

DIRECTOR PUBLIC HEARING
AGENDA ITEM 1

REQUEST

PUBLIC HEARING TO CONSIDER AMENDING THE DEVELOPMENT REVIEW PERMIT CONDITIONS OF APPROVAL FOR THE CONSTRUCTION OF A FACILITY TO REMOVE CARBON DIOXIDE FROM THE ATMOSPHERE, INCLUDING A 12,750 SQUARE FOOT EQUIPMENT ENCLOSURE, A 25,600 SQUARE FOOT OPEN-AIR EQUIPMENT YARD, PARKING AREA AND LANDSCAPING IMPROVEMENTS, LOCATED AT 4750 HOLLY DRIVE, ASSESSOR'S PARCEL NUMBER 212-160-11, APPLICATION NUMBER D22-0039, WHICH WAS APPROVED BY THE DEVELOPMENT SERVICES DIRECTOR ON DECEMBER 14, 2022 AND INCLUDED A DETERMINATION THAT AN ADDENDUM TO THE TRACY DESALINATION AND GREEN ENERGY PROJECT INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION IS THE APPROPRIATE DOCUMENTATION TO COMPLY WITH THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PURSUANT TO CEQA GUIDELINES SECTIONS 15162 AND 15164. APPLICANT IS HEIRLOOM CARBON TECHNOLOGIES, INC. AND TRACY RENEWABLE ENERGY, LLC. PROPERTY OWNER IS THE CITY OF TRACY.

DISCUSSION

This agenda item involves a proposed amendment to the Development Review Permit conditions of approval for the construction of a facility to remove carbon dioxide from the atmosphere, Application Number D22-0039, which was approved by the Development Services Director on December 14, 2022 (Attachment A – Development Review Permit Approval).

The proposed amendment to the Development Review Permit conditions of approval includes the following:

- Edits to conditions “A.1.” and “A.2.g.” to remove references to the 1,500-square foot office trailer, which is no longer part of the project.
- Revision to conditions “A.3.” and “B.1.” to state that the approximately 1,500-square foot office trailer shown on the plans is not approved as part of this Development Review Permit and shall not be included in the project. The office employees will work in an existing administrative building located on the same City-owned parcel as the project site, which is served by an existing septic system that was recently permitted by the San Joaquin County Health Department.
- Revision to condition “C.5.1.e.” regarding sanitary sewer. Developer has confirmed in writing that it will utilize an existing, permitted septic system located on the same legal parcel controlled by Combined Solar Technologies, through a binding contract with Combined Solar Technologies. With that written confirmation, Developer shall not be required, at this time, to design and construct the Project’s permanent on- site sanitary sewer. Developer understands and agrees that this exemption will terminate should Developer’s rights to the existing septic system change and/or should such system be abandoned or lose its permitting by the San Joaquin County Health Department.

- Deletion of conditions “C.6.2.” and “C.6.3.” regarding a traffic signal warrant analysis. This condition is not necessary because the project would generate negligible traffic.
- Deletion of condition “C.8.4.” regarding adjustment of parcels. This condition is not necessary because the creation of a new parcel is not required, based on the Subdivision Map Act exemption under California Government Code Section 66412.1.

The complete details of the proposed amendment are shown in Attachment B as red-line edits.

Project Description

The following information provides a general overview of the project, which received approval of a Development Review Permit by the Development Services Director on December 14, 2022. The approved project is not changing, except for the proposed amendments to the conditions of approval.

The carbon dioxide removal facility is intended to help achieve the State’s goal of carbon neutrality by 2045. The carbon dioxide removal facility would be located on a 2.2-acre portion of a City-owned parcel at 4750 Holly Drive at the northeast corner of Holly Drive and Arbor Avenue, which is a portion of the Tracy Desalination and Green Energy Project site that includes the Tracy Desalination Plant and the soon to be constructed five-megawatt bio-mass electrical generating power plant (Attachment C – Location Map).

The carbon dioxide removal facility would consist of an approximately 12,750 square-foot equipment enclosure and a 25,600-square foot open-air equipment yard (Attachment D – Project Plans). The sides of the equipment enclosure would consist of chain link fencing material and a white screening fabric that would allow air flow. The facility would remove carbon dioxide (CO₂) from the atmosphere by using a scalable direct air capture technology. Compressed CO₂ would be transported off-site for United States Environmental Protection Agency (EPA)-regulated carbon storage. The proposed direct air capture process would use calcium carbonate (an earth-abundant material), and renewable energy, to capture CO₂ directly from the air (Attachment E – Description of Equipment and Process).

The carbon dioxide removal process involves (in summary):

- Limestone is spread onto trays to absorb CO₂ from the atmosphere;
- The limestone is heated in a renewable-energy powered kiln for a brief period of time to release the carbon dioxide gas from the limestone; and
- The carbon dioxide gas is transported away to be stored safely and permanently offsite. The limestone can then again be reused to pull more carbon dioxide from the air in what is a closed-loop cycle.

The proposed facility would not emit odors, and there would be an integral dust control system that would continuously monitor the moisture content of the substrate and would spray the

material with water when the moisture content approaches 5% (to prevent material loss to the air).

Approximately two staff personnel would be necessary to operate the facility and they would work in an existing administrative building on an adjacent portion of the same parcel. The project is a pilot installation with an anticipated useful life and tenancy of three years. The carbon dioxide removal facility would require approximately one truck trip each week to pick up the compressed CO₂ and one truck trip every three months to exchange the used limestone with new limestone.

The subject property is located in the Light Industrial (M-1) Zone. The proposed facility is a permitted use in the M-1 Zone. All adjacent properties are zoned M-1. The proposed design of the facility is compatible with the surrounding industrial area, including the Tracy Desalination Plant, the bio-mass power plant, and the City's Wastewater Treatment Plant.

Environmental Document

An Initial Study and Mitigated Negative Declaration (IS/MND) for the Tracy Desalination and Green Energy Project was adopted by the City Council on May 1, 2012 (Resolution No. 2012-75), in accordance with the requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The carbon dioxide removal facility is a revision to a 2.2-acre portion of the 237-acre Tracy Desalination and Green Energy project site. An Addendum to the IS/MND was prepared, pursuant to CEQA Guidelines Sections 15162 and 15164, based on the findings that the revisions to the previously approved Tracy Desalination and Green Energy Project will not result in new significant impacts or substantially increase the severity of impacts previously identified in the IS/MND, and there are no previously infeasible alternatives that are now feasible. Therefore, on December 14, 2022, the Development Services Director determined that the Addendum is appropriate, and that the Addendum was prepared consistent with the requirements of CEQA Guidelines Section 15162 and 15164 (Attachment F – Addendum to the IS/MND). The proposed amendment to the Development Review Permit conditions of approval does not affect the findings of the Addendum because the project is not changing, except for excluding the office trailer from the plans.

RECOMMENDATION

Staff recommends that the Development Services Director approve an amendment to the Development Review Permit conditions of approval for the construction of a facility to remove carbon dioxide from the atmosphere, including a 12,750 square foot equipment enclosure, a 25,600 square foot open-air equipment yard, parking area and landscaping improvements, located at 4750 Holly Drive, Assessor's Parcel Number 212-160-11, Application Number D22-0039 (Attachment G – Development Services Director Determination).

Prepared by: Scott Claar, Senior Planner
Reviewed by: Bill Dean, Assistant Development Services Director
Approved by: Jaylen French, Development Services Director

ATTACHMENTS

- A: Development Review Permit Approval
- B: Proposed Amendment to the Conditions of Approval in red-line format
- C: Location Map
- D: Project Plans
- E: Description of Equipment and Process
- F: Addendum to the IS/MND
- G: Development Services Director Determination
 - Exhibit 1 – Amendment to the Conditions of Approval

CITY OF TRACY
DETERMINATION OF
THE DEVELOPMENT SERVICES DIRECTOR

Application Number D22-0039

A determination of the Development Services Director to (1) determine that an Addendum to the Initial Study and Mitigated Negative Declaration for the Tracy Desalination and Green Energy Project is the appropriate environmental documentation to comply with the requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines, pursuant to CEQA Guidelines Sections 15162 and 15164, for the construction of a facility to remove carbon dioxide from the atmosphere, including a 12,750 square foot equipment enclosure, a 25,600 square foot open-air equipment yard, a 1,500 square foot office trailer, parking area and landscaping improvements, located at 4750 Holly Drive, Assessor's Parcel Number 212-160-11, Application Number D22-0039 (hereinafter "Project"), and (2) approve a Development Review Permit to construct the Project. The applicant is Heirloom Carbon Technologies, Inc. and Tracy Renewable Energy, LLC. The property owner is the City of Tracy.

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

1. Light Industrial (M1) Zone (TMC Chapter 10.08, Article 20)
2. Development Review (TMC Chapter 10.08, Article 30)

THE DEVELOPMENT SERVICES DIRECTOR, AFTER CONSIDERING ALL OF THE EVIDENCE PRESENTED, HEREBY (1) DETERMINES THAT AN ADDENDUM TO THE INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE TRACY DESALINATION AND GREEN ENERGY PROJECT IS THE APPROPRIATE ENVIRONMENTAL DOCUMENTATION FOR THE PROJECT TO COMPLY WITH THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THE CEQA GUIDELINES, PURSUANT TO CEQA GUIDELINES SECTIONS 15162 AND 15164, AND (2) APPROVES A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT THE PROJECT, SUBJECT TO CONDITIONS CONTAINED IN EXHIBIT 1 AND BASED ON THE FOLLOWING FINDINGS:

1. An Initial Study and Mitigated Negative Declaration (IS/MND) for the Tracy Desalination and Green Energy Project was adopted by the City Council on May 1, 2012 (Resolution No. 2012-75), in accordance with the requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The proposed project is a revision to a 2.2-acre portion of the 237-acre Tracy Desalination and Green Energy project site. An Addendum to the IS/MND has been prepared, pursuant to CEQA Guidelines Sections 15162 and 15164, based on the following findings:
 - a. The proposed revisions to the previously approved Tracy Desalination and Green Energy Project will not result in new significant impacts, as documented in the Addendum to the IS/MND, which is included as Attachment D to the staff report dated December 14, 2022.
 - b. The proposed revisions to the previously approved Tracy Desalination and Green Project will not substantially increase the severity of impacts previously identified in


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the IS/MND, as documented in the Addendum to the IS/MND, which is included as Attachment D to the staff report dated December 14, 2022.

- c. There are no previously infeasible alternatives that are now feasible, as documented in the Addendum to the IS/MND, which is included as Attachment D to the staff report dated December 14, 2022.

Therefore, an Addendum is the appropriate environmental documentation to comply with the requirements of CEQA and the CEQA Guidelines, and the Addendum has been prepared consistent with the requirements of CEQA Guidelines Section 15162 and 15164.

- 2. 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 carbon dioxide removal facility will be compatible with the surrounding industrial area, including the Tracy Desalination Plant, the soon to be constructed five-megawatt bio-mass electrical generating power plant, and the City's Wastewater Treatment Plant.
- 3. The proposal conforms to Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, the City of Tracy General Plan, applicable Infrastructure Master Plans, and other City regulations because the proposed facility is a permitted use in the Light Industrial zone and the project will comply with all City requirements.

DocuSigned by:

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12/14/2022 | 5:38 PM PST

Kris Balaji
Development Services Director

Date of Action

City of Tracy
Development Review Permit
Conditions of Approval

Heirloom's Facility to Remove Carbon Dioxide from the Atmosphere
4750 Holly Drive (shared parcel with Tracy Desalination Plant)
Assessor's Parcel Number 212-160-11
Application Number D22-0039
December 14, 2022

A. General Provisions and Definitions

1. These Conditions of Approval shall apply to the Development Review Permit to construct a facility to remove carbon dioxide from the atmosphere consistent with the State's emission reduction goals, including an approximately 12,750 square foot equipment enclosure, an approximately 25,600 square foot open-air equipment yard, an approximately 1,500 square foot office trailer, parking area and landscaping improvements, located at 4750 Holly Drive, Assessor's Parcel Number 212-160-11, Application Number D22-0039 (hereinafter "Project"), proposed by Heirloom Carbon Technologies and Tracy Renewable Energy, LLC (hereinafter "Applicant").
2. The following definitions shall apply to these Conditions of Approval:
 - 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" mean all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
 - d. "Conditions of Approval" shall mean the conditions of approval applicable to Development Review Permit Application Number D22-0039.
 - e. "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.

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- f. “Development Services Director” means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
 - g. “Project” means construction of a facility to remove carbon dioxide from the atmosphere consistent with the State’s emission reduction goals, including an approximately 12,750 square foot equipment enclosure, an approximately 25,600 square foot open-air equipment yard, an approximately 1,500 square foot office trailer, parking area and landscaping improvements, located at 4750 Holly Drive, Assessor’s Parcel Number 212-160-11, Application Number D22-0039.
3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the plans received by the Development Services Department on December 5, 2022.
4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, building permit fees, plan check fees, inspection fees, or any other City or other agency fees or deposits that may be applicable to the project.
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:
 - a. Planning and Zoning Law (Government Code sections 65000, et seq.),
 - b. California Environmental Quality Act (Public Resources Code sections 21000, et seq., “CEQA”), and
 - c. Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., “CEQA Guidelines”).
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.
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.

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B. Planning Division Conditions

1. Except as modified herein, the project shall be developed in substantial compliance with the plans received by the Development Services Department on December 5, 2022, to the satisfaction of the Development Services Director.
2. Prior to the issuance of a building permit, the developer shall submit a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, the City's Water Efficient Landscape Ordinance, and all other applicable City regulations, to the satisfaction of the Development Services Director.
3. All PG&E transformers, phone company boxes, Fire Department connections, back flow prevention devices, 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.
4. 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. All roof-mounted equipment shall be screened from view from the public right-of-way with a continuous parapet wall at least equal in height to the height of any equipment installed, to the satisfaction of the Development Services Director.
5. Before final inspection or certificate of occupancy, all vents, gutters, downspouts, flashing, and electrical conduits shall be internal to the structures or painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior, to the satisfaction of the Development Services Director.
6. Any trash containers located outside of a building shall be concealed within a trash enclosure. Prior to the issuance of a building permit, the Developer shall design any trash enclosures to include the following: masonry wall enclosure with a minimum height of seven feet, solid metal doors, concrete aprons in front of the enclosures where the dumpsters and loading/transport equipment or vehicles will maneuver, and exterior materials and colors compatible with the adjacent building exterior, to the satisfaction of the Development Services Director.
7. Prior to final inspection or certificate of occupancy, parking area lighting shall be designed and installed so that it is directed downward onto the parking surface and away from the public right-of-way.

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8. No signs are approved as part of this Development Review Permit. Approval of a separate sign permit application by the Development Services Department is necessary prior to the installation of any signs.
9. Prior to issuance of a building permit, the Developer shall provide plans to show that where landscape planters are parallel and adjacent to the side of a vehicular parking space, a 12-inch wide concrete curb shall be provided to allow for pedestrian access to vehicles without damage to landscape areas.
10. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Development Services Director.
11. The Developer shall comply with all mitigation measures identified in the Mitigated Negative Declaration for the Tracy Desalination and Green Energy Project, which was approved by City Council on May 1, 2012 (Resolution No. 2012-075), prepared in accordance with the requirements of the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines.
12. The Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD).
13. 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), to the satisfaction of the Development Services Director.

C. Engineering Division Conditions

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) Not Applicable.

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 the release of the Grading Permit for the Project, 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 (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.

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- 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.

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- 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).

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- 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 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. Exempt from this condition are high voltage power lines, if any. Referenced and incorporated herein are Title 11 and Title 12 of the Tracy Municipal Code.
- 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 potential archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan Environmental Impact Report; 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

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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 CST's wastewater treatment 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 right-of-way 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.

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

Developer and its heirs shall be responsible for repairing and maintaining the on-site storm water system and treatment basin at the Developer's (and heirs') sole cost and expense.

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 shall also construct the recommended mitigations from the sanitary sewer technical memorandum.

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

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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 Standards. 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 improvement acceptance, 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.

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

- C.5.1.g. Streets – The Developer shall have frontage 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. The Developer shall construct frontage improvements as described below.

Arbor Road

Per the adopted 2012 Transportation Master Plan, Arbor Road is planned to be a 74-foot wide two-lane arterial road. Developer shall construct portland cement concrete curb, gutter, and sidewalk; construct landscaping and its automatic irrigation system; fire hydrants; and streetlights along the Project's frontage.

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.

- 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 twenty-two (22) 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

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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.

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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 shall submit a separate building permit for the demolition of any existing structures.

C.6.2 Prior to the release of the building permit, Developer shall enter into a cost recovery agreement and provide enough funding to pay for the City's consultant to perform a warrant analysis for a traffic signal at the intersection of Arbor Road and MacArthur Road.

C.6.3 Prior to the release of the building permit, if the warrant analysis confirms that a traffic signal is warranted at the intersection of Arbor Road and MacArthur Road, then Developer shall pay its fair-share to construct the traffic signal. It is estimated to be about 5% based on acreage and amounts to a payment of \$75,000.

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

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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, if applicable.
- 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

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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.
- C.8.4 Prior to the release of the Certificate of Occupancy, Developer shall record with San Joaquin County Recorder a document to adjust the two parcels.
- C.8.5 Prior to acceptance of the public improvements, Developer shall cause its design professional to provide to the City in both AutoCAD format, and Shape File format (both in versions approved by the City), the public improvements associated with this Project.
- C.8.6 Since the Developer is proposing to use an existing 6-inch domestic water connection, Developer shall repair and/or replace the existing back-flow preventer and replace the existing water meter with a new 6-inch water meter as approved by the City.
- C.8.7 Developer shall install a one-directional check valve on the domestic water line that feeds the calcium carbonate re-hydrator at a point that prevents combination of the on-site domestic water service to the office building.

D. Utilities Department Conditions

Contact: Stephanie Hiestand (209) 831-4333 stephanie.hiestand@cityoftracy.org

- D.1. 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.

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- D.2. The project shall always comply with Federal, State, and Local mandates regarding potable water use, recycled water use, and water quality.
- D.3. 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 Chapters 4 and 5 of the California Green Building Standards Code, to the satisfaction of the Utilities Director.
- D.4. 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.4.1. 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.4.2. Per State Water Resources Control Board on May 24, 2022, all Commercial, Industrial, and Institutional facilities are prohibited from using potable water to irrigate non-functional turf. Non-functional turf is defined as a ground cover surface of mowed grass that is ornamental and not otherwise used for recreational purposes. Please submit your final landscape plan in conformance with these new regulations.
- D.4.3. 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: Phillip Rainone (209) 831-6413 phillip.rainone@cityoftracy.org

- E.1. Prior to commencement of construction, applicant shall submit to the Building Safety Division appropriate documents (Firm/Firmette) and associated construction documents in conformance with all local, state and federal laws and regulations for construction in flood zones per FEMA, CA DWR, TMC 9.52, and CBC.

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- E.2. Prior to the construction of onsite improvement including but not limited to walks, sidewalks, utilities, signs, lights, retaining walls, sound walls, underground vaults, transformer, trellis, trash enclosures, etc., applicant shall submit to the Building Safety Division construction drawings and supporting documents that conform to the current Title 24 California Code of Regulations at time of application.
- E.3. Prior to commencement of construction, applicant shall submit to the Building Safety Division floor plans, state approval, and foundation system plans and supporting documents for the office trailer conforming to Health and Safety Code 18551, 18030, and 18028.
- E.4. Prior to commencement of construction, applicant shall submit to the Building Safety Division construction plans and supporting documents for the building conforming to Title 24 California Code of Regulations and Tracy Municipal Code that are current at the time of submittal. Note: Beginning January 1, 2023, all new building permit applications will be required to conform to 2022 California Building Standards Code.
- E.5. Prior to commencement of construction, applicant shall submit to the Building Safety Division a report identifying the maximum expected quantities of hazardous materials per CBC 414 and 307.

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

Contact: Daniel Stowe (209) 831-6707 daniel.stowe@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.1.2. 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.
 - F.1.3. 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.
 - F.1.4. 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.
 - F.1.5. 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

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prior to construction. Fire flow requirements shall be in accordance with CFC Appendix B.

- F.1.6. 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.
- F.1.7. Fire control room locations shall be approved the fire code official prior to the issuance of construction permit.
- F.2. Prior to construction, all-weather fire apparatus access roads shall be installed. Fire apparatus access roads during construction shall have a minimum 20' unobstructed width in accordance with CFC §503.
- F.3. All hydrants shall be installed, inspected and tested prior to bringing combustible materials onsite, including storage.
- F.4. 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.

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Heirloom's Facility to Remove Carbon Dioxide from the Atmosphere
4750 Holly Drive (shared parcel with Tracy Desalination Plant)
Assessor's Parcel Number 212-160-11
Application Number D22-0039
Approved December 14, 2022
Amended June 20, 2023

A. General Provisions and Definitions

1. These Conditions of Approval shall apply to the Development Review Permit to construct a facility to remove carbon dioxide from the atmosphere consistent with the State's emission reduction goals, including an approximately 12,750 square foot equipment enclosure, an approximately 25,600 square foot open-air equipment yard, ~~an approximately 1,500 square foot office trailer~~, parking area and landscaping improvements, located at 4750 Holly Drive, Assessor's Parcel Number 212-160-11, Application Number D22-0039 (hereinafter "Project"), proposed by Heirloom Carbon Technologies and Tracy Renewable Energy, LLC (hereinafter "Applicant").
2. The following definitions shall apply to these Conditions of Approval:
 - 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" mean all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
 - d. "Conditions of Approval" shall mean the conditions of approval applicable to Development Review Permit Application Number D22-0039.
 - e. "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.

- f. “Development Services Director” means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
 - g. “Project” means construction of a facility to remove carbon dioxide from the atmosphere consistent with the State’s emission reduction goals, including an approximately 12,750 square foot equipment enclosure, an approximately 25,600 square foot open-air equipment yard, ~~an approximately 1,500 square foot office trailer~~, parking area and landscaping improvements, located at 4750 Holly Drive, Assessor’s Parcel Number 212-160-11, Application Number D22-0039.
3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the plans received by the Development Services Department on December 5, 2022. The approximately 1,500-square foot office trailer shown on the plans is not approved as part of this Development Review Permit and shall not be included in the project.
 4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, building permit fees, plan check fees, inspection fees, or any other City or other agency fees or deposits that may be applicable to the project.
 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:
 - a. Planning and Zoning Law (Government Code sections 65000, et seq.),
 - b. California Environmental Quality Act (Public Resources Code sections 21000, et seq., “CEQA”), and
 - c. Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., “CEQA Guidelines”).
 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.
 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. Planning Division Conditions

1. Except as modified herein, the project shall be developed in substantial compliance with the plans received by the Development Services Department on December 5, 2022, to the satisfaction of the Development Services Director. The approximately 1,500-square foot office trailer shown on the plans is not approved as part of this Development Review Permit and shall not be included in the project.
2. Prior to the issuance of a building permit, the developer shall submit a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City’s Design Goals and Standards, the City’s Water Efficient Landscape Ordinance, and all other applicable City regulations, to the satisfaction of the Development Services Director.
3. All PG&E transformers, phone company boxes, Fire Department connections, back flow prevention devices, 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.
4. 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. All roof-mounted equipment shall be screened from view from the public right-of-way with a continuous parapet wall at least equal in height to the height of any equipment installed, to the satisfaction of the Development Services Director.
5. Before final inspection or certificate of occupancy, all vents, gutters, downspouts, flashing, and electrical conduits shall be internal to the structures or painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior, to the satisfaction of the Development Services Director.
6. Any trash containers located outside of a building shall be concealed within a trash enclosure. Prior to the issuance of a building permit, the Developer shall design any trash enclosures to include the following: masonry wall enclosure with a minimum height of seven feet, solid metal doors, concrete aprons in front of the enclosures where the dumpsters and loading/transport equipment or vehicles will maneuver, and exterior materials and colors

- compatible with the adjacent building exterior, to the satisfaction of the Development Services Director.
7. Prior to final inspection or certificate of occupancy, parking area lighting shall be designed and installed so that it is directed downward onto the parking surface and away from the public right-of-way.
 8. No signs are approved as part of this Development Review Permit. Approval of a separate sign permit application by the Development Services Department is necessary prior to the installation of any signs.
 9. Prior to issuance of a building permit, the Developer shall provide plans to show that where landscape planters are parallel and adjacent to the side of a vehicular parking space, a 12-inch wide concrete curb shall be provided to allow for pedestrian access to vehicles without damage to landscape areas.
 10. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Development Services Director.
 11. The Developer shall comply with all mitigation measures identified in the Mitigated Negative Declaration for the Tracy Desalination and Green Energy Project, which was approved by City Council on May 1, 2012 (Resolution No. 2012-075), prepared in accordance with the requirements of the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines.
 12. The Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD).
 13. 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), to the satisfaction of the Development Services Director.

C. Engineering Division Conditions

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) Not Applicable.

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 the release of the Grading Permit for the Project, 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 (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 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. Exempt from this condition are high voltage power lines, if any. Referenced and incorporated herein are Title 11 and Title 12 of the Tracy Municipal Code.
- 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 potential archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan Environmental Impact Report; 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:

- 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 CST’s wastewater treatment 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 right-of-way with a functional storm drainage system and the existing storm drainage line has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least 0.70-feet lower than the

building finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

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

Developer and its heirs shall be responsible for repairing and maintaining the on-site storm water system and treatment basin at the Developer’s (and heirs’) sole cost and expense.

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 shall also construct the recommended mitigations from the sanitary sewer technical memorandum. Developer has confirmed in writing that it will utilize an existing, permitted septic system located on the same legal parcel controlled by Combined Solar Technologies, through a binding contract with Combined Solar Technologies. With that written confirmation, Developer shall not be required, at this time, to design and construct the Project’s permanent on-site sanitary sewer. Developer understands and agrees that this exemption will terminate should Developer’s rights to the existing septic system change and/or should such system be abandoned or lose its permitting by the San Joaquin County Health Department.~~

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 improvement acceptance, 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.

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

- C.5.1.g. Streets – The Developer shall have frontage 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. The Developer shall construct frontage improvements as described below.

Arbor Road

Per the adopted 2012 Transportation Master Plan, Arbor Road is planned to be a 74-foot wide two-lane arterial road. Developer shall construct portland cement concrete curb, gutter, and sidewalk; construct landscaping and its automatic irrigation system; fire hydrants; and streetlights along the Project’s frontage.

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.

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 twenty-two (22) 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 shall submit a separate building permit for the demolition of any existing structures.
- ~~C.6.2 Prior to the release of the building permit, Developer shall enter into a cost recovery agreement and provide enough funding to pay for the City’s consultant to perform a warrant analysis for a traffic signal at the intersection of Arbor Road and MacArthur Road.~~
- ~~C.6.3 Prior to the release of the building permit, if the warrant analysis confirms that a traffic signal is warranted at the intersection of Arbor Road and MacArthur Road, then Developer shall pay its fair share to construct the traffic signal. It is estimated to be about 5% based on acreage and amounts to a payment of \$75,000.~~

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, if applicable.
- 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.
- C.8.4 ~~Prior to the release of the Certificate of Occupancy, Developer shall record with San Joaquin County Recorder a document to adjust the two parcels. RESERVED~~
- C.8.5 Prior to acceptance of the public improvements, Developer shall cause its design professional to provide to the City in both AutoCAD format, and Shape File format (both in versions approved by the City), the public improvements associated with this Project.

D. Utilities Department Conditions

Contact: Stephanie Hiestand (209) 831-4333 stephanie.hiestand@cityoftracy.org

- D.1. 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.2. The project shall always comply with Federal, State, and Local mandates regarding potable water use, recycled water use, and water quality.
- D.3. 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 Chapters 4 and 5 of the California Green Building Standards Code, to the satisfaction of the Utilities Director.
- D.4. 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.4.1. 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.4.2. Per State Water Resources Control Board on May 24, 2022, all Commercial, Industrial, and Institutional facilities are prohibited from using potable water to irrigate non-functional turf. Non-functional turf is defined as a ground cover surface of mowed grass that is ornamental and not otherwise used for recreational purposes. Please submit your final landscape plan in conformance with these new regulations.

D.4.3. 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: Phillip Rainone (209) 831-6413 phillip.rainone@cityoftracy.org

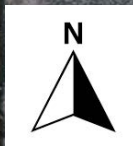
- E.1. Prior to commencement of construction, applicant shall submit to the Building Safety Division appropriate documents (Firm/Firmette) and associated construction documents in conformance with all local, state and federal laws and regulations for construction in flood zones per FEMA, CA DWR, TMC 9.52, and CBC.
- E.2. Prior to the construction of onsite improvement including but not limited to walks, sidewalks, utilities, signs, lights, retaining walls, sound walls, underground vaults, transformer, trellis, trash enclosures, etc., applicant shall submit to the Building Safety Division construction drawings and supporting documents that conform to the current Title 24 California Code of Regulations at time of application.
- E.3. Prior to commencement of construction, applicant shall submit to the Building Safety Division floor plans, state approval, and foundation system plans and supporting documents for the office trailer conforming to Health and Safety Code 18551, 18030, and 18028.
- E.4. Prior to commencement of construction, applicant shall submit to the Building Safety Division construction plans and supporting documents for the building conforming to Title 24 California Code of Regulations and Tracy Municipal Code that are current at the time of submittal. Note: Beginning January 1, 2023, all new building permit applications will be required to conform to 2022 California Building Standards Code.
- E.5. Prior to commencement of construction, applicant shall submit to the Building Safety Division a report identifying the maximum expected quantities of hazardous materials per CBC 414 and 307.

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

Contact: Daniel Stowe (209) 831-6707 daniel.stowe@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.1.2. 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.
- F.1.3. 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.
- F.1.4. 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.
- F.1.5. 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.
- F.1.6. 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.
- F.1.7. Fire control room locations shall be approved the fire code official prior to the issuance of construction permit.
- F.2. Prior to construction, all-weather fire apparatus access roads shall be installed. Fire apparatus access roads during construction shall have a minimum 20' unobstructed width in accordance with CFC §503.
- F.3. All hydrants shall be installed, inspected and tested prior to bringing combustible materials onsite, including storage.
- F.4. 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.



Holly Drive

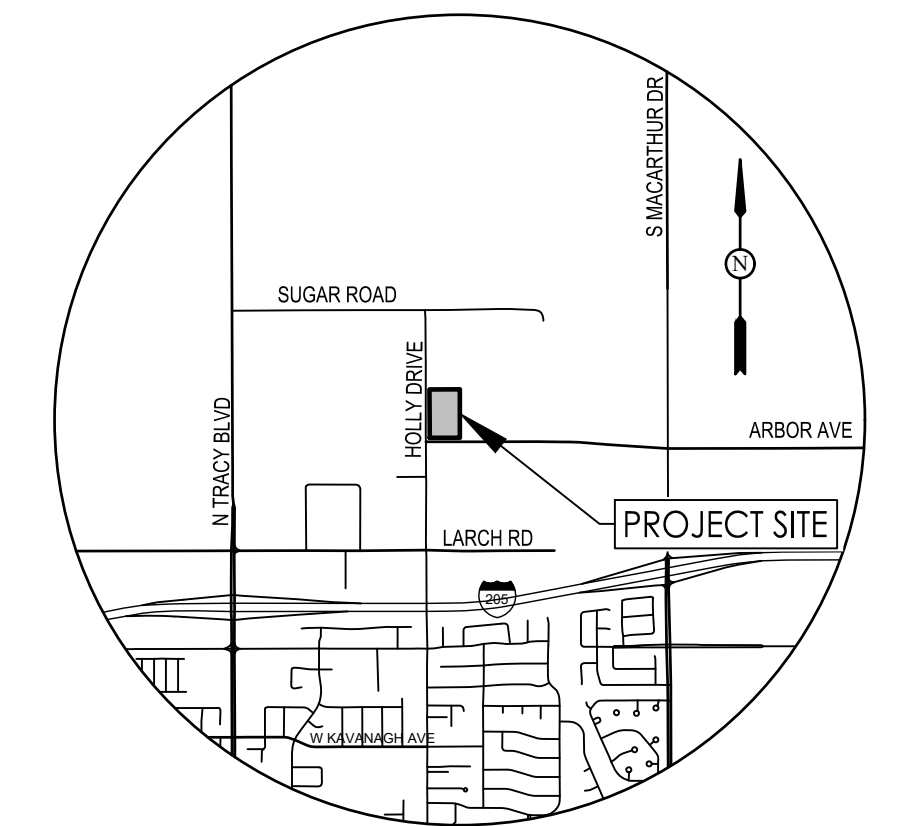
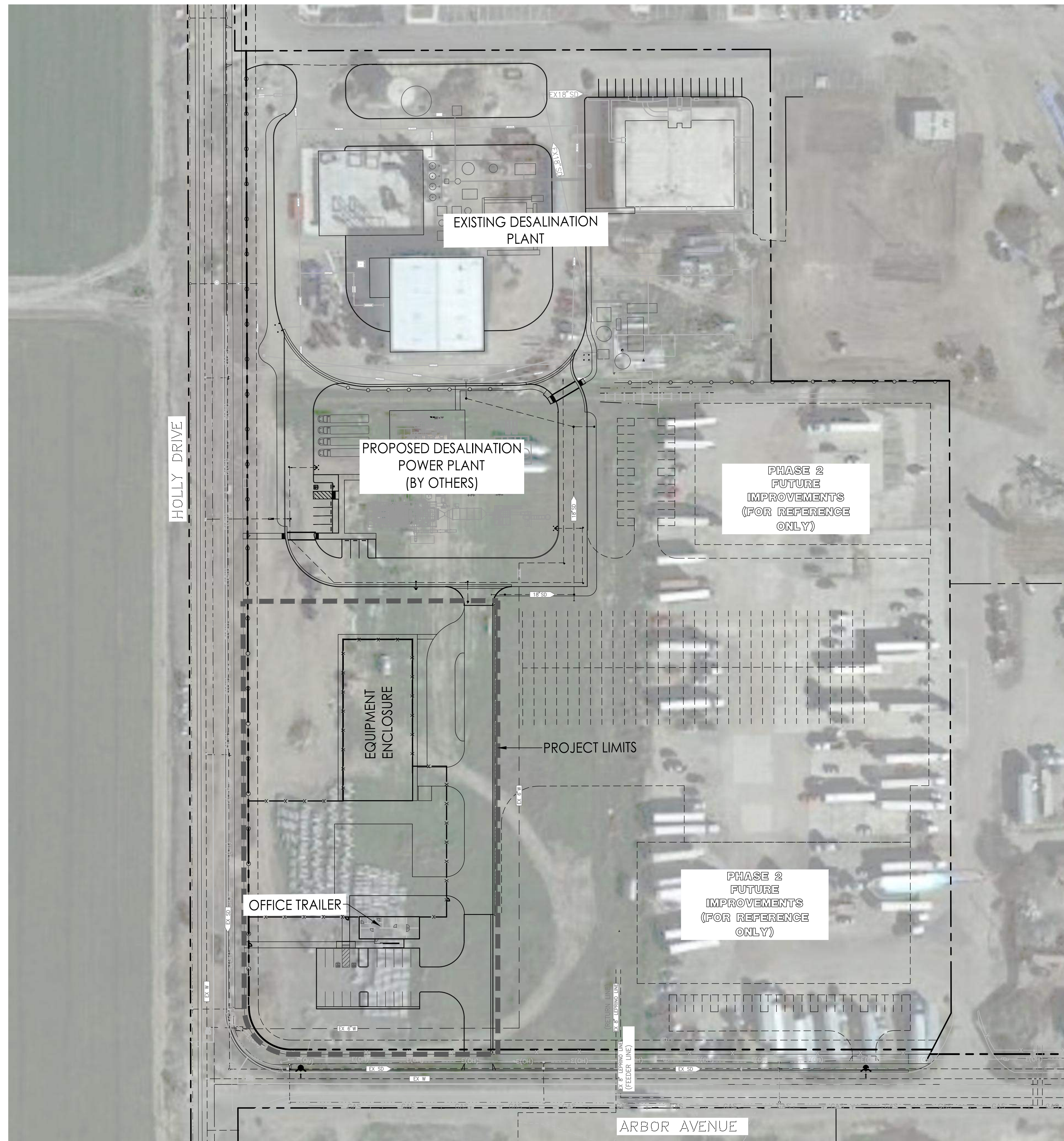
Tracy Desalination Plant

Future Bio-Mass Power Plant Site

Project Site

Arbor Avenue





VICINITY MAP
NTS

SHEET INDEX	
C1	PRELIMINARY OVERALL SITE PLAN
C2	PRELIMINARY SITE PLAN
C3	PRELIMINARY GRADING PLAN
C4	PRELIMINARY UTILITY PLAN
L1	PRELIMINARY LANDSCAPE PLAN

LEGEND

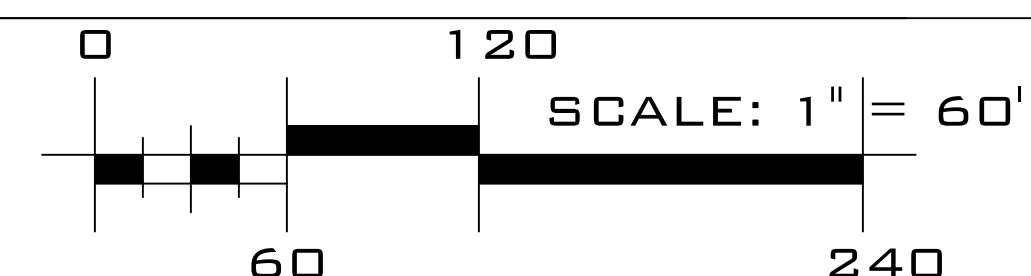
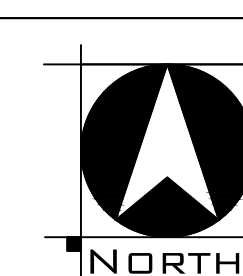
	SD	STORM DRAIN
	SS	SEWER LINE
	W	WATER LINE
	■	STORM DRAIN INLET
	●	STORM DRAIN MANHOLE
	▲	FIRE HYDRANT
	---	PROJECT BOUNDARY
	---	EASEMENT
	---	GRADE BREAK
	—○—	CHAIN LINK FENCE
	▨	ASPHALT CONCRETE PAVEMENT (PARKING AND DRIVE AISLE)
	▩	ASPHALT CONCRETE PAVEMENT (SIDEWALK)
	▧	CONCRETE
	+	LANDSCAPE
	40.5	GRADE ELEVATION
	0.9%	SLOPE
	~	SWALE

CARBON CAPTURE
TRACY, CA
NOVEMBER 2022

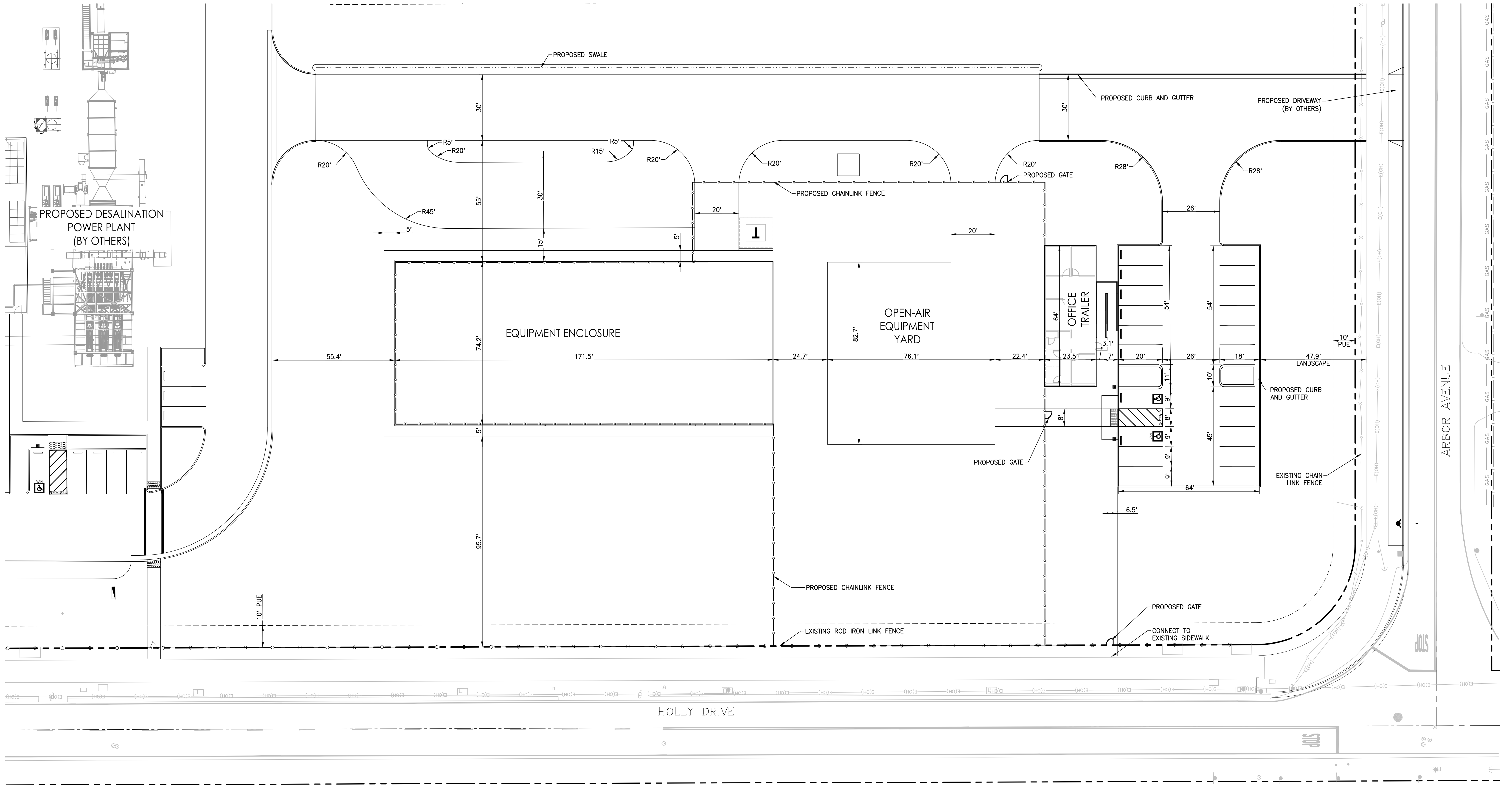
HEIRLOOM CARBON TECHNOLOGIES

125 VALLEY DRIVE
BRISBANE, CA 94005

PRELIMINARY OVERALL SITE PLAN
SHEET C1 OF 5



WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
4670 WILLOW ROAD, SUITE 125 Tel 925.847.1556
Pleasanton, CA. 94588 Fax 925.847.1557

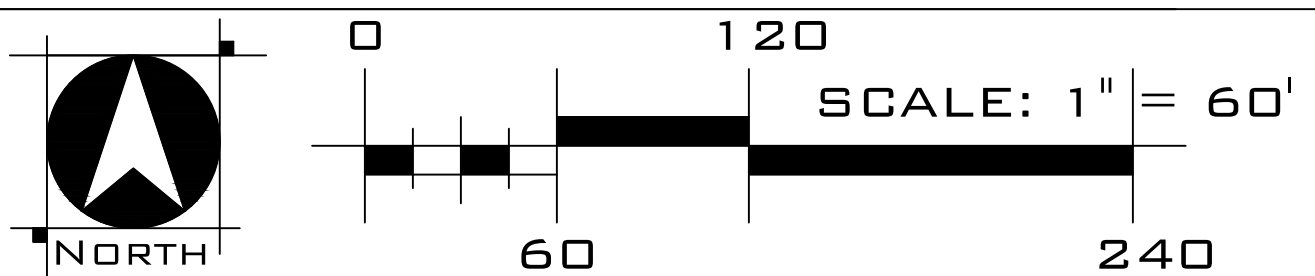


CARBON CAPTURE
 TRACY, CA
 NOVEMBER 2022

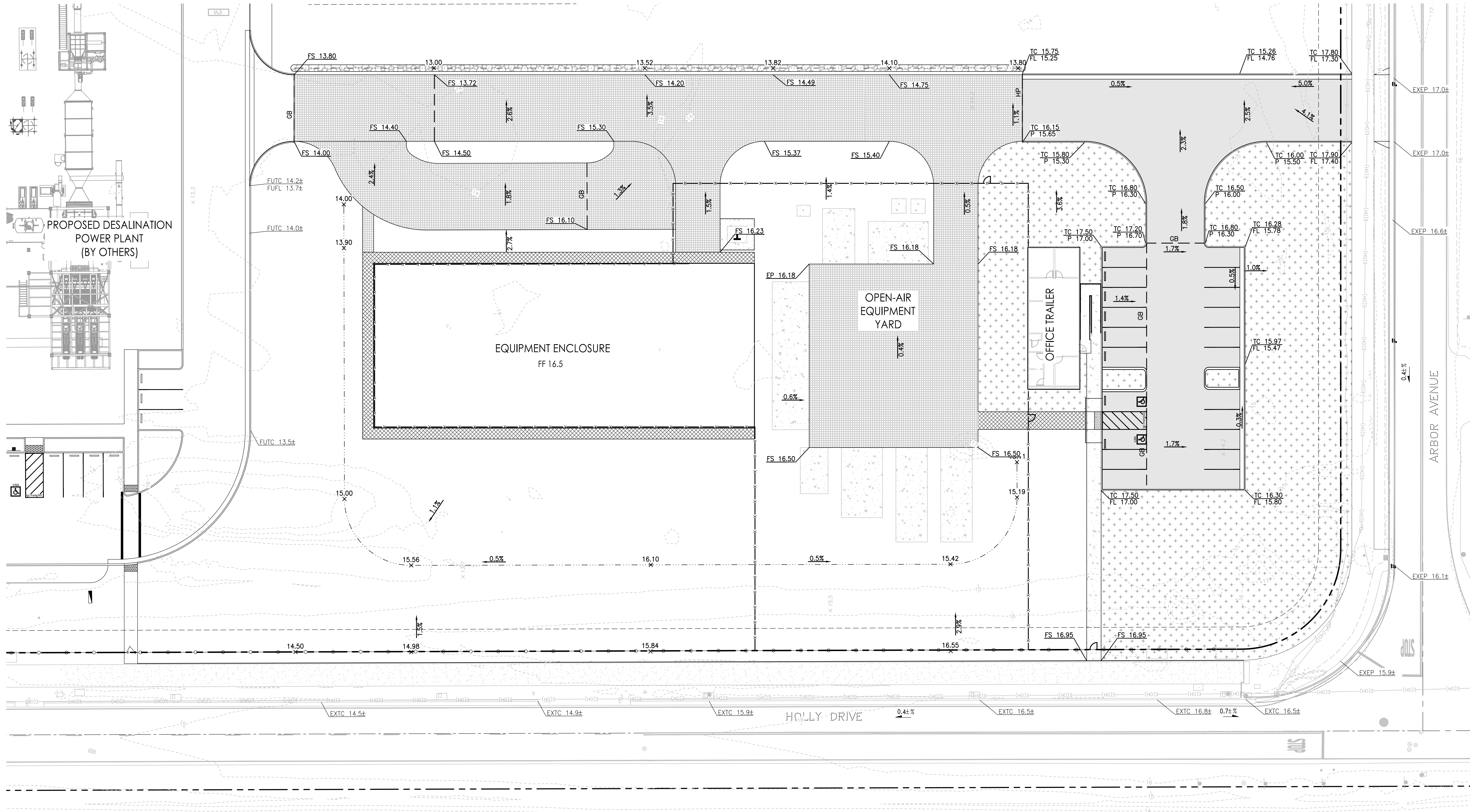
HEIRLOOM CARBON TECHNOLOGIES
 125 VALLEY DRIVE
 BRISBANE, CA 94005

PRELIMINARY SITE PLAN
 SHEET C2 OF 5

WOOD ROGERS
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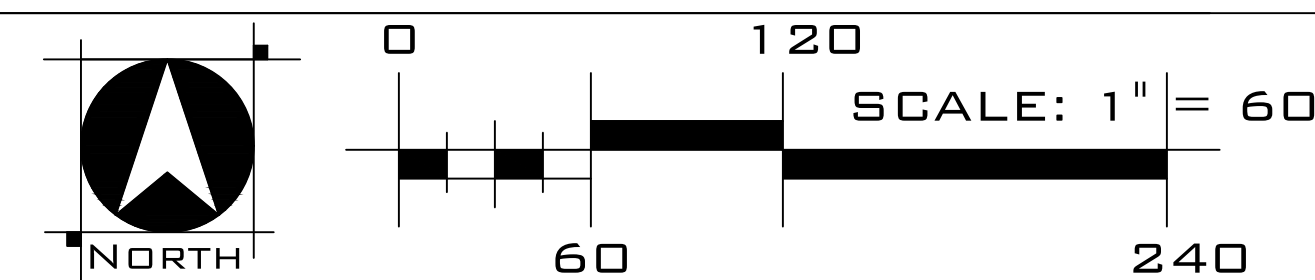
CARBON CAPTURE
 TRACY, CA
 NOVEMBER 2022

HEIRLOOM CARBON TECHNOLOGIES

125 VALLEY DRIVE
 BRISBANE, CA 94005

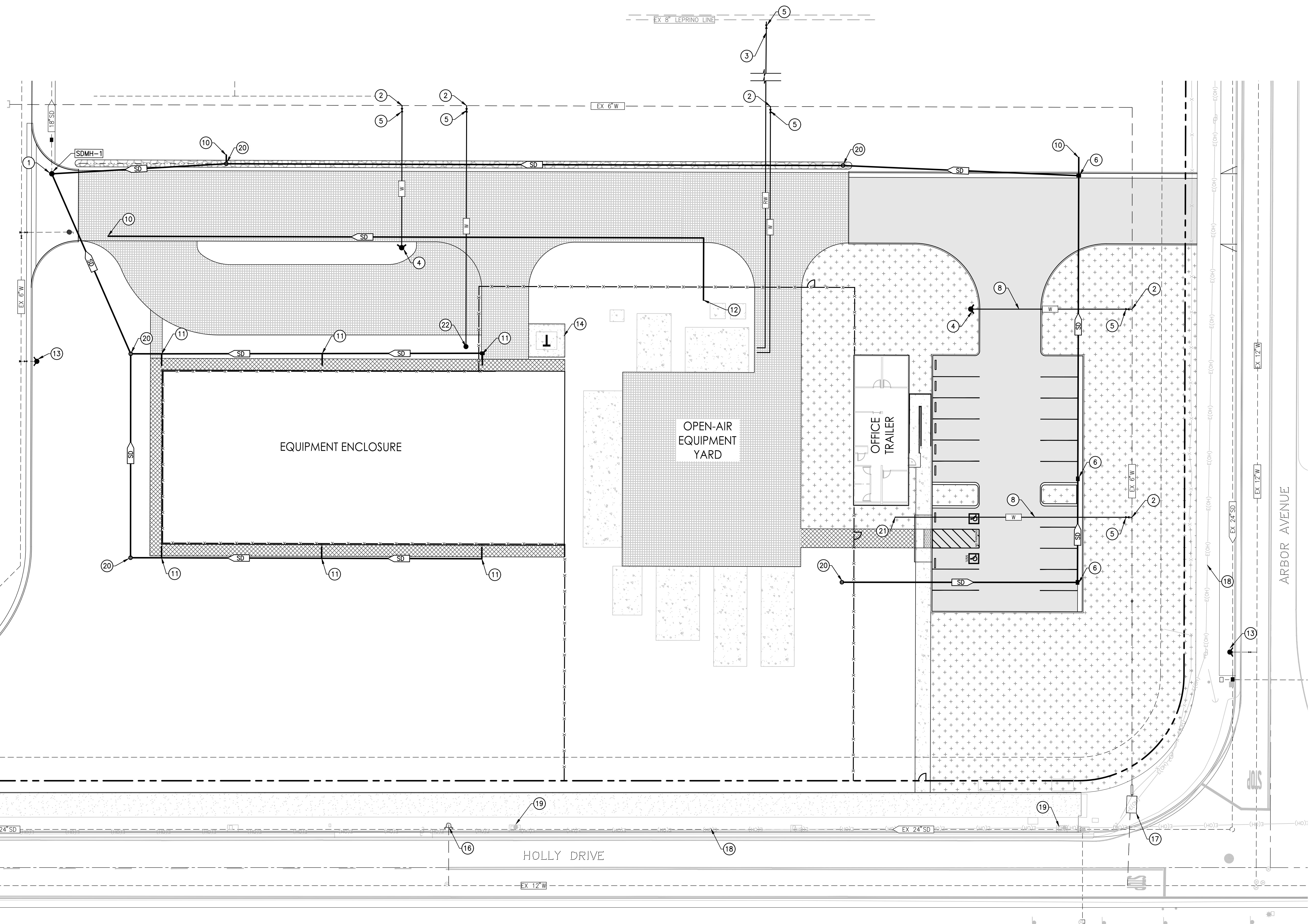
PRELIMINARY GRADING PLAN
 SHEET C3 OF 5

WOOD ROGERS
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 Pleasanton, CA. 94588 Fax 925.847.1557



CONSTRUCTION NOTES

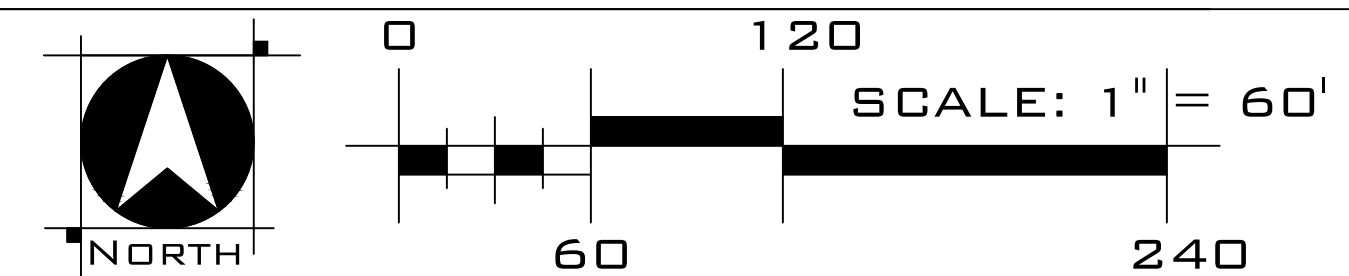
- ① CONNECT TO PROPOSED DESALINATION POWER PLANT STORM DRAIN SYSTEM (STORM WATER TO DISCHARGE INTO DESALINATION PROCESSING SYSTEM)
- ② CONNECT TO EXISTING 6" WATER.
- ③ CONNECT TO EXISTING 8" RECYCLED WATER
- ④ FIRE HYDRANT PER CITY OF TRACY STANDARD DETAIL 401.
- ⑤ GATE VALVE, BOX & RISER PER CITY OF TRACY STANDARD DETAIL 402.
- ⑥ TYPE A DROP INLET PER CITY OF TRACY STANDARD DETAIL 204.
- ⑦ STORM DRAIN MANHOLE PER CITY OF TRACY STANDARD DETAIL 300.
- ⑧ PROPOSED WATER SERVICE
- ⑨ PROPOSED RECYCLED WATER SERVICE
- ⑩ INSTALL STORM DRAIN STUB FOR FUTURE CONNECTION.
- ⑪ CONNECT TO PROPOSED RAINWATER LEADERS
- ⑫ CONNECT TO PROPOSED STORM WATER WASTE FROM EQUIPMENT ENCLOSURE
- ⑬ PROPOSED FIRE HYDRANT (BY DESALINATION POWER PLANT PROJECT)
- ⑭ PROPOSED TRANSFORMER (BY OTHERS)
- ⑮ PROPOSED ELECTRICAL SERVICE (BY OTHERS)
- ⑯ EXISTING FIRE HYDRANT
- ⑰ EXISTING WATER METER AND BACKFLOW
- ⑱ EXISTING OVERHEAD ELECTRIC (TO BE UNDER GROUND BY DESALINATION POWER PLANT PROJECT)
- ⑲ EXISTING STREET LIGHT
- ⑳ PROPOSED AREA DRAIN
- ㉑ CONNECT TO OFFICE TRAILER WATER SYSTEM (SEE SEPARATE PLANS BY OTHERS)
- ㉒ FIRE SYSTEM - STAND PIPE (FOR CONTINUATION SEE SEPARATE PLAN BY OTHERS)



CARBON CAPTURE
 TRACY, CA
 NOVEMBER 2022

HEIRLOOM CARBON TECHNOLOGIES
 125 VALLEY DRIVE
 BRISBANE, CA 94005

PRELIMINARY UTILITY PLAN
 SHEET C4 OF 5



WOOD RODGERS
 BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
 4670 WILLOW ROAD, SUITE 125 Tel 925.847.1556
 Pleasanton, CA. 94588 Fax 925.847.1557

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What the Heirloom process looks like

Contactors support vertical stacks of trays to expose Calcium Hydroxide to the atmosphere for CO₂ capture. Calcium Hydroxide turns into Calcium Carbonate as it absorbs CO₂

Fully Enclosed Pipelines and vacuums move material between stages of processing

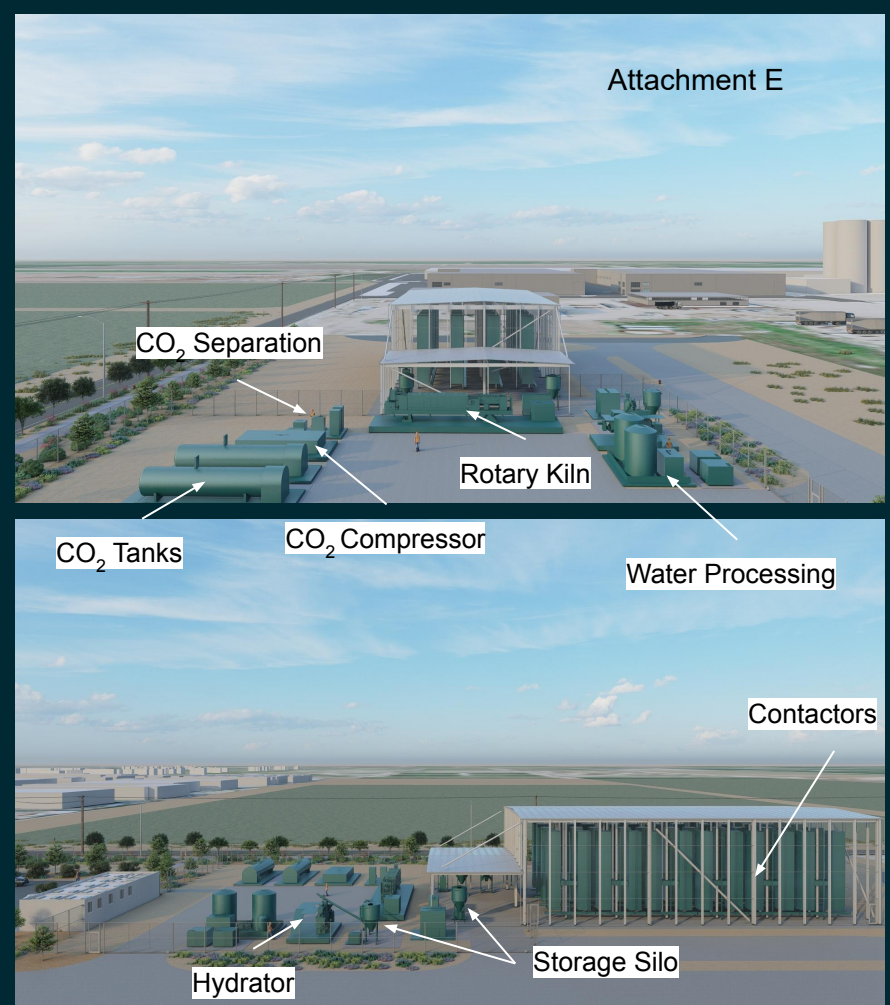
Rotary kiln releases CO₂ from calcium carbonate through calcination (heat). This produces calcium oxide and CO₂

Hydrator mixes calcium oxide with water to form calcium hydroxide. This is sent back to the contactors.

Compressor reduces the volume of CO₂ coming from the kiln for efficient storage

Cold Storage collects up to 30 tons of compressed CO₂ for 2x monthly transport

Fully Enclosed Storage Silos store buffer material between operations



[See our technology animation here](#)

ADDENDUM
TO THE
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION
FOR THE
TRACY DESALINATION AND GREEN ENERGY PROJECT

SCH# 2011122004

DECEMBER 2022

Prepared for:

City of Tracy
Development Services Department
Planning Division
333 Civic Center Plaza
Tracy, CA 95376

Prepared by:

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1020 Suncoast Lane, Suite 106
El Dorado Hills, CA 95762
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1.0 INTRODUCTION

This environmental document is an Addendum to the Tracy Desalination and Green Energy Project Initial Study/Mitigated Negative Declaration (IS/MND), SCH # 2011122004, GPA 11-0004 and A/P 11-0001. The project and the IS/MND for this project were approved and adopted by the City of Tracy City Council on May 1, 2012. Since certification and adoption of the IS/MND, the project plans have been slightly modified, requiring the need for further environmental analysis, as contained in this document.

1.1 BACKGROUND

The Tracy Desalination and Green Energy Project IS/MND (SCH# 2011122004) was completed and circulated for public review and comment in December 2011. The IS/MND evaluated potential impacts associated with annexation of the site to the City of Tracy, a General Plan Amendment to designate the site Industrial, rezoning of the site to Industrial, and impacts associated with the construction and operation of a 1.2 million gallons per day (MGD) desalination plant and biomass electricity generation facility. The IS/MND addressed the full range of environmental topics included in Appendix G of the CEQA Guidelines, including: aesthetics, agricultural and forest resources; air quality; biological resources; cultural resources; geology and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; mineral resources; noise; population and housing; public services; recreation; transportation and traffic; utilities and service systems; and cumulative impacts.

All environmental impacts addressed in the IS/MND have been mitigated to below a level of significance through implementation of mitigation measures.

Since certification of the IS/MND and approval of the project on May 1, 2012, the project has undergone minor revisions related to the addition of a carbon dioxide removal facility within a small portion of the project site. These revisions are described in Section 2.0 of this document, and are the subject of this Addendum.

1.2 PURPOSE OF THE ADDENDUM

When a proposed project is changed after project approval and certification of an environmental document prepared under CEQA, a determination must be made by the Lead Agency as to whether an Addendum or a Subsequent MND is prepared. Criteria, as set forth in CEQA Guidelines Section 15162, are used to assess which environmental document is appropriate. The criteria for determining whether an Addendum or Subsequent MND is prepared are outlined below. If the criteria below are true and applicable to the project, then an Addendum is the appropriate environmental document.

1. No new significant impacts will result from the project or from new mitigation measures.
2. No substantial increase in the severity of an environmental impact will occur.
3. No new feasible alternatives or mitigation measures that would reduce impacts previously found not to be feasible have, in fact, been found to be feasible.

Based upon the information provided in Section 3.0 of this document, the proposed revisions to the previously approved Tracy Desalination and Green Energy Project will not result in new significant impacts or substantially increase the severity of impacts previously identified in the IS/MND, and there are no previously infeasible alternatives that are now feasible. Therefore, an Addendum is appropriate, and this Addendum has been prepared to address the environmental effects of the revisions to the project.

1.3 CONCLUSIONS

This addendum addresses the environmental effects associated with the revisions to the Tracy Desalination and Green Energy project that have occurred since certification of the IS/MND and approval of the project on May 1, 2012. The conclusions of the analysis in this Addendum are not substantially different from those made in the IS/MND. The same impacts identified in the IS/MND remain, and have been mitigated to a less-than-significant level, as identified in the IS/MND. No new significant impacts would result, and no substantial increase in the severity of impacts from those previously identified in the IS/MND would occur. This Addendum has been prepared consistent with the requirements of Section 15162 and 15164 of the CEQA Guidelines.

2.0 PROJECT DESCRIPTION

2.1 PROJECT LOCATION AND SETTING

The location and setting of the project has not changed. The project site consists of approximately 241 acres previously located within the City's Sphere of Influence, immediately north of the Tracy City limits. The project site includes APN 212-160-05, APN 212-160-09, and portions of APN 212-160-11. Annexation of the project site into the City of Tracy was approved by the San Joaquin LAFCO on August 17, 2012.

The project site is bounded by Tracy Boulevard to the west, Arbor Avenue and industrial uses to the south, and agricultural lands to the north. Agra Trading, a biomass fuel recycling and trading company, is located on a portion of the project site. The site is bisected by West Sugar Road, which runs in an east-west direction.

The northern and western boundaries of the project site are adjacent to agricultural lands in active agricultural production. The southern boundary of the project site is adjacent to primarily industrial uses with some commercial uses. These uses include, but are not limited to a mini-storage facility, an equipment rental facility, and automotive repair facilities. The City of Tracy Wastewater Treatment Plant (WWTP) is located immediately southeast of the project site. Lands to the east of the project site are currently used for industrial operations. An existing rail spur is located immediately east of the project site and terminates on the project site.

2.2 PROJECT REVISIONS SINCE IS/MND CERTIFICATION

The project analyzed in the December 2011 IS/MND, which was certified on May 1, 2012, consists of a 1.2 MGD desalination plant that would treat treated wastewater from the adjacent Tracy Wastewater Treatment Plant (WWTP) to reduce salinity levels in the treated wastewater. The

desalinated wastewater would then be blended back into the remaining treated effluent at the WWTP prior to discharge into the Delta.

The revised project would add a carbon dioxide removal facility to a vacant 100,000 square foot area in the southwest corner of the WWTP project site, that would consist of an approximately 12,750-square-foot steel framed structure (equipment enclosure) and a 25,600-square-foot open-air equipment yard. The proposed roof of the equipment enclosure would protect several pieces of integrated equipment. The sides of the equipment enclosure would consist of chain link fencing material and a white screening fabric that would allow air flow. The steel structure would be surrounded by fencing with environmental screening. The facility would remove carbon dioxide (CO₂) from the air by using a scalable direct air capture technology. Compressed CO₂ would be transported off-site for United States Environmental Protection Agency (EPA)-regulated carbon storage. The proposed direct air capture process would use calcium carbonate (an earth-abundant material), and renewable energy, to capture CO₂ directly from the air.

The carbon dioxide removal process involves (in summary):

- Limestone is spread onto trays to absorb CO₂ from the atmosphere;
- The limestone is heated in a renewable-energy powered kiln for a brief period of time to release the carbon dioxide gas from the limestone; and
- The carbon dioxide gas is transported away to be stored safely and permanently offsite. The limestone can then again be reused to pull more carbon dioxide from the air in what is a closed-loop cycle.

The proposed facility would not emit odors, and there would be an integral dust control system that would continuously monitor the moisture content of the substrate and would spray the material with water when the moisture content approaches 5% (to prevent material loss to the air).

Approximately sixteen staff personnel would work out of a portable office trailer located nearby. The project is a pilot installation with an anticipated useful life and tenancy of three years. The carbon dioxide removal facility would require approximately one truck trip each week to pick up the compressed CO₂, and one truck trip every three months to exchange the used limestone with new limestone.

Other than as described above, the revised project includes the construction of a parking area near to the revised project facilities. All other aspects of the project would remain unchanged.

3.0 ENVIRONMENTAL ANALYSIS

As explained in Chapter 1.0, this comparative analysis has been undertaken pursuant to the provisions of CEQA Guidelines Sections 15162 and 15164 to provide the City with the factual basis for determining whether any changes to the project, any changes in circumstance, or any new information since the IS/MND was certified on May 1, 2012 require additional

environmental review or preparation of a Subsequent MND. The environmental analysis and mitigation measures provided in the IS/MND remain current and applicable to the proposed project in areas and aspects of the project unaffected by the project revisions identified in Chapter 2.0 of this Addendum.

AESTHETICS

The proposed project changes would not result in any new or altered impacts with respect to aesthetics and visual resources. Although the proposed project changes would add an approximately 12,750-square-foot steel framed structure and a 25,600-square-foot equipment yard, the proposed project changes would blend into the project already analyzed, and would not generate any new aesthetics impacts. The IS/MND requires the implementation of Mitigation Measure 1, which requires the preparation and implementation of a lighting plan to reduce light spillage and nighttime lighting impacts. This Mitigation Measure would still be required and enforced. No new mitigation measures are required for the project revisions.

AGRICULTURAL AND FOREST RESOURCES

The proposed project changes would not result in any new or altered impacts with respect to agricultural and forest resources. The area of disturbance of the project would not change, and the project would not result in any increased impacts to agricultural lands or resources beyond those addressed in the IS/MND. The project would still be subject to the requirements of Mitigation Measure 2, which requires the payment of Agricultural Mitigation Fees to offset the loss of Prime and Unique Farmland that would occur if the future solar array component of the project were constructed. This Mitigation Measure would still be required and enforced. No new mitigation measures are required for the project revisions.

AIR QUALITY

Potential project impacts associated with air quality emissions from operation of the revised project would be extremely similar to what was already analyzed in the project IS/MND, as a result of the proposed project changes.

The carbon dioxide removal facility associated with the revised project would require approximately one truck trip each week to pick up the compressed CO₂, and one truck trip every three months to exchange the used limestone with new limestone. Additionally, the carbon dioxide removal facility could generate an additional sixteen additional vehicle trips per day. The addition of these vehicle trips do not constitute a significant increase in air emissions, nor would it cause any other air quality impact. Additionally, the energy required to power the carbon dioxide removal facilities would be minimal and would not cause or exacerbate any air quality impacts. Compared to the analysis contained in the IS/MND, the project revisions would not result in significant increased impacts to air quality, or cause a substantial increase in the severity of any air quality impacts. No new mitigation requirements are required for the project revisions.

With respect to the potential for the revised project to generate odors; the proposed facility would not emit odors, and there would be an integral dust control system that would continuously monitor the moisture content of the substrate and would spray the material with

water when the moisture content approaches 5% (to prevent material loss to the air). This change in the proposed project would not result in the increase generation of odors, and this impact is not more severe or significant than what was analyzed in the IS/MND. No new mitigation measures are required for the project revisions.

Construction-related emissions would not change when compared to the project addressed in the IS/MND. The revised project would be subject to the requirements of Mitigation Measures 3 and 4, which require the implementation of best management practices for construction and grading activities, as required by SJVAPCD Rule VIII. No new mitigation measures are required for the project revisions.

BIOLOGICAL RESOURCES

The footprint of the project and the areas proposed for disturbance would not change from the conditions addressed in the IS/MND. As such, no changes to potential impacts to biological resources would occur as a result of the proposed project revisions compared to the potential impacts described in the IS/MND. The IS/MND requires the project to implement Mitigation Measures 5 and 6, which require the project to obtain coverage under the San Joaquin Multi Species Conservation Plan (SJMSCP), and to ensure that construction activities do not adversely impact burrowing owls. These Mitigation Measures would be required by the project revisions and would reduce potential impacts to a less than significant level, as described in the IS/MND. No new mitigation measures are required for the project revisions.

CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

The footprint of the project and the areas proposed for disturbance would not change from the conditions addressed in the IS/MND. As such, no changes to potential impacts to cultural resources would occur as a result of the proposed project revisions compared to the potential impacts described in the IS/MND. The IS/MND requires the project to implement Mitigation Measure 7, which includes standard measures that must be implemented if a previously unknown cultural or historical resource is encountered during site grading and construction activities. This Mitigation Measure would be required by the project revisions and would reduce potential impacts to a less than significant level, as described in the IS/MND. No new mitigation measures are required for the project revisions.

GEOLOGY AND SOILS

The footprint of the project and the areas proposed for disturbance would not change from the conditions addressed in the IS/MND. As such, no changes to potential impacts to geology and soils would occur as a result of the proposed project revisions compared to the potential impacts described in the IS/MND. The IS/MND requires the project to implement Mitigation Measures 8 and 9, which require the project to implement site-specific geotechnical engineering measures in order to comply with the California Building Code to ensure that structures and foundations are designed to meet stability and safety standards. These Mitigation Measures would be required by the project revisions and would reduce potential impacts to a less than significant level, as described in the IS/MND. No new mitigation measures are required for the project revisions.

Greenhouse Gases

Emissions of greenhouse gases (GHGs) would decrease under the proposed project revisions when compared to the originally proposed project. The proposed project revisions include a carbon dioxide (i.e. greenhouse gas) removal facility that would directly remove carbon dioxide (i.e. greenhouse gases) from the air. Additionally, the facility is anticipated to utilize renewable energy for power. Despite modest increases in vehicle trips associated with the revised project as compared to what was analyzed within the IS/MND, it is anticipated that the carbon removal activities would reduce greenhouse gas emissions greater than the greenhouse gases emitted by project activities, thereby yielding a net greenhouse gas reduction. As such, the proposed project revisions are consistent with Statewide efforts to increase the supply of qualified renewable fuel supplies. Given that the proposed project revisions would result in a decreased level of GHGs generated directly from the project when compared to the original project, and the project revisions are consistent with Statewide plans and efforts to increase the availability of renewable fuels, the project revisions would not increase the severity of impacts related to GHGs and climate change. No new mitigation measures are required for the project revisions.

HAZARDS AND HAZARDOUS MATERIALS

The original project addressed in the IS/MND included the use, storage and transport of hazardous materials regulated under the CalARP program, including anhydrous ammonia for use in the Selective catalytic reduction (SCR) system to reduce emissions of nitrogen oxide gas (NOx).

The IS/MND addressed impacts associated with the use, transport and storage of anhydrous ammonia. Anhydrous Ammonia (ammonia) (CAS No. 7664-41-7) is subject to the California Accidental Release Prevention Program (CalARP) regulations (Title 19, CCR, Chapter 4.5), and is regulated as an “extremely hazards material”. The IS/MND included Mitigation Measure 10, which requires the preparation of a Risk Management Plan (RMP) for the use and storage of anhydrous ammonia that meets the requirements of California Health and Safety Code, Division 20, Chapter 6.95, Article 2 and the California Code of Regulation (CCR) Title 19 Division 2, Chapter 4.5, Articles 1 through 11.

The implementation of Mitigation Measure 10, as described in the IS/MND would ensure that any and all chemicals or hazardous materials used at the project site would comply with applicable regulations, through the preparation of a Risk Management Plan and/or Hazardous Materials Business Plan. This mitigation measure is included in the IS/MND and would remain applicable in light of the proposed project changes. Therefore, potential impacts associated with hazardous materials would not substantially increase as a result of the proposed project revisions. No new mitigation measures are required for the project revisions.

HYDROLOGY AND WATER QUALITY

The proposed project revisions would result in the same area of disturbance, project footprint and grading/drainage improvements as what was addressed in the IS/MND. There would be no changes when compared to the originally proposed project. The IS/MND includes Mitigation Measure 11, which requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP) prior to site grading activities in order to protect surface water quality in the project area. This

Mitigation Measures would be required by the project revisions and would reduce potential impacts to a less than significant level, as described in the IS/MND. No new mitigation measures are required for the project revisions.

LAND USE AND PLANNING

The proposed project revisions would not result in any new or substantially increased impacts related to land use and planning compared to the analysis contained in the IS/MND. The San Joaquin LAFCO has already approved the annexation of the project site into the City of Tracy, and the City has approved the General Plan Amendment to designate the site Industrial and zoned the site Light Industrial. There would be no changes to impacts related to land use and planning beyond those addressed in the IS/MND, and no new mitigation requirements are required for the project revisions.

MINERAL RESOURCES

The project's footprint and area of disturbance would not change from what was addressed in the IS/MND. The IS/MND determined that the project would not result in any impacts related to mineral resources. No new mitigation measures are required for the project revisions.

NOISE

There are no existing noise-sensitive land uses adjacent to the project site. The project site is located in an agricultural and industrial area that generally has a relatively high level of ambient background noise throughout the day. There nearest noise sensitive land uses are residences located approximately 0.5 miles to the south of the site.

As described in the IS/MND, the anticipated increase in daily vehicle trips associated with the WWTP would not significantly increase ambient noise levels in the project vicinity and would not result in a violation of any established noise thresholds in the project vicinity.

The revised project would add new activity to the southwest corner of the WWTP project site. The carbon dioxide removal facility associated with the revised project would require approximately one truck trip each week to pick up the compressed CO₂, and one truck trip every three months to exchange the used limestone with new limestone. Additionally, the carbon dioxide removal facility could generate an additional sixteen additional vehicle trips per day. However, the addition of these additional vehicle trips do not constitute a significant increase in noise. Additionally, while the facility itself would generate a small amount of noise, the noise generated would be minimal, and would not affect nearby persons.

Compared to the analysis contained in the IS/MND, the project revisions would not result in significant increased impacts to noise, or cause a substantial increase in the severity of any noise impacts. No new mitigation requirements are required for the project revisions. No new mitigation requirements are required for the project revisions.

POPULATION AND HOUSING

As described in the IS/MND, implementation of the project would not directly result in population growth, nor would it convert any land use designations to a use that would allow for

the construction of housing. The proposed project will not generate a significant number of new jobs which could lead indirectly to population growth. There are no homes or residences currently located on the project site, and therefore, no homes or people would be displaced as a result of project implementation. There would be no change to the analysis contained in the IS/MND and the project revisions would not increase the severity of any impacts related to population and housing. No new mitigation requirements are required for the project revisions.

PUBLIC SERVICES AND RECREATION

As described in the IS/MND, the project would not result in any impacts related to public services, including police, fire, schools, parks or other public facilities. None of the proposed revisions to the project would result in new public services impacts or increase the severity of any impacts related to public services. Impacts related to this topic would remain unchanged from the analysis in the IS/MND. No new mitigation requirements are required for the project revisions.

TRANSPORTATION AND TRAFFIC

As described in the IS/MND, the project would not result in any significant impacts to traffic, transportation facilities, or area roadways or intersections. The original project addressed in the IS/MND would have generated approximately 20 truck trips per day associated with biomass fuel deliveries. These trips are anticipated to occur throughout the day, and would not be concentrated during peak travel hours. A worst-case scenario is that the project could generate up to 14 additional vehicle trips in any given hour (nine employee trips and five truck trips).

The carbon dioxide removal facility associated with the revised project would require approximately one truck trip each week to pick up the compressed CO₂, and one truck trip every three months to exchange the used limestone with new limestone. Additionally, the carbon dioxide removal facility could generate an additional sixteen additional vehicle trips per day. The addition of these vehicle trips do not constitute a significant increase in traffic, nor would it result in a decreased level of service on area roadways or intersections, or cause any other transportation and traffic impact.

Compared to the analysis contained in the IS/MND, the project revisions would not result in significant increased impacts to the area transportation network, or cause a substantial increase in the severity of any transportation and traffic impacts. No new mitigation requirements are required for the project revisions.

UTILITIES AND SERVICE SYSTEMS

As described in the IS/MND, the project would not result in any impacts related to utility services, including water, sewer, drainage, or solid waste. None of the proposed revisions to the project would result in new utilities impacts or increase the severity of any impacts related to utilities. Impacts related to this topic would remain unchanged from the analysis in the IS/MND. No new mitigation requirements are required for the project revisions.

CONCLUSIONS

Based on the information provided above, the proposed project revisions would not result in an increase of impacts to any environmental topic previously addressed in the IS/MND, nor would the project result in new environmental impacts that were not previously addressed in the IS/MND.

Based on the evidence included in this Addendum, the proposed project, as described in Chapter 2.0, would not result in a substantial change in the conclusions and analysis included in the IS/MND, which was adopted by the Tracy City Council on May 1, 2012.

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CITY OF TRACY
DETERMINATION OF
THE DEVELOPMENT SERVICES DIRECTOR

Application Number D22-0039

A determination of the Development Services Director to amend the Development Review Permit conditions of approval for the construction of a facility to remove carbon dioxide from the atmosphere, including a 12,750 square foot equipment enclosure, a 25,600 square foot open-air equipment yard, parking area and landscaping improvements, located at 4750 Holly Drive, Assessor's Parcel Number 212-160-11, Application Number D22-0039, which was approved by the Development Services Director on December 14, 2022. The applicant is Heirloom Carbon Technologies, Inc. and Tracy Renewable Energy, LLC. The property owner is the City of Tracy.

The proposed amendment to the Development Review Permit conditions of approval includes the following:

- Edits to conditions "A.1." and "A.2.g." to remove references to the 1,500-square foot office trailer, which is no longer part of the project.
- Revision to conditions "A.3." and "B.1." to state that the approximately 1,500-square foot office trailer shown on the plans is not approved as part of this Development Review Permit and shall not be included in the project. The office employees will work in an existing administrative building located on the same City-owned parcel as the project site, which is served by an existing septic system that was recently permitted by the San Joaquin County Health Department.
- Revision to condition "C.5.1.e." regarding sanitary sewer. Developer has confirmed in writing that it will utilize an existing, permitted septic system located on the same legal parcel controlled by Combined Solar Technologies, through a binding contract with Combined Solar Technologies. With that written confirmation, Developer shall not be required, at this time, to design and construct the Project's permanent on-site sanitary sewer. Developer understands and agrees that this exemption will terminate should Developer's rights to the existing septic system change and/or should such system be abandoned or lose its permitting by the San Joaquin County Health Department.
- Deletion of conditions "C.6.2." and "C.6.3." regarding a traffic signal warrant analysis. This condition is not necessary because the project would generate negligible traffic.
- Deletion of condition "C.8.4." regarding adjustment of parcels. This condition is not necessary because the creation of a new parcel is not required, based on the Subdivision Map Act exemption under California Government Code Section 66412.1.

An Initial Study and Mitigated Negative Declaration (IS/MND) for the Tracy Desalination and Green Energy Project was adopted by the City Council on May 1, 2012 (Resolution No. 2012-75), in accordance with the requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The carbon dioxide removal facility is a revision to a 2.2-acre portion of the 237-acre Tracy Desalination and Green Energy project site. An Addendum to the IS/MND

was prepared, pursuant to CEQA Guidelines Sections 15162 and 15164, based on the findings that the proposed revisions to the previously approved Tracy Desalination and Green Energy Project will not result in new significant impacts or substantially increase the severity of impacts previously identified in the IS/MND, and there are no previously infeasible alternatives that are now feasible. Therefore, on December 14, 2022, the Development Services Director determined that the Addendum was appropriately prepared consistent with the requirements of CEQA Guidelines Section 15162 and 15164. The proposed amendment to the Development Review Permit conditions of approval does not affect the findings of the Addendum because the project is not changing, except for excluding the office trailer from the plans.

THE DEVELOPMENT SERVICES DIRECTOR, AFTER CONSIDERING ALL OF THE EVIDENCE PRESENTED, HEREBY APPROVES AN AMENDMENT TO THE DEVELOPMENT REVIEW PERMIT CONDITIONS OF APPROVAL FOR THE CONSTRUCTION OF A FACILITY TO REMOVE CARBON DIOXIDE FROM THE ATMOSPHERE, INCLUDING A 12,750 SQUARE FOOT EQUIPMENT ENCLOSURE, A 25,600 SQUARE FOOT OPEN-AIR EQUIPMENT YARD, PARKING AREA AND LANDSCAPING IMPROVEMENTS, LOCATED AT 4750 HOLLY DRIVE, ASSESSOR'S PARCEL NUMBER 212-160-11, APPLICATION NUMBER D22-0039, AS SHOWN IN EXHIBIT 1.

Jaylen French
Development Services Director

Date of Action

City of Tracy
Development Review Permit
Conditions of Approval

Heirloom's Facility to Remove Carbon Dioxide from the Atmosphere
4750 Holly Drive (shared parcel with Tracy Desalination Plant)
Assessor's Parcel Number 212-160-11
Application Number D22-0039
Approved December 14, 2022
Amended June 20, 2023

A. General Provisions and Definitions

1. These Conditions of Approval shall apply to the Development Review Permit to construct a facility to remove carbon dioxide from the atmosphere consistent with the State's emission reduction goals, including an approximately 12,750 square foot equipment enclosure, an approximately 25,600 square foot open-air equipment yard, ~~an approximately 1,500 square foot office trailer~~, parking area and landscaping improvements, located at 4750 Holly Drive, Assessor's Parcel Number 212-160-11, Application Number D22-0039 (hereinafter "Project"), proposed by Heirloom Carbon Technologies and Tracy Renewable Energy, LLC (hereinafter "Applicant").
2. The following definitions shall apply to these Conditions of Approval:
 - 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" mean all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
 - d. "Conditions of Approval" shall mean the conditions of approval applicable to Development Review Permit Application Number D22-0039.
 - e. "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.

- f. “Development Services Director” means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
 - g. “Project” means construction of a facility to remove carbon dioxide from the atmosphere consistent with the State’s emission reduction goals, including an approximately 12,750 square foot equipment enclosure, an approximately 25,600 square foot open-air equipment yard, ~~an approximately 1,500 square foot office trailer~~, parking area and landscaping improvements, located at 4750 Holly Drive, Assessor’s Parcel Number 212-160-11, Application Number D22-0039.
3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the plans received by the Development Services Department on December 5, 2022. The approximately 1,500-square foot office trailer shown on the plans is not approved as part of this Development Review Permit and shall not be included in the project.
 4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, building permit fees, plan check fees, inspection fees, or any other City or other agency fees or deposits that may be applicable to the project.
 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:
 - a. Planning and Zoning Law (Government Code sections 65000, et seq.),
 - b. California Environmental Quality Act (Public Resources Code sections 21000, et seq., “CEQA”), and
 - c. Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., “CEQA Guidelines”).
 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.
 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. Planning Division Conditions

1. Except as modified herein, the project shall be developed in substantial compliance with the plans received by the Development Services Department on December 5, 2022, to the satisfaction of the Development Services Director. The approximately 1,500-square foot office trailer shown on the plans is not approved as part of this Development Review Permit and shall not be included in the project.
2. Prior to the issuance of a building permit, the developer shall submit a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City’s Design Goals and Standards, the City’s Water Efficient Landscape Ordinance, and all other applicable City regulations, to the satisfaction of the Development Services Director.
3. All PG&E transformers, phone company boxes, Fire Department connections, back flow prevention devices, 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.
4. 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. All roof-mounted equipment shall be screened from view from the public right-of-way with a continuous parapet wall at least equal in height to the height of any equipment installed, to the satisfaction of the Development Services Director.
5. Before final inspection or certificate of occupancy, all vents, gutters, downspouts, flashing, and electrical conduits shall be internal to the structures or painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior, to the satisfaction of the Development Services Director.
6. Any trash containers located outside of a building shall be concealed within a trash enclosure. Prior to the issuance of a building permit, the Developer shall design any trash enclosures to include the following: masonry wall enclosure with a minimum height of seven feet, solid metal doors, concrete aprons in front of the enclosures where the dumpsters and loading/transport equipment or vehicles will maneuver, and exterior materials and colors

- compatible with the adjacent building exterior, to the satisfaction of the Development Services Director.
7. Prior to final inspection or certificate of occupancy, parking area lighting shall be designed and installed so that it is directed downward onto the parking surface and away from the public right-of-way.
 8. No signs are approved as part of this Development Review Permit. Approval of a separate sign permit application by the Development Services Department is necessary prior to the installation of any signs.
 9. Prior to issuance of a building permit, the Developer shall provide plans to show that where landscape planters are parallel and adjacent to the side of a vehicular parking space, a 12-inch wide concrete curb shall be provided to allow for pedestrian access to vehicles without damage to landscape areas.
 10. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Development Services Director.
 11. The Developer shall comply with all mitigation measures identified in the Mitigated Negative Declaration for the Tracy Desalination and Green Energy Project, which was approved by City Council on May 1, 2012 (Resolution No. 2012-075), prepared in accordance with the requirements of the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines.
 12. The Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD).
 13. 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), to the satisfaction of the Development Services Director.

C. Engineering Division Conditions

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) Not Applicable.

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 the release of the Grading Permit for the Project, 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 (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 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. Exempt from this condition are high voltage power lines, if any. Referenced and incorporated herein are Title 11 and Title 12 of the Tracy Municipal Code.
- 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 potential archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan Environmental Impact Report; 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:

- 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 CST’s wastewater treatment 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 right-of-way with a functional storm drainage system and the existing storm drainage line has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least 0.70-feet lower than the

building finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

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

Developer and its heirs shall be responsible for repairing and maintaining the on-site storm water system and treatment basin at the Developer’s (and heirs’) sole cost and expense.

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 shall also construct the recommended mitigations from the sanitary sewer technical memorandum. Developer has confirmed in writing that it will utilize an existing, permitted septic system located on the same legal parcel controlled by Combined Solar Technologies, through a binding contract with Combined Solar Technologies. With that written confirmation, Developer shall not be required, at this time, to design and construct the Project’s permanent on-site sanitary sewer. Developer understands and agrees that this exemption will terminate should Developer’s rights to the existing septic system change and/or should such system be abandoned or lose its permitting by the San Joaquin County Health Department.~~

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 improvement acceptance, 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.

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

- C.5.1.g. Streets – The Developer shall have frontage 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. The Developer shall construct frontage improvements as described below.

Arbor Road

Per the adopted 2012 Transportation Master Plan, Arbor Road is planned to be a 74-foot wide two-lane arterial road. Developer shall construct portland cement concrete curb, gutter, and sidewalk; construct landscaping and its automatic irrigation system; fire hydrants; and streetlights along the Project’s frontage.

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.

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 twenty-two (22) 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 shall submit a separate building permit for the demolition of any existing structures.
- ~~C.6.2 Prior to the release of the building permit, Developer shall enter into a cost recovery agreement and provide enough funding to pay for the City’s consultant to perform a warrant analysis for a traffic signal at the intersection of Arbor Road and MacArthur Road.~~
- ~~C.6.3 Prior to the release of the building permit, if the warrant analysis confirms that a traffic signal is warranted at the intersection of Arbor Road and MacArthur Road, then Developer shall pay its fair share to construct the traffic signal. It is estimated to be about 5% based on acreage and amounts to a payment of \$75,000.~~

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, if applicable.
- 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.
- C.8.4 ~~Prior to the release of the Certificate of Occupancy, Developer shall record with San Joaquin County Recorder a document to adjust the two parcels. RESERVED~~
- C.8.5 Prior to acceptance of the public improvements, Developer shall cause its design professional to provide to the City in both AutoCAD format, and Shape File format (both in versions approved by the City), the public improvements associated with this Project.

D. Utilities Department Conditions

Contact: Stephanie Hiestand (209) 831-4333 stephanie.hiestand@cityoftracy.org

- D.1. 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.2. The project shall always comply with Federal, State, and Local mandates regarding potable water use, recycled water use, and water quality.
- D.3. 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 Chapters 4 and 5 of the California Green Building Standards Code, to the satisfaction of the Utilities Director.
- D.4. 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.4.1. 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.4.2. Per State Water Resources Control Board on May 24, 2022, all Commercial, Industrial, and Institutional facilities are prohibited from using potable water to irrigate non-functional turf. Non-functional turf is defined as a ground cover surface of mowed grass that is ornamental and not otherwise used for recreational purposes. Please submit your final landscape plan in conformance with these new regulations.

D.4.3. 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: Phillip Rainone (209) 831-6413 phillip.rainone@cityoftracy.org

- E.1. Prior to commencement of construction, applicant shall submit to the Building Safety Division appropriate documents (Firm/Firnette) and associated construction documents in conformance with all local, state and federal laws and regulations for construction in flood zones per FEMA, CA DWR, TMC 9.52, and CBC.
- E.2. Prior to the construction of onsite improvement including but not limited to walks, sidewalks, utilities, signs, lights, retaining walls, sound walls, underground vaults, transformer, trellis, trash enclosures, etc., applicant shall submit to the Building Safety Division construction drawings and supporting documents that conform to the current Title 24 California Code of Regulations at time of application.
- E.3. Prior to commencement of construction, applicant shall submit to the Building Safety Division floor plans, state approval, and foundation system plans and supporting documents for the office trailer conforming to Health and Safety Code 18551, 18030, and 18028.
- E.4. Prior to commencement of construction, applicant shall submit to the Building Safety Division construction plans and supporting documents for the building conforming to Title 24 California Code of Regulations and Tracy Municipal Code that are current at the time of submittal. Note: Beginning January 1, 2023, all new building permit applications will be required to conform to 2022 California Building Standards Code.
- E.5. Prior to commencement of construction, applicant shall submit to the Building Safety Division a report identifying the maximum expected quantities of hazardous materials per CBC 414 and 307.

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

Contact: Daniel Stowe (209) 831-6707 daniel.stowe@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.1.2. 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.
- F.1.3. 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.
- F.1.4. 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.
- F.1.5. 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.
- F.1.6. 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.
- F.1.7. Fire control room locations shall be approved the fire code official prior to the issuance of construction permit.
- F.2. Prior to construction, all-weather fire apparatus access roads shall be installed. Fire apparatus access roads during construction shall have a minimum 20' unobstructed width in accordance with CFC §503.
- F.3. All hydrants shall be installed, inspected and tested prior to bringing combustible materials onsite, including storage.
- F.4. 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.