

July 25, 2023

DIRECTOR PUBLIC HEARING
AGENDA ITEM 1

REQUEST

PUBLIC HEARING TO CONSIDER (1) APPROVING A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT TWO APPROXIMATELY 16,000 SQUARE FOOT INDUSTRIAL BUILDINGS AT 3301 MARS CT.; AND (2) DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15332 WHICH PERTAINS TO CERTAIN INFILL DEVELOPMENT PROJECTS. APPLICANT IS JOSEPH L. SMITH AND PROPERTY OWNER IS RAY MISFELDT. APPLICATION NUMBER D22-0001.

DISCUSSION

Site and Project Description

The project site is a vacant 2.67 parcel at 3301 Mars Ct. The project site is on the northwest corner of Mars Ct. approximately 2,000 feet east of S. Tracy Blvd. (Attachment A: Location Map). The applicant is proposing two buildings consists of approximately 16,000 square feet each. The proposed buildings will be built in two phases. The first phased will include the construction of one approximately 16,000 square foot building with most site improvements completed. The second phase would complete remaining site improvements and the construction of the second approximately 16,000 square foot building. The two buildings would be utilized by RCM Fire for the fabrication, installation, service, and maintenance of fire suppression systems. In addition to the two buildings the site will contain two fenced in storage areas and a gravel storage area.

Site Analysis

The project is zoned General Industrial in the Industrial Areas Specific Plan (ISP) and has a General Plan designation of Industrial. ISP provides for a broad range of warehouse, distribution, manufacturing, and office uses. Industrial uses like warehouses with offices is a permitted use in the General Industrial Zone. The proposed use of fabrication, installation, service, and maintenance of fire suppression systems would be compatible with the surrounding land uses, which includes industrial, distribution, offices, assembly, and specialized recreation. The project meets the parking, landscaping, and setback requirements of the General Industrial Zone in the ISP and the Tracy Municipal Code.

Architecture

The Community Character Element of the City of Tracy General Plan establishes Goal CC-1 for superior design quality through elements such as, high quality-urban design, landscape architecture, and holding buildings to corners (Policy P3, pg. 3-15). The proposed buildings are setback the required 15 feet from the right of way and are densely landscaped within that area. The proposed trees and shrubs will help screen

both buildings on the side and front elevations from neighboring. Additional landscape planters are proposed to help soften the cement portions of the buildings. In addition, the two fenced in storage areas will be located at the rear of the site and surrounded by landscaping. The proposed gravel storage area will not be visible from public right of way and located behind the first phase building on the north elevation.

The proposed buildings will have four-sided architecture with a variety of visual interest. On the south, north, and east elevation there will be ample of use of canopies and varying roof heights with cornices that help create added dimension. All sides will have a mix of three colors and a variety of materials like decorative metal siding, metal panels, and cement used intermittently throughout. In addition, the amount of windows proposed will help break up the cement facade and add visual interest to the exterior roll up doors (Attachment B: Site Plan and Elevations).

Environmental Document

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

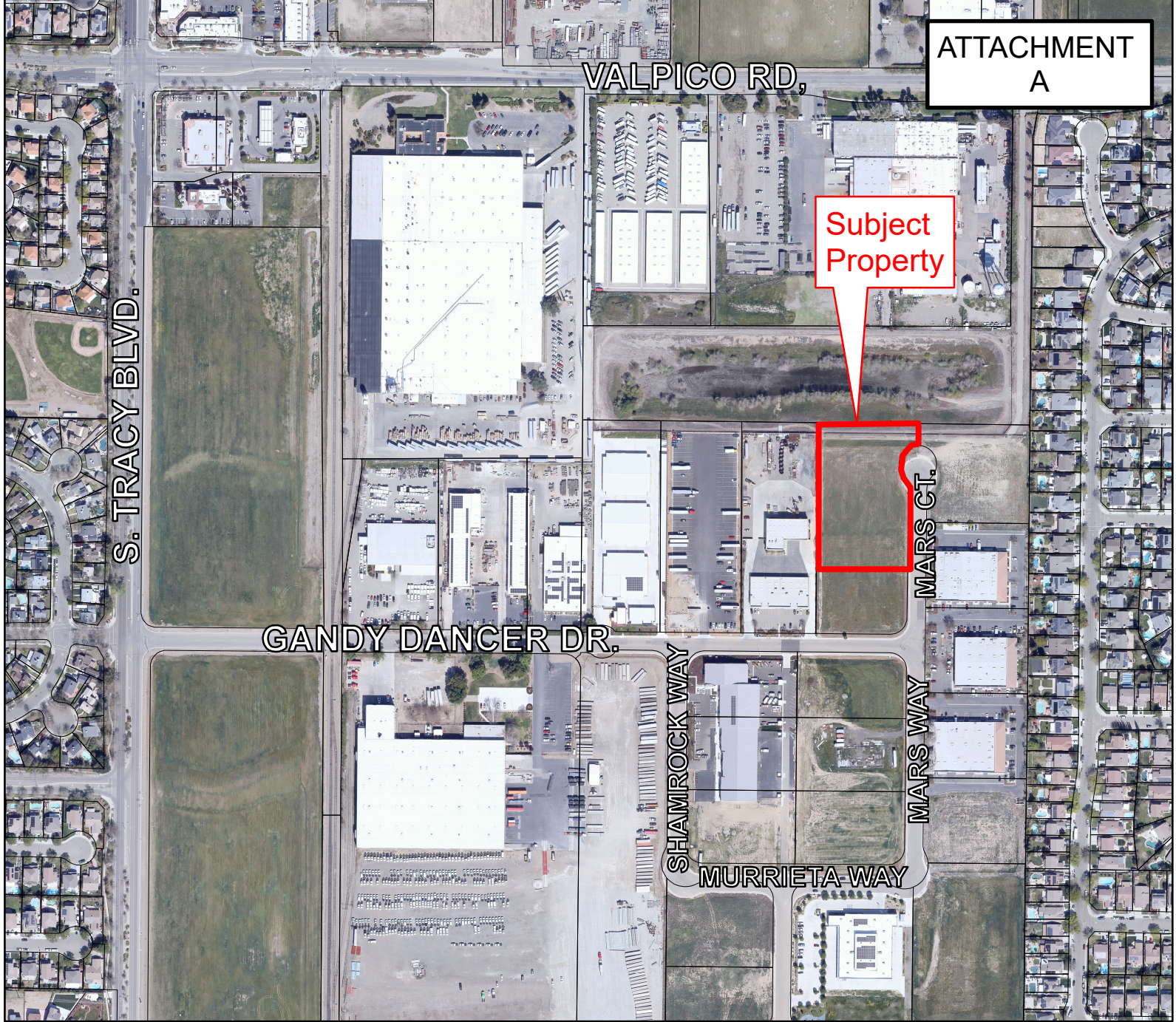
RECOMMENDATION

Staff recommends that the Development Services Director (1) approve a Development Review Permit to construct two approximately 16,000 square foot industrial buildings at 3301 Mars Ct.; and (2) determine the project is categorically exempt from the California Environmental Quality Act pursuant to CEQA guidelines section 15332 which pertains to certain infill development projects, based on the findings contained in the Director Determination dated July 25, 2023 (Attachment C).

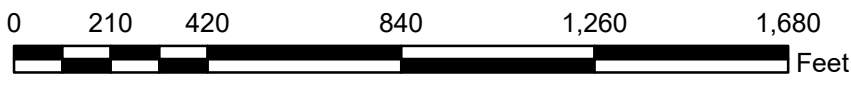
Prepared by Kenny Lipich, Associate Planner
Reviewed by Alan Bell, Senior Planner
Approved by Bill Dean, Assistant Director of Development Services

ATTACHMENTS

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



Think Inside the Triangle™



SHEET INDEX

ARCHITECTURAL:

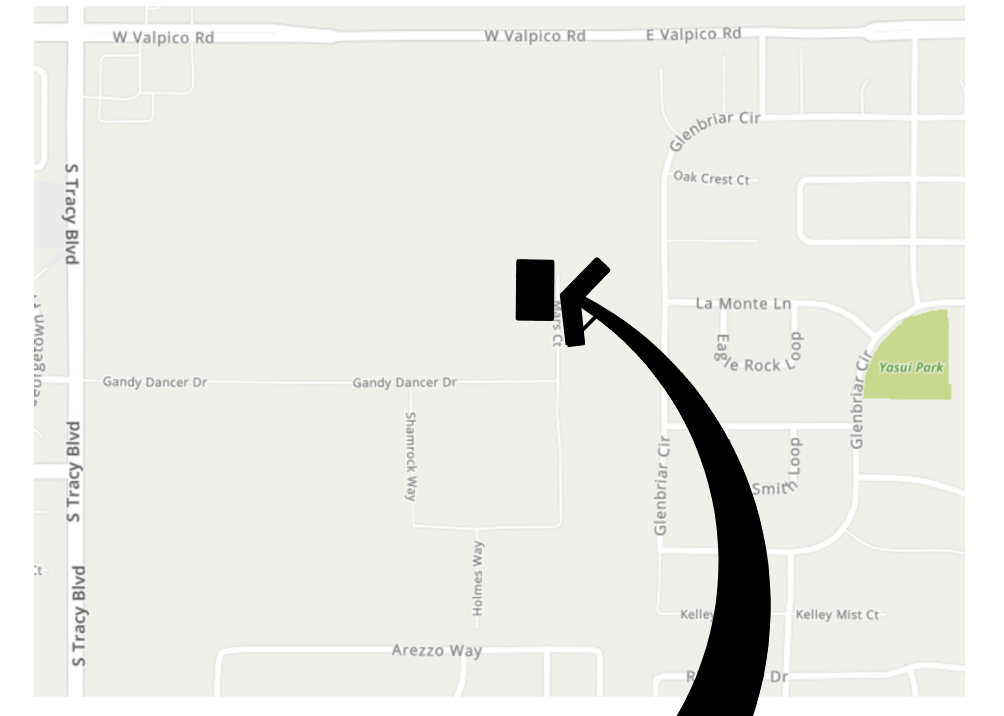
- A1 PROPOSED SITE PLAN
- A2 BUILDING 1 - FLOOR PLAN
- A3 BUILDING 1 - EXTERIOR ELEVATIONS
- A4 BUILDING 1 - COLOR ELEVATIONS
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- A6 BUILDING 2 - EXTERIOR ELEVATIONS
- A7 BUILDING 2 - COLOR ELEVATIONS
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- DR.1 GRADING & UTILITY PLAN

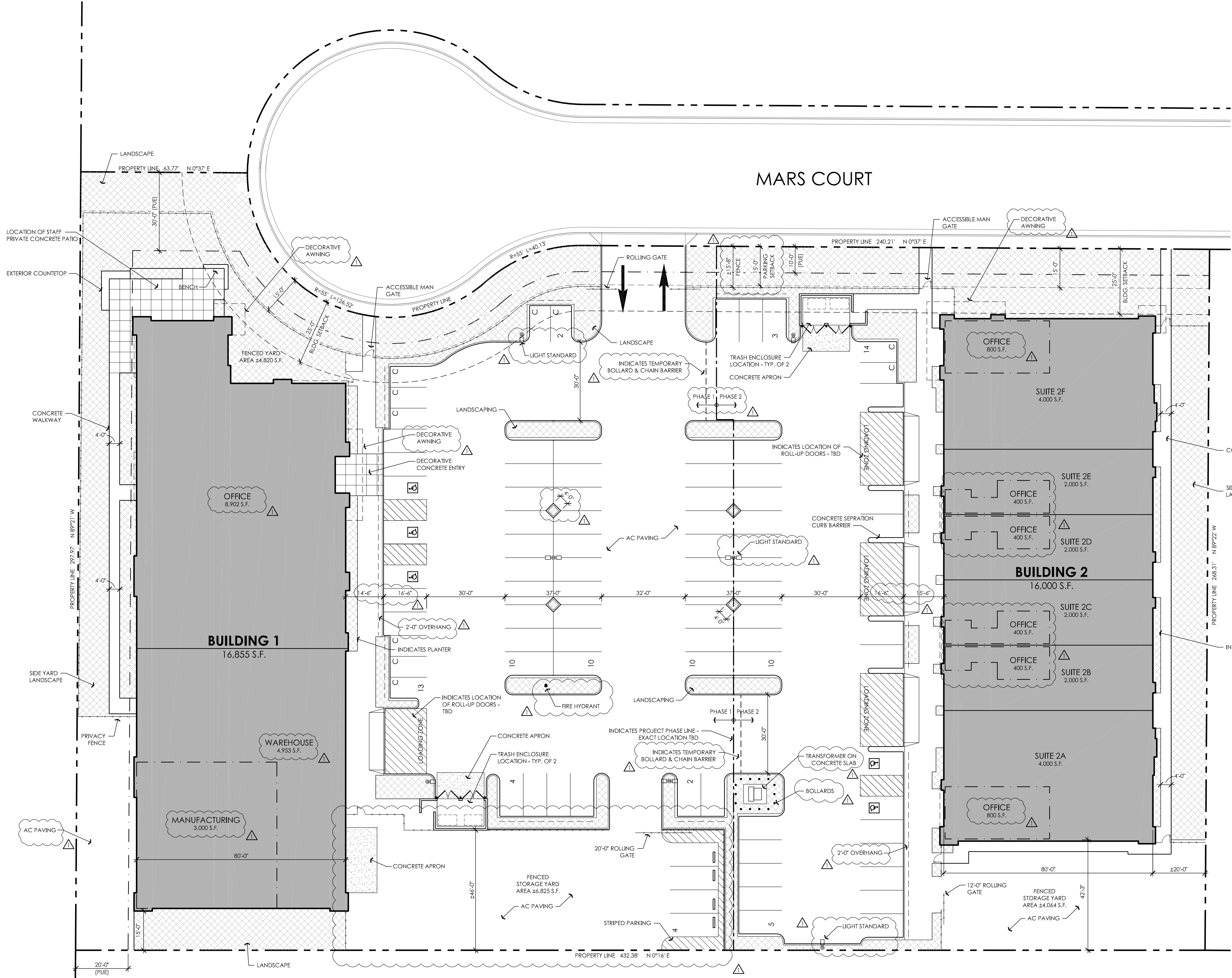
LANDSCAPE:

- L1 PRELIMINARY LANDSCAPE PLAN
- L2 PRELIMINARY TREE SHADE PLAN



VICINITY MAP

PROJECT LOCATION
3301 MARS COURT
TRACY, CA 95376



SITE DATA

JURISDICTION:	CITY OF TRACY
ASSESSORS PARCEL NUMBER:	248-470-26
PROPERTY AREA:	± 116,305 S.F. (± 2.67 AC)
BUILDING COVERAGE:	32,855 S.F. (28.2%)
ZONING:	M-1 LIGHT INDUSTRIAL

BUILDING/PARKING DATA

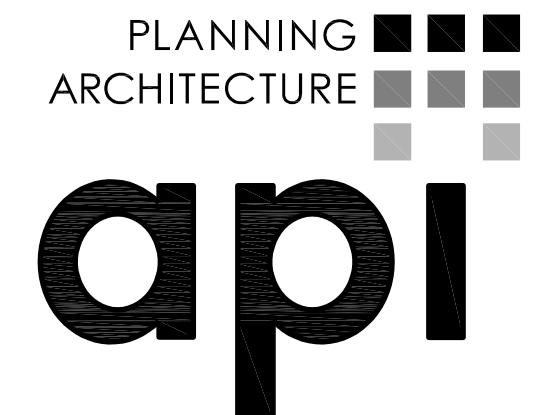
PHASE 1 (BUILDING 1):	
GROSS BUILDING	= 16,855 S.F.
OFFICE	= 8,902 S.F.
WAREHOUSE	= 4,953 S.F.
MANUFACTURING	= 3,000 S.F.
PARKING REQUIRED:	
OFFICE = 1 SPACE PER 200 SF	= 45 STALLS
WAREHOUSE = 1 SPACE PER 1,000 SF	
(FIRST 20,000 SF, 1 PER 2,000 SF	
SECOND 20,000 AFTER)	= 5 STALLS
MANUFACTURING = 1 SPACE PER 600 SF	= 5 STALLS
TOTAL PARKING REQUIRED	= 55 STALLS
PARKING PROVIDED	
CITY OF TRACY STANDARD	= 43 STALLS
COMPACT	= 8 STALLS
VAN ACCESSIBLE	= 3 STALLS
TOTAL PARKING PROVIDED	= 55 STALLS

PHASE 2 (BUILDING 2):	
GROSS BUILDING	= 16,000 S.F.
OFFICE	= 3,200 S.F.
WAREHOUSE	= 12,800 S.F.
PARKING REQUIRED:	
OFFICE = 1 SPACE PER 200 SF	= 16 STALLS
WAREHOUSE = 1 SPACE PER 1,000 SF	
(FIRST 20,000 SF, 1 PER 2,000 SF	
SECOND 20,000 AFTER)	= 13 STALLS
TOTAL PARKING REQUIRED	= 29 STALLS
PARKING PROVIDED	
CITY OF TRACY STANDARD	= 28 STALLS
COMPACT	= 2 STALLS
VAN ACCESSIBLE	= 2 STALLS
TOTAL PARKING PROVIDED	= 32 STALLS

PROPOSED DEVELOPMENT:

RCM FIRE

3301 MARS COURT
TRACY, CA 95377



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PROPOSED SITE PLAN

SCALE: 1" = 20'-0"

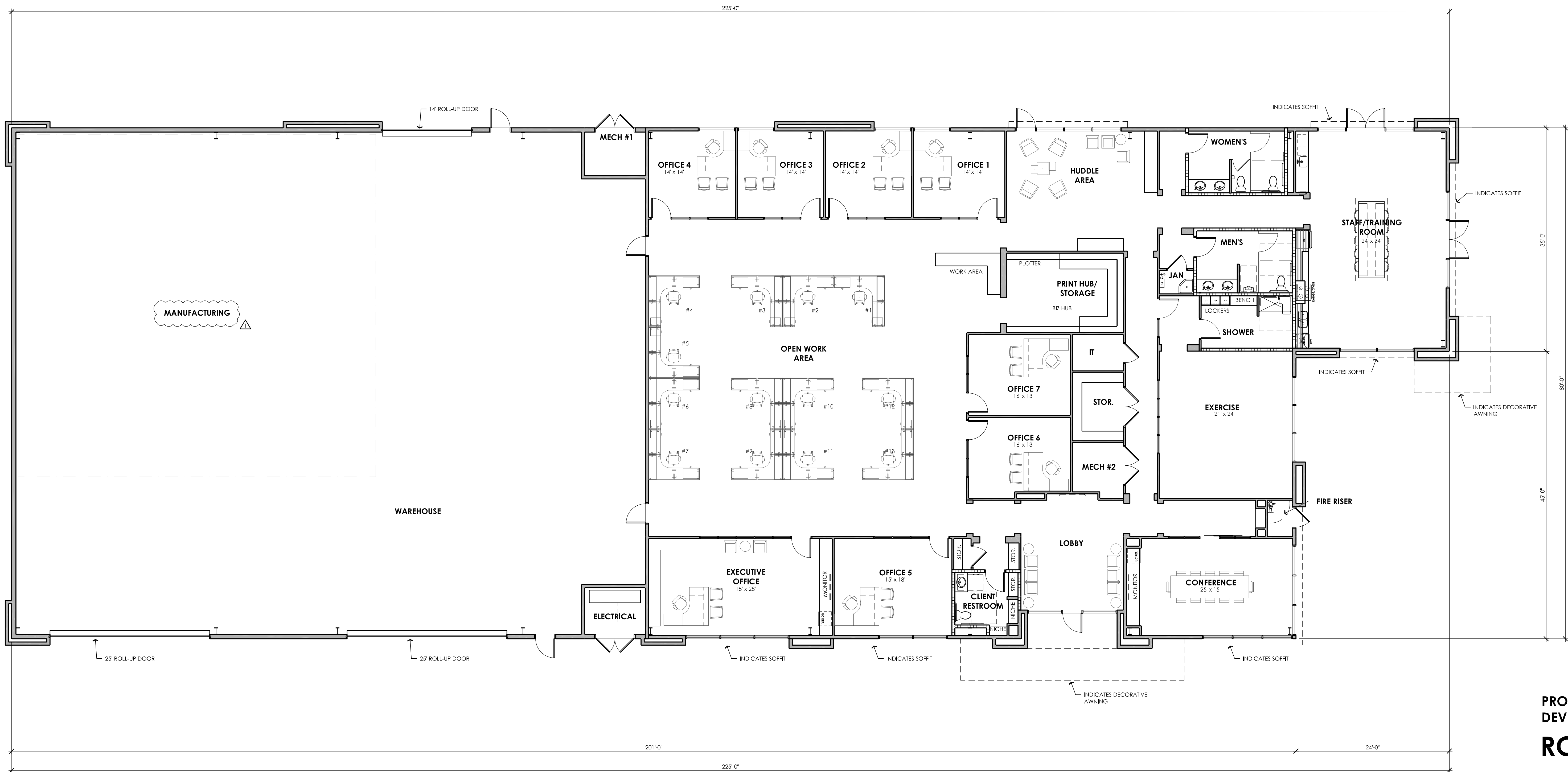


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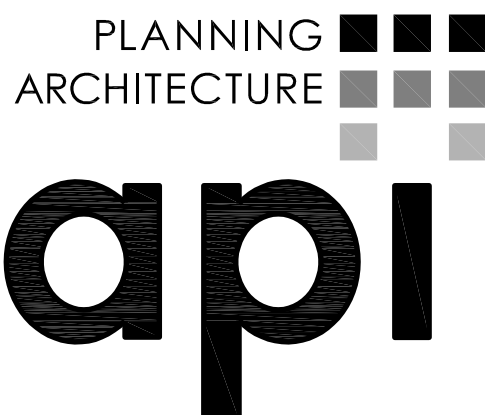
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PROPOSED DEVELOPMENT:
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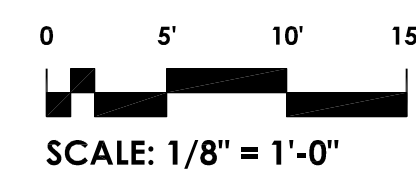
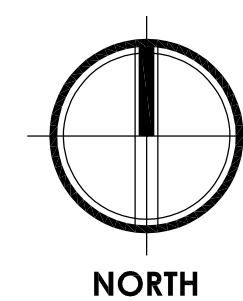
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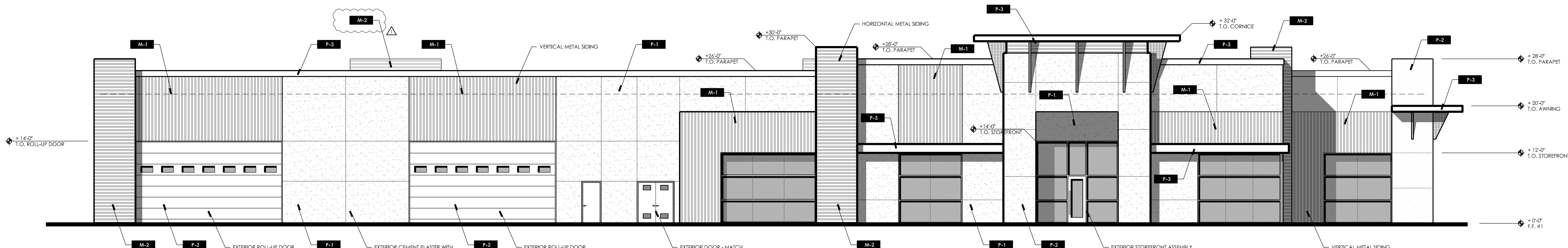
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BUILDING 1 - FLOOR PLAN (PHASE 1)

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

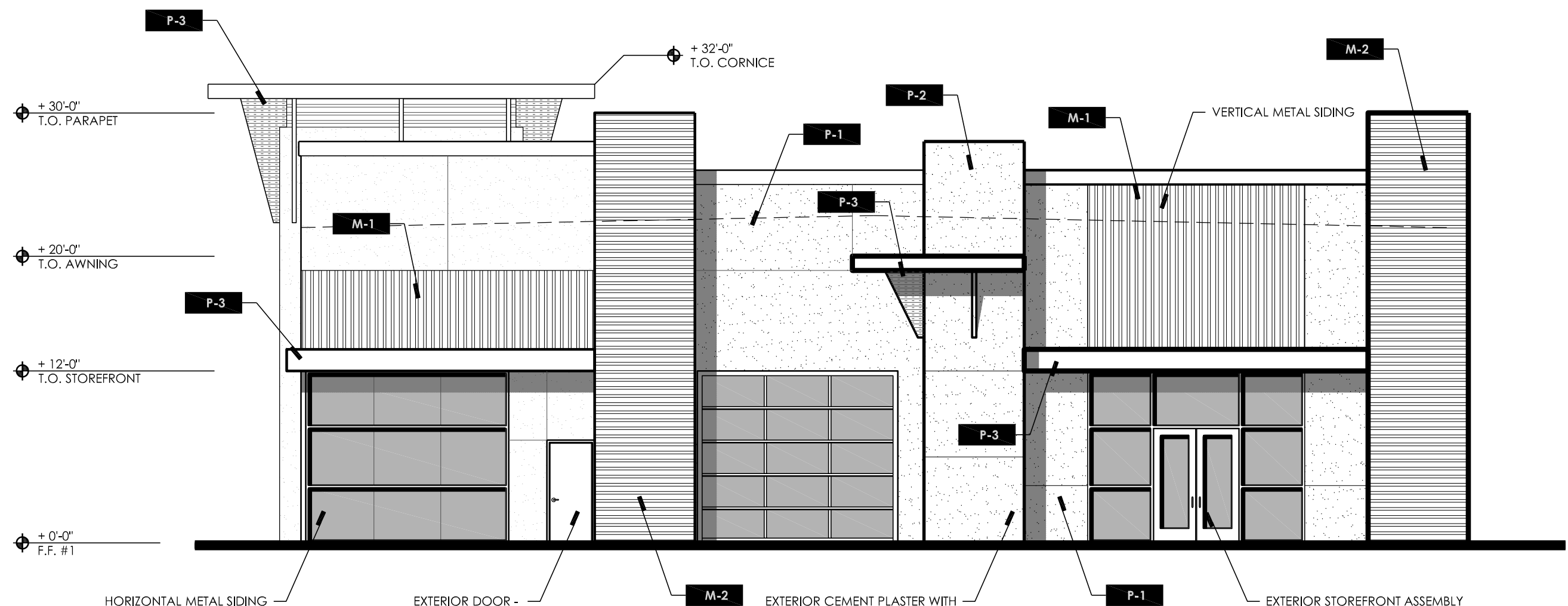
FLOOR AREAS	
OFFICE:	±8,902 S.F.
WAREHOUSE:	±4,753 S.F.
MANUFACTURING:	±3,000 S.F.
TOTAL:	±16,655 S.F.





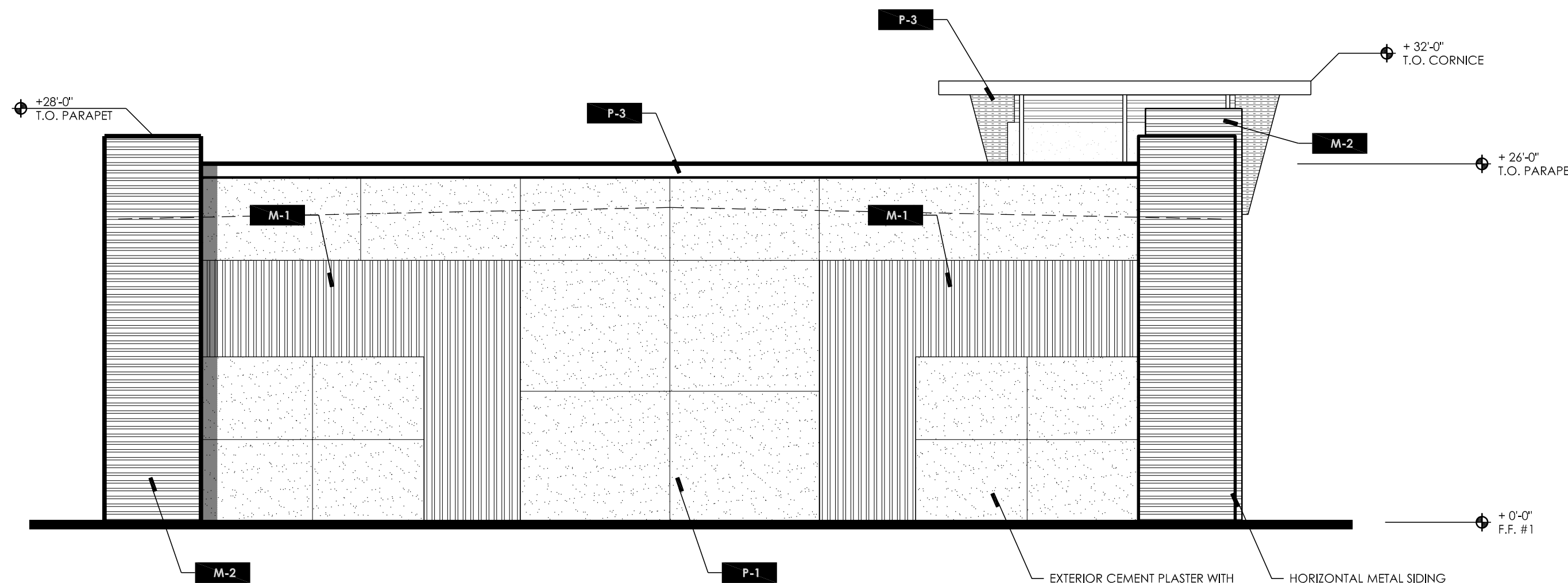
BUILDING 1 - SOUTH ELEVATION

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



EAST ELEVATION

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

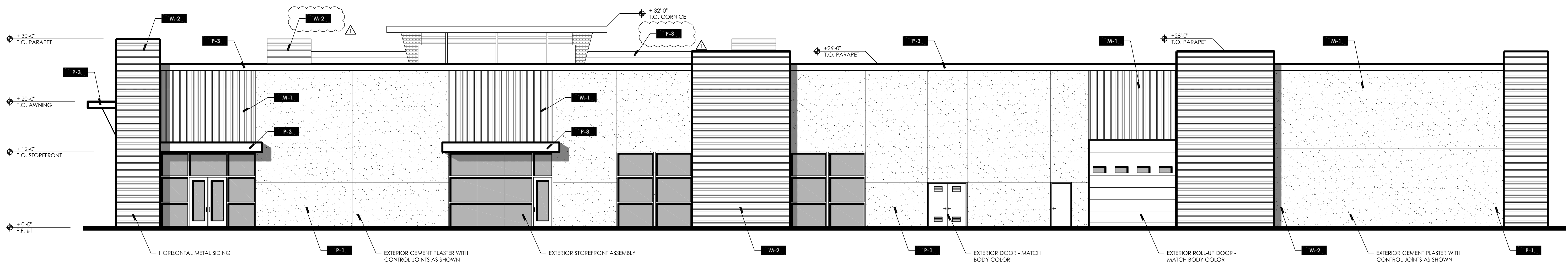


WEST ELEVATION

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

FINISH LEGEND

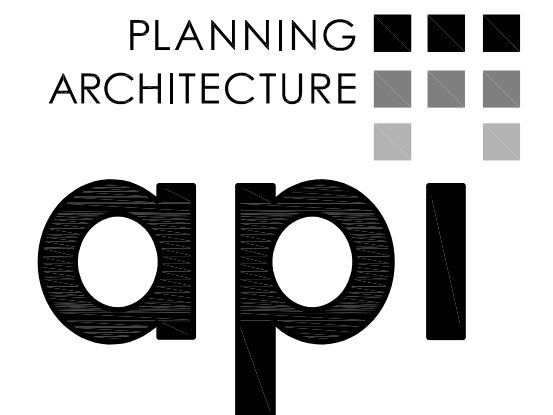
- P-1** BODY COLOR: SHERWIN WILLIAMS: GRAY CLOUDS: #5W7658
- P-2** ACCENT COLOR: SHERWIN WILLIAMS: STORM WARNING: #5W9555
- P-3** DECORATIVE METAL / AWNING COLOR: SHERWIN WILLIAMS: TRICORN BLACK: #5W6258
- M-1** METAL PANEL SIDING 'AEP SPAN' - STYLE: HR-36; COLOR: ZINC GRAY
- M-2** METAL PANEL SIDING 'AEP SPAN' - STYLE: U-PANEL; COLOR: MATTE BLACK



NORTH ELEVATION

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

PROPOSED DEVELOPMENT:
RCM FIRE
 3301 MARS COURT
 TRACY, CA 95377



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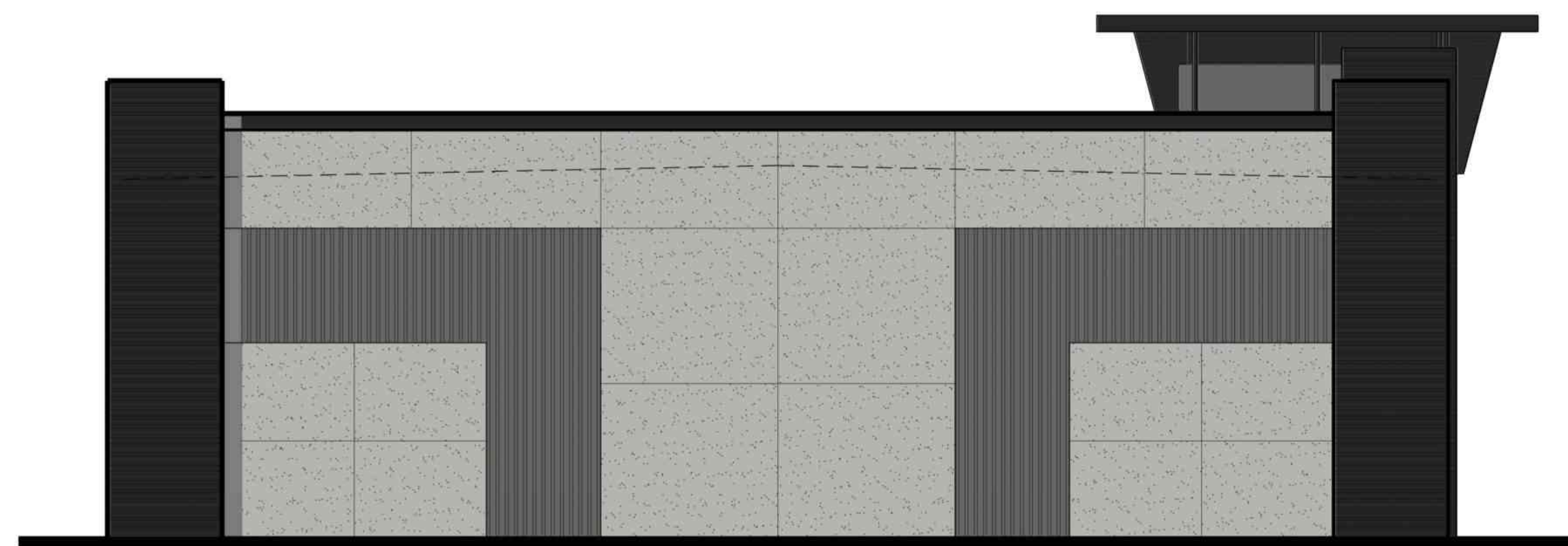
BUILDING 1 - SOUTH ELEVATION

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



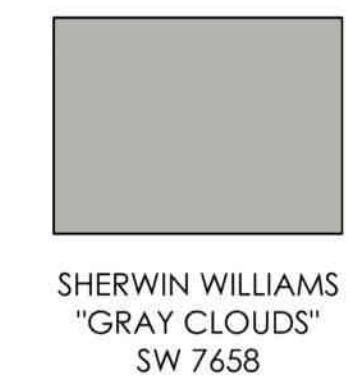
EAST ELEVATION

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



WEST ELEVATION

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



SHERWIN WILLIAMS
"GRAY CLOUDS"
SW 7658



SHERWIN WILLIAMS
"STORM WARNING"
SW 9555



SHERWIN WILLIAMS
"TRICORN BLACK"
SW 6258



"AEP SPAN"
STYLE: HR-36
ZINC GRAY



"AEP SPAN"
STYLE: U-PANEL
MATTE BLACK



NORTH ELEVATION

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

PROPOSED DEVELOPMENT:
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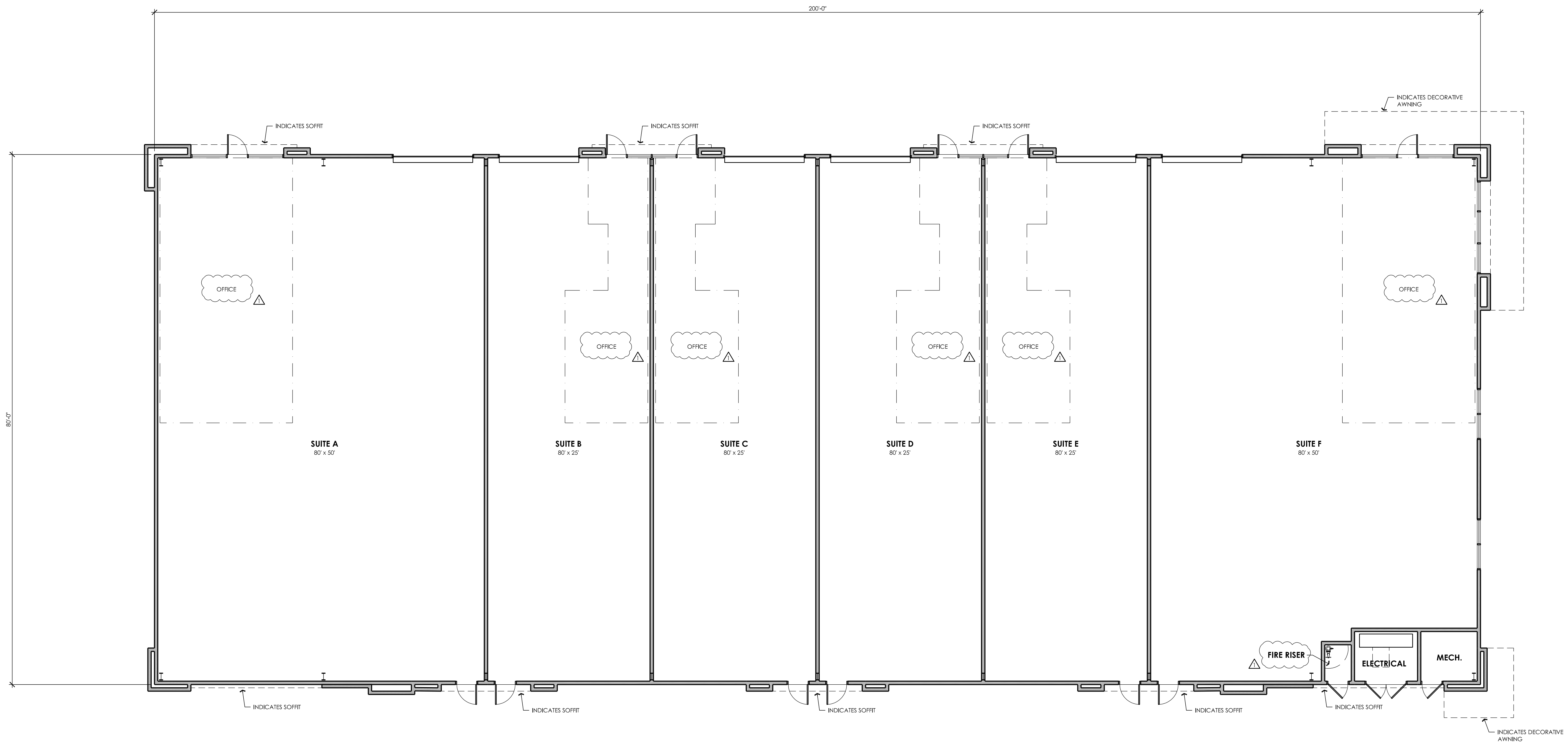
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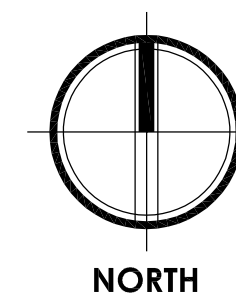
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BUILDING 2 - FLOOR PLAN (PHASE 2)

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

FLOOR AREA: 16,000 S.F.



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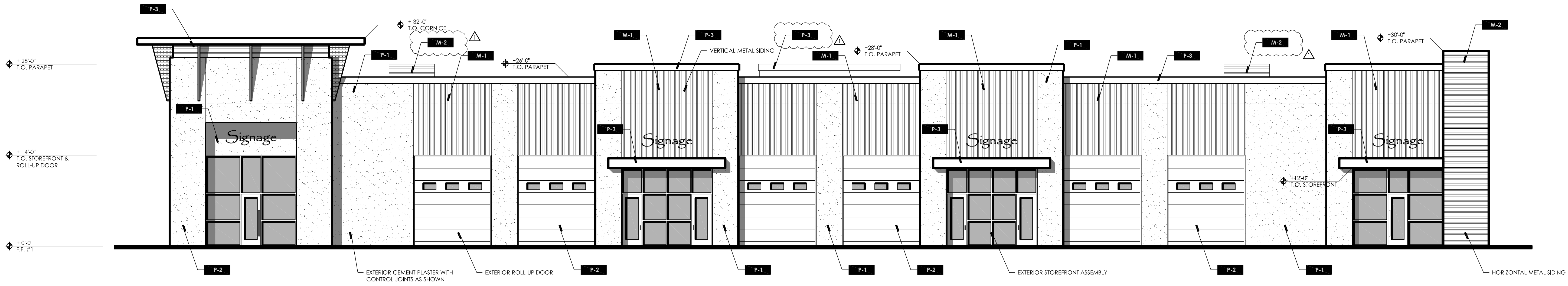
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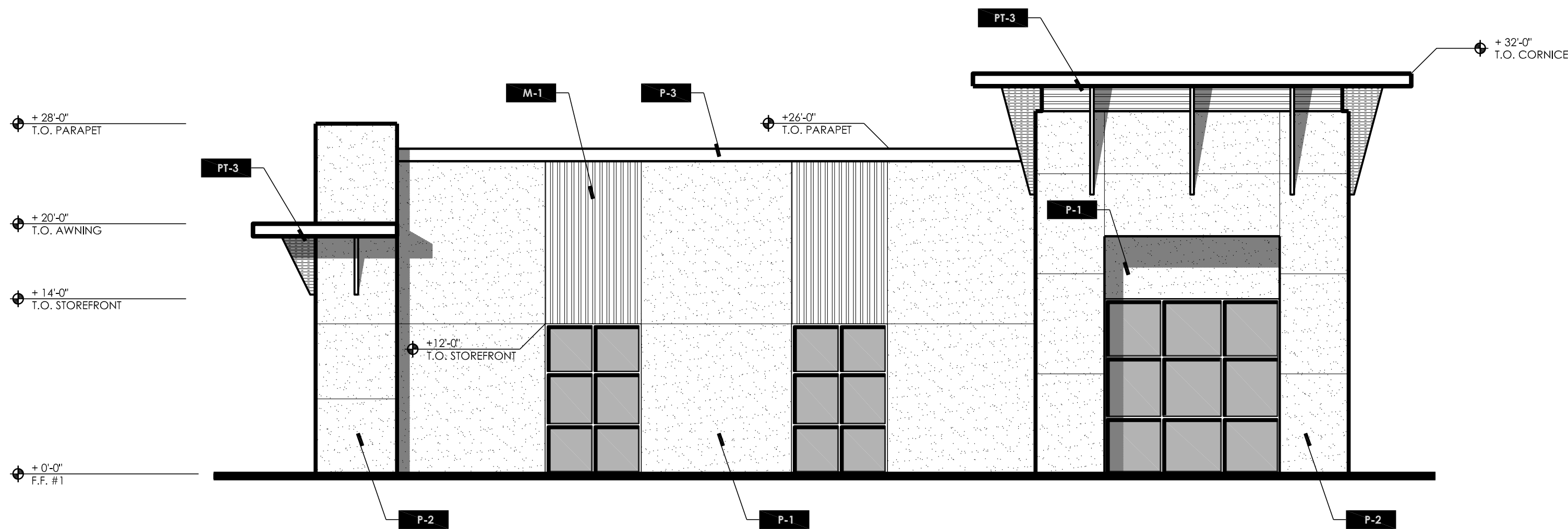
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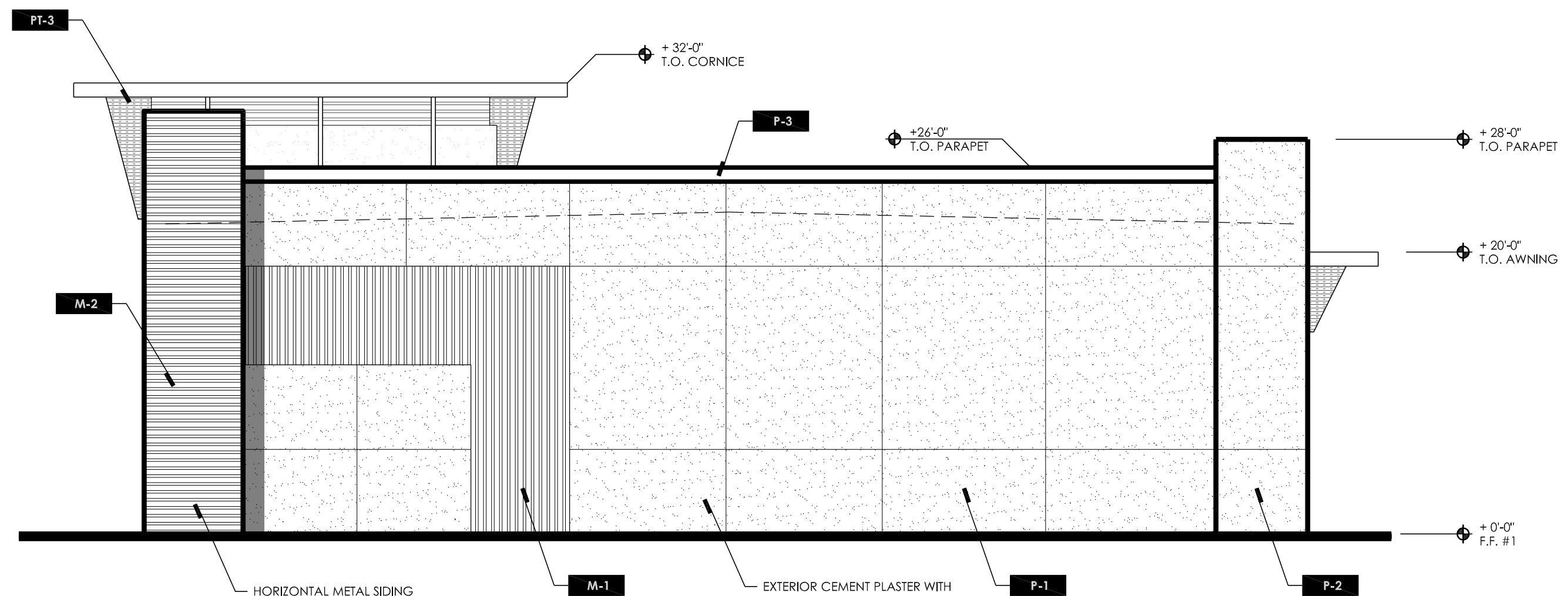
BUILDING 2 - NORTH ELEVATION

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



EAST ELEVATION

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

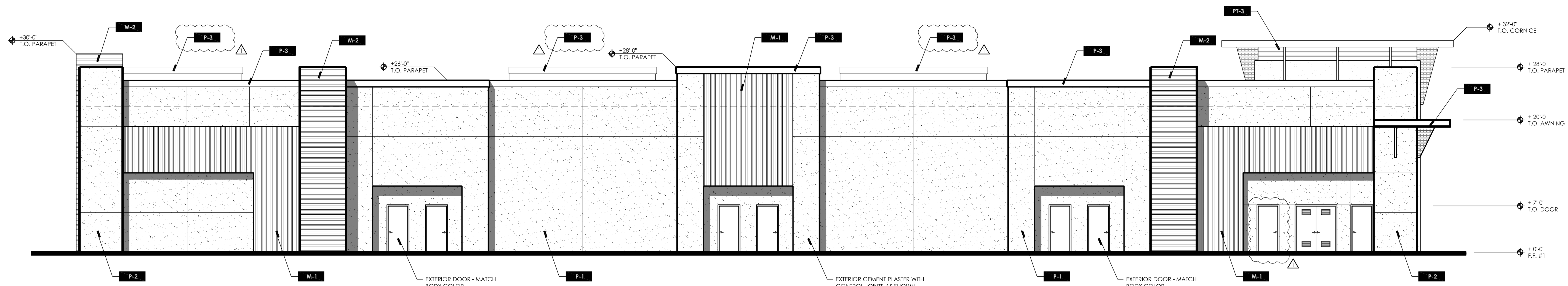


WEST ELEVATION

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

FINISH LEGEND

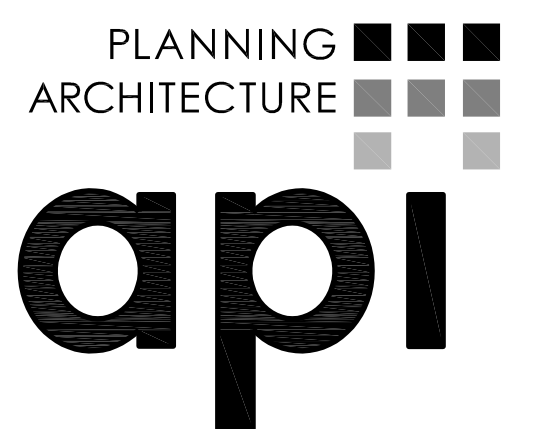
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SOUTH ELEVATION

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

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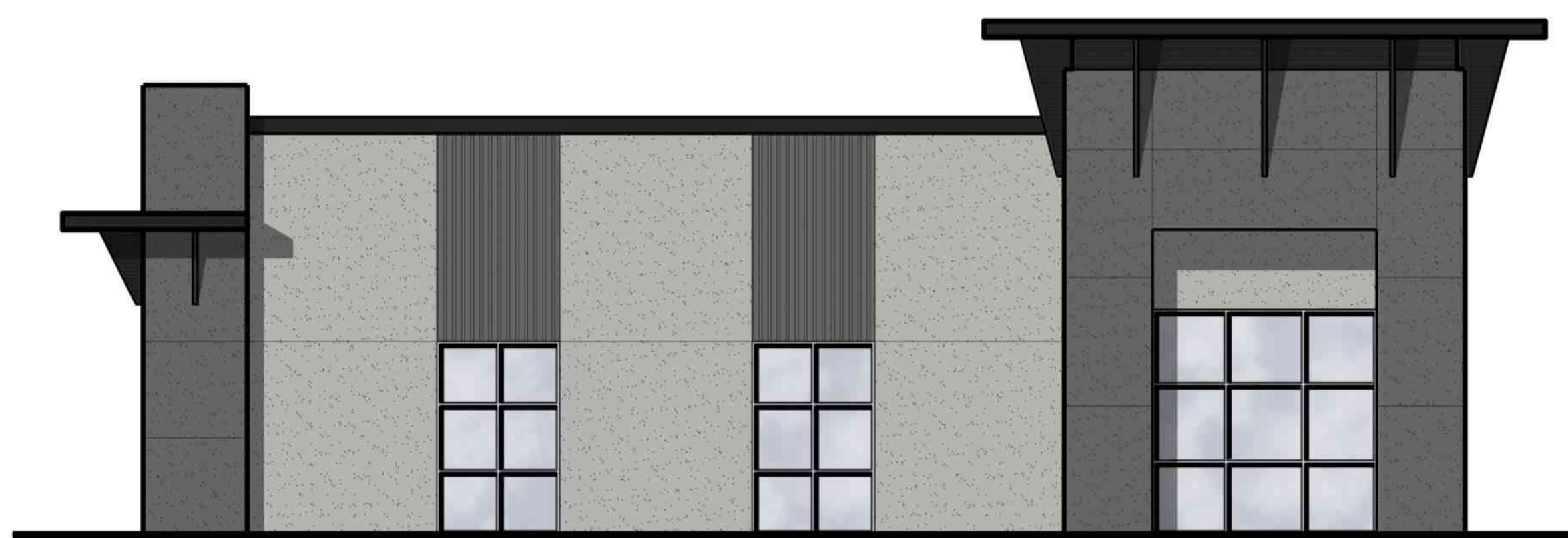
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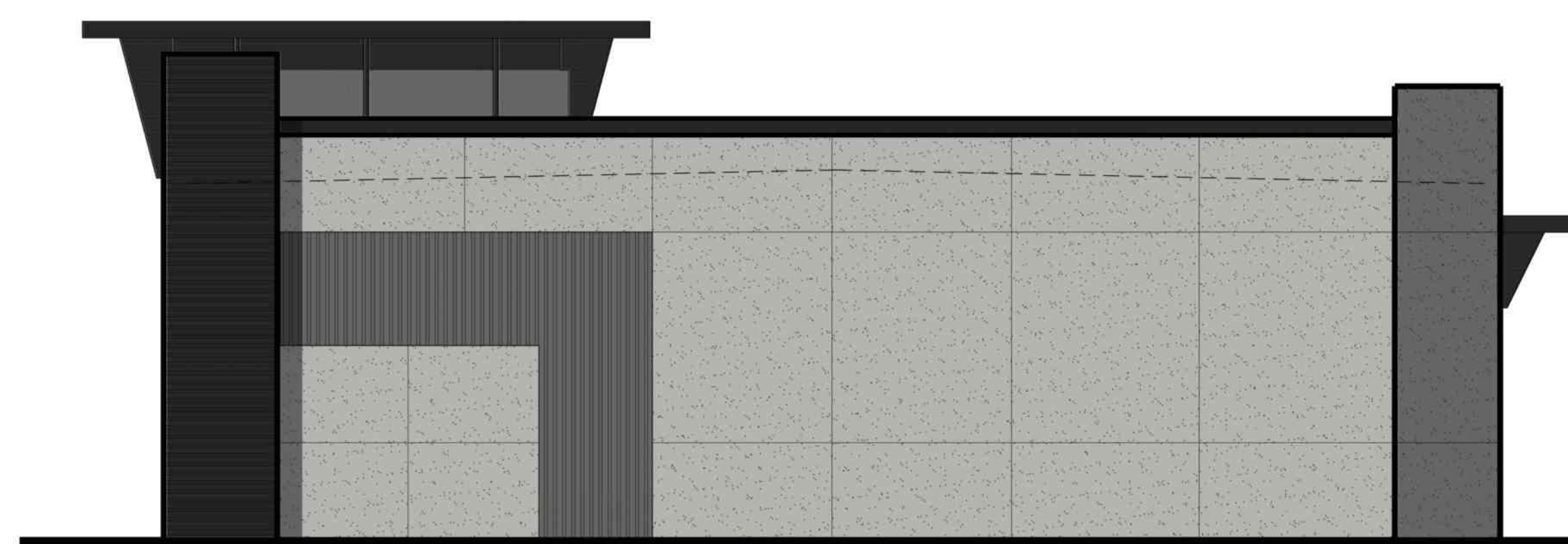
BUILDING 2 - NORTH ELEVATION

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



EAST ELEVATION

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



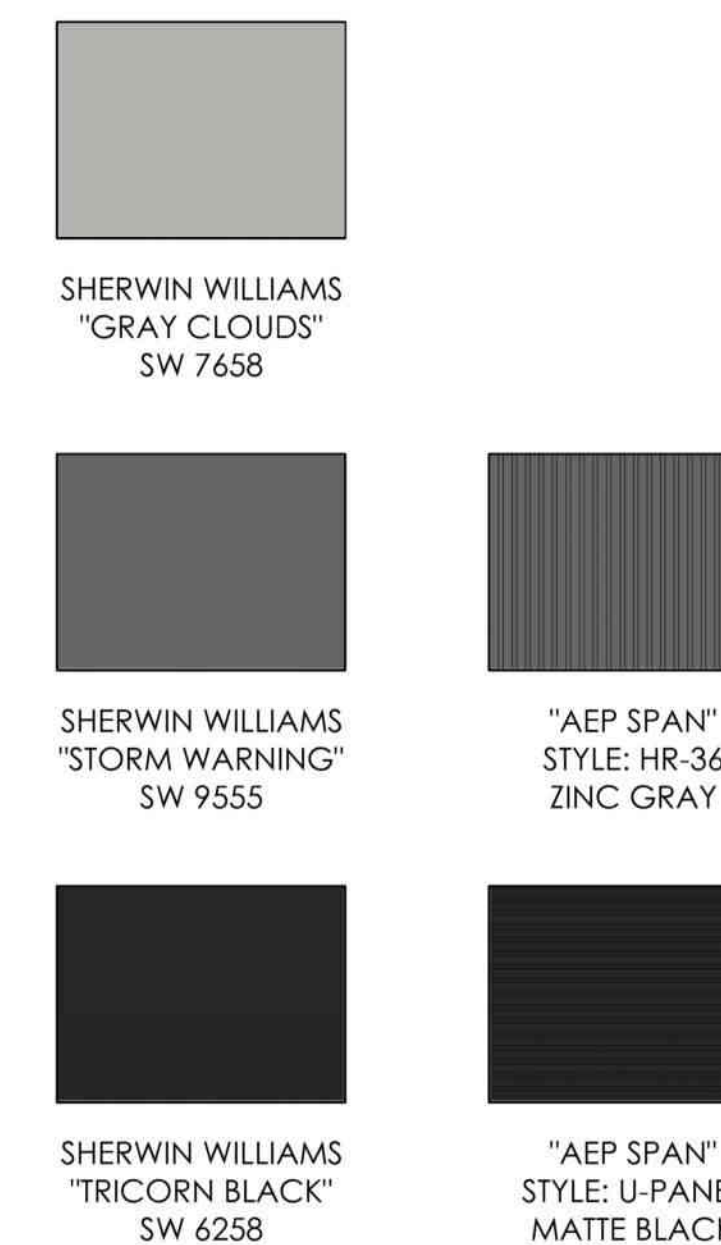
WEST ELEVATION

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



SOUTH ELEVATION

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



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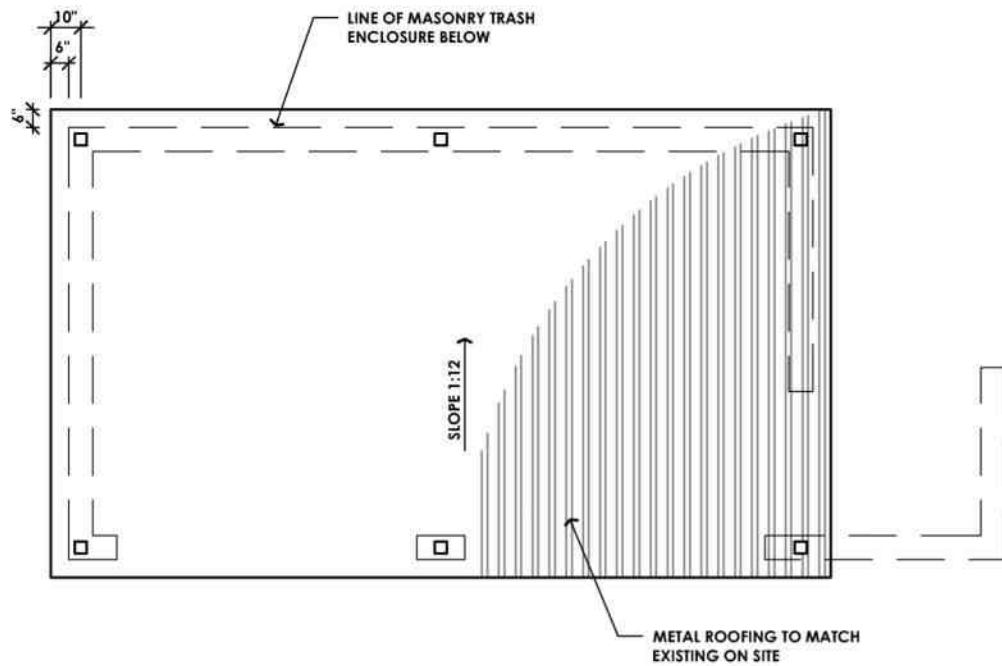


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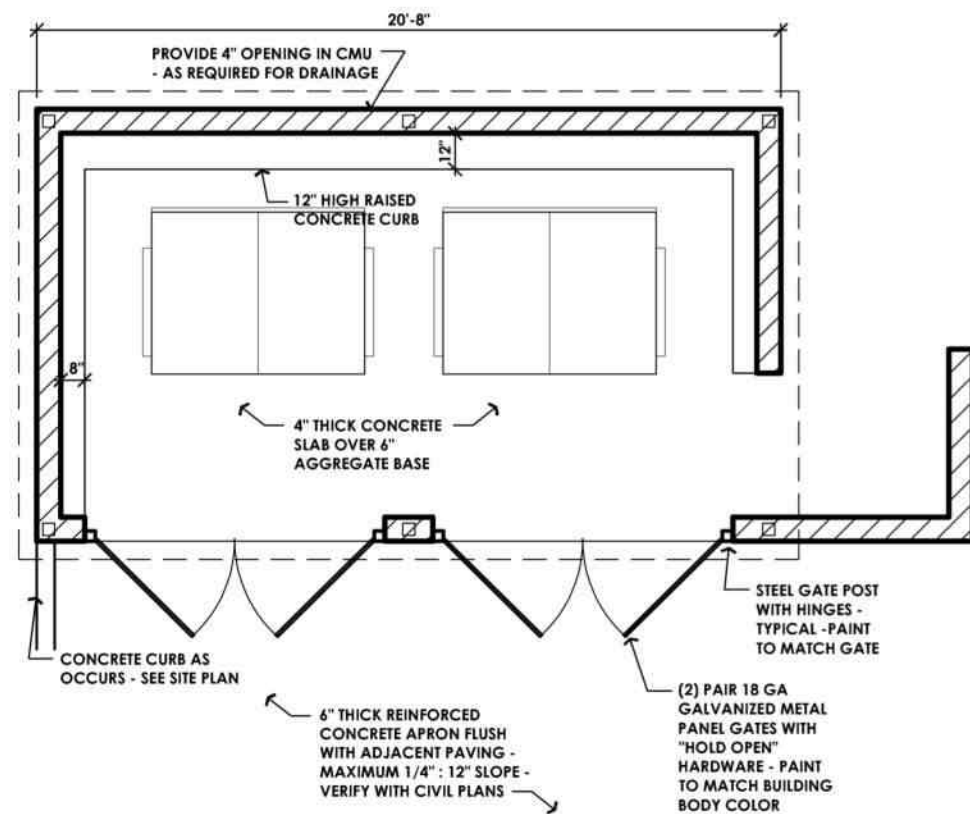
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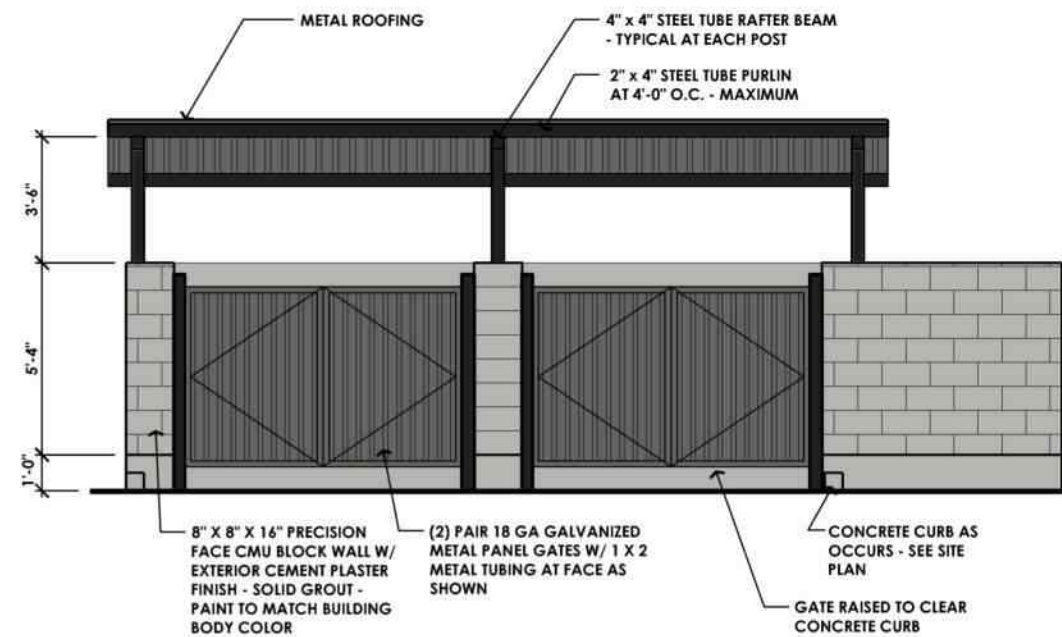
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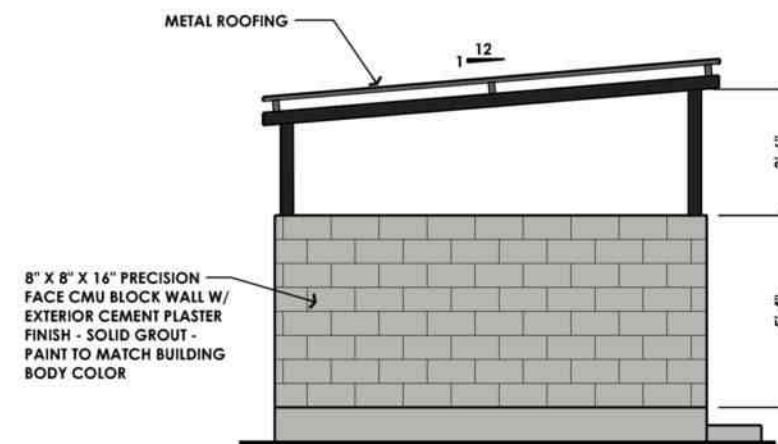
PLAN

TRASH ENCLOSURE

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



FRONT ELEVATION



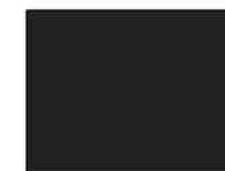
SIDE ELEVATION



SHERWIN WILLIAMS
"GRAY CLOUDS"
SW 7658



SHERWIN WILLIAMS
"STORM WARNING"
SW 9555



SHERWIN WILLIAMS
"TRICORN BLACK"
SW 6258

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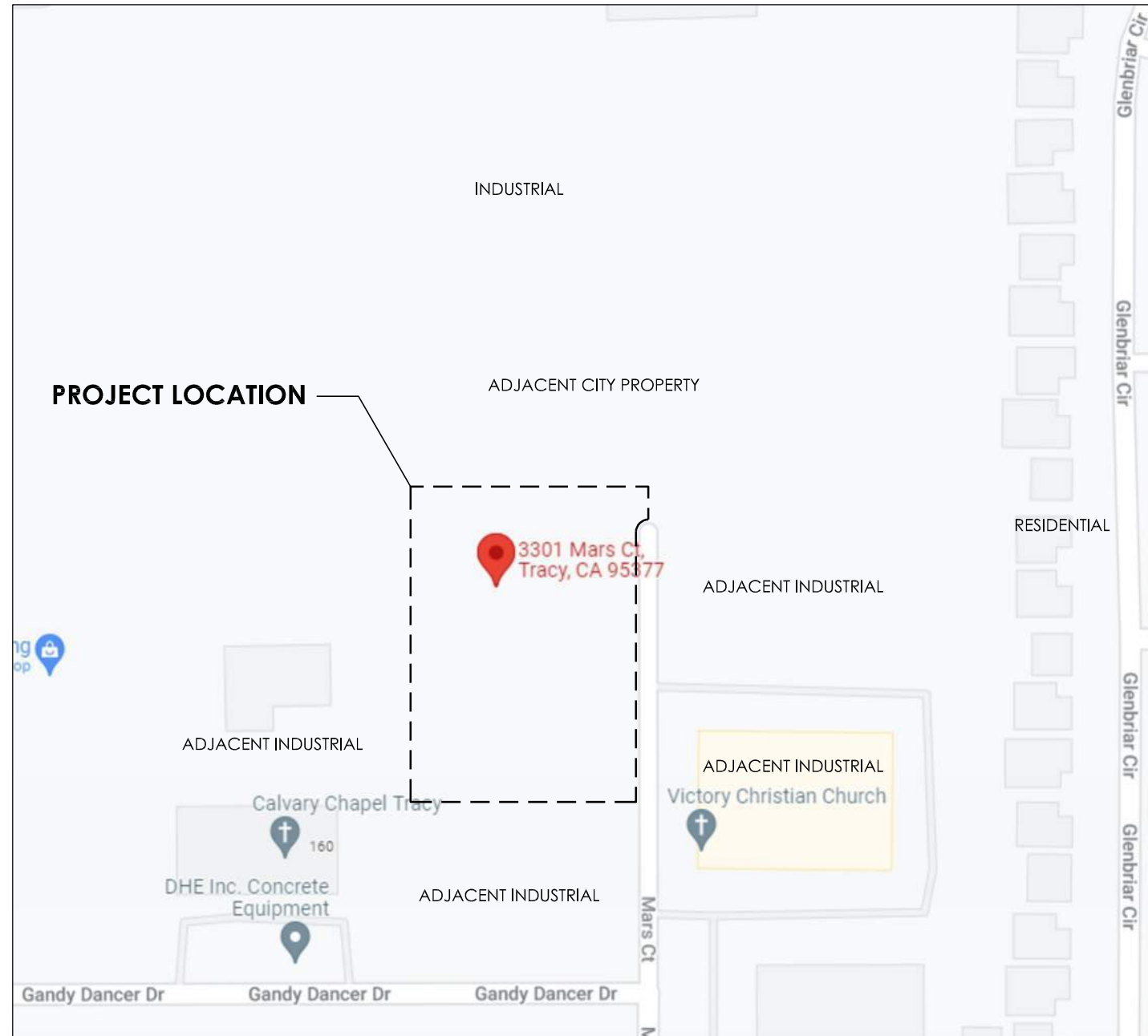
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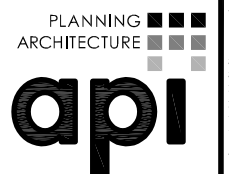
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LOCATION MAP

NOT TO SCALE

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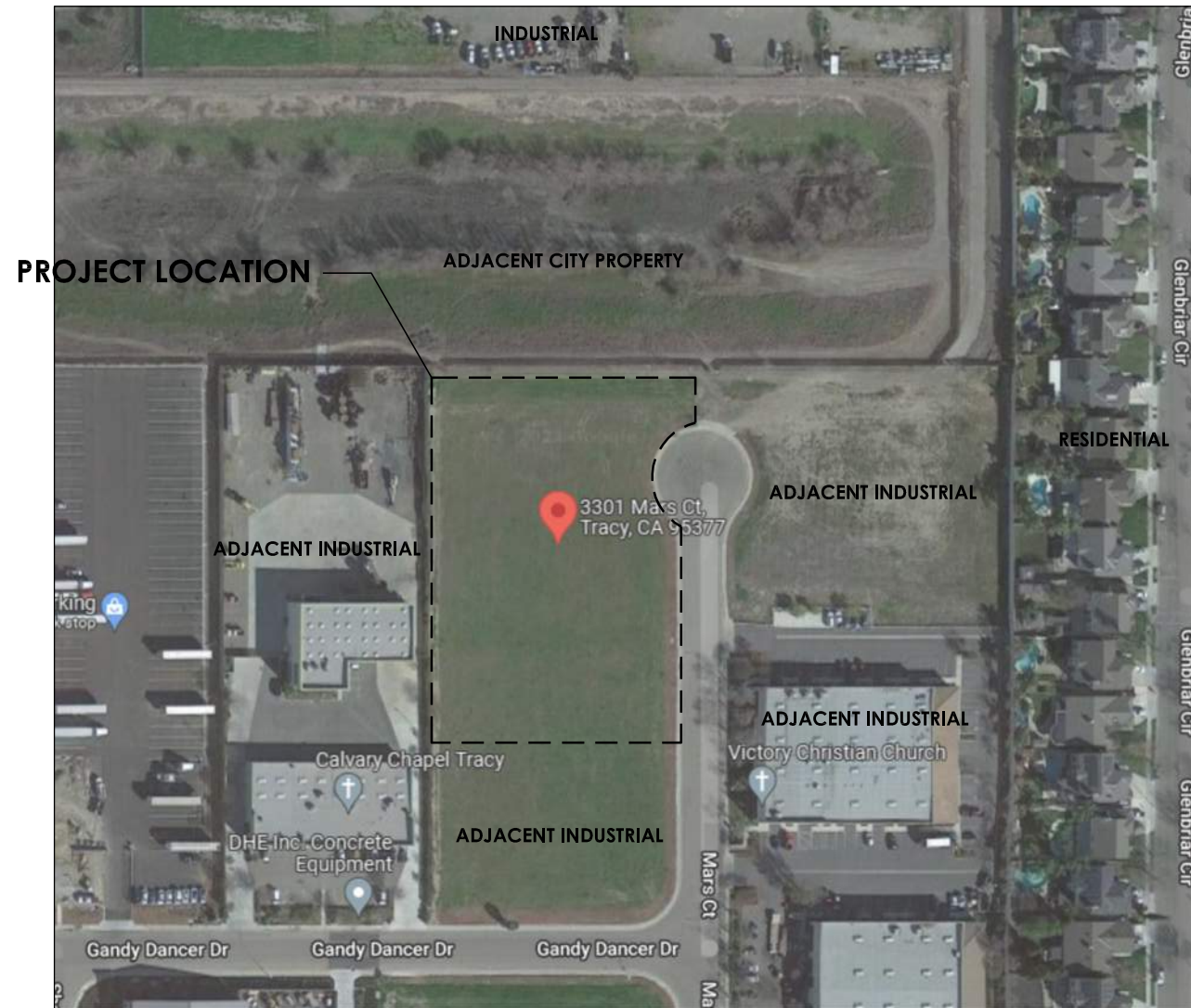
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AERIAL MAP

NOT TO SCALE

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EXISTING SITE PHOTOS

PROPOSED
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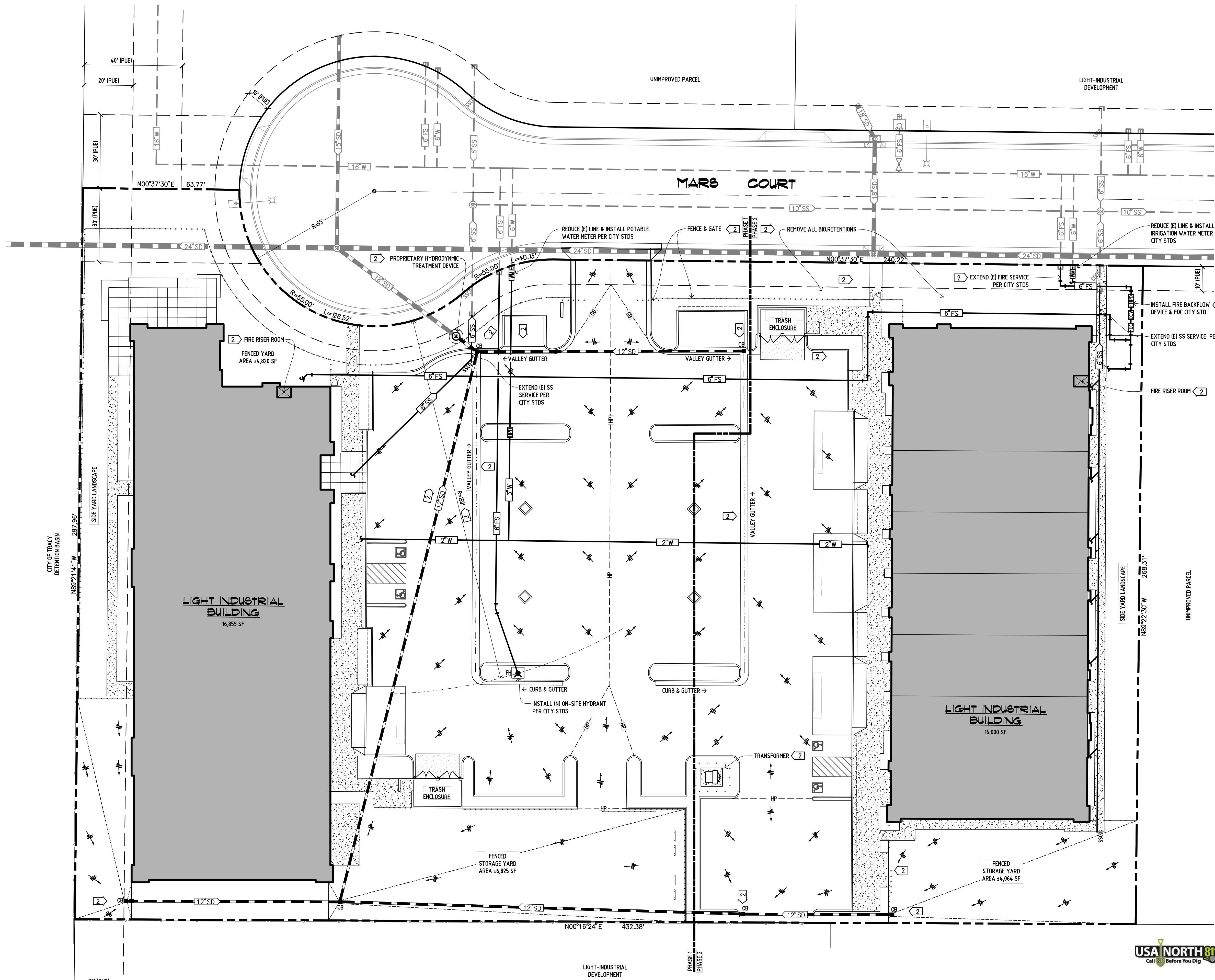
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SYMBOL LEGEND

NEW	EXIST	SYMBOL DESCRIPTION
		STORM DRAIN W/ LINE SIZE (8" OR GREATER)
		STORM DRAIN CATCH BASIN
		STORM DRAIN DROP INLET
		STORM DRAIN MANHOLE
		STORM DRAIN W/ LINE SIZE (SMALLER THAN 8")
		STORM AREA DRAIN
		STORM DRAIN CLEAN-OUT
		STORM DRAIN OVERFLOW
		SANITARY SEWER W/ LINE SIZE
		SANITARY SEWER MANHOLE
		SANITARY SEWER CLEAN-OUT
		SANITARY SEWER WYE/SWEEP TO SEWER MAIN
		WATER W/ LINE SIZE
		WATER VALVE
		WATER METER
		FIRE SERVICE W/ LINE SIZE
		FIRE HYDRANT
		FIRE DEPARTMENT CONNECTION
		FIRE SERVICE BACKFLOW PREVENTION DEVICE
		FIRE SERVICE SINGLE CHECK VALVE
		JOINT TRENCH UNDERGROUND UTILITIES
		JOINT OVERHEAD UTILITIES
		ELECTRIC UNDERGROUND LINES
		ELECTRIC OVERHEAD LINES
		TELEPHONE UNDERGROUND LINES
		TELEPHONE OVERHEAD LINES
		CABLE TELEVISION UNDERGROUND LINES
		CABLE TELEVISION OVERHEAD LINES
		GAS LINES
		POWER POLE, TELEPHONE POLE OR JOINT POLE
		STREET LIGHTS (PUBLIC)
		SITE LIGHTS (PRIVATE)
		GRADE SLOPE DIRECTION

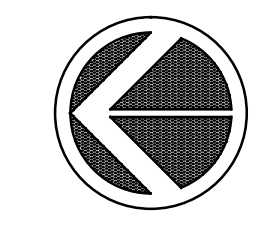
GENERAL NOTES

- STORM WATER TREATMENT SHALL BE DESIGNED & INSTALLED PER THE CITY OF TRACY "MULTI-AGENCY POST-CONSTRUCTION STORMWATER STANDARDS MANUAL", DATED JUNE 2015
- MAIN ELECTRIC PANEL & METERS WILL BE INSTALLED INSIDE THE BUILDING. GAS SERVICE & METER IS NOT DETERMINED FOR THIS PROJECT



DEVELOPMENT REVIEW GRADING & UTILITY PLAN

SCALE: 1"=20'



DATE	SYMBOL	REVISIONS	DEVELOPMENT COMMENT	REVIEW RESPONSE
06/06/22	1			
09/06/22	2			

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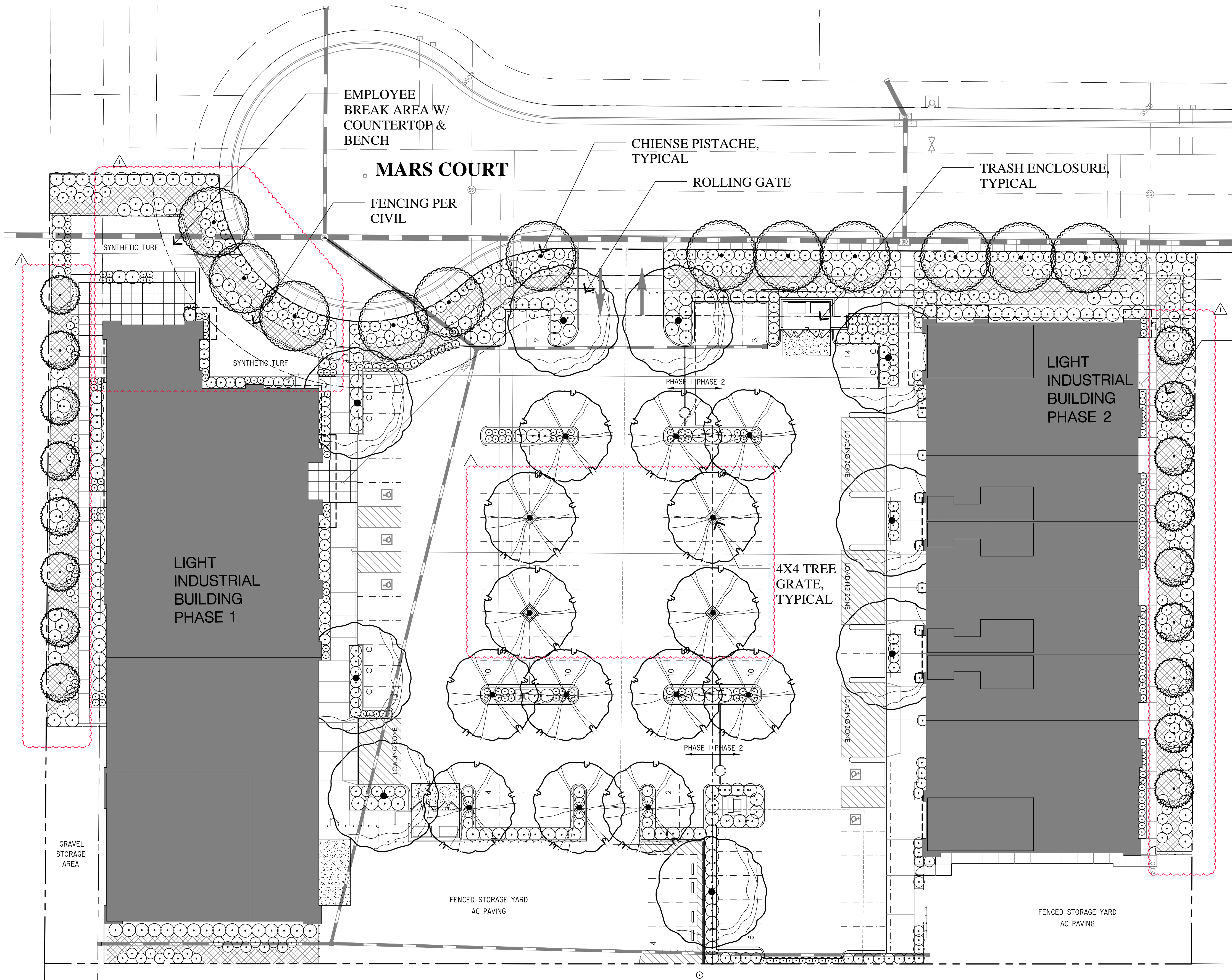
DRAWING RELEASE	DESCRIPTION	DATE
<input type="checkbox"/>	PRELIMINARY REVIEW	11/09/21
<input type="checkbox"/>	INITIAL PLAN REVIEW	12/01/21
<input type="checkbox"/>	FINAL REVIEW	09/29/22
<input type="checkbox"/>	FINAL CONSTRUCTION	

DEVELOPMENT REVIEW
RCM FIRE PROTECTION
3801 MARS COURT
TRACY, CALIFORNIA 95371

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

DATE:	11-09-21
DRAWN BY:	SFS
CHECKED BY:	SFS
JOB NO:	17.029

DR.2
OF 1 SHEETS



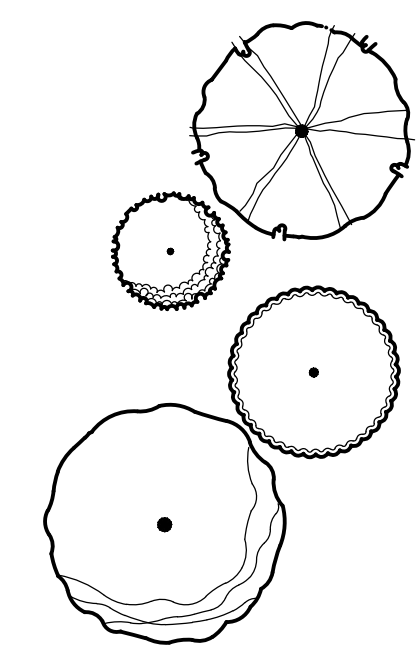
PRELIMINARY PROPOSED TREE PALETTE

BOTANICAL NAME	COMMON NAME	SIZE	WIDTH	WATER USE
TREES				
ACER R. 'OCTOBER GLORY'	RED MAPLE	24" BOX	35' WIDE	LOW
GINKGO BILOBA 'PRINCETON SENTRY'	MAIDENHAIR TREE	15 GAL	15' WIDE	MEDIUM
PISTACIA CHINENSIS	CHINESE PISTACHE	15 GAL	20' WIDE	LOW
ZELKOVA S. 'VILLAGE GREEN'	JAPANESE ZELKOVA	24" BOX	45' WIDE	LOW

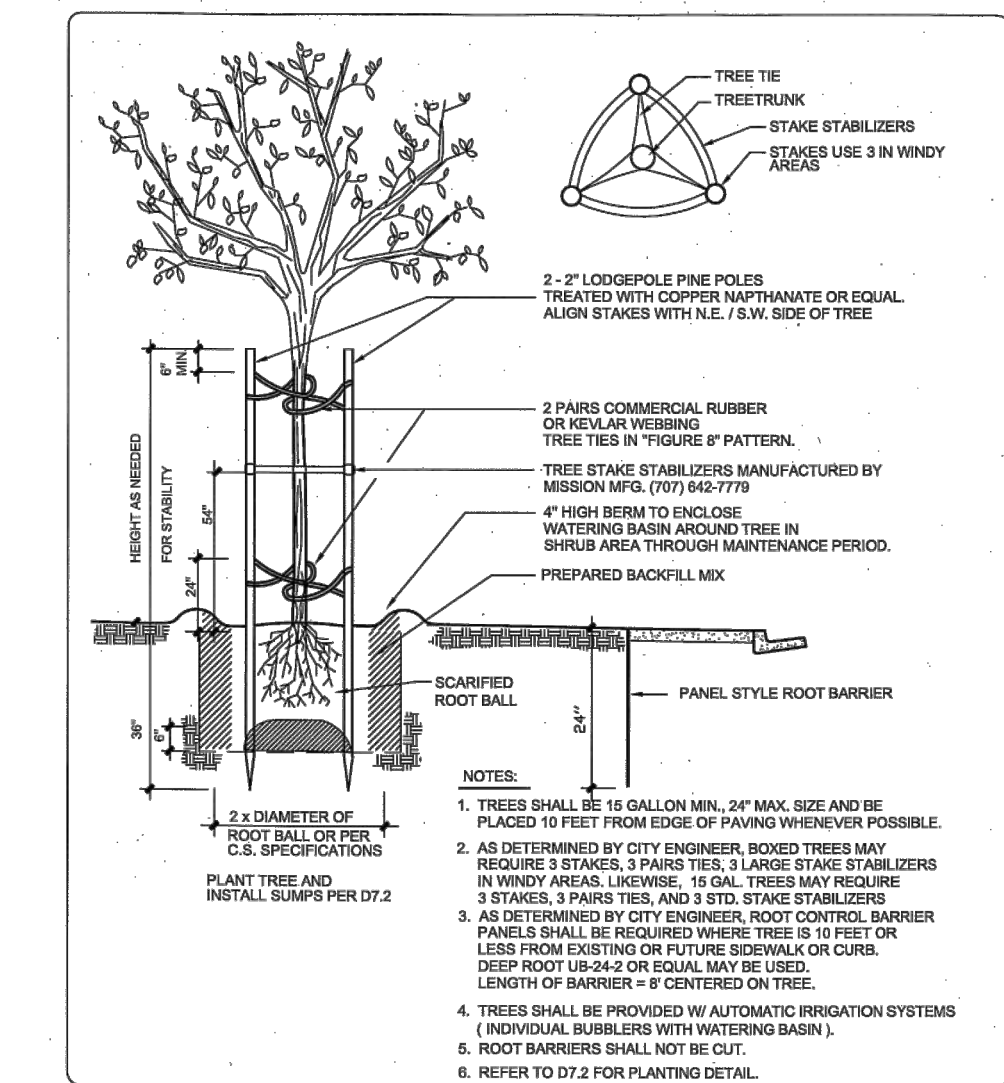
PRELIMINARY PROPOSED PLANT PALETTE

BOTANICAL NAME	COMMON NAME	WATER USE	SIZE
SHRUBS			
ACACIA REDOLENS	PROSTRATE ACACIA	LOW	5 GAL
ACACIA COGNATA 'COUSIN ITT'	LITTLE RIVER WATTLE	LOW	5 GAL
BUDDLEIA DAVIDI 'BLACK KNIGHT'	BUTTERFLY BUSH	LOW	1 GAL
CALESTEMON 'LITTLE JOHN'	DWARF BOTTLE BRUSH	LOW	5 GAL
CAREX TUMULICOLA	FOOTHILL SEDGE	LOW	1 GAL
CISTUS X 'SKANBERGII'	PINK ROCKROSE	LOW	1 GAL
DIETES BICOLOR	FORTNIGHT LILY	LOW	1 GAL
DIETES IRIDIODES	FORTNIGHT LILY	LOW	1 GAL
ERIGERON KARWINSKIANUS	SANTA BARBARA DAISY	LOW	1 GAL
EUONYMUS J. 'GREEN SPIRE'	GREEN SPIRE EUONYMUS	LOW	1 GAL
FESTUCA GLAUCA	BLUE FESCUE	LOW	1 GAL
FESTUCA MAIREI	ATLAS MAIREI	LOW	1 GAL
GREVILLEA 'NOELLI'	WOOLY GREVILLEA	LOW	5 GAL
HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	LOW	1 GAL
LANTANA MONTEVIDENSIS	TRAILING LANTANA	LOW	1 GAL
LAVATERA MARITIMA	SEA MALLOW	LOW	5 GAL
LOROPETALUM CHINENSE	CHINESE FRINGE FLOWER	LOW	5 GAL
MIMULUS 'JELLY BEAN WHITE'	MONKEY FLOWER	LOW	1 GAL
MIMULUS 'VALENTINE'	MONKEY FLOWER	LOW	1 GAL
MUHLENBERGIA RIGENS	DEER GRASS	LOW	1 GAL
MYRTUS COMMUNIS 'COMPACTA'	MYRTLE	LOW	5 GAL
OLEA E. 'LITTLE OLLIE'	DWARF OLIVE	LOW	5 GAL
PENSTEMON HET. 'MARGARITA BOP'	FOOTHILL PENSTEMON	LOW	1 GAL
PHORMIUM TENAX	NEW ZEALAND FLAX	LOW	5 GAL
RHAMNUS CALIFORNICA	COFFEEBERRY	LOW	5 GAL
RHAPHIOLEPIS UMBELLATA 'MINOR	DWARF YEDDO HAWTHORN	LOW	5 GAL
ROSMARINUS OFFICINALIS	ROSEMARY	LOW	1 GAL
ROSMARINUS O. 'TUSCAN BLUE'	ROSEMARY	LOW	5 GAL
SALVIA GREGGII 'ALBA'	AUTUMN SAGE	LOW	1 GAL
SALVIA LEUCANTHA	MEXICAN SAGE	LOW	1 GAL
WESTRINGIA F. 'WHY'NABIE HIGHLIGHT'	COAST ROSEMARY	LOW	5 GAL
XYLOSMA C. 'COMPACTA'	COMPACT XYLOSMA	LOW	5 GAL

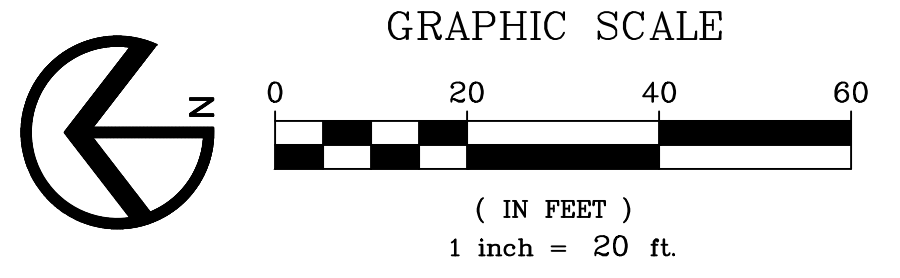
GROUNDCOVERS			
ARCTOSTAPHYLOS 'EMERALD CARPET'	EMERALD CARPET	LOW	1 GAL



SHRUB & GROUNDCOVER PLANTING, TYP.



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



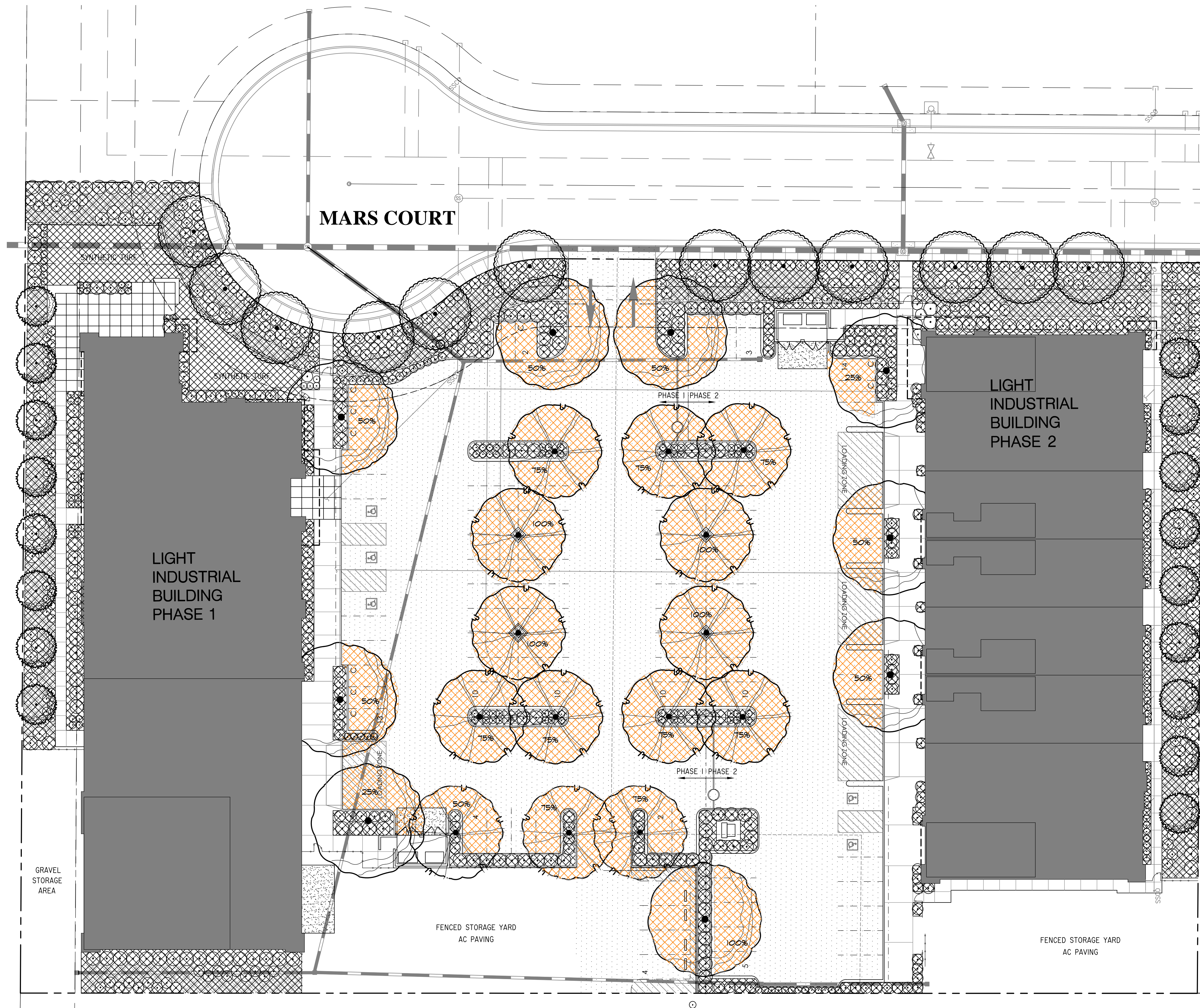
RIPLEY DESIGN GROUP
LANDSCAPE ARCHITECTURE
LAND PLANNING
 1615 BONANZA STREET
 SUITE 314
 WALNUT CREEK, CA 94596
 TEL: 925.938.7377
 www.ripleydesign.com

RCM FIRE
 3301 Mars Court
 Tracy, Ca 95377
 September 30, 2022

RCM FIRE

Preliminary Landscape Plan

CITY OF TRACY
 REVIEWED BY: [Signature] DATE: []
 CITY ENGINEER: [Signature] DATE: []
 Rev: No. 2022-233
 Rev: []
 Rev: []
 D 7.4.1
 SHEET 1 OF 1
PLANTING
 Tree Staking & Planting
 PARKS AND STREETSCAPE STANDARD PLANS



TREE SHADING TABLE	100% SHADE				75% SHADE				50% SHADE				25% SHADE				TOTAL	
	TREE DESCRIPTION	DIA	QTY	SQFT AREA	QTY	SQFT AREA	QTY	SQFT AREA	QTY	SQFT AREA	QTY	SQFT AREA	QTY	SQFT AREA	QTY	AREA		
ZELKOVA S. VILLAGE GREEN	45'	1	1,540	1,540	0	1,143	0	6	745	4,770	2	348	742	1	7,152			
ACER R. 'OCTOBER GLORY'	35'	4	962	3,848	1	721	6,484	1	481	481	0	240	0	14	10,818			
TOTALS (SF)				5,438		6,484				5,251			742	23	17,472			

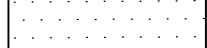

REQUIRED CANOPY TREE COVERAGE TO PARKING AREA RATIO (40%)

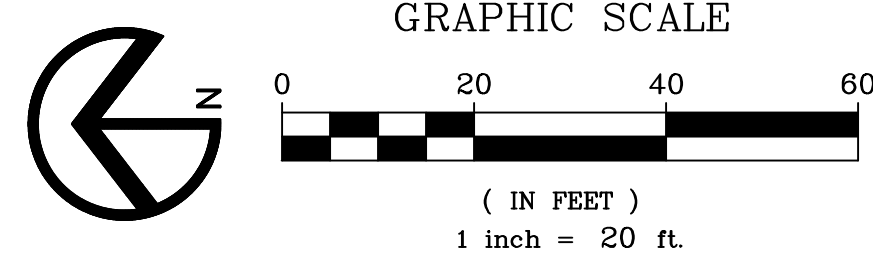
PARKING LOT AREA = 40,130 SF

TREE SHADE AREA = 17,970 SF

$17,970 / 40,130 = 44.8\%$

SHADE LEGEND

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



CITY OF TRACY

DETERMINATION OF
THE DEVELOPMENT SERVICES DEPARTMENT

Application Number D22-0001

A determination of the Development Services Department (1) approving a Development Review Permit to construct two approximately 16,000 square foot industrial buildings at 3301 Mars Ct. and (2) determining that the project is categorically exempt from the California Environmental Quality Act pursuant to CEQA guidelines section 15332 which pertains to certain infill development projects. The applicant is Joseph L. Smith, and property owner is Ray Misfeldt.

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

1. Industrial Areas Specific Plan
2. Development Review (TMC Chapter 10.08, Article 30)
3. City of Tracy Design Goals and Standards

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

THE DEVELOPMENT SERVICES DEPARTMENT, AFTER CONSIDERING ALL OF THE EVIDENCE PRESENTED, HEREBY (1) APPROVES DEVELOPMENT REVIEW PERMIT APPLICATION NUMBER D22-0001 AND 2) DETERMINES THE PROJECT IS CATEGORICALLY EMEXPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15332 WHICH PERTAINS TO CERTAIN INFILL DEVELOPMENT PROJECTS, SUBJECT TO CONDITIONS CONTAINED IN EXHIBIT 1 AND BASED ON THE FOLLOWING FINDINGS:

1. The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy because the proposal consists of desirable elements such as a variety of materials like metal siding, metal panels, and cement, building variation in façade depth, varying roof heights, and ample use of windows that helps create interest on all visible sides.
2. The project is consistent with the Industrial Areas Specific Plan, Tracy Municipal Code, the City of Tracy General Plan, the Citywide Design Goals and Standards, and other City regulations because the proposed industrial buildings for fabrication, installation, and maintenance of fire suppression systems is a permitted use and will be constructed to adhere to all requirements of the Industrial Areas Specific Plan.

Bradley Evanson
Interim Director of Development Services

Date of Action

City of Tracy
Conditions of Approval
RCM Fire
Application Number D22-0001

A. General Provisions and Definitions.

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

The Project: RCM Fire Project, Development Review Permit D22-0001

The Property: 3301 Mars Ct. (APN 248-470-26).

A.2. Definitions.

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

A.3. Compliance with submitted plans. Prior to the establishment of the use, the project shall be established in substantial compliance with the plans received by the Development Services Department on October 17, 2022, to the satisfaction of the Development Services Director.

A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check

fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.

- A.5. Compliance with laws. The Developer shall comply with all federal, state and local laws, as amended from time to time, related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, *et seq.*)
 - the California Environmental Quality Act (Public Resources Code sections 21000, *et seq.*, “CEQA”), and
 - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, *et seq.*, “CEQA Guidelines”).
 - Tracy Municipal Code (TMC) Chapter 10.08 and;
 - the Industrial Areas Specific Plan
- A.6. Prior to construction, the applicant shall submit construction documents which meet the requirements of the California Building and Fire Codes and the Tracy Municipal Code to the City of Tracy and the South San Joaquin County Fire Authority for review, approval and inspections.

B. Development Services Department, Planning Division Conditions

Contact: Kenny Lipich

(209) 831-6443

kenneth.lipich@cityoftracy.org

- B.1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, *et seq.*), the Subdivision Map Act (Government Code sections 66410, *et seq.*), the California Environmental Quality Act (Public Resources Code sections 21000, *et seq.*, “CEQA”), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, *et seq.*, “CEQA Guidelines”).
- B.2. Unless specifically modified by these Conditions of Approval, the Project shall comply with all City Regulations.
- B.3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the General Plan Environmental Impact Report, dated February 1, 2011.
- B.4. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
- B.5. Except as otherwise modified herein, all construction shall be consistent with the

plans received by the Development Services Department on October 17, 2022.

- B.6. Prior to the issuance of a building permit, the applicant shall provide 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, to the satisfaction of the Development Services Director; and with the applicable Department of Water Resources Model Efficient Landscape Ordinance to the satisfaction of the Utilities Director. Said landscape plans shall include documentation which demonstrates there is no less than 20 percent of the parking area in landscaping, 40 percent canopy tree coverage at tree maturity, and canopy shade trees shall be included and evenly distributed throughout the landscape strip along the public right-of-way where compatible with the bio-retention function and in coordination with the location of street trees, in accordance with City Regulations. Newly planted, on-site trees shall be a minimum size of 24-inch box and shrubs shall be a minimum size of five gallons.
- B.7. Where landscape planters are parallel and adjacent to vehicular parking spaces, the planter areas shall incorporate a 12-inch wide concrete curb along their perimeter that is adjacent to the sides of the parking space in order to allow access to vehicles without stepping into landscape planters.
- B.8. Prior to the issuance of a building permit, an Agreement for Maintenance of Landscape and Irrigation Improvements shall be executed and financial security submitted to the Development Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years following Project occupancy. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements, or \$2.50 per square foot of on-site landscape area.
- B.9. No roof mounted equipment, including, but not limited to, HVAC units, fans, antennas, 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 rights-of-way by the exterior parapet walls, to the satisfaction of the Development Services Director.
- B.10. All vents, gutters, downspouts, flashing, electrical conduit, gas meters, electrical panels and doors, and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
- B.11. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way, to the satisfaction of the Development Services Director.
- B.12. 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.

- B.13. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
- B.14. Trash enclosure(s) shall be at least seven feet tall, of masonry construction, with solid metal doors, and exterior colors and materials to match the building exterior to the satisfaction of the Development Services Director. Prior to the issuance of a building permit, the developer shall demonstrate that the trash enclosure contains sufficient space and access for recycled material in accordance with State law and local standards to the satisfaction of the Public Works Director.
- B.15. No signs are approved as part of this development application. Prior to the installation of any signs, the applicant shall submit a sign permit application and receive approval from the Development Services Director in accordance with City Regulations.
- B.16. The project shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit and a pre-construction survey prior to ground disturbance, to the satisfaction of San Joaquin Council of Governments.
- B.17. All parking spaces and drive aisles shall meet the minimum dimensional requirements of the City of Tracy Standard Plan 141. Two-way drive aisles serving 90-degree parking spaces shall be at least 26 feet wide and 90-degree parking spaces shall be at least nine feet wide by 18.5 feet long. Planters or sidewalks at the head of parking spaces may be constructed two feet into the front of parking spaces. Such two-foot overhang of landscape planters into the head of parking spaces is not included in the minimum area of required landscaping.
- B.18. Consistent with General Plan Noise Element Policy 4 (Goal N-1.2), all construction activity producing any noise beyond the site's property line shall not occur after 7:00 p.m. or before 7:00 a.m.
- B.19. Prior to the issuance of a building permit, the applicant shall submit detailed plans that demonstrate a minimum of one foot candle throughout the parking area as defined in TMC Section 10.08.3450.
- B.20. Prior to final inspection or certificate of occupancy, all PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
- B.21. Prior to the issuance of a building permit, the developer shall cause to be recorded a lot line adjustment, lot merger, or other instrument to remove the lot lines bisecting the project site to the satisfaction of the Development Services Director.

- B.22. The Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), including, but not limited to, Regulation VIII and Rule 9510 – Indirect Source Review (ISR), to the satisfaction of the APCD.

C. Development Services Department, Engineering Conditions of Approval

Contact: Al Gali

(209) 831-6436

al.gali@cityoftracy.org

C.1. General Conditions

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

- 1) NONE.

C.2. RESERVED

C.3. RESERVED

C.4. Grading Permit

All grading work (on-site and off-site) shall require a Grading Plan. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Geotechnical Engineer.

Prior to 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 conditions set forth in this section.
- C.4.2. Developer has obtained the approval (i.e., recorded easements for slopes, drainage, utilities, access, parking, construction, etc.) of all other public agencies and/or private entities with jurisdiction or interest 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 Plan shall be prepared in accordance with the City's Subdivision Ordinance (Tracy Municipal Code Chapter 12.36), City Design Documents as defined in Title 12 of the Tracy Municipal Code, and these Conditions of Approval.
- C.4.6. On-site Grading Plan shall be prepared on a twenty-four (24) inch x thirty-six (36) inch size 20-pound (min.) bond paper and PDF. These plans shall use the City's Title Block. Improvement Plans shall be prepared under the supervision of, stamped and signed by the Project's Registered Civil Engineer of Record and the Project's Registered Geotechnical Engineer. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the plans prior to submitting the mylars to Engineering Division for City Engineer's signature. Erosion control measures shall be implemented in accordance with the Grading Plan 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 the Project's Registered Geotechnical Engineer. The technical report must include relevant information related to, but not limited to, soil types and characteristics; soil bearing capacity; recommendations of soil and pavement compaction, import fill gradation, retaining wall design, slope gradients, flexible and in-flexible pavement (including paving calculations such as 5-values, gravel factors, gravel equivalence); bore logs; elevation of the highest observed groundwater level; infiltration testing at the bottom floor elevation of the proposed basin; and other design recommendations or geotechnical tests to the satisfaction of the City Engineer.
- 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 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 the Project's Registered 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 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 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. Referenced and incorporated herein are Title 11 and Title 12 of the Tracy Municipal Code. Exemptions from this condition are further clarified in the aforementioned code sections.
- 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 of Record.

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 20-pound (min.) bond paper and PDF 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 Landscape Architect for the relevant discipline. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the plans 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 - 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 Plans with calculations for the sizing of the storm drain pipe(s), and shall comply with the applicable requirements of the City's storm water regulations adopted by the City Council in 2012 and any subsequent amendments. Developer shall also construct the recommended mitigations described in the storm drain technical memorandum.

Developer shall adhere to 'low impact development' practices.

Developer shall excavate up to eleven (11) acre-feet of earth from the slopes of Detention Basin 2A to produce slopes up to 2.5 (horizontal) to 1 (vertical). Developer shall also cause its Registered Civil Engineer of Record to design grading plans to depict the said excavation.

Developer and its heirs shall be responsible for repairing and maintaining the on-site storm water treatment system 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 described in the sanitary sewer technical memorandum. Developer shall install a 6-inch diameter sewer lateral.

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 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 per City Regulations and shall not in the driveway. Other proposed locations shall be approved to the satisfaction of the City Engineer.

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 Documents 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.

Mars Court

Developer shall construct or re-construct cracked, settled, and/or damaged portland cement concrete curb, gutter, and sidewalk; fire hydrants; streetlights and pavement along the Project's frontage.

- C.5.2. Joint Trench Plans and Composite Utility Plans, prepared on a twenty-four (24) inch x thirty-six (36) inch size 20-pound (min.) bond paper and PDF for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within a PUE, if existing, 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).
- C.5.3. Payment of applicable fees required by City Regulations, and these Conditions of Approval including but not limited to plan checking, grading, construction inspection, agreement processing, encroachment permits, and testing fees.
- C.5.4. Project Engineer's reasonable cost estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.
- C.5.5. Traffic Control Plan - Prior to starting the work for any work within City's right-of-way, the Developer shall submit a Traffic Control Plan (TCP). TCP can be split among the different construction phases. TCP will show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. TCP shall conform to the Manual on Uniform Traffic Control Devices as amended by the State of California, latest edition (MUTCD-CA). TCP shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Registered Traffic Engineer.
- Access and Traffic Circulation to Existing Businesses/Residents - Developer shall take all steps necessary to plan and construct site improvements such that construction operations do not impact safety and access (including emergency vehicles) to the existing businesses and residents throughout the duration of construction. Developer shall coordinate with the owners and cooperate to minimize impacts on existing businesses. All costs of measures needed to provide safe and functional access shall be borne by the Developer.
- C.5.6. No street trench shall be left open, uncovered, and/or unprotected during night hours and when the Developer's contractor is not performing construction activities. Appropriate signs and barricades shall be installed on the street and on all trenches during such times. If the Developer or its contractor elects to use steel plates to cover street trenches, said steel plates will be skid-resistance, and shall be either pinned and recessed into the pavement or ramped on all sides. Ramps will be made of cold-mix asphalt concrete, be a minimum two-foot wide, and will run the entire length of each side.
- C.5.7. If at any point during utility installation or construction in general that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall address the findings as required

per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

- C.5.8. Improvement Security - Developer shall provide improvement security for all public facilities, as required by the Improvement Agreement. The form of the improvement security may be a bond, or other form in accordance with the Government Code, and the TMC. The amount of the improvement security shall be in accordance with Title 12 of the TMC.

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

C.6. Building Permit

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

- C.6.1. Developer has satisfied all conditions in C.1 through C.4 in these Conditions of Approval and has obtained a City approved Grading Permit.
- C.6.2. Developer shall pay any applicable development impact fees.
- C.6.3. Developer shall complete the excavation in Section C.5.1.d.

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 conditions in C.1 through C.6 in these Conditions of Approval.
- C.7.2. Prior to improvement acceptance, 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" On-site Grading and Off-Site Improvement Plans (or Record Drawings) - Prior to improvement acceptance, Developer shall cause

its design professionals(s) to prepare Certified "As-Built" grading and off-site Improvement Plans (or Record Drawings). Said Record Drawings shall be prepared on a twenty-four (24) inch x thirty-six (36) inch size 4-millimeter-thick polymer film (mylar). Developer shall re-obtain all signatures from outside agencies prior to submitting the Record Drawings to the City.

- C.7.5. Prior to improvement acceptance, Developer shall be responsible for any repairs or reconstruction of street pavement, curb, gutter, sidewalk and other public improvements associated with 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. Prior to improvement acceptance, Developer has completed the ninety (90) day public landscaping maintenance period.
 - C.7.7. Prior to improvement acceptance 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 – Prior to improvement acceptance, Developer shall submit centerline tie sheets, corner records, a record of survey, etc. for the following: new public streets; re-established survey monuments, damaged, destroyed, altered, and/or reconstructed any existing curb returns, survey monuments and/or benchmarks. Any survey document will be submitted to 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.7.9. 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.
 - C.7.10. Prior to improvement acceptance, Developer shall submit warranty bonds.
- 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 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. Development Services Department, Building Division Conditions

Contact: Jesse Canright (209) 831-6412 jesse.canright@cityoftracy.org

- D.1. At time of building permit, applicant to indicate if there will be any storage of hazardous materials and provide hazardous materials inventory report by a qualified individual to justify quantity.
- D.2. Prior to construction of any structures, applicant must submit construction documents, plans, specifications and/or calculations to the Building Safety Division, which meet all requirements of Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable.
- D.3. At the time of building permit application submittal, applicant shall provide plans that show an accessible route of travel to the public right-of-way and all other exterior amenities per 2019 California Building Code (CBC) 11B-206.2.
- D.4. At time of building permit submittal, applicant to justify building area based on construction type and occupancy as per CBC Table 506.2 & CBC 508.

Additionally, show separation per Table 508.4

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

Contact: Guadalupe Pena (209) 831-6834 Guadalupe.Pena@cityoftracy.org

E.1. Streets and Streetlights

Before issuance of any building permit for the Property, Developer shall provide for perpetual funding of the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure"), by doing one of the following, subject to the approval of the City's Finance Director:

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

Or

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

System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure"). The dormant tax or assessment shall be disclosed to all property owners, even during the dormant period.

Or

- c. Direct funding. Developer shall enter into an agreement with the City, which shall be recorded against the Property, which requires that prior to approval of final inspection, Developer shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure").

If the provisions for adequate funding of the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure") are met prior to issuance of the building permit for the Property, subject to the Finance Director's review and approval, the terms of this condition shall be considered to have been met and this condition shall become null and void.

E.2. Landscaping Maintenance

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

- a. CFD or other funding mechanism. The Developer shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates the following: (1) prior to issuance of a building permit, the Developer shall form or annex into a Community Facilities District (CFD) for funding the on-going costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan; (2) the items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems; masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks, and public open space areas and trails; (3) formation of the CFD shall include, but not

be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien; (4) upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment; (5) prior to issuance of a building permit, the Developer shall deposit an amount equal to the first year's taxes; and (6) the Developer shall be responsible for all costs associated with formation or annexation of the CFD.

Or

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

Or

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

F. South San Joaquin County Fire Authority Conditions

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

The following requirements are required to be met prior to any construction of the property:

- F.1. Prior to the start of construction or demolition, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
 - a. Construction documents shall be designed to the current edition of the California Code of Regulations, Title 24, as amended by the City of Tracy Municipal Code.
- F. 2. Deferred submittals are required for the fire service underground, fire sprinkler system, and fire alarm system for this project and they shall be submitted directly to South San Joaquin County Fire Authority.
- F. 3. Engineering and building permit applications received by our offices are subject to the current fee schedule for South San Joaquin County Fire Authority. Contact our offices for additional information.
 - a. Application processing fees and minimum plan review fees are due at time of submittal of construction documents.
 - b. Additional plan review fees, minimum inspection fees and administrative fees are calculated on approval of project and shall be paid prior to issuance of permit.
 - c. Additional plan review fees, minimum inspection fees and administrative fees are calculated on approval of project and shall be paid prior to issuance of permit.
- F. 4. 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 2019 California Fire Code §503.
- F. 5. 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.
- F.6. Additional comments may occur upon submittal of construction documents.