

April 12, 2022

DIRECTOR PUBLIC HEARING
AGENDA ITEM 1

REQUEST

PUBLIC HEARING TO CONSIDER APPROVING A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT A FIVE-MEGAWATT BIO-MASS ELECTRICAL GENERATING POWER PLANT LOCATED ADJACENT TO THE TRACY DESALINATION PLANT AT 9251 W. ARBOR AVENUE, ASSESSOR'S PARCEL NUMBER 212-160-11. APPLICANT IS FRANK SCHUBERT AND THE PROPERTY OWNER IS THE CITY OF TRACY. APPLICATION NUMBER D21-0032

Project Description

This agenda item involves a request for a Development Review Permit to construct a five-megawatt bio-mass electrical generating power plant located adjacent to the Tracy Desalination Plant at 9251 W. Arbor Avenue (Attachment A – Location Map, Attachment B – Project Plans).

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

Environmental Document

The project is consistent with the Mitigated Negative Declaration for the Tracy Desalination and Green Energy Project, which was approved by City Council on May 1, 2012 (Resolution No. 2012-075), and the Addendum to the Initial Study and Mitigated Negative Declaration dated September 2012, prepared in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the CEQA Guidelines. No further environmental assessment is required.

RECOMMENDATION

Staff recommends that the Development Services Director approve the Development Review Permit to construct a five-megawatt bio-mass electrical generating power plant located adjacent to the Tracy Desalination Plant at 9251 W. Arbor Avenue, Application Number D21-0032, based on the findings contained in the Director's Determination dated April 12, 2022 (Attachment C).

Prepared by: Scott Claar, Senior Planner

Approved by: Bill Dean, Interim Development Services Director

ATTACHMENTS

Attachment A: Location Map

Attachment B: Project Plans

Attachment C: Development Services Director Determination
Exhibit 1 – Conditions of Approval

SUGAR RD.

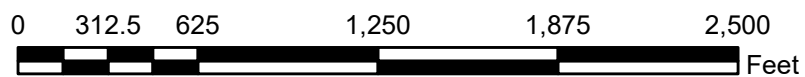
Project Site

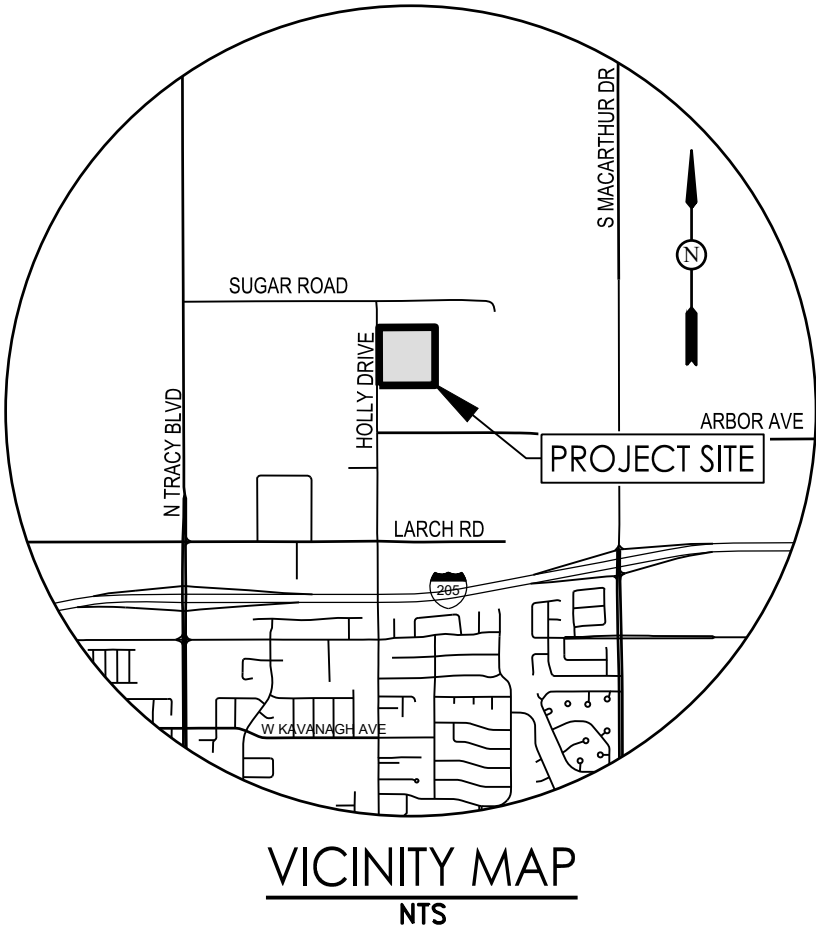
HOLLY DR.

ARBOR AVE.



Think Inside the Triangle™





SHEET INDEX

C1	PRELIMINARY SITE PLAN
C2	PRELIMINARY SITE PLAN
C3	PRELIMINARY GRADING PLAN
C4	PRELIMINARY UTILITY PLAN
L1	LANDSCAPE PLAN

LEGEND

	SD	STORM DRAIN
	SS	SEWER LINE
	W	WATER LINE
		STORM DRAIN INLET
		STORM DRAIN MANHOLE
		SEWER MANHOLE
		FIRE HYDRANT
		PROJECT BOUNDARY
		EASEMENT
		GRADE BREAK
		CHAIN LINK FENCE
		ASPHALT CONCRETE PAVEMENT
		GRAVEL
		CONCRETE
		COBBLESTONE
		LANDSCAPE
	40.5	GRADE ELEVATION
	0.9%	SLOPE
		SWALE

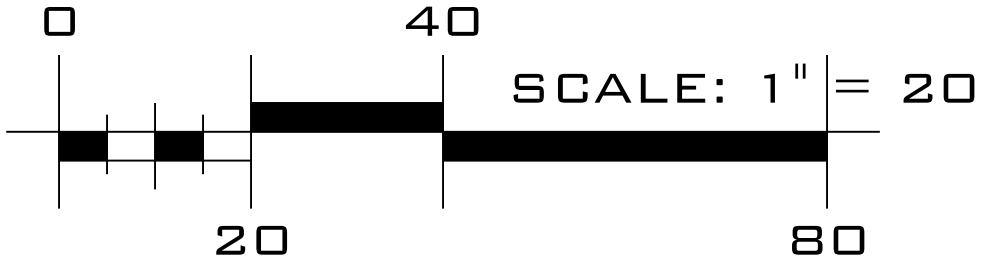
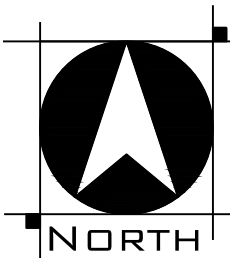
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TRACY, CA
FEBRUARY 2022

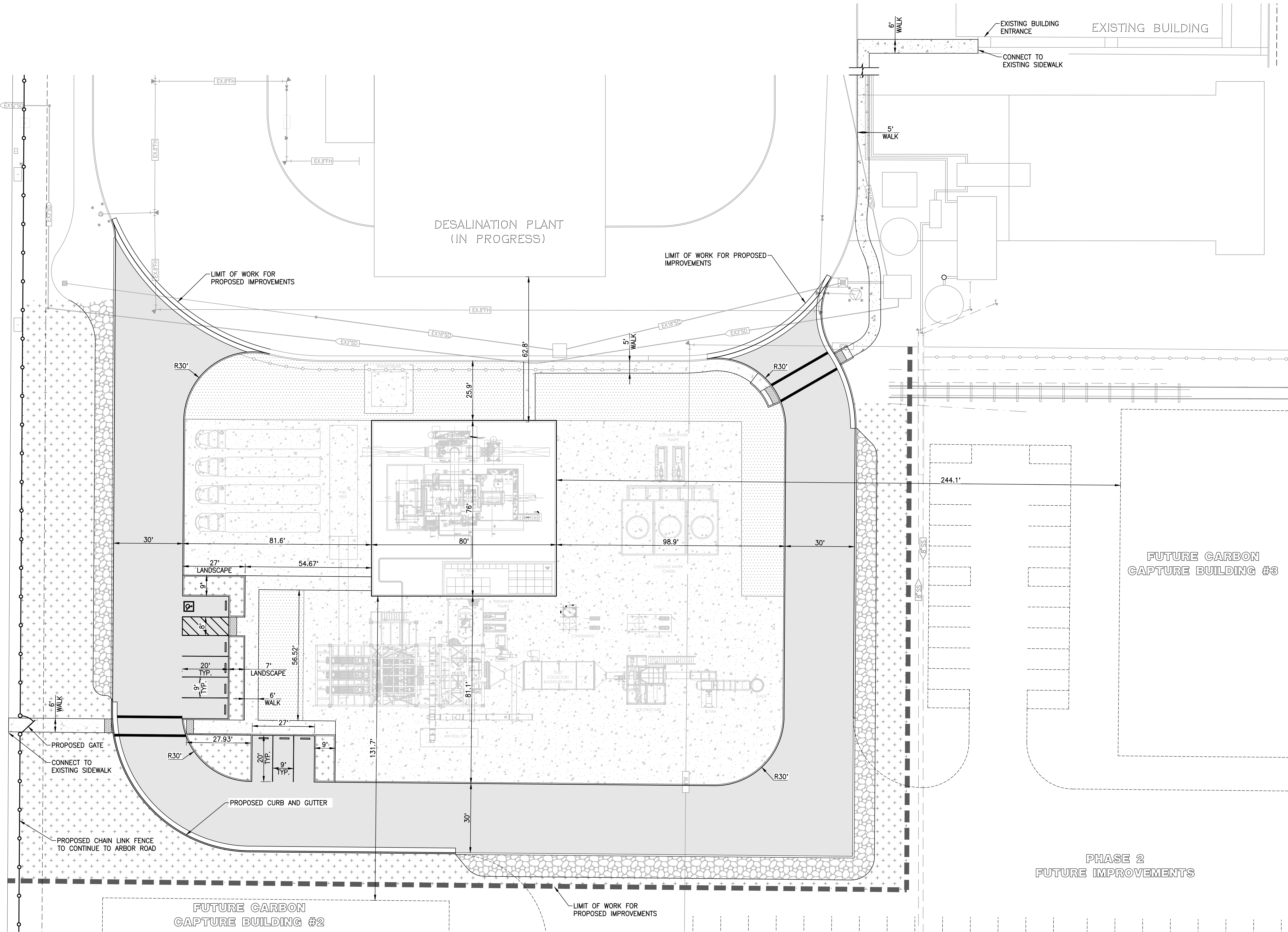
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SHEET C1 OF 5

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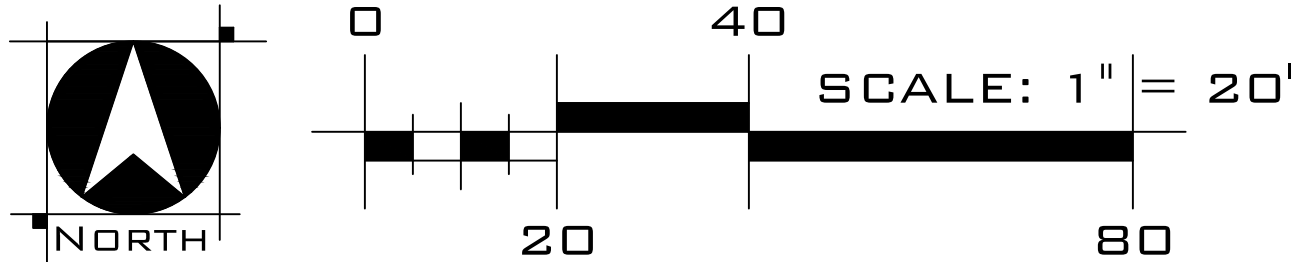


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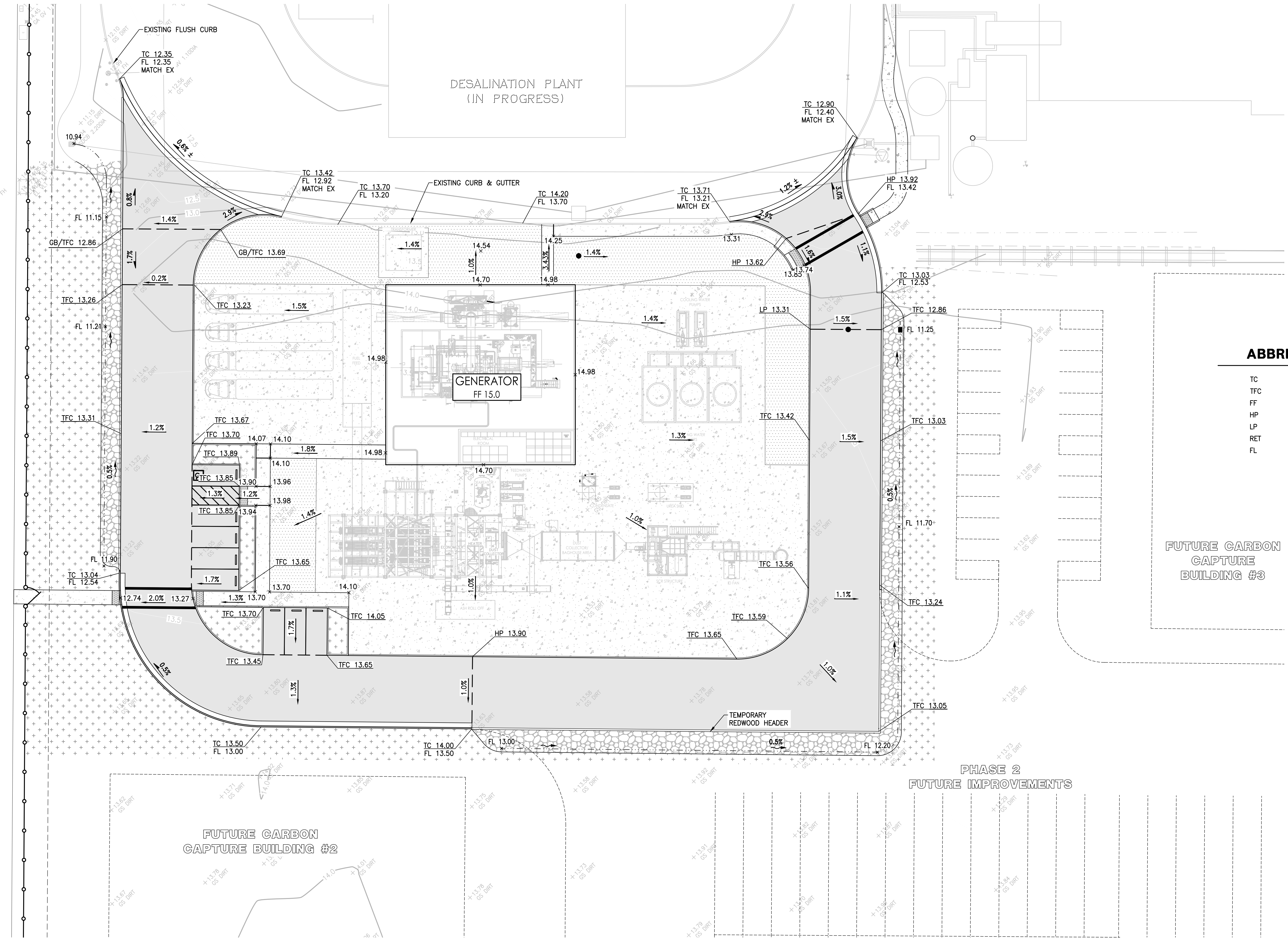
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PRELIMINARY SITE PLAN
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HOLLY DRIVE



ABBREVIATIONS

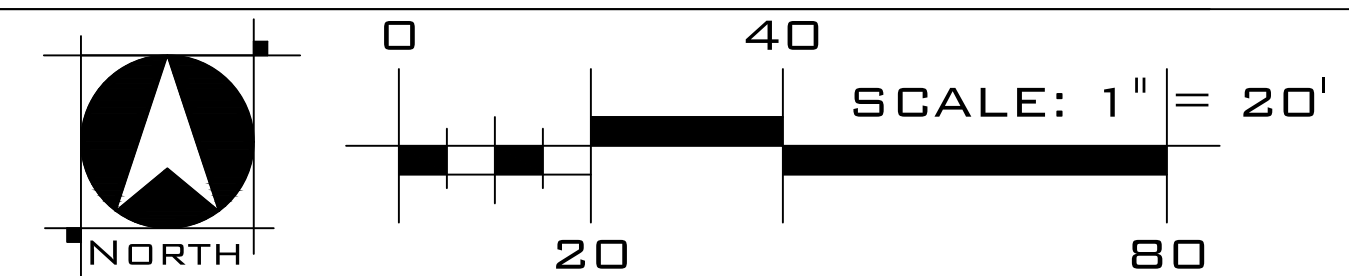
TC	TOP OF CURB
TFC	TOP OF FLUSH CURB
FF	FINISHED FLOOR
HP	HIGH POINT
LP	LOW POINT
RET	CURB RETURN
FL	FLOW LINE

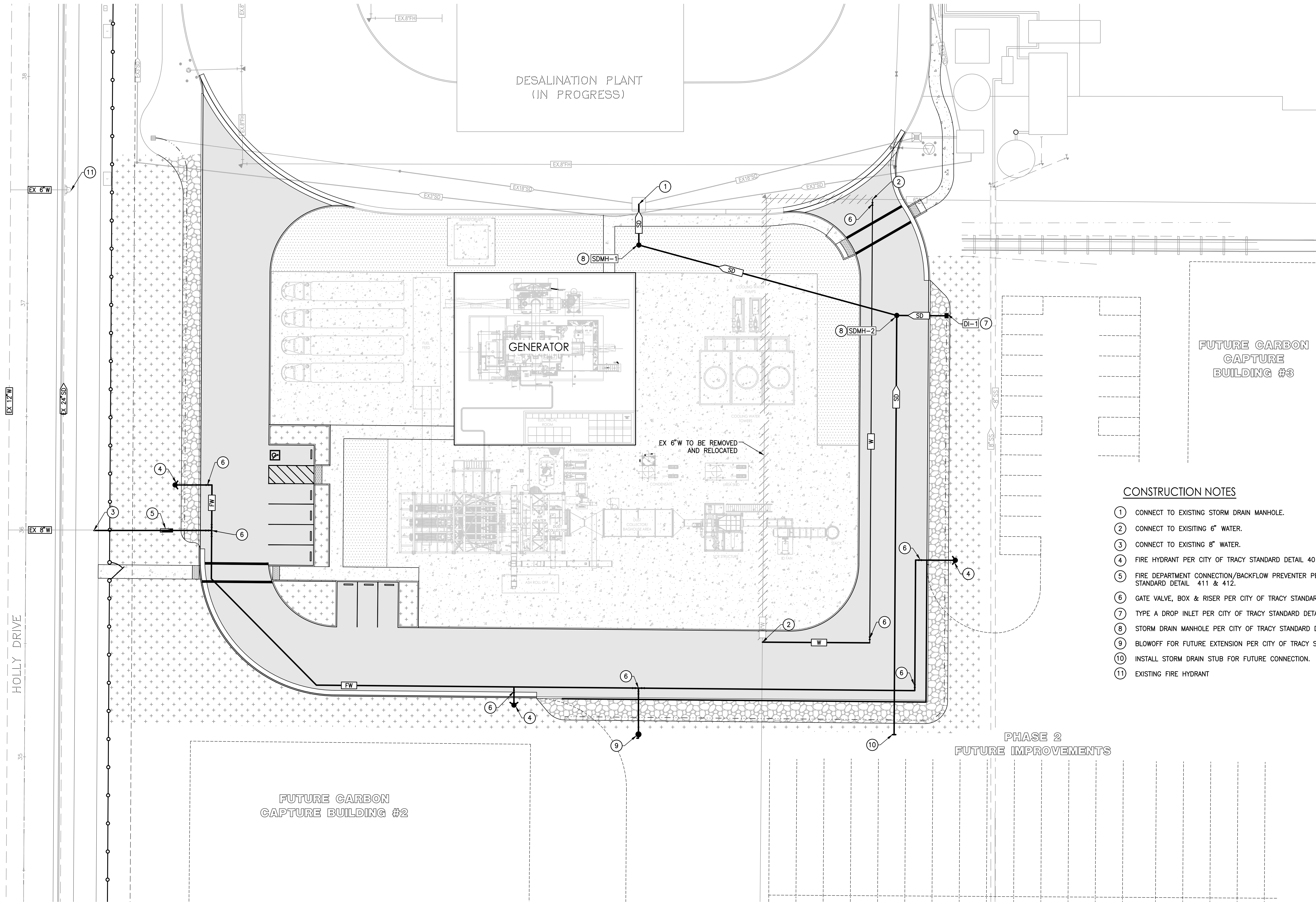
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PRELIMINARY GRADING PLAN
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CONSTRUCTION NOTES

- 1 CONNECT TO EXISTING STORM DRAIN MANHOLE.
- 2 CONNECT TO EXISTING 6" WATER.
- 3 CONNECT TO EXISTING 8" WATER.
- 4 FIRE HYDRANT PER CITY OF TRACY STANDARD DETAIL 401.
- 5 FIRE DEPARTMENT CONNECTION/BACKFLOW PREVENTER PER CITY OF TRACY STANDARD DETAIL 411 & 412.
- 6 GATE VALVE, BOX & RISER PER CITY OF TRACY STANDARD DETAIL 402.
- 7 TYPE A DROP INLET PER CITY OF TRACY STANDARD DETAIL 204.
- 8 STORM DRAIN MANHOLE PER CITY OF TRACY STANDARD DETAIL 300.
- 9 BLOWOFF FOR FUTURE EXTENSION PER CITY OF TRACY STANDARD DETAIL 407.
- 10 INSTALL STORM DRAIN STUB FOR FUTURE CONNECTION.
- 11 EXISTING FIRE HYDRANT

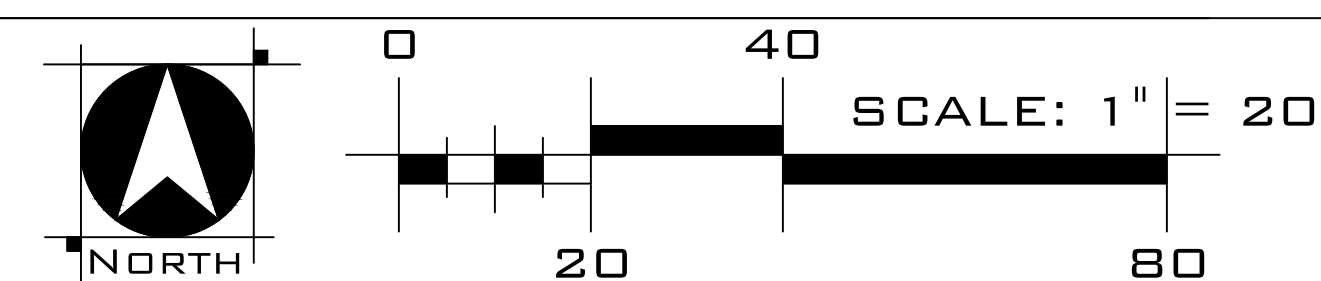
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PRELIMINARY UTILITY PLAN
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 SURFACE AREA USED IN CALCULATION

Preliminary Shade Calculation				
Tracy Power Plant				
TRACY, CALIFORNIA				
%(SHADE PECENTAGE)	QUANTITY	SHADE AREA (SF)	AMOUNT (SF)	
25' Diameter Trees				
Species: Fraxinus x americana, Liriodendron tulipifera, Pinus canariensis				
100%	0	491	0	
75%	0	368	0	
50%	5	246	1230	
25%	1	123	123	
TOTAL SHADE AREA			1353	
TOTAL PARKING AREA			1494	
TOTAL SHADE PERCENTAGE			90.56%	

CONCEPT PLANT SCHEDULE

	CANOPY SHADE TREE FRAXINUS X AMERICANA 'AUTUMN PURPLE' / AUTUMN PURPLE ASH - SIZE AT MATURITY: 50' TALL, 40' WIDE LIRIODENDRON TULIPIFERA / TULIP POPLAR - SIZE AT MATURITY: 60' TALL, 40' WIDE PINUS CANARIENSIS / CANARY ISLAND PINE - SIZE AT MATURITY: 60' TALL, 30' WIDE	20	24"BOX, MEDIUM, STANDARD 24"BOX, MEDIUM, STANDARD 24"BOX, LOW
	SCREENING TREE ARBUTUS X 'MARINA' / MARINA STRAWBERRY TREE - SIZE AT MATURITY: 30' TALL, 25' WIDE GINKGO BILOBA 'AUTUMN GOLD' TM / AUTUMN GOLD MAIDENHAIR TREE - SIZE AT MATURITY: 40' TALL, 30' WIDE LAURUS X 'SARATOGA' / SARATOGA HYBRID LAUREL - SIZE AT MATURITY: 30' TALL X 25' WIDE	40	15 GAL, LOW, STANDARD 15 GAL, MEDIUM, STANDARD 15 GAL, LOW, STANDARD
	ACCENT TREE AMELANCHIER ARBOREA / DOWNY SERVICEBERRY - SIZE AT MATURITY: 20' TALL, 20' WIDE CHILOPSIS LINEARIS / DESERT WILLOW - SIZE AT MATURITY: 20' TALL, 15' WIDE LAGERSTROEMIA INDICA 'CATAWBA' / CATAWBA CRAPE MYRTLE MULTI-TRUNK - SIZE AT MATURITY: 15' TALL, 10' WIDE PARKINSONIA X 'DESERT MUSEUM' / DESERT MUSEUM PALO VERDE - SIZE AT MATURITY: 20' TALL, 15' WIDE VACCINIUM ARBOREUM / FARKLEBERRY - SIZE AT MATURITY: 20' TALL, 20' WIDE	57	15 GAL, MEDIUM 5 GAL, LOW, MULTI-TRUNK 5 GAL, MEDIUM, MULTI-TRUNK 5 GAL, LOW, MULTI-TRUNK 15 GAL, MEDIUM
	SHRUBS & GROUNDCOVERS ARCTOSTAPHYLOS X 'EMERALD CARPET' / EMERALD CARPET MANZANITA - (G) CAESALPINIA GILLIESII / YELLOW BIRD OF PARADISE - (S) CEANOTHUS MARITIMUS 'VALLEY VIOLET' / VALLEY VIOLET MARITIME CEANOTHUS - (G) CISTUS SALVIFOLIUS 'PROSTRATUS' / SAGELEAF ROCKROSE (G) LOMANDRA LONGIFOLIA 'BREEZE' / DWARF MAT RUSH MAHONIA AQUIFOLIUM / OREGON GRAPE - (S) ROSMARINUS OFFICINALIS 'IRENE' TM / IRENE TRAILING ROSEMARY - (G) SALVIA MICROPHYLLA 'HOT LIPS' / HOT LIPS GRAHAM SAGE - (S) WESTRINGIA FRUTICOSA 'WYNABBIE GEM' / WYNABBIE GEM COAST ROSEMARY - (S)	13,491 SF	5 GAL, LOW 5 GAL, LOW 5 GAL, LOW 5 GAL, LOW 5 GAL, MEDIUM 5 GAL, MEDIUM 5 GAL, LOW 5 GAL, LOW 5 GAL, LOW

LANDSCAPE MAINTENANCE NOTES

1. ALL PROPOSED SITE LANDSCAPE AREAS OUTSIDE OF THE CITY RIGHT OF WAY SHALL BE MAINTAINED BY THE OWNER, EXCLUDING LANDSCAPE AREAS BETWEEN BACK OF CURB AND FACE OF WALK ALONG HOLLY DRIVE.

PLANTING NOTES

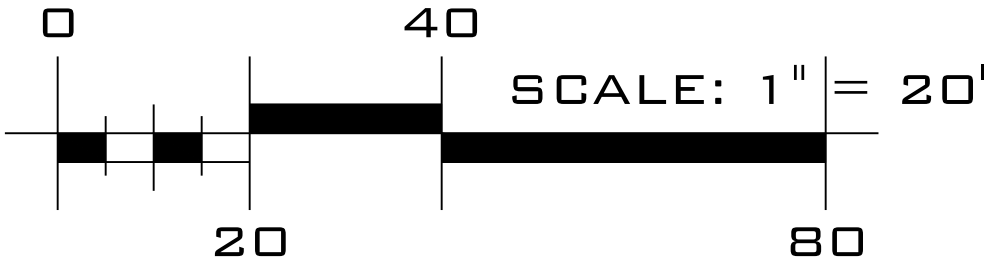
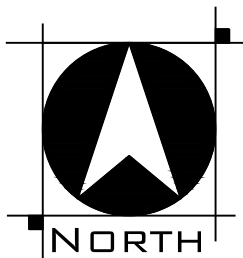
1. LANDSCAPE WILL UTILIZE LOW AND MEDIUM WATER USE PLANT MATERIAL.
2. ALL SHRUB AND GROUNDCOVER AREAS ARE TO RECEIVE A 3" LAYER OF BARK MULCH. MULCH TO BE MEDIUM SIZED WALK-ON-BARK.
3. PROPOSED TREE LOCATIONS ARE BASED ON PROPOSED UTILITY AND HARDSCAPE LOCATIONS. TREE LOCATIONS SHOWN ARE INTENDED TO DETERMINE THE MINIMUM TREES REQUIRED TO MEET THE 50% SHADE COVERAGE PER CITY OF TRACY LANDSCAPE ORDINANCE REQUIREMENTS. FINAL TREE LOCATIONS TO BE DETERMINED WHEN FINAL UTILITY LOCATIONS ARE PROVIDED. TREE PLACEMENT MAY BE ADJUSTED BUT THE TREE QUANTITIES AROUND PARKING LOT PAVED AREAS SHALL REMAIN AS SHOWN.
4. TREE SYMBOLS ARE SHOWN AT ROUGHLY 85% OF THEIR MATURE SIZE TO DEMONSTRATE SUFFICIENT ROOM FOR TREE GROWTH AND HEALTH.
5. THERE SHALL BE NO UNDERSTORY PLANTING WITHIN 4' OF ANY TREE TRUNKS.

IRRIGATION NOTES

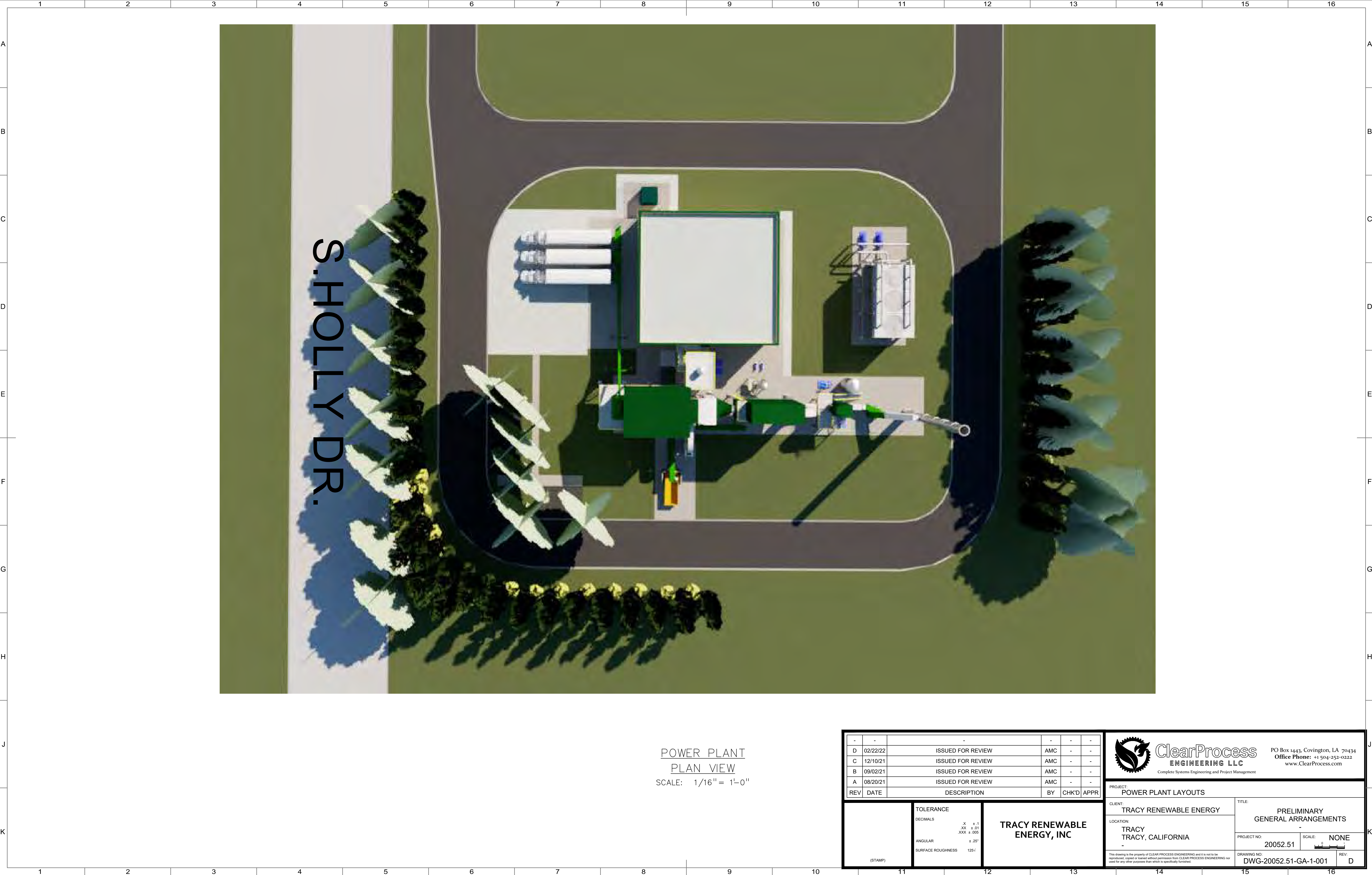
1. IRRIGATION SYSTEM WILL BE SUPPLIED BY POTABLE OR NON-POTABLE WATER AVAILABLE IN ADJACENT ROADWAYS.
2. IRRIGATION DESIGN FOR THE SITE WILL COMPLY WITH THE CITY OF TRACY WATER EFFICIENT LANDSCAPE ORDINANCE (WELO) REQUIREMENTS. ALL NECESSARY DOCUMENTATION INCLUDING WATER CALCULATIONS, AND CERTIFICATES SHALL BE SUBMITTED WITH THE LANDSCAPE IMPROVEMENT PLANS FOR REVIEW AND APPROVAL.
3. IRRIGATION SYSTEMS WILL BE AUTOMATICALLY CONTROLLED BY A WELO COMPLIANT SMART AUTOMATIC CONTROLLER USING ET DATA SCHEDULING AND RAIN SENSOR SHUT-OFF CAPABILITIES.
4. IRRIGATION DESIGN WILL UTILIZE HYDRO ZONING WHERE PLANTS ARE GROUPED ONTO SEPARATE VALVES ACCORDING TO SUN EXPOSURE AND WATER USE.
5. ALL TREES, SHRUBS & GROUNDCOVER TO BE IRRIGATED WITH LOW FLOW ROTARY SPRAY NOZZLE TECHNOLOGY, POINT SOURCE BUBBLERS AND/OR DRIP EMITTERS.

TRACY POWER PLANT
TRACY, CA
SEPTEMBER, 2021

TRACY RENEWABLE ENERGY, LLC
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L-1 PRELIMINARY LANDSCAPE PLAN
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SHEET 5 OF 5



POWER PLANT
PLAN VIEW
SCALE: 1/16" = 1'-0"

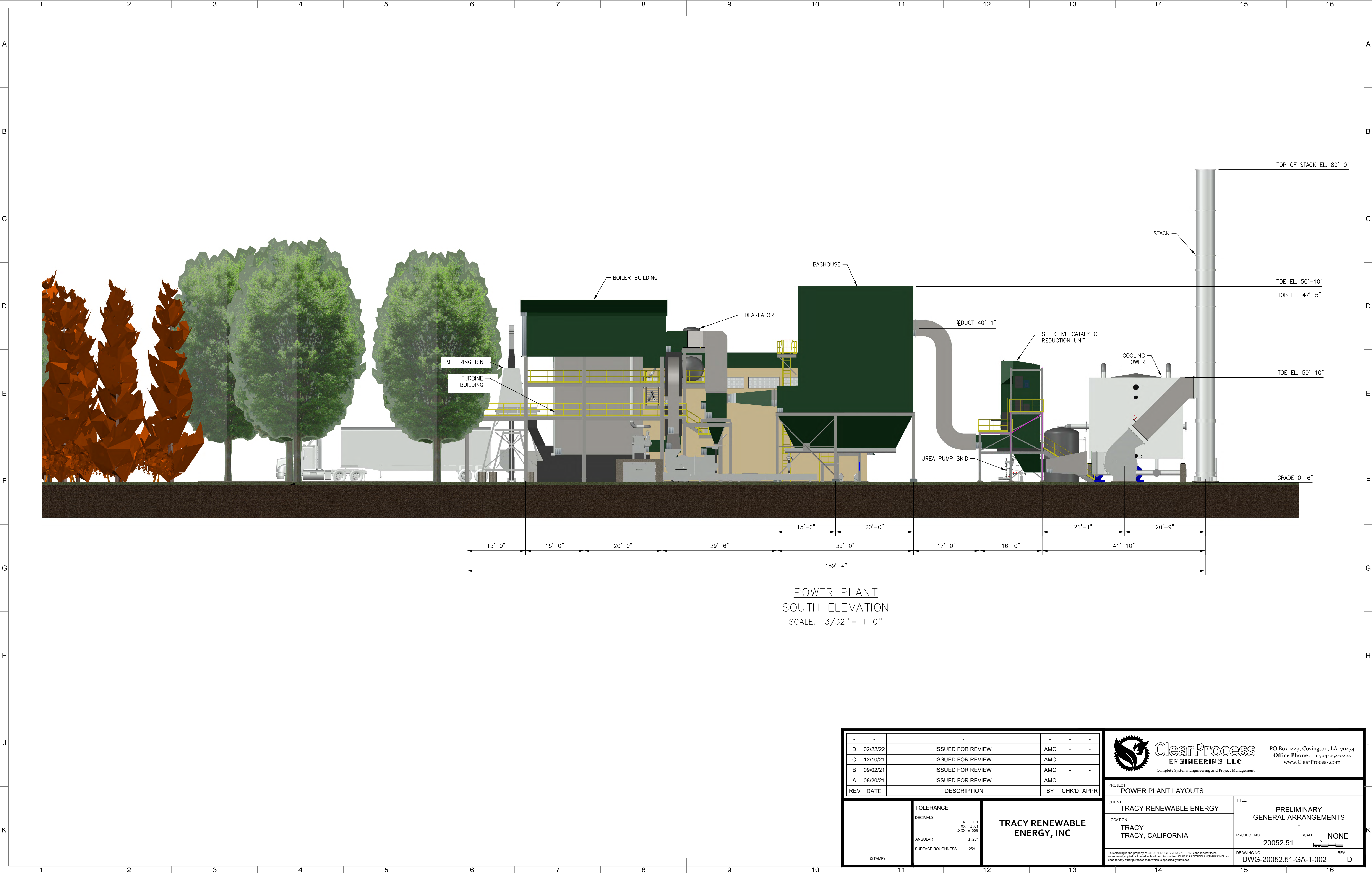
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<p>PROJECT: POWER PLANT LAYOUTS</p>			
CLIENT: TRACY RENEWABLE ENERGY		TITLE: PRELIMINARY GENERAL ARRANGEMENTS	
LOCATION: TRACY, CALIFORNIA		SCALE: NONE	
PROJECT NO: 20052.51		DRAWING NO: DWG-20052.51-GA-1-001	
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POWER PLANT
SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

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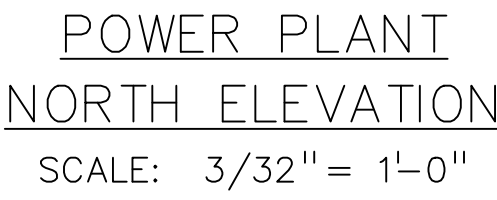
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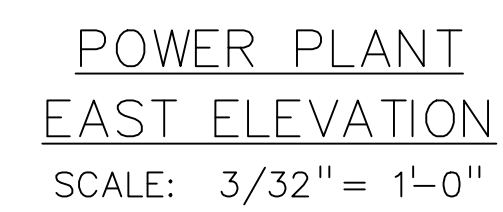
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TOLERANCE

DECIMALS .X ±.1
 .XX ±.01
 .XXX ±.005

ANGULAR ±.25°

SURFACE ROUGHNESS 125√

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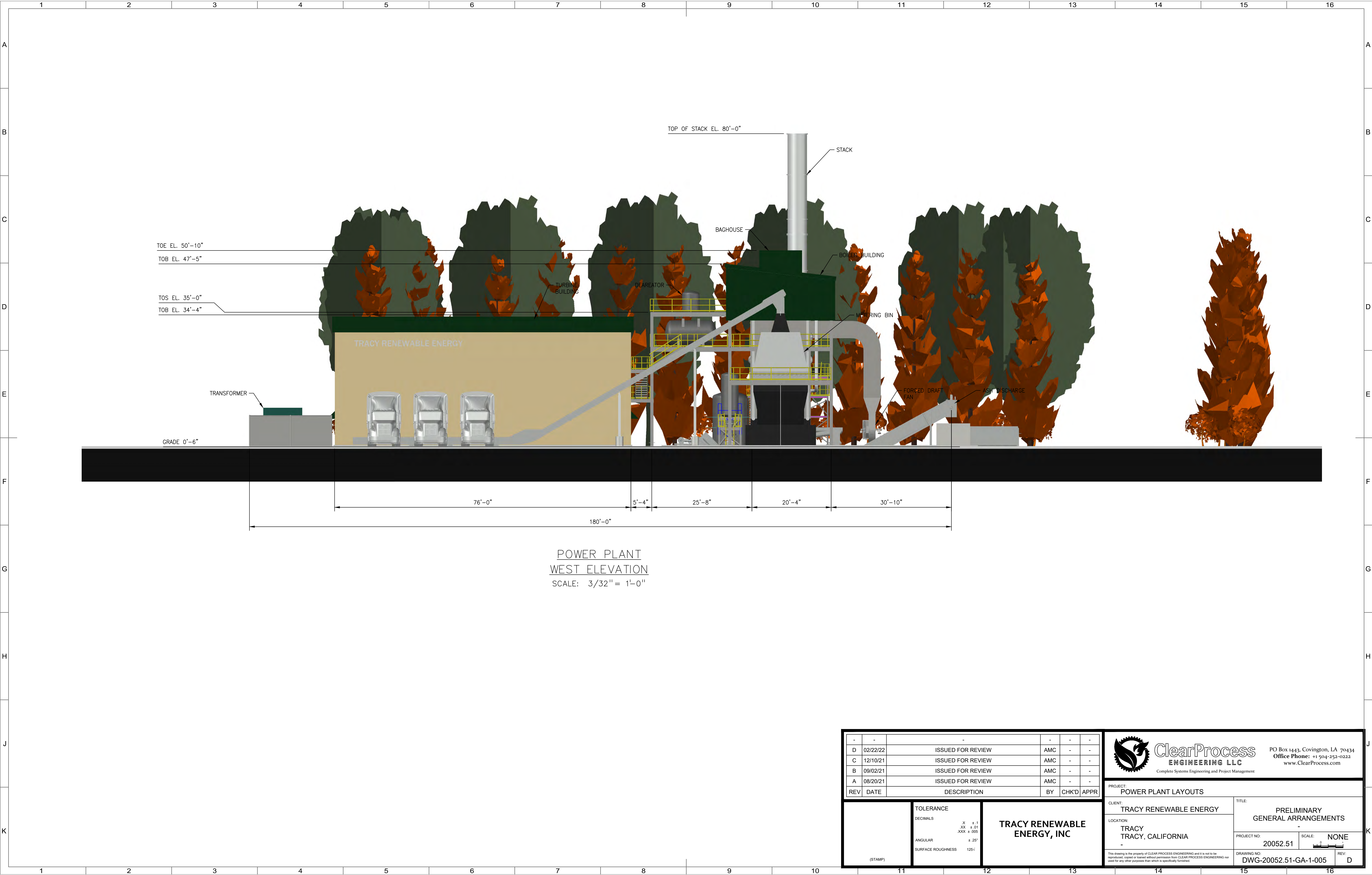
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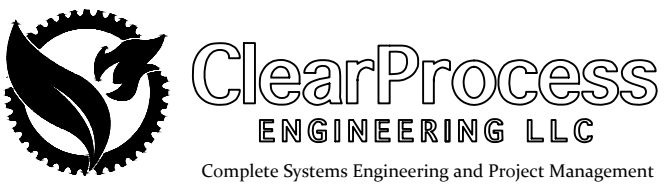
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LOCATION: TRACY TRACY, CALIFORNIA	PROJECT NO: 20052.51
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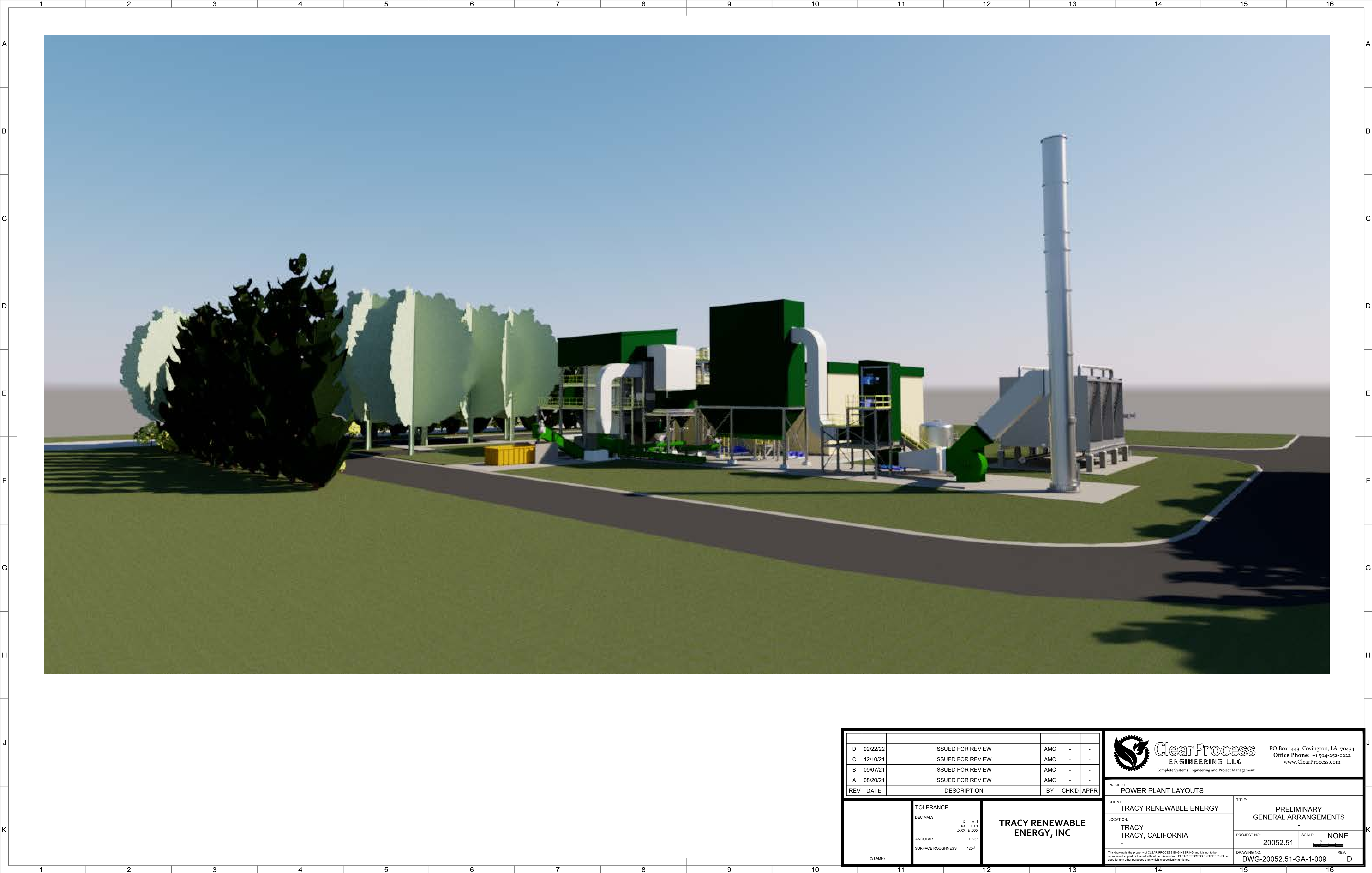


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SCALE: NONE		DRAWING NO: DWG-20052.51-GA-1-007
REV: D		




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TRACY RENEWABLE
ENERGY, INC



ClearProcess
ENGINEERING LLC
Complete Systems Engineering and Project Management

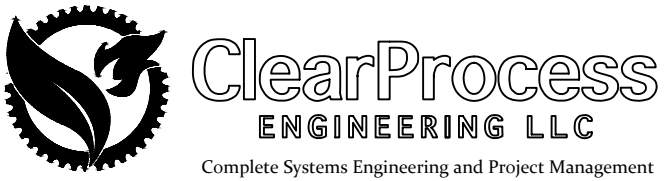
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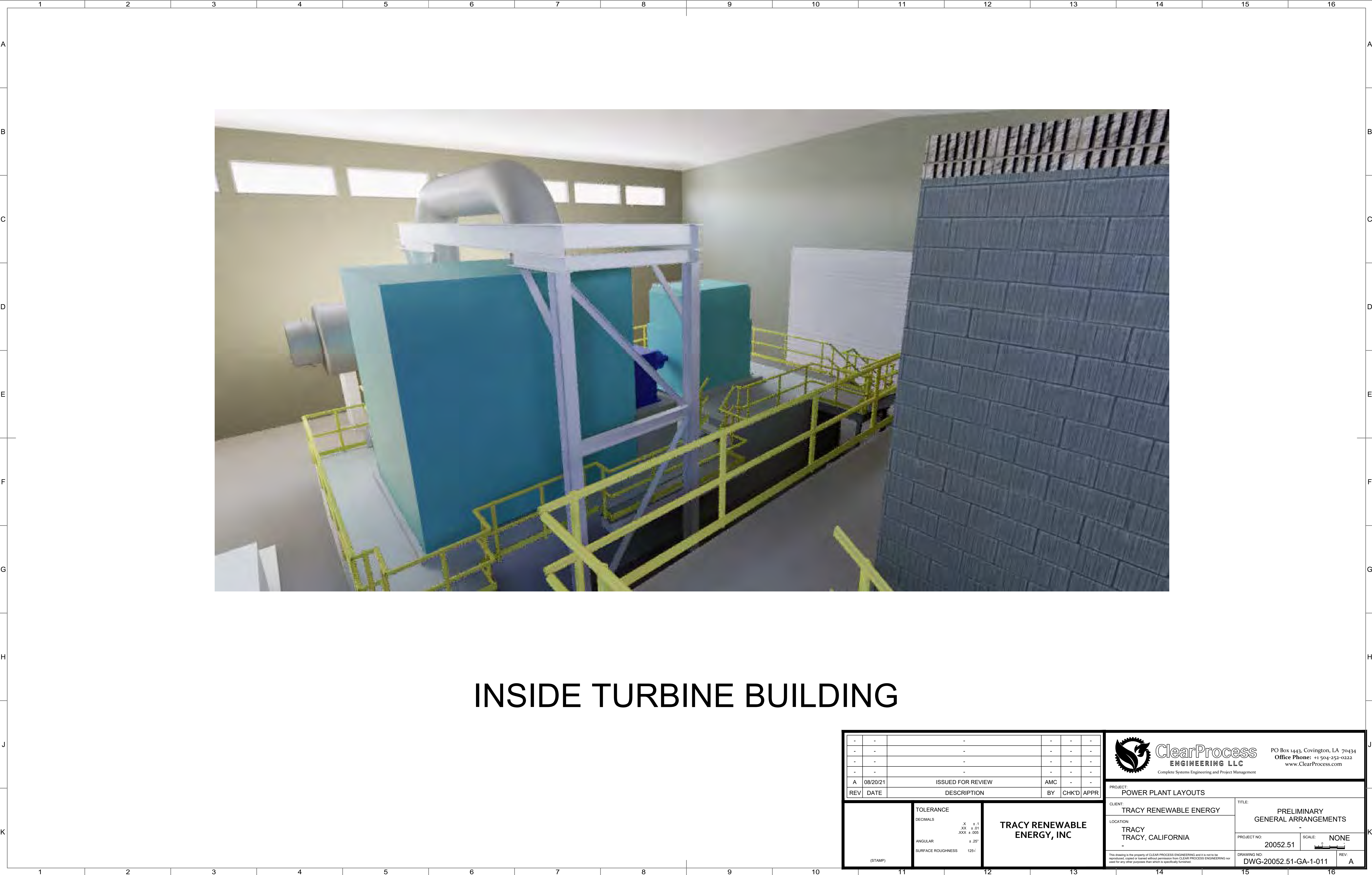
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INSIDE TURBINE BUILDING

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CITY OF TRACY
DETERMINATION OF
THE DEVELOPMENT SERVICES DEPARTMENT

Application Number D21-0032

A determination of the Development Services Department approving a Development Review Permit to construct a five-megawatt bio-mass electrical generating power plant located adjacent to the Tracy Desalination Plant at 9251 W. Arbor Avenue (Assessor's Parcel Number 212-160-11). The applicant is Frank Schubert. The property owner is the City of Tracy.

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

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

The Development Services Department has determined that the project is consistent with the Mitigated Negative Declaration for the Tracy Desalination and Green Energy Project, which was approved by City Council on May 1, 2012 (Resolution No. 2012-075), and the Addendum to the Initial Study and Mitigated Negative Declaration dated September 2012, prepared in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the CEQA Guidelines.

THE DEVELOPMENT SERVICES DEPARTMENT, AFTER CONSIDERING ALL OF THE EVIDENCE PRESENTED, HEREBY APPROVES DEVELOPMENT REVIEW PERMIT APPLICATION NUMBER D21-0032, 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 five-megawatt bio-mass electrical generating power plant will be compatible with the surrounding industrial area, including the Tracy Desalination Plant and the City's Wastewater Treatment Plant.
2. The proposal conforms to Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, the City of Tracy General Plan, applicable Infrastructure Master Plans, and other City regulations.

Bill Dean
Interim Development Services Director

Date of Action

City of Tracy
Development Review Permit
Conditions of Approval

Tracy Renewable Energy – 5 MW Bio-Mass Electrical Generating Power Plant
9251 W. Arbor Avenue at the Tracy Desalination Plant
Assessor's Parcel Number 212-160-11
Application Number D21-0032
April 12, 2022

A. General Provisions and Definitions

1. These Conditions of Approval shall apply to the project known as Tracy Renewable Energy, a five mega-watt bio-mass electrical generating power plant, located at 9251 W. Arbor Avenue, Assessor's Parcel Number 212-160-11, Application Number D21-0032 (hereinafter "Project"), proposed by Frank Schubert (hereinafter "Applicant").
2. The following definitions shall apply to these Conditions of Approval:
 - a. "Applicant" means any person, or other legal entity, defined as a "Developer".
 - b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
 - c. "City Regulations" mean all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
 - d. "Conditions of Approval" shall mean the conditions of approval applicable to Development Review Permit Application Number D21-0032.
 - e. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
 - f. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.

- g. “Project” means construction of a five mega-watt bio-mass electrical generating power plant, known as Tracy Renewable Energy, located at 9251 W. Arbor Avenue, Assessor’s Parcel Number 212-160-11, Application Number D21-0032.
- 3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the plans received by the Development Services Department on December 14, 2021.
- 4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, building permit fees, plan check fees, inspection fees, or any other City or other agency fees or deposits that may be applicable to the project.
- 5. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
 - a. Planning and Zoning Law (Government Code sections 65000, et seq.),
 - b. California Environmental Quality Act (Public Resources Code sections 21000, et seq., “CEQA”), and
 - c. Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., “CEQA Guidelines”).
- 6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.
- 7. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

B. Planning Division Conditions

- 1. The project shall be developed in substantial compliance with the plans received by the Development Services Department on December 14, 2021, except as modified herein, to the satisfaction of the Development Services Director.

2. Prior to issuance of a building permit or grading permit, the developer shall demonstrate compliance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and the Incidental Take Minimization Measures prepared by San Joaquin Council of Government (SJCOG), to the satisfaction of the Development Services Director.
3. All PG&E transformers, phone company boxes, Fire Department connections, back flow prevention devices, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
4. No roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from any public right-of-way. All roof-mounted equipment shall be screened from view from the public right-of-way with a continuous parapet wall at least equal in height to the height of any equipment installed, to the satisfaction of the Development Services Director.
5. Before final inspection or certificate of occupancy, all vents, gutters, downspouts, flashing, and electrical conduits shall be internal to the structures or painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior, to the satisfaction of the Development Services Director.
6. Any trash containers located outside of a building shall be concealed within a trash enclosure. Prior to the issuance of a building permit, the Developer shall design any trash enclosures to include the following: masonry wall enclosure with a minimum height of seven feet, solid metal doors, concrete aprons in front of the enclosures where the dumpsters and loading/transport equipment or vehicles will maneuver, and exterior materials and colors compatible with the adjacent building exterior, to the satisfaction of the Development Services Director.
7. Prior to final inspection or certificate of occupancy, parking area lighting shall be designed and installed so that it is directed downward onto the parking surface and away from the public right-of-way.
8. No signs are approved as part of this Development Review Permit. Approval of a separate sign permit application by the Development Services Department is necessary prior to the installation of any signs.
9. Prior to issuance of a building permit, the Developer shall provide plans to show that where landscape planters are parallel and adjacent to the side of a vehicular parking space, a 12-inch wide concrete curb shall be provided to allow for pedestrian access to vehicles without damage to landscape areas.

10. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Development Services Director.
11. The Developer shall comply with all mitigation measures identified in the Mitigated Negative Declaration for the Tracy Desalination and Green Energy Project, which was approved by City Council on May 1, 2012 (Resolution No. 2012-075), and the Addendum to the Initial Study and Mitigated Negative Declaration dated September 2012, prepared in accordance with the requirements of the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines.
12. The Developer shall comply with all applicable Stormwater Quality regulations and Water Efficiency requirements, to the satisfaction of the City’s Water Resources Division (Utilities Department).
13. The Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD).
14. Prior to issuance of a building permit, the Developer shall comply with all requirements of the California State Building Code and Fire Code, including, but not limited to, all requirements related to Title 24 California Code of Regulations, all requirements related to accessibility, all requirements related to automatic sprinkler systems, alarm systems, radio coverage for both Police and Fire, and on-site hydrants, to the satisfaction of the Chief Building Official.
15. Prior to issuance of a building permit, the Developer shall comply with all requirements of the South San Joaquin County Fire Authority, to the satisfaction of the Fire Marshall, including but not limited to the following:
 - a. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval. 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. Applicant shall provide written documentation showing conformance with CFC Chapter 50, including but not limited to written documentation of properties of hazardous materials, reliability of equipment and operations, prevention of intentional reaction or release, spill mitigation, ignition hazards, protection against hazardous materials, exposure hazards, detection of gas or vapor release, reliable power sources, ventilation, process hazard analyses, prestart up safety review, operating and emergency procedures, management

of change, emergency plan, accident procedures, consequence analysis, safety audits, Hazardous Materials Management Plan and Hazardous Materials Inventory Statement.

- d. 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.
- e. Fire suppression shall be designed by a licensed fire protection contractor or engineer. Hydraulic calculations, specifications and plans shall be submitted prior to issuance of building permit.
- f. 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.
- g. 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.
- h. Fire control room locations shall be approved the fire code official prior to the issuance of construction permit. Fire control rooms shall be adjacent to the electrical room.
- i. 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.
- j. 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.
- k. All hydrants shall be installed, inspected and tested prior to bringing combustible materials onsite, including storage.
- l. 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.
- m. Knox boxes shall be required. 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.

- n. Building shall be provided with approved address identification in accordance with CFC §505.
- o. 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. Additional improvements may warrant additional testing to be performed. Testing shall be the determination of the fire code official.

C. Engineering Division Conditions

C.1. General Conditions

- C.1.1. Developer shall comply with the applicable requirements of the technical analyses and reports prepared for the Project listed as follows:
 - a. Initial Study and Mitigated Negative Declaration for the Tracy Desalination and Green Energy Project, prepared by De Nova Planning Group, dated December 2011, adopted by City Council on May 1, 2012 (Resolution No. 2012-077), and Addendum to the Initial Study and Mitigated Negative Declaration for the Tracy Desalination and Green Energy Project, (SCH#2011122004), prepared by De Nova Planning Group, dated September 2012 (“MND”), adopted by City Council on May 1, 2012 (Resolution No. 2012-088).
- C.1.2. Developer shall comply with the requirements of the *Lease Agreement By and Between the City of Tracy and Tracy Renewable Energy, L.L.C.*, approved by City Council May 19, 2015 (Resolution Number 2015-072).

C.2. Grading Permit

Prior to the release of the Grading Permit, Developer will provide all relevant 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.2.1. Grading and Drainage Plans prepared on a 24” x 36” size 4-mil thick polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of; and stamped and signed by a Registered Civil Engineer.
- C.2.2. 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.2.3. Three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) for the Project with a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any relevant documentation or written approvals from the SWQCB, including the Wastewater Discharge Identification Number (WDID#).
 - a. After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Developer shall provide the City with a copy of the completed Notice of Termination.
 - b. The cost of preparing the SWPPP, NOI and NOT, including the filing fee of the NOI and NOT, shall be paid by the Developer.
 - c. The Developer shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the applicable provisions of the City’s Storm Water Management Program.
- C.2.4. Two (2) sets of the Project’s Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, pavement design recommendations, percolation rate, and elevation of the highest observed groundwater level.
- C.2.5. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD).
- C.2.6. Two (2) sets of Hydrologic and Storm Drainage Calculations to demonstrate availability of adequate capacity and comply with stormwater treatment requirements in accordance with Tracy Stormwater Quality Control Standards, and for the design of the on-site storm drainage system and for determining the size of the project’s storm drainage connection.
- C.3. Encroachment Permit – Prior to the release of an Encroachment Permit, Developer provides all relevant documents related to said encroachment 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.3.1. Improvement Plans prepared on a 24” x 36” size 4-mil thick polyester film (mylar) that incorporates all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
 - C.3.2. Signed and stamped Engineer’s Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

- C.3.3. Fully executed Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA. The Developer's obligations in the OIA shall be deemed to be satisfied upon City Council's acceptance of the public improvements and release of the Improvement Security.
 - C.3.4. Check payment for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council.
 - C.3.5. Traffic Control Plan signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.
 - C.3.6. For any work within the County right-of-way, the Developer shall pay all fees and obtain required permits from the County.
 - C.3.7. Any easements permits and agreements with other agencies needed to complete any off-site improvements shall be obtained by the Developer.
 - C.3.8. Developer will be limited to only one (1) encroachment permit. Construction costs for said encroachment permit will be limited to no more than \$5,000.
- C.4. Improvement Plans – Prior to Construction of Off-Site Improvements, Developer shall cause its design professional to design and develop Off-Site Improvement Plans and shall possess a fully-executed Off-Site Improvement Agreement Improvement Plans shall contain the design, construction details and specifications of public improvements that are necessary to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with City Regulations, these Conditions of Approval, and the following requirements:
- C.4.1. On-Site Grading and Storm Drainage Plans
 - On-Site Grading
 - a. Include all proposed erosion control methods and construction details to be employed and specify materials to be used. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.
 - b. When the grade differential between the Project Site and adjacent property(s) exceeds 12 inches, a reinforced concrete or masonry

block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) of the retaining wall or masonry wall. The entire retaining wall and footing shall be constructed within the Project Site. Where applicable, Structural design and calculations shall be submitted with the Grading and Storm Drainage Plans to the Building Division.

- c. An engineered fill may be accepted as a substitute of a retaining wall, subject to approval by the City Engineer. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Developer shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s). The slope easement must be recorded, prior to the issuance of the final building certificate of occupancy.
- d. Grading for the site shall be designed such that the Project's storm water can overland release to a public street that has a functional storm drainage system with adequate capacity to drain storm water from the Project Site, in the event that the on-site storm drainage system fails or it is clogged. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be improved to the satisfaction of the City Engineer.

On-Site Storm Drainage

- a. The Developer shall design and install storm drain lines and connection to existing storm drains per City of Tracy's Engineering Design & Construction Standards.
- b. The project site will need to include storm water quality treatment provisions that conform to the City's Manual of Stormwater Quality Control (“SWQC”) Standards for New Development and Redevelopment. Calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the Grading and Storm Drainage Plans, and approved by City's Stormwater Coordinator prior to issuance of the Grading Permit for the Project.
- c. Prior to the final inspection of the first building to be constructed on the Property, the Developer shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Developer's responsibility towards the repair and maintenance of on-site storm water treatment facilities.

Off-Site Improvement Plans

C.4.2. Sanitary Sewer Improvement Plans

- a. Developer shall submit improvement plans and secure approval of plans from the City's Building Division, for the design of on-site sewer improvements. The Developer shall design and construct

all on-site sewer improvements in accordance with the City's Design Standards and Standard Specifications.

- b. The Developer is responsible for repairing and maintaining the on-site sewer system up to the sewer manhole at the terminus of the on-site sewer system, including any odor control equipment at the manhole (if required). The City will be responsible for repairing and maintaining the gravity sewer outfall.
- c. Provide preliminary estimates for hourly and daily supply needs of wastewater from WWTP and preliminary information regarding water quality standards for the water to be supplied from WWTP, and for the return water after desalination process at the site. The Developer shall submit documentation, plans and supporting calculations as required by the City and comply with City's requirements. All costs of review by City's consultant shall be paid for by the Developer.
- d. Developer shall execute a Deferred Improvement Agreement (DIA) with the City to guarantee removal of on-site septic system (if permitted), when City sewer lines within 200 feet from the Project site are available to connect in accordance with Tracy Municipal Code requirements.

C.4.3. Water Distribution System

- a. Developer shall submit calculations and plans as required by the Fire Authority and obtain approvals for the proposed fire system. 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 City of Tracy Fire Code Official.
- b. 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. The 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 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 offsite water mains and connections.
- c. Domestic and Irrigation Water Services
Developer shall design and install domestic and irrigation water service connection, including a remote-read master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City Regulations. The domestic and irrigation

water service connection(s) must be completed before the final inspection of the building. The City shall maintain water lines from the water meter to the point of connection with the water distribution main (inclusive) only. Repair and maintenance of all on-site water lines, laterals, sub-meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer.

Water line sizing, looping requirements and layout shall comply with recommendations of the analysis of City's Water Consultant and approved by City Engineer.

- d. Existing On-site Well: Per the provisions of the Lease Agreement between the City and Tracy Renewable Energy, LLC, the Developer may use the existing on-site well. Prior to issuance of the Building Permit for the project, the well water services shall be reviewed and approved by the City's Public Works and Utilities departments.
- e. Fire Service Line - The Developer shall design and install fire hydrants at the locations approved by the City's Fire Safety Officer and Chief Building Official. Prior to the approval of the Improvement Plans, the Developer shall obtain written approval from the City's Fire Safety Officer and Chief Building Official, 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 to serve the Project.

C.4.4. Street Improvements

- a. Developer is required to complete construction of certain street improvements on Holly Street and Arbor Avenue along the full frontage of the property which include but not limited to, 2-inch grind and overlay of existing pavement along Project's frontages, installation of concrete curb, gutter, sidewalk, curb ramps, storm drain, catch basin or drop inlet, pavement repairs, street lights, and underground overhead utilities, and other improvements as determined by the City Engineer that are deemed to be necessary to comply with City Standards and to have a safe and functional street improvements.
- b. In order to mitigate the Project's impacts on the pavement on Arbor Avenue beyond Project's frontage due to truck traffic, the Developer shall pay to the City \$55,000 for future pavement rehabilitation on Arbor Avenue.
- c. Developer shall install all surface and underground improvements such as concrete driveway approach, curb, gutter and sidewalk, sewer connections, treated wastewater service inlet and return water lines (from the Wastewater Treatment Plant to the Desalination Plant), domestic water service, fire service, sewer pipeline, and storm drainage pipeline that are intended to serve

the project which would be located within the right-of-way of Holly Street and Arbor Avenue.

- d. Project Driveways and Access to Existing Businesses - The 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 business 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.4.5. 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 for each phase of work, to show the method and type of construction signs to be used for regulating traffic at the work areas within the streets. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

C.4.6. Joint Utility Trench Plans - All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, at the location approved by the respective owner(s) of the utilities.

- a. All existing Overhead Utilities along the frontage of the project along S. Holly Drive and along Arbor Avenue shall be undergrounded per City of Tracy standards and the respective utility companies' standards.
- b. The Developer shall submit Joint Utility Trench Plans for the installation of electric, gas, telephone and TV cable main and service lines that are necessary to be installed to serve the Project. The Developer shall coordinate, as feasible, with the respective owner(s) of the utilities for the design of these underground utilities to ensure they can be installed within the 10-foot wide PUE to the extent feasible (and except in the event, that additional space beyond the 10-foot PUE is required, as determined by the utilities owner(s)).

C.5. Building Permit - No building permit will be approved by the City until the Developer demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

- C.5.1. Check payment of the applicable development impact fees including City Wide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park Development Impact Fees per the Finance Plan.
- C.5.2. Check payment of any applicable Regional Transportation Impact Fees (RTIF)

- C.5.3. Check payment of any applicable Agricultural Conversion or Mitigation Fee as required in Chapter 13.28 of the Tracy Municipal Code.
- C.5.4. Execute Deferred Improvement Agreement as outlined in Condition C.4.2(d) above.
- C.5.5. Payment of fair share cost to mitigate the Project's impacts on the pavement on Arbor Avenue beyond Project's frontage due to truck traffic, as outlined in Condition C.4.4 (b) above.
- C.6. Acceptance of Public Improvements - Public improvements will not be accepted by the City Council until after the Developer completes construction of the relevant public improvements, and also demonstrates to the City Engineer satisfactory completion of the following:
 - C.6.1. Correction of all items listed in the deficiency report prepared by the assigned Engineering Inspector relating to public improvements subject to City Council's acceptance.
 - C.6.2. Certified “As-Built” Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City shall temporarily release the originals of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As Built" configuration of all improvements.
- C.7. Temporary or Final Building Certificate of Occupancy - No Final Building Certificate of Occupancy will be issued by the City until after the Developer provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:
 - C.7.1. The Developer has satisfied all the requirements set forth in Condition C.2 through C.6, above.
 - C.7.2. The Developer has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. 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.8. Improvement Security – The Developer shall provide improvement security for all public facilities, as required by the OIA, DIA, and these Conditions of Approval. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with section 12.36.080 of the TMC and the ~~Development~~ Lease Agreement. The amount of improvement security shall be as follows:
- C.8.1. Faithful Performance (100% of the estimated cost of constructing the public facilities),
 - C.8.2. Labor & Materials (100% of the estimated cost of constructing the public facilities), and
 - C.8.3. Warranty (10% of the estimated cost of constructing the public facilities)
- C.9. Release of Improvement Security - Improvement Security(s) described herein shall be released to the Developer after City Council's acceptance of public improvements, and after the Developer demonstrates, to the satisfaction of the City Engineer, compliance of these Conditions of Approval, and completion of the following:
- C.9.1. Improvement Security for Faithful Performance, Labor & Materials, and Warranty shall be released to the Developer in accordance with Section
 - C.9.2. 12.36.080 of the TMC.
 - C.9.3. Written request from the Developer and a copy of the recorded Notice of Completion.
- C.10. Special Conditions
- C.10.1. All streets and utilities improvements within City's 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, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City.
 - C.10.2. When street cuts are made for installation of utilities, the Developer is required to install 2 inches thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides and for the entire length of the utility trench. A 2 inches deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. If the utility trench extends beyond the median island, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street.
 - C.10.3. As indicated in Section 6 of the Lease Agreement between the City of Tracy and Tracy Renewable Energy, L.L.C., the Developer shall be solely responsible for the remodel of the existing Holly Sugar

administration building, maintenance of the existing railroad spur line, removal of the existing unused concrete foundations from the former corn syrup facility, and any other deleterious materials from the parcel.

- C.10.4. As indicated in Section 22.1 of the Lease Agreement, the Developer has the option of using the existing on-site well. In the event that the well is no longer used, the well shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the existing well, including the cost of permit(s) and inspection.
- C.10.5. 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 Grading Permit, Encroachment Permit, Building Permit, Improvement Plans, OIA, 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.10.6. Developer shall construct frontage improvement based on a 74-ft wide 2-lane divided arterial with a 22-ft wide landscaped parkway as per the 2012 Transportation master Plan.

DEVELOPMENT SERVICES PUBLIC HEARING

The City of Tracy Development Services Director will hold a Public Hearing on Tuesday, April 12, 2022, at 3:00 p.m. or as soon thereafter as possible, via teleconference to consider:

D21-0032: The applicant is Frank Schubert and the property owner is the City of Tracy – 9251 W. Arbor Avenue – Public hearing to consider an application for a Development Review Permit to construct a five-megawatt bio-mass electrical generating power plant located adjacent to the Tracy Desalination Plant at 9251 W. Arbor Avenue (Assessor's Parcel Number 212-160-11). The project is consistent with the Mitigated Negative Declaration for the Tracy Desalination and Green Energy Project, which was approved by City Council on May 1, 2012 (Resolution No. 2012-075), and the Addendum to the Initial Study and Mitigated Negative Declaration dated September 2012, in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the CEQA Guidelines. *The Project Planner is Scott Claar, Senior Planner, (209)831-6429, Scott.Claar@cityoftracy.org.*

All interested persons are invited to participate by joining the meeting via Microsoft Teams by viewing the Public Hearing Login information at [Click here to join the meeting](#) or by calling the Teams teleconference line at **(209) 425-4338** Conference ID: **373 222 290#** to submit statements orally during the meeting; or submit comments in writing before the meeting by sending written statements to publiccomment@cityoftracy.org.

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

Information concerning this matter may be obtained on the City's website on *Thursday, April 7, 2022* at the following page: <https://www.cityoftracy.org/our-city/departments/planning/director-hearings>.

WILLIAM DEAN
Interim Development Services Director