintenance and replacement for the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the “Infrastructure”). The dormant tax or assessment shall be disclosed to all property owners, even during the dormant period.

Or

- c. 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 the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the “Infrastructure”).

If the provisions for adequate funding of the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the “Infrastructure”) 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.

E.2. 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 Parks 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 issuance of a building permit, 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. POA and dormant CFD. If the POA is the chosen funding mechanism, the Developer must do the following:
1. Form a Property Owner's Association (POA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going maintenance of all public landscaping areas that will serve the Property;
 2. Cause the POA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property prior to the final inspection, setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) to ensure the long-term maintenance by the POA of all public landscape areas that will serve the Property;
 3. Make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas that will serve the Property;
 4. Before final inspection, annex into a CFD in a "dormant" capacity, to be triggered if the POA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of public landscape maintenance. The dormant tax or assessment shall be disclosed to all property owners, even during the dormant period.

Or

- c. 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.