

July 25, 2023

DIRECTOR PUBLIC HEARING  
AGENDA ITEM 2

REQUEST

**PUBLIC HEARING TO CONSIDER (1) APPROVING A NEW DEVELOPMENT REVIEW PERMIT (D22-0016) TO CONSTRUCT AN APPROXIMATELY 21,000 SQ. FT. MINI STORAGE BUILDING AT AN EXISTING SITE LOCATED AT 250 W. VALPICO RD., WHICH IS PHASE 2 OF THE PROJECT PREVIOUSLY APPROVED PURSUANT TO DEVELOPMENT REVIEW PERMITS 26-98 D AND 17-01 D; (2) GRANTING A RIGHT OF ENTRY, RELEASE OF LIABILITY, ASSUMPTION OF RISK, INDEMNIFICATION, DEFENSE AND HOLD HARMLESS, AGREEMENT TO ALLOW CONNECTION TO THE CITY-OWNED DETENTION BASIN 2A, AND (3) DETERMINING THIS PHASE OF 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 TOM COSENTINO AND PROPERTY OWNER IS CYPRESS EQUITIES GROUP. APPLICATION NUMBER D22-0016.**

DISCUSSION

Background

In 1998 a Development Review Permit (26-98-D) was submitted for the construction of a 113,750 square foot mini storage facility with a 2,2250 square foot caretakers' residence approved by the Community Development Director on May 6<sup>th</sup>, 1999.

In 2001 an amendment to 26-98-D was submitted for the construction of a new recreational vehicle parking and storage area for Valpico Mini Storage application number (17-01-D) approved by the Development and Engineering Services Director on July 18, 2001.

Site and Project Description

The site is an existing 5.55-acre parcel at 250 W. Valpico Rd. The site is currently being used for mini storage with recreational vehicle (RV) parking operating under the name Tracy Self Storage. The site is located approximately 1,250 feet east of Valpico Road. Adjacent properties include International Paper Company and Valpico Industrial Park. The project site is in the rear of the property on an existing temporary storm drain basin approximately 0.82 acres (Attachment A: Location Map). The applicant is proposing to amend the prior Development Review permits to construct an approximately 21,000 square foot mini storage building where the temporary basin is located. This new storage building is in addition to the five existing mini storage buildings currently on site. The applicant will fulfill their Deferred Improvement Agreement from Development Review permit (26-98-D) to remove the temporary basin and design and construct a permanent connection to the City's storm drainage system to construct the proposed 21,000 square foot mini storage building.

### Site Analysis

The project is zoned M-1 Light Industrial and has a General Plan designation of Industrial. The M-1 Light Industrial Zone provides for a broad range of warehouse, distribution, manufacturing, and office uses. Industrial uses like storage and warehouses are permitted use in the M-1 Light Industrial Zone. The proposed use of mini storage would be compatible with the surrounding land uses, which includes industrial, distribution, and offices. The project meets the requirements of the M-1 Light Industrial Zone.

### Architecture

The proposed 21,000 square foot mini storage building will be complementary and consistent with the existing five buildings on site. The new mini storage building will have metal siding panels and metal roofing panels that will be painted to match the adjacent existing buildings. The mini storage building is not visible from public right of way and is in the rear of the property. The matching in color and material of proposed building to the existing mini storage buildings will create a harmonious addition to the property (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

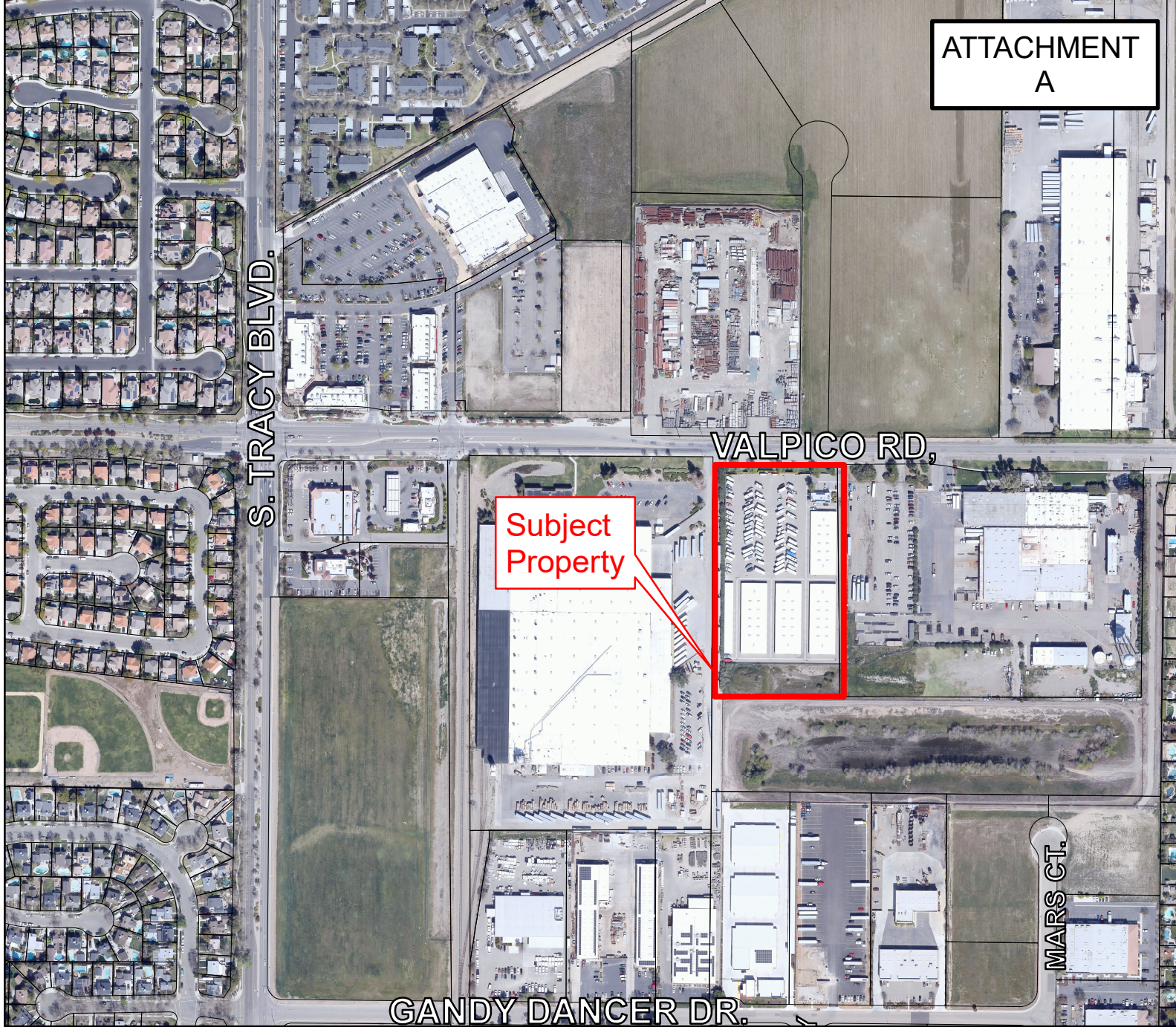
Staff recommends that the Development Services Director (1) approve an amendment to two prior Development Review Permits (26-98-D (mini storage) and 17-01-D (new parking and storage area)) to construct an approximately 21,000 square foot mini storage building at an existing site located at 250 W. Valpico Rd.; 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

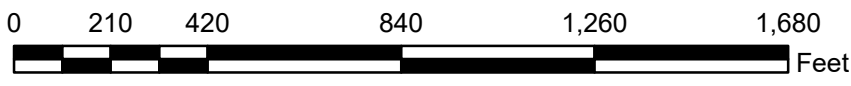
Director Public Hearing  
Agenda Item 2  
July 25, 2023  
Page 2

ATTACHMENTS

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

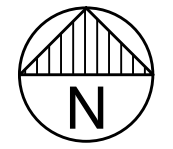
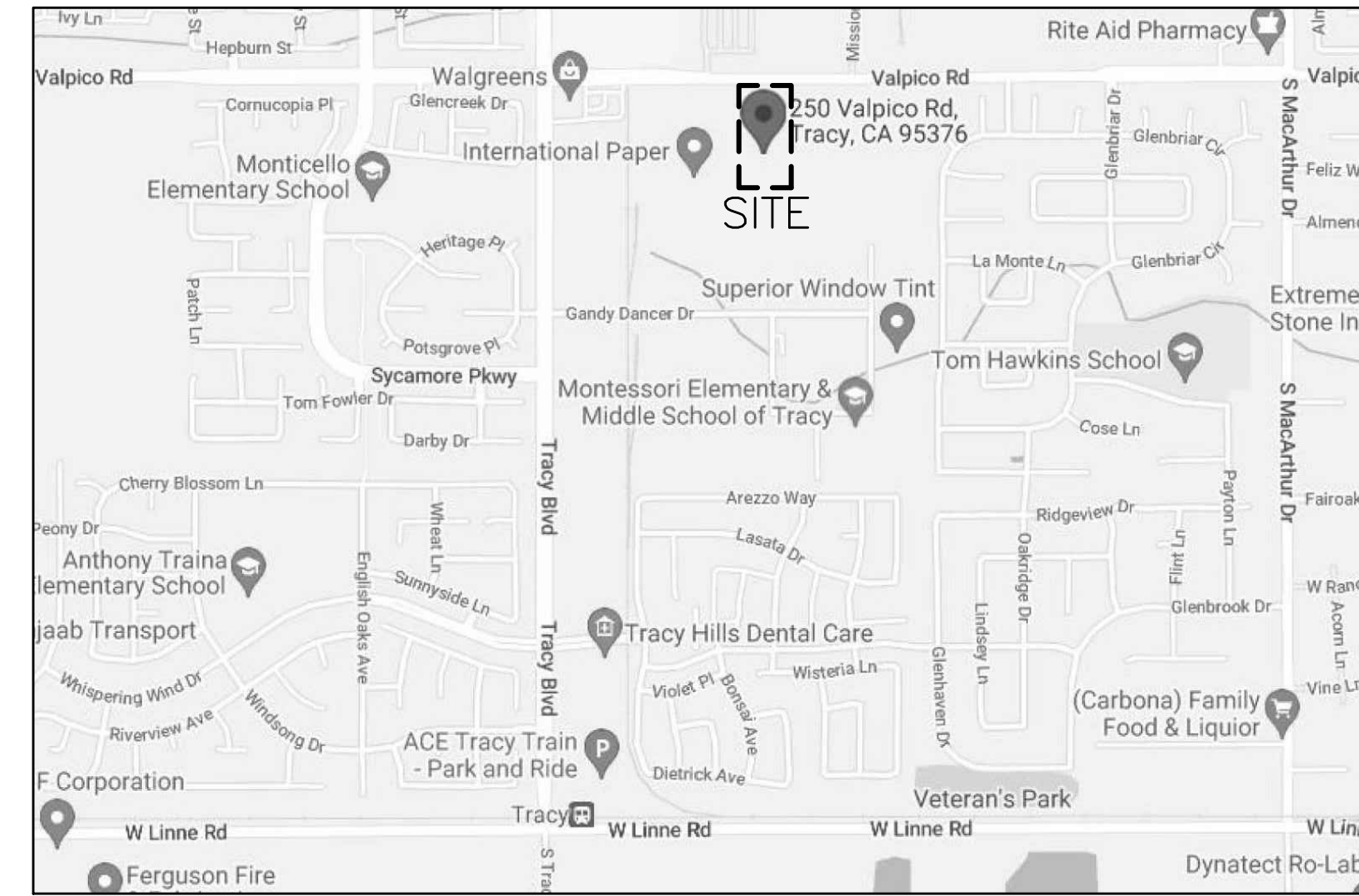


Think Inside the Triangle™



Attachment B

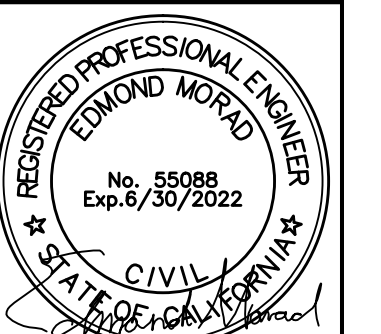
TRACY SELF STORAGE EXPANSION 1.0/BUILDING "G" 250 W. VALPICO RD. TRACY, CA 95376



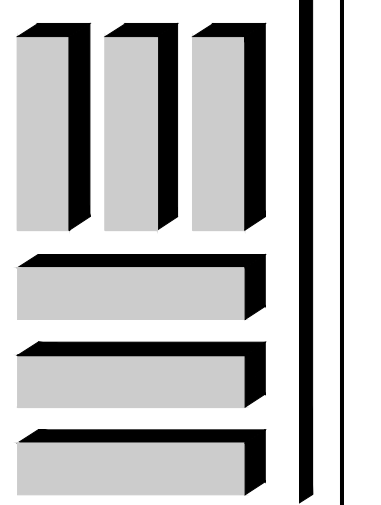
NO. REVISION & DATE

TRACY SELF STORAGE EXPANSION 1.0 - BUILDING "G" 250 W. VALPICO RD. TRACY, CA 95376

TITLE PAGE GENERAL NOTES



MORAD ENGINEERING EDMOND MORAD, P.E. CIVIL & MECHANICAL ENGINEERING 615 13TH STREET, MODESTO, CA 95354 TEL: (209) 659-0570 edmond@moradengineering.com



DATE 05-06-22 PROJECT MANAGER EDMOND MORAD, P.E. DRAWN BY R. ORTIZ JOB NUMBER SHEET T-1 OF SHEETS

VICINITY MAP

ACCESSOR PARCEL NO. . . . . APN 248-02-14 ZONING . . . . . C (COMMERCIAL) BUILDING USE . . . . . MINI STORAGE BUILDING OCCUPANCY TYPE: . . . . . S-1 CONSTRUCTION TYPE: . . . . . IIB ONE STORY BUILDING AUTO FIRE SPRINKLER SYSTEM . . . . . YES

PROPOSED BUILDING AREA BLDG. 'E': (E) OFFICE BUILDING "A" (30'x75') = 2,250 S.F. (E) MINI STORAGE BUILDING "B" (75'x186')= 13,950 S.F. (E) MINI STORAGE BUILDING "C" (75'x205')= 15,375 S.F. (E) MINI STORAGE BUILDING "D" (75'x205')= 15,375 S.F. (E) MINI STORAGE BUILDING "E" (75'x205')= 15,375 S.F. (E) MINI STORAGE BUILDING "F" (25'x205')= 5,125 S.F. SUB TOTAL = 67,450 S.F.

PROPOSED BUILDING AREA BLDG. "G" (N) MINI STORAGE BUILDING "G" (75'x300') = 21,000 S.F. TOTAL = 88,450 S.F.

PER TABLE 602 @ S.1 ALL EXTERIOR WALLS ARE ≥ 10' FROM PROPERTY NO FIRE RATING REQUIRED.

AUTO FIRE SPRINKLER SYSTEM SHALL BE INSTALLED PER CBC SEC. 506.3, 903.3.1

FIRE SPRINKLER: FIRE SPRINKLER SYSTEM PLANS AND SPECIFICATIONS SHALL BE SUBMITTED SEPARATELY TO THE FIRE DEPARTMENT FOR APPROVAL. INSTALLATION SHALL BE IN ACCORDANCE WITH NFPA 13, LATEST EDITION.

Table with columns SHEET NO. and DESCRIPTION. Rows include T-1 (TITLE PAGE, GENERAL NOTES & BUILDING DATA), A-0 (SITE PLAN), A-3 (BUILDING 'G' FLOOR PLAN), A-4 (BUILDING 'G' ELEVATIONS), and E-1 (ELECTRICAL LIGHTING PLAN).

SHEET INDEX

BUILDING DATA

PROPOSED MIN-STORAGE BUILDING "G"

BUILDING DESIGN ENGINEER: MORAD ENGINEERING EDMOND MORAD 615 13TH STREET, MODESTO, CA. 95354 (209) 530-0570

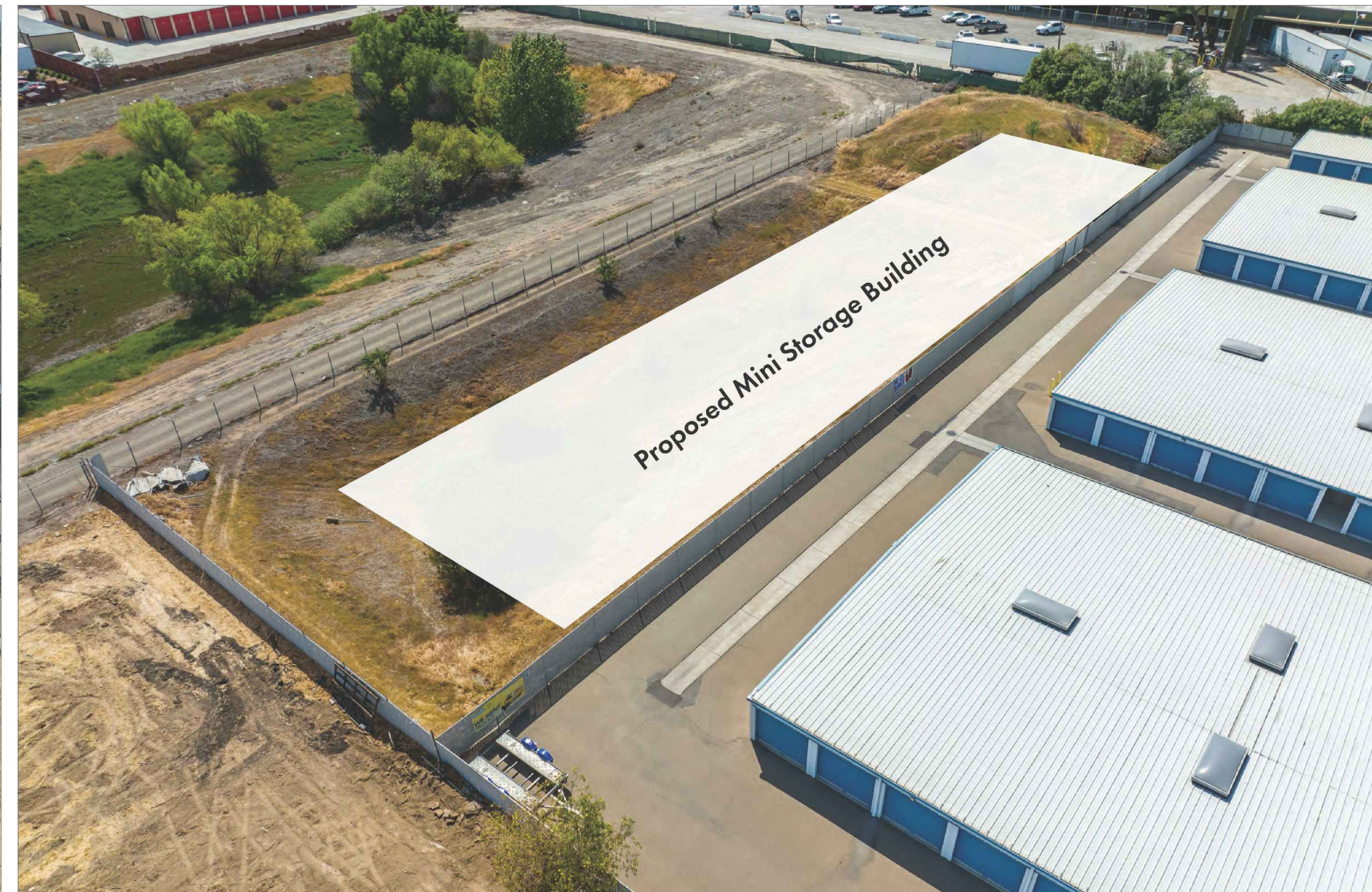
GENERAL CONTRACTOR: HUFF METAL BUILDING INC. TOM COSENTINO 4917 STODDARD ROAD MODESTO, CA. 95356 (209) 595-3207

SCOPE OF WORK

CONSULTANTS



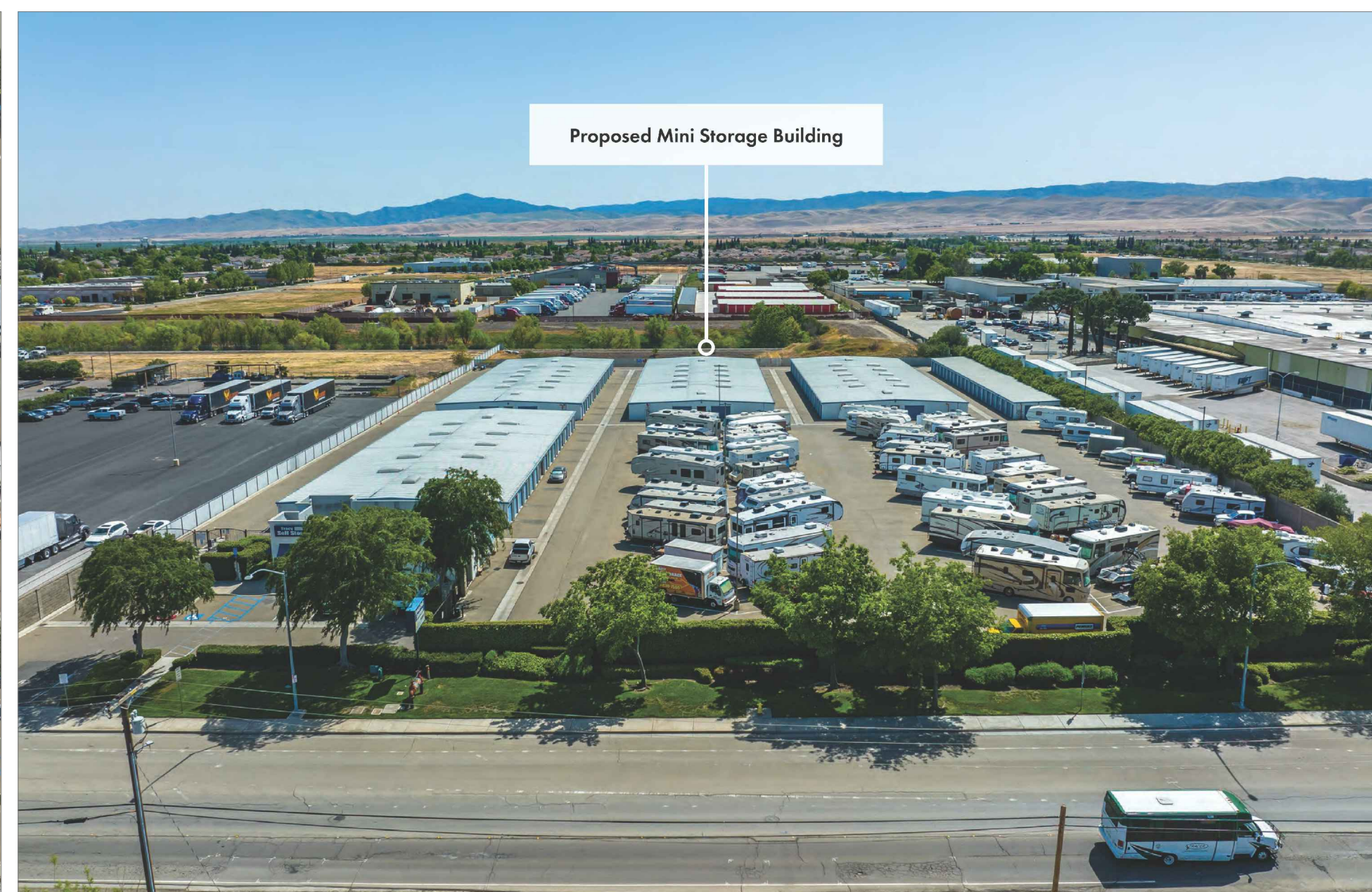
NORTHEAST VIEW



NORTHWEST VIEW



PLAN VIEW

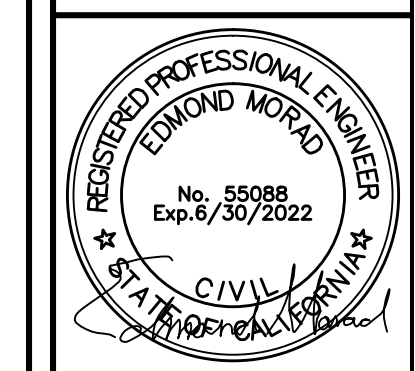


WEST VIEW

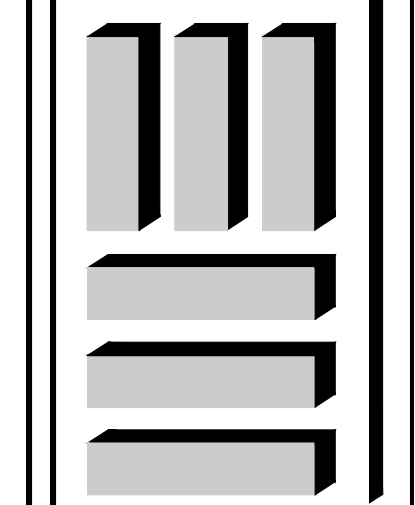
NO.	REVISION & DATE

TRACY SELF STORAGE  
 EXPANSION 1.0 - BUILDING "G"  
 250 W. VALPICO RD.  
 TRACY, CA 95376

SITE PLAN

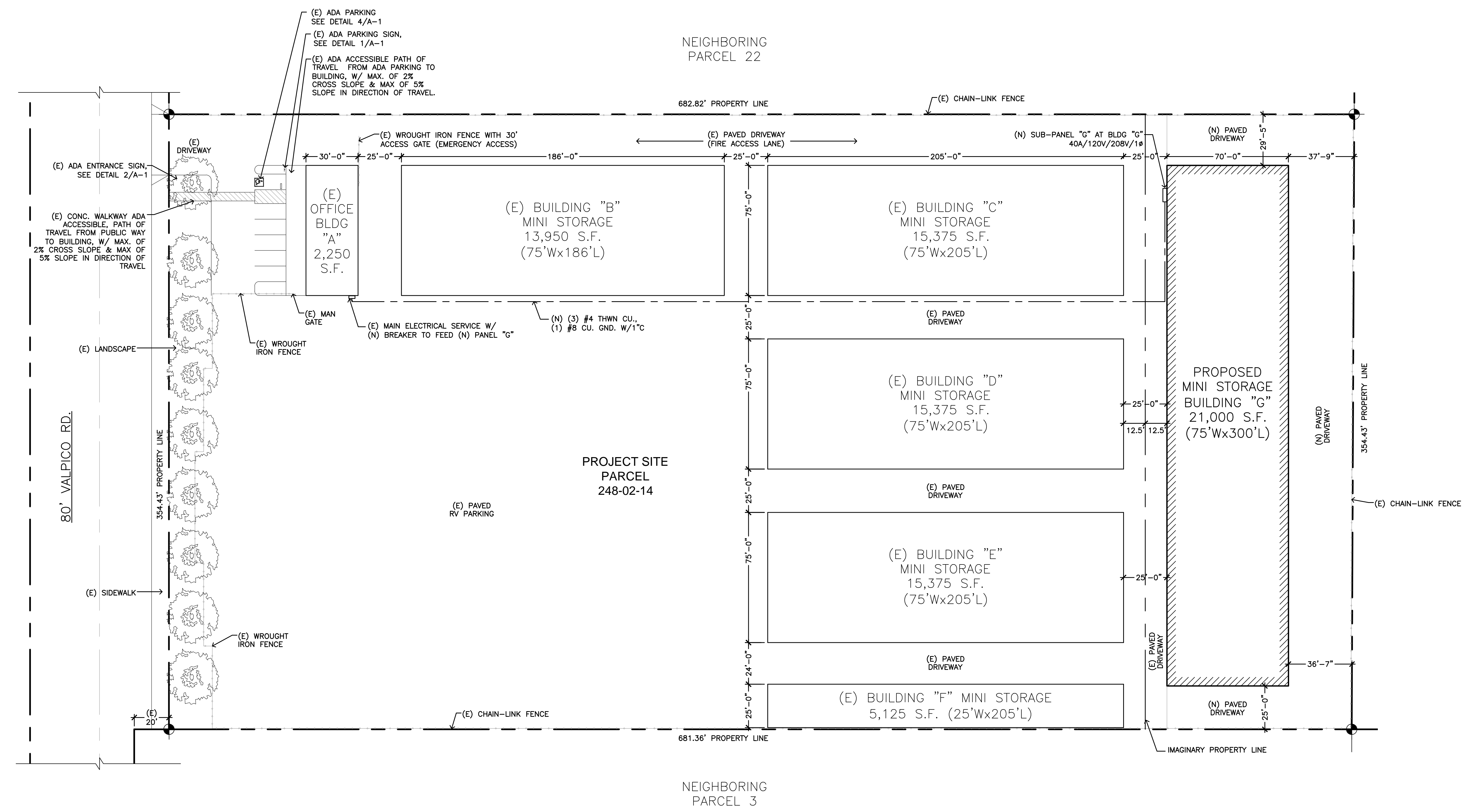


**MORAD ENGINEERING**  
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 CIVIL & MECHANICAL ENGINEERING  
 615 18TH STREET, MODESTO, CA 95364  
 TEL: (209) 659-0570  
 edmond@moradengineering.com

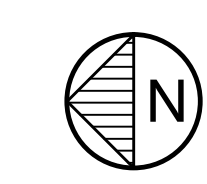


DATE  
 05-06-22  
 PROJECT MANAGER  
 EDMOND MORAD, P.E.  
 DRAWN BY  
 R. ORTIZ  
 JOB NUMBER

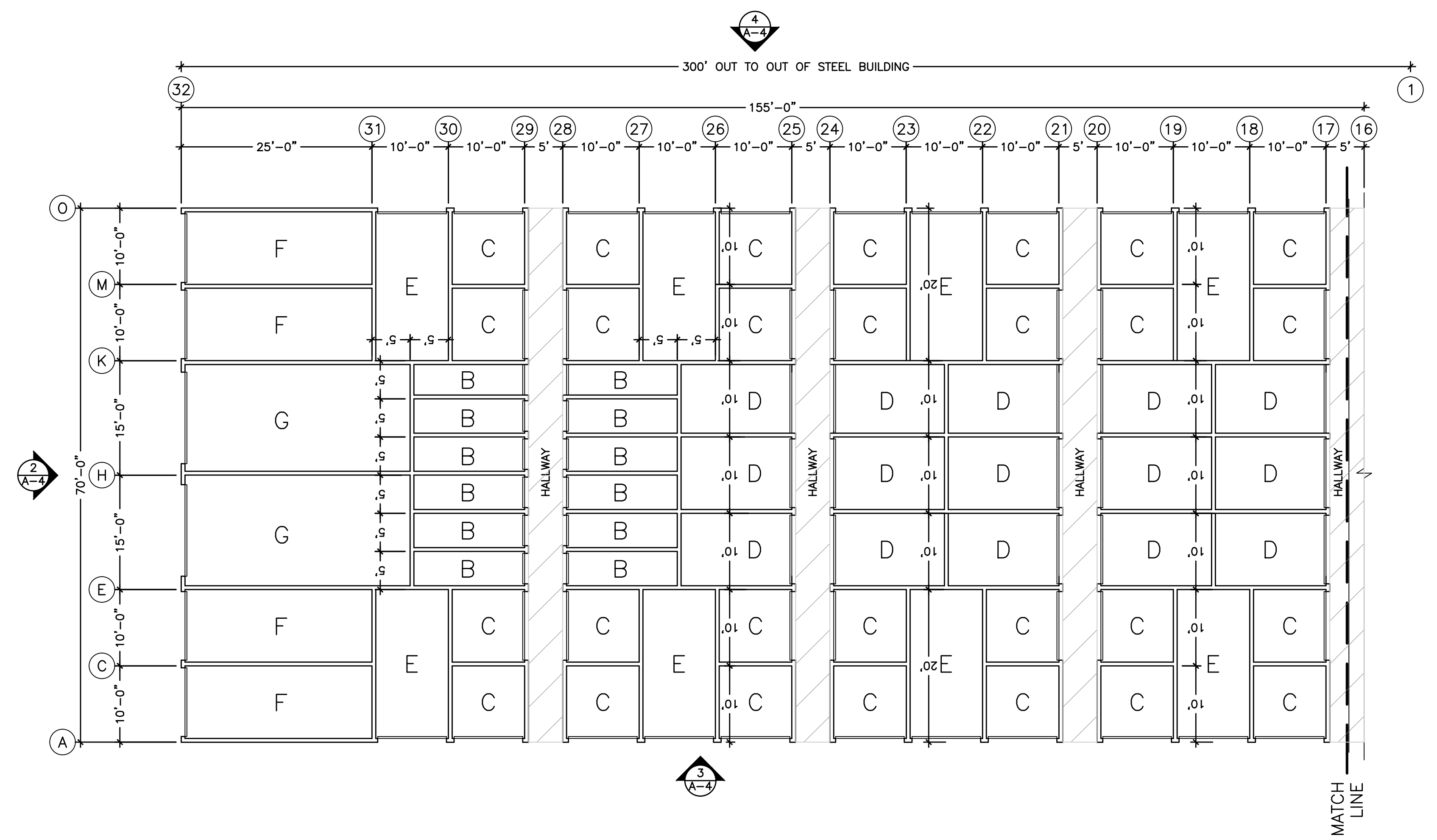
SHEET  
**A-0**  
 OF SHEETS



NOTE:  
 SEE CIVIL PLANS FOR SITE IMPROVEMENTS  
 & SITE GRADING FOR ADA REQUIREMENT.



SITE PLAN  
 SCALE 1"=30'-0" A



STORAGE UNIT SCHEDULE					
MARK	SIZE	SQ. FEET EA.	TOTAL UNITS	DOOR TYPE	ACCESSIBLE UNIT
A	5' x 10'	50 SQ. FT.	14	A	1
B	5' x 15'	75 SQ. FT.	20	A	1
C	10' x 10'	100 SQ. FT.	50	B	2
D	10' x 15'	150 SQ. FT.	33	B	1
E	10' x 20'	200 SQ. FT.	18	B	1
F	10' x 25'	300 SQ. FT.	4	B	1
G	15' x 30'	450 SQ. FT.	4	C	1
TOTAL UNITS			143 UNITS		

DOOR TYPE SCHEDULE	
TYPE 'A'	4'-0" x 8'-0" STEEL ROLL-UP DOOR W/ MOUNTING HARDWARE & MINI-STOR. LOCKING HASP. (34 REQ'D)
TYPE 'B'	9'-0" x 8'-0" STEEL ROLL-UP DOOR W/ MOUNTING HARDWARE & MINI-STOR. LOCKING HASP. (105 REQ'D)
TYPE 'C'	12'-0" x 8'-0" STEEL ROLL-UP DOOR W/ MOUNTING HARDWARE & MINI-STOR. LOCKING HASP. (4 REQ'D)

- SHEET NOTES:**
- 1- SEE SHEET A-5 FOR EXITING PLAN
  - 2- SEE METAL BUILDING PLANS FOR BLDG, WALL DOOR FRAMING, TYP.
  - 3- ALL AREAS OF THE BUILDING AND FACILITY SHALL MEET THE ACCESSIBILITY REQUIREMENT OF THE CALIF. BUILDING CODE. ALL ENTRANCES AND EXTERIOR GROUND FLOOR EXITS OF THE BUILDING SHALL BE ACCESSIBLE. MAXIMUM OF 1/4" HIGH CHANGE IN LEVEL OF FLOOR IS PERMITTED TO BE VERTICAL, AND WITHOUT EDGE TREATMENT. CHANGE IN LEVEL BETWEEN 1/4" HIGH MINIMUM AND 1/2" HIGH MAXIMUM SHALL BE LEVEL WITH A SLOPE NOT STEEPER THAN 1:2. SEE CIVIL PLANS FOR EXACT FLOOR ELEV. LEVEL AT ALL AREAS. SEE SHEET A-1 FOR ADA DETAILS AT ANY APPLICABLE LOCATIONS.
  - 4- PROVIDE 2" THICK CONDENSATION BLANKET INSULATION AT ROOF.

**NOTES: FOR ACCESSIBLE UNITS**

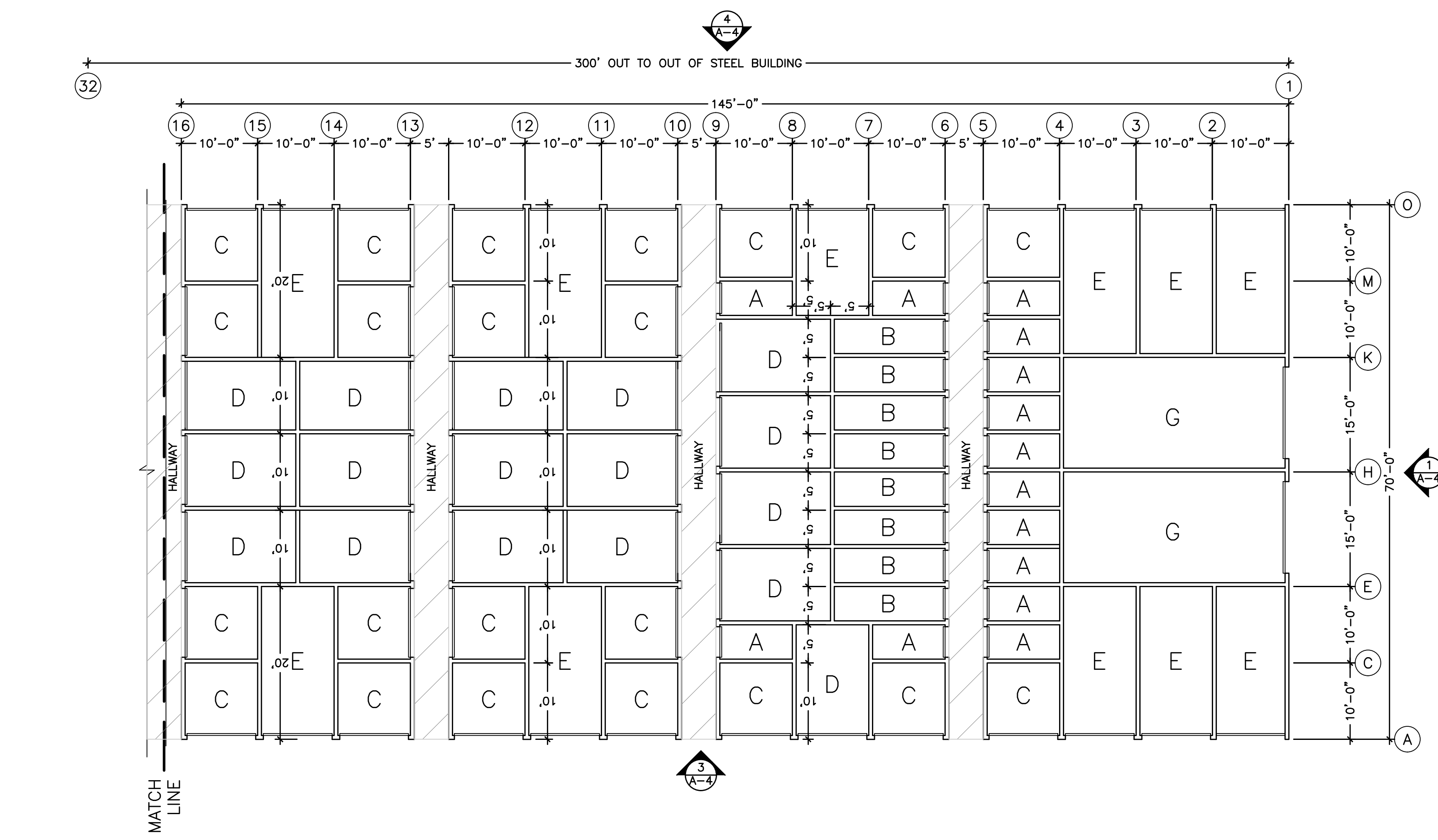
THE NEW BUILDING "G" WILL HAVE TOTAL OF 143 NEW UNITS.

PER CBC SEC. 11B-225.3 & TABLE 11B-225.3 REQUIRES 5% (BUT NO FEWER THAN 1) OF TOTAL UNITS BETWEEN 1 TO 200, TO BE ACCESSIBLE.

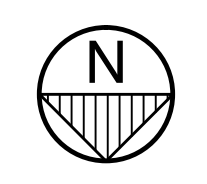
PER CBC SEC. 11B-225.3.1 INDIVIDUAL SELF STORAGE UNITS SHALL BE DISPERSED THROUGHOUT ALL OF THE BUILDINGS.

REQUIRED ACCESSIBLE UNITS = 143 x 5% = 7.15 UNITS

PROVIDE 8 ACCESSIBLE UNITS, SEE STORAGE UNIT SCHEDULE.

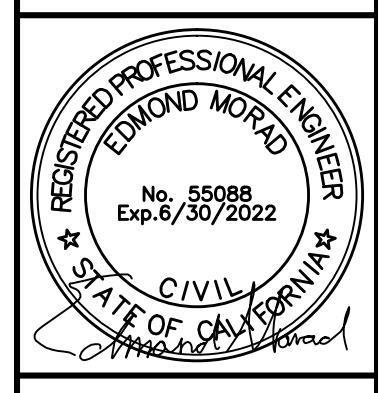


LEGEND	
	METAL STEEL FRAME
	& PANEL BY STEEL BLDG. MANUF.

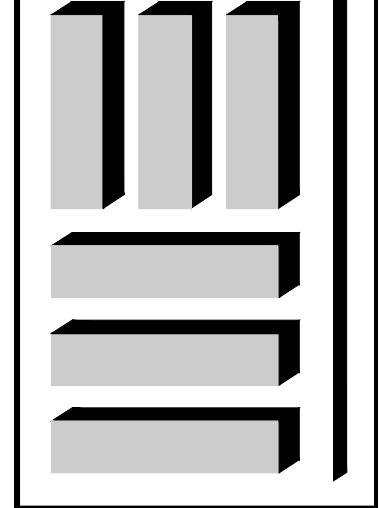


TRACY SELF STORAGE  
EXPANSION 1.0 - BUILDING "G"  
250 W. VALPICO RD.  
TRACY, CA 95376 95363

PROPOSED FLOOR PLAN



**MORAD ENGINEERING**  
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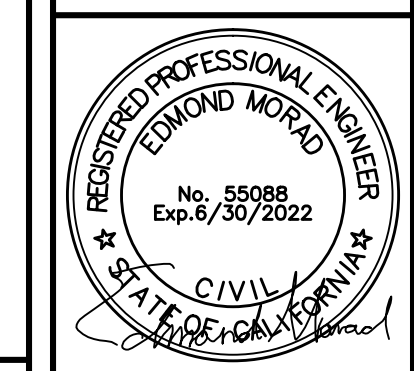
DATE 03-23-22  
PROJECT MANAGER EDMOND MORAD, P.E.  
DRAWN BY R. ORTIZ  
JOB NUMBER

SHEET A-3

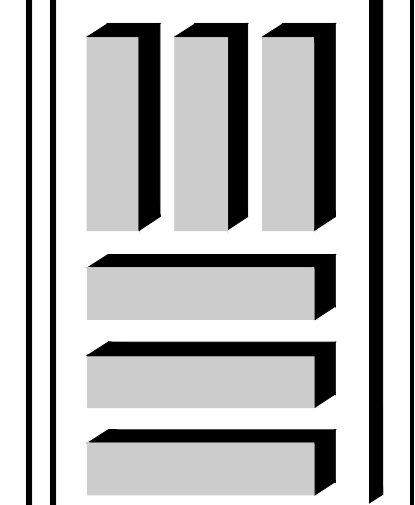
NO.	REVISION & DATE

TRACY SELF STORAGE  
 EXPANSION 1.0 - BUILDING 'G'  
 250 W. VALPICO RD.  
 TRACY, CA 95376 95363

EXTERIOR ELEVATIONS

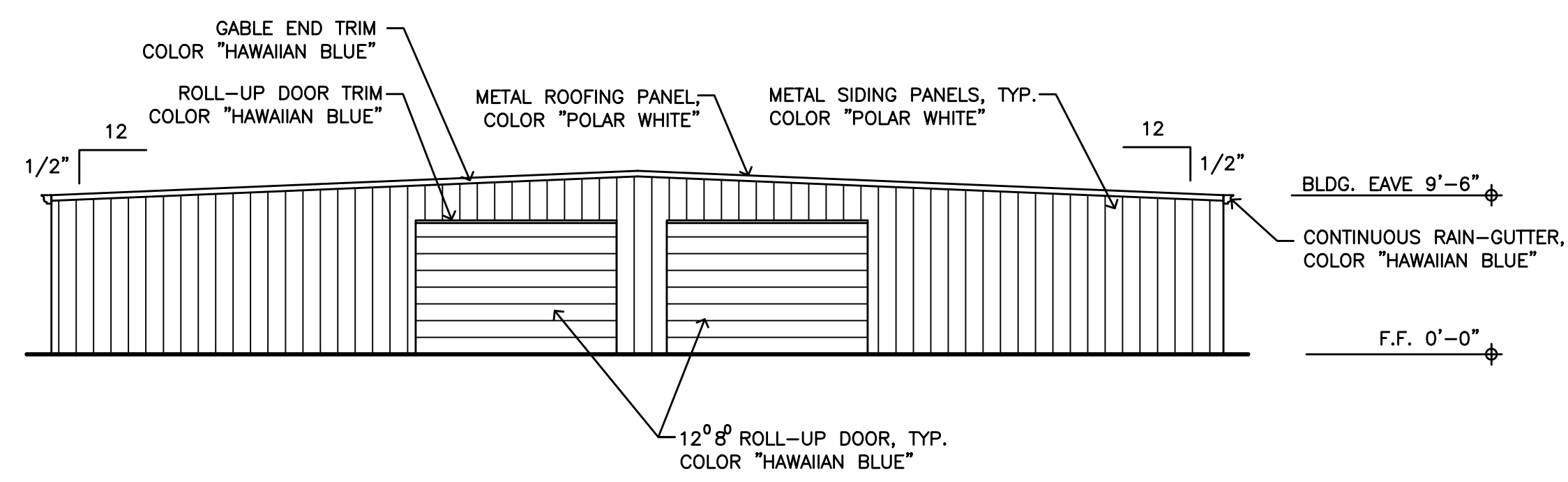


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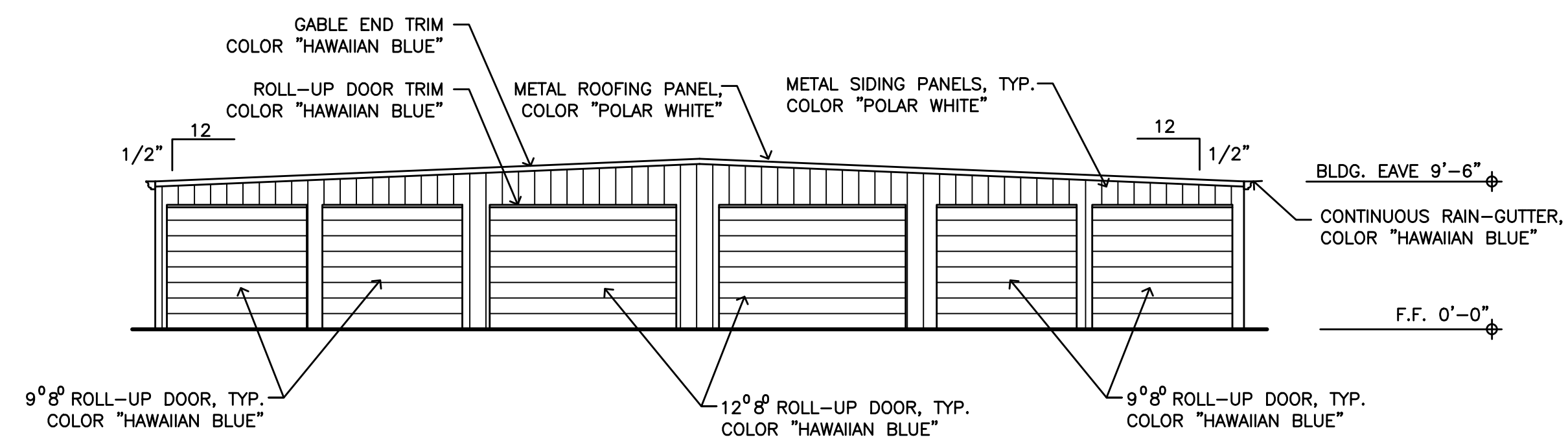
DATE: 03-23-22  
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 DRAWN BY: R. ORTIZ  
 JOB NUMBER:

SHEET  
**A-4**



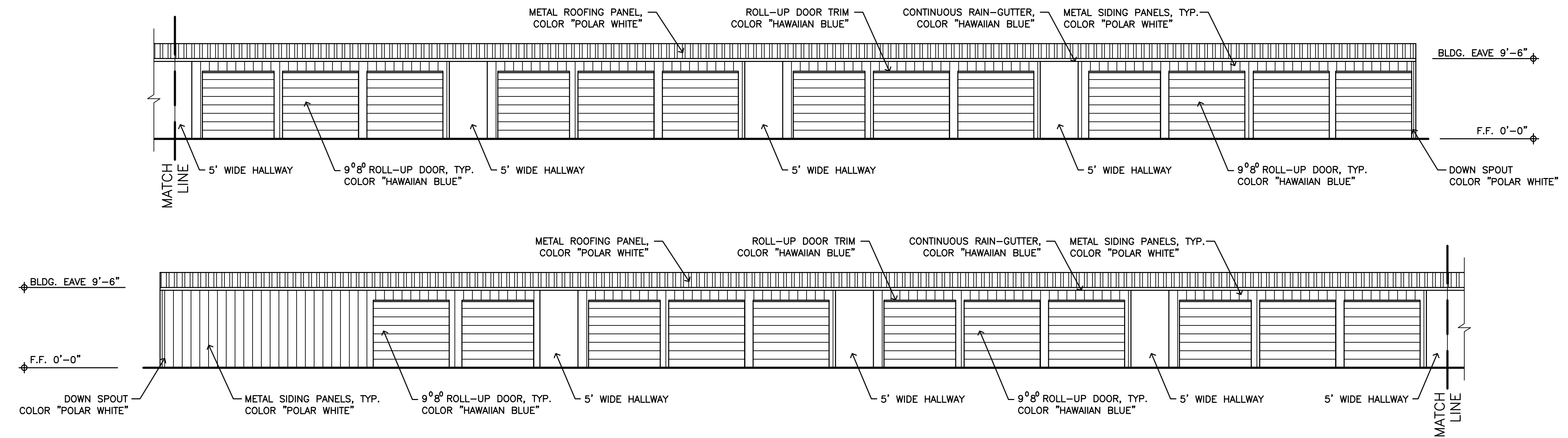
BUILDING 'G' WEST ELEVATION

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



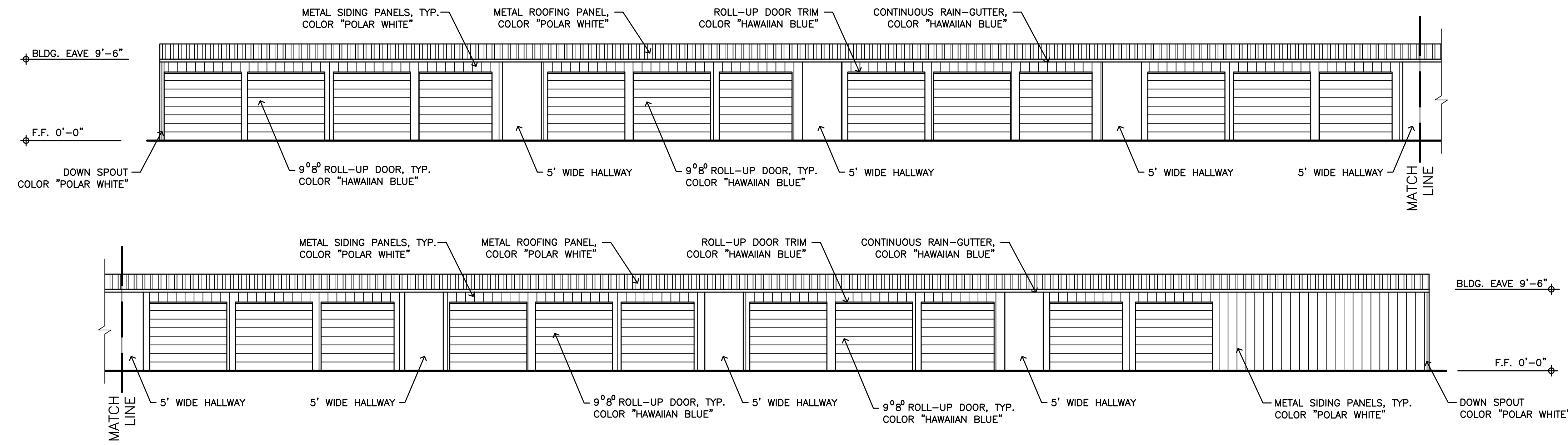
BUILDING 'G' EAST ELEVATION

SCALE	2
1/8"=1'-0"	



BUILDING 'G' NORTH ELEVATION

SCALE	3
1/8"=1'-0"	



BUILDING 'G' SOUTH ELEVATION

SCALE	4
1/8"=1'-0"	



**Hawaiian Blue**

**Polar White**



**Hawaiian Blue**

**Polar White**





**Hawaiian Blue**

**Polar White**

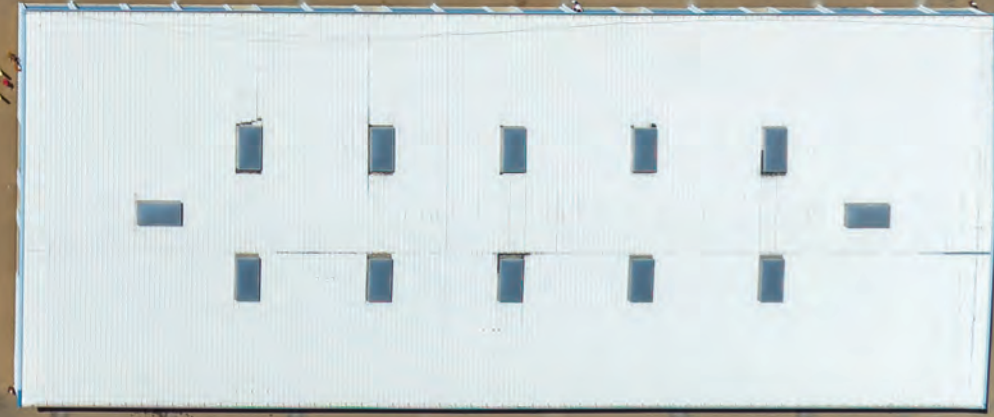
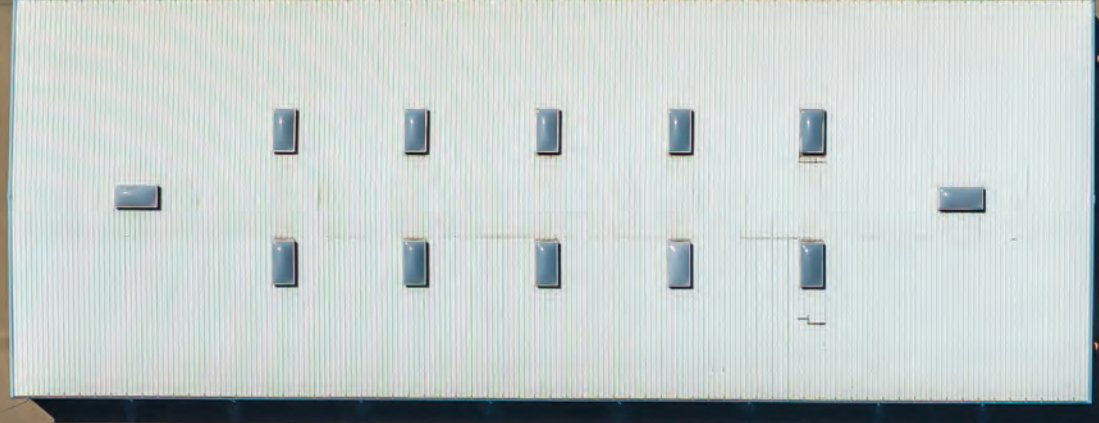


**Proposed Mini Storage Building**

**Proposed Mini Storage Building**



# Proposed Mini Storage Building



Proposed Mini Storage Building



## CITY OF TRACY

DETERMINATION OF  
THE DEVELOPMENT SERVICES DEPARTMENT

Application Number D22-0016

A determination of the Development Services Department (1) Approving a new Development Review Permit (D22-0016) to construct an approximately 21,000 sq. ft. mini storage building at an existing site located at 250 W. Valpico Rd., which is Phase 2 of the Project previously approved pursuant to Development Review Permits 26-98 D and 17-01 D; (2) Granting a Right of Entry, Release of Liability, Assumption of Risk, Indemnification, Defense and Hold Harmless, Agreement to allow connection to the City-owned Detention Basin 2A, and (3) Determining this phase of 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 Tom Cosentino, and property owner is Cypress Equities Group.

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

1. M-1 Light Industrial Zone (TMC Chapter 10.08, Article 20)
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 A NEW DEVELOPMENT REVIEW PERMIT (D22-0016) TO CONSTRUCT AN APPROXIMATELY 21,000 SQ. FT. MINI STORAGE BUILDING AT AN EXISTING SITE LOCATED AT 250 W. VALPICO RD., WHICH IS PHASE 2 OF THE PROJECT PREVIOUSLY APPROVED PURSUANT TO DEVELOPMENT REVIEW PERMITS 26-98 D AND 17-01 D; (2) GRANT A RIGHT OF ENTRY, RELEASE OF LIABILITY, ASSUMPTION OF RISK, INDEMNIFICATION, DEFENSE AND HOLD HARMLESS, AGREEMENT TO ALLOW CONNECTION TO THE CITY-OWNED DETENTION BASIN 2A, AND (3) DETERMINE THIS PHASE OF THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT 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 a complementary design with a mix of colors and materials like metal siding and metal panels that will be painted to match adjacent buildings to create a harmonious addition to the existing mini storage site.



2. The project is consistent with the M-1 Light Industrial Zone, Tracy Municipal Code, the City of Tracy General Plan, the Citywide Design Goals and Standards, and other City regulations because the proposed mini storage building for storage is a permitted use and will be constructed to adhere to all requirements of the M-1 Light Industrial Zone.

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Bradley Evanson  
Interim Director of Development Services

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Date of Action

**City of Tracy**  
**Development Services Director**  
**Conditions of Approval**  
Tracy Self Storage  
Application Number D22-0016  
(Phase 2 of Project)  
July 25, 2023

**A. General Provisions and Definitions.**

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

The Project: Tracy Self Storage Expansion, Development Review Permit D22-0016

The Property: 250 W. Valpico Rd. (APN 248-020-14).

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, applying for a Development Review 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. This phase of the Project (Phase 2) shall be developed in substantial compliance with the plans received by the Development Services Department on May 22, 2023, to the satisfaction of the Development Services Director. These plans shall supplement the previously approved plans for

“Phase 1” of the Project, dated November 2, 1998 for Development Review Permit 26-98-D in accordance with Condition of Approval B-2 of said permit,

- 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. Notwithstanding the foregoing, pursuant to Condition of Approval C-8 on Development Review Permit 26-98-D, storm drainage impact fees were deferred to Phase 2 of the Project. Applicant acknowledges and agrees that this new Development Review Permit D22-0016 effectuates phase 2 of the Project, and Applicant shall pay storm drainage fees prior to the issuance of the building permit for the improvements permitted hereunder. Upon payment of such fees, said portion of Condition of Approval C-8 shall be deemed satisfied.
- 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](mailto: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 May 22, 2023.
- B.6. 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 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.7. 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.8. 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.9. 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.10. 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.11. 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. All signs shall be designed and constructed in accordance with Tracy Municipal Code Article 35 - Signs.
- B.13. 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.14. 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.15. 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.16. 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.17. 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.18. 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.

**C. Development Services Department, Engineering Conditions of Approval**

Contact: Al Gali

(209) 831-6436

[al.gali@cityoftracy.org](mailto: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](mailto: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).
- 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 (TMC). 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.4.16. Prior to the issuance of a grading permit, Developer shall execute a Right-of-Entry Agreement, per Section 2.20.090 of the TMC, for access and to perform requisite work necessary to allow the Project to connect to the City's Detention Basin 2A.
- C.4.17. Subject to (A) completion of all improvements required by the Deferred Improvement Agreement dated August 4, 2000, and recorded as instrument 00090073 in the San Joaquin County Recorder's Office, as referenced in condition of approval E.7. of Development Review Permit 26-98-D (DIA), and (B) in accordance with the requirements set forth in the Right of Entry Agreement referenced in Condition of Approval C.4.16 and applicable City standards, all to the satisfaction of the City Engineer, said Condition of Approval E.7 shall be deemed satisfied.
- C.4.18. Subject to satisfaction of Condition of Approval C.4.17, to the satisfaction of the City Engineer, and in accordance with Section 2 of the DIA, the City Engineer shall notify Applicant that all Work, as defined and required in the DIA, has been fully completed and shall authorize the release of outstanding security. The DIA shall become null and void upon the foregoing actions by the City Engineer. All Work performed under the DIA shall remain the property of Applicant and the City shall not accept any such Work.

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 (TMC). 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 comply with and/or construct the recommended mitigations as described in the storm drain technical memorandum.

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.

Developer shall remove the Project's temporary storm retention basin and its appurtenances.

Developer shall construct a permanent storm drain connection from the Project to Detention Basin 2A.

Developer shall remove approximately six (6) inches of silt and/or soil from the basin bottom of Detention Basin 2A, restoring the original elevation of the lower portion of Detention Basin 2A.

- 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.
- 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 lines 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.
- 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.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 satisfactorily 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.
- C.8.5. Prior to acceptance of the public improvements, Developer shall execute an amendment to the Deferred Improvement Agreement (DIA) as approved by City Council on June 6, 2000, pursuant to Resolution No. 2000-224 and recorded with Assessor Recorder's Office of San Joaquin County, Document No. 00090073. The amendment shall declare all deferred improvements, as identified in Exhibit "D", Section II. "Description of Work", Deferred Improvements 1 and 2, as complete.

#### **D. Development Services Department, Building Division Conditions**

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

- D.1. 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.2. At time of building permit, applicant shall provide documentation allowing storm drainage to the adjacent lot.

#### **E. Utilities Department, Water Resources Division Conditions.**

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

- E.1. Prior to issuance of a construction or building permit, the applicant shall demonstrate compliance with the 2015 Post-Construction Stormwater Standards (PCSWS) Manual and obtain approval through the following:
  - E.1.1. Develop a Project Stormwater Plan (PSP) that identifies the methods to be Employed to reduce or eliminate stormwater pollutant discharges through the construction, operation and maintenance of source control measures, low impact development design, site design measures, stormwater treatment control measures and baseline hydromodification control measures.
    - E.1.1.a. Design and sizing requirements shall comply with PCSWS Manual.
    - E.1.1.b. Demand Management Areas must be clearly designated along with identification of pollutants of concern.
    - E.1.1.c. Calculations of the Stormwater Design Volume and/or Design Flow
    - E.1.1.d. Submit one (1) hard copy of the PSP and an electronic copy to the Utilities Department ([WaterResources@cityoftracy.org](mailto:WaterResources@cityoftracy.org)), include the



project name, address and Project # and/or Permit # in the title or subject line.

- E.1.2. A separate plan sheet(s) designated SW shall be submitted in the plan set that includes the identified methods for pollution prevention outlined in the submitted PSP. You must include all standards, cross sections and design specifications such as landscape requirement in treatment areas including type of irrigation installation and/or height of drain inlet above the flow line, etc. in these SW plan sheets along with legend.
- E.1.3. Develop and electronically submit to the Utilities Department for approval ([WaterResources@cityoftracy.org](mailto:WaterResources@cityoftracy.org)) a preliminary Operations and Maintenance (O & M) Plan that identifies the operation, maintenance, and inspection requirements for all stormwater treatment and baseline hydromodification control measures identified in the approved PSP.
- E.1.4. No later than two (2) months after approval notification of the submitted PSP, the applicant shall electronically submit the following information to the Utilities Department ([WaterResources@cityoftracy.org](mailto:WaterResources@cityoftracy.org)) for development of a draft stormwater maintenance access agreement, in accordance with the MAPCSWS:
  - i. Property Owner(s) name and title report; or Corporate name(s) and binding documents (resolutions, etc) designating ability to sign agreement
  - ii. Property Address
  - iii. Exhibit A – legal property description
  - iv. Exhibit B – approved O & M Plan
- E.2. Prior to issuance of a grading permit, the applicant shall provide proof of permit coverage under the Construction General Permit and submittal of an electronic Stormwater Pollution Prevention Plan (SWPPP), to be submitted to [WaterResources@cityoftracy.org](mailto:WaterResources@cityoftracy.org).
- E.3. Prior to Certificate of Occupancy, the applicant shall complete the following to the satisfaction of the Utilities Director:
  - E.3.1. Return to the Utilities Department, two legally signed and notarized copies of the final maintenance access agreement including all exhibits and approved O & M plan previously submitted and received from the Utilities Department.
  - E.3.2. Obtain final approval by the Utilities Department of the constructed and installed Stormwater pollution prevention methods outlined in the PSP. Frequent inspections of the Post-Construction treatment measures should occur during the construction phase by calling 209-831-6333.
  - E.3.3. The project shall be in full compliance with Construction General Permit including 70% stabilization of the project with Notice of Termination approval.
- E.4. Before the approval of a construction, grading or building permit, the applicant shall demonstrate compliance with Tracy Municipal Code Chapters 11.28 and 11.34 and

Chapter 5 of the California Green Building Standards Code to the satisfaction of the Utilities Director.

E.5. The project shall always comply with Federal, State and Local mandates with regard to potable water use, recycled water use and water quality.

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

Contact: Guadalupe Pena                      209.831.6834                      [Guadalupe.Pena@cityoftracy.org](mailto:Guadalupe.Pena@cityoftracy.org)

**F.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.

## **G. South San Joaquin County Fire Authority Conditions**

Contact: Daniel Stowe

(209) 831-6707

[daniel.stowe@sjcfire.org](mailto:daniel.stowe@sjcfire.org)

- G.1. Prior to construction, 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.

- b. 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.
  - c. 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.
  - d. 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.
  - e. 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. 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.
  - g. Fire control room locations shall be approved the fire code official prior to the issuance of construction permit.
  - h. Provide a truck turning template which clearly shows the truck turning radius of 29'-9" inside and 47'-7" outside. Truck turning template shall show all ingress and egress paths available.
- G. 2. Engineering and building permit applications received by our offices are subject to the current fee schedule for South San Joaquin County Fire Authority. Contact our offices for additional information.
- 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.
- G.3. Building is assumed it will be constructed as a 'speculative building'. Additional permits will be required for each separate tenant improvement. Construction documents shall be submitted to South San Joaquin County Fire Authority for review and approval prior to the start of construction or demolition.

- a. Prior to occupancy of each new business, the tenant shall contact South San Joaquin County Fire Authority for a new business inspection. Additional fees may be required for New Business, Annual and Operational Fire Permits. All fees shall be paid prior to approval of inspections.
- G.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 CFC §503.
- G.5. All hydrants shall be installed, inspected and tested prior to bringing combustible materials onsite, including storage.
- G.6. Knox boxes shall be required. Each tenant shall have keys placed in the key box. The operator of the building shall immediately notify the Fire Authority and provide the new key where a lock is changed or rekeyed. The key to such shall be secured in the key box.
- G.7. Building and each tenant space shall be provided with approved address identification in accordance with CFC §505.
- G.8. Prior to final inspection, emergency radio responder coverage shall be tested to confirm coverage areas. It is beneficial for the applicant to conduct testing at foundation as retrofitting for the conduit is costly. If coverage is inadequate, a separate permit for emergency radio responder coverage shall be submitted to SSJCFA for review and approval prior to installation.
  - a. Additional improvements may warrant additional testing to be performed. Testing shall be the determination of the fire code official.
- G.9. Additional comments may occur upon submittal of construction documents.



Think Inside the Triangle™

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Tracy, CA 95376

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Fax: (209) 831-6439

## **Right of Entry, Release of Liability, Assumption of Risk, Indemnification, Defense and Hold Harmless, Agreement (GRADING PERMIT # G23-0002)**

Pursuant to the Conditions of Approval set forth in Development Review Permit D22-0016, Tracy Self Storage (Applicant), the owner of parcel APN 248-020-14, is performing construction work on City of Tracy (City) owned property located on the parcel APN 248-47-15(Property). The Property includes unimproved land as well as the improvement referred to as Detention Basin 2A. Such Conditions of Approval require Applicant to construct improvements to connect from its parcel to Detention Basin 2A, prior to construction of improvements on its parcel.

To enable Applicant to satisfy the foregoing Conditions of Approval, City hereby grants to Tracy Self Storage, its agents, employees and contractors, the ability to enter upon Detention Basin 2A in accordance with the terms of this Right of Entry, Release of Liability, Assumption of Risk, Indemnification, Defense and Hold Harmless Agreement (Agreement).

1. Tracy Self Storage is granted access to perform solely the following work: Excavate and trench per Grading Plans G23-0002 for the purpose of:
  - a. Connecting a private storm drain line from Applicant's parcel to Detention Basin 2A
  - b. Excavating and removing a layer of soil, approximately six (6) inches, at the bottom of Detention Basin 2A to restore its bottom elevation to its original condition.
2. Applicant shall have the right to use the excavated soil to fill the temporary storm basis on its parcel, subject to Applicant (i) obtaining all required permits from third party regulatory bodies, if any; (ii) complying with all requisite requirements for the excavation, handling, storage and reuse of such soil, including testing of such soil prior to excavation, to the extent required; and (iii) ensuring that the soil imported from Detention Basin 2A used to fill its temporary on-site retention basin is uncontaminated and acceptable for reuse by applicable third party regulatory bodies.
3. Applicant shall meet all of the requirements set forth in Attachment A Special Conditions of G23-0002.
4. Applicant's right to enter Property shall terminate on 12/29/2023.
5. A representative from Applicant will contact City Construction Inspection Team, 48 hours prior to the commencement of the Work.
6. Tracy Self Storage hereby agrees to indemnify, defend, and hold harmless City from any damages to Property arising out of Tracy Self Storage performing the above referenced work, entering onto the Property, and any of rights afforded to Applicant hereunder. Tracy Self Storage further agrees to repair and/or restore the Property in the event that Tracy Self Storage damages any portion of the Property. Said repairs shall be in conformance with the City's standards and to the satisfaction of the City Engineer.
7. All construction shall be in accordance with City Design Standards, Standard Plans, and Standard Specifications and the approved plans G23-0002.
8. City further grants to Applicant, a revocable license, to install pipes on the Property, in such area shown on the approved plans G23-0002, so as to enable Applicant to connect to Detention

Basin 2A. City reserves the right to require Applicant to relocate its pipes to other areas of the Property, at Applicant's sole cost and expense. This section shall survive the expiration or termination of other sections of this Agreement.

9. If any provision of this Agreement is determined by an appropriate court of jurisdiction to be unenforceable, the remaining provisions herein are stipulated to be enforceable and binding.

**SIGNED:**

ATTACHMENT D

CYPRESS EQUITIES GROUP V, L.P.

CITY OF TRACY, a municipal corporation

\_\_\_\_\_  
By: Scott Crist, Owner/Managing Partner

\_\_\_\_\_  
Midori Lichtwardt, Interim City Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved As To Form:

Bijal M. Patel, City Attorney

Date: \_\_\_\_\_



# Attachment A Special Conditions

ATTACHMENT D

By the signature of the Permittee on Right of Entry Agreement Application or its authorized representative, the Permittee acknowledges that they have read, understand, and agreed to comply with the following Special Conditions.

Storm drainage systems shall be designed and constructed in accordance with all City Regulations, including the Citywide Storm Drainage Master Plan (including all supplements thereto), the City of Tracy Multi-Agency Post Construction Stormwater Standards Manual, the Standard Plans and Specifications, and these Design Standards. For each development project, the design of the storm drainage system shall be of such a size to provide storm drainage capacity to adequately convey all storm water that can be reasonably anticipated to be generated for the development project, and the surrounding areas identified in the Citywide Storm Drainage Master Plan. Design Engineers are advised to review proposals, which are potentially at variance with the Citywide Storm Drainage Master Plan or these Design Standards with the City Engineer prior to proceeding with design studies.

Non-compliance of City Codes, Plans, Specifications and conditions of this permit may result in fines and penalties as established by the City Council.

Permittee acknowledge and agree that non-compliance on any of the special conditions below may result in permit suspension or stoppage of work. City is not responsible for any costs incurred by the Permittee as a result of work delay due to permit suspension or of work stoppage.

1. The Permittee shall perform the work in accordance with the City-reviewed Grading permit.
2. The Permittee shall comply with all the requirements of Chapter 7.24 of the Tracy Municipal Code regarding dust control. The Permittee shall spray water on the construction site during windy and dry days, during or after completion of the construction operations or when required by the City to control dust. The Permittee shall be responsible to clean and/or sweep at least twice a day or as required by the City, all streets that are affected by the construction operations or used by trucks or equipment on this work.
3. The Permittee shall repair, replace or restore any improvements whether private or public improvements to its condition prior to being damaged or better condition that are damaged by the Permittee or its authorized representative(s) and/or their agents as a result of the construction operations upon notification by the City, at the Permittee costs. The Permittee shall complete the work required under this section within the timeline specified by the City. No reimbursement from the City whatsoever will be granted.
4. The Permittee shall maintain insurance for the benefit of the City and such insurance coverage shall meet the insurance requirements specified in Section 7.04.010 (f) of the Tracy Municipal Code. City shall be named as additional insured in the original certificate of insurance. Renewal certificate shall be provided by the Permittee to the City, prior to insurance expiration.

5. No trench shall be left open or uncovered and unprotected during the night. Appropriate signs and barricades shall be installed within the site and on all trenches during and after work hours. The Permittee shall be responsible for ensuring that work site is safe and secured with appropriate traffic signs at each end of the work day. Driveway(s) or access road(s) to private property(s) and/or businesses shall be kept open at all times.
  
6. The Permittee shall be responsible for correcting or mitigating any damages on private properties and existing roadway improvements as a result of the construction or grading operations. The Permittee agreed to indemnify, defend, and hold harmless the City (including its elected officials, officers, agents, and employees) from and against any and all claims, demands, damages, liabilities, costs, and expenses resulting from or arising out of the performance of the construction work by the Permittee and/or their agents, representatives, its authorized representative(s) or employees.
  
7. The Permittee shall obtain written permission(s) or agreement(s) for work that are to be performed by the Permittee or its authorized representative(s) outside City's right-of-way and /or easements, all at the Permittee cost and expense.
  
8. The Permittee shall also notify owner(s) and/or operator(s) of existing public utilities including AT&T (telephone and fiber optic facility), PG&E (gas and electric), Comcast (cable TV), and others, prior to the start of work around or adjacent their facilities, or work that may affect their facilities. The Permittee shall comply with all the utilities owner(s) and operator(s)'s requirements, all at the Permittee's sole cost and expense.
  
9. After the completion of work, the Permittee shall provide the City as-built drawing(s) that reflect changes that were made during construction such final location of affected and relocated utility(s) or improvement(s).