

November 17, 2022

STAFF REPORT FOR DIRECTOR DETERMINATION

REQUEST

A DETERMINATION OF THE DEVELOPMENT SERVICES DIRECTOR (1) DETERMINING THAT THE MIXED-USE AFFORDABLE HOUSING PROJECT, KNOWN AS THE JUNCTION, CONSISTING OF A FOUR-STORY BUILDING TOTALING APPROXIMATELY 62,015 SQUARE FEET, INCLUDING 45 RESIDENTIAL APARTMENT UNITS WITH 100% OF THE UNITS TO BE AFFORDABLE TO LOW, VERY LOW, OR EXTREMELY LOW INCOME HOUSEHOLDS, A MANAGER'S OFFICE AND LIVING UNIT, PARKING AREA, AND APPROXIMATELY 2,000 SQUARE FEET OF GROUND-FLOOR COMMERCIAL SPACE, LOCATED AT 601 N. CENTRAL AVENUE AT THE NORTHWEST CORNER OF 6TH STREET AND CENTRAL AVENUE ON A SITE OF APPROXIMATELY 20,464 SQUARE FEET, ASSESSOR'S PARCEL NUMBERS 235-069-09,10,11,12,13,15, AND 16, APPLICATION NUMBER D22-0027 (HEREINAFTER THE "PROJECT"), IS ELIGIBLE FOR THE STREAMLINED MINISTERIAL APPROVAL PROCESS FOR AFFORDABLE HOUSING DEVELOPMENTS UNDER STATE GOVERNMENT CODE SECTION 65913.4, COMMONLY KNOWN AS STATE AFFORDABLE HOUSING LAW SB 35, (2) DETERMINING THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AS A MINISTERIAL PROJECT, IN ACCORDANCE WITH CEQA GUIDELINES SECTION 15268, (3) DETERMINING THAT THE PROJECT IS ELIGIBLE FOR A DENSITY BONUS OF 80 PERCENT AND FOUR CONCESSIONS, IN ACCORDANCE WITH STATE GOVERNMENT CODE SECTION 65915 (STATE DENSITY BONUS LAW), AND (4) MINISTERIALLY APPROVING A DEVELOPMENT REVIEW PERMIT TO CONSTRUCT THE PROJECT, IN ACCORDANCE WITH STATE GOVERNMENT CODE SECTION 65913.4. APPLICANT IS SCHACK & COMPANY, INC. AND PROPERTY OWNER IS TRACY MINI STORAGE, APPLICATION NUMBER D22-0003.

DISCUSSION

This staff report provides the basis for the Development Services Director to ministerially approve a Development Review Permit to allow construction of a mixed-use Affordable Housing project, known as The Junction, consisting of a four-story building totaling approximately 62,015 square feet, including 45 residential apartment units with 100% of the units to be Affordable to Low, Very Low, or Extremely Low income households, a manager's office and living unit, parking area, and approximately 2,000 square feet of ground-floor commercial space, located at 601 N. Central Avenue at the northwest corner of 6th Street and Central Avenue on a site of approximately 20,464 square feet, Assessor's Parcel Numbers 235-069-09,10,11,12,13,15, and 16, Application Number D22-0027, hereinafter the "Project (Attachment A: Project Plans). The approval of this Project is required by State Law, in accordance with State Government Code Section 65913.4, as described below.

State Government Code Section 65913.4 (State Affordable Housing Law SB 35)

The Project is eligible for streamlined ministerial approval, in accordance with State Government Code Section 65913.4, based on the following findings:

1. Prior to submitting an application for streamlined ministerial approval under Government Code Section 65913.4, the applicant submitted a notice of intent/preapplication to the City on May 16, 2022, which commenced the tribal scoping consultation process in accordance with AB 168. The City sent notification to all tribes on the tribal mailing list provided by the California Native American Heritage Commission with an invitation to request tribal consultation regarding the project on May 18, 2022. The City received no requests for tribal consultation. The tribal consultation period ended on June 18, 2022.
2. The Project includes 45 residential apartment units, which satisfies the requirement of being a multifamily housing development that contains two or more residential units.
3. The Project and the site on which it is located satisfy all of the following:
 - a. The Project site consists of a legal parcel or parcels located in the City of Tracy, which is designated by the United States Census Bureau as an urbanized area.
 - b. At least 75 percent of the perimeter of the Project site adjoins parcels that are developed with urban uses.
 - c. The Project site is zoned Central Business District (CBD), which allows residential mixed-use development, and has a General Plan designation of Downtown, which allows a mix of residential and nonresidential uses. More than two-thirds of the square footage of the Project is designated for residential use.
4. The Developer proposes to dedicate 100% of the 45 total residential apartment units to below market rate housing affordable to households making below 80% of the area median income (AMI). Prior to the issuance of a building permit, the Developer shall record a land use restriction or covenant on the property at the San Joaquin County Recorder's Office providing that any affordable housing units included in the project remain available at affordable housing rent for no less than 55 years, in accordance with State Government Code Section 65913.4.
5. According to the determination summary published by the California Department of Housing and Community Development, the City of Tracy has met its 2013-2021 Regional Housing Need Allocation ("RHNA") goals for the "above market" income category; however, the City has not demonstrated sufficient progress in meeting the RHNA new housing production goals for the lower income categories. Therefore, the City of Tracy is subject to Government Code Section 65913.4 and projects are required to provide 50 percent of the total (base density) for lower-income households to qualify for streamlined,

ministerial approval, which the Project has done by proposing 100% of the residential apartment units to be for lower income households.

6. The Project, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915, is consistent with all applicable objective zoning standards, objective subdivision standards, and objective design review standards. The City shall not impose automobile parking standards for a development that is approved pursuant to State Government Code Section 65913.4 if the development is located within one-half mile of public transit, which applies to this Project because the Project site is located approximately 200 feet from the Tracy Transit Station.
7. The Project is not located on a site that is any of the following:
 - a. Within a coastal zone
 - b. Prime farmland, farmland of statewide importance, or land zoned or designated for agricultural protection or preservation by a local ballot measure
 - c. Wetlands
 - d. Within a very high fire hazard severity zone
 - e. A hazardous waste site (Cortese list site)
 - f. Within a delineated earthquake fault zone
 - g. A special flood hazard area subject to inundation by the 1% annual chance flood
 - h. A regulatory floodway
 - i. Lands identified for conservation in an adopted community conservation plan, habitat conservation plan, or other adopted natural resource protection plan
 - j. A habitat for protected species
 - k. Land under conservation easement
8. The property has been vacant with no building structures for more than twenty years. The Project would not require the demolition of any housing. The Project site was not previously used for housing that was demolished within 10 years before the Developer submitted an application for development. The Project would not require the demolition of a historic structure that was placed on a national, state, or local historic register. The property does not contain any housing units.
9. The Project does not involve subdividing a parcel. The Project, which involves a lot merger, is consistent with all objective subdivision standards in the local subdivision ordinance and the Subdivision Map Act. The Project has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid.
10. The Project is not located on an existing parcel of land or site that is governed under the Mobile Home Residency Law, the Recreational Vehicle Park

Occupancy Law, the Mobile Home Parks Act, or the Special Occupancy Parks Act.

California Environmental Quality Act (CEQA) and the CEQA Guidelines

CEQA Guidelines Section 15268 states that ministerial projects are exempt from the requirements of CEQA. As described above, the Project is eligible for streamlined ministerial approval, in accordance with State Government Code Section 65913.4. Therefore, the Project is exempt from the requirements of CEQA, pursuant to CEQA Guidelines Section 15268.

State Government Code Section 65915 (State Density Bonus Law)

The City's Density Bonus Ordinance (Tracy Municipal Code, Title 10, Chapter 10.08, Article 36.5) has been superseded by State Government Code Section 65915 (State Density Bonus Law), due to the recent amendments of AB 2345 (2020) and AB 1763 (2019).

The Project is eligible for a density bonus of 80% and four concessions or incentives, in accordance with State Government Code Section 65915, based on 100 percent of all units in the Project, including total units and density bonus units, but excluding the manager's unit, to be for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

The maximum density allowed in the Central Business District (CBD) Zone requires at least 700 square feet of net lot area per dwelling unit. For the Project site, which has a total net lot area of 20,464 square feet, the maximum number of units allowed by the CBD Zone is 29. A density bonus of 80 percent increases the maximum number of units allowed on the Project site from 29 to 52. The Project includes 45 Affordable apartment units and one manager's unit, which is less than allowed by the 80 percent density bonus. The applicant is also requesting the following two concessions, which are allowed by State Government Code Section 65915:

1. Reduction of parking area drive-aisle width from 26-foot minimum to 24-foot minimum
2. Reduction of standard parking space dimensions from 9' x 20' minimum to 9' x 18' minimum for parking spaces located within a garage

RECOMMENDATION

Staff recommends that the Development Services Director take the following actions, as stated in the recommended Development Services Director Determination (Attachment B: Recommended Development Services Director Determination):

1. Determine that the Project is eligible for the streamlined ministerial approval process for affordable housing developments, in accordance with State Government Code Section 65913.4.

Staff Report for Director Determination

Application Number D22-0027

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2. Determine that the Project is exempt from the California Environmental Quality Act (CEQA) as a ministerial project, in accordance with CEQA Guidelines Section 15268.
3. Determine that the Project is eligible for a density bonus of 80 percent and four concessions or incentives, in accordance with State Government Code Section 65915, which is greater than requested for the Project.
4. Ministerially approve a Development Review Permit to construct the Project, Application Number D22-0027, subject to conditions contained in Exhibit 1, in accordance with State Government Code Section 65913.4.

Prepared by: Scott Claar, Senior Planner

Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENTS

A: Project Plans

B: Recommended Development Services Director Determination
Exhibit 1 – Conditions of Approval



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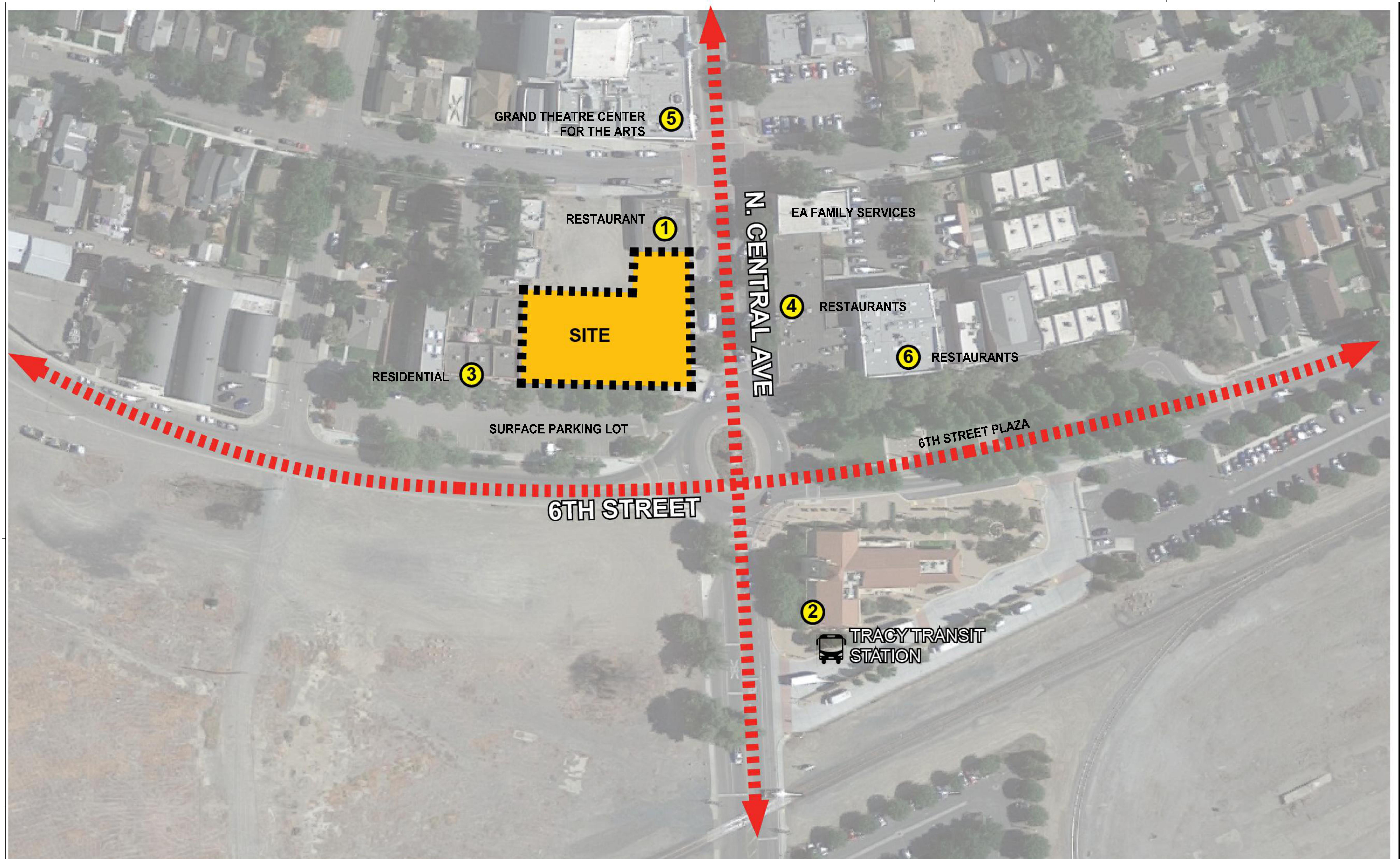
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CRP AFFORDABLE HOUSING AND COMMUNITY
DEVELOPMENT
4455 MORENA BLVD, SUITE 107
SAN DIEGO, CA 92117

REVISIONS

DESCRIPTION DATE

A PLAN. SUB. 06/20/22



SURROUNDING CONTEXT IMAGES



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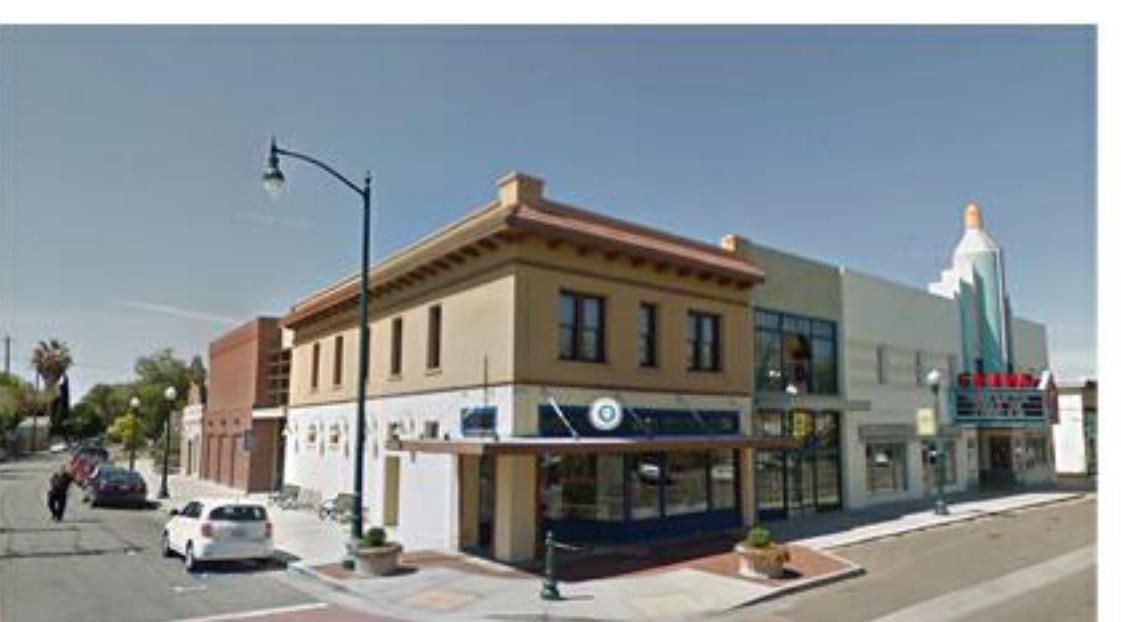
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3



4



5



6

SHEET TITLE
SITE CONTEXT
MAP

Job No. 21042
Date. 2022.08.17
Scale.

SHEET NUMBER

A002



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SHEET TITLE
OPEN SPACE

Job No. 21042
Date. 2022.08.17
Scale. 1" = 20'-0"

SHEET NUMBER

A004

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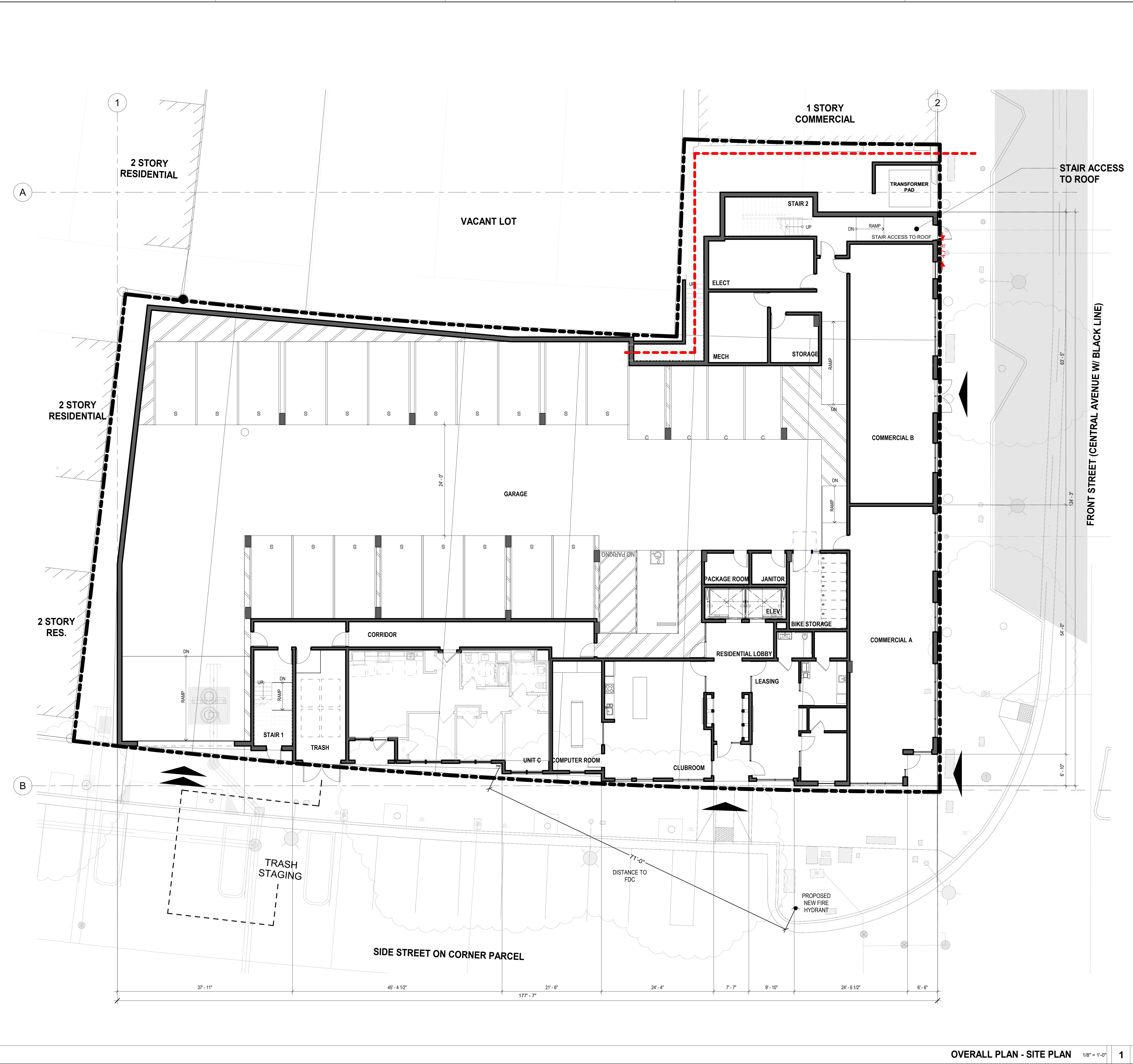
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Job No. 21042
Date. 2022.08.17
Scale. As indicated

SHEET NUMBER

A100

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SHEET TITLE
LEVEL 2 PLAN

Job No. 21042
Date. 2022.08.17
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SHEET NUMBER

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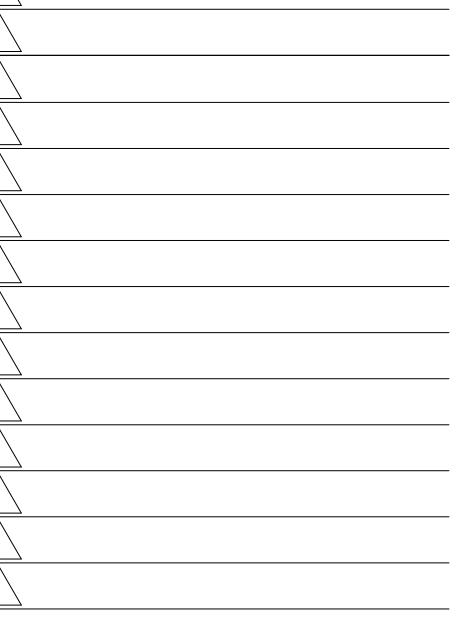
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SHEET TITLE
LEVEL 3 PLAN

Job No. 21042
Date. 2022.08.17
Scale. 1/8" = 1'-0"

SHEET NUMBER

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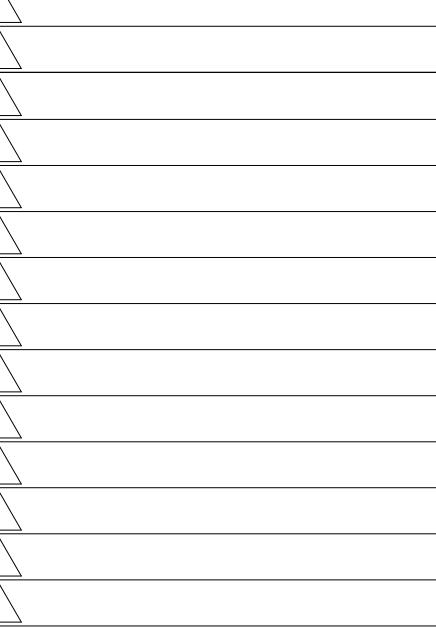
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SHEET TITLE
LEVEL 4 PLAN

Job No. 21042
Date. 2022.08.17
Scale. 1/8" = 1'-0"

SHEET NUMBER

A104



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MATERIAL LEGEND

NUMBER	MATERIAL
1.	STUCCO. COLOR: COASTAL PATH BY BENJAMIN MOORE (FOR REFERENCE)
2.	STUCCO. COLOR: SUEDE BROWN BY BENJAMIN MOORE (FOR REFERENCE)
3.	STUCCO. COLOR: COSMOPOLITAN BY BENJAMIN MOORE (FOR REFERENCE)
4.	STUCCO. COLOR: SIMPLE WHITE BY BENJAMIN MOORE (FOR REFERENCE)
5.	BRICK. COLOR: BROWN
6.	STOREFRONT SYSTEM. COLOR: DARK BRONZE
7.	SINGLE HUNG VINYL WINDOW. COLOR: DARK BRONZE
8.	SLIDING WINDOW. COLOR: DARK BRONZE
9.	PATIO DOOR. COLOR: DARK BRONZE
10.	PATIO METAL CANOPY. COLOR: DARK GREY
11.	STOREFRONT METAL AWNING. COLOR: DARK GREY
12.	SIGNAGE
13.	42' METAL GUARDRAIL
14.	GARAGE GATE



21042
Job No.
Date:
2022.08.17
Scale:

SHEET NUMBER

A200

MATERIAL LEGEND

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2.	STUCCO. COLOR: SUEDE BROWN BY BENJAMIN MOORE (FOR REFERENCE)
3.	STUCCO. COLOR: COSMOPOLITAN BY BENJAMIN MOORE (FOR REFERENCE)
4.	STUCCO. COLOR: SIMPLE WHITE BY BENJAMIN MOORE (FOR REFERENCE)
5.	BRICK. COLOR: BROWN
6.	STOREFRONT SYSTEM. COLOR: DARK BRONZE
7.	SINGLE HUNG VINYL WINDOW. COLOR: DARK BRONZE
8.	SLIDING WINDOW. COLOR: DARK BRONZE
9.	PATIO DOOR. COLOR: DARK BRONZE
10.	PATIO METAL CANOPY. COLOR: DARK GREY
11.	STOREFRONT METAL AWNING. COLOR: DARK GREY
12.	SIGNAGE
13.	42" METAL GUARDRAIL
14.	GARAGE GATE

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NORTH ELEVATION 1/8"=1'-0" 2



WEST ELEVATION 1/8"=1'-0" 1



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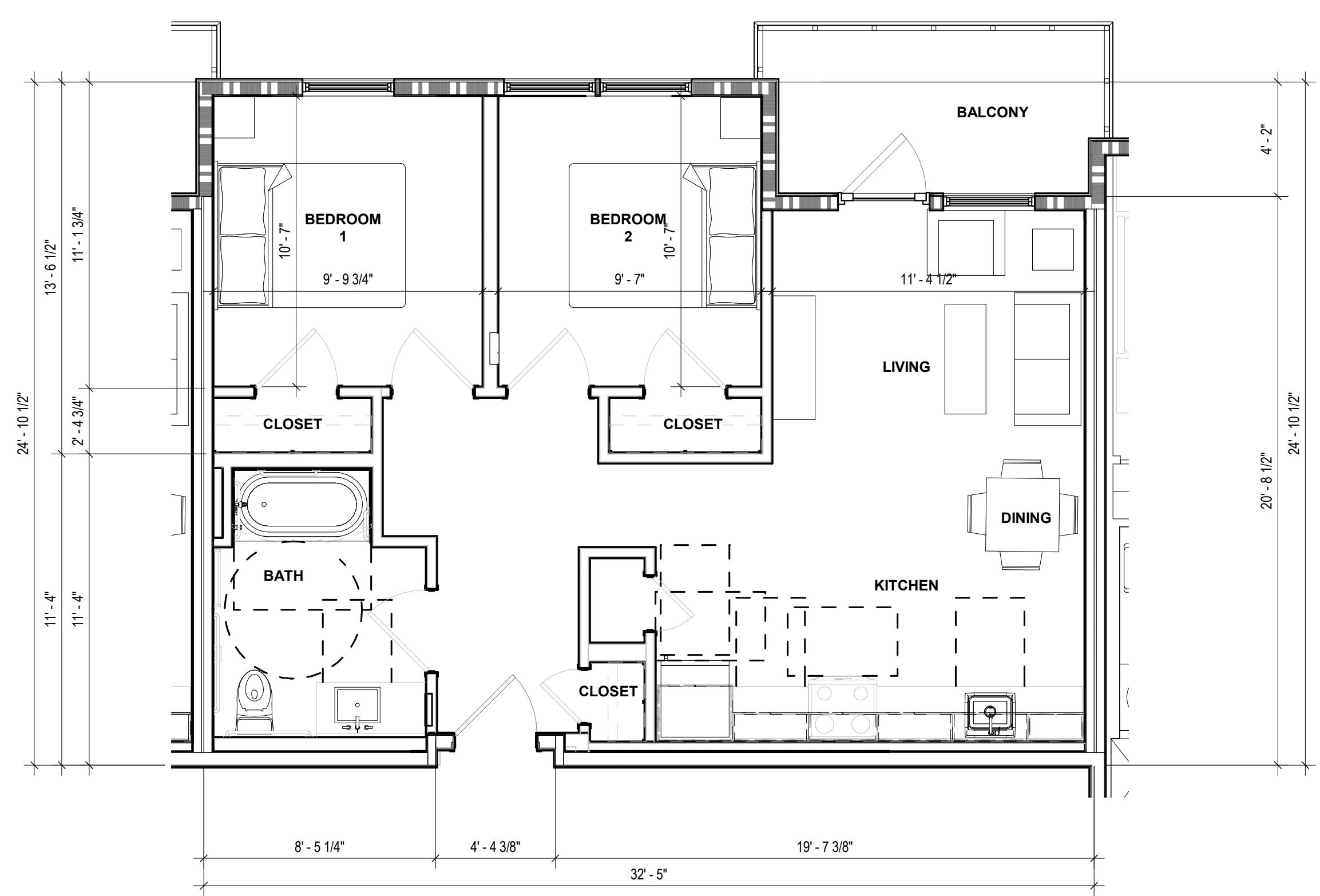
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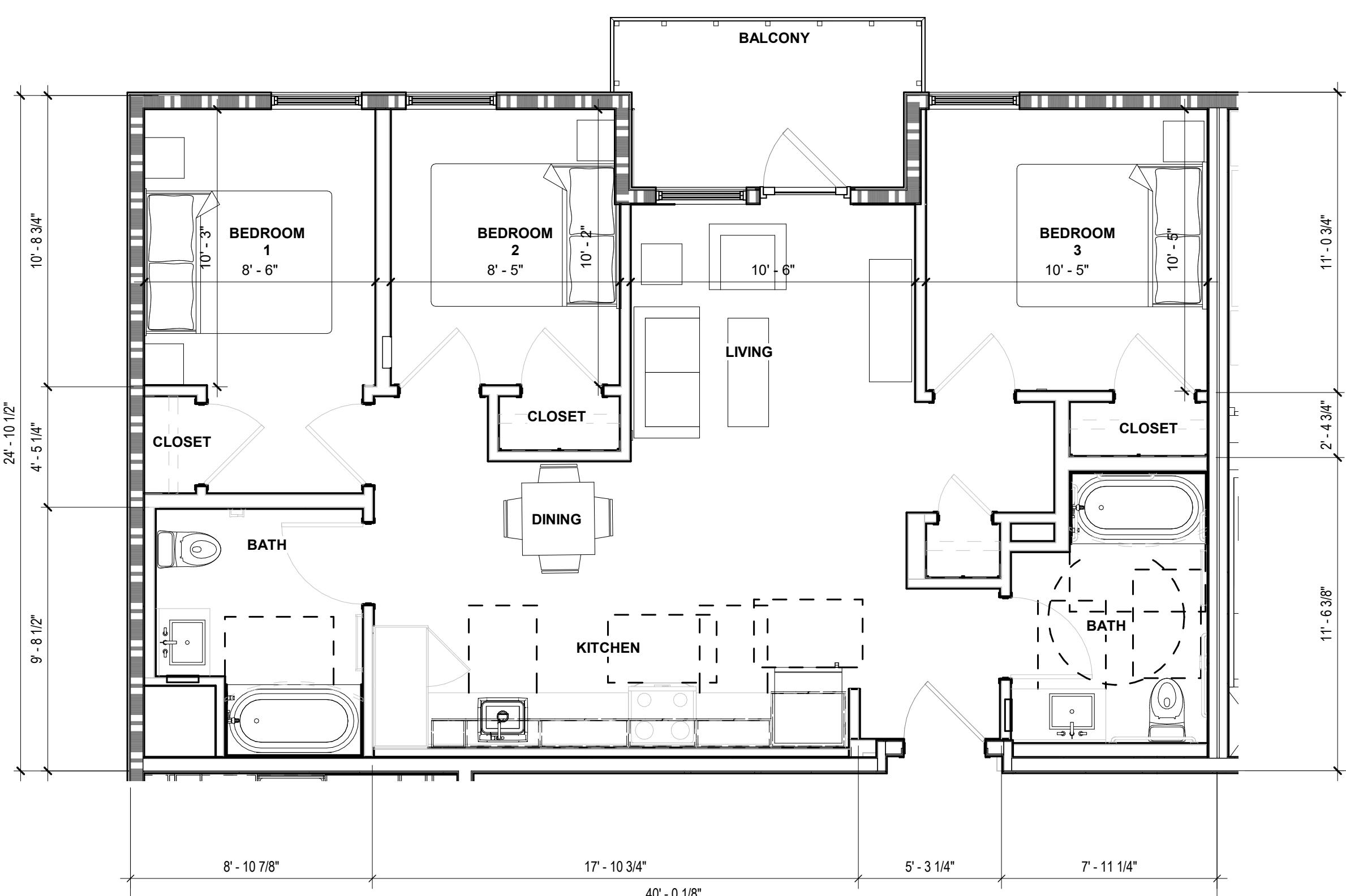
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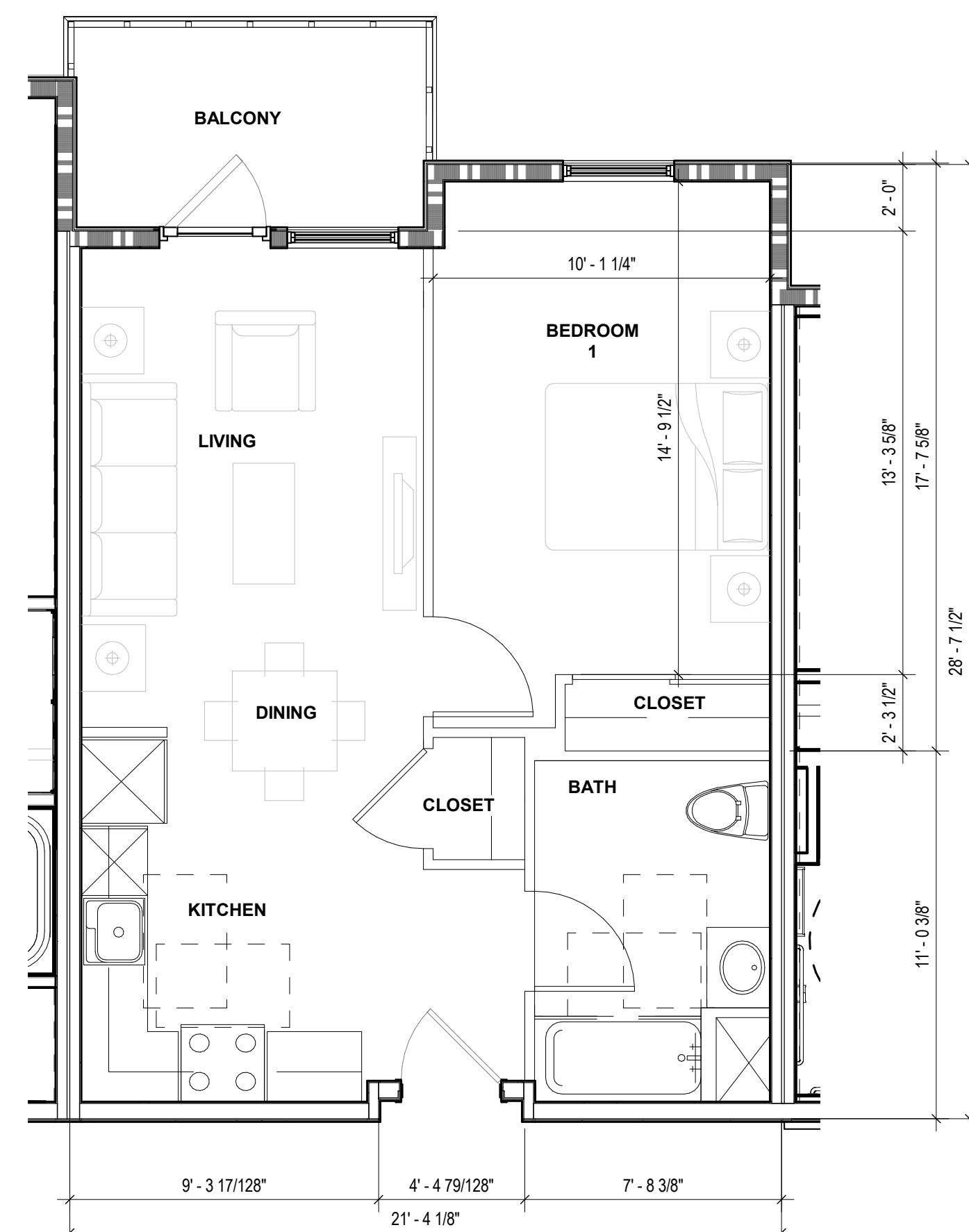
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TYPICAL 3-BEDROOM UNIT 1/4" = 1'-0" 3



TYPICAL 1-BEDROOM UNIT 1/4" = 1'-0" 1



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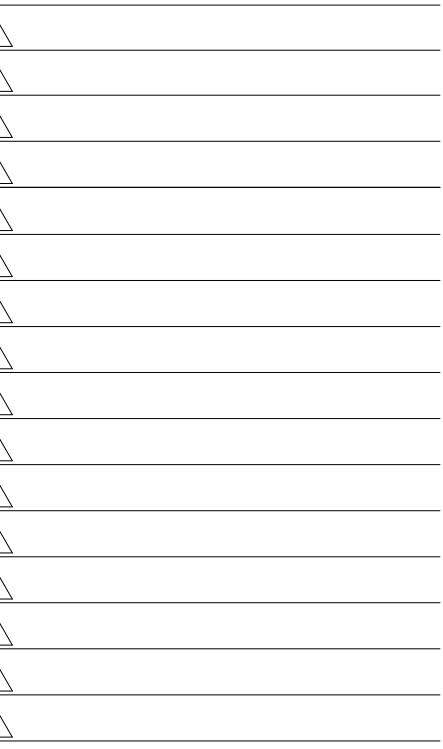
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PERSPECTIVE VIEW 2



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PERSPECTIVE
VIEWS

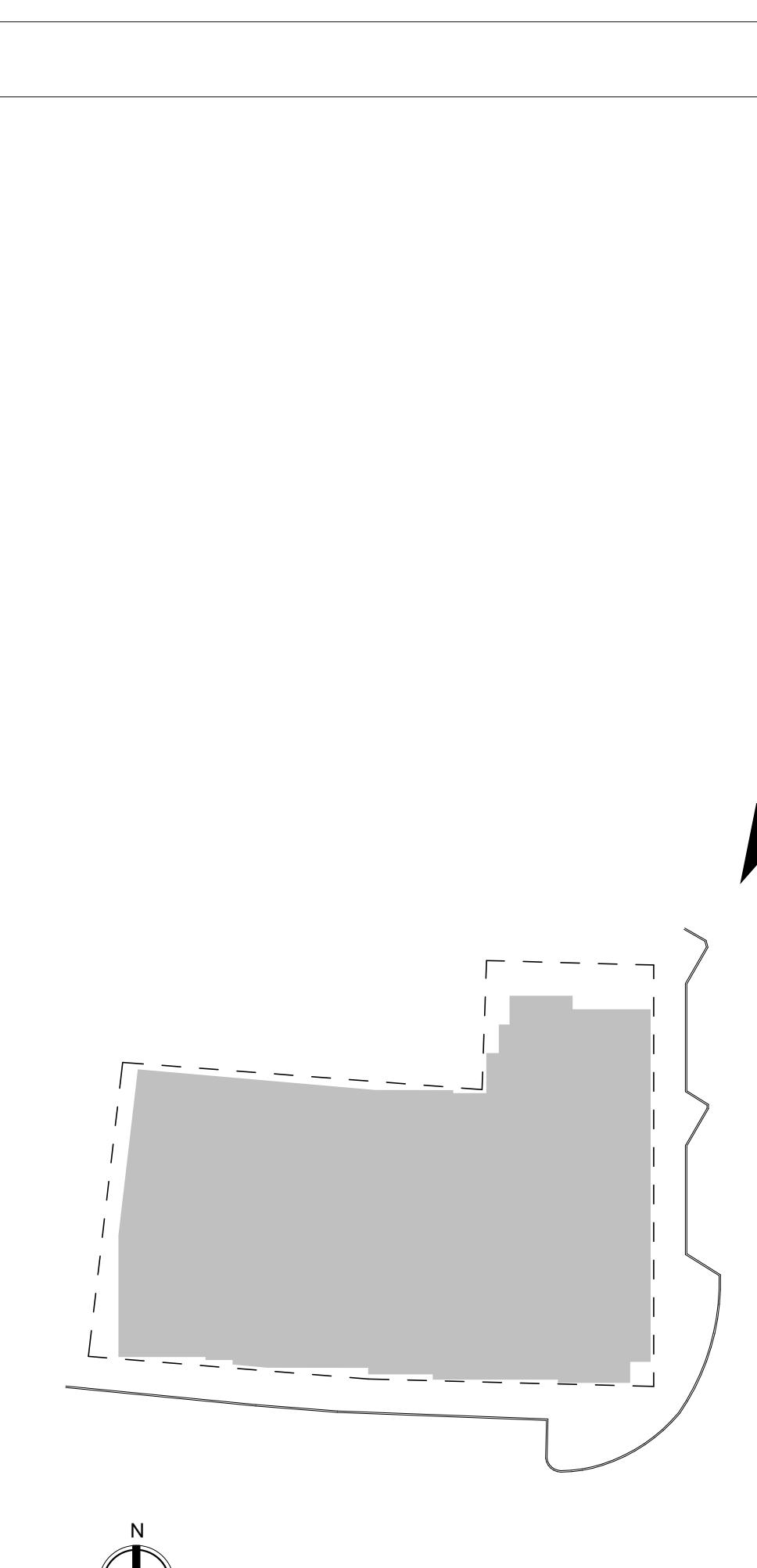
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A800

PERSPECTIVE VIEW 1

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THE JUNCTION

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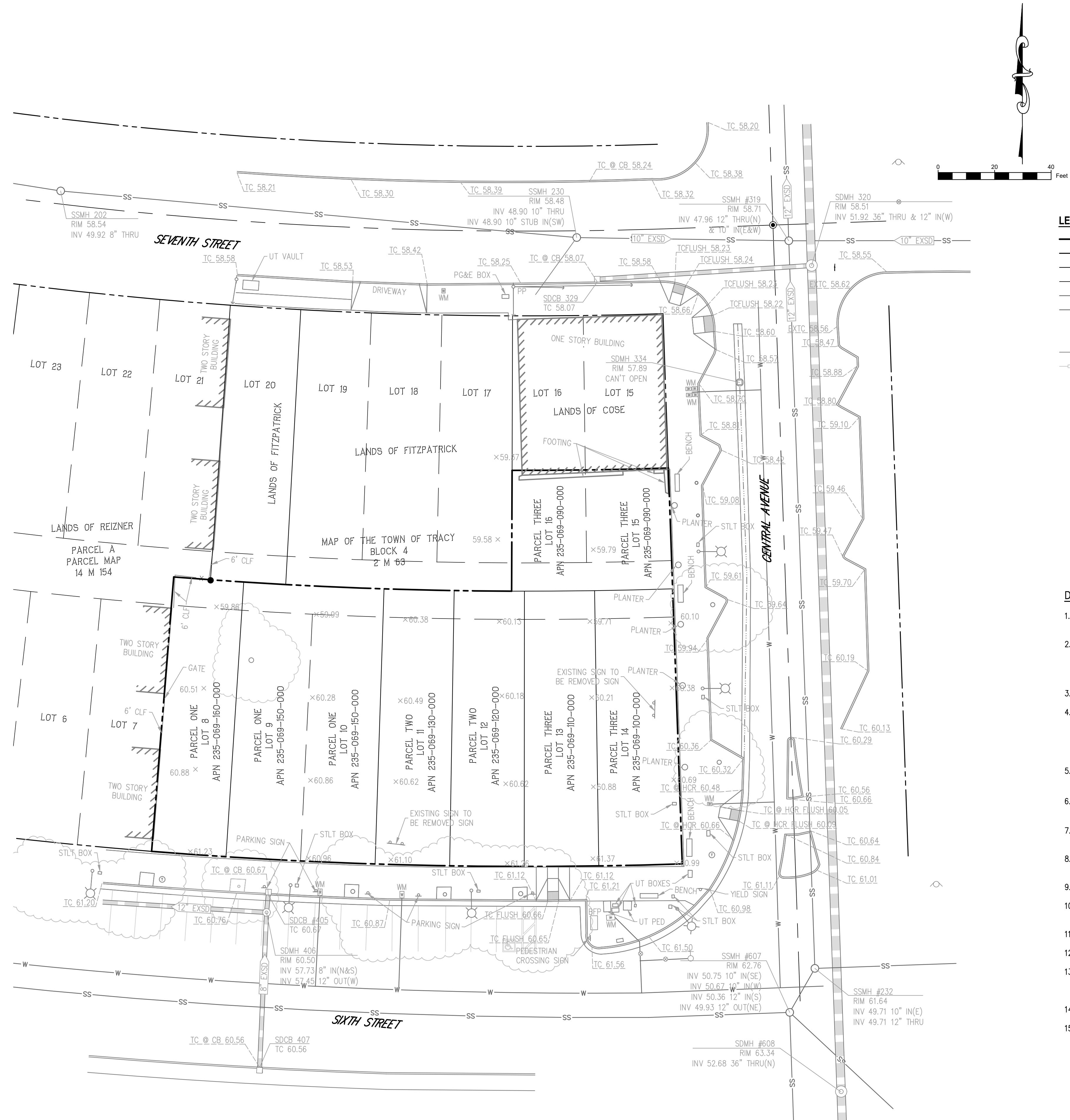
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SHEET TITLE

EXISTING CONDITIONS AND DEMOLITION PLAN

Job No.	22-12
Date.	8/25/2022
Scale.	SEE PLATE
Drawn By.	ASS

C1



LEGEND

DEMOLITION NOTES

1. ALL DEMOLITION OF THE SITE INCLUDING UNDERGROUND FACILITIES SHALL CONFORM TO ALL GEOTECHNICAL RECOMMENDATIONS.
2. ALL ONSITE EXISTING CONCRETE WALKWAYS, A.C., DRIVEWAYS, SHEDS, STRUCTURES, FENCING, EQUIPMENT AND DEBRIS WITHIN THE DEVELOPED AREA TO BE REMOVED UNLESS OTHERWISE NOTED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL EXISTING ITEMS TO BE REMOVED PRIOR TO FURNISHING PROPOSAL FOR DEMOLITION.
3. IT SHALL BE THE DEVELOPER'S RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS FOR DEMOLITION.
4. ALL EXISTING ONSITE UTILITIES WITHIN THE DEVELOPED AREA INCLUDING WATERLINES, STORM DRAIN, SANITARY SEWER, ELECTRIC, GAS AND COMMUNICATION UTILITIES TO BE REMOVED FROM SITE AND CAPPED AT DEMOLITION BOUNDARY IN CONFORMANCE WITH THE RESPECTIVE UTILITY PURVEYOR REQUIREMENTS UNLESS SPECIFICALLY STATED OTHERWISE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE WITH THE RESPECTIVE UTILITY PURVEYORS AND ARRANGE FOR THE TERMINATION OF ALL REQUIRED UTILITIES THAT SERVICE THE SITE.
5. CONTRACTOR IS REQUIRED TO CONTACT THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT (BAAQMD) @ 415-749-4762 AND OBTAIN AN APPROVED JOB ("J") NUMBER PRIOR TO STARTING ANY DEMOLITION WORK.
6. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO MAINTAIN DUST CONTROL AND CLEANUP AS REQUIRED BY THE CITY.
7. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN THE LEAD SURVEY AND ASBESTOS SURVEY FROM THE DEVELOPER AND COMPLETE ALL NECESSARY RECOMMENDATIONS PER SAID REPORTS.
8. CONTRACTOR TO VERIFY TREES TO BE REMOVED OR RELOCATED WITH APPROVED TREE SURVEY. ALL TREES OUTSIDE THE DEVELOPED AREA TO REMAIN UNLESS NOTED OTHERWISE.
9. CONTRACTOR SHALL CONTACT USA, AT 800-642-2444, PRIOR TO ANY DEMOLITION.
10. CONTRACTOR TO PROTECT IN PLACE ALL EXISTING IMPROVEMENTS WITHIN THE PUBLIC RIGHT OF WAY, UNLESS OTHERWISE NOTED.
11. REFER TO PROJECT STORMWATER POLLUTION PLAN FOR ALL PROPOSED SITE BMPS.
12. CONTRACTOR TO INSTALL PERIMETER FENCING AROUND ENTIRE SITE PRIOR TO BEGINNING DEMOLITION.
13. CONTRACTOR TO DEMOLISH ALL ONSITE CONCRETE AND ASPHALT IMPROVEMENTS INCLUDING CURB, GUTTER, WALKS, PARKING AREAS, WALLS AND PATIOS. ALL WALL FOOTINGS TO BE COMPLETELY REMOVED BELOW GRADE OR PER GEOTECHNICAL REPORT.
14. REMOVE EXISTING TREES PER TREE REMOVAL PERMITS.
15. CAUTION – LOCATION OF EXISTING UTILITIES ARE BASED ON DATA OF VARYING RELIABILITY INCLUDING POTHOLING, PRIVATE UTILITY LOCATION AND AVAILABLE RECORD DOCUMENTS. CONTRACTOR SHALL USA ALL AREAS PRIOR TO EXCAVATION AND SHALL TAKE ALL NECESSARY STEPS TO ENSURE SAFETY.

Job No.	22-12
Date.	8/25/2022
Scale.	SEE PLATE
Drawn By.	ASS

Civil Engineering Associates

Engineering Associates

Civil Engineers • Planners • Surveyors

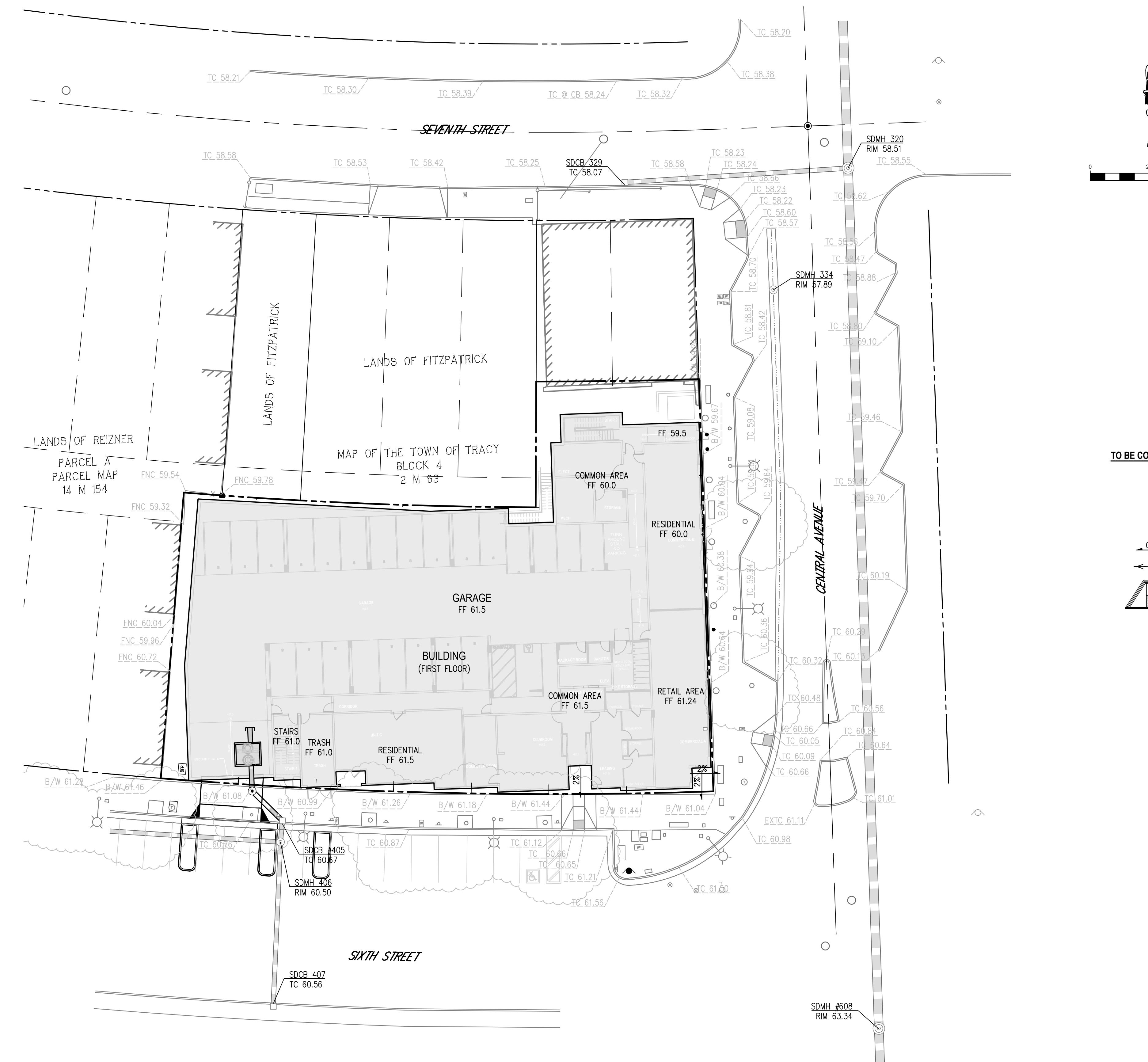
Campbell, CA 95008
T: (408) 453-1066

**CRP AFFORDABLE HOUSING AND
COMMUNITY DEVELOPMENT**
4455 MORENA BLVD., SUITE 107
SAN DIEGO, CA 92117

STREET TITLE GRADING AND RAINAGE PLAN

o. 22-12
8/25/2021
SEE PLA
n By. AS

STREET NUMBER
C3



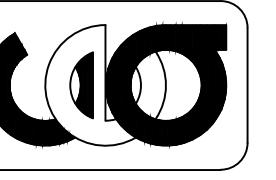
A vertical line representing a pipe. A horizontal line extends from the right side of the vertical pipe, representing an attached horizontal pipe. The vertical pipe has a small opening at the top. Below the diagram is a scale bar with markings at 0, 20, and 40, labeled 'Feet'.

TO BE CONSTRUCTED

<u>LEGEND</u>	
<u>EXISTING</u>	<u>DESCRIPTION</u>
	BOUNDARY
	PROPERTY LINE
	RIGHT OF WAY
	CENTER LINE
	DIRECTION OF FLOW & GRADIENT
	DIRECTION OF FLOW
	CURB RAMP

o. 22-12
8/25/2021
SEE PLA
n By. AS

STREET NUMBER
C3



601 N. CENTRAL
THE JUNCTION

**CRP AFFORDABLE HOUSING AND
COMMUNITY DEVELOPMENT**
4455 MORENA BLVD., SUITE 107
SAN DIEGO, CA 92117

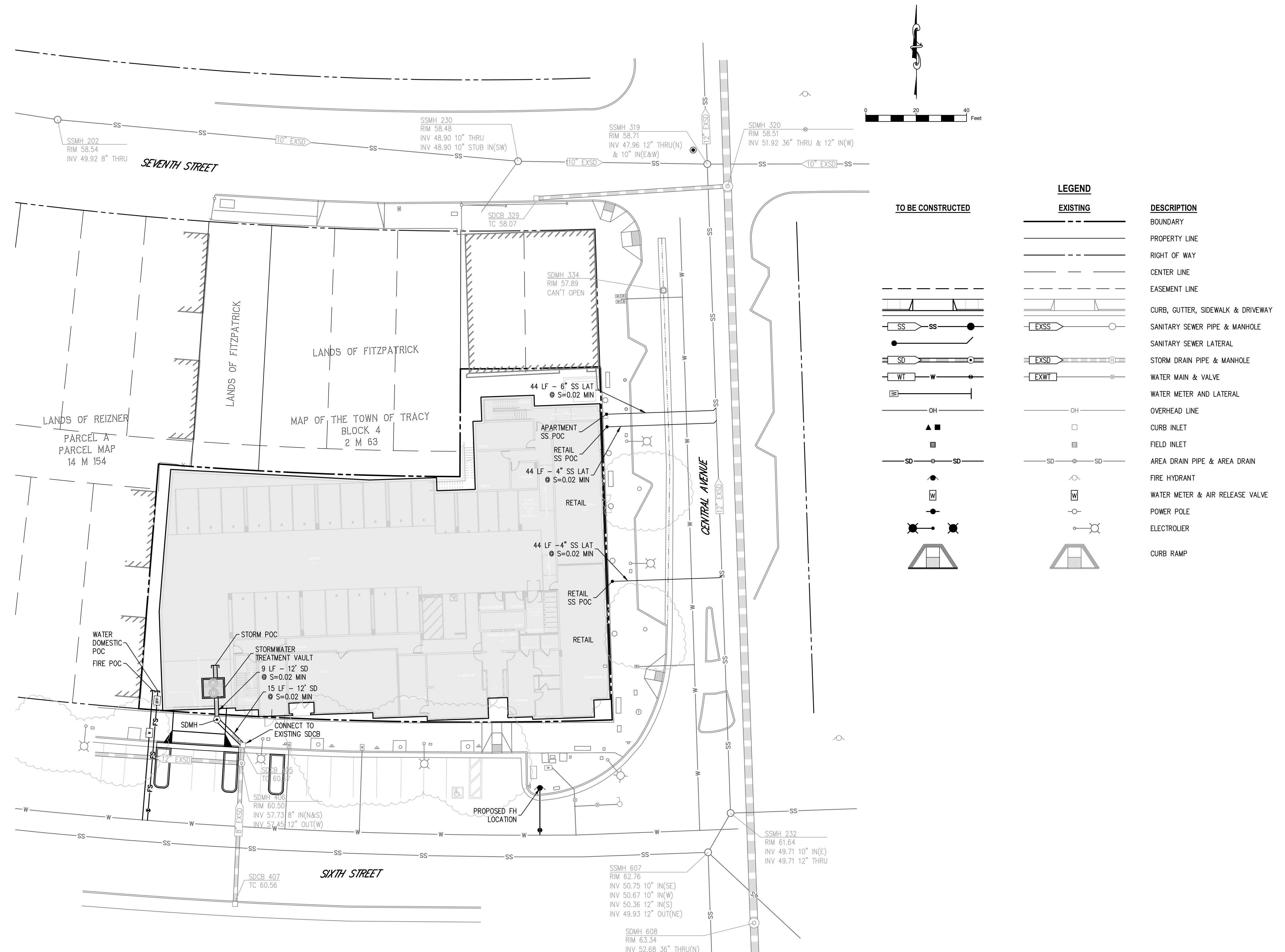
601 N. CENTRAL AVENUE, TRACY, CA 95376

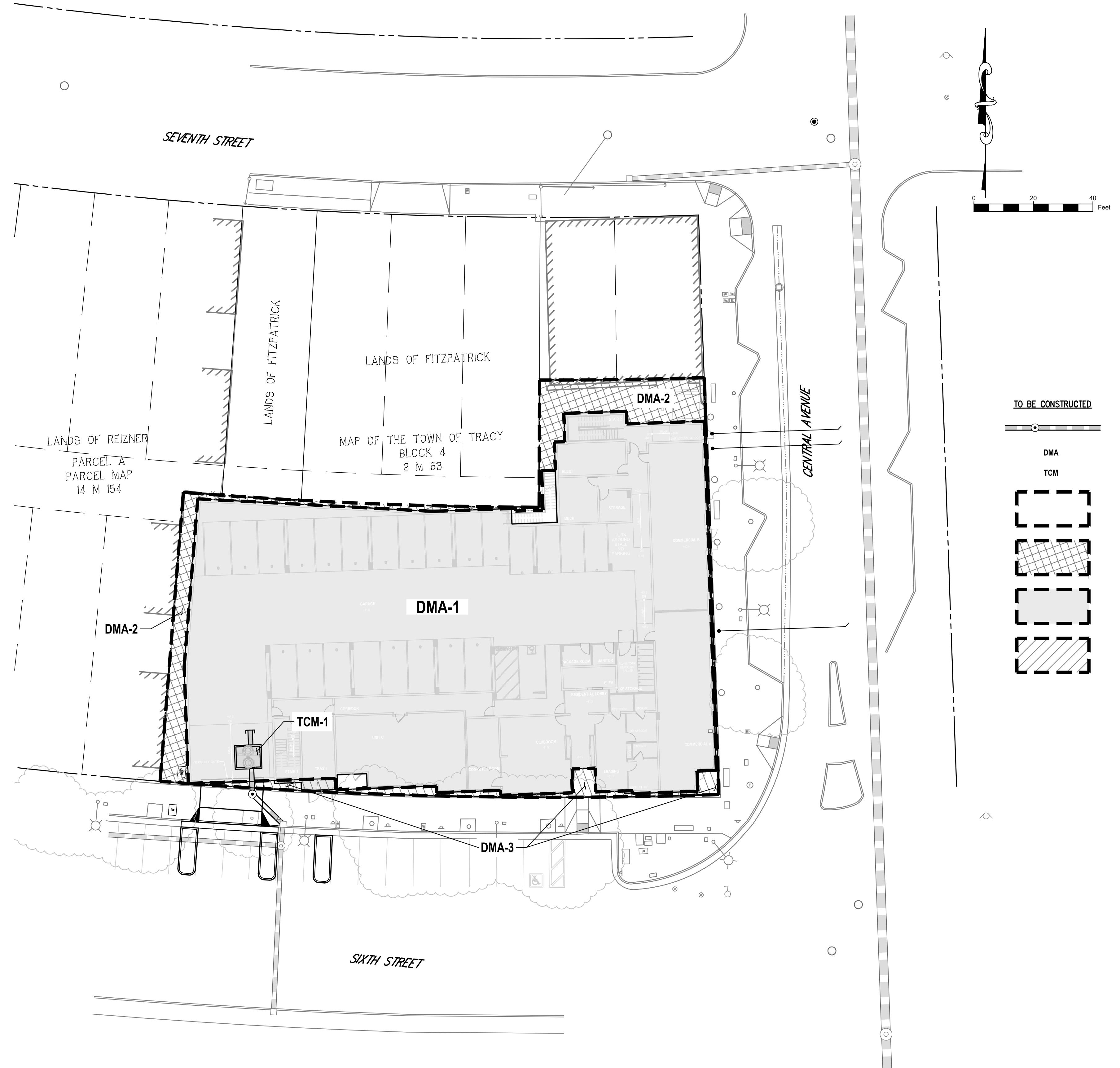
REVIEWS

SHEET TITLE

o No. 22-12
te. 8/25/2021
ale. SEE PLA
awn By. AS

C4





STORMWATER TREATMENT SUMMARY TABLE

		IMPERVIOUS SURFACES						PERVIOUS SURFACES					TREATMENT MEASURES				
WATERSHED ID	TOTAL WATERSHED AREA (SF)	STREETS (SF)	SIDEWALKS (SF)	PARKING LOTS (SF)	DRIVEWAYS / HARDSCAPE (SF)	BUILDINGS (SF)	TOTAL (SF)	STREETS (SF)	SIDEWALKS (SF)	PARKING LOTS (SF)	LANDSCAPE (SF)	TOTAL (SF)	PROVIDED TREATMENT	REQUIRED TREATMENT	TREATMENT CONTROL MEASURE	CALCULATION METHOD	TREATMENT METHOD
1	18,088	-	-	-	-	18,088	18,088	-	-	-	-	-	-	-	Vault 1	Vault	
2	1,587	-	-	-	-	-	-	-	-	-	1,587	1,587	-	-	-	Self-retained	
3	496	-	-	-	496	-	496	-	-	-	-	-	-	-	-	Frontage	
SUBTOTAL (SF)	20,171	-	-	-	496	18,088	18,584	-	-	-	1,587	1,587	-	-	-		

TEST INFORMATION AND NOTES

PROPERTY INFORMATION
601 NORTH MAIN STREET
TRACY, CA 95376
APN No. 235-069-090-000, 235-069-100-000, 235-069-110-000,
235-069-120-000, 235-069-130-000, 235-069-150-000
235-069-160-000
SITE AREA = 20,171 S.F. (0.463 AC)

EXISTING ONSITE IMPERVIOUS AREA = 124 S.F. (0.003 AC)

EXISTING ONSITE PERVIOUS AREA = 20,047 S.F. (0.46 AC)

PROPOSED ONSITE IMPERVIOUS AREA = 18,584 S.F. (0.419 AC)

PROPOSED ONSITE PERVIOUS AREA = 1,587 S.F. (0.044 AC)

RECEIVING SYSTEM FOR THE STORM WATER: CORRAL HOLLOW CREEK

PROJECT DOES NOT CREATE AND/OR REPLACE 1 AC OR MORE OF
IMPERVIOUS SURFACE AND THEREFORE IS NOT REQUIRED TO
INCORPORATE HYDRO-MODIFICATION MEASURES.

MEDIA-FILTER UNIT SIZING CALCULATIONS WATERSHED

CALCULATION/ ESTIMATION OF RUNOFF FLOW FROM WATER QUALITY STORM
VENT
DRAINAGE AREA: 0.415 AC / 18,088 SF

ATIONAL METHOD: $Q = C \cdot I \cdot A$

Q = DISCHARGE FLOW (CFS)
 C = RUNOFF COEFFICIENT (NON-DIMENSIONAL)
 I = RAINFALL INTENSITY (0.2 INCHES/HR) PER THE CALIFORNIA

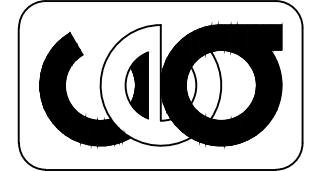
STORMWATER BMP HANDBOOK FOR NEW DEVELOPMENT

= CATCHMENT AREA (ACRES)

THE C. LEONIS HOWELL GOVERNMENT AND ENVIRONMENT AWARDS DINNER AND
EVENT:

C = 0.89
= 0.2 IN/HR
= 0.415 ACRES, STORM TREATMENT AREA
= 0.074 TOTAL CFS (33.2 GPM)

SELECTION OF STRUCTURAL STORM WATER TREATMENT DEVICE BASED ON
COMBINED
RUNOFF OF 33.2 GPM:
OLDCASTE PERK FILTER W/ 6 EACH 12" CARTRIDGE (6.8 GPM /



601 N. CENTRAL AVENUE, TRACY, CA 95376

601 N. CENTRAL AVENUE, TRACY, CA 95376
**CRP AFFORDABLE HOUSING AND
COMMUNITY DEVELOPMENT**
4455 MORENA BLVD., SUITE 107
SAN DIEGO CA 92117

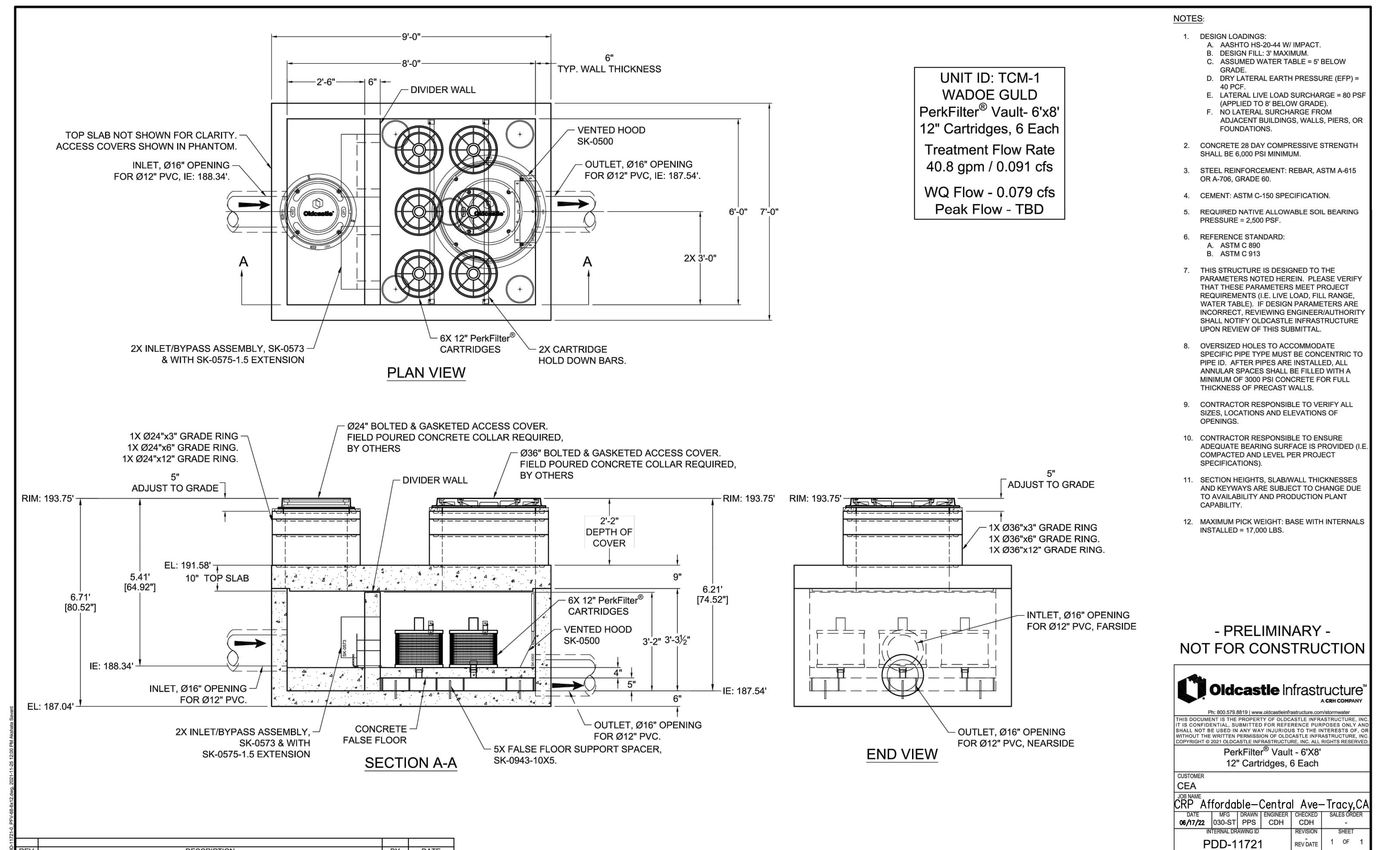
REVISIONS


REVISIONS		DESCRIPTION	DATE
			
			
			
			
			
			
			
			
			
			

SWEET TITLE

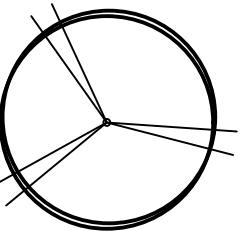
SHEET TITLE

STORMWATER CALCULATIONS

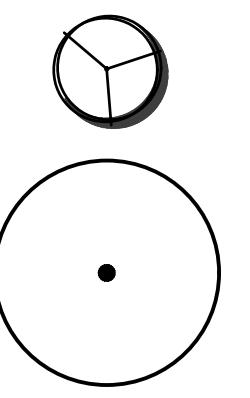




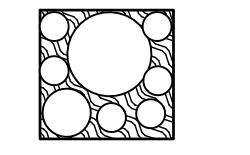
CONCEPT PLANT SCHEDULE



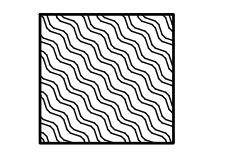
TREES
ARbutus unedo / STRAWBERRY TREE
Cercis occidentalis / WESTERN REDBUD
Lagerstroemia indica x fauriei 'Natchez' / Natchez Crape Myrtle



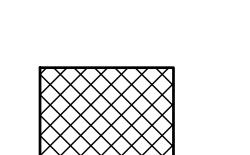
COLUMNAR SHRUB/TREE
Cupressus sempervirens 'Compacta' / COMPACT ITALIAN CYPRESS
Podocarpus macrophyllus 'Maki' / MAKI PODOCARPUS



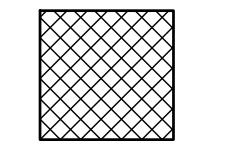
EXISTING TREE TO REMAIN



SHRUBS
Bougainvillea x 'OH MY MY' / OH MY MY BOUGAINVILLEA
Bouteloua gracilis / BLUE GRAMA GRASS
Calamagrostis x acutiflora 'Karl Foerster' / KARL FOERSTER FEATHER REED GRASS
Callistemon viminalis 'Little John' / LITTLE JOHN WEEPING BOTTLEBRUSH
Eragrostis spectabilis / PURPLE LOVEGRASS
Euphorbia cyprissias / CYPRESS SPURGE
Mimulus aurantiacus / STICKY MONKEYFLOWER
Muhlenbergia reverchonii 'PUNDIT' TM / UNDAUNTED RUBY MUHLY
Rosa x 'Meiradenia' TM / CECCAP FLORIBUNDA ROSE
Stachys byzantina / LAMB'S EAR



GROUNDCOVER
Myoporum parvifolium / TRAILING MYOPORUM
Teucrium cossoni / CREEPING GERMANER



EXISTING PLANTING TO REMAIN

SIZE / MUCOLS

24" BOX, L
24" BOX, VL
24" BOX, L

15 GAL, M
15 GAL, M

5 GAL, L
5 GAL, L
5 GAL, L
5 GAL, L
1 GAL, L
1 GAL, VL
1 GAL, L
5 GAL, L
5 GAL, L
1 GAL, L

FLATS, L
FLATS, L

18"X72" POT
SUCH AS TOURNESOL
WILSHIRE RECTANGLE(TYP.)

FINISHED CONCRETE
TOPPING SLAB (TYP.)

BBQ COUNTER AND
SEATING AREA

42" HT DECORATIVE SAFETY
RAILING

4'X4' POT SUCH AS TOURNESOL
WILSHIRE SQUARE
W/ ACCENT TREE (TYP.)

TOT LOT EQUIPMENT AND
RUBBERIZED SURFACING

LAUNDRY

ELECT

CORRIDOR

STAIR 1

STAIR 2

UNIT A

UNIT B

UNIT C

UNIT D

UNIT E

UNIT F

UNIT G

UNIT H

UNIT I

UNIT J

UNIT K

UNIT L

UNIT M

UNIT N

UNIT O

UNIT P

UNIT Q

UNIT R

UNIT S

UNIT T

UNIT U

UNIT V

UNIT W

UNIT X

UNIT Y

UNIT Z

UNIT AA

UNIT BB

UNIT CC

UNIT DD

UNIT EE

UNIT FF

UNIT GG

UNIT HH

UNIT II

UNIT JJ

UNIT KK

UNIT LL

UNIT MM

UNIT NN

UNIT OO

UNIT PP

UNIT QQ

UNIT RR

UNIT SS

UNIT TT

UNIT UU

UNIT VV

UNIT WW

UNIT XX

UNIT YY

UNIT ZZ

UNIT AA

UNIT BB

UNIT CC

UNIT DD

UNIT EE

UNIT FF

UNIT GG

UNIT HH

UNIT II

UNIT JJ

UNIT KK

UNIT LL

UNIT MM

UNIT NN

UNIT OO

UNIT PP

UNIT QQ

UNIT RR

UNIT SS

UNIT TT

UNIT UU

UNIT VV

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UNIT XX

UNIT YY

UNIT ZZ

UNIT AA

UNIT BB

UNIT CC

UNIT DD

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UNIT GG

UNIT HH

UNIT II

UNIT JJ

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UNIT MM

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UNIT VV

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CITY OF TRACY
DETERMINATION OF
THE DEVELOPMENT SERVICES DIRECTOR

Application Number D22-0027

A determination of the Development Services Director (1) determining that the mixed-use Affordable Housing project, known as The Junction, consisting of a four-story building totaling approximately 62,015 square feet, including 45 residential apartment units with 100% of the units to be Affordable to Low, Very Low, or Extremely Low income households, a manager's office and living unit, parking area, and approximately 2,000 square feet of ground-floor commercial space, located at 601 N. Central Avenue at the northwest corner of 6th Street and Central Avenue on a site of approximately 20,464 square feet, Assessor's Parcel Numbers 235-069-09,10,11,12,13,15, and 16, Application Number D22-0027 (hereinafter the "Project"), is eligible for the streamlined ministerial approval process for affordable housing developments under State Government Code Section 65913.4, commonly known as State Affordable Housing Law SB 35, (2) determining that the Project is exempt from the California Environmental Quality Act (CEQA) as a ministerial project, in accordance with CEQA Guidelines Section 15268, (3) determining that the Project is eligible for a density bonus of 80 percent and four concessions, in accordance with State Government Code Section 65915 (State Density Bonus Law), and (4) ministerially approving a Development Review Permit to construct the Project, in accordance with State Government Code Section 65913.4.

State Government Code Section 65913.4 (State Affordable Housing Law SB 35)

The Project is eligible for streamlined ministerial approval, in accordance with State Government Code Section 65913.4, based on the following findings:

1. Prior to submitting an application for streamlined ministerial approval under Government Code Section 65913.4, the applicant submitted a notice of intent/preapplication to the City on May 16, 2022, which commenced the tribal scoping consultation process in accordance with AB 168. The City sent notification to all tribes on the tribal mailing list provided by the California Native American Heritage Commission with an invitation to request tribal consultation regarding the project on May 18, 2022. The City received no requests for tribal consultation. The tribal consultation period ended on June 18, 2022.
2. The Project includes 45 residential apartment units, which satisfies the requirement of being a multifamily housing development that contains two or more residential units.
3. The Project and the site on which it is located satisfy all of the following:
 - a. The Project site consists of a legal parcel or parcels located in the City of Tracy, which is designated by the United States Census Bureau as an urbanized area.
 - b. At least 75 percent of the perimeter of the Project site adjoins parcels that are developed with urban uses.

Development Services Director Determination

Application Number D22-0027

November 17, 2022

Page 2

- c. The Project site is zoned Central Business District (CBD), which allows residential mixed-use development, and has a General Plan designation of Downtown, which allows a mix of residential and nonresidential uses. More than two-thirds of the square footage of the Project is designated for residential use.
- 4. The Developer proposes to dedicate 100% of the 45 total residential apartment units to below market rate housing affordable to households making below 80% of the area median income (AMI). Prior to the issuance of a building permit, the Developer shall record a land use restriction or covenant on the property at the San Joaquin County Recorder's Office providing that any affordable housing units included in the project remain available at affordable housing rent for no less than 55 years, in accordance with State Government Code Section 65913.4.
- 5. According to the determination summary published by the California Department of Housing and Community Development, the City of Tracy has met its 2013-2021 Regional Housing Need Allocation ("RHNA") goals for the "above market" income category; however, the City has not demonstrated sufficient progress in meeting the RHNA new housing production goals for the lower income categories. Therefore, the City of Tracy is subject to Government Code Section 65913.4 and projects are required to provide 50 percent of the total (base density) for lower-income households to qualify for streamlined, ministerial approval, which the Project has done by proposing 100% of the residential apartment units to be for lower income households.
- 6. The Project, excluding any additional density or any other concessions, incentives, or waivers of development standards granted pursuant to the Density Bonus Law in Section 65915, is consistent with all applicable objective zoning standards, objective subdivision standards, and objective design review standards. The City shall not impose automobile parking standards for a development that is approved pursuant to State Government Code Section 65913.4 if the development is located within one-half mile of public transit, which applies to this Project because the Project site is located approximately 200 feet from the Tracy Transit Station.
- 7. The Project is not located on a site that is any of the following:
 - a. Within a coastal zone
 - b. Prime farmland, farmland of statewide importance, or land zoned or designated for agricultural protection or preservation by a local ballot measure
 - c. Wetlands
 - d. Within a very high fire hazard severity zone
 - e. A hazardous waste site (Cortese list site)
 - f. Within a delineated earthquake fault zone
 - g. A special flood hazard area subject to inundation by the 1% annual chance flood
 - h. A regulatory floodway
 - i. Lands identified for conservation in an adopted community conservation plan, habitat conservation plan, or other adopted natural resource protection plan
 - j. A habitat for protected species
 - k. Land under conservation easement

Development Services Director Determination

Application Number D22-0027

November 17, 2022

Page 3

8. The property has been vacant with no building structures for more than twenty years. The Project would not require the demolition of any housing. The Project site was not previously used for housing that was demolished within 10 years before the Developer submitted an application for development. The Project would not require the demolition of a historic structure that was placed on a national, state, or local historic register. The property does not contain any housing units.
9. The Project does not involve subdividing a parcel. The Project, which involves a lot merger, is consistent with all objective subdivision standards in the local subdivision ordinance and the Subdivision Map Act. The Project has received or will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid.
10. The Project is not located on an existing parcel of land or site that is governed under the Mobile Home Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobile Home Parks Act, or the Special Occupancy Parks Act.

California Environmental Quality Act (CEQA) and the CEQA Guidelines

CEQA Guidelines Section 15268 states that ministerial projects are exempt from the requirements of CEQA. As described above, the Project is eligible for streamlined ministerial approval, in accordance with State Government Code Section 65913.4. Therefore, the Project is exempt from the requirements of CEQA, pursuant to CEQA Guidelines Section 15268.

State Government Code Section 65915 (State Density Bonus Law)

The City's Density Bonus Ordinance (Tracy Municipal Code, Title 10, Chapter 10.08, Article 36.5) has been superseded by State Government Code Section 65915 (State Density Bonus Law), due to the recent amendments of AB 2345 (2020) and AB 1763 (2019).

The Project is eligible for a density bonus of 80% and four concessions or incentives, in accordance with State Government Code Section 65915, based on 100 percent of all units in the Project, including total units and density bonus units, but excluding the manager's unit, to be for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

The maximum density allowed in the Central Business District (CBD) Zone requires at least 700 square feet of net lot area per dwelling unit. For the Project site, which has a total net lot area of 20,464 square feet, the maximum number of units allowed by the CBD Zone is 29. A density bonus of 80 percent increases the maximum number of units allowed on the Project site from 29 to 52. The Project includes 45 Affordable apartment units and one manager's unit, which is less than allowed by the 80 percent density bonus. The applicant is also requesting the following two concessions, which are allowed by State Government Code Section 65915:

1. Reduction of parking area drive-aisle width from 26-foot minimum to 24-foot minimum
2. Reduction of standard parking space dimensions from 9' x 20' minimum to 9' x 18' minimum for parking spaces located within a garage

Development Services Director Determination
Application Number D22-0027
November 17, 2022
Page 4

THE DEVELOPMENT SERVICES DIRECTOR, AFTER CONSIDERING ALL OF THE EVIDENCE PRESENTED, HEREBY TAKES THE FOLLOWING ACTIONS:

1. Determines that the Project is eligible for the streamlined ministerial approval process for affordable housing developments, in accordance with State Government Code Section 65913.4.
2. Determines that the Project is exempt from the California Environmental Quality Act (CEQA) as a ministerial project, in accordance with CEQA Guidelines Section 15268.
3. Determines that the Project is eligible for a density bonus of 80 percent and four concessions or incentives, in accordance with State Government Code Section 65915, which is greater than requested for the Project.
4. Ministerially approves a Development Review Permit to construct the Project, Application Number D22-0027, subject to conditions contained in Exhibit 1, in accordance with State Government Code Section 65913.4.

DocuSigned by:

E4ABC384BA2B4A8...

11/22/2022 | 5:21 PM PST

Kris Balaji
Development Services Director

Date of Action

**City of Tracy
Conditions of Approval
Development Review Permit**
Mixed-Use Affordable Housing Project (The Junction)
601 N. Central Avenue
Application Number D22-0027
November 17, 2022

A. General Provisions and Definitions.

A.1. General. These Conditions of Approval apply to the Development Review Permit to construct a mixed-use Affordable Housing (SB 35) project, known as The Junction, consisting of a four-story building totaling approximately 62,015 square feet, including 45 residential apartment units with 100% of the units to be Affordable to Low, Very Low, or Extremely Low income households, a manager's office and living unit, parking area, and approximately 2,000 square feet of ground-floor commercial space, located at 601 N. Central Avenue at the northwest corner of 6th Street and Central Avenue on a site of approximately 20,464 square feet, Assessor's Parcel Numbers 235-069-09,10,11,12,13,15, and 16, Application Number D22-0027 (hereinafter "Project").

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "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.
- c. "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.
- d. "Development Services Director" means the Director of the City of Tracy Development Services Department, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code ordinances, resolutions, policies, procedures, City's Design Goals and Standards, and the City's Design Documents (including the Standard Plans, Standard Specifications, and relevant Public Facility Master Plans).
- f. "Conditions of Approval" shall mean the conditions of approval applicable to the Project, Application Number D22-0027. The Conditions of Approval shall specifically include all conditions set forth herein.

g. "Property" means the subject property of the Development Review Permit to construct a mixed-use Affordable Housing (SB 35) project, known as The Junction, consisting of a four-story building totaling approximately 62,015 square feet, including 45 residential apartment units with 100% of the units to be Affordable to Low, Very Low, or Extremely Low income households, a manager's office and living unit, parking area, and approximately 2,000 square feet of ground-floor commercial space, located at 601 N. Central Avenue at the northwest corner of 6th Street and Central Avenue on a site of approximately 20,464 square feet, Assessor's Parcel Numbers 235-069-09,10,11,12,13,15, and 16, Application Number D22-0027 .

A.3. Compliance with submitted plans. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the project plans received by the Development Services Department on August 29, 2022 to the satisfaction of the Development Services Director.

A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.

A.5. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:

- Planning and Zoning Law (Government Code sections 65000, et seq.)
- California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"),
- Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines"),
- California Building Code, and
- California Fire Code

A.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 City Design Goals and Standards.

A.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. Development Services Department, Planning Division Conditions

Contact: Scott Claar (209) 831-6429 scott.claar@cityoftracy.org

- B.1. Except as modified herein, the project shall be developed in substantial compliance with the plans received by the Development Services Department on August 29, 2022, to the satisfaction of the Development Services Director.
- B.2. Land use restriction or covenant. Prior to the issuance of a building permit, the Developer shall record a land use restriction or covenant on the property at the San Joaquin County Recorder's Office providing that any affordable housing units included in the project remain available at affordable housing rent for no less than 55 years, in accordance with State Government Code Section 65913.4, to the satisfaction of the Development Services Director.
- B.3. Prevailing wages. Prior to the issuance of a building permit, the Developer shall certify to the City that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the California Department of Industrial Relations, and shall ensure that the prevailing wage requirement be included in all contracts for the performance of the work, in accordance with State Government Code Section 65913.4, to the satisfaction of the Development Services Director.
- B.4. Density Bonus Housing Agreement. Prior to the issuance of a building permit, the developer shall enter into a density bonus housing agreement (or affordable housing agreement, or other appropriate title) with the City. The density bonus housing agreement shall be recorded as a restriction on the property before issuance of a building permit. The density bonus housing agreement shall run with the land and bind all successors in interest. The density bonus housing agreement shall be in accordance with Tracy Municipal Code Section 10.08.4695 and all other applicable sections of Article 36.5, Density Bonus, of Chapter 10.08 of Title 10 of the Tracy Municipal Code, to the satisfaction of the Development Services Director.
- B.5. Lot merger. Prior to the issuance of a building permit, a lot merger of the property shall be approved by the City Engineer and recorded at the San Joaquin County Recorder's Office, such that no remaining lot lines will be located under any proposed buildings, to the satisfaction of the Development Services Director.
- B.6. Screening utilities and equipment. Before the approval of a building permit, the Developer shall submit detailed plans that demonstrate the following:
 - B.6.1 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 readily

visible from any public right-of-way, which includes, but is not limited to, all points along Central Avenue and 6th Street. The plans shall demonstrate that such equipment is fully screened from view behind parapet walls, to the satisfaction of the Development Services Director.

- B.6.2 All vents, gutters, downspouts, flashing, and electrical conduits shall be internal to the structures or painted to match the color of the adjacent surfaces, and other ground-mounted, wall-mounted, or building-attached utilities, shall be 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.
- B.6.3 All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or substantially screened from view behind structures or landscaping, to the satisfaction of the Development Services Director.
- B.7. Prior to final inspection or certificate of occupancy, the back side of any visible roof parapets shall consist of the same material and be painted the same color as the front side of the roof parapets, to the satisfaction of the Development Services Director.
- B.8. Signs. No signs are approved with this development review permit. Approval of a separate sign permit by the Development Services Department is necessary prior to the installation of any signs.
- B.9. Habitat conservation. 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 (SJCOP) Habitat Division, to the satisfaction of the Development Services Director.
- B.10. Air Pollution Control District. Prior to issuance of a building permit, the Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), to the satisfaction of the Development Services Director.

C. Development Services Department, Engineering Division Conditions

Contact: Al Gali (209) 831-6436 al.gali@cityoftracy.org

C.1. General Conditions

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

- 1) Not Applicable.

C.2. RESERVED

C.3. RESERVED

C.4. Grading Permit

All grading work (on-site and off-site) shall require a Grading Plan. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Geotechnical Engineer. Prior to the release of the Grading Permit for the Project, Developer shall provide all documents related to said Grading Permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.4.1 Developer has completed all requirements set forth in this section.
- C.4.2 Developer has obtained the approval (i.e. recorded easements for slopes, drainage, utilities, access, parking, etc.) of all other public agencies and/or private entities with jurisdiction over the required public and/or private facilities and/or property. Written permission from affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit.
- C.4.3 Developer has obtained a demolition permit to remove any existing structure located within the project's limits.
- C.4.4 All existing on-site water well(s), septic system(s), and leech field(s), if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s), septic system(s), and leech field(s) including the cost of permit(s) and inspection. Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.
- C.4.5 The Improvement Plans for all improvements to serve the Project (on-site and off-site) including the Grading and Drainage Plans shall be prepared in accordance with the City's Subdivision Ordinance (TMC Chapter 12.36), City Design Documents as defined in Title 12 of the TMC, and these Conditions of Approval.
- C.4.6 On-site Grading/Drainage Plans and Improvement Plans shall be prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick polyester film (mylar). These plans shall use the City's Title Block. Improvement Plans shall be prepared under the supervision of, stamped and signed by a Registered Civil Engineer and Registered Geotechnical Engineer. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by the Fire Marshal prior to

submitting the mylars to Engineering Division for City Engineer's signature. Erosion control measures shall be implemented in accordance with the Improvement Plans approved by the City Engineer for all grading work. All grading work not completed before October 15 may be subject to additional requirements as applicable. Improvement Plans shall specify all proposed erosion control methods and construction details to be employed and specify materials to be used during and after the construction.

- C.4.7 Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.
- C.4.8 For Projects on property larger than one (1) acre: Prior to the issuance of the Grading Permit, Developer shall submit to the Utilities Department (stephanie.hiestand@cityoftracy.org) one (1) electronic copy and one (1) hard copy of the Storm Water Pollution Prevention Plan (SWPPP) as submitted in Stormwater Multiple Applications and Reporting Tracker System (SMARTS) along with either a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID) or a copy of the receipt for the NOI. After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Developer. Developer shall comply with all the requirements of the SWPPP, applicable Best Management Practices (BMPs) and the Stormwater Post-Construction Standards adopted by the City in 2015 and any subsequent amendment(s).
For Projects on property smaller than one (1) acre: Prior to the issuance of the Grading Permit, the Developer shall submit to the Utilities Department (stephanie.hiestand@cityoftracy.org) one (1) electronic copy and 1 hard copy of the City of Tracy Erosion and Sediment Control Plan (ESCP) for approval. Cost of preparing the ESCP including any annual storm drainage fees shall be paid by the Developer. Developer shall comply with all the requirements of the ESCP, applicable BMPs and the Post-Construction Stormwater Standards adopted by the City in 2015 and any subsequent amendment(s).
- C.4.9 Developer shall provide a PDF copy of the Project's Geotechnical Report signed and stamped by a Registered Geotechnical Engineer. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, compaction recommendations, retaining wall recommendations, if necessary, paving recommendations, paving calculations such as gravel factors, gravel equivalence, etc., slope recommendations, and elevation of the highest observed groundwater level.

C.4.10 Minor Retaining – Developer shall use reinforced or engineered masonry blocks for retaining soil at property lines when the grade differential among the in-tract lots exceeds twelve (12) inches. Developer will include construction details of these minor retaining walls with the on-site Grading and Drainage Plan. Developer may use slopes among the lots to address the grade differential but said slope shall not exceed a slope gradient of 3 (horizontal) to 1 (vertical) unless a California licensed geotechnical engineer signs and stamps a geotechnical report letter that supports a steeper slope gradient. Slope easements may be required and will be subject to approval by the City Engineer.

Minor Retaining along Project Perimeter – Developer shall use reinforced or engineered masonry blocks for retaining soil along the Project boundary and adjacent property(s) when the grade differential exceeds 12-inches. Developer will include construction details for these minor retaining walls with the on-site Grading and Drainage Plan. Developer may use slopes to address the grade differential but said slope shall not exceed a slope gradient of 3 (horizontal) to 1 (vertical). Slope easements may be subject to approval by the City Engineer and if adjacent and affected property(s) owner(s) grants said easements.

Slopes are an acceptable option as a substitute to engineered retaining walls, where cuts or fills do not match existing ground or final grade with the adjacent property or public right of way, up to a maximum grade differential of two (2) feet, subject to approval by the City Engineer.

Slope easements will be recorded, prior to the issuance of the Grading Permit. The Developer shall be responsible to obtain and record slope easement(s) on private properties, where it is needed to protect private improvements constructed within and outside the Project, and a copy of the recorded easement document must be provided to the City, prior to the issuance of the Grading Permit.

Walls - Developer shall show proposed retaining walls and masonry walls on the on-site Grading and Drainage Plan. The Developer is required to submit improvement plans, construction details, and structural calculations for retaining walls and masonry walls to Building and Safety. Retaining wall and masonry wall design parameters will be included in the geotechnical report.

C.4.11 Developer shall provide a copy of the approved Incidental Take Minimization Measures (ITMM) habitat survey [San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)] from San Joaquin Council of Governments (SJCOG).

C.4.12 Developer shall provide a copy of the approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) from San Joaquin Valley Air Pollution Control District (SJVAPCD).

C.4.13 Developer shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, are required to remain to serve existing adjacent agricultural uses, the Developer will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Developer.

C.4.14 Developer shall underground existing overhead utilities such as electric, TV cable, telephone, and others. Each dry utility shall be installed at the location approved by the respective owner(s) of dry utility and the Developer shall coordinate such activities with each utility owner. All costs associated with the undergrounding shall be the sole responsibility of the Developer and no reimbursement will be due from the City. Developer shall submit undergrounding plans. Exempt from this condition are high voltage power lines, if any. Referenced and incorporated herein are Title 11 and Title 12 of the Tracy Municipal Code.

C.4.15 If at any point during grading that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any potential archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan Environmental Impact Report; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

C.5. Improvement Agreement(s)

All construction activity involving public improvements will require a fully executed improvement agreement (Off-site, Subdivision, and/or Inspection). Any construction activity involving public improvements without a fully executed improvement agreement is prohibited. All public improvements shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Civil Engineer. Prior to the consideration of City Council's approval of said improvement agreement, the Developer shall provide all documents related to said improvements required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.5.1. Off-site and/or Public Infrastructure Improvement Plans prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick mylar that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title

12 of the Tracy Municipal Code. Developer shall use the latest title block and, if necessary, contain a signature block for the Fire Marshal. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Fire Marshal to submitting the mylars to Engineering Division for City Engineer's signature. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:

- C.5.1.a. All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.
- C.5.1.b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers such as benchmarks.
- C.5.1.c. A PDF copy of the Project's approved Geotechnical/Soils Report that was prepared for the grading permit submittal.
- C.5.1.d. Storm Water - The Project's on-site storm water drainage connection to the City's storm water system shall be approved by the City Engineer. Drainage calculations for the sizing of the on-site storm drainage system. Improvement Plans to be submitted with the hydrology and storm water.

Storm drainage release point is a location at the boundary of the Project adjacent public right-of-way where storm water leaves the Property, in a storm event and that the Property's on-site storm drainage system fails to function or it is clogged. Site grading shall be designed such that the Project's storm drainage overland release point will be directly to an adjacent public right-of-way with a functional storm drainage system and the existing storm drainage line has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least 0.70-feet lower than the building finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

The Project's permanent storm drainage connection(s) shall be designed and constructed in accordance with City Regulations. The

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

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

C.5.1.e Sanitary Sewer - It is the Developer's responsibility to design and construct the Project's permanent on-site sanitary sewer (sewer) improvements including the Project's sewer connection in accordance with the City's Design Standards, City Regulations and Standard Specifications. Sewer improvements shall include but not limited to, replacing asphalt concrete pavement, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's permanent sewer connection. Developer shall submit improvement plans that include the design of the sewer line from the Property to the point of connection. Developer shall also construct the recommended mitigations from the sanitary sewer technical memorandum.

C.5.1.f Water Distribution - Developer shall design and construct domestic and irrigation water service that comply with the City Regulations. Water line sizing, layout and looping requirements for this Project shall comply with City Regulations. During the construction of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as approved by the Fire Marshal.

Interruption to the water supply to the existing businesses and other users will not be allowed to facilitate construction of improvements related to the Project. Developer shall be responsible for notifying business owner(s) and users, regarding construction work. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least seventy-two (72) hours before start of work. Prior to starting the work described in this section, the Developer shall submit a Work Plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be used during the installation of the off-site water mains and connections.

The Project's water service connections shall use a remote-read (radio-read) master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City Regulations. The domestic and irrigation water service connection(s) must be completed before the inspection of the building. The location of the meters shall be approved by the City Engineer.

After improvement acceptance, repair and maintenance of the water service from the water meter to the point of connection with the water distribution main in the street shall be the responsibility of the City. Water service repairs after the water meter is the responsibility of the Developer or individual lot owner(s).

Prior to improvement acceptance, repair and maintenance of all on-site water lines, laterals, sub-water meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer or the individual lot owner(s).

All costs associated with the installation of the Project's water connection(s) including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings on existing street or parking area(s) that may be disturbed with the installation of the permanent water connection(s), or domestic water service, and other improvements shall be paid by the Developer.

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

C.5.1.g Streets – The Developer shall have frontage improvements. All streets and utilities improvements within City right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design Standards including the City's Facilities Master Plan for storm drainage, roadways, wastewater, and water as adopted, amended, and updated by the City, or as otherwise specifically approved by the City. The Developer shall construct frontage improvements as described below.

Central Avenue Parking Lot

Developer shall construct landscaped and irrigated parking lot islands per current adopted City landscape standards. Landscape and irrigation plans shall be prepared on a 24-inch x 36-inch size 4-millimeter thick mylar that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block. Said landscape and irrigation plan shall be prepared by a California licensed landscape architect. Developer can either protect-in-place the existing sidewalk and repair any cracked, settled, and/or damaged sidewalk or remove and replace the sidewalk so long as the replacement sidewalk is similar to the current sidewalk, i.e. similar width, meanders, etc.

- C.5.2. Joint Trench Plans and Composite Utility Plans, prepared on a twenty-four (24) inch x thirty-six (36) inch size four (4) millimeter thick mylar for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within the twenty-four (24) feet wide to forty-six (46) feet wide [the width varies] PUE to be installed to serve the Project. All private utility services to serve Project must be installed underground or relocated to be underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing or proposed utility easement to the building(s). If necessary, the Developer shall dedicate twenty-two (22) feet wide PUE for access to these new utilities for re-installation, replacement, repair, and maintenance work to be performed by the respective utility owner(s) in the future.
- C.5.3. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans. The cost estimate shall show the cost of designing the public improvements.

Payment of applicable fees required by these Conditions of Approval and City Regulations, including but not limited to, plan checking, grading and encroachment permits and agreement processing, construction inspection, and testing fees. The engineering review fees will be calculated based on the fee rate adopted by the City Council on September 2, 2014, per Resolution 2014-141 and on May 16, 2017, per Resolution 2017-098. Developer shall submit payment in the form of a check for the aforementioned fees.

- C.5.4. Traffic Control Plan - Prior to starting the work for any work within City's right-of-way, the Developer shall submit a Traffic Control Plan (TCP). TCP can be split among the different construction phases. TCP will show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. TCP shall conform to the Manual on Uniform Traffic Control Devices as amended by the State of California, latest edition

(MUTCD-CA). TCP shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Registered Traffic Engineer.

Access and Traffic Circulation to Existing Businesses/Residents - Developer shall take all steps necessary to plan and construct site improvements such that construction operations do not impact safety and access (including emergency vehicles) to the existing businesses and residents throughout the duration of construction. Developer shall coordinate with the owners and cooperate to minimize impacts on existing businesses. All costs of measures needed to provide safe and functional access shall be borne by the Developer.

- C.5.5. No street trench shall be left open, uncovered, and/or unprotected during night hours and when the Developer's contractor is not performing construction activities. Appropriate signs and barricades shall be installed on the street and on all trenches during such times. If the Developer or its contractor elects to use steel plates to cover street trenches, said steel plates will be skid-resistance, and shall be ramped on all sides. Ramps will be a minimum two-foot wide and will run the entire length of each side.
- C.5.6. If at any point during utility installation or construction in general that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.
- C.5.7. Improvement Security - Developer shall provide improvement security for all public facilities, as required by the Improvement Agreement. The form of the improvement security may be a bond, or other form in accordance with the Government Code, and the TMC. The amount of the improvement security shall be in accordance with Title 12 of the TMC.

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

C.6. Building Permit

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

- C.6.1. Developer shall submit a separate building permit for the demolition of any existing structures.

C.7 Acceptance of Public Improvements

Prior to the consideration of City Council's acceptance of public improvements, the Developer shall demonstrate to the reasonable satisfaction of the City Engineer, completion of the following:

- C.7.1 Developer has satisfied all the requirements set forth in these Conditions of Approval.
- C.7.2 Developer submitted the Storm water Treatment Facilities Maintenance Agreement (STFMA) to the Utilities Department.
- C.7.3 Developer has satisfactory completed construction of all required/conditioned improvements. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).
- C.7.4 Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City, at its sole discretion, temporarily release the original mylars of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As-Built" configuration of all improvements.
- C.7.5 Developer shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements along the frontage of the Project, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.
- C.7.6 Developer has completed the ninety (90) day public landscaping maintenance period.
- C.7.7 Per Section 21107.5 of the California Vehicle Code, Developer shall install signs at all entrance(s) of the Project stating that the streets are privately owned and maintained and are not subject to the public traffic regulations or control. Said signs must be conspicuously placed, plainly visible, and legible during daylight hours from a distance of one hundred (100) feet, if applicable.
- C.7.8 Survey Monuments – Any altered, damaged, or destroyed survey monuments and/or benchmarks shall be re-established. Developer shall submit centerline tie sheets or a record of survey for the following: new public streets; re-established survey monuments, and/or benchmarks. If the

Developer destroyed, altered, and/or reconstructed any existing curb returns, Developer shall also submit corner records. Any survey document will be submitted the City and to the San Joaquin County Surveyor to comply with California Business and Professions Code Section 8771(c). Said work shall be executed by a California licensed Land Surveyor at the Developer's sole expense.

C.8 Special Conditions

- C.8.1 When street cuts are made for the installation of utilities, the Developer shall conform to Section 3.14 of the 2020 Design Standards and is required install a two (2) inch thick asphalt concrete (AC) overlay with reinforcing fabric at least twenty-five (25) feet from all sides of each utility trench. A two (2) inch deep grind on the existing AC pavement will be required where the AC overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. This pavement repair requirement is when cuts/trenches are perpendicular and parallel to the street's direction.
- C.8.2 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the improvement plans, prior to the City Engineer's signature on the improvement plans, and prior to issuance of Grading Permit, Encroachment Permit, Building Permit, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.
- C.8.3 Prior to the release of the Building Permit, if water is required for the Project, the Developer shall obtain an account for the water service and register the water meter with the Finance Department. Developer shall pay all fees associated with obtaining the account number for the water service.
- C.8.4 Prior to the release of the Certificate of Occupancy, Developer shall record with San Joaquin County Recorder a document to adjust the parcels.
- C.8.5 Prior to acceptance of the public improvements, Developer shall cause its design professional to provide to the City in both AutoCAD format, and Shape (GIS) File format (both in versions approved by the City) the public improvements associated with this Project.

D. Utilities Department, Water Resources Division Conditions

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

D.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:

- D.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 hydromodification control measures.
 - D.1.1.a. Design and sizing requirements shall comply with PCSWS Manual.
 - D.1.1.b. Demand Management Areas must be clearly designated along with identification of pollutants of concern.
 - D.1.1.c. Calculations of the Stormwater Design Volume and/or Design Flow with results from the Post-Construction Stormwater Runoff Calculator must be submitted in the PSP for approval.
 - D.1.1.d. Submit one (1) hard copy of the PSP and an electronic copy to the Utilities Department (WaterResources@cityoftracy.org), include the project name, address and Project # and/or Permit # in the title or subject line.
- D.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.
- D.1.3. Develop and electronically submit to the Utilities Department for approval (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.
- D.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) 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

- D.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.
- D.3. Prior to Certificate of Occupancy, the applicant shall complete the following to the satisfaction of the Utilities Director:
 - D.3.1. Return to the City Clerk, a legally signed and notarized copy of the final maintenance access agreement including all exhibits and approved O & M plan received from the Utilities Department.
 - D.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.
 - D.3.3. The project shall be in full compliance with Construction General Permit including 70% stabilization of the project with Notice of Termination approval.
- D.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 Chapters 4 and 5 of the California Green Building Standards Code, to the satisfaction of the Utilities Director.
- D.5. The project shall always comply with Federal, State, and Local mandates with regard to potable water use, recycled water use, and water quality.
- D.6. Prior to issuance of a construction or building permit, applicant shall demonstrate compliance with the 2015 Model Water Efficient Landscape Ordinance and obtain approval by the Utilities Department through the following:
 - D.6.1. Develop and submit electronically and by hard copy, a Landscape Document Package (LDP) that identifies the methods to be employed to reduce water usage through proper landscape design, installation and maintenance. This LDP shall consist of:
 - i. A project information sheet that includes the checklist of all documents in the LDP;
 - ii. The Water Efficient Landscape Worksheets that include a hydrozone information table and the water budget calculations – Maximum Applied Water Allowance and Estimate Total Water Use;
 - iii. A soil management report, after compaction and from various locations throughout the project;
 - iv. A landscape design plan that includes the statement, "I agree to comply with the requirements of the 2015 water efficient landscape ordinance and shall submit for approval a complete Landscape Document Package:

- v. An irrigation design plan with schedule; and
- vi. A grading design plan.

D.6.2. Per State Water Resources Control Board on May 24, 2022, all Commercial, Industrial, and Institutional facilities are prohibited from using potable water to irrigate non-functional turf. Non-functional turf is defined as a ground cover surface of mowed grass that is ornamental and not otherwise used for recreational purposes. Please submit your final landscape plan in conformance with these new regulations.

D.6.3. A Certificate of Completion must be completed, signed, and submitted to the Utilities Department prior to Final approval for Occupancy.

E. Development Services Department, Building Division Conditions

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

E.1. The Applicant shall submit a building permit application along with all pertinent construction documents such as plans, specifications, and/or calculations to the Building Safety Division prior to the construction of any regulated structures, on-site improvements, or accessibility features. Construction documents shall conform to the Title 24 California Code of Regulations edition effective on the date of application for a building permit. Building permit applications submitted after December 31st, 2022, will need to meet the 2022 California Code of Regulations.

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

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

F.1. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority (SSJCFA) for review and approval.

F.1.1. Construction documents shall be designed to the current edition of the California Code of Regulations, Title 24, as amended by the City of Tracy Municipal Code.

F.1.2. Deferred submittals shall be listed on the coversheet of each page. Each deferred submittal shall be submitted, reviewed and approved by SSJCFA prior to installation.

F.1.3. A request for fire flow shall be submitted to the South San Joaquin County Fire Authority and results shall be approved by the Fire Marshal prior to construction. Fire flow requirements shall be in accordance with CFC Appendix B.

F.1.4. Fire control room locations shall be approved by the fire code official prior to the issuance of construction permit, pursuant to 2019 California Fire Code §509 as

amended by the Tracy Municipal Code §9.06.050.

F.1.5. 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. The following conditions provide the applicant with options for funding required Citywide services.

Contact: Karin Schnaider (209) 831-6841 karin.schnaider@cityoftracy.org

G.1. Streets, Streetlights and Sidewalks

Before issuance of any building permit for the Property, Developer shall provide for perpetual funding of the on-going costs of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping that will serve the Property (including all costs required by PG&E), 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. 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 operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping that will serve the Property (including all costs required PG&E).

If the provisions for adequate funding of the on-going costs of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping that will serve the Property (including all costs required by PG&E) 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.2. Police/Public Safety & Public Works

Before issuance of any building permit for the Property, Developer shall provide for perpetual funding of the on-going costs of providing Police and public safety and Public Works services for the Property, 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 issuance of a certificate of occupancy, 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. Direct funding. Developer shall enter into an agreement with the City, which shall be recorded against the Property, which requires that prior to issuance of a certificate of occupancy, Developer shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the on-going costs of providing Police and public safety and Public Works services for the Property.

If the provisions for adequate funding of the on-going costs of providing Police and public safety and Public Works services for the Property are met prior to issuance of the first 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.3. Landscaping Maintenance

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

- a. CFD or other funding mechanism. The Developer shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates the following: (1) prior to the final inspection, the Developer shall form or annex into a Community Facilities District (CFD) for funding the on-going costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance costs associated with major program roadways

identified in the Citywide Roadway and Transportation Master Plan; (2) the items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems; masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks, and public open space areas and trails; (3) formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien; (4) upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment; (5) prior to issuance of a building permit, the Developer shall deposit an amount equal to the first year's taxes; and (6) the Developer shall be responsible for all costs associated with formation or annexation of the CFD.

Or

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