

Wednesday, August 24, 2022, 7:00 P.M.

Tracy City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

THIS MEETING WILL BE OPEN TO THE PUBLIC FOR IN-PERSON AND REMOTE PARTICIPATION PURSUANT TO GOVERNMENT CODE SECTION 54953(e).

IN ACCORDANCE WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH GUIDELINES, UNIVERSAL MASKING INDOORS IS RECOMMENDED FOR ALL PERSONS REGARDLESS OF VACCINATION STATUS.

MEMBERS OF THE PUBLIC MAY PARTICIPATE REMOTELY IN THE MEETING VIA THE FOLLOWING METHOD:

As always, the public may view the Planning Commission meetings live on the City of Tracy's website at CityofTracy.org or on Comcast Channel 26/AT&T U-verse Channel 99. To view from the City's website, open the "Government" menu at the top of the City's homepage and select "Planning Commission", then select "[Planning Commission Meeting Videos](#)" under the "Boards and Commissions" section.

If you only wish to watch the meeting and do not wish to address the Council, the City requests that you stream the meeting through the City's website or watch on Channel 26.

Remote Public Comment:

During the upcoming Planning Commission meeting public comment will be accepted via the options listed below. If you would like to comment remotely, please follow the protocols below:

- *Comments via:*
 - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following
 - **Event Number:** 2554 545 5527 and **Event Password:** Planning
 - **If you would like to participate in the public comment anonymously**, you may submit your comment in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting Anonymous@example.com when prompted to provide an email address.
 - Join by phone by dialing +1-408-418-9388, enter 25545455527#75266464# Press *3 to raise the hand icon to speak on an item.
- *Protocols for commenting via WebEx:*
 - *If you wish to comment on the "New Business" or "Items from the Audience" portions of the agenda:*
 - *Listen for the Chair to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
 - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
 - *Comments for the "New Business" or "Items from the Audience" portions of the agenda will be accepted until the public comment for that item is closed.*

Comments received on Webex outside of the comment periods outlined above will not be included in the record.

Americans With Disabilities Act - The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Council meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6105) 24 hours prior to the meeting.

Addressing the Council on Items on the Agenda - The Brown Act provides that every regular Council meeting shall provide an opportunity for the public to address the Council on any item within its jurisdiction before or during the Council's consideration of the item, provided no action shall be taken on any item not on the agenda. To facilitate the orderly process of public comment and to assist the Council to conduct its business as efficiently as possible, members of the public wishing to address the Council are requested to, but not required to, hand a speaker card, which includes the speaker's name or other identifying designation and address to the City Clerk prior to the agenda item being called. Generally, once the City Council begins its consideration of an item, no more speaker cards will be accepted. An individual's failure to present a speaker card or state their name shall not preclude the individual from addressing the Council. Each citizen will be allowed a maximum of five minutes for input or testimony. In the event there are 15 or more individuals wishing to speak regarding any agenda item including the "Items from the Audience/Public Comment" portion of the agenda and regular items, the maximum amount of time allowed per speaker will be three minutes. When speaking under a specific agenda item, each speaker should avoid repetition of the remarks of the prior speakers. To promote time efficiency and an orderly meeting, the Presiding Officer may request that a spokesperson be designated to represent similar views. A designated spokesperson shall have 10 minutes to speak. At the Presiding Officer's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

Addressing the Council on Items not on the Agenda – The Brown Act prohibits discussion or action on items not on the posted agenda. The City Council's Meeting Protocols and Rules of Procedure provide that in the interest of allowing Council to have adequate time to address the agendized items of business, "Items from the Audience/Public Comment" following the Consent Calendar will be limited to 15-minutes maximum period. "Items from the Audience/Public Comment" listed near the end of the agenda will not have a maximum time limit. A five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Council Members may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to Council. When members of the public address the Council, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

Notice - A 90 day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90 day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a City Council action in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the City Council prior to or at the public hearing.

Full copies of the agenda are available on the City's website: www.cityoftracy.org.

MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES – 08/10/22 REGULAR MEETING

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Council Meeting Protocols and Rules of Procedure*, adopted by Resolution No. 2019-240, a five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Planning Commissioners may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to the Planning Commission.

1. NEW BUSINESS

- A. STAFF RECOMMENDS THAT THE PLANNING COMMISSION 1) APPROVE A ONE-YEAR EXTENSION OF THE THIRTEEN-LOT (13) LARKSPUR ESTATES UNIT 4 VESTING TENTATIVE SUBDIVISION MAP IN CONJUNCTION WITH THE DEVELOPMENT REVIEW PERMIT (TSM19-0003 AND D20-0005), LOCATED ON THE SOUTH SIDE OF DEBORD DRIVE AND CAIRO COURT AND ON BENTLEY LANE, (ASSESSOR'S PARCEL NUMBERS 246-330-50 AND 246-310-08) TO SEPTEMBER 1, 2023, AND, 2) DETERMINING THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15332. APPLICANT IS BRIGHT DEVELOPMENT, APPLICATION NUMBER EXT22-0003.

- B. STAFF RECOMMENDS THAT THE PLANNING COMMISSION RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION 1) APPROVING A THREE-YEAR TIME EXTENSION FOR THE DEVELOPMENT REVIEW PERMIT (D16-0036) TO CONSTRUCT A FIVE-UNIT RESIDENTIAL PROJECT LOCATED AT 21, 25, AND 29 E. EIGHTH STREET, AND 2) DETERMINING THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15332. THE APPLICANT IS MARK WATROUS-HEYLIGER. APPLICATION NUMBER EXT22-0001.

- C. STAFF RECOMMENDS THAT THE PLANNING COMMISSION 1) ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP22-0009) AND A DEVELOPMENT REVIEW PERMIT (D22-0031) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 239 W. ELEVENTH STREET, APN 233-113-03, 2) ALLOW THE CONDITIONAL USE PERMIT TO BE VALID FOR ONE YEAR, AS DESCRIBED IN THE CONDITIONS OF APPROVAL, AND 3) DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT GUIDELINES SECTION 15301. THE APPLICANT IS JOSEPH DEVLIN AND THE PROPERTY OWNER IS RT FINANCIAL, INC.
- D. STAFF RECOMMENDS THAT THE PLANNING COMMISSION 1) ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP22-0001) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 104 W. TENTH STREET, APN 235-054-06, 2) ALLOW THE CONDITIONAL USE PERMIT TO BE VALID FOR ONE YEAR, AS DESCRIBED IN THE CONDITIONS OF APPROVAL, AND 3) DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT GUIDELINES SECTION 15301. THE APPLICANT IS MOM TR, INC. AND THE PROPERTY OWNER IS PETER MAGLARAS.
- E. RECEIVE AN INFORMATIONAL REPORT REGARDING CITY REGULATIONS OF TRUCK STOPS AND TRUCK USES AROUND INDUSTRIAL AREAS ACROSS THE CITY.

2. ITEMS FROM THE AUDIENCE
3. DIRECTOR'S REPORT
4. ITEMS FROM THE COMMISSION
5. ADJOURNMENT

Posted: August 19, 2022

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection via the City of Tracy website at www.cityoftracy.org.

**MINUTES
TRACY CITY PLANNING COMMISSION
REGULAR MEETING
AUGUST 10, 2022, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA**

Due to the COVID-19 emergency, the regular meeting was conducted pursuant to the provisions of the Governor's Executive Order N-29-20, which suspends certain requirements of the Ralph M. Brown Act. Residents participated remotely via email, and WebEx during the meeting.

CALL TO ORDER

Chair Hudson called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Chair Hudson led the pledge of allegiance.

ROLL CALL

Roll Call found Commissioner Atwal, Commissioner Augustus, Commissioner Boakye-Boateng, and Chair Hudson present. Vice Chair Orcutt was not present at roll call. Also present were: Scott Claar, Senior Planner; Kenny Lipich, Associate Planner; Nancy Ashjian, Assistant City Attorney; and Kellie Jones, Administrative Assistant.

MINUTES

Chair Hudson introduced the Regular Meeting Minutes from the May 25, 2022 meeting.

ACTION: It was moved by Commissioner Augustus and seconded by Commissioner Boakye-Boateng to approve the May 25, 2022 Planning Commission Regular meeting minutes. A voice vote found all in favor. Passed and so ordered; 4-0-1-0.

DIRECTOR'S REPORT REGARDING THIS AGENDA

None.

ITEMS FROM THE AUDIENCE

None.

1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW AN ELECTRONIC READERBOARD SIGN FOR A PRIVATE SCHOOL AT 163 W. EATON AVE. APPLICANT IS CRAIG YESZIN AND PROPERTY OWNER IS PASTOR OF ST. BERNARD'S CHURCH. APPLICATION NUMBER CUP22-0010.**

Kenny Lipich, Associate Planner, presented the staff report and addressed questions from the Commission.

Chair Hudson opened the Public Hearing at 7:16 p.m., but seeing as no one came forward, the Public Hearing was closed.

ACTION: It was moved by Commissioner Atwal and seconded by Commissioner Augustus the Planning Commission recommend that the Planning Commission approve the Conditional Use Permit to allow an electronic readerboard sign for a private school located at 163 W. Eaton Ave., Application Number CUP22-0010, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated August 10, 2022 (Attachment C: Planning Commission Resolution).

A roll call vote found Commissioner Atwal, Commissioner Augustus, Commissioner Boakye-Boateng, and Chair Hudson in favor. Vice Chair Orcutt Absent. Passed and so ordered; 4-0-1-0.

2. ITEMS FROM THE AUDIENCE

None.

3. DIRECTOR'S REPORT

Scott Claar, Senior Planner, informed the Commission we are in the process of creating a new format of Staff Reports for Planning Commission Meetings. He also mentioned the upcoming Planning Commission has several items scheduled and gave a brief description of the items.

4. ITEMS FROM THE COMMISSION

None.

5. ADJOURNMENT

ACTION: It was moved by Commissioner Atwal and seconded by Commissioner Boakye-Boateng to adjourn.

A voice vote found all in favor. Passed and so ordered; 4-0-1-0.

Time: 7:23 p.m.

CHAIR

August 24, 2022

Agenda Item 1. A

RECOMMENDATION

STAFF RECOMMENDS THAT THE PLANNING COMMISSION 1) APPROVE A ONE-YEAR EXTENSION OF THE THIRTEEN-LOT (13) LARKSPUR ESTATES UNIT 4 VESTING TENTATIVE SUBDIVISION MAP IN CONJUNCTION WITH THE DEVELOPMENT REVIEW PERMIT (TSM19-0003 AND D20-0005), LOCATED ON THE SOUTH SIDE OF DEBORD DRIVE AND CAIRO COURT AND ON BENTLEY LANE, (ASSESSOR'S PARCEL NUMBERS 246-330-50 AND 246-310-08) TO SEPTEMBER 1, 2023, AND, 2) DETERMINING THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15332. APPLICANT IS BRIGHT DEVELOPMENT, APPLICATION NUMBER EXT22-0003.

EXECUTIVE SUMMARY

On September 1, 2020, City Council approved a Vesting Tentative Subdivision Map (VTSM) and Development Review Permit for a thirteen-lot (13) subdivision (and architectural floor plans and elevations for those 13 lots, plus a 14th lot that was previously used for emergency vehicle access) on the former Larkspur retention basin (Attachment A). Prior to the expiration of the approvals, the applicant submitted a request to extend the life of the approvals by an additional year. Staff is recommending that the Planning Commission grant the one-year time extension and determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332.

BACKGROUND AND LEGISLATIVE HISTORY

Pursuant to Government Code Section 66452.6(a)(1) and the Tracy Municipal Code (TMC) Sections 12.16.080 and 12.28.060, approved vesting tentative subdivision maps have an initial life of 24 months, and a final map must be filed prior to expiration to retain its vested rights.

Per TMC Sections 12.16.090 and 12.28.060, the Planning Commission may grant extensions for up to three years if an extension request is filed prior to the expiration of the map. If the Planning Commission approves the applicant's request for a one-year extension, the Larkspur VTSM would have a revised expiration date of September 1, 2023.

The Larkspur Vesting Tentative Subdivision map and Development Review Permit were reviewed by Planning Commission on July 8, 2020, and ultimately approved by City Council on September 1, 2020.

ANALYSIS

The extension of the Vesting Tentative Subdivision Map and accompanying Development Review Permit would allow for the subdivision of the former storm drain retention basin into 13 lots, and facilitate the construction of 14 single-family homes (Attachment B). The 13 new lots are in compliance with the standards of the Low Density Residential Zone in which they are located, and will be consistent in size and layout with the surrounding lots that were developed in the late 1990's. The approved architectural floor plans and elevations will blend in well with

the existing neighborhood and are in compliance with the City's current Design Goals and Standards.

The applicant has submitted a final map and improvement plans for review, but they have not yet been approved due to applicant still working out various provisions of the accompanying Subdivision Improvement Agreement with City staff. The applicant is requesting a one-year extension of the map and accompanying architectural approvals.

FISCAL IMPACT

This is a routine development application. The applicant paid the normal, flat-rate application processing fee of \$545 when they submitted the application to request a time extension for the Vesting Tentative Subdivision Map and Development Review Permit. Staff's time to process the application was paid through the normal, Development Services Department budget.

PUBLIC OUTREACH/ INTEREST

A public hearing notice for the project was mailed to all property owners within a 300-foot radius of the project site, posted on the City website, and also published in the Tracy Press on August 12, 2022. The Planning Commission agenda packet was posted on the City website, City Hall, and the Tracy Branch Library on August 19, 2022.

CEQA DETERMINATION

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332 because the project is characterized as in-fill development and (1) is consistent with the General Plan designation of Residential Low and all applicable General Plan policies, as well as consistent with the Low Density Residential (LDR) Zone and with all applicable zoning regulations, (2) occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses, (3) has no value as habitat for endangered, rare or threatened species, (4) would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (5) can be adequately served by all required utilities and public services. Therefore, no further environmental review is necessary.

ACTION REQUESTED OF THE PLANNING COMMISSION

Staff recommends that the Planning Commission adopt a resolution 1) approving a one-year time extension for the Larkspur Estates Unit 4 Vesting Tentative Subdivision Map (TSM19-0003) in conjunction with the Development Review Permit (D20-0005) to subdivide one lot into 13 and construct 14 single-family homes located on the south side of Cairo Court and De Bord Drive, and Bentley Lane, and 2) determining that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Application Number EXT22-0003, as stated in the Planning Commission Resolution dated August 24, 2022 (Attachment C – Planning Commission Resolution).

Prepared by: Victoria Lombardo, Senior Planner

Approved by: Bill Dean, Assistant Development Services Director

ATTACHMENTS

- A – Location Map
- B – Approved Map and Plans
- C – Planning Commission Resolution

ATTACHMENT A



LOCATION MAP

NO SCALE

ATTACHMENT B

TRACKING NO. TSM19 - 0003

RECEIVED
July 27, 2022
City of Tracy
Development Services

VESTING TENTATIVE SUBDIVISION MAP FOR: SUBDIVISIONS OF SAN JOAQUIN COUNTY LARKSPUR ESTATES, UNIT NO. 4 TRACT NO. 3804

TRACY, CALIFORNIA

OWNER:
BRIGHT DEVELOPMENT
1620 N CARPENTER ROAD, SUITE B
MODESTO, CA 95351
D.W.B. 05/20/20
DATE:

SUBDIVIDER:
BRIGHT DEVELOPMENT
1620 N CARPENTER ROAD, SUITE B
MODESTO, CA 95351
D.W.B. 05/20/20
DATE:

STATEMENT OF SUBDIVIDER

- ASSESSORS PARCEL NO: 246-330-50
- EXISTING ZONING: LOW DENSITY RESIDENTIAL (LDR)
- EXISTING GENERAL PLAN: RESIDENTIAL LOW
- EROSION CONTROL PER CITY OF TRACY ORDINANCES AND STANDARDS
- FRONT YARD DEPTHS AND BUILDING LINES PER CITY OF TRACY ORDINANCES AND STANDARDS
- WATER SUPPLY: BY CITY OF TRACY
- SEWAGE DISPOSAL: BY CITY OF TRACY
- STORM DRAINAGE: BY CITY OF TRACY
- ALL PROPOSED LOTS ARE PROPOSED TO DRAIN ON-SITE

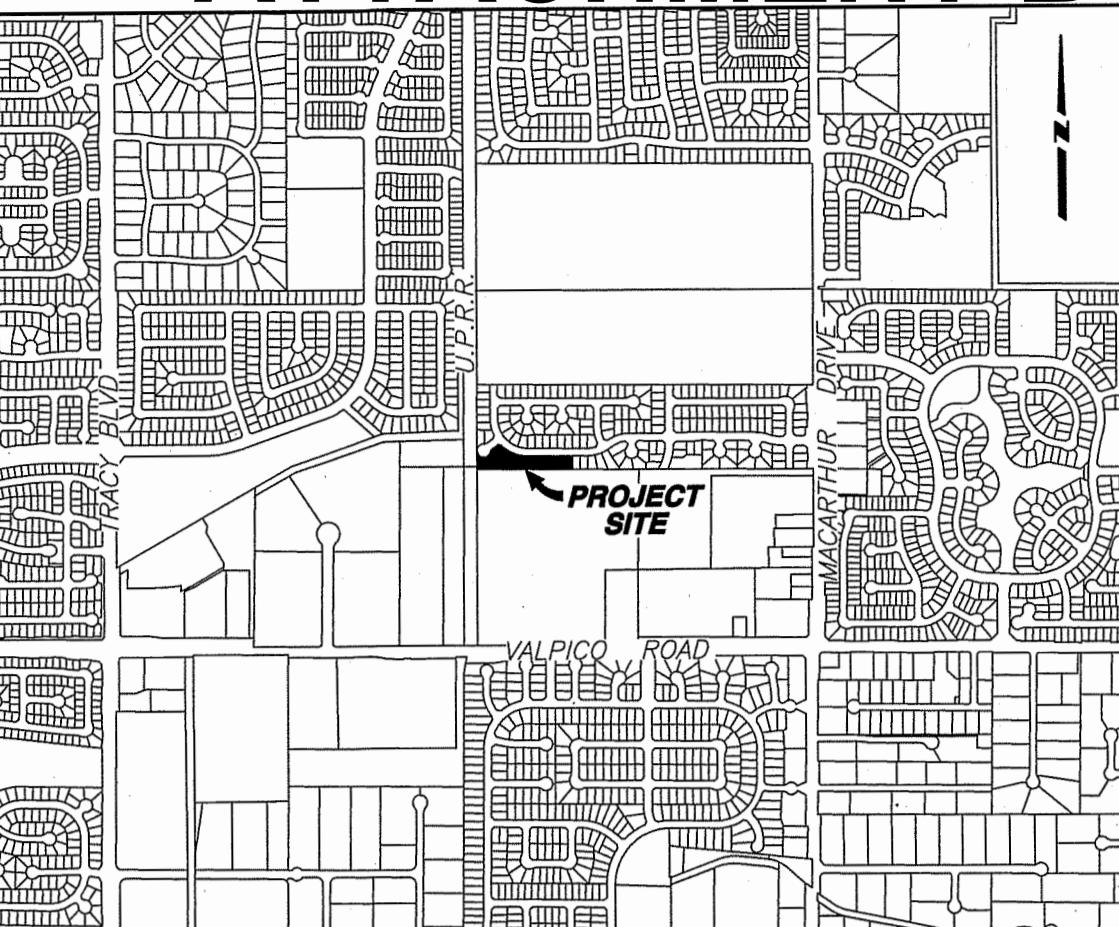
NOTES:

- ALL STREET IMPROVEMENTS AND UTILITIES ARE EXISTING
- NO AREAS ARE SUBJECT TO INUNDATION BY FLOOD WATERS
- TOTAL AREA OF THIS SUBDIVISION IS 1.89 ACRES CONTAINING 13 LOTS
- ALL TREES ON SITE ARE TO BE REMOVED
- EXISTING STORM DRAINAGE BASIN TO BE BACKFILLED FOR USE AS SINGLE FAMILY RESIDENTIAL LOTS
- CITY STORM DRAIN BASIN 2B TO BE EXPANDED AND STORM DRAIN INFRASTRUCTURE TO BE IN COMPLETE PRIOR TO BACKFILLING THE EXISTING STORM DRAIN BASIN

BEING A SUBDIVISION LOT "A" AS SHOWN ON THE MAP OF "LARKSPUR ESTATES, UNIT NO. 3" FILED IN BOOK 37 OF MAPS, AT PAGE 87, SAN JOAQUIN COUNTY RECORDS, IN SECTION 33, TOWNSHIP 2 SOUTH, RANGE 5 EAST, MOUNT DIABLO MERIDIAN.

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FEBRUARY, 2020

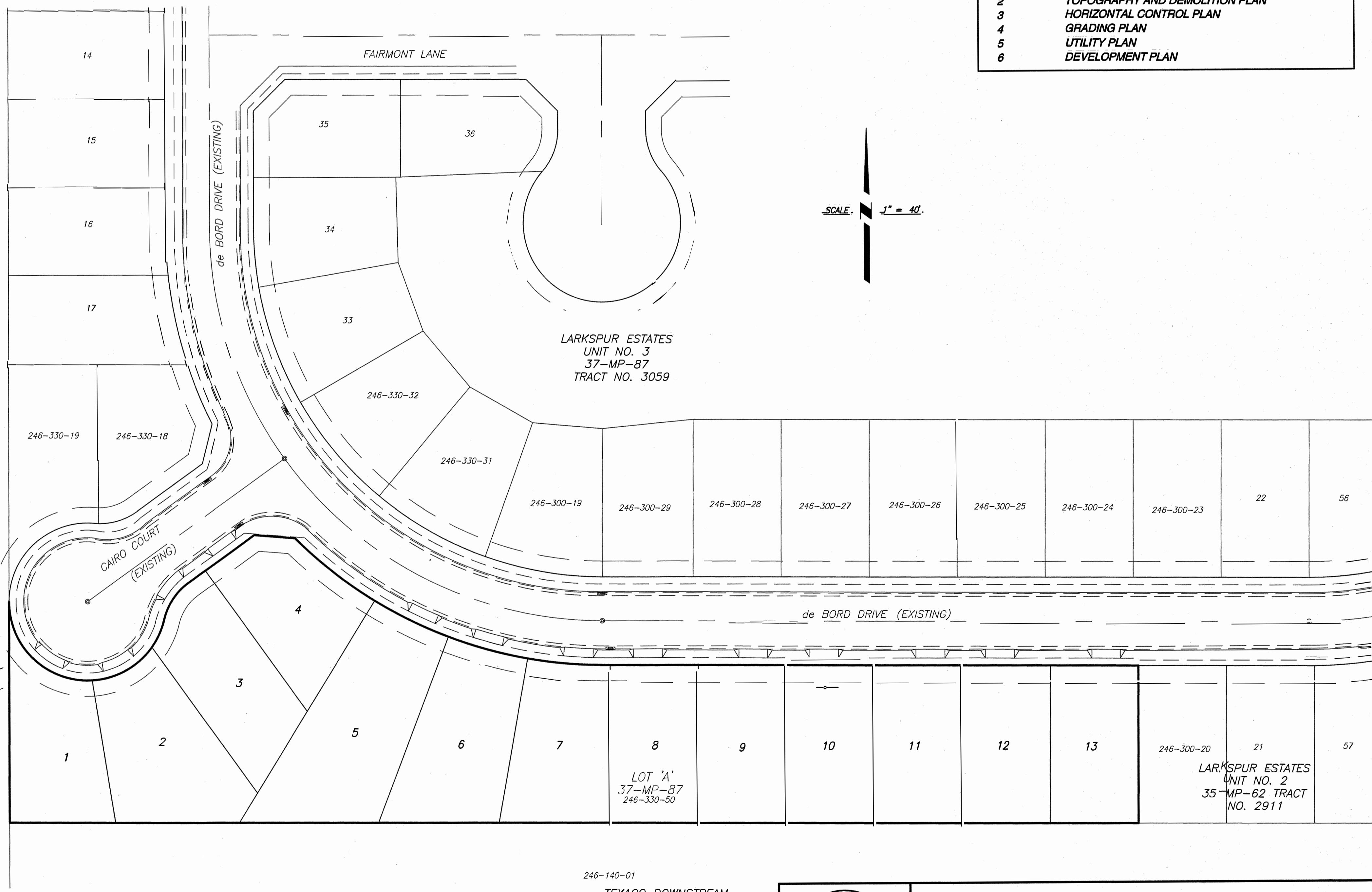
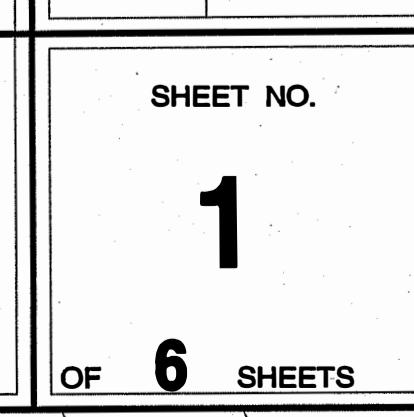
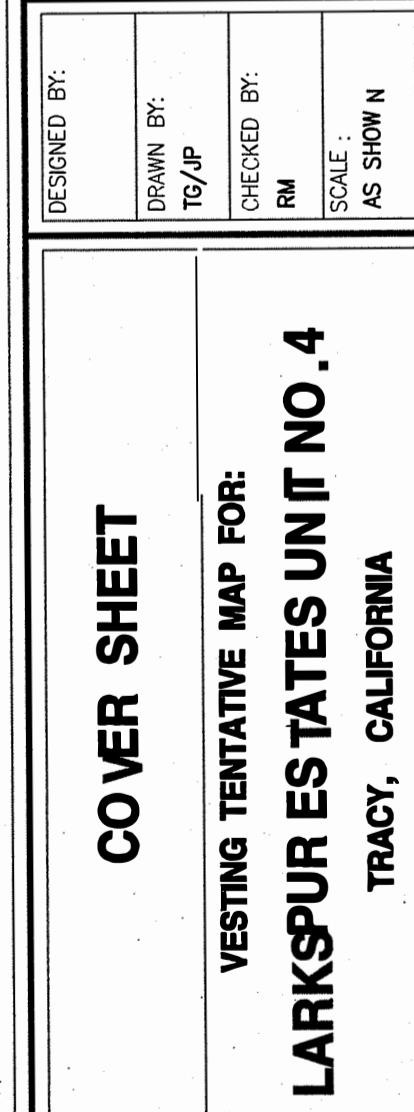
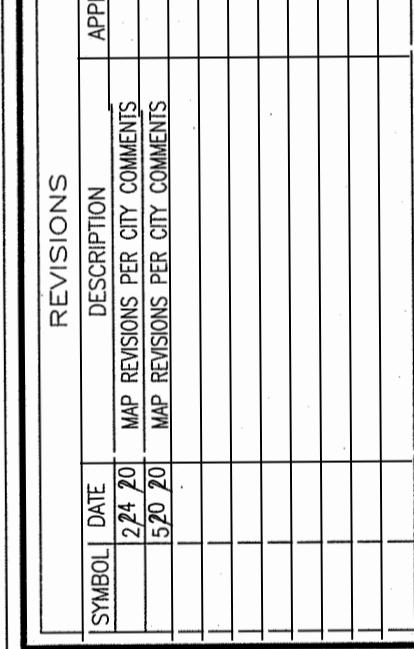
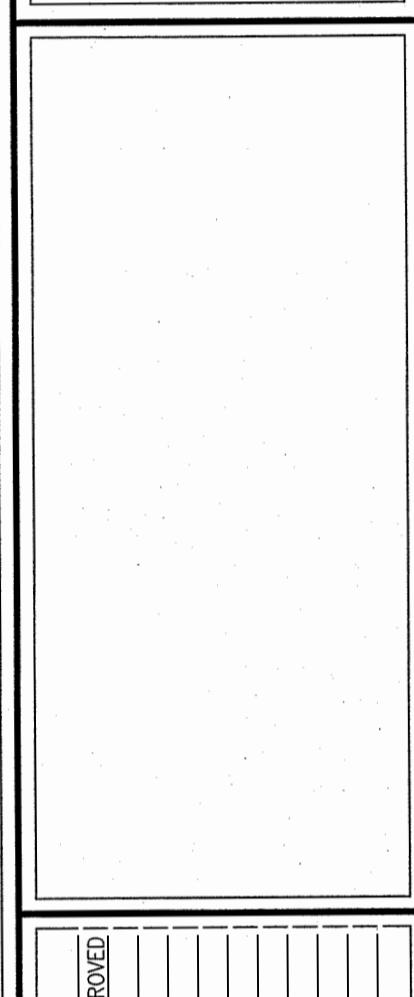
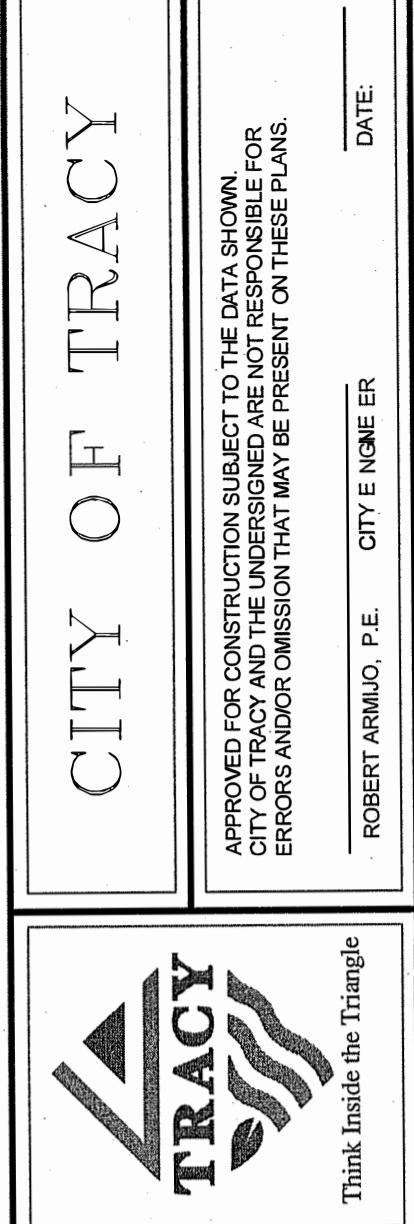
CC APPROVED PLANS
September 1, 2020



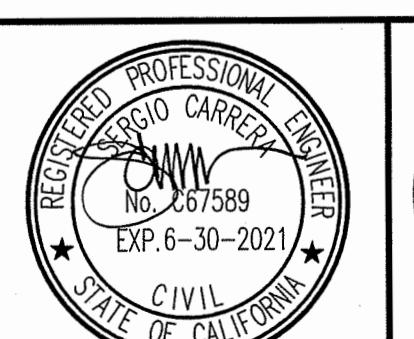
VICINITY MAP
NOT TO SCALE

INDEX

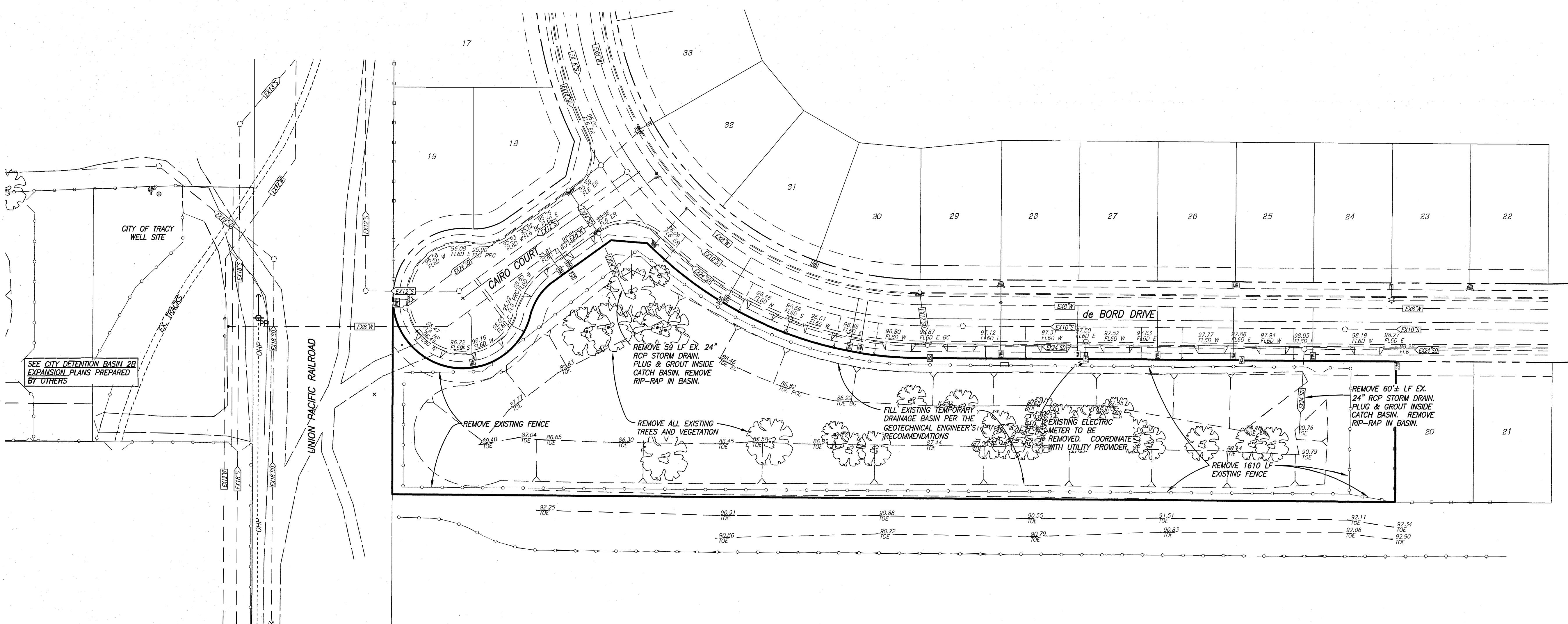
SHEET NO.	DESCRIPTION
1	COVER SHEET
2	TOPOGRAPHY AND DEMOLITION PLAN
3	HORIZONTAL CONTROL PLAN
4	GRADING PLAN
5	UTILITY PLAN
6	DEVELOPMENT PLAN



TEXACO DOWNSTREAM
PROPERTIES, INC.



BENCHMARK ENGINEERING, INC.
CIVIL ENGINEERING & LAND SURVEYING
915 17th STREET • MODESTO, CALIFORNIA • 95354
(209) 548-9300 FAX:(209) 548-9305



NOTE:
ALL WORK ASSOCIATED WITH THE INSTALLATION OF NEW STORM DRAIN PIPING AND APPURTENANCES, INCLUDING GRADING FOR THE PERMANENT RETENTION/DETENTION BASIN 2B, SHALL BE COMPLETED AND ACCEPTED PRIOR TO ANY GRADING ACTIVITIES IN THE EXISTING RETENTION BASIN. SEE CITY DETENTION BASIN 2B EXPANSION PLANS

SCALE 1" = 40'

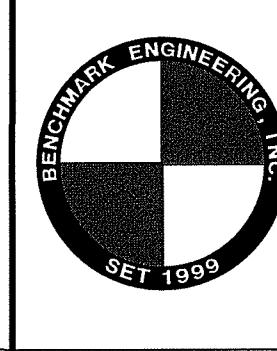
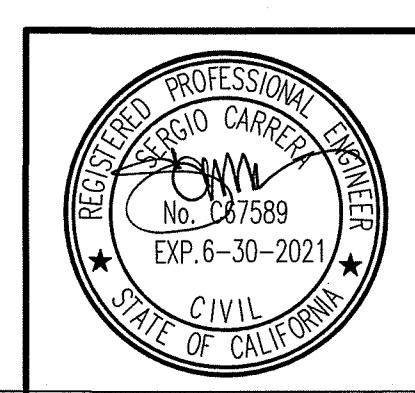
REVISIONS	DESCRIPTION	APPROVED
SYMBOL DATE	MAP REVISIONS PER CITY COMMENTS	
5/20/20		

DESIGNED BY:	DRAWN BY:	CHECKED BY:
	TG/AP	RM

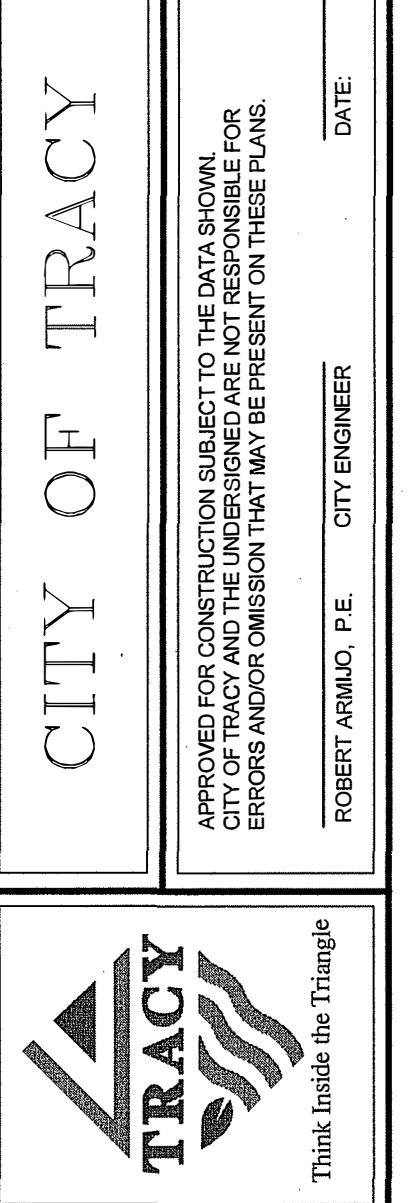
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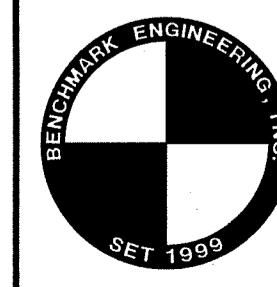
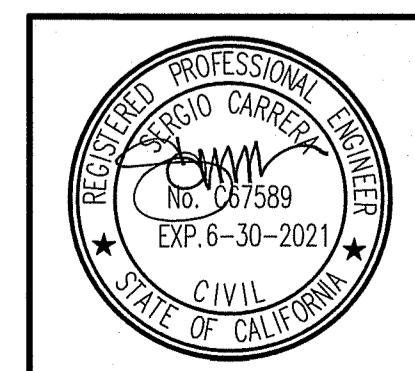
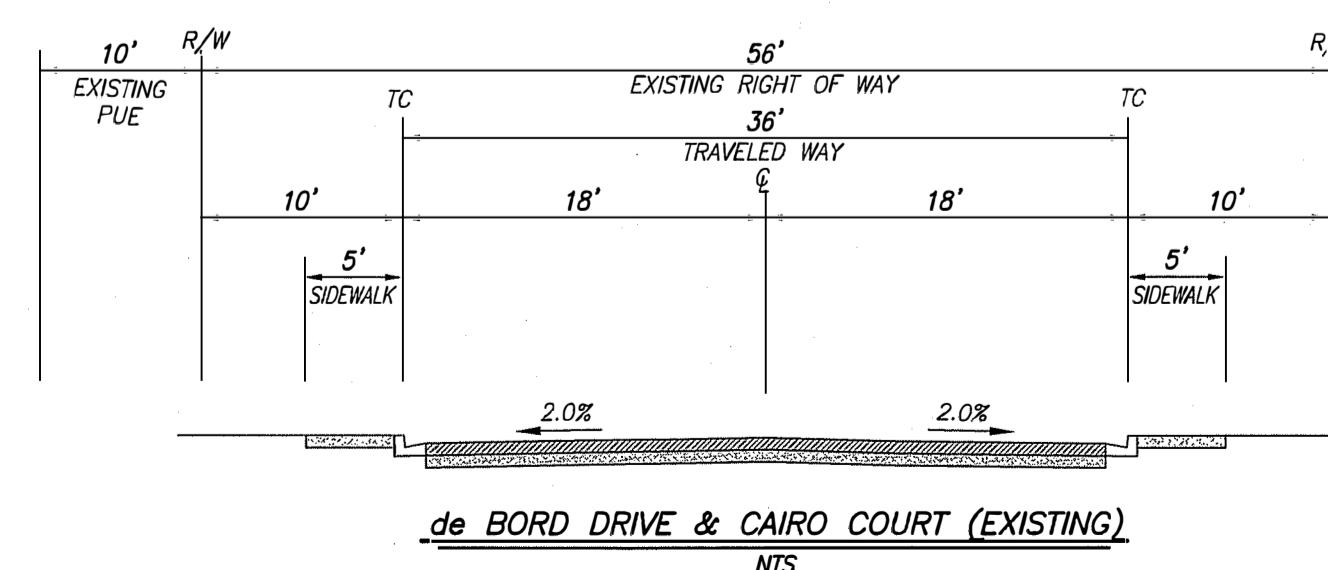
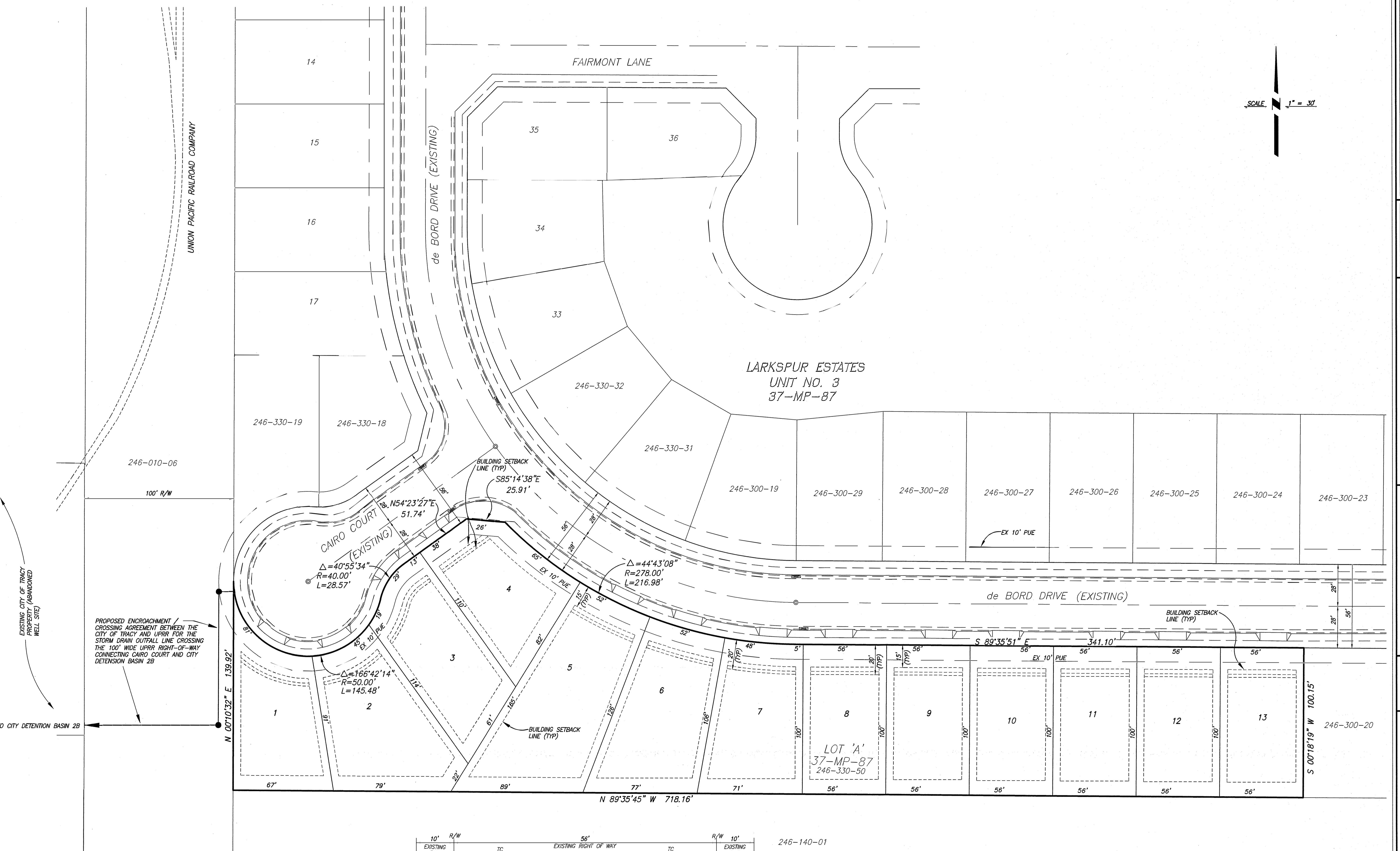
TOPOGRAPHY AND DEMOLITION PLAN
VESTING TENTATIVE MAP FOR:
LARKSPUR ESTATES UNIT NO. 4
TRACY, CALIFORNIA

SHEET NO. 2 OF 6 SHEETS



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SHEET NO.
3
OF 6 SHEETS

HORIZONTAL CONTROL PLAN
VESTING TENTATIVE MAP FOR:
LARKSPUR ESTATES UNIT NO. 4
TRACY, CALIFORNIA

CITY OF TRACY
CITY ENGINEER
ROBERT ARNOLD, P.E.
THINK INSIDE THE TRIANGLE

REVISIONS	DESCRIPTION	APPROVED
SYMBOL DATE	MAP REVISIONS PER CITY COMMENTS	
2/24/20	5/20/20	

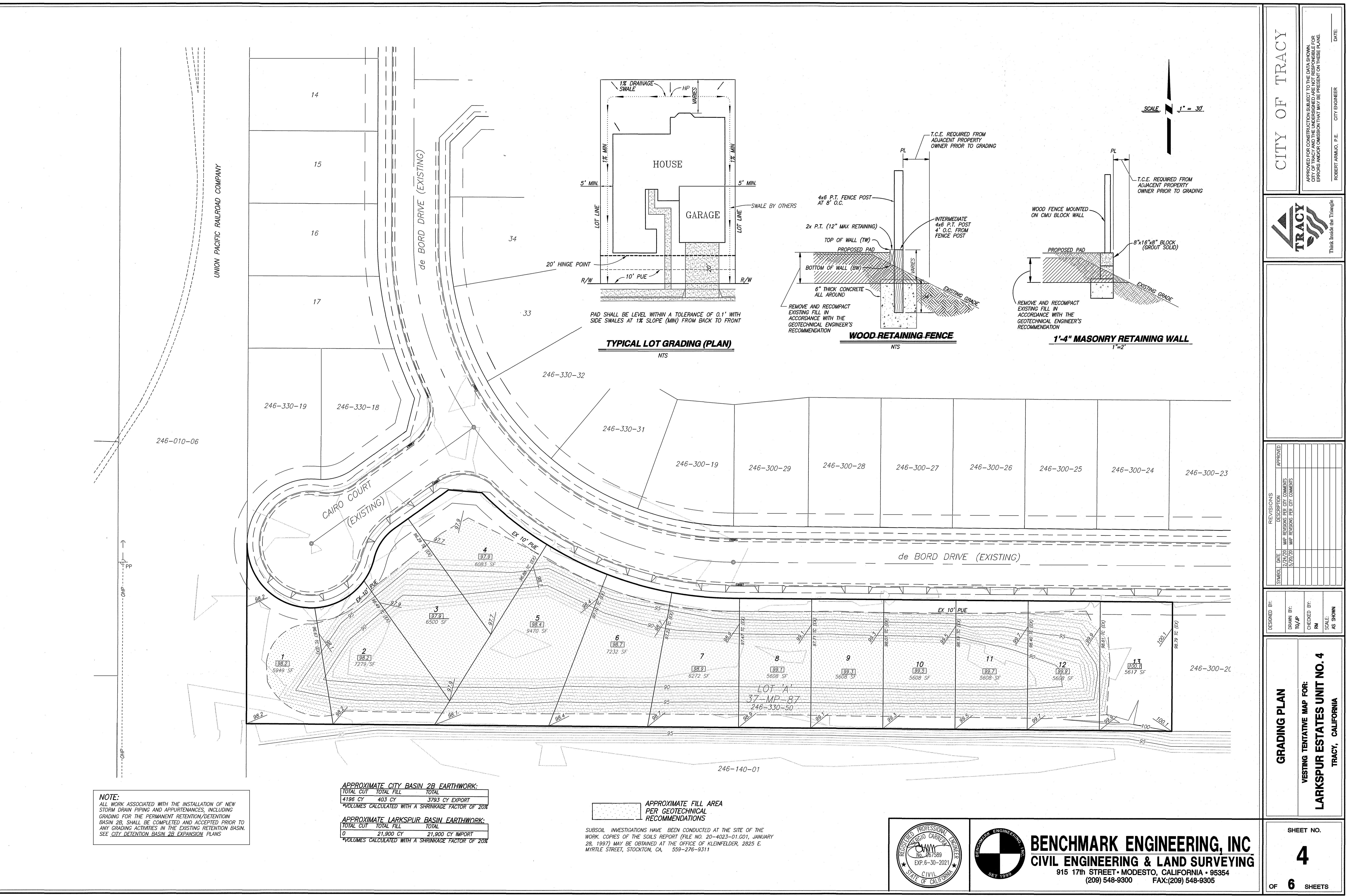
DESIGNED BY	DRAWN BY	CHECKED BY
	TGP	RM
		AS SHOWN

APPROVED FOR CONSTRUCTION USE ONLY BY THE CITY OF TRACY
APPROVAL OR CONSTRUCTION USE OF THESE PLANS IS THE RESPONSIBILITY OF THE ENGINEER
FOR ERRORS AND OR OMISSIONS THAT MAY BE PRESENT ON THESE PLANS

DATE:

ROBERT ARNOLD, P.E.

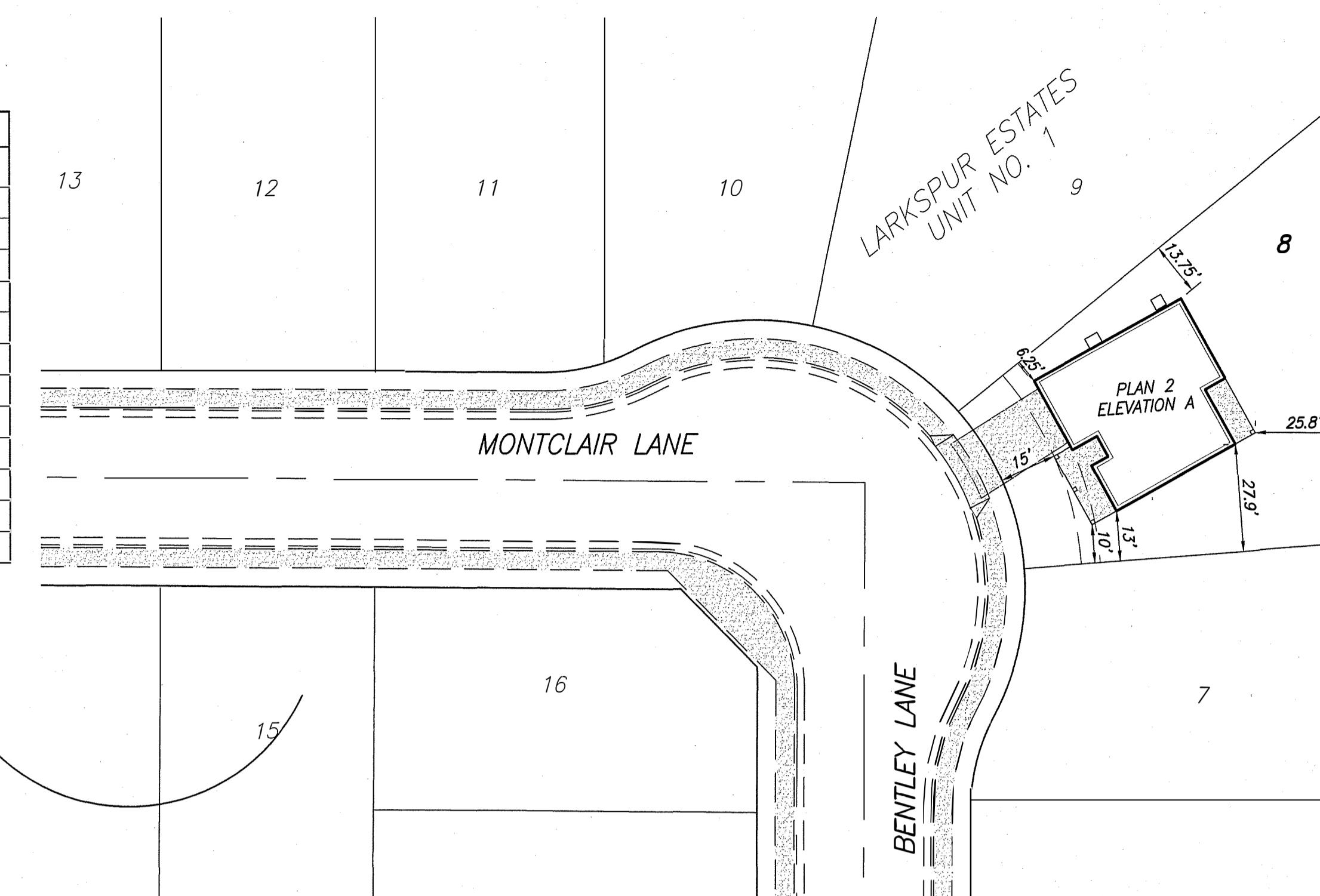
CITY ENGINEER



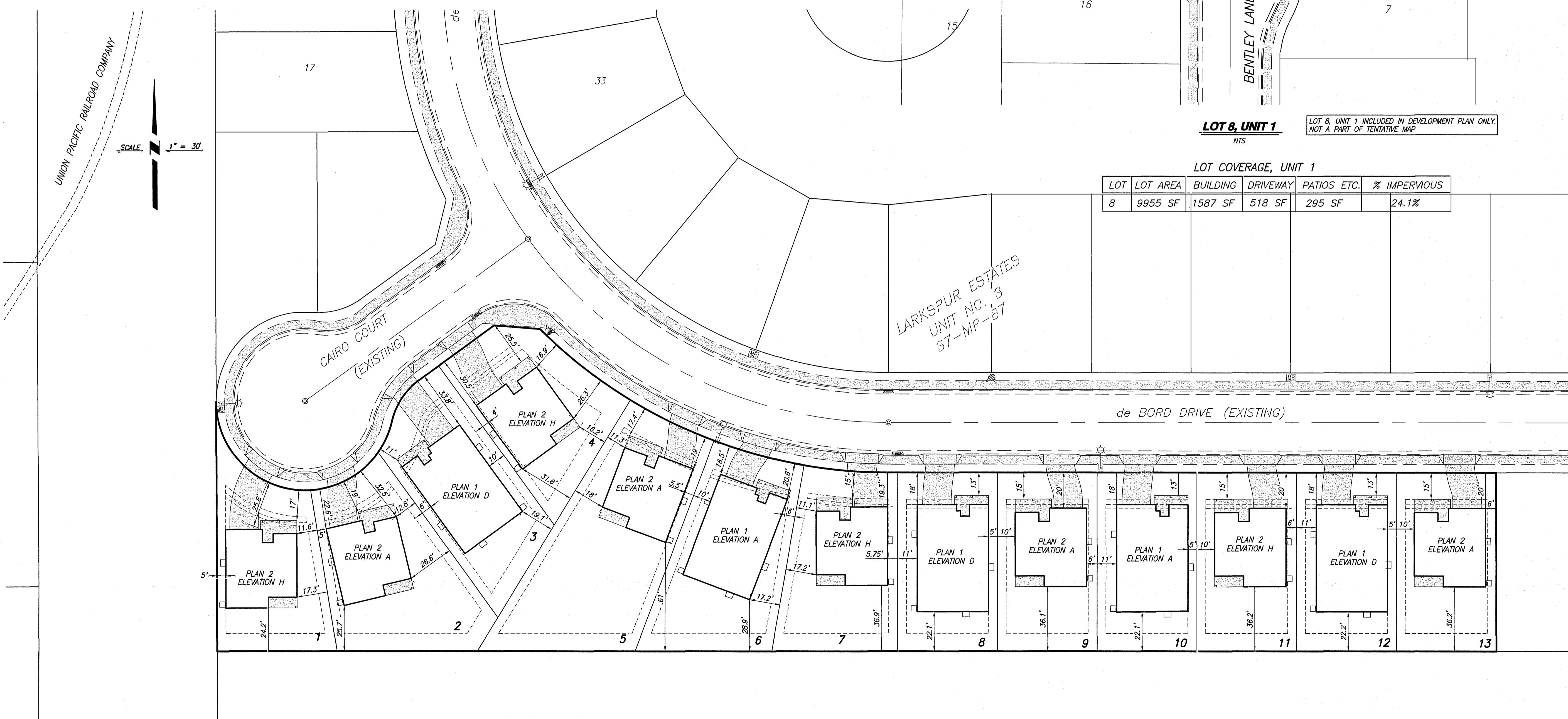
FLOOR PLANS		
PLAN 1	QUANTITY	PERCENTAGE
PLAN 1	5	36%
PLAN 2	9	64%
TOTAL	14	100%

LOT COVERAGE, UNIT 4

LOT	LOT AREA	BUILDING	DRIVEWAY	PATIOS ETC.	% IMPERVIOUS
1	5949 SF	1587 SF	508 SF	295 SF	40.2%
2	7279 SF	1587 SF	557 SF	295 SF	33.5%
3	6500 SF	2359 SF	886 SF	180 SF	52.7%
4	6083 SF	1587 SF	625 SF	295 SF	41.2%
5	9470 SF	1587 SF	498 SF	295 SF	25.1%
6	7232 SF	2359 SF	532 SF	180 SF	42.5%
7	6272 SF	1587 SF	521 SF	295 SF	38.3%
8	5600 SF	2359 SF	480 SF	180 SF	53.9%
9	5600 SF	1587 SF	512 SF	295 SF	42.8%
10	5600 SF	2359 SF	476 SF	180 SF	53.8%
11	5600 SF	1587 SF	498 SF	295 SF	42.5%
12	5600 SF	2359 SF	499 SF	180 SF	54.3%
13	5600 SF	1587 SF	513 SF	295 SF	42.8%

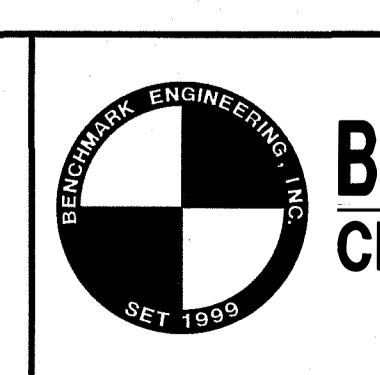
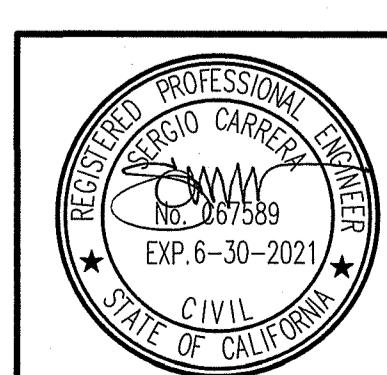


MacARTHUR DRIVE



DEVELOPMENT PLAN
VESTING TENTATIVE MAP FOR:
LARKSPUR ESTATES UNIT NO. 4
TRACY, CALIFORNIA

SHEET NO. 6
OF 6 SHEETS



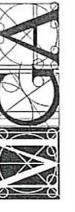
BENCHMARK ENGINEERING, INC.
CIVIL ENGINEERING & LAND SURVEYING
915 17th STREET • MODESTO, CALIFORNIA • 95354
(209) 548-9300 FAX:(209) 548-9305

CITY OF TRACY

ROBERT ARAMIO, P.E. CITY ENGINEER

DATE:

APPROVED FOR CONSTRUCTION SUBJECT TO THE DATA SHOWN.
CITY OF TRACY AND THE UNDERSIGNED ARE NOT RESPONSIBLE FOR
ERROS AND/OR OMISSION THAT MAY BE PRESENT ON THESE PLANS.



Mark Gross & Associates, Inc.
8881 Research Drive, Irvine, California 92618
(949) 307-3800 Fax (949) 307-7800
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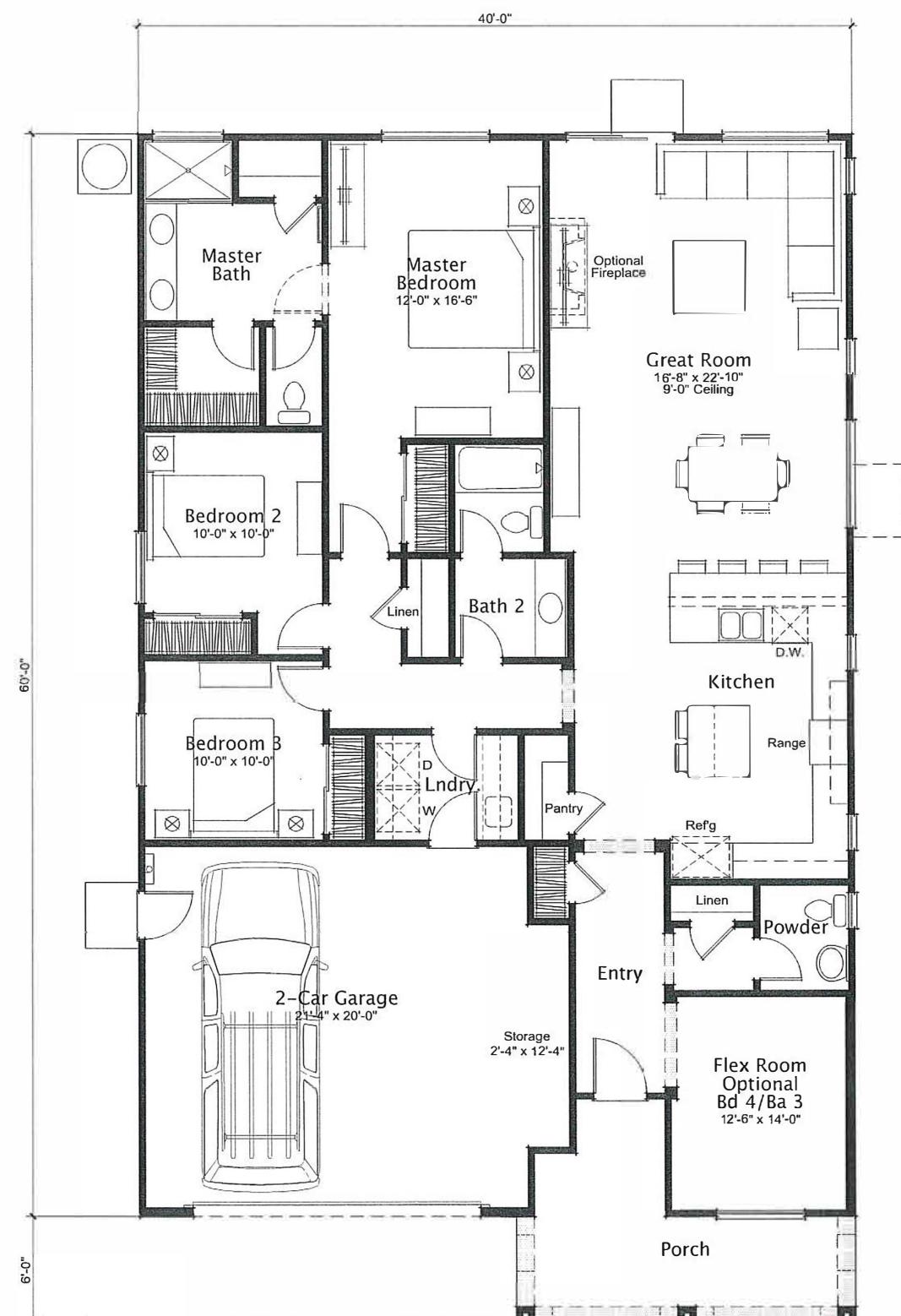
BRIGHT HOMES
Larksprur Estates Unit 4 - Tracy, CA



Title
Conceptual
Floor Plan
Plan 1883

Date
November 13, 2019
Project Number
4433
Scale
1/4" = 1'-0"
Revision
1-10-2020
3-2-2020

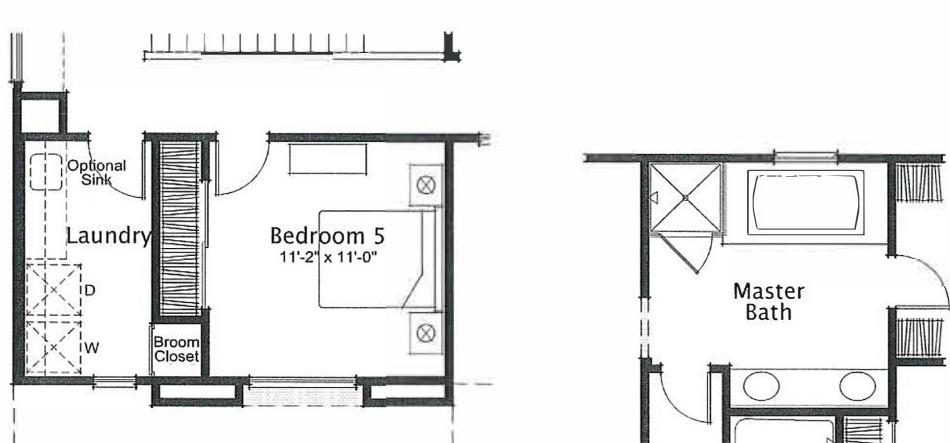
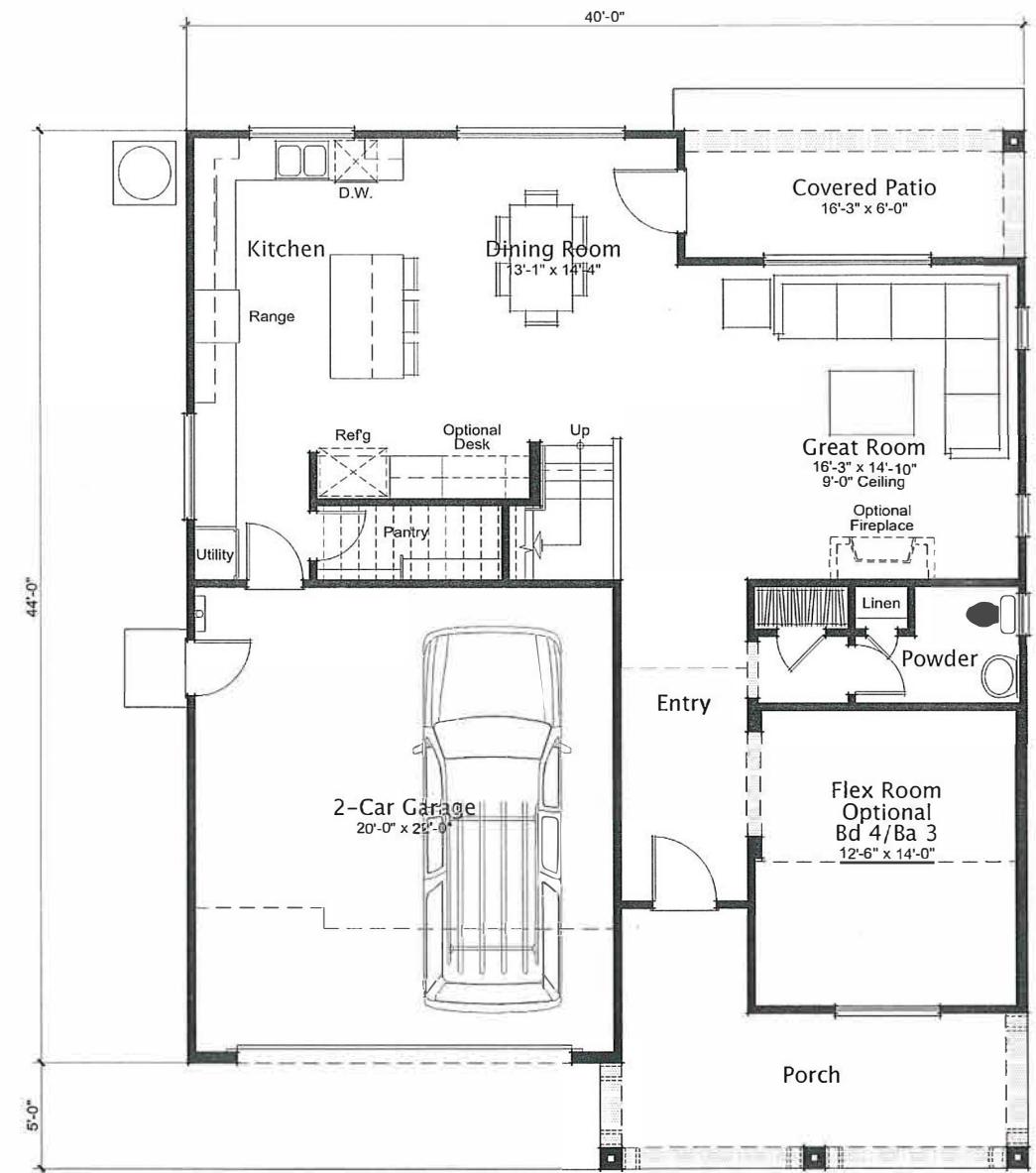
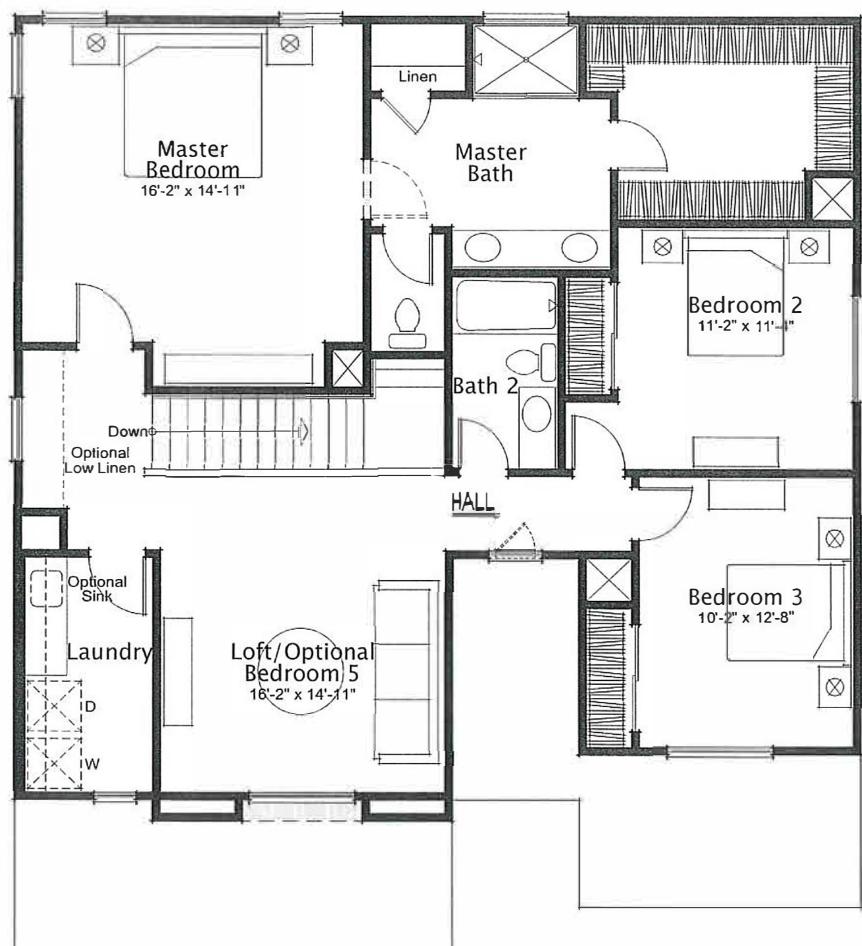
Sheet No.
1



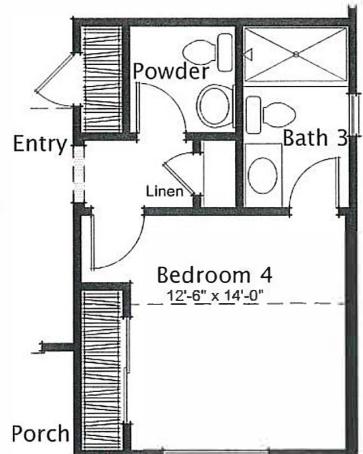
Floor Plan

Living Area:

Total Living Area = 1,883 sq. ft.
Garage 476 sq. ft.



Living Area:
 First Floor 1,127
 Second Floor 1,314
 Total Living Area = 2,441 sq. ft.
 Garage 460



BRIGHT HOMES
 Larkspur Estates Unit 4 - Tracy, CA

Title
 Conceptual
 Floor Plan
 Plan 2441

Date
 November 13, 2019
 Project Number
 4433
 Scale
 1/4" = 1'-0"
 Revision
 1-10-2020

Sheet No.
 4



Front Elevation 'A' Spanish
Scheme 3



Left Elevation 'A'



Rear Elevation 'A'



Right Elevation 'A'



Title
Conceptual
Elevation 'A'
Plan 1883

Date
November 13, 2019
Project Number
4433
Scale
No Scale
Revision
1-10-2020
3-2-2020

Sheet No. _____

BRIGHT HOMES

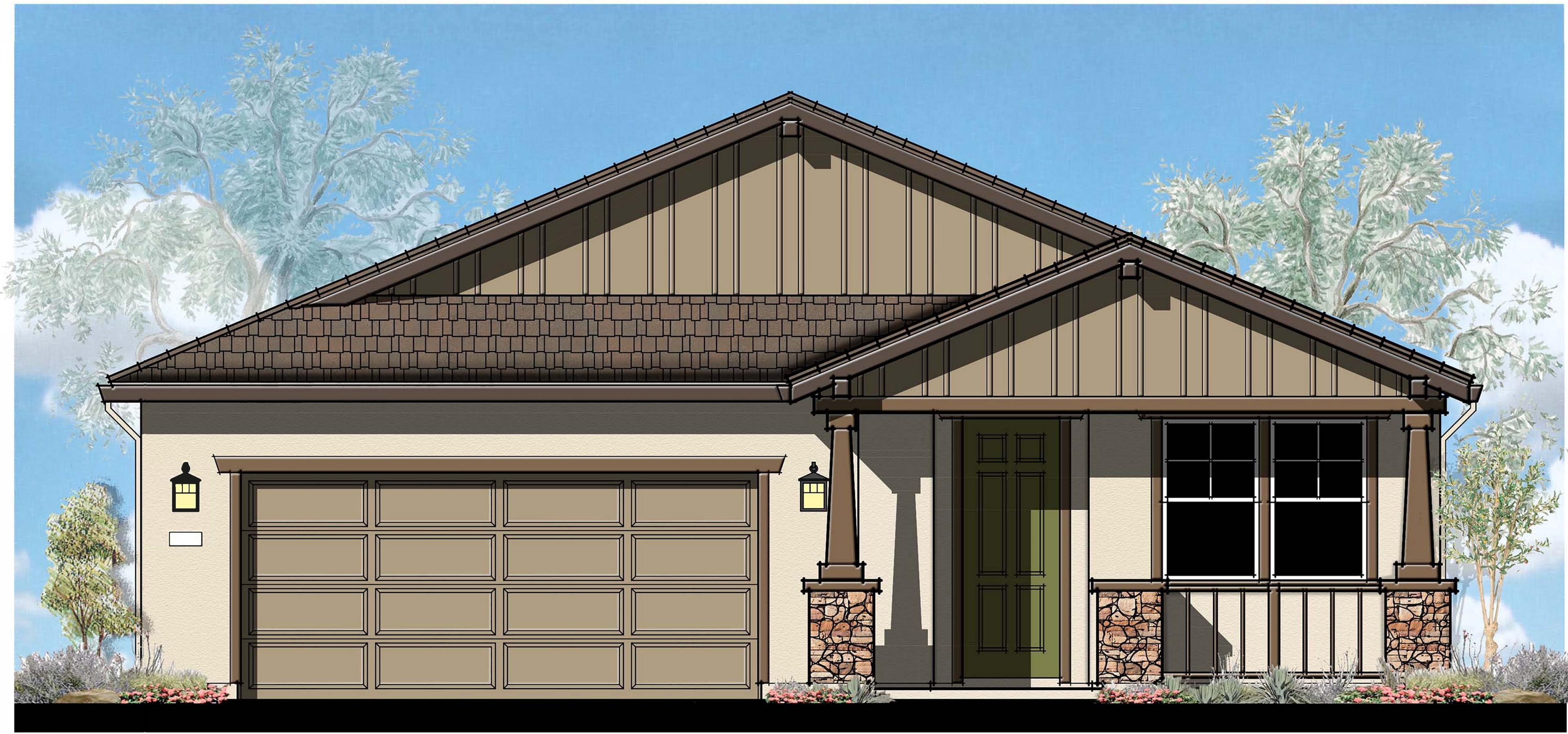
Larkspur Estates Unit 4 - Tracy, CA



Title
Conceptual
Elevation 'D'
Plan 1883

Date
November 13, 2019
Project Number
4433
Scale
No Scale
Revision
1-10-2020
3-2-2020

Sheet No.
3



Front Elevation 'D' Craftsman
Scheme 6



Left Elevation 'D'



Rear Elevation 'D'



Right Elevation 'D'

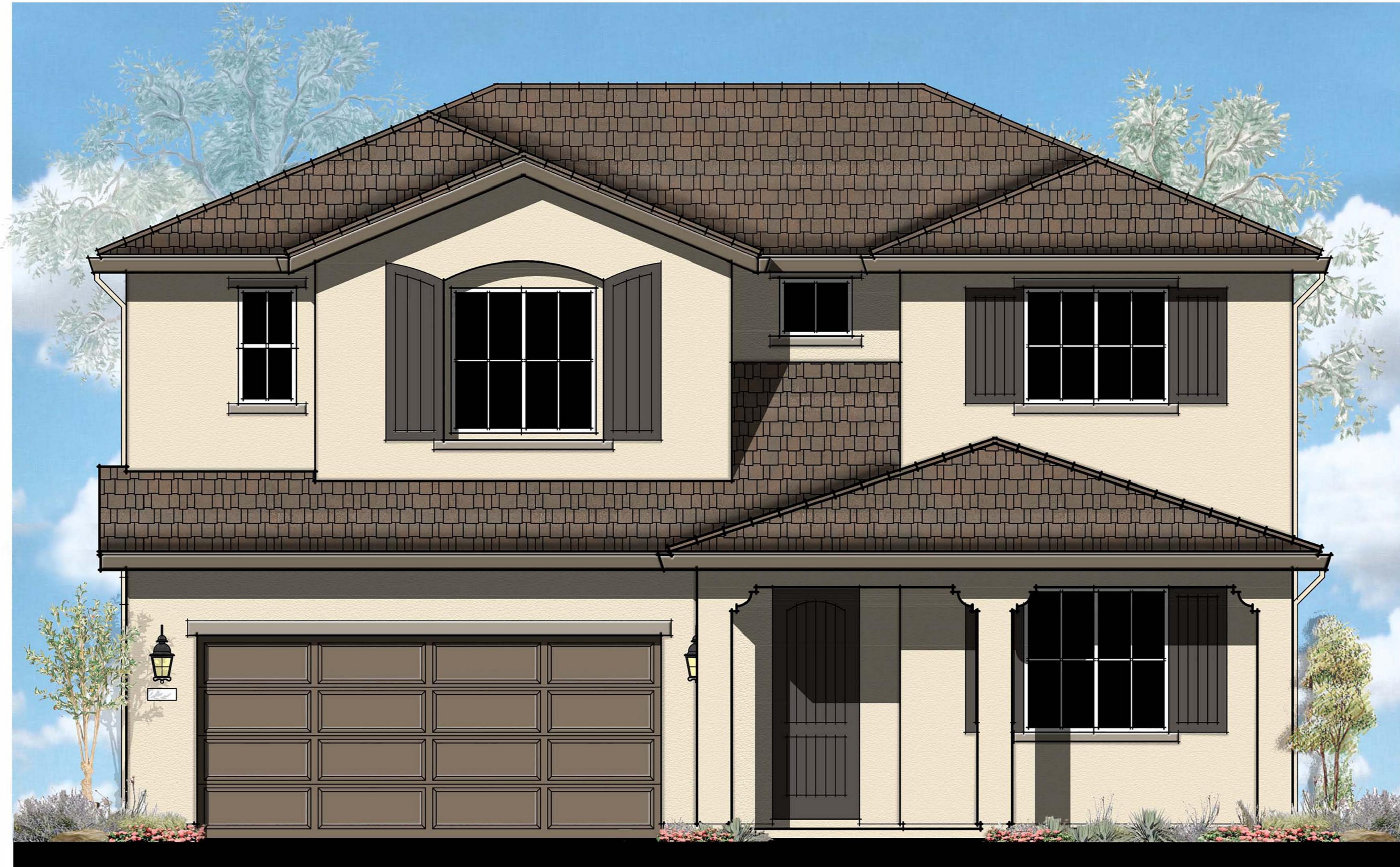


Title
Conceptual
Elevation 'A'
Plan 2441

Date
November 13, 2019
Project Number
4433
Scale
No Scale
Revision
1-10-2020
3-2-2020

Sheet No.

5



Front Elevation 'A' Spanish
Scheme 2



Left Elevation 'A'



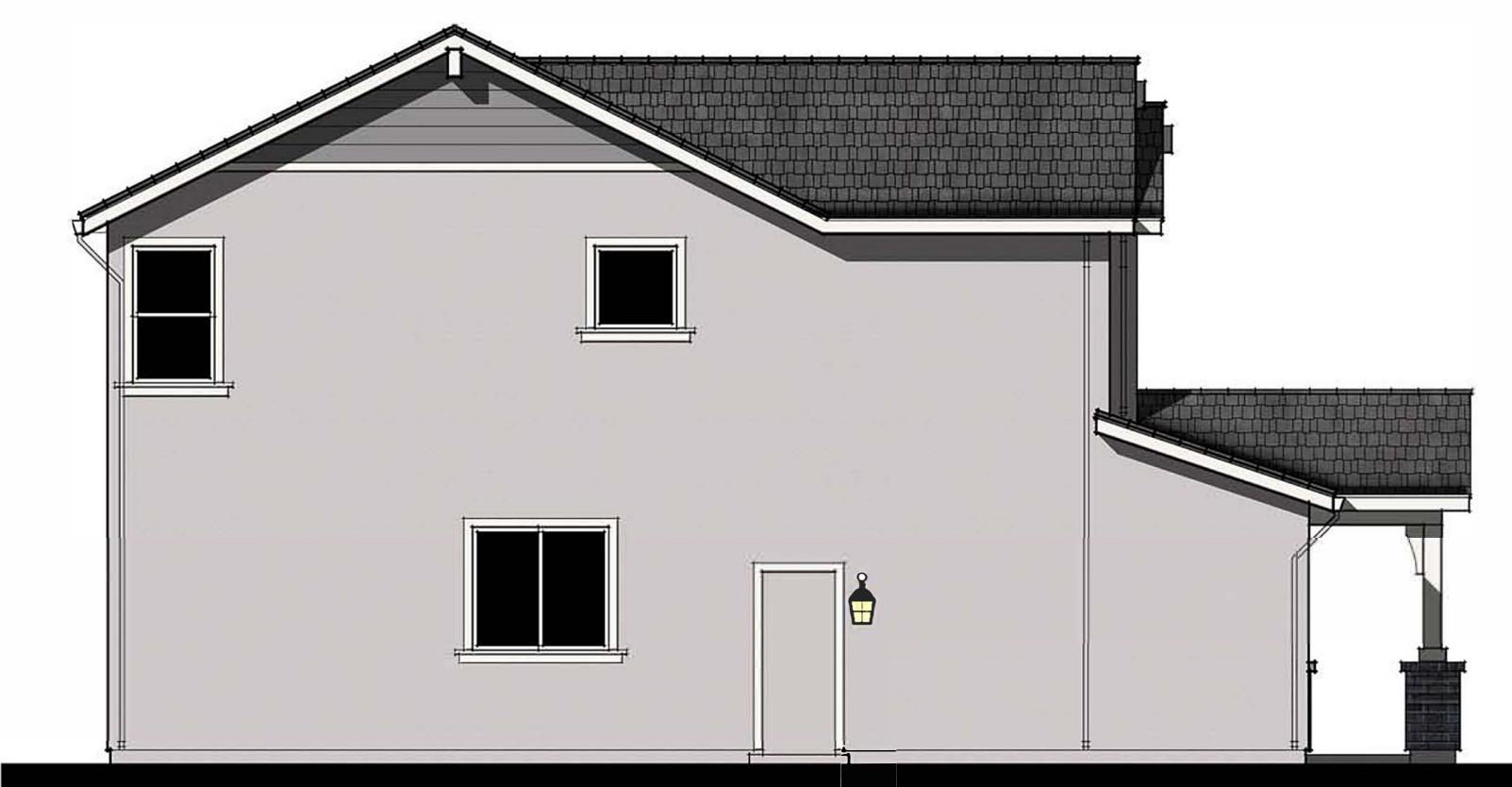
Rear Elevation 'A'



Right Elevation 'A'



Front Elevation 'H' Cottage
Scheme 12



Left Elevation 'H'



Rear Elevation 'H'



Right Elevation 'H'



BRIGHT HOMES

Larkspur Estates Unit 4 - Tracy, CA

Title
Conceptual
Elevation 'H'
Plan 2441

Date
November 13, 2019
Project Number
4433
Scale
No Scale

Revision
1-10-2020
3-2-2020
Sheet No.
6



Plan 2441
Front Elevation 'A'
Spanish

Plan 1883
Front Elevation 'D'
Craftsman

Plan 2441
Front Elevation 'H'
Cottage

Plan 1883
Front Elevation 'A'
Spanish

Larkspur Estates Unit 4 Tract No. 3804 Tracy, California

Bright Development
1620 N. Carpenter Rd., Suite B
Modesto, CA 95351
Ph: 209.526.8242

BRIGHT HOMES
Larkspur Estates Unit 4 - Tracy, CA

Title
Conceptual
Street Scene

Date
November 1, 2019
Project Number
44-33
Scale
1/4" = 1'-0"
Revision
1-10-2020
3-2-20

Elevation "A" Spanish

Scheme 1



Certainteed Landmark Series
Burnt Sienna



Stucco / Eaves / Rakes
Kelly Moore Paints - KM4891 - Swan Drive



Window / Door Trim
Kelly Moore Paints - KM579 Even Evan



Fascia / Barge / Garage Door
Kelly Moore Paints - KM5795 - Teddy's Taupe



Entry Door / Shutters
Kelly Moore Paints - KM5800 Sausalito Ridge



Wrought Iron
Kelly Moore Paints - KMA89 Black Oak

Scheme 2



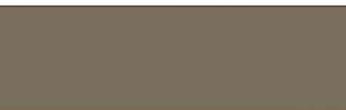
Certainteed Landmark Series
Heather Blend



Stucco / Eaves / Rakes
Kelly Moore Paints - KMW14 Garlic Clove



Window / Door Trim
Kelly Moore Paints - KM5791 Northpointe



Fascia / Barge / Garage Door
Kelly Moore Paints - KM4603 Grand Avenue



Entry Door / Shutters
Kelly Moore Paints - KM4925 Wild Truffle

Scheme 3



Certainteed Landmark Series
Weathered Wood



Stucco / Eaves / Rakes
Kelly Moore Paints - 42 Wise Owl



Window / Door Trim
Kelly Moore Paints - 232 Toscana



Fascia / Barge / Garage Door
Kelly Moore Paints - KM5800 Sausalito Ridge



Entry Door / Shutters
Kelly Moore Paints - KM4505 Thai Teak



Wrought Iron
Kelly Moore Paints - KMA89 Black Oak

Scheme 4



Certainteed Landmark Series
Burnt Sienna



Stucco / Eaves / Rakes
Kelly Moore Paints - KM 5774 Whitney Oaks



Window / Door Trim
Kelly Moore Paints - KM5773 Raw Sugar



Fascia / Barge / Garage Door
Kelly Moore Paints - KM5775 Empire Ranch



Entry Door / Shutters
Kelly Moore Paints - KM5790 Grapevine Canyon



Wrought Iron
Kelly Moore Paints - KMA89 Black Oak

Elevation "D" Craftsman

Scheme 5



Certainteed Landmark Series
Moire Black



Stucco / Eaves / Rakes
Kelly Moore Paints
KM4643 Sticks & Stones



Cultured Stone - Stone Veneer
Country Ledgestone - Aspen



Board & Batten Siding
Kelly Moore Paints - KM4707 Hidden Cottage



Window & Door Trim / Wood
Kelly Moore Paints - KM4640 Ostrich Egg



Fascia / Barge
Kelly Moore Paints - KM4708 Oak Plank



Garage Door
Kelly Moore Paints - KM4640 Ostrich Egg



Entry Door
Kelly Moore Paints - KM4708 Oak Plank

Scheme 6



Certainteed Landmark Series
Heather Blend



Stucco / Eaves / Rakes
Kelly Moore Paints
KM4646 Magic Shell



Culture Stone - Stone Veneer
Country Ledgestone - Caramel



Board & Batten Siding
Kelly Moore Paints - KM5716 Rodeo Roundup



Window & Door Trim / Wood
Kelly Moore Paints - KM5797 Woodward Park



Fascia / Barge
Kelly Moore Paints - KMA74 Stagecoach



Garage Door
Kelly Moore Paints - KM5716 Rodeo Roundup



Entry Door
Kelly Moore Paints - HLS4271 Grant Drab

Scheme 7



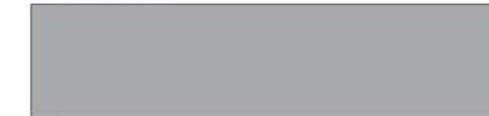
Certainteed Landmark Series
Moire Black



Stucco / Eaves / Rakes
Kelly Moore Paints
23 Swiss Coffee



Cultured Stone Veneer
Country Ledgestone - Echo Ridge



Board & Batten Siding
Kelly Moore Paints - KM5816 Harrison Gray



Window & Door Trim / Wood
Kelly Moore Paints - 23 Swiss Coffee



Fascia / Barge
Kelly Moore Paints - 23 Swiss Coffee



Garage Door
Kelly Moore Paints - KM4902 Mt. Rushmore



Entry Door
Kelly Moore Paints - KMA89 Black Oak

Scheme 8



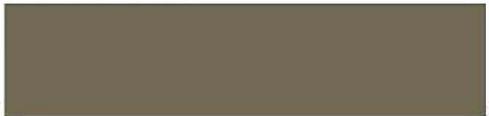
Certainteed Landmark Series
Heather Blend



Stucco / Eaves / Rakes
Kelly Moore Paints
KM4747 Knock on Wood



Cultured Stone - Stone Veneer
Country Ledgestone - Aspen



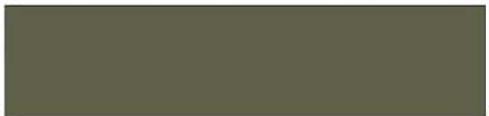
Board & Batten Siding
Kelly Moore Paints - KM4742 Mysterious Moss



Window & Door Trim / Wood
Kelly Moore Paints - KM4737 Sassafras Tea



Fascia / Barge
Kelly Moore Paints - KM4737 Sassafras Tea



Garage Door
Kelly Moore Paints - KM4819 Forest Floor



Entry Door
Kelly Moore Paints - KMA49 Fruit Yard

Elevation "H" Cottage

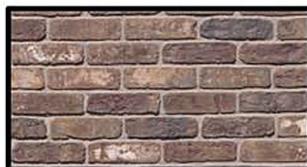
Scheme 9



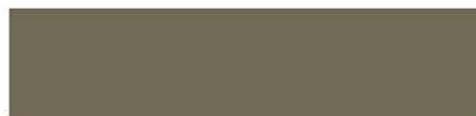
Certainteed Landmark Series
Moire Black



Stucco / Eaves / Rakes
Kelly Moore Paints
KM4647 Pony Tail



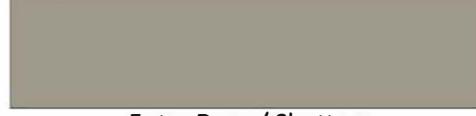
McNear Brick
Sandmold | Embarcadero



Horizontal Siding / Garage Door
Kelly Moore Paints – KM5772 Palm Lane



Fascia / Barge / Window & Door Trim / Wood
Kelly Moore Paints – KMW23 Bechamel



Entry Door / Shutters
Kelly Moore Paints – KM5741 Cricket's Cross

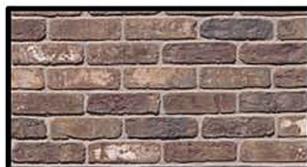
Scheme 10



Certainteed Landmark Series
Weathered Wood



Stucco / Eaves / Rakes
Kelly Moore Paints
KM4552 Antique Windmill



McNear Brick
Sandmold | Cotswold



Horizontal Siding/ Garage Door
Kelly Moore Paints – KM5796 Even Evan



Fascia / Barge / Window & Door Trim / Wood
Kelly Moore Paints – KM4510 Bear Hug

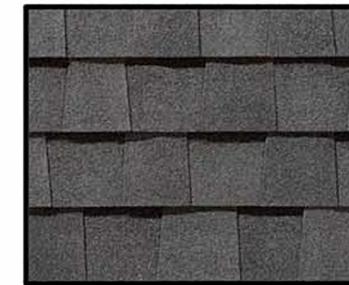


Entry Door
Kelly Moore Paints – KMA35 Willow Blue



Shutters
Kelly Moore Paints – KMA77 Brown Bear

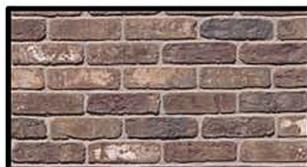
Scheme 11



Certainteed Landmark Series
Moire Black



Stucco / Eaves / Rakes
Kelly Moore Paints
KM4642 Birds Nest



McNear Brick
Sandmold | Tunbridge



Horizontal Siding / Garage Door
Kelly Moore Paints – KM4546 Appaloosa Spots



Fascia / Barge / Window & Door Trim / Wood
Kelly Moore Paints – KM5712 Cookie Crumb



Entry Door / Shutters
Kelly Moore Paints – KM4925 Wild Truffle

Scheme 12



Certainteed Landmark Series
Moire Black



Horizontal Siding / Garage Door
Kelly Moore Paints
KM5815 Actor's Star



McNear Brick
Sandmold | Klinker



Horizontal Siding / Garage Door
Kelly Moore Paints – KM4910 Platinum Granite



Fascia / Barge / Window & Door Trim / Wood
Kelly Moore Paints – KMW46 Picket Fence

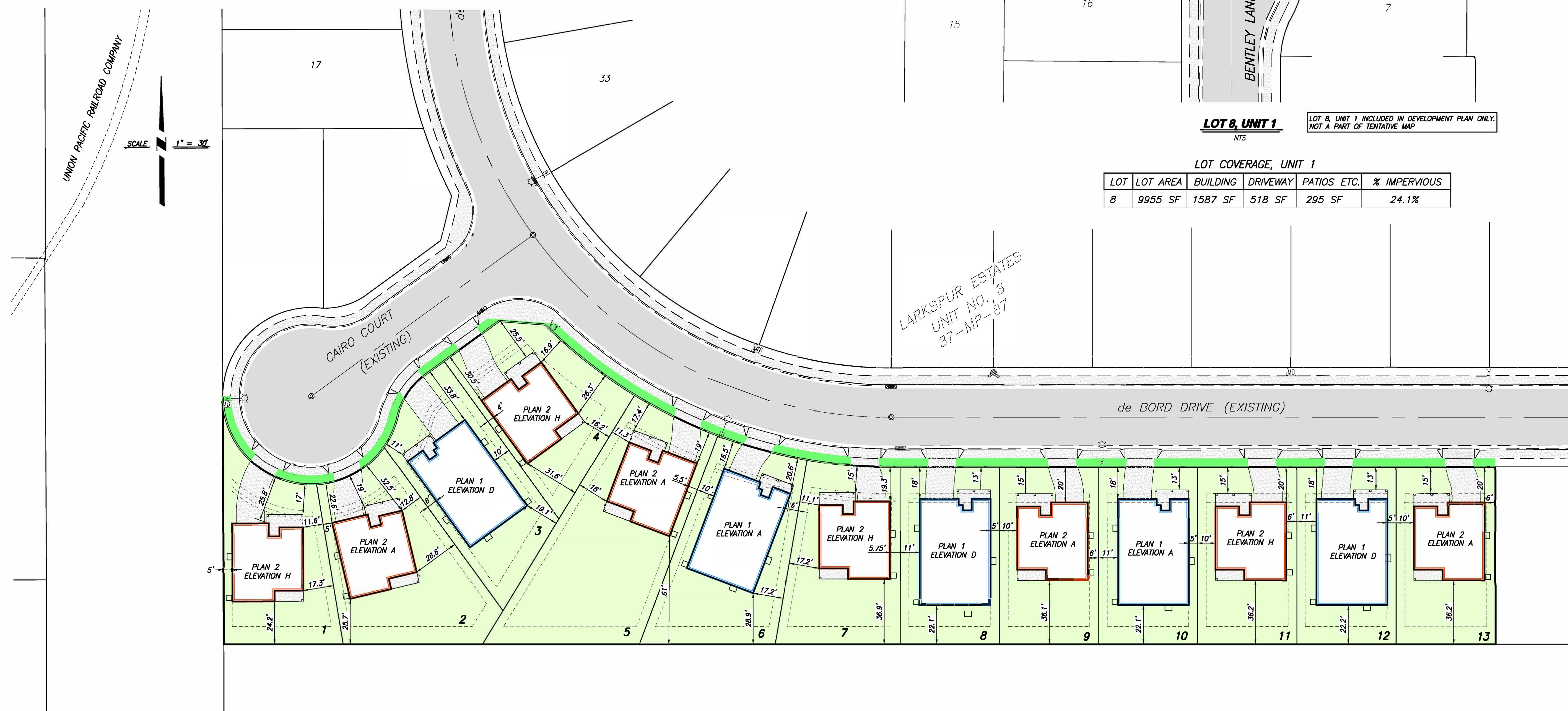
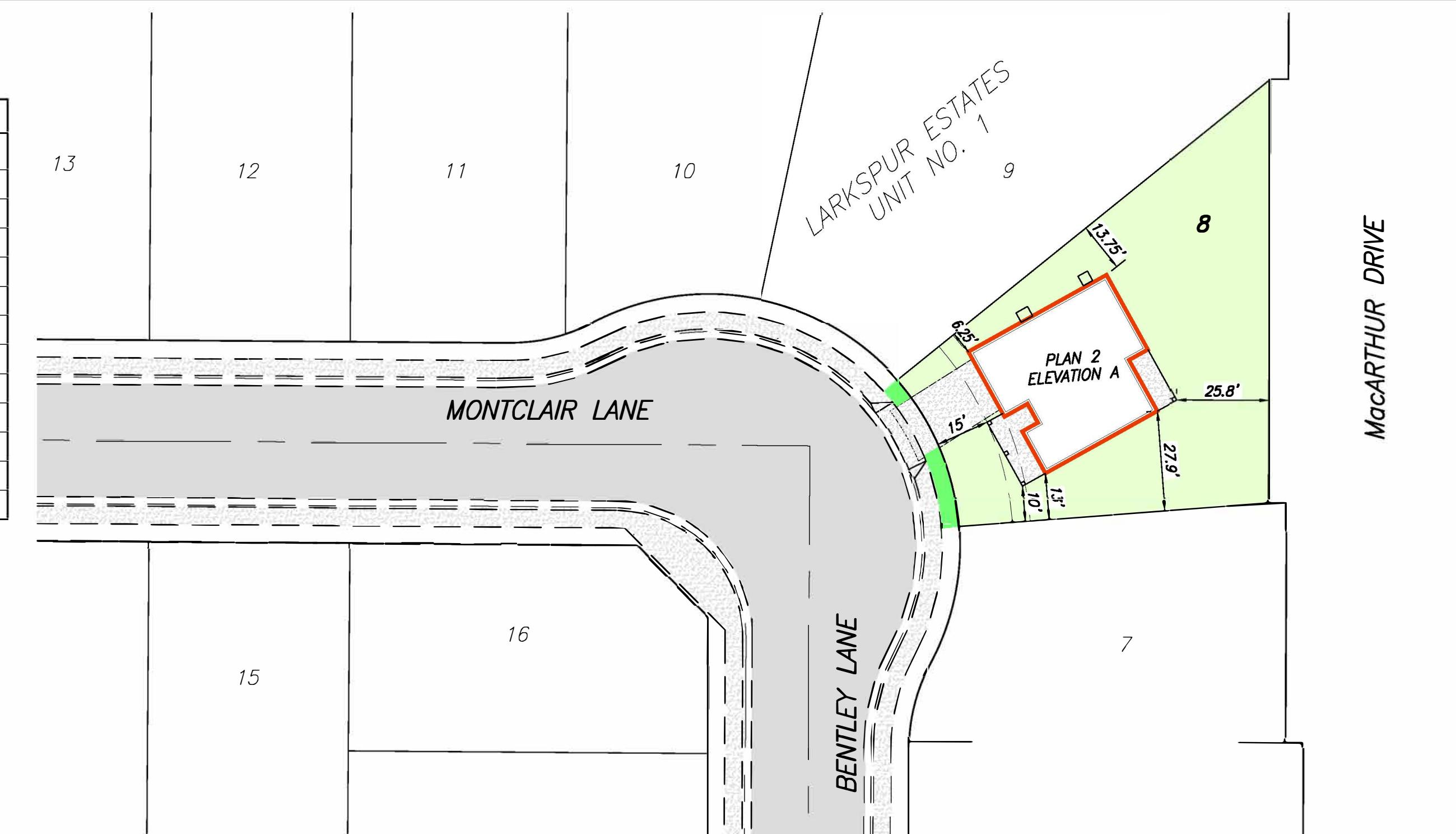


Entry Door / Shutters
Kelly Moore Paints – KM4918 Split Rock

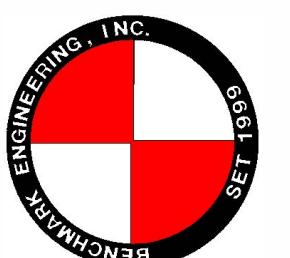
FLOOR PLANS		
PLAN 1	QUANTITY	PERCENTAGE
PLAN 1	5	36%
PLAN 2	9	64%
TOTAL	14	100%

LOT COVERAGE, UNIT 4

LOT	LOT AREA	BUILDING	DRIVEWAY	PATIOS ETC.	% IMPERVIOUS
1	5949 SF	1587 SF	508 SF	295 SF	40.2%
2	7279 SF	1587 SF	557 SF	295 SF	33.5%
3	6500 SF	2359 SF	886 SF	180 SF	52.7%
4	6083 SF	1587 SF	625 SF	295 SF	41.2%
5	9470 SF	1587 SF	498 SF	295 SF	25.1%
6	7232 SF	2359 SF	532 SF	180 SF	42.5%
7	6272 SF	1587 SF	521 SF	295 SF	38.3%
8	5600 SF	2359 SF	480 SF	180 SF	53.9%
9	5600 SF	1587 SF	512 SF	295 SF	42.8%
10	5600 SF	2359 SF	476 SF	180 SF	53.8%
11	5600 SF	1587 SF	498 SF	295 SF	42.5%
12	5600 SF	2359 SF	499 SF	180 SF	54.3%
13	5600 SF	1587 SF	513 SF	295 SF	42.8%



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CIVIL ENGINEERING & LAND SURVEYING
915 17th STREET • MODESTO, CALIFORNIA 95354
(209) 548-9300 FAX (209) 548-9305



DEVELOPMENT PLAN

PDF/FDP FOR:

LARKSPUR ESTATES UNIT 4

TRACY, CALIFORNIA

JOB NO. 212201
DATE 03/17/20
DR BY JF/TG
CK BY TG
SCALE AS SHOWN

SHEET NUMBER
1

1 OF 1 SHEETS



BRIGHT HOMES



APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION NO. _____

RESOLUTION APPROVING A ONE-YEAR TIME EXTENSION FOR VESTING TENTATIVE SUBDIVISION MAP (TSM19-0003) AND THE DEVELOPMENT REVIEW PERMIT (D20-0005) TO CREATE A 13-LOT SUBDIVISION AND CONSTRUCT 14 SINGLE FAMILY HOMES LOCATED ON THE SOUTH SIDE OF CAIRO COURT AND DEBORD DRIVE, AND BENTLEY LANE AND DETERMINING THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15332, APPLICATION NUMBER EXT22-0003

WHEREAS, The subject property was annexed to the City of Tracy in 1994 as a part of a larger subdivision, and has a zoning designation of Low Density Residential, and

WHEREAS, The proposed map is consistent with the General Plan, and Title 12, the Subdivision Ordinance, of the Tracy Municipal Code. The General Plan designation of the property is Residential Low, which provides for a density range of 2.1 to 5.8 dwelling units per acre. The General Plan identifies "conventional single-family dwelling units" as the "likely principal type of housing stock" within the Residential Low land use designation. The Larkspur Estates Unit 4 project proposes single-family detached homes with an average density of 5.4 dwelling units per gross acre, and

WHEREAS, The site is physically suitable for the type of development, as the site will be virtually flat once the temporary storm drain retention basin is removed as required by the City. The physical qualities of the property make it suitable for residential development in accordance with City standards, and

WHEREAS, The site is physically suitable for the proposed density of development. The 5.4 dwelling units per gross acre proposed is consistent with the allowable density range prescribed by the General Plan. The density is consistent with the residential development adjacent to the subject property. Traffic circulation is designed in accordance with City standards for the proposed density to ensure adequate traffic service levels are met, and

WHEREAS, The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or

wildlife or their habitat. The project site is categorically exempt from California Environmental Quality Act Pursuant to CEQA Guidelines Section 15332, pertaining to infill projects smaller than five acres surrounded by urban uses that are consistent with the Zoning and General Plan designations and not having any significant environmental effects. Significant fish or wildlife or their habitat have not otherwise been identified on the site and no further environmental documentation is required, and

WHEREAS, The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision, and

WHEREAS, The project complies with all other applicable ordinances, regulations and guidelines of the City, including but not limited to, the local floodplain ordinance. The subject property is not located within any floodplain and the project, with conditions, will meet all applicable City design and improvement standards, and

WHEREAS, All the public facilities necessary to serve the subdivision will be in place prior to the issuance of building permits. All the public facilities necessary to serve the subdivision or mitigate the impacts created by the subdivision will be assured through a subdivision improvement agreement prior to the approval of a final map, and

WHEREAS, The architectural elevations comply with the Article 30 of the Tracy Municipal Code, Development Review, and City's Design Goals and Standards. The proposed elevations will enhance the property once constructed, in a manner consistent with both the current design standards, while complementing the existing surrounding homes, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the Vesting Tentative Subdivision Map and architecture on July 8, 2020 and recommended City Council approved the applications on September 1, 2020, and

WHEREAS, the Planning Commission conducted a public hearing to review and consider an extension of the project approvals on August 24, 2022; now, therefore be it

RESOLVED: That the Planning Commission does hereby approve a one-year time extension the Larkspur Estates Unit 4 Vesting Tentative Subdivision Map (TSM19-0003) in conjunction with the Development Review Permit (D20-0005) to subdivide one lot into 13 and construct 14 single-family homes located on the south side of Cairo Court and De Bord Drive, and Bentley Lane, Application Number EXT22-0003, subject to conditions stated in Exhibit "1", attached and made part hereof; and be it

FURTHER RESOLVED, That the Planning Commission adopt a resolution determining that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 because the project is characterized as in-fill development and (1) is consistent with the General Plan designation of Residential Low and all applicable General Plan policies, as well as consistent with the Low Density Residential (LDR) Zone and with all applicable zoning regulations, (2) occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses, (3) has no value as habitat for endangered, rare

or threatened species, (4) would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (5) can be adequately served by all required utilities and public services;

* * * * *

The foregoing Resolution 2022-____ was adopted by the Planning Commission on August 24, 2022, by the following vote:

AYES: COMMISSION MEMBERS:
NOES: COMMISSION MEMBERS:
ABSENT: COMMISSION MEMBERS:
ABSTENTION: COMMISSION MEMBERS:

CHAIR

ATTEST: _____
STAFF LIAISON

Conditions of Approval
Larkspur Estates Unit 4 Vesting Tentative Subdivision Map
and Architecture
Application Numbers TSM19-0003 and D20-0005 and EXT22-0003
August 24, 2022

These Conditions of Approval shall apply to the Larkspur Estates Unit 4 Vesting Tentative Subdivision Map, and residential architecture, located on 1.89 acres on the south side of De Bord Drive and Cairo Court, and at 2110 Bentley Lane (Assessor's Parcel Numbers 246-330-50 and 246-310-08), Application Numbers TSM19-0003 and D20-0005, and EXT22-0003.

A. The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Public Works Director, or the City Engineer to perform the duties set forth herein.
3. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
4. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
5. "Conditions of Approval" shall mean the conditions of approval applicable to the Larkspur Estates Unit 4 Vesting Tentative Subdivision Map, and residential architecture, located on 1.89 acres on the south side of De Bord Drive and Cairo Court, and at 2110 Bentley Lane (Assessor's Parcel Numbers 246-330-50 and 246-310-08), Application Numbers TSM19-0003 and D20-0005. The Conditions of Approval shall specifically include all Development Services Department Conditions set forth herein.
6. "Project" means the Larkspur Estates Unit 4 Vesting Tentative Subdivision Map, and residential architecture, located on 1.89 acres on the south side of De Bord Drive and Cairo Court, and at 2110 Bentley Lane (Assessor's Parcel Numbers 246-330-50 and 246-310-08), Application Numbers TSM19-0003 and D20-0005.
7. "Property" means the Larkspur Estates Unit 4 Vesting Tentative Subdivision Map, and residential architecture, located on 1.89 acres on the south side of De Bord Drive and Cairo Court, and at 2110 Bentley Lane (Assessor's Parcel Numbers 246-330-50 and 246-310-08), Application Numbers TSM19-0003 and D20-0005.
8. "Subdivider" 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. "Subdivider" also means the Developer. The term "Subdivider" shall include all successors in interest.

B. Planning Division Conditions of Approval

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").
2. Unless specifically modified by these Conditions of Approval, the Project shall comply with all City Regulations.
3. The Project shall document compliance with the development standards that apply to the Low Density Residential Zone, including but not limited to lot size, building setbacks and height.
4. The floor plans and architectural elevations shall be consistent with the renderings received by the Development Services Department on April 7, 2020.
5. To ensure adequate variety within the 14-lot project area, no two identical houses (same floor plan and same elevation) shall be used on adjacent lots. A variety of the floor plans shall be spread throughout the project site to the satisfaction of the Development Services Director.
6. Prior to the issuance of any building permits, the developer shall document compliance with all applicable school mitigation requirements and shall pay all school fees are required to the school district.

C. Engineering Division Conditions of Approval

C.1. General Conditions

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

- 1) NONE

C.2 Tentative Subdivision Map

Prior to signature of the Tentative Subdivision Map by the City Engineer, Developer shall comply with the requirements set forth in this section, to the satisfaction of the City Engineer.

C.2.1 Tentative Subdivision Map shall contain all the appropriate signature blocks.

C.2.2 Prior to the approval of the Tentative Subdivision Map, Developer shall depict on the Tentative Subdivision Map restricted access to prevent future homeowners from accessing nearby streets:

C.2.2.a. Restrict access to De Bord Drive along the north-eastern property line of Lot 4 via “abutter’s rights relinquishment”;

C.2.2.b. Restrict access to Union Pacific Railroad Company right-of-way along the western property line of Lot 1 via a one (1) foot wide easement granted to the City; and

C.2.2.c. Restrict access to Texaco Downstream Properties along the southern edge for Lots 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, and 13 via a one (1) wide easement granted to the City.

C.2.3 Prior to the approval of the Tentative Subdivision Map, Developer shall submit one (1) mylar copy of the approved tentative subdivision map for the Project within ten (10) days after Developer’s receipt of a notification of approval of the Tentative Subdivision Map. The owner of the Property must consent to the preparation of the Tentative Subdivision Map, and the proposed subdivision of the Property. Said tentative subdivision map shall conform to the City’s requirements outlined in the Title 12 of the Tracy Municipal Code (TMC).

C.3 Final Subdivision Map

Prior to the City Engineer scheduling the Final Subdivision Map for City Council approval, the Developer shall demonstrate, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, the following:

C.3.1 Developer has completed all the requirements set forth in this section, and Condition C.2, above.

- C.3.2 Prior to the approval of the Final Subdivision Map, Developer shall prepare the Final Subdivision Map in accordance with the applicable requirements of the TMC, the City Design Standards, and in substantial conformance with the Tentative Subdivision Map for the Project.
- C.3.3 Prior to the approval of the Final Subdivision Map, Developer shall include dedications or offers of dedication of all right(s)-of-way and/or Public Utility Easement(s) required to serve the Project in accordance with City Regulations and these Conditions of Approval. Said Public Utility Easement (P.U.E.) shall be ten (10) feet wide as measured from the right-of-way and shall be continuous along each lot's frontage along every right-of-way.
- C.3.4 RESERVED
- C.3.5 Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearing" and shown as such on the final map. The final map shall also identify surveyed ties from two of the horizontal control points to a minimum of two (2) separate points adjacent to or within the Property described by the Final Map.
- C.3.6 Prior to the approval of the Final Subdivision Map, Developer shall submit to the City a construction cost estimate of subdivision (basin grading removal; and associated underground storm drain pipes) improvements and for all required public facilities, prepared in accordance with City Regulations and to the satisfaction of the City Engineer. Developer shall add ten percent (10%) for construction contingencies.
- C.3.7 Prior to the approval of the Final Subdivision Map, Developer shall execute and notarize, if requested, all the required improvement agreements, shall provide improvement security and insurance documentation, as required by the Subdivision Map Act, the TMC, and these Conditions of Approval. The amounts of improvement security shall be to the satisfaction of the City Engineer and the type and form of improvement security shall be in accordance with the TMC.

- C.3.8 Prior to the approval of the Final Subdivision Map, Developer will include slope, and temporary construction easements, to the satisfaction of the City Engineer, with the final map submittal to address slopes among the lots to address grade differentials, retaining walls, or lots adjacent to slopes.
- C.3.9 Prior to the City Engineer scheduling the Final Subdivision Map for City Council approval, Developer shall provide payment of final map checking fees and all fees required by these Conditions of Approval and City Regulations.
- C.3.10 At the conclusion of the City's review, Developer shall submit one (1) mylar copy of the approved Final Subdivision Map for signature.

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, 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 If present, 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 Detention 2B** 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 of Record 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 (SJCOPG).
- C.4.12 If applicable, 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 storm drain pipes, if any, to the satisfaction of the City Engineer, if the facilities are no longer required for storm drain purposes. If storm drain 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. . The cost of relocating and/or removing storm drain facilities and/or tile drains is the sole responsibility of the Developer.

C.4.14 If the Project contains overhead utilities, the 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 along the Project's northerly property line, if any.

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 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.4.16 Prior to the release of the Grading Permit, the geotechnical engineer for the Project shall sign and stamp a letter to the satisfaction of the City Engineer that the fill import material was inspected by the geotechnical engineer, that the fill import material conforms to the geotechnical report, and that the fill import material is suitable material for the purposed structures. Developer shall fill the basin in conformance with the geotechnical report.

C.4.17 Prior to the release of the Grading Permit, the developer shall adhere to the conditions and requirements outlined in Section C.5.

C.5. Improvement Agreements (s)

All construction activity involving public improvements will require a fully executed improvement agreement (Off-site, Subdivision, and/or Inspection). Any construction activity involving public improvements without a fully executed improvement agreement is prohibited. All public improvements shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Civil Engineer of Record. Prior to the City writing any improvement agreement or scheduling any improvement agreement to be approved by City Council for the Project until the Developer provides 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.5.0 Developer has completed all the requirements set forth in this section, and Condition C.4, above.

C.5.1. **Off-site and/or Public Infrastructure Grading and Detention Basin 2B**

Improvement Plans 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 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 Geotechnical/Soils Report, prepared or signed and stamped by a Registered Geotechnical Engineer. The technical report must include relevant information related to street pavement thickness, materials, compaction and other pertinent information.
- 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.

Prior to the Developer filling the existing temporary basin, Developer shall first construct Detention Basin 2B and its appurtenances in such a way that it can accept the existing temporary basin's storm water to the satisfaction of the City Engineer. Simultaneous construction of 2B and filling of the existing basin is prohibited.

If the City does not own the land for Detention Basin 2B in fee title, Developer may elect to purchase the land on behalf of the City.

C.5.1.e. Sanitary Sewer – If the Developer needs to remove and construct any portion of the Sanitary Sewer system, this section is applicable. 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 is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plans. The City's responsibility to maintain on the sewer lateral is from the wye/onsite sewer manhole at the right-of-way line/property line/wye fitting to the point of connection with the sewer main.

Developer is hereby notified that the City has limited wastewater treatment capacity in the City's Wastewater Treatment Plant until current and future expansion capital improvement projects are completed and operational.

C.5.1.g. **Water Distribution** – If the Developer needs to remove and reconstruct any portion of the Water Distribution system, this section is applicable. 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 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.h. Streets – If the Developer needs to remove and reconstruct any portion of the street improvements, this section is applicable. Developer shall construct their frontage improvements. Frontage improvements include but are not limited to the following: curb, gutter, sidewalk, street widening, landscaping, street lighting, undergrounding of overhead utilities and other 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.

Developer shall use existing utility stubs. If the stubs are not present or unusable or additional utility connections are required, the pavement restoration shall conform to C.8.1 of these Conditions.

C.5.2. If the Developer needs to remove and reconstruct any portion of any improvement within Joint Trench, this section is applicable. 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 ten (10) 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. On-site Improvements - Prior to the City's approval of the Final Subdivision Map, and prior to the Developer commencing construction of on-site, in-tract public and private improvements, Developer shall possess a fully executed Subdivision Improvement Agreement (SIA). Developer shall also complete all of the following requirements to the satisfaction of the City Engineer:

Developer has received City signed improvement plans.

Developer has paid all required processing fees including plan check and inspection fees.

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. Monumentation Bonds shall be seven hundred fifty (\$750.00) dollars multiplied by the total number of street centerline monuments plus one hundred twenty-five (\$125) dollars multiplied by the total number of legal lots that are shown on the Final Map.

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

C.5.8 Off-site Public Improvements - Prior to the Developer commencing construction of off-site public improvements, Developer shall possess a fully executed Off-site Improvement Agreement (OIA). Developer shall also complete all of the following requirements to the satisfaction of the City Engineer:

Developer has received City signed improvement plans.

Developer has paid all required processing fees including plan check and inspection fees.

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

No building permit within the Project boundaries will be approved by the City until the Developer demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

- C.6.1 Developer has completed all requirements set forth in Condition C.1, through C.5, above.
- C.6.2 Developer pays the applicable development impact fees as required in the TMC, these Conditions of Approval, and City Regulations.

C.7 Acceptance of Public Improvements

Public improvements will not be considered for City Council's acceptance until after the Developer demonstrates 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 satisfactorily completed construction of all required/conditioned improvements. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).
- C.7.4 Certified "As-Built" 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. Developer shall also provide the Project's CADD files to the City.
- 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 RESERVED

C.7.8 Release of Security – Release of improvement security shall be in accordance with the requirements of Title 12 of the TMC. Monumentation Bond will be released to the Developer after City Council's acceptance of the public improvements and if the Developer meets the terms set in Section 66497(c) of the Subdivision Map Act. All survey monuments shown on the Final Map must be installed. 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 2008 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 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 Developer shall obtain an account for the water service to the Project and register the water meter with the Finance Department. Developer shall prepare and submit a map depicting the location of the water meter on a 8.5-inch X 11-inch sheet to Finance Department.

August 24, 2022

Agenda Item 1.B

RECOMMENDATION

STAFF RECOMMENDS THAT THE PLANNING COMMISSION RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION 1) APPROVING A THREE-YEAR TIME EXTENSION FOR THE DEVELOPMENT REVIEW PERMIT (D16-0036) TO CONSTRUCT A FIVE-UNIT RESIDENTIAL PROJECT LOCATED AT 21, 25, AND 29 E. EIGHTH STREET, AND 2) DETERMINING THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15332. THE APPLICANT IS MARK WATROUS-HEYLIGER. APPLICATION NUMBER EXT22-0001.

EXECUTIVE SUMMARY

City Council approved a Development Review Permit on December 17, 2019 to construct a five-unit residential project located at 21, 25, and 29 E. Eighth Street. Prior to the two-year expiration of the permit, the applicant submitted a request to extend the life of the permit by an additional three years. Staff is recommending that the Planning Commission recommend that the City Council grant the three-year time extension and determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332.

BACKGROUND AND LEGISLATIVE HISTORY

On November 6, 2019, the Planning Commission held a public hearing and recommended that the City Council introduce and adopt an ordinance amending the Central Business District (CBD) Zone to permit high density residential uses, including single-family dwellings, two-family dwellings, and multi-family dwellings (Application Number ZA17-0003) and approve a Development Review Permit to construct a five-unit residential project, consisting of two single-family dwellings and a triplex on an approximately 9,885 square-foot site located at 21, 25, and 29 E. Eighth Street (Application Number D16-0036).

The ordinance to amend the CBD Zone to permit high density residential uses (Ordinance 1282) was introduced at a regular meeting of the City Council on December 17, 2019 and adopted on January 21, 2020. Additionally, City Council approved the Development Review Permit to construct the five-unit residential project on December 17, 2019 (Resolution No. 2019-254) with an effective date of February 20, 2020 to be the same as the effective date of the ordinance to amend the CBD Zone (Ordinance 1282).

In accordance with Tracy Municipal Code Section 10.08.3980, a Development Review Permit lapses after two years unless a building permit is issued or the property owner applies for an extension of the permit. Prior to the expiration of the Development Review Permit on February 20, 2022, the applicant submitted a time extension request.

Time extension requests are subject to the approval authority of the same body that approved the original permit, which in this case was the City Council with recommendation by the Planning Commission. In accordance with Tracy Municipal Code Section 10.08.3950, any Development Review Permit application paired with another application being reviewed by the City Council is a Tier 1 application that must be reviewed by the City

Council following recommendation by the Planning Commission. As stated above, the original Development Review Permit application was paired with an application to amend the CBD Zone, which required action by the City Council.

According to the applicant, the reasons for the project delays and the time extension request are that the project management team underwent changes during the past couple years due to the loss of partners and project timing was also delayed by the Covid-19 pandemic. The applicant stated that the construction documents are being prepared and they are also working on a lot merger, which is a condition of approval of the Development Review Permit to remove property lines that would be underneath the proposed buildings. Although the applicant intends to begin construction as soon as possible, the request is for a three-year extension, just in case there are unforeseen circumstances that might affect construction timing.

ANALYSIS

The extension of this Development Review Permit would allow construction of a five-unit residential project, consisting of two single-family dwellings and a triplex on an approximately 9,885 square-foot site located at 21, 25, and 29 E. Eighth Street. No changes are proposed to the originally approved plans (Attachment A – Location Map and Attachment B – Approved Project Plans).

The subject property includes three existing lots with one house on each of the two end lots. The middle lot is vacant. A house was previously demolished on the middle lot, due to the structure's poor condition. The project includes demolishing the remaining two houses, due to numerous issues with the condition of the structures and the encroachment of the western dwelling unit and its utilities onto the adjacent neighboring property to the west.

The subject property is located in the Central Business District (CBD) Zone and has a General Plan land use designation of Downtown. The project is consistent with the General Plan and the CBD Zone, including the permitted uses and density requirements.

The CBD Zone includes the following requirements for residential uses:

- Single-family dwellings, two-family dwellings, and multi-family dwellings shall be permitted in the CBD Zone, except that there shall be no residential uses on the ground floor of buildings with elevations that face the following:
 - Central Avenue between 11th Street and 6th Street
 - 10th Street between Central avenue and A Street
 - Front Street Plaza at 6th Street, excluding the eastern 110 feet of the block which faces a parking island within the 6th Street public right-of-way because this portion of the block is already developed with existing residential development.
- Density: There shall be at least 700 square feet of net lot area and no more than 2,500 square feet of net lot area for each dwelling unit in the CBD Zone.
- The minimum floor area for a single-family dwelling shall be 500 square feet.
- Any new residential development in the CBD Zone shall be subject to development review, including any new single-family dwellings, two-family dwellings, or multi-family dwellings, regardless of the number of units.

The General Plan states that residential development is strongly encouraged in the Downtown and allowed at a density of 15 to 50 units per gross acre (page 2-26 of the General Plan Land Use Element).

The proposed density for the project is approximately 1 dwelling unit per 1,977 square feet of net lot area or calculated as 22 units per net acre (17 units per gross acre). The proposed single-family dwellings are two-story structures each consisting of approximately 1,660 square feet of living space. The proposed triplex is also a two-story structure with the unit sizes ranging from approximately 825 square feet to 912 square feet of living space. The project is proposed as five rental units on a single lot. The three existing lots would be merged into one lot prior to issuance of a building permit.

The subject property has frontage on E. Eighth Street and access from the rear on Garner Alley. The project includes a one-car garage for each of the five dwelling units and a total of four additional uncovered parking spaces on the property. To satisfy the minimum off-street parking requirements, the project is proposing to utilize the CBD Zone Parking-in-Lieu Fee Pilot Program of \$0, which was extended to October 6, 2025 by City Council Resolution 2019-160. In other residential zones by contrast, the two single-family dwellings would each require a two-car garage and the triplex would require two parking spaces per unit with one of the two being covered, and an additional space marked as guest. The main difference from what would otherwise be required and the proposed project is that the single-family dwellings would each require a two-car garage rather than a one-car garage.

The building architecture includes an attractive design featuring a high-level of detailing and articulation on all four sides of each building, a well-designed gable roof with variation and multiple gable elements to create visual interest and appeal, use of multiple building materials, including wood siding and brick, variation in the building façade depth, ample use of windows, bay windows, front porches, driveway pavers, and an overall design character and architectural details that are inspired by and complement the residential architecture that exists in the surrounding neighborhood. The proposed architecture is consistent with the City's Design Goals and Standards.

FISCAL IMPACT

This is a routine development application. The applicant paid the normal, flat-rate application processing fee of \$545 when they submitted the application to request a time extension for the Development Review Permit. Staff time to process the application was paid through the normal, Development Services Department budget.

PUBLIC OUTREACH/ INTEREST

A public hearing notice for the project was mailed to all property owners within a 300-foot radius of the project site, posted on the City website, and also published in the Tracy Press on August 12, 2022. The Planning Commission agenda packet was posted on the City website, City Hall, and the Tracy Branch Library on August 19, 2022.

CEQA DETERMINATION

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332 because the project is characterized as in-fill development and (1) is consistent with the General Plan designation of Downtown and all

applicable General Plan policies, as well as consistent with the Central Business District (CBD) Zone and with all applicable zoning regulations, (2) occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses, (3) has no value as habitat for endangered, rare or threatened species, (4) would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (5) can be adequately served by all required utilities and public services. Therefore, no further environmental review is necessary.

STRATEGIC PLAN

This agenda item is not related to the City's Strategic Plans.

ACTION REQUESTED OF THE PLANNING COMMISSION

Staff recommends that the Planning Commission recommend that the City Council adopt a resolution 1) approving a three-year time extension for the Development Review Permit (D16-0036) to construct a five-unit residential project located at 21, 25, and 29 E. Eighth Street, and 2) determining that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Application Number EXT22-0001, as stated in the Planning Commission Resolution dated August 24, 2022 (Attachment C – Planning Commission Resolution).

Prepared by Scott Claar, Senior Planner

Approved by Victoria Lombardo, Senior Planner

ATTACHMENTS

A – Location Map

B – Approved Project Plans

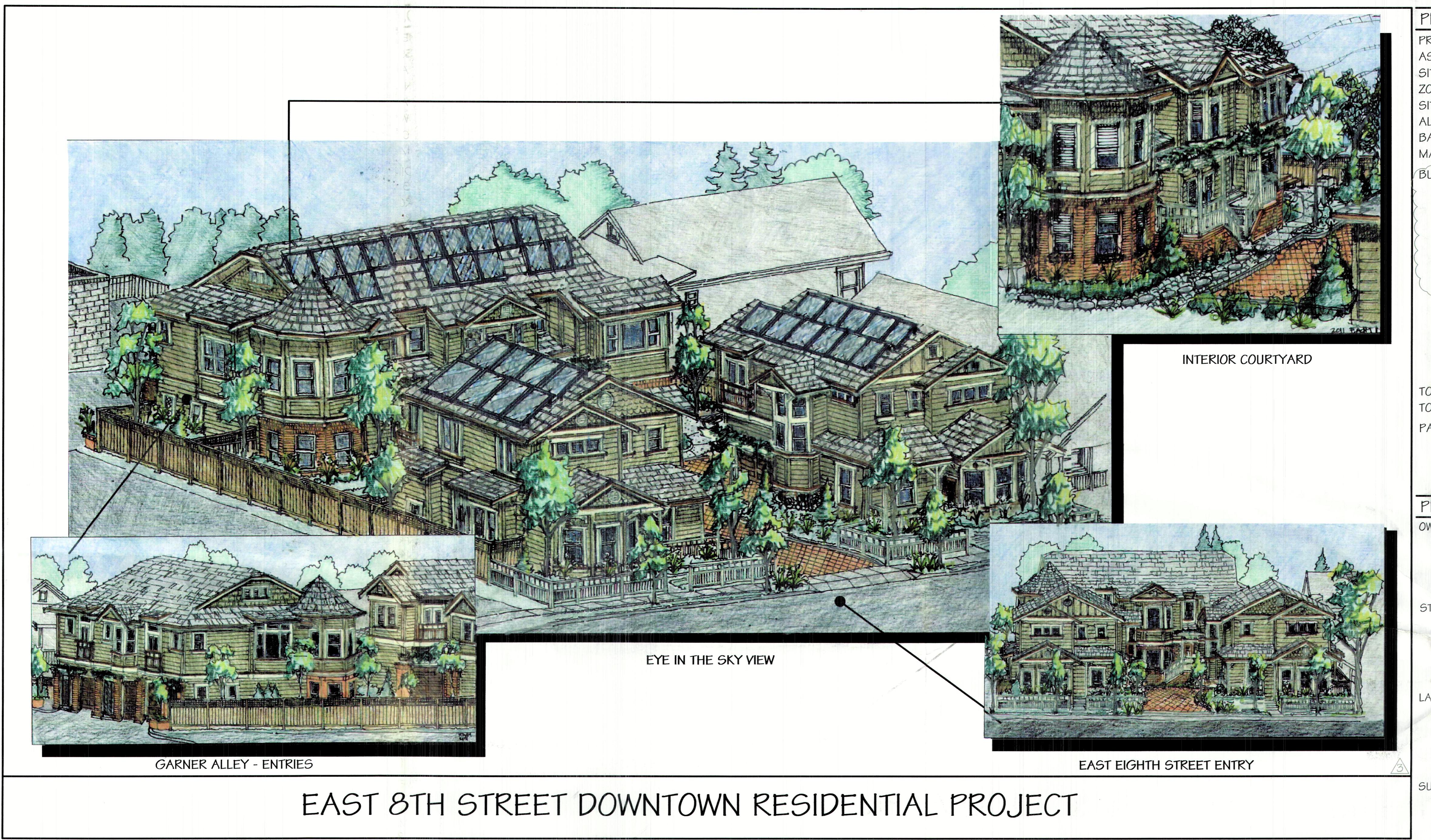
C – Planning Commission Resolution

Location Map

21, 25 and 29 E. Eighth Street

Attachment A





EAST 8TH STREET DOWNTOWN RESIDENTIAL PROJECT

GENERAL NOTES

- Code Compliance: All Work Shall Comply with and conform to all Laws, Rules, Codes, Ordinances, Etc. Of the governing Body having Jurisdiction over the work, as well as rules and regulations of the various Utility Companies serving the building. Nothing in these Drawings shall be constructed as directions to perform work contrary to these Requirements. Applicable Codes include, but are not limited to the following: Uniform Building Code (2007 California Building Code or Subsequently Adopted Edition), State and Local Building Codes.
- Permits: All Permits and Licenses necessary for the proper execution of the work shall be secured and paid for by the contractor involved.
- Plan Review: The Contractor shall check and review all drawings for dimensions, accuracy and content. Errors, omissions, or discrepancies, if any, shall be reported to the Architect for clarification or correction before the contractor proceeds with the work.
- Site Review: The Contractor shall familiarize himself with the Project Site and Existing Conditions.
- Details: Where certain Construction Features are not fully shown the construction shall repeat similar conditions shown elsewhere.
- Changes, Additions, and Revisions: Prior to the start of any construction work the General Contractor shall layout the work in conformity to these drawings. Any changes, additions and/or revisions of the structure do to relocation or addition shall be brought to the attention of the Architect prior to the commencement of the said change or revision. Structural members or elements that require changing or relocation shall be the responsibility of the trade involved. The Architect or Owner shall not be liable for the cost of changes or revisions required.
- Safety Measures: At all times, the Contractor shall be solely and completely responsible for conditions of the Job Site. Including the safety of persons and property and for all necessary independent Engineering and/or Architectural reviews of these conditions. The Contractor shall provide and maintain fire extinguishers and other equipment as required by Local Codes for proper Fire Protection during Construction.
- Coordination: The General Contractor must coordinate all phases of the project including work to be done by others to insure the smooth progress of the project. The General Contractor is also responsible for the receiving and safe keeping of all items shipped to the Job Site for use by himself or others for this project.

ABBREVIATIONS

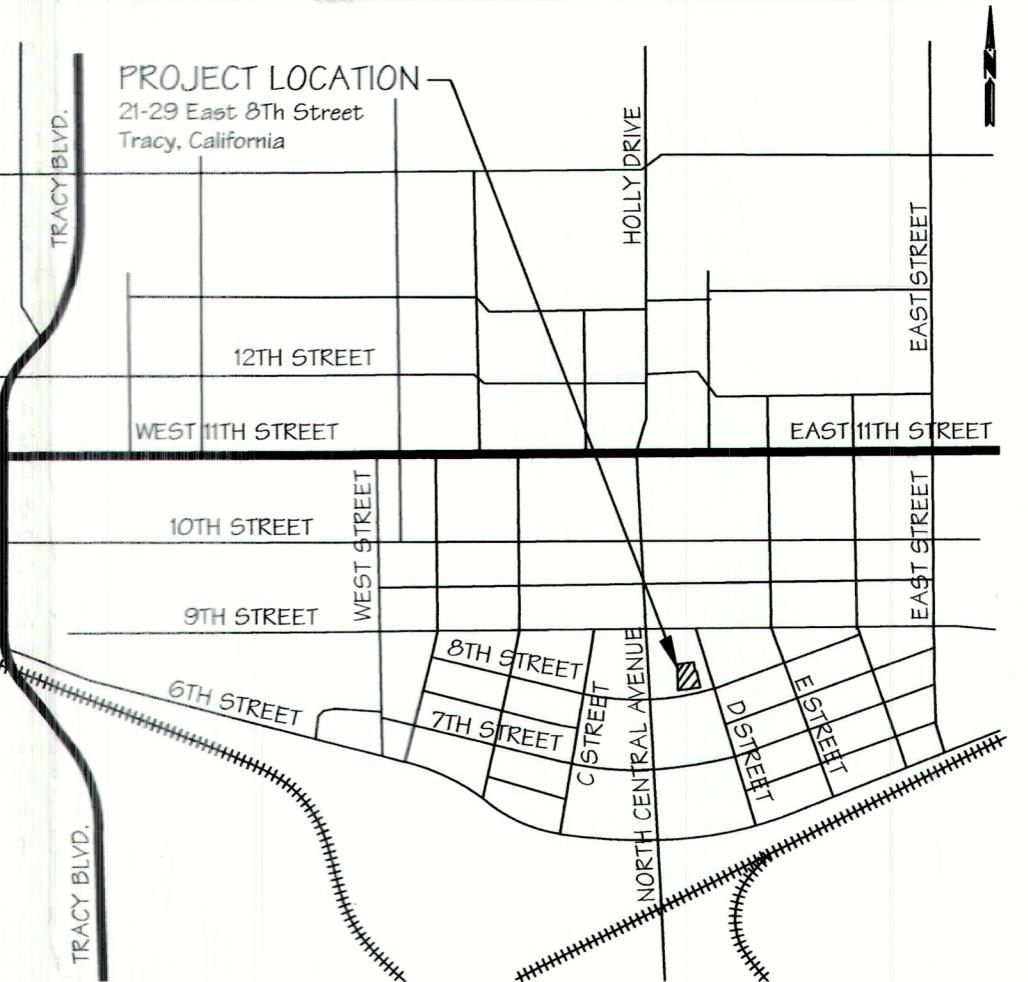
ABV	ABOVE	GA	GAUGE	SECT.	SECTION
A/C	AIR CONDITIONING	GEN.	GENERAL	SHEET.	SHEET
A/B	ANCHOR BOLT	GRD.	GROUND	SIM.	SIMILAR
&	ANCHOR BOLT	GYP.BD	GYPSUM BOARD	S.C.	SOLID CORE
ARCH.	ARCHITECT(URAL)	G.S.M.	GALVANIZED SHEET METAL	SQR.	SQUARE
@	AT	HPW.	hardware	SQ.FT.	SQUARE FEET
AVG	AVERAGE	HTR.	HEATER	S.F.	SQUARE FEET
BM	BEAM	HT.	HEIGHT	ST.	STRUCTURE
BLKG.	BLOCKING	HC.	HOLLOW CORE	STRUCT.	STRUCTURAL
BLDG.	BOARD	H.M.	HOLLOW METAL	SUSP.	SUSPENDED
BTM.	BOTTOM	HOR.	HORIZONTAL	TS	SYSTEM
BLDG.	BUILDING	H.B.	HOSE BIBB	TEL.	TUBULAR STEEL
CB	CATCH BASIN	H.W.	HOT WATER	T.C.	TELEPHONE
CLG	CEILING	INSUL.	INSULATION	T.O.F.	TOP OF CURB
CL.	CEIL. LINE	INT.	INTERIOR	T.O.F.	TOP OF FLOOR
CLR	CLEAR	JST.	JOIST	T.O.S.	TOP OF SLAB
C.O.	CLEAN OUT	J-BOX	JUNCTION BOX	TYP.	TYPICAL
COL.	COLUMN	LAV.	LAVATORY	U.N.O.	UNLESS OTHERWISE
CONC.	CONCRETE	LBS.	POUNDS	NOTED	NOTED
C.J.	CONSTRUCTION JOINT	LTG.	LIGHTING		
CONT.	CONT. CONTRACTOR	LVR.	LOW		
CONTR.	CONTRACTOR	MATL.	MATERIAL		
CMU.	CONCRETE MASONRY UNIT	MAX.	MANUFACTURER		
D	PENNY (NAIL WEIGHT)	MTL.	METAL		
DET.	DETAIL	MIN.	MINIMUM		
DIA.	DIA.	MISC.	MISCELLANEOUS		
DR.	DOOR	N.L.C.	VERT.		
DN	DRAWING	N.T.S.	W.C.		
DRWG.		NO.	W.H.		
EA	EACH	NO.	W.I.		
E/G	EACH SIDE	NUMBER	W/		
ELECT.	ELECTRICAL	POUND	WITHOUT		
ELEV.	ELEVATION	O.C.	WOOD		
EQ.	EQUAL	OPENING			
EQUIP.	EQUIPMENT	PAIR			
EXH.	EXHAUST	PLASTIC LAMINATE			
EXT.	EXTERIOR	PL.			
FT	FEET	PLATE			
FIN.	FINISH	PROPERTY LINE			
FLR.	FLOOR	PLYWOOD			
FTG.	FOOTING	QTY.			
FDN.	FOUNDATION	RAD.			
		REINF.			
		REQD.			
		REV.			
		R.M.			

SHEET INDEX

TS	TITLE SHEET, RENDERING & VIGNETTES & GENERAL NOTES
A1	SITE PLAN, SITE NOTES & SITE DETAILS
A1A	SITE DETAILS
A2	SINGLE FAMILY DWELLING FLOOR PLANS & ELEVATIONS
A3	MULTI FAMILY DWELLING UNITS, FLOOR PLANS & ELEVATIONS
A4	SITE CROSS SECTIONS
C1	PRELIMINARY GRADING & UTILITY PLAN
C51	SURVEY PLAN
L1	PRELIMINARY LANDSCAPE PLAN
L-W1	IRRIGATION PLAN
L-W2	IRRIGATION NOTES AND DETAILS
L-W3	HYDROZONE PLAN AND WELD CALCULATIONS

BUILDING SUMMARY

VICINITY MAP



F. Adm
ARCHITECT
Frank Auf der Maur Jr.
148 Spring Street
Pleasanton, California 94566
Date: 3/05/17
Scale: N.T.S.
Design: F. Adm
Drawn: MLWH
Job: -
Sheet: TS
Of 1 Sheets 9

PROJECT SUMMARY

PROJECT LOCATION: 21-29 EAST EIGHT STREET, TRACY, CALIFORNIA
ASSESSOR PARCEL NUMBER: 235-161-15,16,17

RECEIVED

OCT 3 0 2019

CITY OF TRACY
DEVELOPMENT SERVICES

SITE AREA: 9885± SQUARE FEET
ZONING: CENTRAL BUSINESS DISTRICT
SITE AREA PER DWELLING UNIT:

ALLOWABLE UNITS:

BASIC FLOOR AREA LIMIT @ 300%:

MAXIMUM HEIGHT: 31±

BUILDING FLOOR AREAS AND PARKING:

2-SINGLE FAMILY UNITS

GROUND FLOOR (RESIDENTIAL WITH PARKING)

FIRST FLOOR (EACH UNIT) 722 SQUARE FEET

SECOND FLOOR (EACH UNIT) 945 SQUARE FEET

BUILDING FLOOR AREA (TOTAL AREA EACH UNIT) 1947± S.F.

PARKING (1 GARAGE SPACE / 280± SF)

PARKING (2 UNCOVERED EA. ON-SITE PARKING/SF UNIT) 330± S.F.

3 UNIT MULTI-FAMILY RESIDENCE

FIRST FLOOR (3-2 BEDROOM UNITS) 735± S.F. (TOTAL)

SECOND FLOOR (3-2 BEDROOM APARTMENTS) 1896± S.F. (TOTAL)

BUILDING TWO FLOOR AREA

UNIT PARKING (1 GARAGE SPACE EA. / UNIT) 236± S.F.

TOTAL FLOOR AREA 7,793± S.F. (TOTAL ALL ON-SITE STRUCTURES)

TOTAL PARKING 9 SPACES

PARKING PROVIDED:

BUILDING ONE 1 CAR-GARAGE /2-PARKING STALLS

BUILDING TWO 1 CAR-GARAGE /2-PARKING STALLS

APARTMENT BUILDING 1 CAR-GARAGE EACH (3)

PROJECT TEAM

OWNER / ARCHITECT:

FRANK AUF DER MAUR JR.
148 SPRING STREET
PLEASANTON, CALIFORNIA 94566
(925) 846-7642

STRUCTURAL ENGINEER:

STEVE NEFF
A & E DESIGN SERVICES
2157 FOURTH STREET
LIVERMORE, CALIFORNIA 94550
(925) 449-3883

LANDSCAPE ARCHITECT:

ROBERT MOWAT ASSOCIATES
1501 N. BROADWAY #400
WALNUT CREEK, CALIFORNIA 94596
(925) 705-7424 PHONE
(925) 954-1390 FAX

SURVEYOR:

STOCKINGER SURVEYS
BOX 24 - 1531 GRANDVIEW
MARTINEZ, CALIFORNIA 94553
(925) 228-4949

REVISIONS	BY
City Comments	▲
City Comments	▲

REVISIONS	BY
REVISIONS	BY
REVISIONS	BY

REVISIONS	BY
REVISIONS	BY
REVISIONS	BY

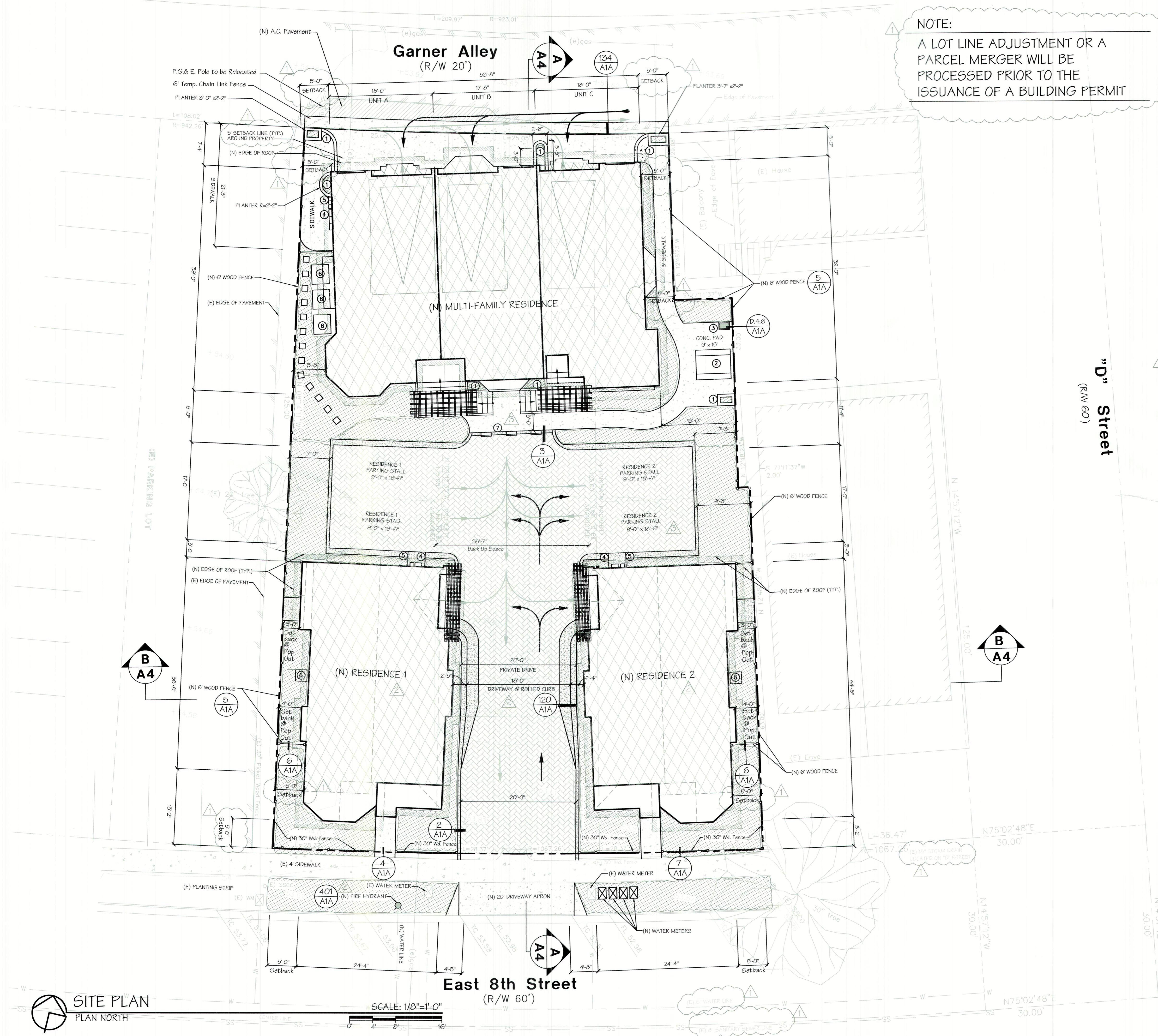
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REVISIONS	BY
City Comments	▲
CITY COMMENTS	9/14/2017
CITY COMMENTS	2/9/2018

REVISIONS

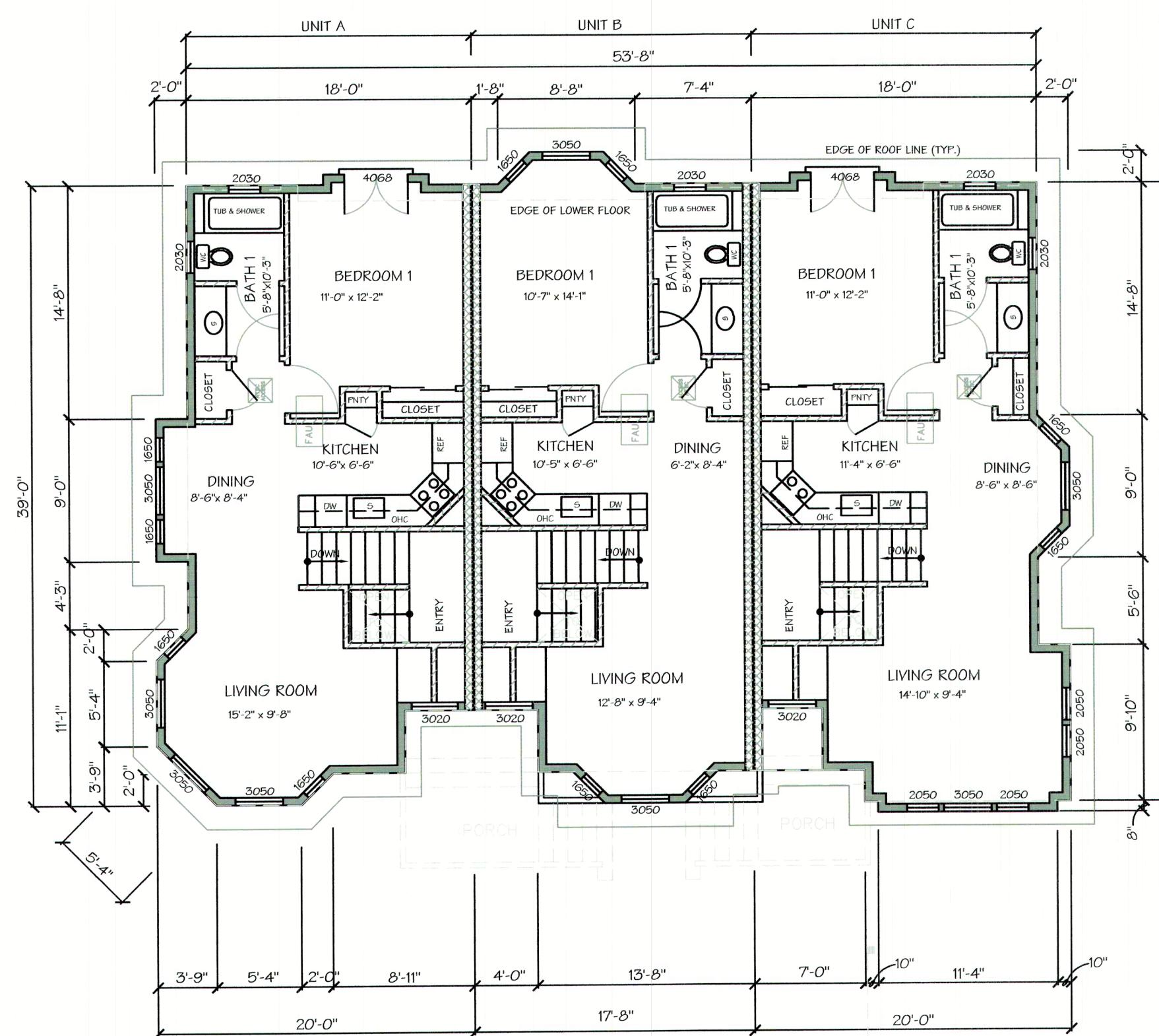
City Comments	▲
CITY COMMENTS	9/14/2017
CITY COMMENTS	2/9/2018

BY

EAST 8TH STREET DOWNTOWN PROJECT
21-29 EAST 8TH STREET
AN AUF DER MAUR PROJECT
PLEASANTON, CALIFORNIA 94566
(925) 846-7642

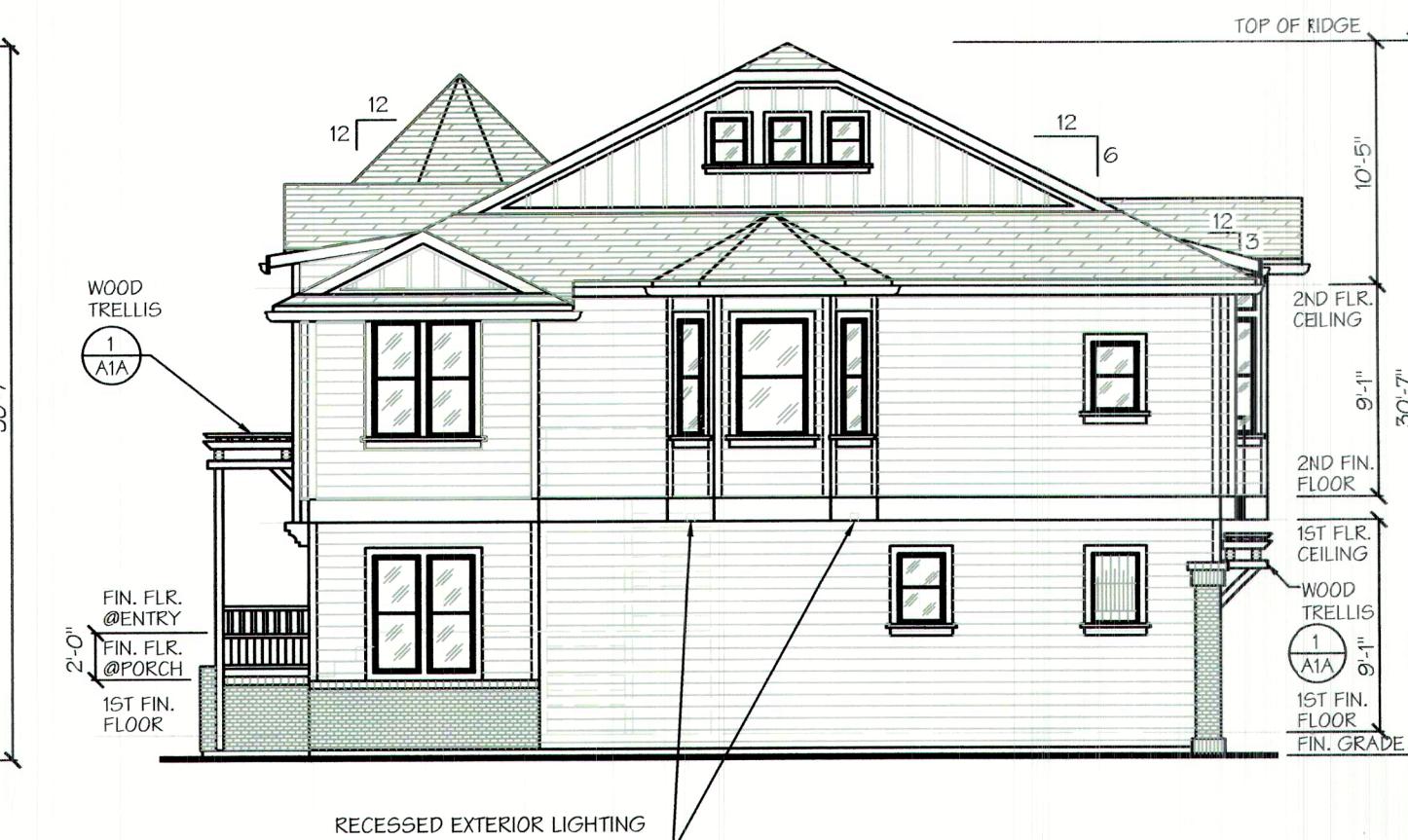
TRACY
21-29 EAST 8TH STREET
CALIFORNIA 94566
(925) 846-7642

DATE: 3/04/17
SCALE: 1/8"=1'-0"
DESIGN: F. ADM
DRAWN: MLWH
JOB: 21-29 8th St-SitePlan-A1
sheet: A1
of 2 sheets 9



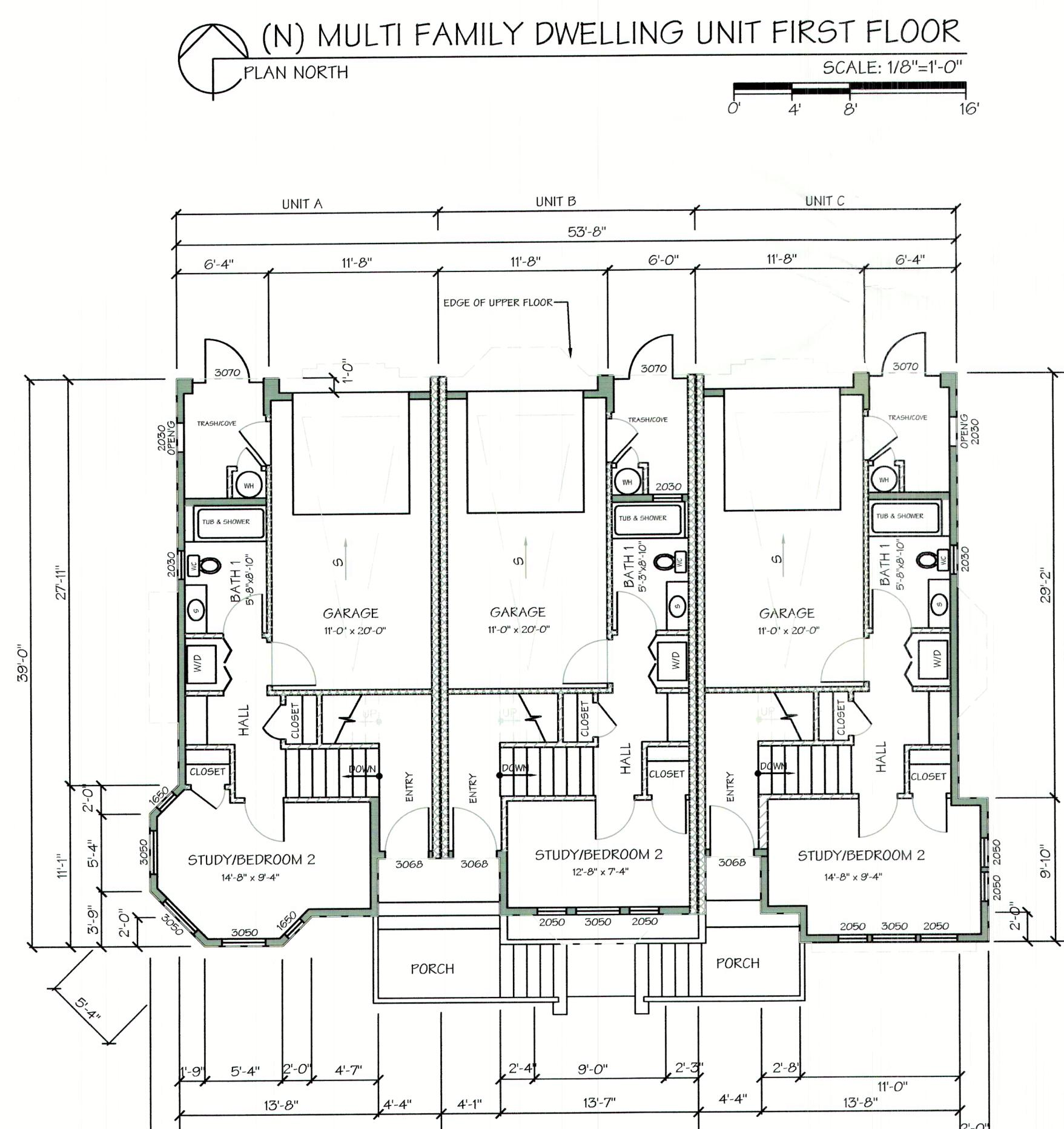
FRONT MULTI FAMILY DWELLING UNIT ELEVATION

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



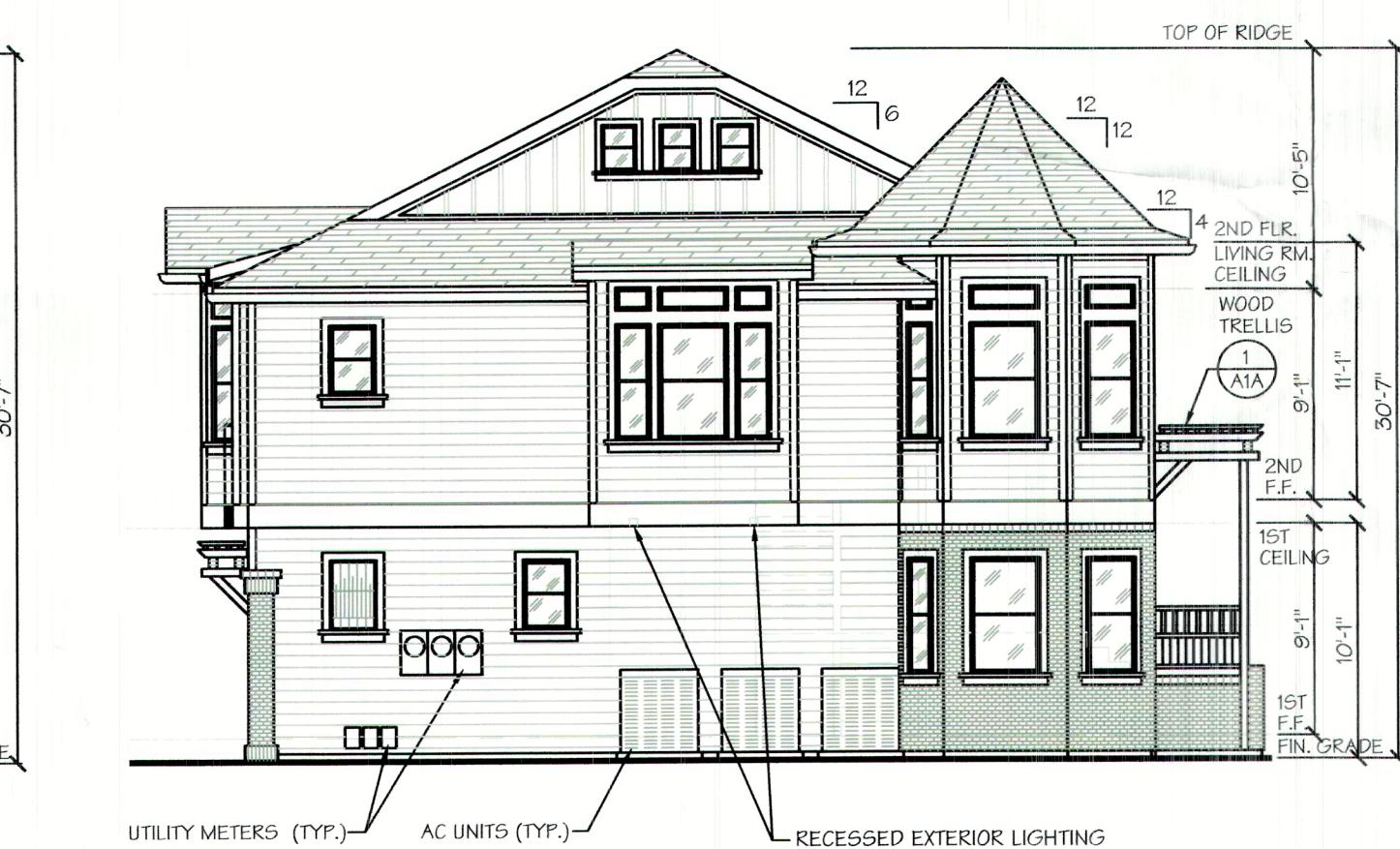
SIDE MULTI FAMILY DWELLING UNIT ELEVATION

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



REAR MULTI FAMILY DWELLING UNIT ELEVATION

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



SIDE MULTI FAMILY DWELLING UNIT ELEVATION

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



LEGEND

- (N) EXTERIOR WALL W/ 2x6 WD. STUDS @ 16"O.C. TYP.
- (N) INTERIOR WALL W/ 2x4 WD. STUDS @ 16"O.C. TYP.
- (E) WALL - VERIFY IN FIELD CONSTRUCTION
- (N) 1 HOUR PARTY WALL W/ 2x6 WD. STUD @ 16"O.C. TYP. & (N) 1 HOUR WALL W/ 2x6 WD. STUD @ 16"O.C. TYP.

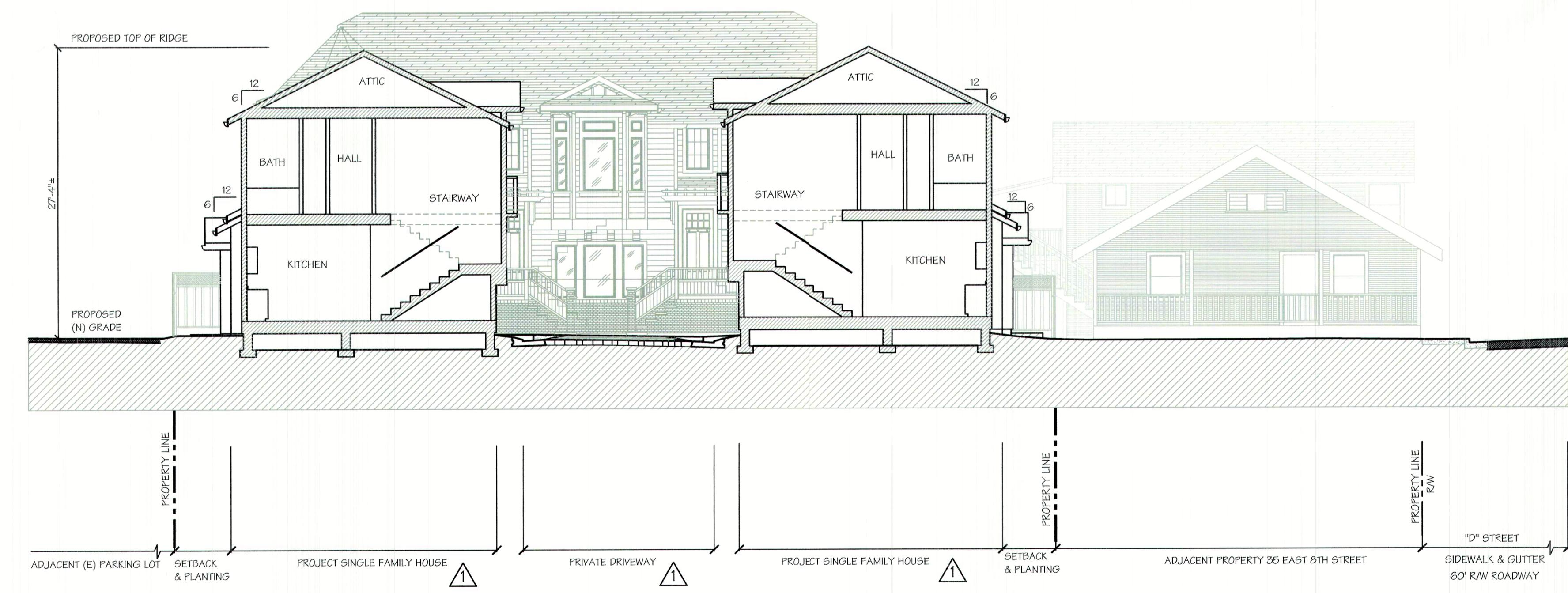
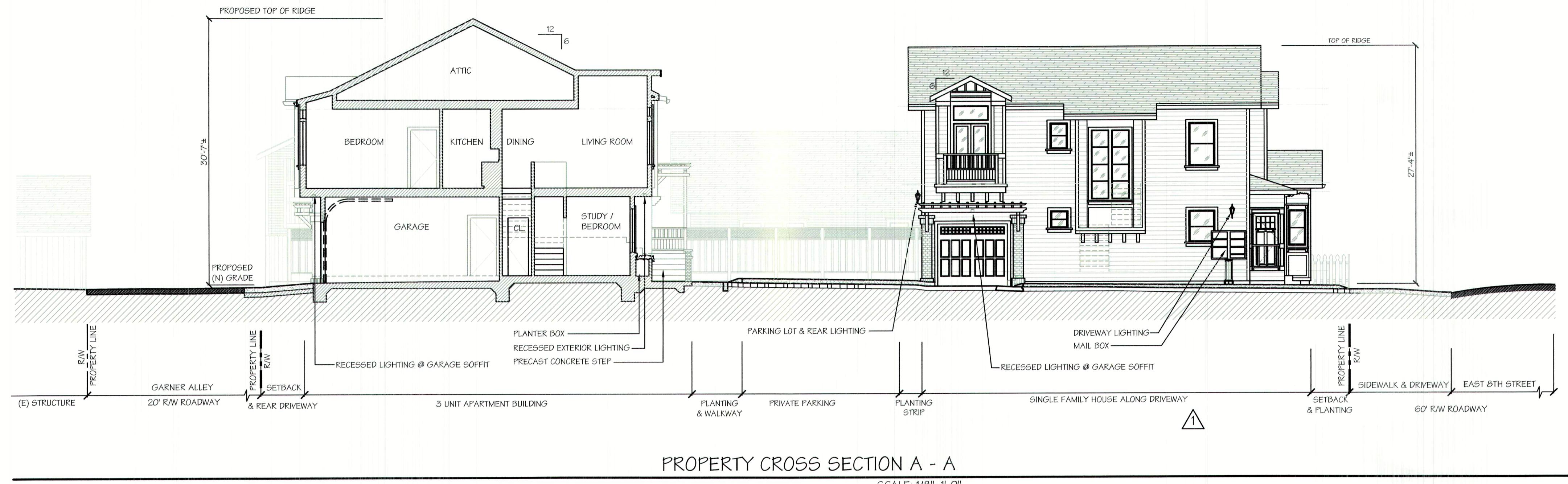
FINISH SCHEDULE

- Roofing:
 - 1 Asphalt Composition Shingles: Cool Antique Slate
- Paint On Upper Walls:
 - 2 Gable End Field: "Kelly Moore" 196 Villita Exterior Ready
 - 3 Fascia/ Gutter: "Kelly Moore" 23 Swiss Coffee
- Windows:
 - 4 All Other Trim: "Kelly Moore" 212 Saltillo
 - 5 Milgard Windows: Wood or Vinyl "Kelly Moore" 23 Swiss Coffee
- 6" Hardiplank Fiber Cement Lap Siding:
 - 2 Building Field Color: "Kelly Moore" 196 Villita Exterior Ready
- Wainscoting and Column Bases:
 - 5 Cultured Stone High Desert Used Brick

ELEVATION NOTES

1. EXTERIOR CEMENT PLASTER APPLIED O/ WOOD SHEATHING SHALL BE APPLIED O/ TWO LAYERS GRADE 'D' PAPER AS PER THE U.B.C. SECTION 2506.4.
2. EXTERIOR CEMENT PLASTER SHALL NOT BE LESS THAN THREE COATS, 7/8" THICK MIN. WHEN APPLIED O/ METAL LATH AS PER THE U.B.C.
3. ALL DOWNSPOUTS SHALL BE CONNECTED TO A PERIMETER DRAIN LINE. SEE NOTE ON COVER DWG.
4. EXTERIOR CEMENT PLASTER TO HAVE 26 GA GALVANIZED WEEP SCREED (WITH A MINIMUM 0.019-INCH), AT FOUNDATION PLATE LINE AT LEAST 4" ABOVE GRADE (OR 2 INCHES ABOVE CONCRETE OR PAVING AND SHALL BE OF A TYPE WHICH WILL ALLOW TRAPPED WATER TO DRAIN TO THE EXTERIOR OF THE BUILDING) SECTION 2506.5.
5. (T) = TEMPERED OR SAFETY GLASS

DESCRIPTION	UNIT #A	UNIT #B	UNIT #C
First Floor Area			
1st Living Space Habitable	254 sf	217 sf	263 sf
Unconditioned Space	44 sf	41 sf	40 sf
Garage	224 sf	224 sf	224 sf
Second Floor Area			
2nd Living Space Habitable	641 sf	607 sf	649 sf
Total Living Area			
	895± SF	825± SF	912± SF



PROPERTY CROSS SECTION B - B

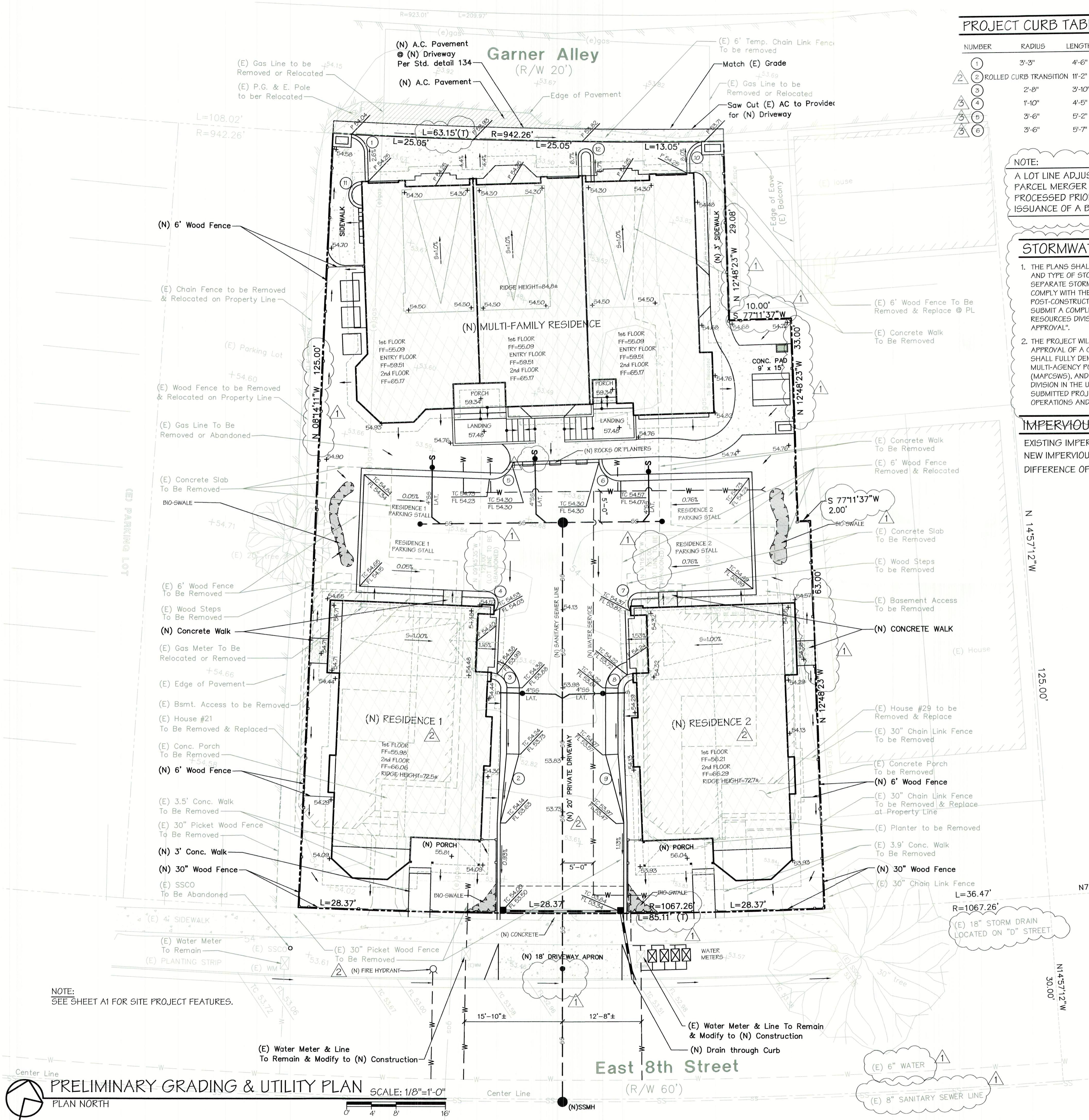
SCALE: 1/8"=1'-0"

SCALE: 1/8" = 1'-0"
HORIZONTAL & VERTICAL

F·ADM·I·R·C·H·I·T·E·C·T

Frank Auf der Maur, Jr.

Date: 3/04/17
Scale: 1/8"=1'-0"
Design: F. AdM
Drawn: MLWH
Job: -
Sheet: A4
Of 6 Sheets 9



PROJECT CURB TABLE

NUMBER	RADIUS	LENGTH	NUMBER	RADIUS	LENGTH
1	3'-3"	4'-6"	8	1'-10"	4'-0"
2	ROLLED CURB TRANSITION	11'-2"	9	2'-8"	3'-8"
3	2'-8"	3'-10"	10	1'-10"	4'-5"
4	1'-10"	4'-5"	11	3'-6"	5'-2"
5	3'-6"	5'-7"	12	2'-2"	6'-11"
6	3'-6"	5'-7"		1'-3"	3'-11"

LEGEND

PROPOSED	EXISTING
PROPERTY LINE	WATER LINE
WATER BLOW-OFF	WATER LINE
SANITARY SEWER LINE	SANITARY SEWER LINE
SANITARY SEWER MANHOLE	SANITARY SEWER CLEAN OUT
CONCRETE CURB LINE	CONCRETE CURB LINE
TOP OF CURB	TC 53.72
FLOW LINE ELEVATION	FL 53.06
PAVEMENT ELEVATION	+53.82
SPOT ELEVATION	+53.82
FLOW ARROW	←
FINISH FLOOR	FF
SANITARY SEWER	SS
SANITARY SEWER LATERAL	LAT.
STORM DRAIN CATCH BASIN	□
NEW PROJECT BOUNDARY	1

NOTE:
A LOT LINE ADJUSTMENT OR A PARCEL MERGER WILL BE PROCESSED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

STORMWATER QUALITY NOTES

1. THE PLANS SHALL CLEARLY CALL OUT THE APPROXIMATE LOCATION AND TYPE OF STORMWATER POST-CONSTRUCTION TREATMENT ON A SEPARATE STORMWATER PAGE, AS WELL AS STATE, "I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE 2015 MULTI-AGENCY POST-CONSTRUCTION STORMWATER STANDARDS AND SHALL SUBMIT A COMPLETE PROJECT STORMWATER PLAN TO THE WATER RESOURCES DIVISION OF THE UTILITIES DEPARTMENT FOR APPROVAL".
2. THE PROJECT WILL BE CONDITIONED SUCH THAT BEFORE THE APPROVAL OF A GRADING OR BUILDING PERMIT, THE APPLICANT SHALL FULLY DEMONSTRATE COMPLIANCE WITH THE 2015 MULTI-AGENCY POST-CONSTRUCTION STORMWATER STANDARDS (MAPCSW5), AND OBTAIN APPROVAL BY THE WATER RESOURCES DIVISION IN THE UTILITIES DEPARTMENT, OF AN ELECTRONICALLY SUBMITTED PROJECT STORMWATER PLAN (PSP) INCLUDING AN OPERATIONS AND MAINTENANCE PLAN.

IMPERVIOUS SURFACE INFORMATION

EXISTING IMPERVIOUS SURFACE 2,721.47 S.F.
NEW IMPERVIOUS SURFACE 7,305.52 S.F.
DIFFERENCE OF IMPERVIOUS SURFACE 4,584.05 S.F.

Center Line
N 145712W
125.00'

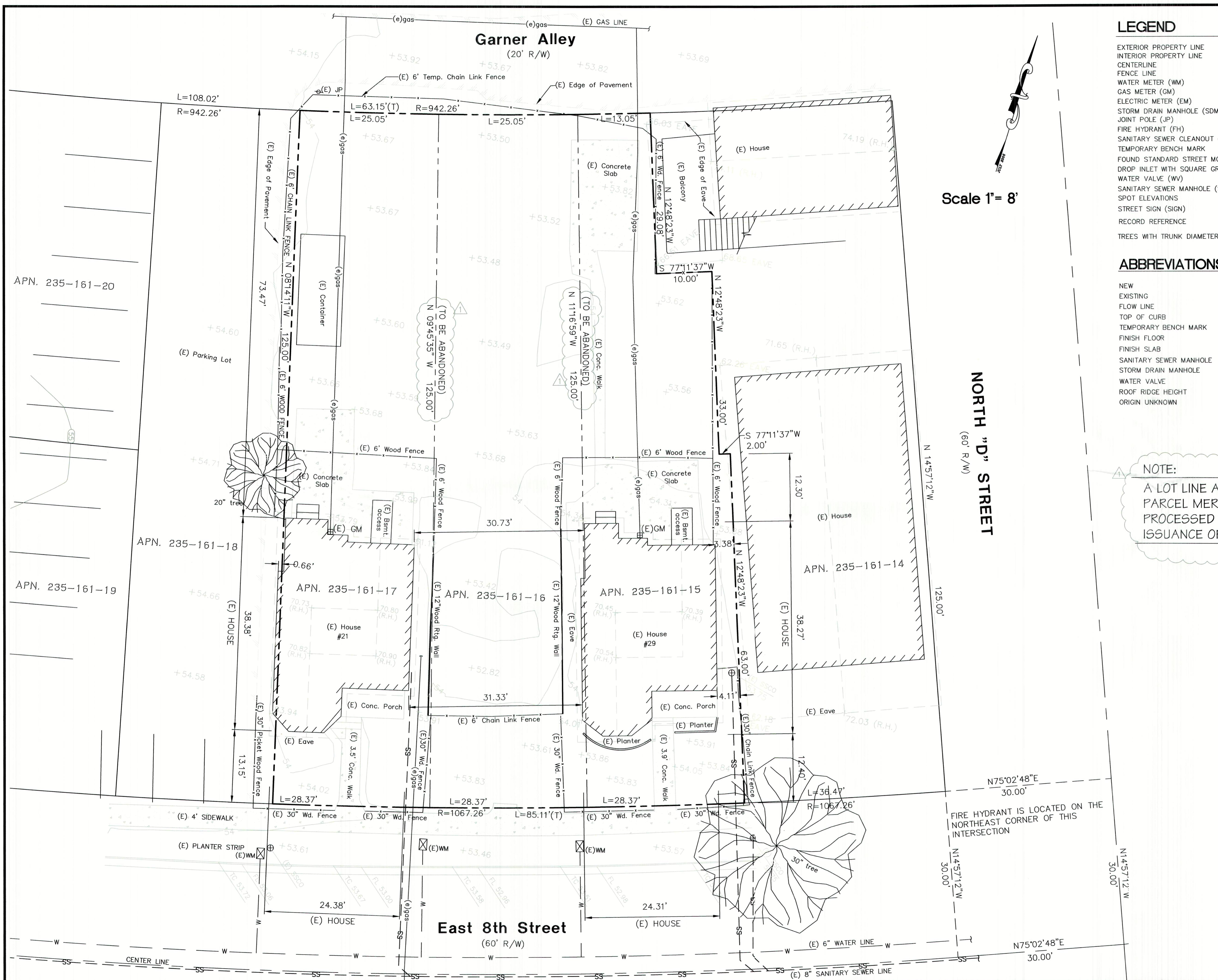
Center Line
N 750248E
30.00'

Center Line
N 145712W
30.00'

GRADING NOTES

1. ALL GRADING IS SUBJECT TO OBSERVATION BY THE CITY OF TRACY. PERMITTEE OR REPRESENTATIVE SHALL NOTIFY THE CITY AT LEAST 48 HOURS BEFORE THE START OF ANY GRADING.
2. CONTRACTOR SHALL EXERCISE ALL NECESSARY CAUTION TO AVOID DAMAGE TO ANY EXISTING TREES AND SURFACE IMPROVEMENTS WHICH ARE TO REMAIN IN PLACE AND SHALL BEAR FULL RESPONSIBILITY FOR ANY DAMAGE THERETO.
3. IT SHALL BE THE RESPONSIBILITY OF THE PERMITTEE OR AGENT TO IDENTIFY, LOCATE AND PROTECT ALL UNDERGROUND FACILITIES.
4. THE PERMITTEE OR AGENT SHALL MAINTAIN THE STREETS, SIDEWALKS AND ALL OTHERS PUBLIC RIGHT-OF-WAY IN A CLEAN, SAFE AND USABLE CONDITION. ALL SPILLS OF SOIL, ROCK, OR CONSTRUCTION DEBRIS SHALL BE REMOVED FROM THE PUBLICLY OWNED PROPERTY DURING CONSTRUCTION AND UPON COMPLETION OF THE PROJECT. ALL ADJACENT PROPERTY, PRIVATE PUBLIC SHALL BE MAINTAINED IN A CLEAN, SAFE AND USABLE CONDITION.
5. GRADING WILL NOT BE ALLOWED BETWEEN OCTOBER 1 AND APRIL 15 OF ANY YEAR WITHOUT EROSION CONTROL PLANS AND MEASURES APPROVED BY THE CITY OF TRACY.
6. ALL GRADING WORK SHALL BE OBSERVED AND APPROVED BY THE SOIL ENGINEER. THE SOIL ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS BEFORE BEGINNING ANY GRADING.
7. EXISTING UNDERGROUND LINES, APPURTENANCES AND FACILITIES WHICH ARE KNOWN TO THE ENGINEER ARE SHOWN FOR INFORMATION ONLY. CONTRACTOR SHALL EXERCISE ALL NECESSARY CAUTION TO AVOID DAMAGE TO ANY EXISTING FACILITIES WHICH ARE TO REMAIN IN PLACE, WHETHER OR NOT SUCH FACILITIES ARE SHOWN ON THE PLANS, AND SHALL BEAR FULL RESPONSIBILITY FOR ANY DAMAGE THERETO. NO WARRANTY IS GIVEN AS TO THE COMPLETENESS AND ACCURACY OF SUCH FACILITIES INFORMATION.
8. ALL CONTRACTORS WILL BE RESPONSIBLE FOR VERIFICATION OF THE LOCATION OF ALL EXISTING UTILITIES IN THE FIELD. LOCATIONS SHOWN ON THE PLANS ARE APPROXIMATE AND FOR GENERAL INFORMATION ONLY.
9. CONTRACTOR SHALL CALL UNDERGROUND SERVICES ALERT "USA" CENTER AT 800-642-2444, A TOLL-FREE NUMBER, 48 HOURS IN ADVANCE OF ANY EXCAVATION ACTIVITY SO ALL UNDERGROUND FACILITIES CAN BE LOCATED AND MARKED.
10. GRADING WORK SHALL CONSIST OF ALL CLEARING, GRUBBING AND STRIPPING, IMPORT-EXPORT OF SOIL, EMBANKMENT EXCAVATION, SPREADING, COMPACTION AND CONTROL OF FILL AND ALL SUBSIDIARY WORK NECESSARY TO COMPLETE THE GRADING OF CONFORM TO THE LINES, GRADES AND SLOPES AS SHOWN ON THE PLANS.
11. THE CONTRACTOR'S RESPONSIBILITY TO CARRY OUT THE CUT FILL AND IMPORT OPERATIONS NECESSARY TO MEET THE DESIGN GRADES AND CONSTRUCTION OF FACILITIES SHOWN ON THE PLANS. ANY EXCESS MATERIAL RESULTING FROM GRADING OPERATIONS BECOMES THE PROPERTY OF THE CONTRACTOR AND SHALL BE REMOVED FROM THE SITE.
12. ALL GRADING SHALL BE PERFORMED IN SUCH A MANNER AS TO COMPLY WITH THE STANDARDS ESTABLISHED BY THE AIR QUALITY MANAGEMENT DISTRICT FOR AIRBORNE PARTICLES (DUST).
13. THESE PLANS DO NOT AUTHORIZE CONSTRUCTION WITHIN THE PUBLIC RIGHT-OF-WAY.
14. WHERE STREET CUTS ARE MADE FOR THE INSTALLATION OF WET AND DRY UTILITIES, APPLICATION OF A 2" THICK ASPHALT CONCRETE OVERLAY WITH REINFORCING FABRIC WILL BE REQUIRED, 25 FEET ON BOTH SIDES OF THE TRENCH AND FOR THE ENTIRE LENGTH OF THE TRENCH. IF THE TRENCH EXTENDS BEYOND THE CHE CENTER LINE OF THE STREET, THE EXTENT OF ASPHALT CONCRETE OVERLAY SHALL BE THE ENTIRE WIDTH OF THE PAVED STREET. EXISTING WATER SERVICE AND METER THAT WILL NOT BE UTILIZED SHALL BE REMOVED FROM THE GROUND UP TO THE POINT OF CONNECTION WITH THE WATER MAIN.
15. SEWER CONNECTION TO THE RESIDENTIAL PROJECT SHALL BE IN ACCORDANCE WITH CITY STANDARDS. INDIVIDUAL SEWER CONNECTION WILL BE ALLOWED. A SEWER CLEANOUT LOCATED BEHIND THE CURB IS REQUIRED FOR EACH SEWER CONNECTION.
16. ELECTRICAL, TELEPHONE AND TV CABLE SERVICE(S) TO THE RESIDENTIAL PROJECT OR TO THE BUILDING(S) SHALL BE CONSTRUCTED AS UNDERGROUND LINE(S) FROM THE SERVICE POLE ON THE STREET OR ALLEY.
17. THE MINIMUM SIZE OF WATER SERVICE AND WATER METER IS 1 INCH. THE EXISTING WATER SERVICE AND METER IS REQUIRED TO BE UPGRADED TO A RADIO-READ WATER METER. IF CURRENTLY A TOUCH-READ WATER METER IT SHALL BE UPGRADED IF IT IS NOT 1 INCH. A NEW 1 INCH-DIAMETER CORPORATION STOP AT THE POINT OF CONNECTION AND A COPPER TUBE FOR THE WATER SERVICE WILL BE REQUIRED. IF A WATER SERVICE IS CONNECTED TO OR WILL SERVE MORE THAN 2 WATER METERS, THE WATER SERVICE HAS TO BE DESIGNED TO ENSURE THAT THE WATER PIPE HAS ADEQUATE CAPACITY TO PROVIDE THE NEEDED WATER FLOW TO THE RESIDENTIAL BUILDINGS.

REVISIONS	BY
CITY COMMENTS	1
9/14/2017	
CITY COMMENTS	3
2/9/2018	
REVISIONS	BY
AN AUF DER MAUR PROJECT	PLEASANTON, CALIFORNIA 94566
21-29 EAST 8TH STREET	(925) 846-7642
PRELIMINARY GRADING & UTILITY PLAN	21-29 EAST 8TH STREET CALIFORNIA
21-29 EAST 8TH STREET	TRACY
F. AdM ARCHITECT	Pleasanton, California 94566 148 Spring Street
Frank Auf der Maur, Jr.	Date: 3/04/17
	Scale: 1/8"=1'0"
	Design: F. AdM/MLWH
	Drawn: MLWH
	Job: 21-29 8th St-GRDPlan-C1
	Sheet: C1
	Of 7 Sheets 9



LEGEND

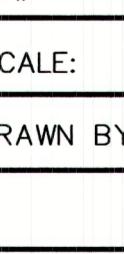
EXTERIOR PROPERTY LINE
INTERIOR PROPERTY LINE
CENTERLINE
FENCE LINE
WATER METER (WM)
GAS METER (GM)
ELECTRIC METER (EM)
STORM DRAIN MANHOLE (SDMH)
JOINT POLE (JP)
FIRE HYDRANT (FH)
SANITARY SEWER CLEANOUT (SSCO)
TEMPORARY BENCH MARK
FOUND STANDARD STREET MONUMENT
DROP INLET WITH SQUARE GRATE
WATER VALVE (WV)
SANITARY SEWER MANHOLE (SSMH)
SPOT ELEVATIONS
STREET SIGN (SIGN)
RECORD REFERENCE
TREES WITH TRUNK DIAMETER NOTED

(N)
(E)
FL
TC
TBM
FF
FS
SSMH
SDMH
WV
(R.H.)
O.U.

ABBREVIATIONS

NEW
EXISTING
FLOW LINE
TOP OF CURB
TEMPORARY BENCH MARK
FINISH FLOOR
FINISH SLAB
SANITARY SEWER MANHOLE
STORM DRAIN MANHOLE
WATER VALVE
ROOF RIDGE HEIGHT
ORIGIN UNKNOWN

NOTE:
A LOT LINE ADJUSTMENT OR A
PARCEL MERGER WILL BE
PROCESSED PRIOR TO THE
ISSUANCE OF A BUILDING PERMIT

REVISIONS		BY
<p>PROPERTY LOCATED AT 21, 25 & 29 EAST 8th STREET Tracy California</p>		
<p>STOCKINGER SURVEYS</p>		
<p>BOX 24 - 1531 GRANDVIEW MARTINEZ CA, 94553 TEL: (925) 228-4949 CELL: (925) 451-1644</p>		
<p>email : goodsurveys6995@pacbell.net</p>		
		
<p>DATE: MARCH, 2017</p>		
<p>JOB# : 21-29 8TH ST-SURVEY</p>		
<p>SCALE: 1" = 8'-0"</p>		
<p>DRAWN BY: MLWH</p>		
<p>Sheet: CS1</p>		
<p>of 8 Sheets 9</p>		

REVISIONS		BY
City Comments	1	
City Comments	2	
City Comments	3	

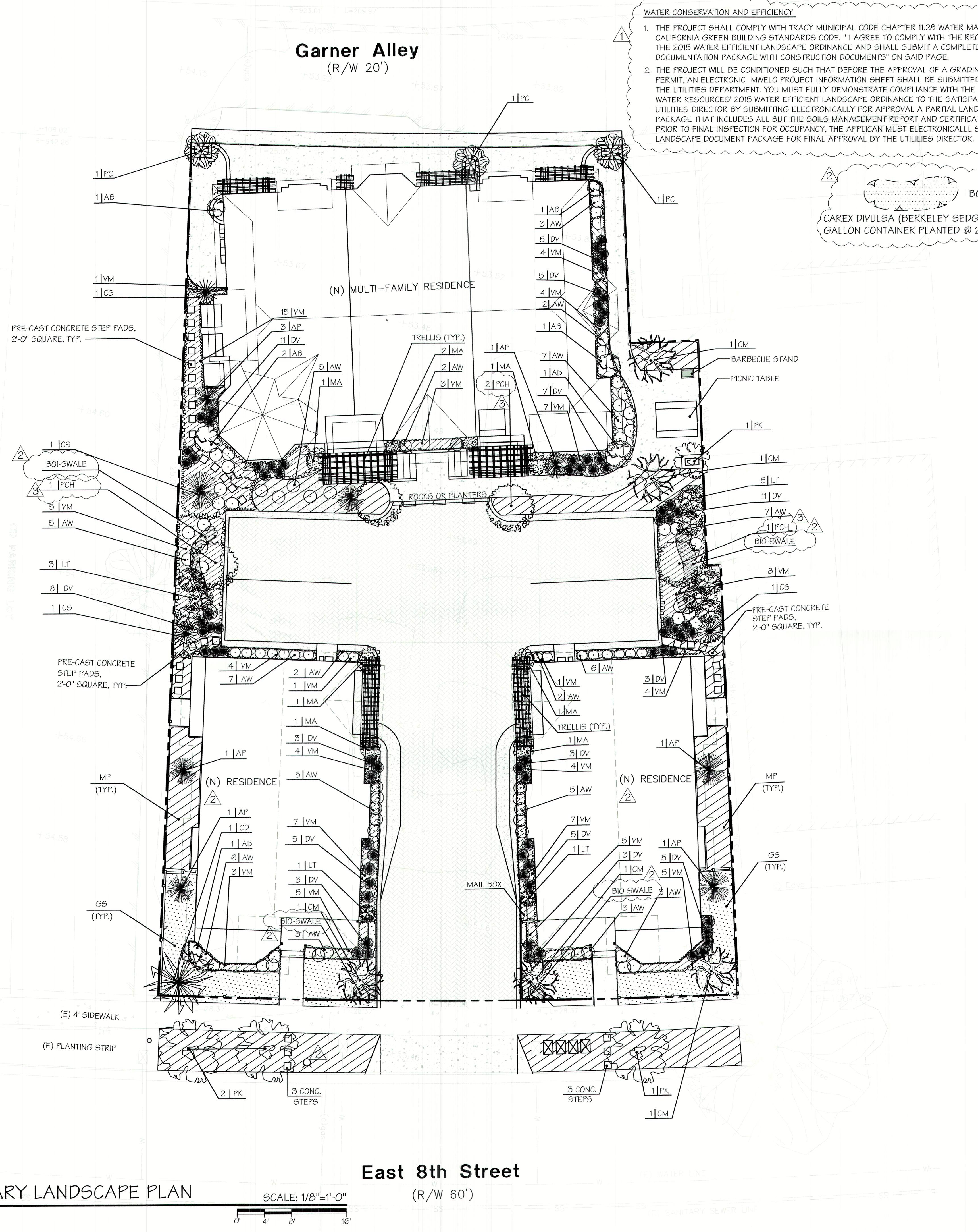
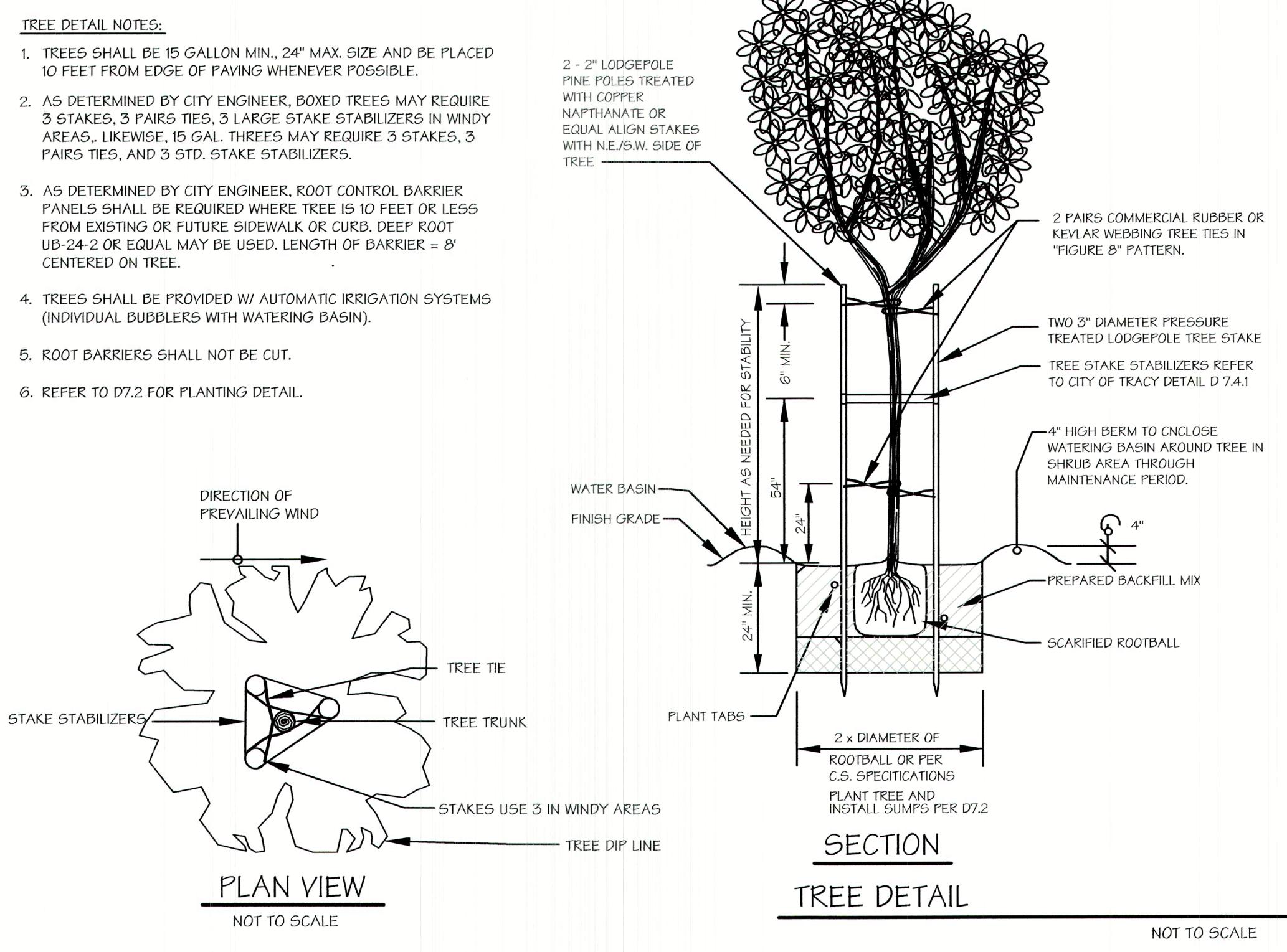
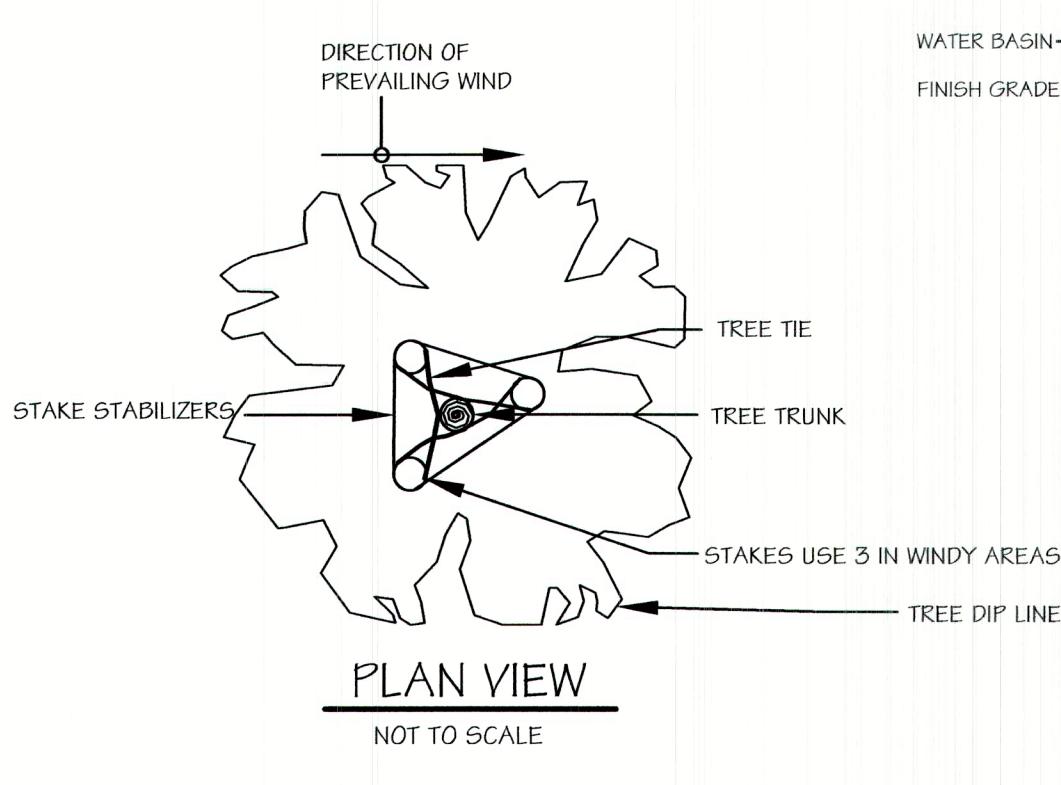
EAST 8TH STREET DOWNTOWN PROJECT
21-29 EAST 8TH STREET
AN AUF DER MAUR PROJECT
PLEASANTON, CALIFORNIA 94566
(925) 846-7642

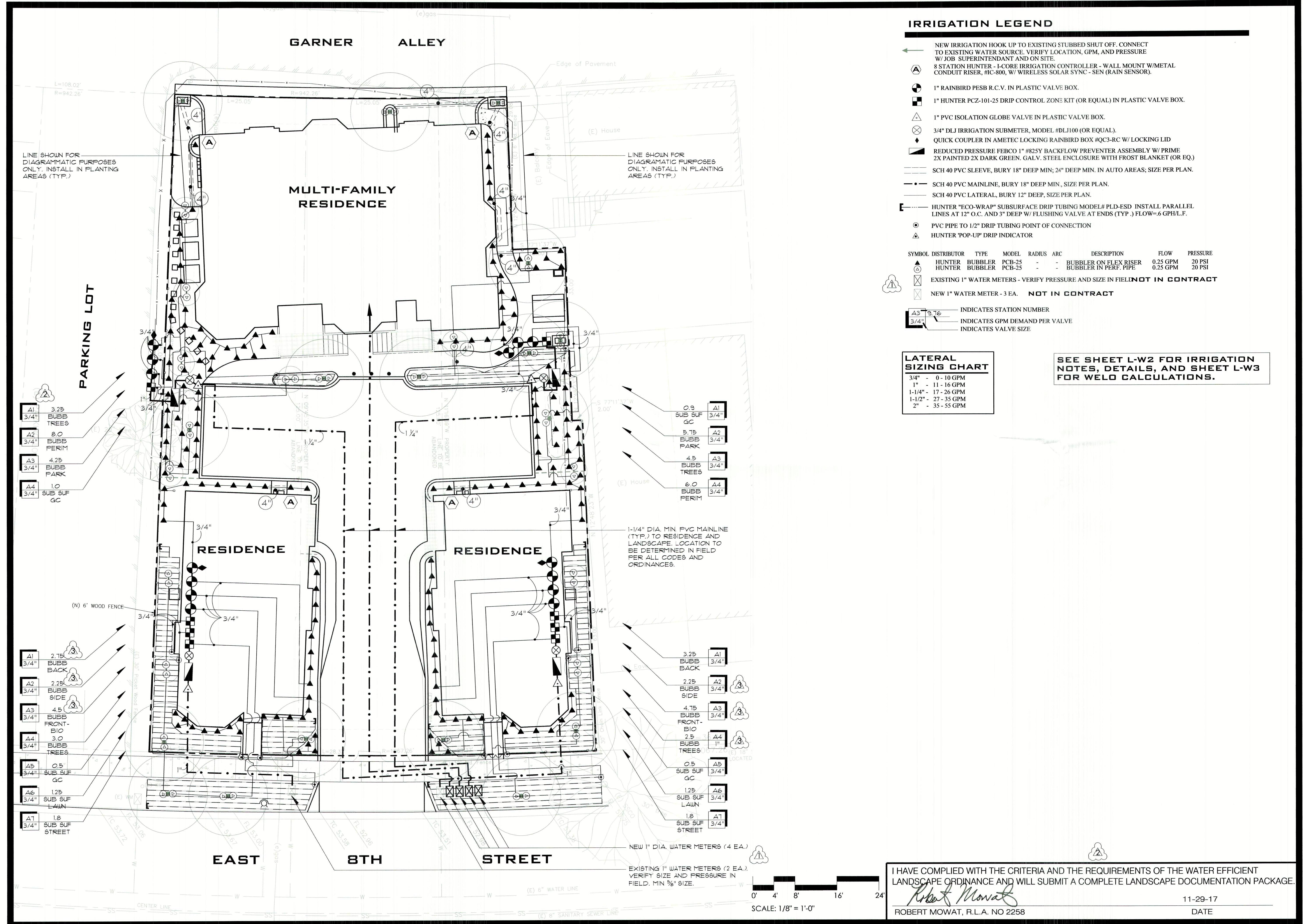
PRELIMINARY LANDSCAPE PLAN
21-29 EAST 8TH STREET
TRACY
Date: 6/15/17
Scale: 1/8"=1'-0"
Design: F. Adm
Drawn: MLWH
Job: 21-29 8th St-Landscape Plan
Sheet: L1
Of 9 Sheets 9

PLANT LEGEND			
QTY.	ABBREV.	SYMBOL	BOTANICAL NAME COMMON NAME
TREES			
1	CD		CEDRUS DEODARA CEDAR
3	PC		PRUNUS CERASIFERA FLOWERING CHERRY
3	PK		PYRUS LAWALLAO,OO ORNAMENTAL PEAR
3	CS		CUPRESSUS SEMPERVIRENS ITALIAN CYPRESS EVERGREEN TREES
5	CM		LAGERSTROEMIA CRAPE MYrtle INDICA
8	AP		ACER PALMATUM JAPANESE MAPLE DECIDUOUS SHRUBS
4	PCH		PISTACHIA CHINENSIS "KEITH DAVEY" CHINESE PISTACHE
SHRUBS			
7	AB		CAPRIFOLIACEAE EVERGREEN SHRUBS
10	LT		PRIVET OLEACEAE EVERGREEN, SEMIEVERGREEN, DECIDUOUS SHRUBS
77	DV		DIETES FORTNIGHT LILY, AFRICAN IRIS, IRIDACEAE PERENNIALS FROM RHIZOMES
67	AW		AGAPANTHUS LILY-OF-THE-NILE, AMARYLLIDACEAE PERENNIALS
8	MA		MACFADYENA CATS CLAW, YELLOW TRUMPET VINE
GROUND COVERS			
97	VM		VINCA MINOR APOCYNACEAE PERENNIALS
GS			SOD LAWN
MP			MYOPORUM PARVIFOLIUM MYOPORUM

TREE DETAIL NOTES:

1. TREES SHALL BE 15 GALLON MIN., 24" MAX. SIZE AND BE PLACED 10 FEET FROM EDGE OF PAVING WHENEVER POSSIBLE.
2. AS DETERMINED BY CITY ENGINEER, BOXED TREES MAY REQUIRE 3 STAKES, 3 PAIRS TIES, 3 LARGE STAKE STABILIZERS IN WINDY AREAS, LIKEWISE, 15 GAL. TREES MAY REQUIRE 3 STAKES, 3 PAIRS TIES, AND 3 STD. STAKE STABILIZERS.
3. AS DETERMINED BY CITY ENGINEER, ROOT CONTROL BARRIER PANELS SHALL BE REQUIRED WHERE TREE IS 10 FEET OR LESS FROM EXISTING OR FUTURE SIDEWALK OR CURB. DEEP ROOT UB-24-2 OR EQUAL MAY BE USED. LENGTH OF BARRIER = 8' CENTERED ON TREE.
4. TREES SHALL BE PROVIDED W/ AUTOMATIC IRRIGATION SYSTEMS (INDIVIDUAL BUBBLERS WITH WATERING BASIN).
5. ROOT BARRIERS SHALL NOT BE CUT.
6. REFER TO D7.2 FOR PLANTING DETAIL.





The logo for Robert Mowat Associates is positioned on the left side of the page. It features a stylized graphic of a green wave or landscape line that slopes upwards from left to right. Above this graphic, the company name "ROBERT MOWAT ASSOCIATES" is written in a large, bold, black, sans-serif font. The entire logo is set against a white background.

21-29
EAST 8TH STREET
DOWNTOWN
TP ACV

IRRIGATION PLAN

DATE
04-05-17
REVISIONS
1 4-10-17
METERS
2 6-19-17
CITY COMMENTS
3 11-29-17
ADD BIOSWALE

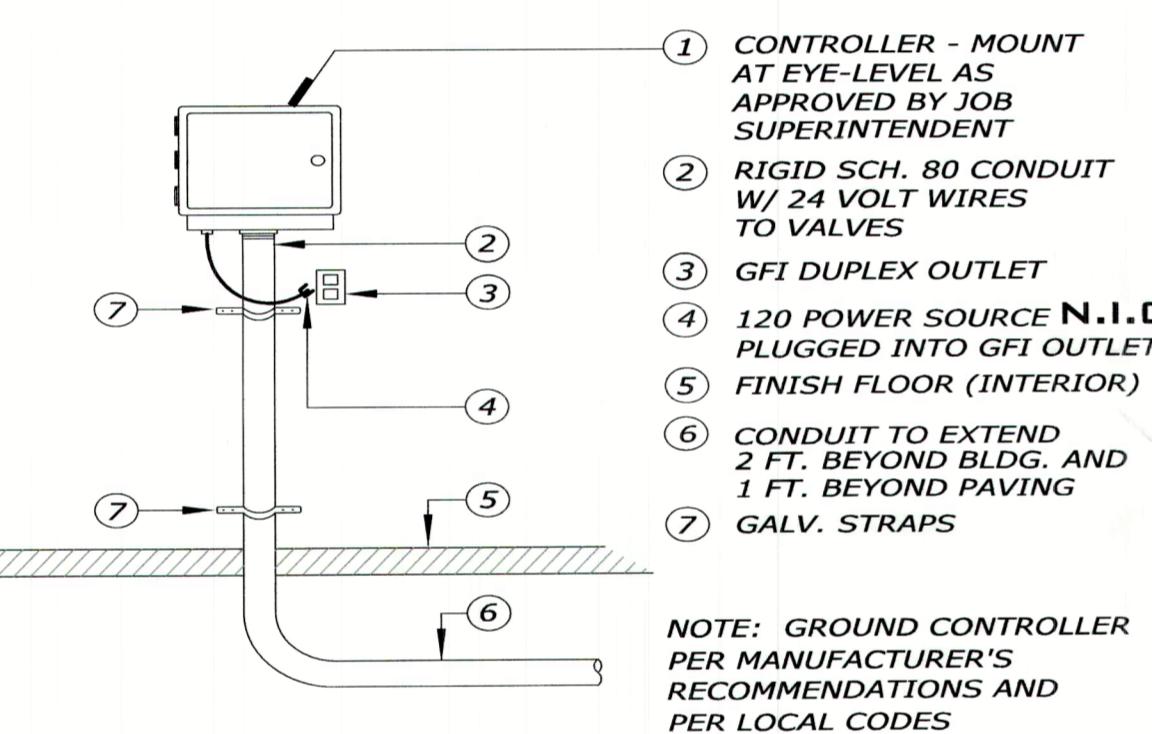
SCALE
1/8"=1'-0"

NORTH

SHEET
L-W

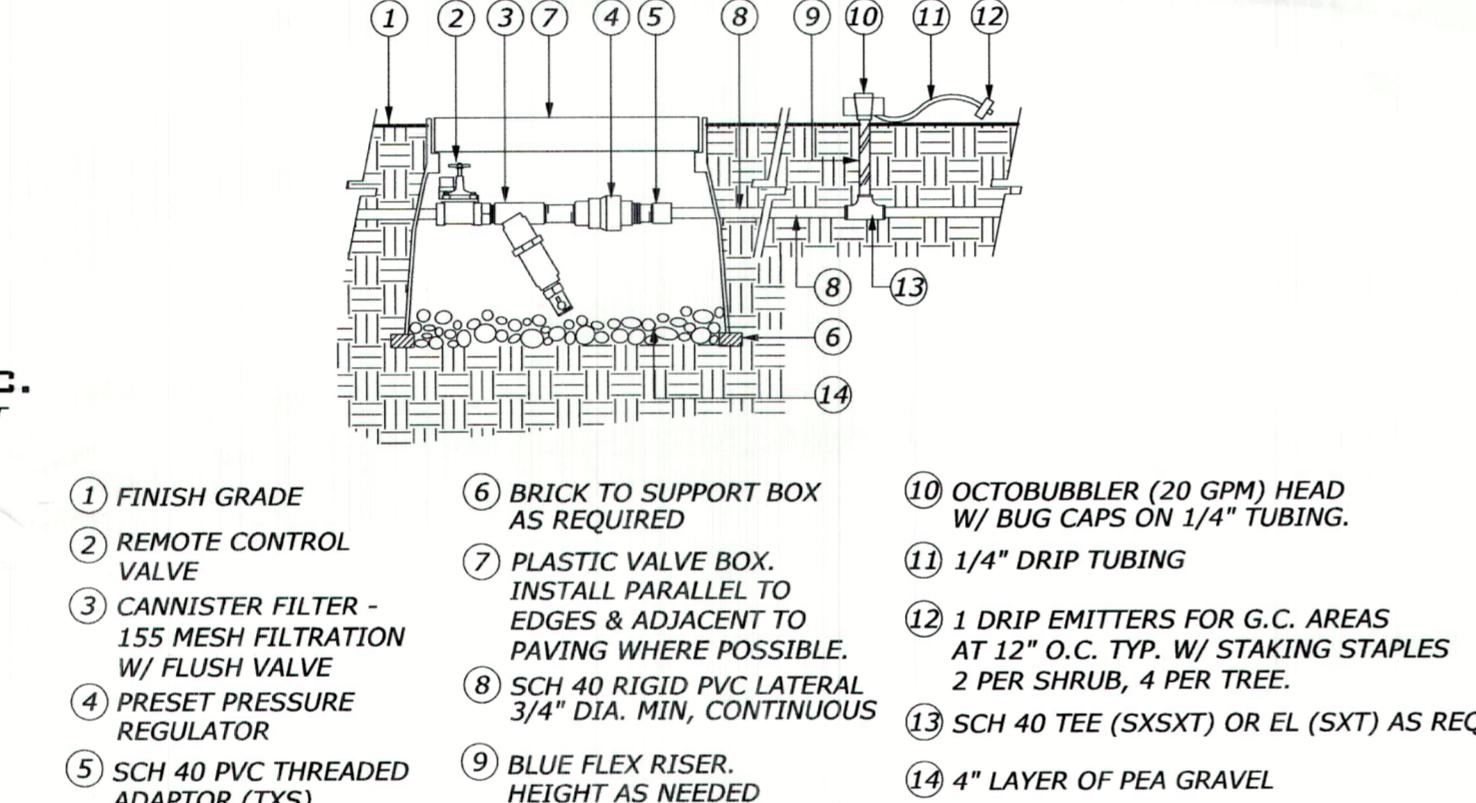
IRRIGATION NOTES

1. THIS DESIGN IS DIAGRAMMATIC. ALL PIPING, VALVES, ETC. SHOWN WITHIN THE PAVED AREAS OR BUILDINGS IS FOR DESIGN CLARIFICATION ONLY AND SHALL BE INSTALLED IN PLANTING AREAS WHERE POSSIBLE. AVOID CONFLICTS WITH PLANTING, PIPINGS, UTILITIES AND ARCHITECTURE WHERE POSSIBLE.
2. DO NOT WILLFULLY INSTALL THE SYSTEMS SHOWN ON THE DRAWINGS WHEN IT IS OBVIOUS IN THE FIELD THAT OBSTRUCTIONS, GRADE DIFFERENCES, GPM AVAILABILITY, OR PRESSURES EXIST THAT MAY NOT HAVE BEEN INCLUDED IN THE ENGINEERING. SUCH OBSTRUCTIONS OR DIFFERENCES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE OWNER AND LAND. ARCH. FOR A DECISION. IN THE EVENT THAT NOTIFICATION IS NOT PERFORMED, THE IRRIGATION CONTRACTOR SHALL ASSUME ALL RESPONSIBILITY FOR ANY REVISIONS NECESSARY.
3. 120 VOLT ELECTRICAL POWER OUTLET AT THE AUTOMATIC CONTROLLER LOCATION SHALL BE PROVIDED BY OTHERS. THE IRRIGATION CONTRACTOR SHALL MAKE FINAL HOOK-UP FROM REMOTE CONTROL VALVES TO CONTROLLER.
4. IT IS THE RESPONSIBILITY OF THE IRRIGATION CONTRACTOR TO FAMILIARIZE THEMSELVES WITH ALL GRADE DIFFERENCES, LOCATION OF WALLS, RETAINING WALLS, UTILITIES, PIPING, BUILDINGS, ETC. HE SHALL COORDINATE HIS WORK WITH THE GENERAL CONTRACTOR FOR THE INSTALLATION OR PIPE SLEEVES THROUGH WALLS, UNDER ROADWAYS, STRUCTURES, ETC.
5. THE IRRIGATION SYSTEM SHALL BE INSTALLED IN CONFORMANCE WITH ALL APPLICABLE STATE AND LOCAL CODES AND ORDINANCES BY A LICENSED LANDSCAPE CONTRACTOR AND EXPERIENCED WORKMEN. CONTRACTOR TO OBTAIN AND PAY FOR ALL IRRIGATION PERMITS AND REQUIRED FEES.
6. CONTRACTOR IS TO CONFIRM THE LOCATION OF EXISTING UTILITIES AND UNDERGROUND STRUCTURES PRIOR TO THE EXCAVATION OF TRENCHES. CONTRACTOR TO REPAIR ANY DAMAGE CAUSED BY, OR DURING THE PERFORMANCE OF, HIS WORK AT NO ADDITIONAL COST TO THE OWNER.
7. SYSTEM IS BASED UPON A STATIC MAINLINE PRESSURE OF 55 P.S.I.. A PRESSURE REDUCER MAY (MAY NOT) BE REQUIRED SO THAT THE STATIC MAINLINE PRESSURE AS MEASURED AT THE POINT OF CONNECTION (AFTER THE BACK FLOW DEVICE) IS 70 P.S.I.. AFTER CALCULATING PRESSURE LOSSES, THE SYSTEM IS DESIGNED TO OPERATE AT APPROXIMATELY 35-40 P.S.I. WORKING PRESSURE AT THE HEADS. THROUGH ANY ONE VALVE, THE SYSTEM IS DESIGNED TO OPERATE AT A MAXIMUM OF 13 GPM.
8. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SLEEVING REQUIRED FOR ELECTRICAL AND IRRIGATION. CONTRACTOR TO COORDINATE AND LOCATE ANY ELECTRICAL AND IRRIGATION SLEEVES PRIOR TO CONCRETE POUR. LANDSCAPE ARCHITECT TO REVIEW LAYOUT PRIOR TO CONCRETE POUR. SLEEVES TO BE SCH 40 PVC PIPE, SET IN A 2" SAND BED CONTINUOUS AROUND ENTIRE SLEEVE, WITH MARKING TAPE AT EACH END. EXTEND PAST PAVING 6"
9. TRENCHES ARE TO BE OF SUFFICIENT DEPTH TO PROVIDE 18" OF COVER OVER MAINLINE LATERAL LINES PRIOR TO THE INSTALLATION OF IRRIGATION HEADS. MAINLINE TO BE VISUALLY INSPECTED FOR LEAKS UNDER FULL OPERATING PRESSURE PRIOR TO BACKFILLING. MAINLINE UNDER STREETS TO BE 24" DEEP; MINIMUM.
10. FLUSH MAINLINES PRIOR TO THE INSTALLATION OF REMOTE CONTROL VALVES. FLUSH LATERAL LINES PRIOR TO THE INSTALLATION OF IRRIGATION HEADS. MAINLINE TO BE VISUALLY INSPECTED FOR LEAKS UNDER FULL OPERATING PRESSURE PRIOR TO BACKFILLING.
11. IRRIGATION CONTROL WIRE SHALL BE #14, U.L. APPROVED FOR DIRECT BURIAL. COMMON WIRE SHALL BE #14 U.L. APPROVED FOR DIRECT BURIAL, WHITE IN COLOR. WIRES TO BE MULTI-STRAND #18-9 REMOTE CONTROL VALVES SHALL BE A COLOR OTHER THAN WHITE. ALL SPLICES SHALL BE MADE WITHIN REMOTE CONTROL VALVE BOXES. LEAVE 24" EXCESS WIRE COIL AT REMOTE CONTROL LOCATIONS.
12. REMOTE CONTROL VALVE BOXES SHALL BE INSTALLED FLUSH WITH FINISH GRADE (NOT NECESSARILY PLUMB). ALIGN VALVE BOXES WITH ADJACENT PAVEMENT EDGES OR STRUCTURES. VALVE BOXES SHALL BE PLASTIC WITH BOLT DOWN LIDS AND WITH WHITE NUMBERED VALVE STATIONS IN STENCILS.
13. ALL EXCAVATIONS SHALL BE BACKFILLED TO 90% COMPACTION (MIN). CONTRACTOR TO REPAIR SETTLED TRENCHES FOR ONE YEAR AFTER COMPLETION OF WORK.
14. CONTRACTOR TO MAKE MINOR ADJUSTMENTS IN HEAD LOCATIONS AND ADJUST HEADS FOR RADIUS (ARC IF APPLICABLE), TO OPTIMUM COVERAGE, AND TO ELIMINATE SPRAYING ONTO PAVEMENT, BUILDINGS, AND WALLS. ADD HEADS AS NECESSARY FOR HEAD TO HEAD COVERAGE. INSTALL FLAT HEADS NEAR BLDGS.
15. CONTRACTOR TO MAINTAIN A SET OF "AS-BUILT" DRAWINGS THROUGHOUT THE COURSE OF CONSTRUCTION AND DELIVER THESE DRAWINGS TO THE OWNER / HOA UPON THE COMPLETION OF WORK. THE DRAWINGS SHALL BE IN REPRODUCIBLE FORM.
16. CONTRACTOR SHALL GUARANTEE THE SYSTEM AND MATERIALS TO BE FREE FROM DEFECTS FOR A PERIOD OF ONE YEAR STARTING WITH ACCEPTANCE AT THE FINAL SITE REVIEW.
17. CHECK VALVES OR ANTI-DRAIN VALVES ARE REQUIRED ON ALL SPRINKLER HEADS WHERE LOW POINT DRAINAGE COULD OCCUR.
18. THE IRRIGATION CONTRACTOR SHOULD ARRANGE WITH THE LAND. ARCH. & OWNER REP. FOR A SITE REVIEW OF THE SYSTEM. CALL WITH TWO DAYS PRIOR NOTICE TO ARRANGE REVIEW DATES. REVIEWS WILL BE SCHEDULED TO REVIEW:
 1. PRESSURE TEST TO MAIN LINE PRIOR TO BACKFILLING TRENCHES.
 2. COVERAGE TEST OF SPRINKLER SYSTEM PRIOR TO PLANTING.
 3. FINAL WALK-THROUGH OF ALL ASPECTS OF THE IRRIGATION SYSTEM.
19. WATER JET ALL IRRIGATION TRENCHES, TYPICAL.
20. A DIAGRAM OF THE IRRIGATION PLAN SHOWING HYDROZONES SHALL BE KEPT WITH THE IRRIGATION CONTROLLER FOR SUBSEQUENT MANAGEMENT PURPOSES.
21. AN IRRIGATION AUDIT REPORT SHALL BE COMPLETED AT THE TIME OF FINAL INSPECTION.
22. PRESSURE REGULATING DEVICES ARE REQUIRED IF WATER PRESSURE IS BELOW OR EXCEEDS THE RECOMMENDED PRESSURE OF THE SPECIFIED IRRIGATION DEVICES.



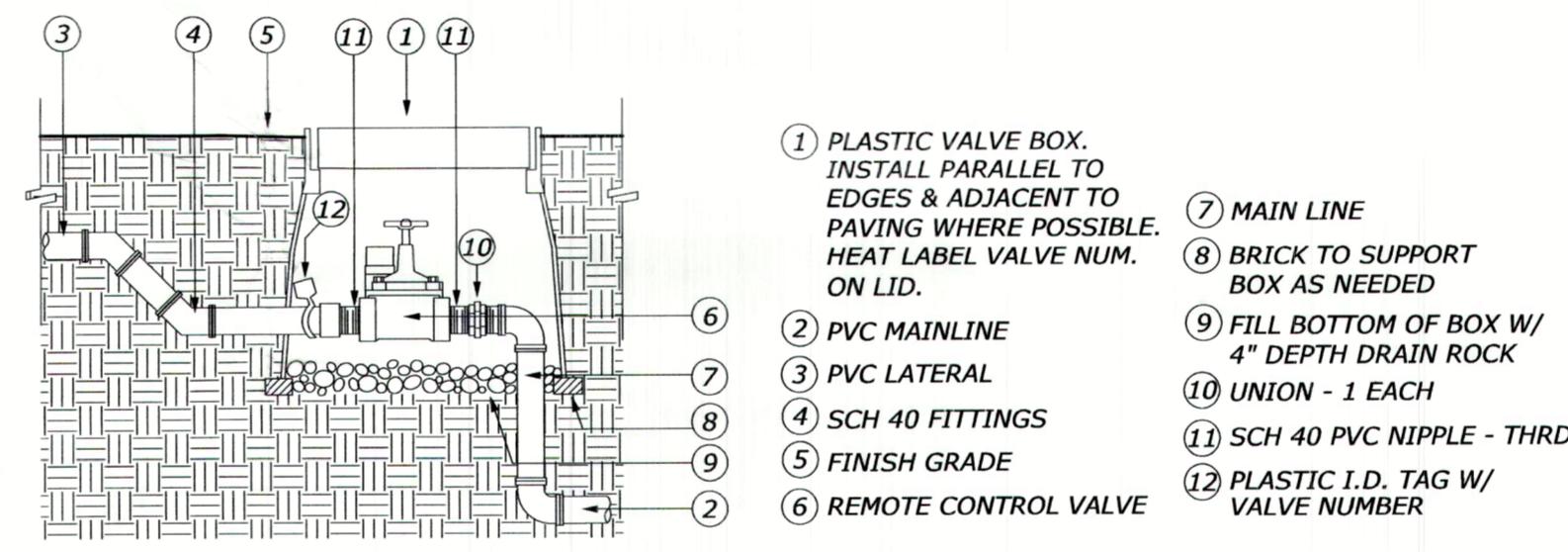
WALL MOUNT CONTROLLER

NOT TO SCALE



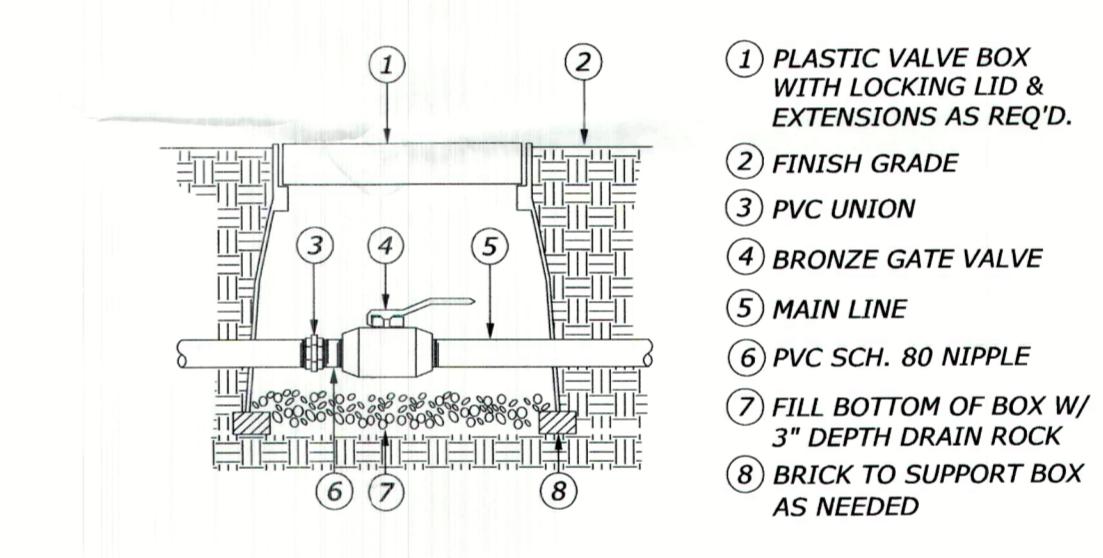
Drip Remote Control Assembly

NOT TO SCALE



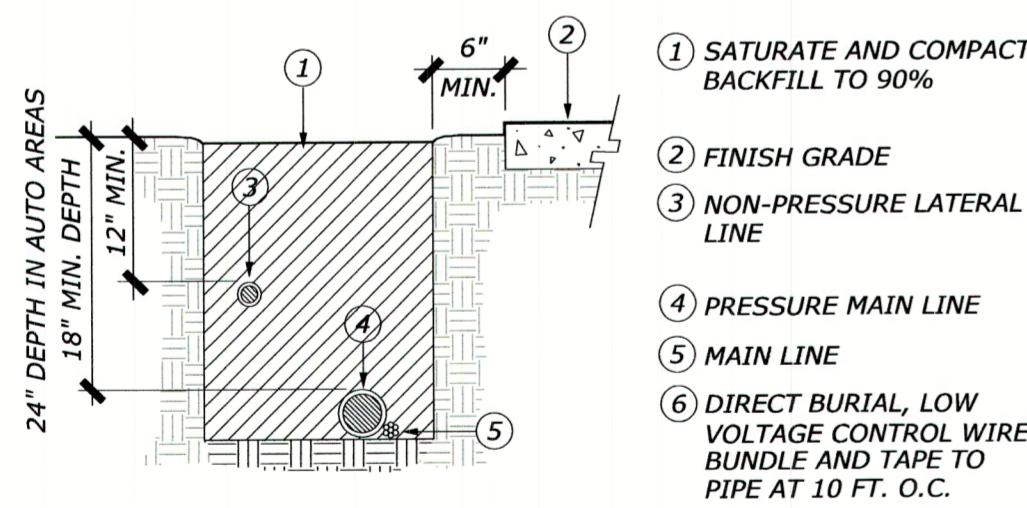
REMOTE CONTROL VALVE

NOT TO SCALE



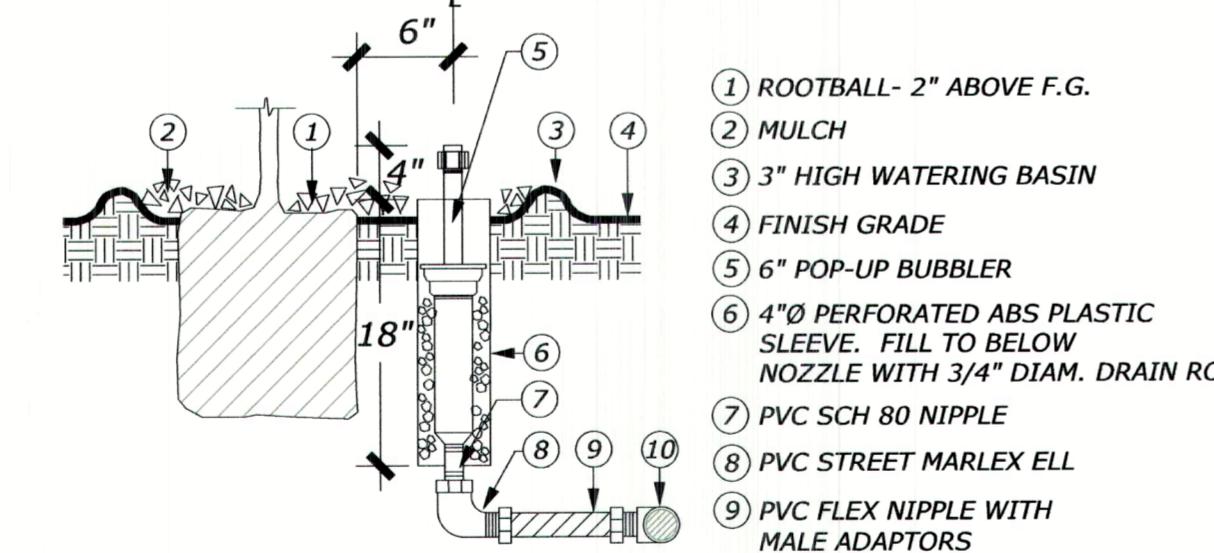
GATE VALVE

NOT TO SCALE



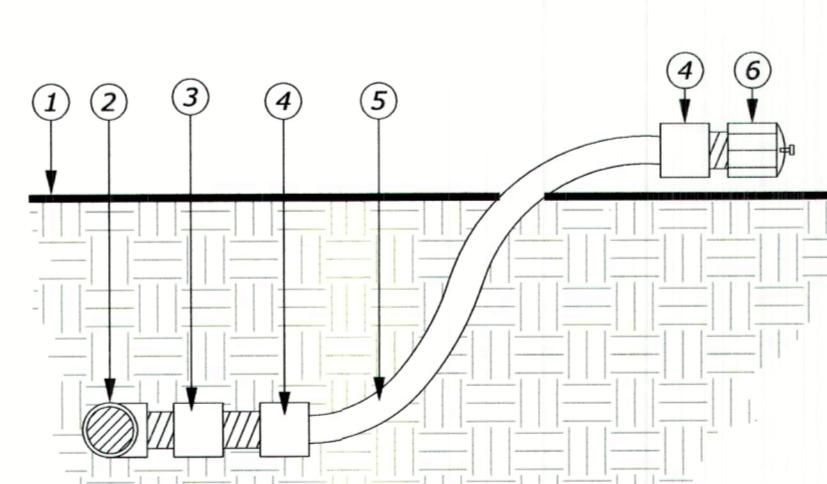
TRENCH LAYOUT

NOT TO SCALE



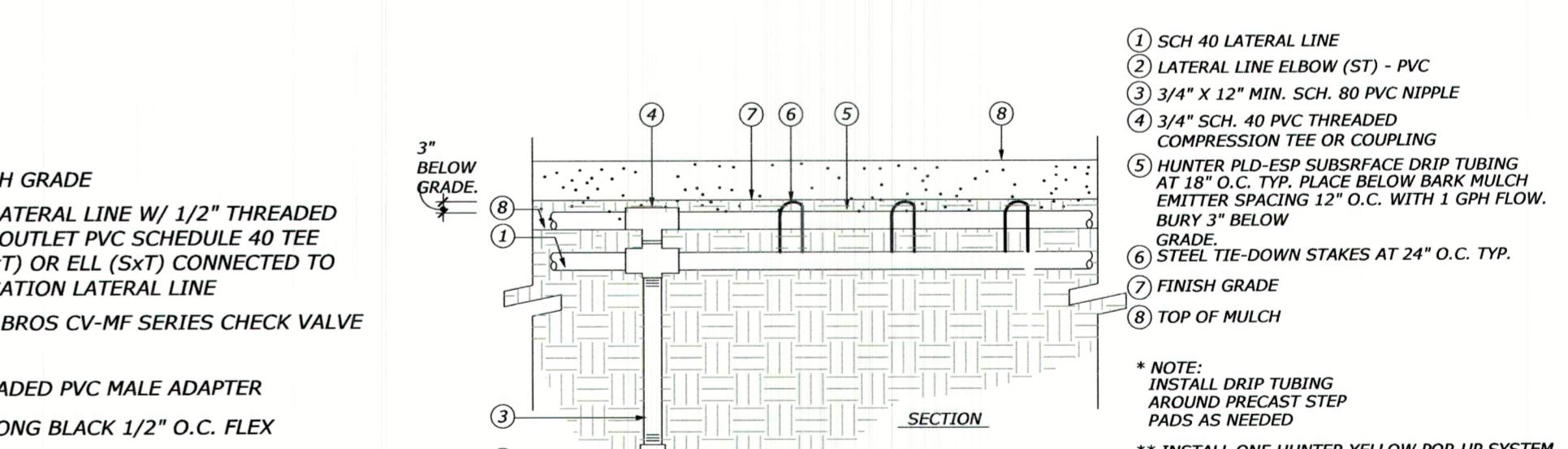
POP-UP BUBBLER HEAD

NOT TO SCALE



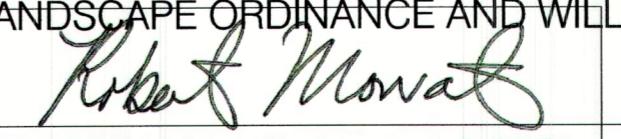
BUBBLER HEAD

NOT TO SCALE



SUB SURFACE DRIP IRRIGATION

NOT TO SCALE

I HAVE COMPLIED WITH THE CRITERIA AND THE REQUIREMENTS OF THE WATER EFFICIENT LANDSCAPE ORDINANCE AND WILL SUBMIT A COMPLETE LANDSCAPE DOCUMENTATION PACKAGE.

 ROBERT MOWAT, R.L.A. NO 2258

11-29-17

DATE

SHEET
L-W2
OF 3

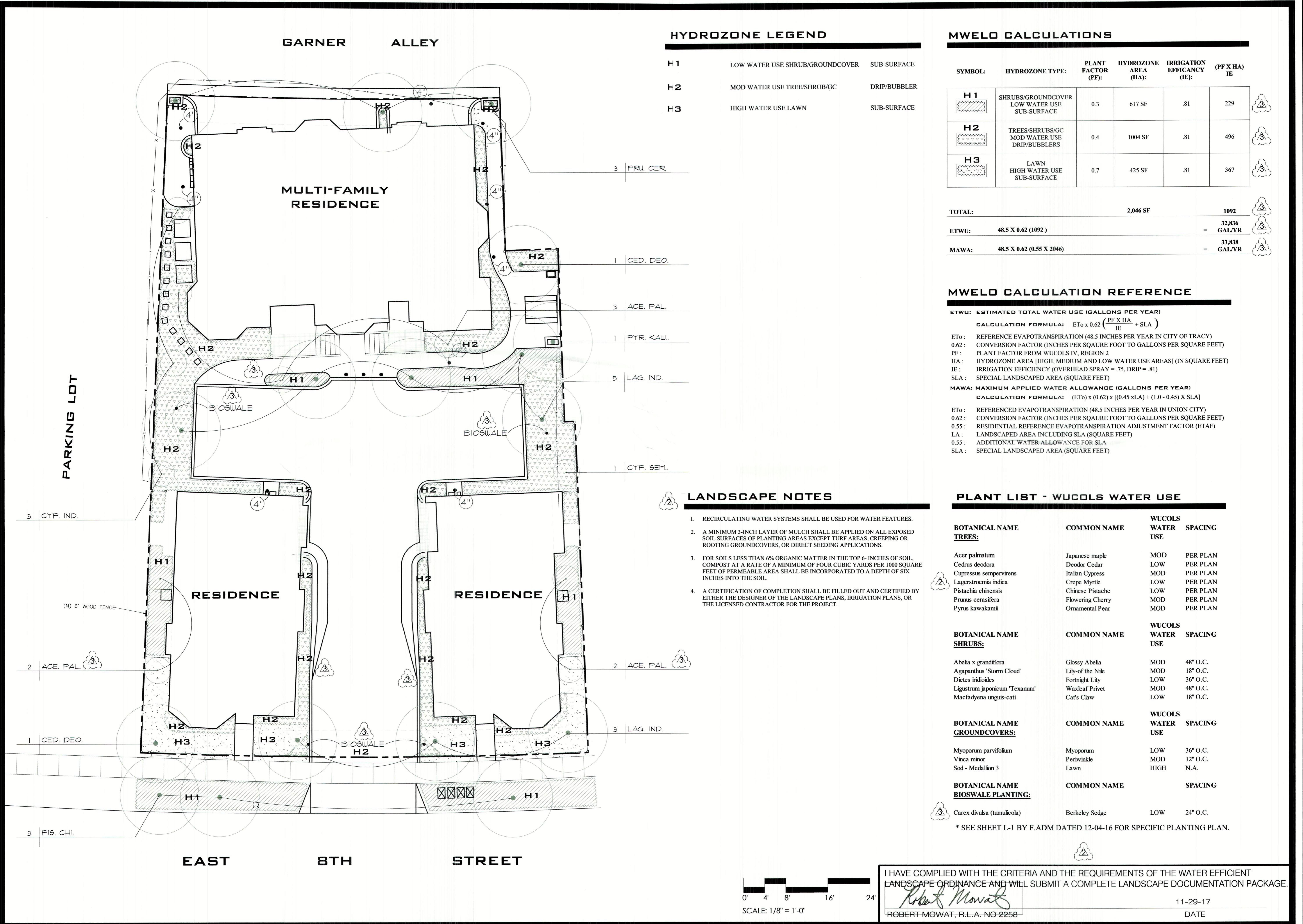
IRRIGATION NOTES AND DETAILS

DATE
04-05-17
REVISIONS
6-19-17
CITY COMMENTS

SCALE
1/8"=1'-0"

21-29
EAST 8TH STREET
DOWNTOWN
TRACY, CA

ROBERT MOWAT ASSOCIATES
LANDSCAPE ARCHITECTURE + LAND PLANNING
1501 N. Broadway, Suite 400 Walnut Creek, CA 94596
Phone 925.705.7424 Fax 925.954.1390
www.rmallandscape.com



APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION NO. _____

**RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT A
RESOLUTION 1) APPROVING A THREE-YEAR TIME EXTENSION FOR THE
DEVELOPMENT REVIEW PERMIT (D16-0036) TO CONSTRUCT A FIVE-UNIT
RESIDENTIAL PROJECT LOCATED AT 21, 25, AND 29 E. EIGHTH STREET,
AND 2) DETERMINING THAT THE PROJECT IS EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO
CEQA GUIDELINES SECTION 15332, APPLICATION NUMBER EXT22-0001**

WHEREAS, An ordinance (Ordinance 1282) amending the Central Business District (CBD) Zone to permit high-density residential uses was introduced at a regular meeting of the City Council on December 17, 2019 and adopted by the City Council on January 21, 2020; and

WHEREAS, On December 17, 2019, City Council approved a Development Review Permit (D16-0036) to construct a five-unit residential project consisting of two single-family dwellings and a triplex on an approximately 9,885 square-foot site located at 21, 25, and 29 E. Eighth Street (Resolution No. 2019-254) with an effective date of February 20, 2020 to be the same as the effective date of the ordinance to amend the CBD Zone (Ordinance 1282); and

WHEREAS, In accordance with Tracy Municipal Code Section 10.08.3980, a Development Review Permit lapses after two years unless a building permit is issued or the property owner applies for an extension of the permit; and

WHEREAS, Prior to the expiration of the Development Review Permit (D16-0036) on February 20, 2022, the applicant submitted a time extension request; and

WHEREAS, Time extension requests are subject to the approval authority of the same body that approved the original permit, which in this case was the City Council with recommendation by the Planning Commission; and

WHEREAS, The subject property is located in the Central Business District (CBD) Zone and has a General Plan land use designation of Downtown; and

WHEREAS, The General Plan states that residential development is strongly encouraged in the Downtown and allowed at a density of 15 to 50 units per gross acre; and

WHEREAS, The project is consistent with the General Plan and the CBD Zone, including the permitted uses and density requirements; and

WHEREAS, The proposed architecture is consistent with the City's Design Goals and Standards; and

WHEREAS, The project includes a one-car garage parking space for each dwelling unit and a total of four additional uncovered parking spaces on the property; and

WHEREAS, To satisfy the minimum off-street parking requirements, the project is utilizing the CBD Zone Parking-in-Lieu Fee Pilot Program of \$0, which was extended to October 6, 2025 by City Council Resolution 2019-160; and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the project on August 24, 2022; now, therefore, be it

RESOLVED: That the Planning Commission recommends that the City Council adopt a resolution approving a three-year time extension for the Development Review Permit (D16-0036) to construct a five-unit residential project located at 21, 25, and 29 E. Eighth Street, Application Number EXT22-0001, subject to the conditions of approval contained in Exhibit 1 and based on the following findings:

1. The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy because the building architecture includes an attractive design featuring a high-level of detailing and articulation on all four sides of each building, a well-designed gable roof with variation and multiple gable elements to create visual interest and appeal, use of multiple building materials, including wood siding and brick, variation in the building façade depth, ample use of windows, bay windows, front porches, driveway pavers, and an overall design character and architectural details that are inspired by and complement the residential architecture that exists in the surrounding neighborhood.
2. The proposal conforms to Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, the City of Tracy General Plan, the Citywide Design Goals and Standards, applicable Infrastructure Master Plans, and other City regulations.

FURTHER RESOLVED: That the Planning Commission recommends that the City Council adopt a resolution determining that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 because the project is characterized as in-fill development and (1) is consistent with the General Plan designation of Downtown and all applicable General Plan policies, as well as consistent with the Central Business District (CBD) Zone and with all applicable zoning regulations, (2) occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses, (3) has no value as habitat for endangered, rare or threatened species, (4) would not result in any significant effects relating to traffic, noise, air quality, or water quality, and (5) can be adequately served by all required utilities and public services; and be it

* * * * *

The foregoing Resolution 2022-_____ was adopted by the Planning Commission on August 24, 2022, by the following vote:

AYES:	COMMISSION MEMBERS:
NOES:	COMMISSION MEMBERS:
ABSENT:	COMMISSION MEMBERS:
ABSTENTION:	COMMISSION MEMBERS:

CHAIR

ATTEST: _____

STAFF LIAISON

**City of Tracy
Development Review Permit
Conditions of Approval**

Five-Unit Residential Project at 21, 25, and 29 E. Eighth Street

Application Numbers D16-0036 and EXT22-0001

August 24, 2022

These Conditions of Approval shall apply to the Development Review permit to construct a five-unit residential project, consisting of two single-family dwellings and a triplex on an approximately 9,885 square-foot site located at 21, 25, and 29 E. Eighth Street, Assessor's Parcel Numbers 235-161-15, -16, and -17, Application Number D16-0036 and EXT22-0001 (hereinafter "Project"), proposed by Mark Watrous-Heyliger (hereinafter "Applicant").

A. Definitions.

The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "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.
3. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, the Development Services Director, or the City Engineer, to perform the duties set forth herein.
4. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director, to perform the duties set forth herein.
5. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
6. "Conditions of Approval" means these conditions of approval applicable to the Development Review permit to construct a five-unit residential project, consisting of two single-family dwellings and a triplex on an approximately 9,885 square-foot site located at 21, 25, and 29 E. Eighth Street, Assessor's Parcel Numbers 235-161-15, -16, and -17, Application Numbers D16-0036 and EXT22-0001.

7. "Property" means the subject property of the Development Review permit to construct a five-unit residential project, consisting of two single-family dwellings and a triplex on an approximately 9,885 square-foot site located at 21, 25, and 29 E. Eighth Street, Assessor's Parcel Numbers 235-161-15, -16, and -17, Application Numbers D16-0036 and EXT22-0001.

B. Planning Division Conditions of Approval

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project boundaries, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for the California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").
2. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
3. 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 that are within the purview of the Mitigation Fee Act [Government Code section 66000 et seq.] ("Exactions") and imposed on this Project by these Conditions of Approval) shall commence on the date of the conditional approval of this Project. If the Developer fails to file a protest of the Exactions 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 of the Exactions. The terms of this paragraph shall not affect any other deadlines or statutes of limitations set forth in the Mitigation Fee Act or other applicable law, or constitute a waiver of any affirmative defenses available to the City.
4. Except as modified herein, the project shall be developed in substantial compliance with the plans received by the Development Services Department on October 30, 2019, to the satisfaction of the Development Services Director.
5. Prior to the issuance of a building permit, a lot line adjustment merging the subject property into one lot shall be approved by the City Engineer and recorded at the San Joaquin County Recorder's Office, to the satisfaction of the Development Services Director.
6. Prior to the issuance of a building permit, the developer shall submit a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, the City's Water Efficient Landscape Ordinance, and all other applicable City regulations, to the satisfaction of the Development Services Director.

7. Prior to issuance of a building permit, the construction documents shall comply with California Building Standards Commission (Cal Green Code Emergency Standards; Title 24, Part 11) regarding landscaping and irrigation water efficiency to the satisfaction of the Utilities Director.
8. 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 APCD.
9. All PG&E transformers, phone company boxes, Fire Department connections, back flow prevention devices, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, or painted to match the adjacent building or landscaping, to the satisfaction of the Development Services Director.
10. All vents, gutters, downspouts, flashing, electrical conduit, etc. shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior, to the satisfaction of the Development Services Director.
11. Prior to the issuance of a building permit, the developer shall comply with all applicable Stormwater Quality Regulations and the Water Efficient Landscape Ordinance, to the satisfaction of the Water Resources Division of the Utilities Department.
12. Prior to issuance of a building permit, the Developer shall provide plans to show that where landscape planters are parallel and adjacent to the side of a vehicular parking space, a 12-inch wide concrete curb shall be provided to allow for pedestrian access to vehicles without damage to landscape areas.
13. Prior to issuance of a building permit, the Developer shall comply with all requirements of the California Fire Code, to the satisfaction of the South County Fire Authority, including but not limited to the following:
 - a. Prior to issuance of a building permit, the Developer shall provide civil plans demonstrating that the location of the fire sprinkler supply line and riser locations are acceptable to the South County Fire Authority.
 - b. Prior to issuance of a building permit, the Developer shall provide plans that demonstrate adequate sprinklers, to the satisfaction of the South County Fire Authority.
 - c. Prior to final inspection, the Developer shall provide signage and paint red curb stating "No Parking Fire Lane" at the access and rolled curbing, to the satisfaction of the South County Fire Authority.
14. Prior to issuance of a building permit, the Developer shall submit plans that comply with all requirements of the California Building Code, to the satisfaction of the Chief Building Official.

C. Engineering Division Conditions of Approval

C.1. General Conditions

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

- 1) NONE

C.2. RESERVED

C.3. RESERVED

C.4. Grading Permit

All grading work (on-site and off-site) shall require a Grading Plan. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Geotechnical Engineer. The City will not accept a Grading Permit application for the Project until Developer provides 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 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), septic system(s), and leech field(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, paving recommendations, paving calculations such as gravel factors, gravel equivalence, etc., slope recommendations, and elevation of the highest observed groundwater level, and other information as requested by the City Engineer.

C.4.10 Minor Retaining – Developer shall use reinforced or engineered masonry blocks for retaining soil at property lines when the grade differential among the in-tract lots exceeds twelve (12) inches. Developer will include construction details of these minor retaining walls with the on-site Grading 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 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 (SJCOCG).

- 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 If the Project contains overhead utilities, the 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.
- 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 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. Encroachment Permit

All construction activity involving public improvements will require an approved encroachment permit. Any construction activity involving public improvements without an approved encroachment permit is prohibited. All public improvements shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Civil Engineer. The City will not start processing any encroachment permit application until the Developer provides 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. 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 street 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.

The storm water treatment system shall be located on private property and shall be at least off-set from the right-of-way by one (1) foot.

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 is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plans. The City's responsibility to maintain on the sewer lateral is from the wye/onsite sewer manhole at the right-of-way line/property line/wye fitting to the point of connection with the sewer main.

C.5.1.g. **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.

All water connections shall conform to City Standard Detail No. 403/404 with a continuous copper connection. Any design deviations shall be processed through Section 1.05-1.07 of the 2008 Design Standards.

C.5.1.h. Fire Hydrants – Location and construction details of fire service line including the private 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. Hydrants shall be privately owned and maintained and shall be painted red.

C.5.1.i. Streets – 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. On-site streets shall be privately owned and maintained.

The Project's utility connections, Developer shall use existing utility stubs. If the stubs are not present or additional utility connections are required, the pavement restoration shall conform to C.8.1 of these Conditions.

Developer shall remove all existing driveways not proposed to be used by the project.

- 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 ten (10) 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.5.5. Traffic Control Plan - Prior to starting the work for any work within City's right-of-way, the Developer shall submit a Traffic Control Plan (TCP). TCP can be split among the different construction phases. TCP will show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. TCP shall conform to the Manual on Uniform Traffic Control Devices as amended by the State of California, latest edition (MUTCD-CA). TCP shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Registered Traffic Engineer.

Access and Traffic Circulation to Existing Businesses/Residents - Developer shall take all steps necessary to plan and construct site improvements such that construction operations do not impact safety and access (including emergency vehicles) to the existing businesses and residents throughout the

duration of construction. Developer shall coordinate with the owners and cooperate to minimize impacts on existing businesses. All costs of measures needed to provide safe and functional access shall be borne by the Developer.

- C.5.6. No street trench shall be left open, uncovered, and/or unprotected during night hours and when the Developer's contractor is not performing construction activities. Appropriate signs and barricades shall be installed on the street and on all trenches during such times. If the Developer or its contractor elects to use steel plates to cover street trenches, said steel plates will be skid-resistance, and shall be ramped on all sides. Ramps will be a minimum two-foot wide and will run the entire length of each side.
- C.5.7. If at any point during utility installation or construction in general that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.
- C.5.8 RESERVED
- C.5.9 Off-site Public Improvements - Prior to the Developer commencing construction of off-site public improvements, Developer, if required, shall possess a fully executed Encroachment Permit. Developer shall also complete all of the following requirements to the satisfaction of the City Engineer:
 - Developer has received City signed improvement plans.
 - Developer has paid all required processing fees including plan check and inspection fees.
 - 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

No building permit within the Project boundaries will be approved by the City until the Developer demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

- C.6.1 Developer has completed all requirements set forth in Condition C.1, through C.5, above.
- C.6.2 Developer pays the applicable development impact fees as required in the TMC, these Conditions of Approval, and City Regulations.
- C.6.3 Developer obtains the demolition permits for the existing structures.
- C.6.4 Developer completes the documents to file a lot merger to create one (1) resultant parcel.

C.7 Acceptance of Public Improvements

Public improvements will not be considered for City Council's acceptance until after the Developer demonstrates 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 satisfactorily completed construction of all required/conditioned improvements. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).
- C.7.4 Certified "As-Built" 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.

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 2008 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 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 Developer shall obtain an account for the water service to the Project and register the water meter with the Finance Department. Developer shall prepare and submit a map depicting the location of the water meter on a 8.5-inch X 11-inch sheet to Finance Department.

- C.8.5 Project Entrance As stipulated by Section 5.17 of the 2008 Design Standards, a PCC valley gutter is prohibited in the City's right-of-way.
- C.8.6 If required, Developer shall design or purchase and then construct or install a storm water treatment device and shall be located entirely within private property. Said installation shall be in a manner that does not impose any additional downstream maintenance burdens to the City. Said design and construction methods shall be to the satisfaction of the City Engineer.
- C.8.7 Sidewalks to Right-of-Way Developer shall construct sidewalks that connect the private in-tract sidewalks to the sidewalks in the right-of-way. These sidewalks' grade, alignment, etc. shall be in a way that does not create excessively narrow areas that prevent the survival of plants. This condition shall be performed to City standards and to the satisfaction of the City.
- C.8.10 Developer may use the existing utility stubs and can replace the existing utility boxes with traffic rated utility boxes.

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

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

D.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.

D.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.

D.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.

August 24, 2022

Agenda Item 1.C

RECOMMENDATION

STAFF RECOMMENDS THAT THE PLANNING COMMISSION 1) ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP22-0009) AND A DEVELOPMENT REVIEW PERMIT (D22-0031) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 239 W. ELEVENTH STREET, APN 233-113-03, 2) ALLOW THE CONDITIONAL USE PERMIT TO BE VALID FOR ONE YEAR, AS DESCRIBED IN THE CONDITIONS OF APPROVAL, AND 3) DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT GUIDELINES SECTION 15301. THE APPLICANT IS JOSEPH DEVLIN AND THE PROPERTY OWNER IS RT FINANCIAL, INC.

EXECUTIVE SUMMARY

This item asks the Planning Commission to consider granting a conditional use permit to Altamont Wellness to operate a cannabis dispensary in the existing building at 239 W. Eleventh Street and a development review permit for the change to the building colors.

BACKGROUND AND LEGISLATIVE HISTORY

California state law allows local governments to regulate commercial cannabis activities in their respective jurisdictions. On December 3, 2019, the City Council of the City of Tracy adopted Ordinance 1277 (Tracy Municipal Code (TMC) Chapter 6.36) establishing permitting regulations for commercial cannabis activity in the City of Tracy and Ordinance 1278 (TMC Section 10.08.3196) establishing zoning and locational requirements for commercial cannabis activity in Tracy. The primary regulatory framework governing the location of such uses is the City's zoning ordinance (Title 10 of the Tracy Municipal Code). TMC Title 10 Article 34, which was adopted by Ordinance 449 on January 17, 1978, and amended by Ordinance 1177 on January 15, 2013, describes the purpose, process, and requirements for the granting of conditional use permits, stating that the Planning Commission is the authority for such permits.

On September 29, 2020, Altamont Wellness submitted an application for a Cannabis Business Permit, pursuant to Chapter 6.36 of the TMC. The application was comprehensively reviewed by an internal Cannabis Business Permit Review Committee comprised of the Finance Department, Development Services Department, and the South San Joaquin County Fire Authority. Following review and deeming the application eligible, the Committee forwarded this application to the Police Department for final review and determination. On March 3, 2022, the Tracy Police Chief awarded a provisional Cannabis Business Permit (CBPA20-0012) to Altamont Wellness. The Cannabis Business Permit approves the permittee's business operations and odor control plan, community relations plan, safety and security plan, social equity plan, and community benefits proposal. In addition to the requirements of the Cannabis Business Permit, the proposed use must also meet the zoning requirements applicable to cannabis dispensaries, including obtaining a conditional use permit to operate their business at a specific location.

On May 2, 2022, a conditional use permit application was submitted to establish the Altamont Wellness cannabis dispensary at 239 W. Eleventh Street. The subject property is designated Commercial in the General Plan and zoned Central Business District, in which cannabis dispensaries are conditionally permitted.

On July 27, 2022, the applicant submitted a development review permit application for changes to the building's exterior colors. Development review is regulated by TMC Title 10 Article 30, adopted by Ordinance 1236 on July 18, 2017. Because the development review permit is paired with a conditional use permit subject to the Planning Commission, the development review permit is a Tier 2 application subject to Planning Commission review in accordance with TMC Section 10.08.3950. This application was processed concurrently with their conditional use permit application that was already underway.

ANALYSIS

Project Proposal

The applicant proposes to operate a cannabis dispensary consisting of packaged cannabis products and accessories in accordance with local and State cannabis law. Local regulations include locational requirements, site requirements, and operating hours to be established by the conditional use permit. According to City records as of the date of publication of this staff report, the subject site is over 600 feet away from a school, day care center, or youth center, as required by the TMC Section 10.08.3196. The use will be wholly indoors, and no portion of the use will take place outdoors. As shown in Attachment A, the proposed use will have a lobby wherein age verification will be conducted prior to permitting the customer into the retail area and a vault where cannabis products are stored, as required by TMC Chapter 6.36. The applicant proposes to operate daily from 8:00 am to 10:00 pm, as permitted by State law.

The cannabis dispensary will operate in a similar manner as a retail store, which is complementary of the commercial area encompassing project vicinity. Conditions of approval D.1 through D.4 recommended by the Police Department identify means to ensure the business will operate safely and securely. According to the applicant, because all cannabis products are sealed in tamper-evident packaging, no odors or smells are expected to emanate from the dispensary. To make certain that odor is controlled, the applicant proposes to store cannabis in secured temperature-controlled rooms and install carbon air filters. No onsite cultivation or alcohol sales are a part of this use. The applicant proposes some interior tenant improvements as shown in the floor plan, and new exterior building color with lighter colors that will complement other buildings in the vicinity, such as through the use of a red-orange accent band that will match the red-orange accent on the adjacent building to the east.

Project Expiration

Per the Tracy Municipal Code (TMC) development review permit approvals are valid for two years following ten days from the date of approval (TMC Section 10.08.4080) and conditional use permit approvals are valid for six months following fifteen days from the date of approval unless a building permit is issued and construction is commenced (TMC Section 10.08.4350). The TMC also permits Planning Commission to grant a greater time limit for conditional use permit approvals (TMC Section 10.08.4360). Aside from the conditional use permit, the applicant must also obtain a State license for the operation of

the cannabis business and comply with the conditions of their provisional Cannabis Business Permit, which may take longer than six months to complete. Therefore, staff recommends that the Planning Commission grant the conditional use permit for one year as described in the project condition of approval A.9, as shown in Attachment C.

FISCAL IMPACT

This agenda item will not require any expenditure of funds. The applicant paid the application processing fees established by the City Council for the conditional use permit and development review permit applications. The applicant will also pay all appropriate building permit upon the commencement of project improvements.

PUBLIC OUTREACH/ INTEREST

This item was duly noticed in the local newspaper and public hearing notices were mailed to all property owners of property within 300 feet of the subject site.

COORDINATION

This staff report was prepared by the Development Services Planning Division.

CEQA DETERMINATION

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which pertains to minor alterations and additions to existing facilities in an area where all public services and facilities are available and which is not environmentally sensitive. In accordance with CEQA Guidelines, no further environmental assessment is required.

STRATEGIC PLAN

This item implements the City Council's Economic Development Strategic Priority Goal 5, Policy 2: Complete conditional use permit processes for cannabis business permit holders.

ACTION REQUESTED OF THE PLANNING COMMISSION

1) Adopt a resolution approving a conditional use permit (CUP22-0009) and a development review permit (D22-0031) for a cannabis storefront retailer (dispensary) at 239 W. Eleventh Street, APN 233-113-03, 2) allow the conditional use permit to be valid for one (1) year, as described in the Conditions of Approval, and 3) determine that this project is categorically exempt from the California Environmental Quality Act pursuant Guidelines Section 15301.

Prepared by: Kimberly Matlock, Associate Planner

Reviewed by: Bill Dean, Assistant Development Services Director, and Victoria Lombardo, Senior Planner

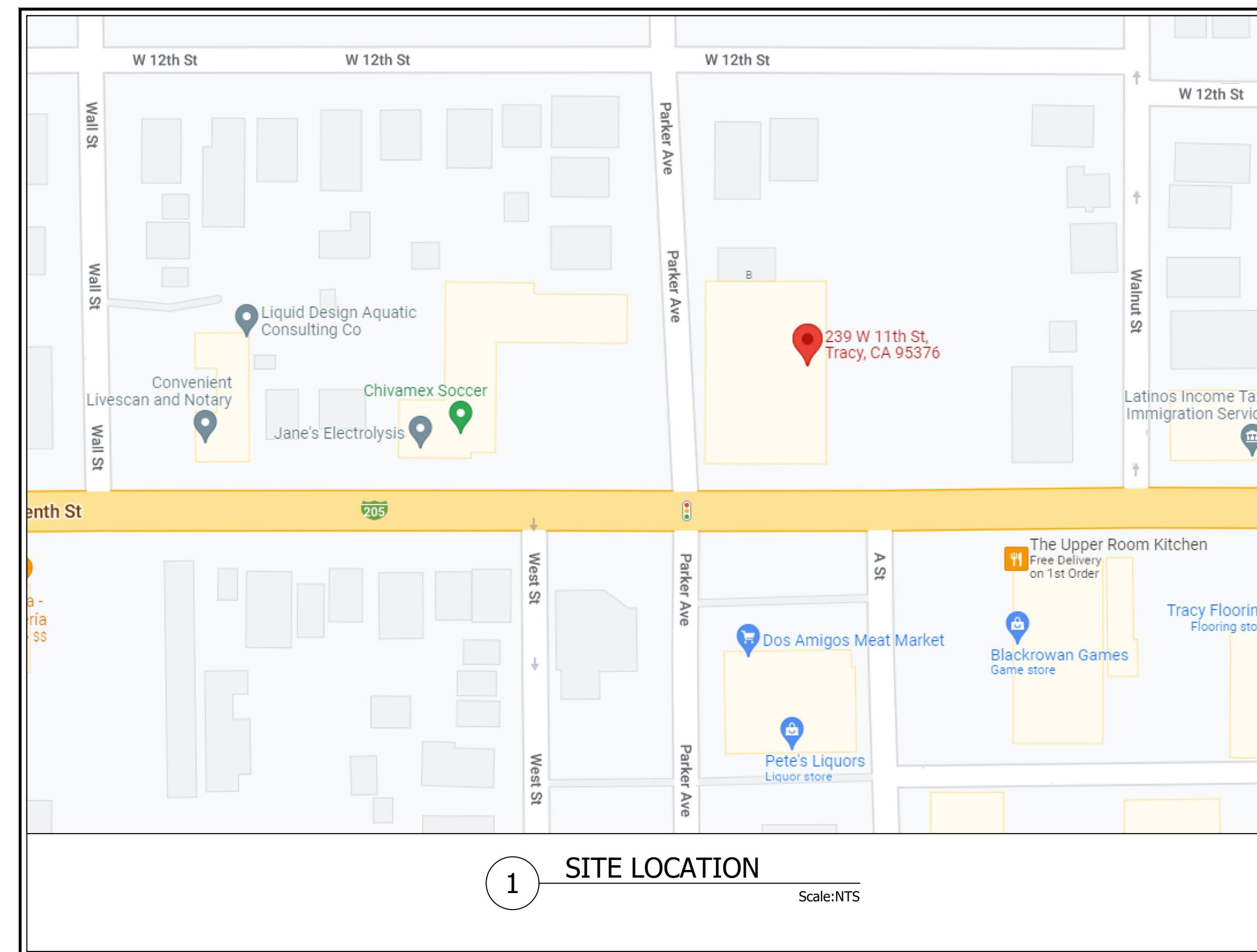
Approved by: Kris Balaji, Development Services Director

Attachments:

Attachment A – Vicinity Map, Site Plan, Floor Plan, and color elevations received
on July 26, 2022

Attachment B – Planning Commission Resolution

Attachment C – Conditions of Approval



RECEIVED
July 26, 2022
City of Tracy
Development Services

Z

Drawn: ZERTUCHE
DRAFTING & DESIGN
HORACIO ZERTUCHE
1050 N. CARPENTER, SUITE J
MODESTO, CA 95351
(209) 507-6036
horacio@zertuchedrafting.com

[Signature]

WEST 11th STREET T.I.

Tracy, CALIFORNIA

THE INSTALLER /CONTRACTOR ASSUMES THE
RESPONSIBILITY FOR THE DESIGN AND
PERFORMANCE OF THE ENTIRE SYSTEM.

FIRE DEPARTMENT NOTES

- 5 YEAR FIRE SPRINKLER SERVICE MUST BE CURRENT
- UL FIRE ALARM CERTIFICATION MUST BE CURRENT
- MIN (2) FIRE EXTINGUISHER
- FIRE SPRINKLER PLAN DEFERRED

SCOPE OF WORK:

- REMODEL EXISTING INTERIOR SPACE
 - NEW WALLS
 - NEW ELECTRICAL
 - NEW LIGHTING

AREA STATEMENT

GROSS BUILDING FLOOR AREA=	14,421sqft
GROSS PROPERTY AREA=	43,800sqft
CONSTRUCTION TYPE=	V-B
ZONING PLAN=	GC
OCCUPANCY TYPE=	A3
FIRE SPRINKLERS=	YES
FIRE ALARM=	YES
OCCUPANCY LOAD=	126
LOT COVERAGE=	32%
EXISTING PARKING=	61
EXISTING ADA PARKING=	4

PROJECT DATA

OWNER:
RT FINANCIAL
2908 E WHITMIRE AVE
SUITE #H-216
CERES CA 95307

LOCATION:
239 W 11TH ST
TRACY, CA 95376

OCCUPANT LOADS

• ENTRANCE–	504sqft/150sqft=4occ
• BREAK ROOM–	662sqft/100sqft=7occ
• PRODUCT STORAGE#1	410sqft/300sqft=1occ
• OFFICE#1–	70sqft/150sqft=1occ
• OFFICE#2–	80sqft/150sqft=1occ
• MANAGERS OFFICE–	366sqft/150sqft=3occ
• IT ROOM–	36sqft/300sqft=1occ
• RESTROOM#1–	999sqft/100sqft=10occ
• RESTROOM#2–	958sqft/100sqft=10occ
• RESTROOM#3–	53sqft/100sqft=1occ
• UNUSED AREA#1	260sqft/300sqft=1occ
• PRODUCT STORAGE#2–	2,023sqft/300sqft=7occ
• TRAINING AREA –	1,589sqft/150sqft=11occ
• EMPLOYEE AREA–	1,179sqft/150sqft=8occ
• UTILITY CLOSET–	64sqft/300sqft=1occ
• CLOSET–	130sqft/300sqft=1occ
• HALLS–	777sqft/100sqft=8occ
• SALES AREA–	2,821sqft/60sqft=48occ
• RECEIVING AREA–	653sqft/100sqft=7occ
TOTAL OCCUPANCY–	135occ

GENERAL NOTES

1. CONTRACTOR SHALL COMPLY WITH:
 - CALIFORNIA BUILDING CODE (CBC) 2019
 - CALIFORNIA MECHANICAL CODE (CMC) 2019
 - CALIFORNIA PLUMBING CODE (CPC) 2019
 - CALIFORNIA FIRE CODE (CFC) 2019
 - CALIFORNIA ELECTRICAL CODE (CEC) 2019
 - ENERGY EFFICIENCY STANDARDS TITLE 24 2019
 - CITY OF TRACY MUNICIPAL CODE
2. ALL EXTERIOR AND INTERIOR WALLS SHALL BE 2x4 D.F. WOOD STUDS AT 16" O.C. UNLESS OTHERWISE NOTED ON PLANS.
3. CONTRACTOR TO VERIFY ALL CONDITIONS AND DIMENSIONS IN FIELD. ANY CONFLICTS OR DISCREPANCIES ARE TO BE BROUGHT TO THE DESIGNER'S ATTENTION PRIOR TO CONSTRUCTION.
4. VERIFY LOCATION OF ALL UTILITIES AT JOB SITE

SHEET INDEX

G01 –PROJECT DATA/GENERAL
NOTES/SHEET INDEX/FLOOR AREA
CALCULATION

A00 –LOCATION MAP

A01 –SITE PLAN

L01 –LANDSCAPING PLAN

A02 –EXISTING FLOOR PLAN

A03 –PROPOSED FLOOR PLAN

A04 –EXISTING ELEVATIONS

APN:
ADDRESS: 239 W 11TH ST
TRACY, CA 95376
PERMIT #:

OWNER: RT FINANCIAL
2908 E WHITMIRE AVE
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COVER PAGE
WEST 11th STREET T.I.

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G01

Z

Drawn: ZERTUCHE
DRAFTING & DESIGN
HORACIO ZERTUCHE
1050 N. CARPENTER, SUITE J
MODESTO, CA 95351
(209) 507-6036
horacio@zertuchedrafting.com

A01

APN#

ADDRESS: 239 W 11TH ST
TRACY, CA 95376

PERMIT#

OWNER: RT FINANCIAL
2908 E WHITMIRE AVE
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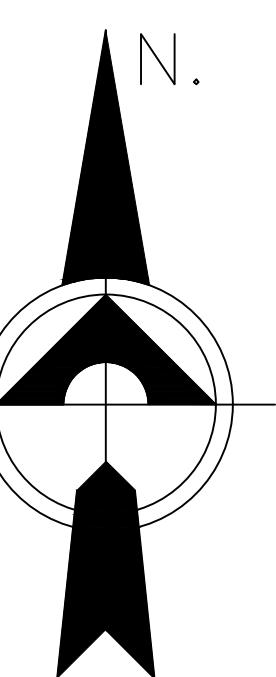
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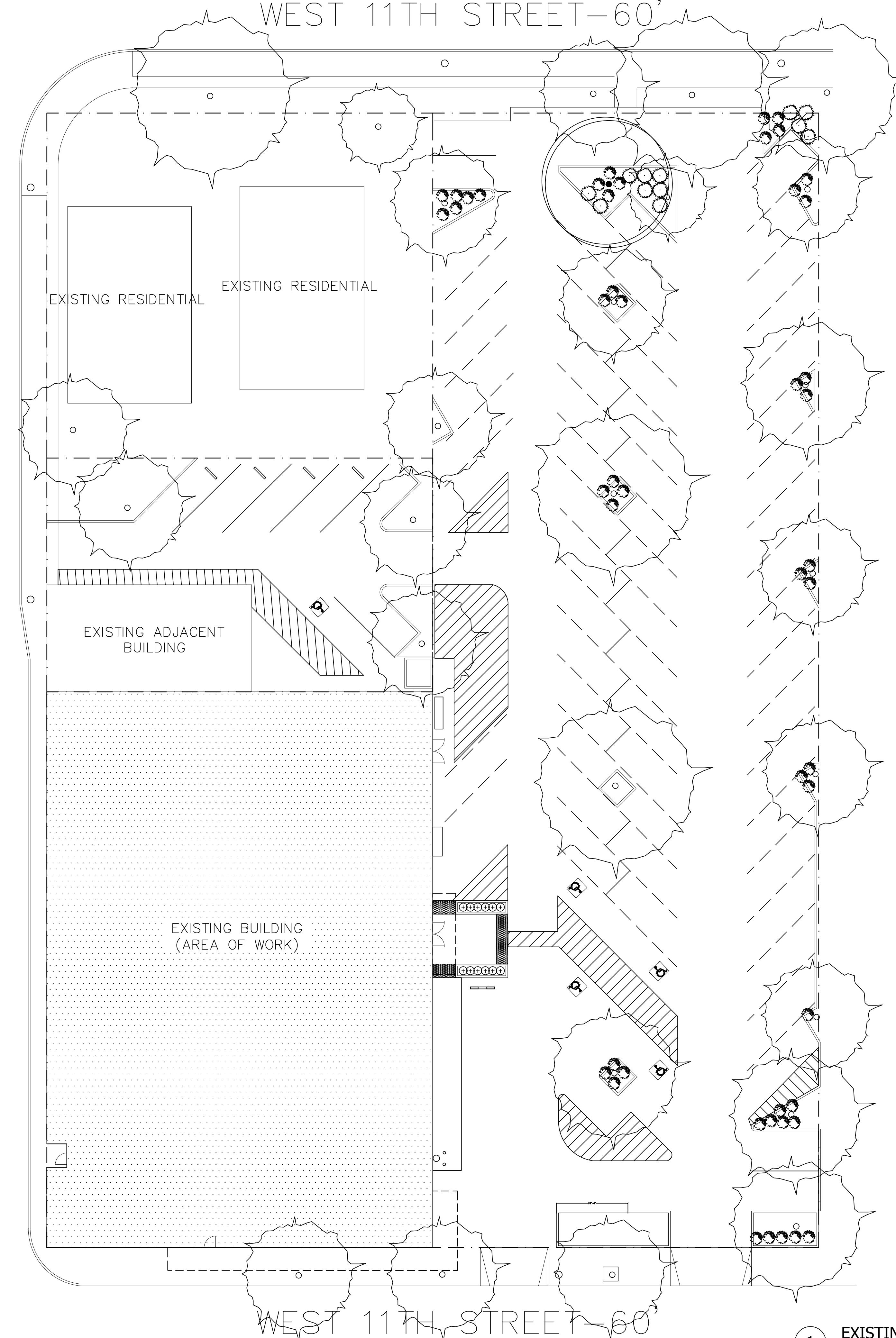
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PARKER AVENUE—60'



PLANT SCHEDULE

TREES	BOTANICAL NAME/COMMON NAME	CONTAINER	QTY
○	EXISTING TREES TO REMAIN SPECIES UNKNOWN	24"BOX	19
●	EXISTING ZELKOVA SERRATA "VILLAGE GREE" SAWLEAF ZELKOVA	24"BOX	1
SRUBS	BOTANICAL NAME/COMMON NAME	CONTAINER	QTY
○	(E)DIETES BICOLOR/FORTNIGHT LILY	5GAL	49
○	(E)ILEX CRENATA/JAPANESE HOLLY	5GAL	12
○	(E)RHAPHIOLEPIS INDICA "JACK EVANS"/ INDIAN HAWTHORE	5GAL	12

Scale: 3/16"-1'-0"

Z

Drawn: ZERTUCHE
DRAFTING & DESIGN
HORACIO ZERTUCHE
1050 N. CARPENTER, SUITE J
MODESTO, CA 95351
(209) 507-6036
horacio@zertuchedrafting.com

233-113-03

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SUITE #H-216

CERES CA 95307

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ZERTUCHE
DRAFTING & DESIGN
HORACIO ZERTUCHE
1050 N. CARPENTER, SUITE-J
MODESTO, CA 95351
(209) 507-6036
horacio@zertuchedrafting.com

Johns Hopkins

233-113-03

239 W 11TH ST
TRACY, CA 95376

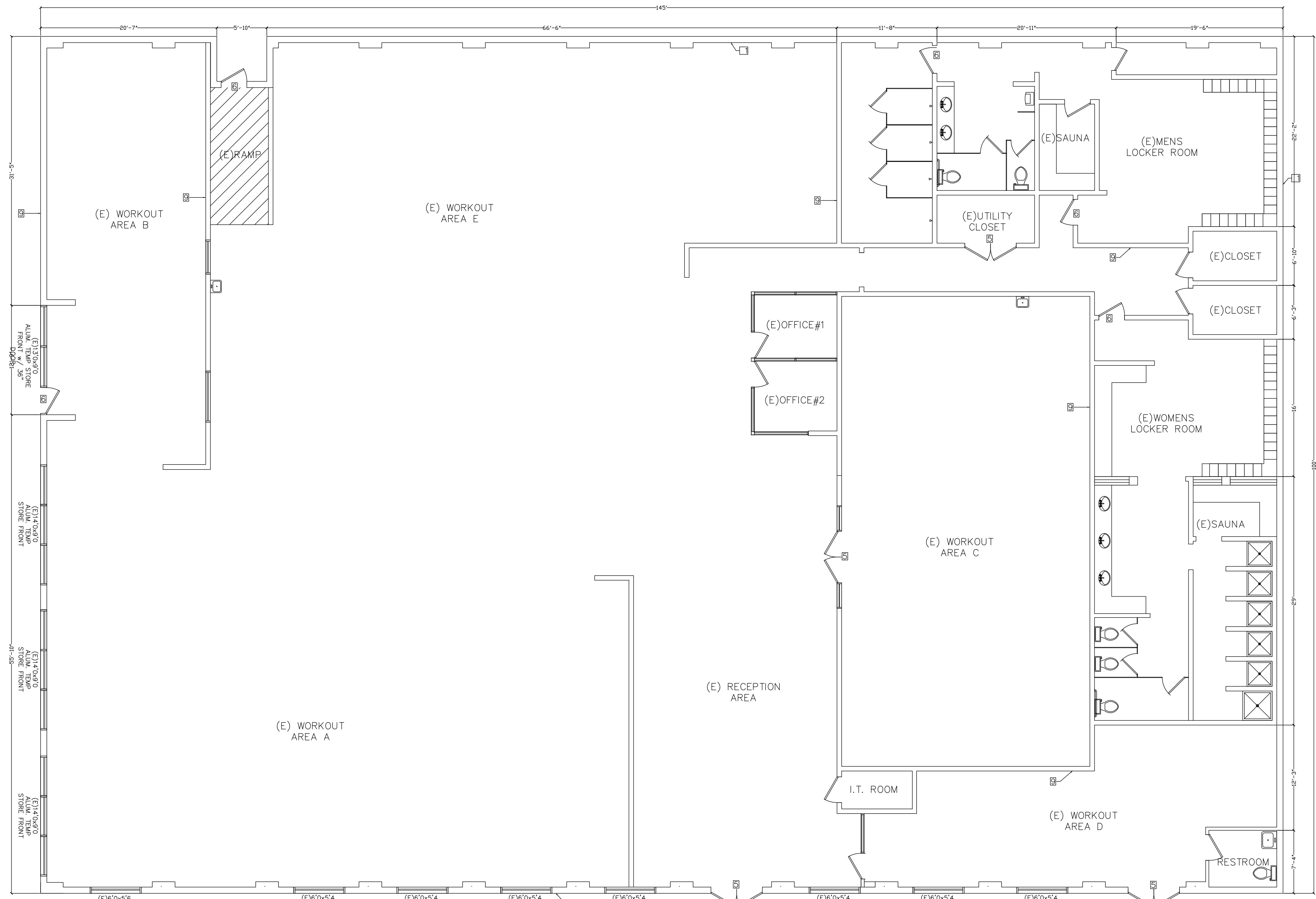
RT FINANCIAL
908 E WHITMIRE AV
SUITE #H-216
CERES CA 95307

EXISTING/DEMO FLOOR PLAN

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A02



SYMBOL LEGEND

SYMBOL LEGEND

1. EXISTING EXTERIOR CMU WALL
2. EXISTING RAMP AND RAILING TO REMAIN
3. EXISTING DRINKING FOUNTAIN TO REMAIN
4. EXISTING DOOR TO REMAIN
5. 72" DOORS
6. 36" EXIT DOOR
7. EXISTING CLEAR LEVEL LANDING AT EXTERIOR DOOR
8. EXISTING ROOM ACCESS LADDER TO REMAIN
9. EXISTING MTL FRAME WALL

1 EXISTING FLOOR PLAN

Scale:3/16"-1'-0"

Z

Drawn: ZERTUCHE
DRAFTING & DESIGN
HORACIO ZERTUCHE
1050 N. CARPENTER, SUITE J
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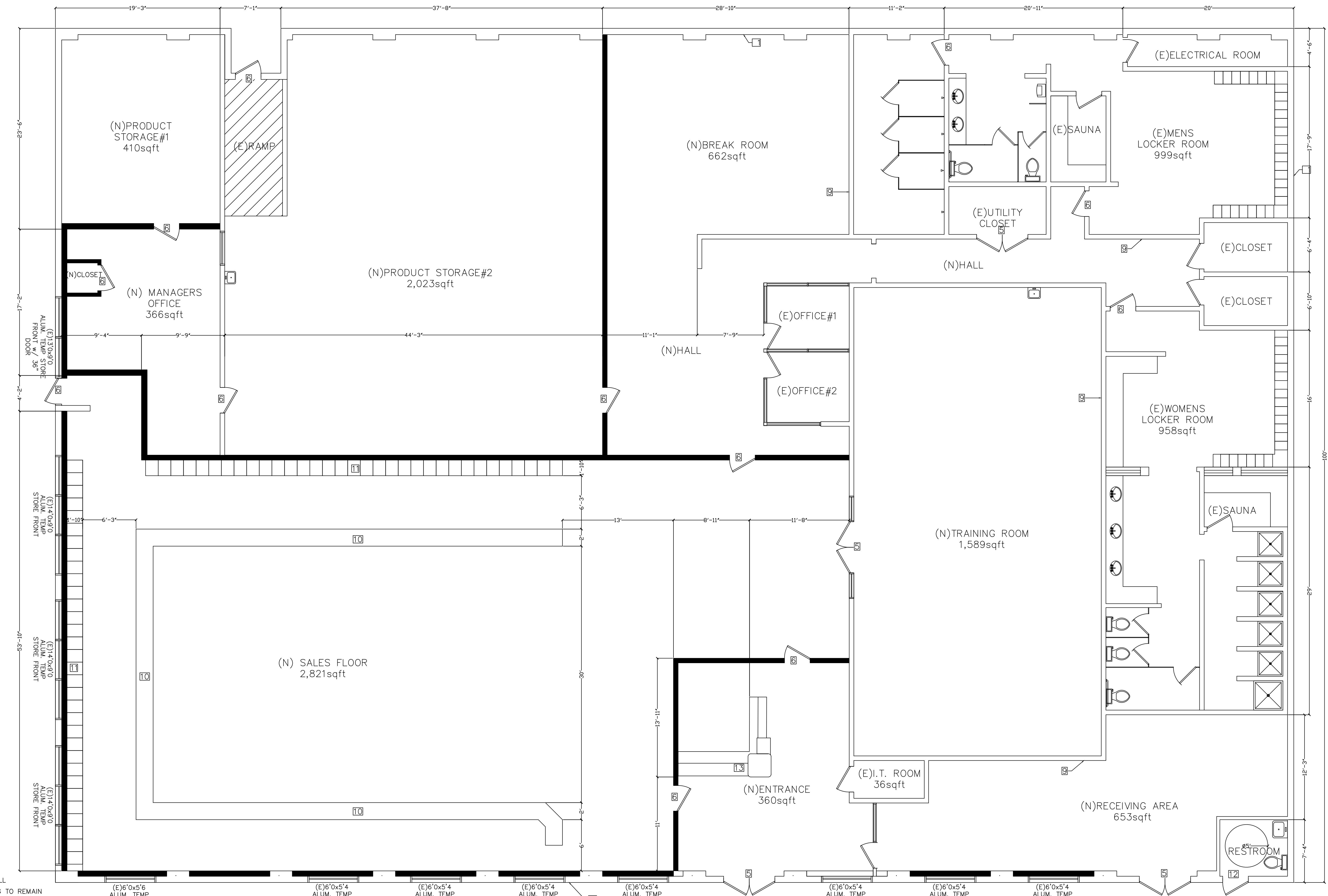
PROPOSED FLOOR PLAN
WEST 11th STREET T.I.

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DATE: PROJECT DATE:

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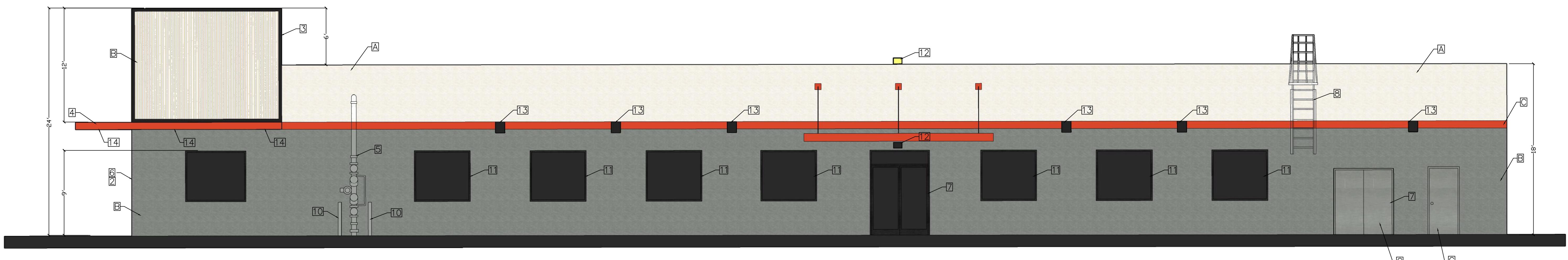
1 PROPOSED FLOOR PLAN

Scale: 3/16"-1'-0"



rawn:
ZERTUCHE
DRAFTING & DESIGN
HORACIO ZERTUCHE
050 N. CARPENTER, SUITE-J
MODESTO, CA 95351
(209) 507-6036
horacio@zertuchedrafting.com

James E. Stiles



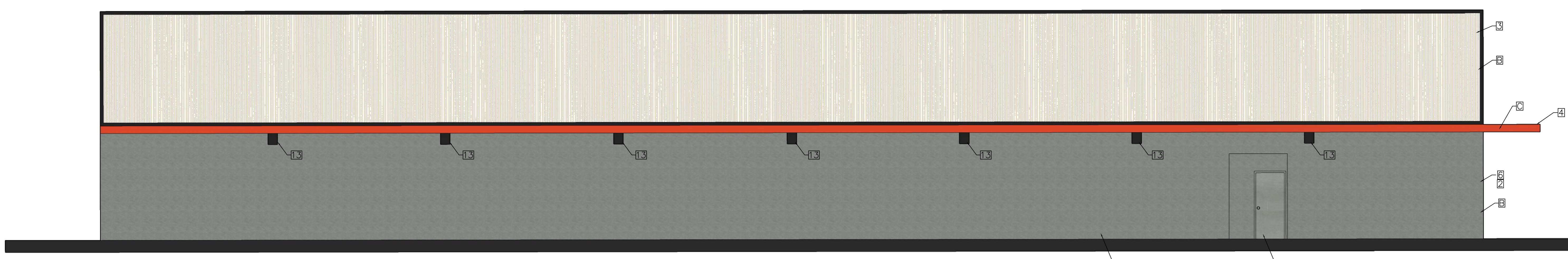
1 EAST ELEVATION

Scale:3/16"-1'-0"



2 SOUTH ELEVATION

Scale: 2/16" 11.0"



WEST ELEVATION

PROPOSED ELEVATIONS

PROJECT NAME:

te: **P**

revisions:

11 of 11

Table 1. Summary of the main characteristics of the four groups of patients.

Table 1. Summary of the main characteristics of the four groups of patients.

1. *What is the primary purpose of the study?* (e.g., to evaluate the effectiveness of a new treatment, to describe a population, to compare two groups).

Page No:

AO4

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ANSWER

A04

ANSWER

CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION NO. _____

1. APPROVAL OF A CONDITIONAL USE PERMIT (CUP22-0009) AND A DEVELOPMENT REVIEW PERMIT (D22-0031) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 239 W. ELEVENTH STREET, APN 233-113-03. THE APPLICANT IS JOSEPH DEVLIN AND THE PROPERTY OWNER IS RT FINANCIAL, INC;
2. ALLOW THE CONDITIONAL USE PERMIT TO BE VALID FOR ONE (1) YEAR, AS DESCRIBED IN THE CONDITIONS OF APPROVAL, AND
3. DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT GUIDELINES SECTION 15301.

WHEREAS, California state law allows local governments to regulate commercial cannabis activities in their respective jurisdictions; and

WHEREAS, Commercial cannabis activities require a cannabis business permit to operate in Tracy and a conditional use permit to operate cannabis businesses at specific locations; and

WHEREAS, Altamont Wellness was awarded a cannabis business permit (application number CBPA20-0012) by the Tracy Police Chief on March 3, 2022; and

WHEREAS, The applicant submitted a conditional use permit application to operate a cannabis storefront retailer (dispensary) in an existing building at 239 W. Eleventh Street, on May 2, 2022; and

WHEREAS, The subject site is designated Commercial in the Tracy General Plan and zoned Central Business District (CBD), wherein cannabis dispensaries are a conditionally permitted use; and

WHEREAS, Conditional use permits are valid for six (6) months, under Tracy Municipal Code (TMC) section 10.08.4350; and

WHEREAS, The applicant must also obtain a State license for the operation of the cannabis business and comply with the conditions of their approval, which may take longer than six (6) months granted under the conditional use permit; and

WHEREAS, Under TMC 10.08.4360 the Planning Commission may grant a greater time limit for the conditional use permit approvals; and

WHEREAS, The applicant submitted a development review permit application on July 27, 2022 to change the building's exterior colors; and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the applications on August 24, 2022; now, therefore, be it

RESOLVED: That the Planning Commission adopts a resolution approving a conditional use permit (CUP22-0009) for a cannabis storefront retailer (dispensary) at 239 W. Eleventh Street, APN 233-113-03, subject to the Conditions of Approval contained in Attachment C to the staff report and based on the findings below.

1. There are circumstances applicable to the use which make the granting of a use permit necessary for the preservation and enjoyment of substantial property right, because a conditional use permit is necessary for the operation of a cannabis dispensary in the GHC CBD Zone as required by the Tracy Municipal Code.
2. The proposed location of the use and the conditions under which it would be operated or maintained is in accordance with the objectives of the Tracy Municipal Code Chapter 6.36 and Chapter 10.08. Additionally, the project site is located at least 600 feet away from a parcel containing a school, day care center, or youth center, and the use will be operated wholly indoors. The use will operate similarly to a retail store, which is complementary of the surrounding commercial area.
3. The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the City because the project, as conditioned, is consistent with the zoning, commercial cannabis activity regulations, and other elements of the Tracy Municipal Code the City of Tracy General Plan, the Design Goals and Standards, City Standards, California Building Codes, California Fire Codes, and California cannabis regulations. There will be no odors or similar objectionable impacts to other businesses in the vicinity as all cannabis products will be entirely packaged and stored in accordance with the requirements of Chapter 6.36; and be it

FURTHER RESOLVED: That the Planning Commission adopts a resolution approving a development review permit (D22-0031) for the change to building exterior colors at 239 W. Eleventh Street, APN 233-113-03, subject to the Conditions of Approval contained in Attachment C to the staff report and based on the findings below.

1. The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy, because the new colors will update the building with fresh paint and lighter colors that complement other buildings in the vicinity, such as by use of the red-orange accent band that will match the red-orange accent on the adjacent building to the east.
2. The proposal, as conditioned, conforms to the Tracy Municipal Code, the City of Tracy General Plan, the City Design Goals and Standards, applicable City Standards, California Building Codes, and California Fire Codes; and be it

FURTHER RESOLVED: That the Planning Commission allow the conditional use permit to be valid for one (1) year, as described in the Conditions of Approval; and be it

FURTHER RESOLVED: That the Planning Commission determines that this project is categorically exempt from the California Environmental Quality Act pursuant Guidelines Section 15301.

The foregoing Resolution 2022-_____ was adopted by the Planning Commission on August 24, 2022, by the following vote:

AYES: COMMISSION MEMBERS:
NOES: COMMISSION MEMBERS:
ABSENT: COMMISSION MEMBERS:
ABSTENTION: COMMISSION MEMBERS:

CHAIR

ATTEST:

STAFF LIAISON

City of Tracy
Conditions of Approval
Altamont Wellness Cannabis Dispensary
Application Numbers CUP22-0009 & D22-0031

A. General Provisions and Definitions.

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

The Project: Altamont Wellness Cannabis Dispensary, Conditional Use Permit and Development Review Permit Application Nos. CUP22-0009 & D22-0031

The Property: 239 W. Eleventh Street (Assessor's Parcel Number 233-113-03)

A.2. Definitions.

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

A.3. Compliance with submitted plans. Prior to the establishment of the use, the project shall be established in substantial compliance with the plans received by the Development Services Department on July 26, 2022 to the satisfaction of the Development Services Director.

- A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
- A.5. Compliance with laws. The Developer shall comply with all federal, state and local laws, as amended from time to time, related to the development of real property within the Project, including, but not limited to:
 - the Planning and Zoning Law (Government Code sections 65000, et seq.)
 - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
 - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
 - The Medicinal and Adult-Use Cannabis Regulation and Safety Act;
 - Regulations of the Bureau of Cannabis Control;
 - Tracy Municipal Code (TMC) Chapter 6.36 (Commercial Cannabis Activity); and
 - City of Tracy Procedures and Guidelines for a Cannabis Business Permit adopted by City Council Resolution 2020-137
- A.6. Compliance with applicable regulations. Unless specifically modified by these Conditions of Approval, the use shall comply with all City and State Regulations and the approved Cannabis Business Permit No. CBPA20-0012, which includes business operations requirements, the safety and security plan, and the odor control plan.
- A.7. Prior to construction, the applicant shall submit construction documents which meet the requirements of the California Building and Fire Codes and the Tracy Municipal Code to the City of Tracy and the South San Joaquin County Fire Authority for review, approval and inspections.
- A.8. At all times, applicant (or its successor) shall maintain all necessary permits to operate a cannabis business pursuant to Municipal Code Chapter 6.36. Neither the applicant, nor any other entity, shall have an entitlement or other property right to operate a cannabis business at the property without holding such a cannabis business permit, which may be approved, denied, renewed, or revoked in accordance with the requirements of Chapter 6.36.
- A.9. This conditional use permit shall expire one year following the date on which the use permit became effective unless, prior to the expiration of one year, the use is established in accordance with this use permit, or a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application.

B. Development Services Department, Planning Division Conditions

Contact: Kimberly Matlock

(209) 831-6430

kimberly.matlock@cityoftracy.org

- B.1. Prior to approval of a building permit, the applicant shall provide detailed plans that demonstrate compliance with TMC Section 6.36.380(k).
- B.2. Prior to final inspection, the applicant shall demonstrate compliance with TMC Section 6.36.380(l).
- B.3. Community Benefit Agreement. Prior to commencing any cannabis operation, the applicant shall execute a Community Benefit Agreement with the City in accordance with the requirements of their Cannabis Business Permit.
- B.4. Wholly indoors. The use shall be conducted wholly indoors. The use may not be conducted outside the building, including in the outdoor patio or parking lot.
- B.5. Hours of operation. The hours of operation shall be limited to 6:00 am to 10:00 pm in accordance with State law. Should the hours of operation established in the State law become more restrictive, the use shall comply with the more restrictive regulations.

C. Development Services Department, Building Division Conditions

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

- C.1. At time of building permit application, applicant shall provide a business plan detailing who will be using the training room and what kind of training will be provided.
- C.2. Prior to the construction of any structures, applicant shall submit construction plans and details that demonstrate conformance with parking spaces and accessible routes requirements per California Building Code (CBC) 11B.
- C.3. Before permit application, applicant shall specify the use for each area and provided occupant load calculations per CBC Chapter 10.
- C.4. At time of building permit application, applicant shall provide an egress plan at time of building provide egress plan meeting the requirements of CBC chapter 10.
- C.5. Prior to construction of any structures, applicant must submit construction documents, plans, specifications and/or calculations to the Building Safety Division, which meet all requirements of Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable.
- C.6. Prior to the construction of any structures, applicant shall submit construction documents and associated details that demonstrate compliance with path of travel requirements in alterations, additions and structural repairs per CBC 11B-202.4.
- C.7. At time of building application, plans designed by a registered design professional shall be provided. Submittal documents consisting of construction documents, statement of special inspections, and other data shall be submitted in with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional. CBC 107.1

D. Tracy Police Department Conditions

Contact: Lieutenant Miguel Contreras (209) 831-6618 miguel.contreras@tracypd.com

D.1. A minimum of 2 on-site security guards shall be maintained on site during business hours and 1 on-site security guard during closed hours. The name of the company shall be provided to the Police Department at the time of Building Permit application submittal. The establishment shall remain closed for business if the minimum of 2 certified security guards are not present during business hours on any given day. Once the minimum-security staffing is met, the establishment may re-open for business.

D.1.1. Overnight (nonbusiness hours) security shall be a minimum of 1 certified guard solely responsible for the security of this establishment and not multiple locations.

D.1.2. All contracted or employed guards shall be certified and have sole responsibilities as a security guard focused on safety and security. The security guards will be readily identifiable.

D.2. Applicant shall cooperate with all legal requests from Tracy PD and any crimes shall be reported without delay.

D.3. Prior to establishment of the use, the applicant shall establish and maintain an updated on-call list of responders with their alarm service provider and current alarm permit with the City of Tracy, to include the on-site security manager. This shall be provided prior to the establishment of the use.

D.4. Trash containers and enclosures shall be locked and not accessible by the public at all times.

E. South San Joaquin County Fire Authority Conditions

Contact: Raymond Boyle (209) 831-6737 raymond.boyle@sjcfire.org

E.1. A construction permit is required to alter the existing tenant space. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.

E.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. Construction plans shall include, but not limited to:

- a. Plans shall be designed, stamped and signed by a licensed design professional.
- b. Construction type, occupancy classification, occupant load calculation
- c. If fire sprinklers and/or fire alarm system is existing or proposed.
- d. Details of locking mechanisms to ensure the secured areas do not violate the emergency egress requirements of the Building Code. [TMC §6.36.380]

- e. Any modifications to the fire sprinkler and/or fire alarm system shall be submitted directly to the South San Joaquin County Fire prior to the installation or modification.
- f. Deferred submittal(s) shall be developed in accordance with the California Fire Code and referenced standards and submitted for review to the South San Joaquin County Fire Authority.

E.2. Exit signs and emergency lights shall be provided along the path of travel for each exit to the public way. [2019 CFC § 1008.2.3] Please provide a photometric sheet that clearly illustrates where the exit signage and emergency lighting are going to be located.

E.2.1.

E.3. An approved key box shall be installed in accordance with the California Fire Code and South San Joaquin County Fire Authority ordinance specifications. [2019 CFC § 506.1] Please show on the plans that the model 3200 Knox Box will be located on the address side of the building, 6 ft from the floor.

E.4. Pivot or side-hinged swinging doors shall swing in the direction of egress travel where serving a room or area containing an occupant load of 50 or more persons. [2019 CFC § 1010.1.2.1] The direct exit to a public way from the sales floor is swinging inward.

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

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

F.1. Streets and Streetlights

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

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

Or

- b. POA and dormant CFD. If the POA is the chosen funding mechanism, Developer

must do the following:

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

Or

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

If the provisions for adequate funding of the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street

reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure") are met prior to issuance of the building permit for the Property, subject to the Finance Director's review and approval, the terms of this condition shall be considered to have been met and this condition shall become null and void.

F.2. Landscaping Maintenance

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

- a. CFD or other funding mechanism. The Developer shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates the following: (1) prior to issuance of a building permit, the Developer shall form or annex into a Community Facilities District (CFD) for funding the on-going costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan; (2) the items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems; masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks, and public open space areas and trails; (3) formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien; (4) upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment; (5) prior to issuance of a building permit, the Developer shall deposit an amount equal to the first year's taxes; and (6) the Developer shall be responsible for all costs associated with formation or annexation of the CFD.

Or

- b. POA and dormant CFD. If the POA is the chosen funding mechanism, the Developer must do the following:
 1. Form a Property Owner's Association (POA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going maintenance of all public landscaping areas that will serve the Property;
 2. Cause the POA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property prior to the final inspection, setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) to ensure the

long-term maintenance by the POA of all public landscape areas that will serve the Property;

3. Make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas that will serve the Property;
4. Before final inspection, annex into a CFD in a "dormant" capacity, to be triggered if the POA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of public landscape maintenance. The dormant tax or assessment shall be disclosed to all property owners, even during the dormant period.

Or

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

August 24, 2022

Agenda Item 1.D

RECOMMENDATION

STAFF RECOMMENDS THAT THE PLANNING COMMISSION 1) ADOPT A RESOLUTION APPROVING A CONDITIONAL USE PERMIT (CUP22-0001) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 104 W. TENTH STREET, APN 235-054-06, 2) ALLOW THE CONDITIONAL USE PERMIT TO BE VALID FOR ONE YEAR, AS DESCRIBED IN THE CONDITIONS OF APPROVAL, AND 3) DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT GUIDELINES SECTION 15301. THE APPLICANT IS MOM TR, INC. AND THE PROPERTY OWNER IS PETER MAGLARAS.

EXECUTIVE SUMMARY

This item asks the Planning Commission to consider granting a conditional use permit to Megan's Organic Market to operate a cannabis dispensary in the existing building at 104 W. Tenth Street.

BACKGROUND AND LEGISLATIVE HISTORY

California state law allows local governments to regulate commercial cannabis activities in their respective jurisdictions. On December 3, 2019, the City Council of the City of Tracy adopted Ordinance 1277 (Tracy Municipal Code (TMC) Chapter 6.36) establishing permitting regulations for commercial cannabis activity in the City of Tracy and Ordinance 1278 (TMC Section 10.08.3196) establishing zoning and locational requirements for commercial cannabis activity in Tracy. The primary regulatory framework governing the location of such uses is the City's zoning ordinance (Title 10 of the Tracy Municipal Code). TMC Title 10 Article 34, which was adopted by Ordinance 449 on January 17, 1978, and amended by Ordinance 1177 on January 15, 2013, describes the purpose, process, and requirements for the granting of conditional use permits, stating that the Planning Commission is the authority for such permits.

On September 30, 2020, Megan's Organic Market submitted an application for a cannabis business permit, pursuant to Chapter 6.36 of the TMC. The application was comprehensively reviewed by an internal cannabis business permit Review Committee comprised of the Finance Department, Development Services Department, and the South San Joaquin County Fire Authority. Following review and deeming the application eligible, the Committee forwarded this application to the Police Department for final review and determination. On June 21, 2021, the Tracy Police Chief awarded a provisional cannabis business permit (CBPA20-0032) to Megan's Organic Market. The cannabis business permit approves the permittee's business operations and odor control plan, community relations plan, safety and security plan, social equity plan, and community benefits proposal. In addition to the requirements of the cannabis business permit, the proposed use must also meet the zoning requirements applicable to cannabis dispensaries, including obtaining a conditional use permit to operate their business at a specific location.

On March 1, 2022, a conditional use permit application was submitted to establish the Megan's Organic Market cannabis dispensary at 104 W. Tenth Street. The subject property is designated Commercial in the General Plan and zoned Central Business District, in which cannabis dispensaries are conditionally permitted.

ANALYSIS

Project Proposal

The applicant proposes to operate a cannabis dispensary consisting of packaged cannabis products and accessories in accordance with local and State cannabis law. Local regulations include locational requirements, site requirements, and operating hours to be established by the conditional use permit. According to City records as of the date of publication of this staff report, the subject site is over 600 feet away from a school, day care center, or youth center, as required by the TMC Section 10.08.3196. The use will be wholly indoors, and no portion of the use will take place outdoors. As shown in Attachment A, the proposed use will have a lobby wherein age verification will be conducted prior to permitting the customer into the retail area and a vault where cannabis products are stored, as required by TMC Chapter 6.36. The applicant proposes to operate daily from 8:00 am to 10:00 pm as permitted by State law, with deliveries taking place between 9:00 am to 7:30 pm and inventory deliveries taking place Monday through Friday from 9:00 am to 6:00 pm.

The cannabis dispensary will operate in a similar manner as a retail store, which is complementary of the commercial area encompassing project vicinity. Project Conditions of Approval (Attachment C) D.1 through D.4 recommended by the Police Department identify means to ensure the business will operate safely and securely. According to the applicant, because all cannabis products are entirely packaged, no noticeable odors or smells are expected to emanate from the dispensary; however, customers will be permitted to smell cannabis products through small openable and closable holes. The dispensary will also follow the odor control plan that was approved as part of the applicant's cannabis business permit. No onsite cultivation or alcohol sales are a part of this use. The applicant proposes some interior tenant improvements as shown in the floor plan, fresh paint on the building exterior consistent with existing building colors, and a mural on the rear of the building as permitted by TMC Title 10 Article 35 *Signs*. The applicant also proposes to restripe the existing parking area located to the south across Gillette Alley (Assessor's Parcel Number 235-054-07), and improve it with landscaping and a trash and recycling enclosure designed to match the building, as shown in Attachment A.

Project Expiration

Per the Tracy Municipal Code (TMC) Section 10.08.4350, conditional use permit approvals are valid for six months following fifteen days from the date of approval unless a building permit is issued and construction is commenced. The TMC also permits Planning Commission to grant a greater time limit for conditional use permit approvals (TMC Section 10.08.4360). Aside from the conditional use permit, the applicant must also obtain a State license for the operation of the cannabis business and comply with the conditions of their provisional cannabis business permit, which may take longer than six months to complete. Therefore, staff recommends that the Planning Commission grant the conditional use permit for one year as described in the project condition of approval A.9.

FISCAL IMPACT

This agenda item will not require any expenditure of funds. The applicant paid the application processing fees established by the City Council for the conditional use permit application. The applicant will also pay all appropriate building permit upon the commencement of project improvements.

PUBLIC OUTREACH/ INTEREST

This item was duly noticed in the local newspaper and public hearing notices were mailed to all property owners of property within 300 feet of the subject site.

COORDINATION

This staff report was prepared by the Development Services Planning Division.

CEQA DETERMINATION

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, which pertains to minor alterations and additions to existing facilities in an area where all public services and facilities are available and which is not environmentally sensitive. In accordance with CEQA Guidelines, no further environmental assessment is required.

STRATEGIC PLAN

This item implements the City Council's Economic Development Strategic Priority Goal 5, Policy 2: Complete conditional use permit processes for cannabis business permit holders.

ACTION REQUESTED OF THE PLANNING COMMISSION

1) Adopt a resolution approving conditional use permit CUP22-0001 for a cannabis storefront retailer (dispensary) at 104 W. Tenth Street, APN 235-054-06, 2) allow the conditional use permit to be valid for one (1) year, as described in the Conditions of Approval, and 3) determine that this project is categorically exempt from the California Environmental Quality Act pursuant Guidelines Section 15301.

Prepared by: Kimberly Matlock, Associate Planner

Reviewed by: Bill Dean, Assistant Development Services Director

Approved by: Kris Balaji, Development Services Director

Attachments:

Attachment A – Vicinity Map and Plans received on July 6, 2022

Attachment B – Planning Commission Resolution

Attachment C – Conditions of Approval

RECEIVED
July 6, 2022
City of Tracy
Development Services

AGD
ARCHITECTURE | DESIGN

ANDREW GOODWIN DESIGNS
311 N 2ND ST. STE B7
PORTERVILLE, CA 93257
t: (559) 359-8789
www.portervillearchitect.com
architect: andrew goodwin, aia
andrew@andrewgoodwin.us

MEGAN'S ORGANIC MARKET CANNABIS DISPENSARY

104 W. 10TH STREET TRACY, CA 95376

CONDITIONAL USE PERMIT

41 SYMBOLS

42 APPLICABLE CODES

1. DO NOT SCALE PLANS.

2. ALL CONSTRUCTION SHALL CONFORM WITH TITLE 24 AND THE 2019 CBC, CMC, CPC, AND 2019 CEC AMENDMENTS AND CITY OF TRACY.

3. ALL DIMENSIONS ARE TO BE VERIFIED IN THE FIELD. ANY DISCREPANCIES ARE TO BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ARCHITECT. DO NOT PROCEED WITHOUT RESOLVING DISCREPANCIES.

4. DIMENSIONS SHOWN SHALL TAKE PRECEDENCE OVER DRAWINGS SCALE OR PROPORTION. LARGER SCALE DRAWINGS TAKE PRECEDENCE OVER SMALLER SCALE DRAWINGS.

5. REQUIRED SANITARY FACILITIES SHALL BE PROVIDED ON THE JOB.

6. OMISSIONS AND/OR CONFLICTS IN THE DRAWINGS SHALL NOT RELIEVE THE CONTRACTOR FROM COMPLETING WORK WHICH IS NECESSARY TO CARRY OUT THE INTENT OF THE DRAWING AND/OR COMPLETE WORK TO STANDARDS REQUIRED BY CODE.

7. THESE NOTES INDICATE CONSTRUCTION FOR PROPOSED TENANT IMPROVEMENT UNLESS OTHERWISE NOTED OR SHOWN. FEATURES OF CONSTRUCTION SHOWN ARE TYPICAL AND SHALL APPLY TO ALL DRAWINGS UNLESS OTHERWISE NOTED OR SHOWN. FEATURES OF CONSTRUCTION SHOWN ARE TYPICAL AND SHALL APPLY TO ALL DRAWINGS UNLESS OTHERWISE NOTED OR SHOWN. THROUGHOUT TO SIMILAR CONDITIONS. UNLESS NOTED OTHERWISE ALL VESTIBULES, CLOSETS, COLUMNS, PROJECTIONS, RECESSES, OR OTHER ADJACENT AREAS WITHIN SCHEDULED AREAS SHALL HAVE FINISHES AS SCHEDULED FOR THE RESPECTIVE SPACES IN WHICH THEY OCCUR. ALL OMISSIONS OR CONFLICTS BETWEEN THE VARIOUS ELEMENTS OF THE WORKING DRAWINGS AND/OR GENERAL NOTES SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER BEFORE PROCEEDING WITH ANY WORK SO INVOLVED.

8. ALL WORK, AND ALL CONSTRUCTION METHODS AND MATERIALS SHALL COMPLY WITH ALL PROVISIONS OF THE BUILDING CODES AND OTHER RULES, REGULATIONS AND ORDINANCES GOVERNING THE PLACE OF THE BUILDING. BUILDING CODE REQUIREMENTS IN ALL AREAS SHALL PREVAIL OVER THE DRAWING. IT SHALL BE THE RESPONSIBILITY OF ANYONE SUPPLYING LABOR OR MATERIALS OR BOTH TO BRING TO THE ATTENTION OF THE ARCHITECT ANY DISCREPANCIES OR CONFLICTS BETWEEN THE REQUIREMENTS OF THE CODE AND THE DRAWINGS.

9. UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE TO FACE OF FINISH.

10. CONTRACTOR SHALL ARRANGE AND PAY FOR ALL TEMPORARY UTILITY SERVICES AND CONNECTIONS DURING CONSTRUCTION.

11. ANY CHANGES IN CONSTRUCTION SHALL BE ACCOMPANIED BY A CHANGE ORDER ISSUED BY THE GENERAL CONTRACTOR AND APPROVED BY THE OWNER.

12. THE CONTRACT DRAWINGS AND SPECIFICATIONS REPRESENT THE FINISHED IMPROVEMENTS UNLESS OTHERWISE SHOWN, THEY DO NOT INDICATE METHOD OF CONSTRUCTION. CONTRACTOR SHALL SUPERVISE AND DIRECT WORK AND SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES. OBSERVATION VISITS TO THE SITE SHALL NOT INCLUDE INSPECTIONS OF THE PROTECTIVE MEASURES OR THE CONSTRUCTION PROCEDURES REQUIRED FOR SAME, WHICH ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

13. CONTRACTOR HEREBY GUARANTEES TO THE OWNER THAT ALL MATERIALS, FIXTURES, AND EQUIPMENT FURNISHED TO THE PROJECT ARE NEW UNLESS OTHERWISE SPECIFIED.

14. ANYONE SUPPLYING LABOR AND/OR MATERIALS TO THE PROJECT SHALL CAREFULLY EXAMINE ALL SUBSURFACES TO RECEIVE WORK. ANY CONDITIONS DETERMINED TO WORK SHALL BE REPORTED TO THE ARCHITECT/OWNER. COMMENCEMENT OF WORK SHALL IMPLY ACCEPTANCE OF ALL SUBSURFACES.

15. ANY MATERIAL STORED AT THE SITE SHALL BE COMPLETELY SUPPORTED FREE OF THE GROUND, COVERED AND OTHERWISE PROTECTED TO AVOID DAMAGE.

16. PRIOR TO FINAL INSPECTION, AS A DEFERRED SUBMITTAL ITEM, PROVIDE A FINAL COPY OF BUILDING OPERATION AND MAINTENANCE MANUAL TO BUILDING INSPECTOR. CALGREEN 5.408, 5.410, 5.504.5.1

17. ANY DAMAGE, AS A RESULT OF CONSTRUCTION OPERATIONS FOR THIS PROJECT, TO CITY FACILITIES, I.E. CURB/BERM, STREET, SEWER LINE, WATER LINE, OR ANY PUBLIC IMPROVEMENTS SHALL BE REPAIRED AT NO COST TO THE CITY OF TRACY.

43 STREET EXTERIOR RENDER

44 GENERAL NOTES

1. THE PROJECT MUST COMPLY WITH THE LATEST APPLICABLE CODE WHICH HAVE BEEN ADOPTED BY THE GOVERNING AGENCIES HAVING JURISDICTION, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

2019 CALIFORNIA BUILDING CODE, VOLS 1 & 2 (2015 IBC)
2019 CALIFORNIA ELECTRICAL CODE (2015 NEC)
2019 CALIFORNIA MECHANICAL CODE (2015 UMC)
2019 CALIFORNIA PLUMBING CODE (2015 UPC)
2019 CALIFORNIA ENERGY CODE
2019 CALIFORNIA FIRE CODE (2015 IFC)
2019 CALIFORNIA GREEN BUILDING CODE (2015 IBC)
2019 CALIFORNIA REFERENCE STANDARDS CODE

THESE CODES SHALL BE CONSIDERED AN INTEGRAL PART OF THESE DRAWINGS AS IF THEY WERE PRINTED HERE ON THIS SHEET IN THEIR ENTIRETY.

45 AREA MAP

46 VICINITY MAP

47 PROJECT INFORMATION

SHEET INDEX				
Sheet Number	Sheet Name	Sheet Issue Date	Current Rev	Current Rev Date
G0.0	TITLE SHEET	12/22/2021	1	03/31/2022
G0.5	3D VIEWS	12/22/2021	1	03/31/2022
G0.6	SITE PHOTOS	12/22/2021		
L2.0	Hardscape Plan	05/19/22		
L3.0	Planting Plan	05/19/22		
A1.0	SITE PLANS	12/22/2021	1	03/31/2022
A1.1	SITE DETAILS	04/18/22	1	03/31/2022
A2.1	FIRST FLOOR PLAN	12/22/2021		
A2.3	SECOND FLOOR PLAN	12/22/2021	1	03/31/2022
A2.5	BASEMENT FLOOR PLAN	12/22/2021		

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48 REVISIONS

REV # | REV DATE | REV DESCRIPTION
1 | 03/31/2022 | CUP REVIEW #1

49 ARCHITECT: ANDREW GOODWIN DESIGNS
OWNER: MEGAN'S ORGANIC MARKET
2050 PARKER STREET
SAN LUIS OBISPO, CA 93401
PHONE: (805) 439-1611
CONTACT: ANDREW GOODWIN, AIA LEED AP
CONTACT: NICK ANDRE

50 SEAL

51 SHEET INDEX

52 PROJECT DIRECTORY

53 PROJECT DESCRIPTION

54 PARCEL INFORMATION

ADDRESS: 104 W. 10TH STREET
TRACY, CA 95376
APN: 235-054-06
ZONING: CBD - CENTRAL BUSINESS DISTRICT
(E) OCCUPANCY: MERCANTILE (M)
(N) OCCUPANCY: MERCANTILE (M)
PARCEL AREA: 0.28 ACRES/ 12,187 SF
SETBACKS: 0' FRONT, 0' SIDE
CONSTRUCTION TYPE: TYPE III - MASONRY
STORIES: 2 + BASEMENT
(E) BUILDING HEIGHT: 25' - 0" (APPROXIMATE)
(E) BLDG. SF: BASEMENT: 4050 SF
FIRST FLOOR: 12150 SF
MEZZANINE: 4050 SF
SECOND FLOOR: 1087 SF
PARKING REQUIREMENTS: 1,260 SF RETAIL
DUE TO PROJECT LOCATION IN DOWNTOWN INCENTIVE AREA AND EXISTING BUILDING USE NOT CHANGING, THE PROPOSED PROJECT DOES NOT REQUIRE ADDITIONAL PARKING THAN PROVIDED.
CITY OF TRACY MUNICIPAL CODE: 10.08.3470(d)
PARKING PROVIDED: 11 STANDARD SPACES
1 ADA SPACE (AN ACCESSIBLE)
AUTOMATIC FIRE SPRINKLER: EXISTING TO REMAIN.

55 SHEET TITLE

56 TITLE SHEET

57 DATE: 12/22/2021

58 TECHNICIAN: GLW

59 PROJECT MANAGER: AMM

60 JOB NUMBER: 560

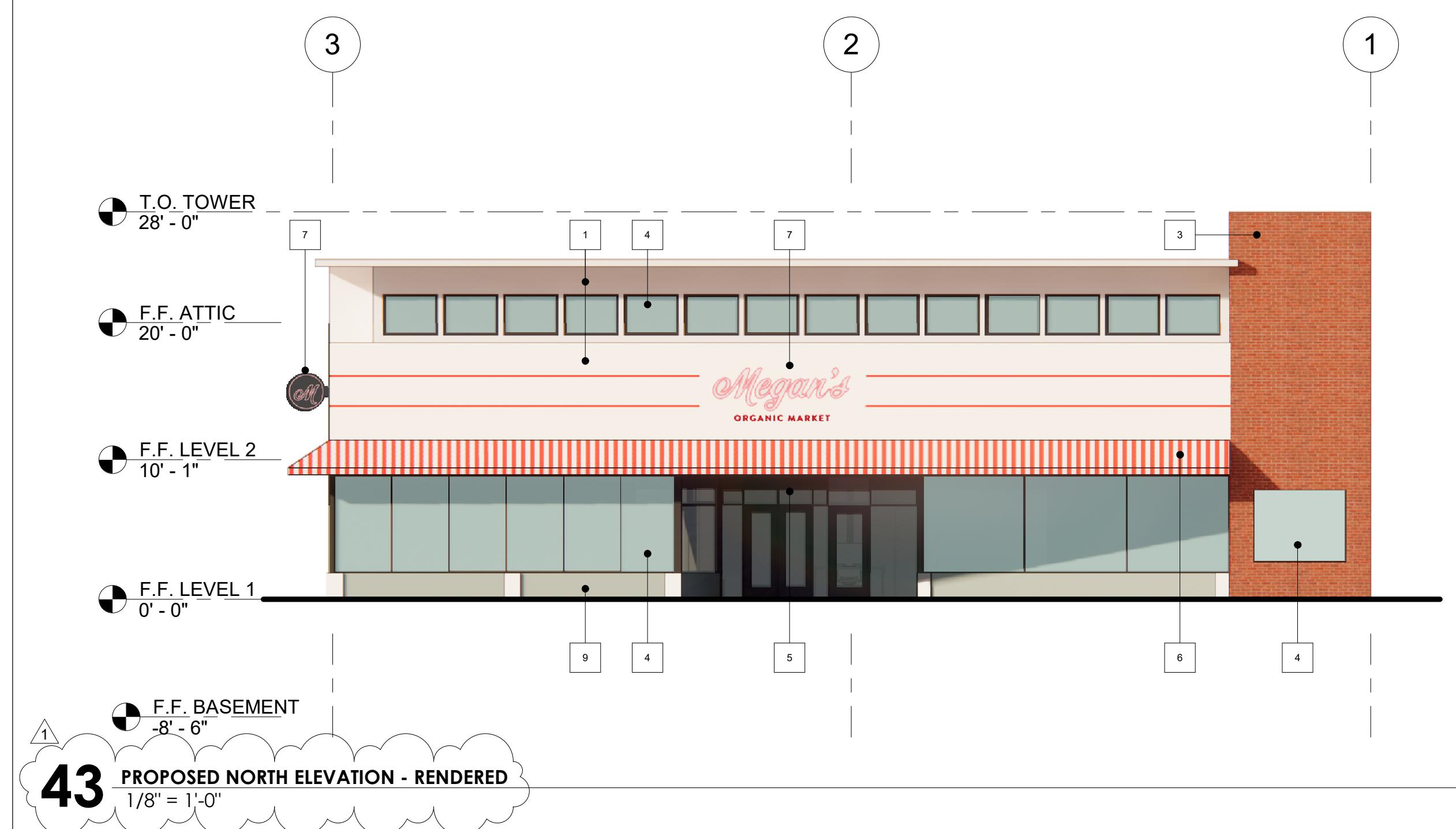
61 SHEET NUMBER

62 G0.0

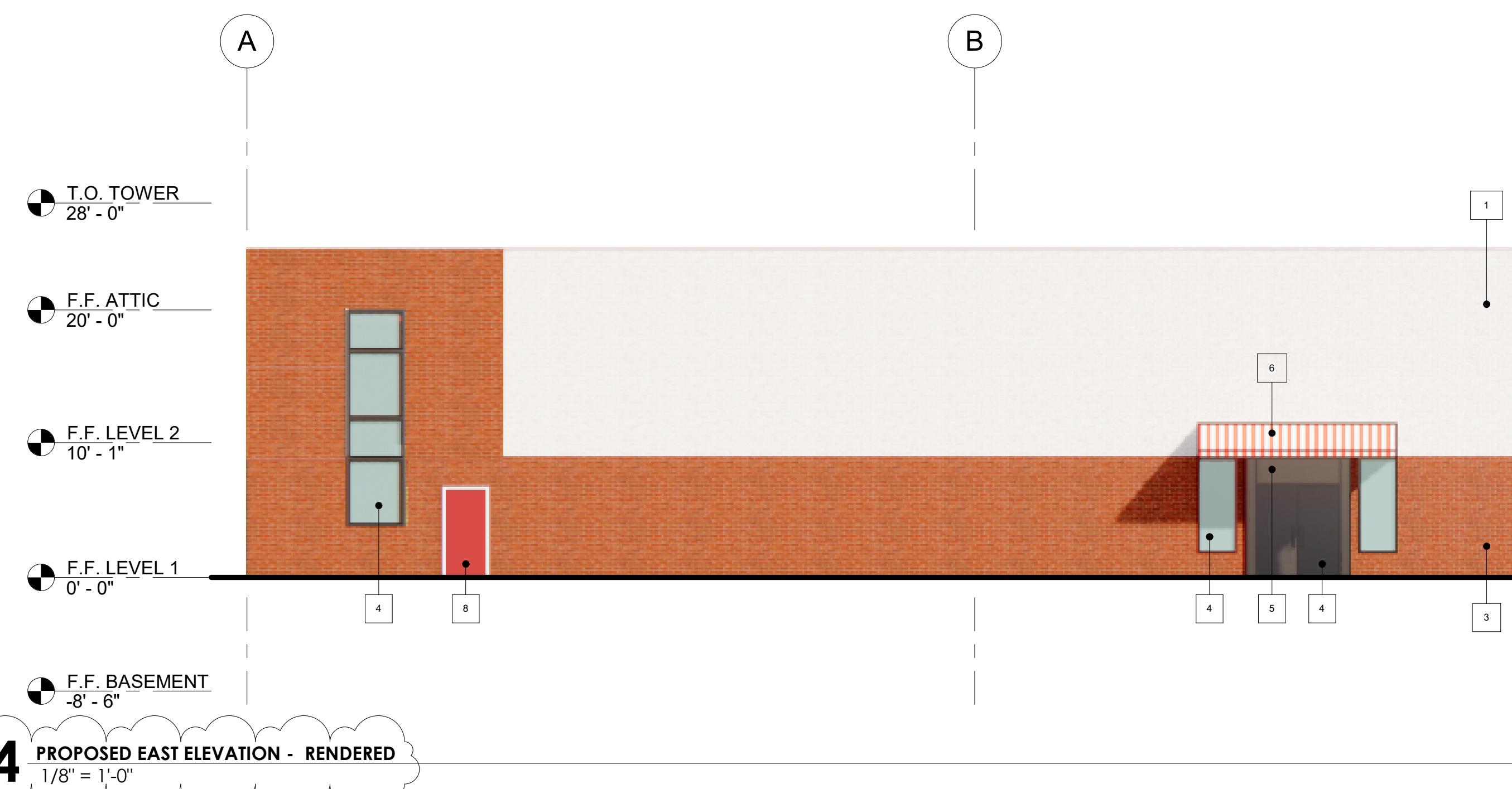
63 NOT FOR CONSTRUCTION



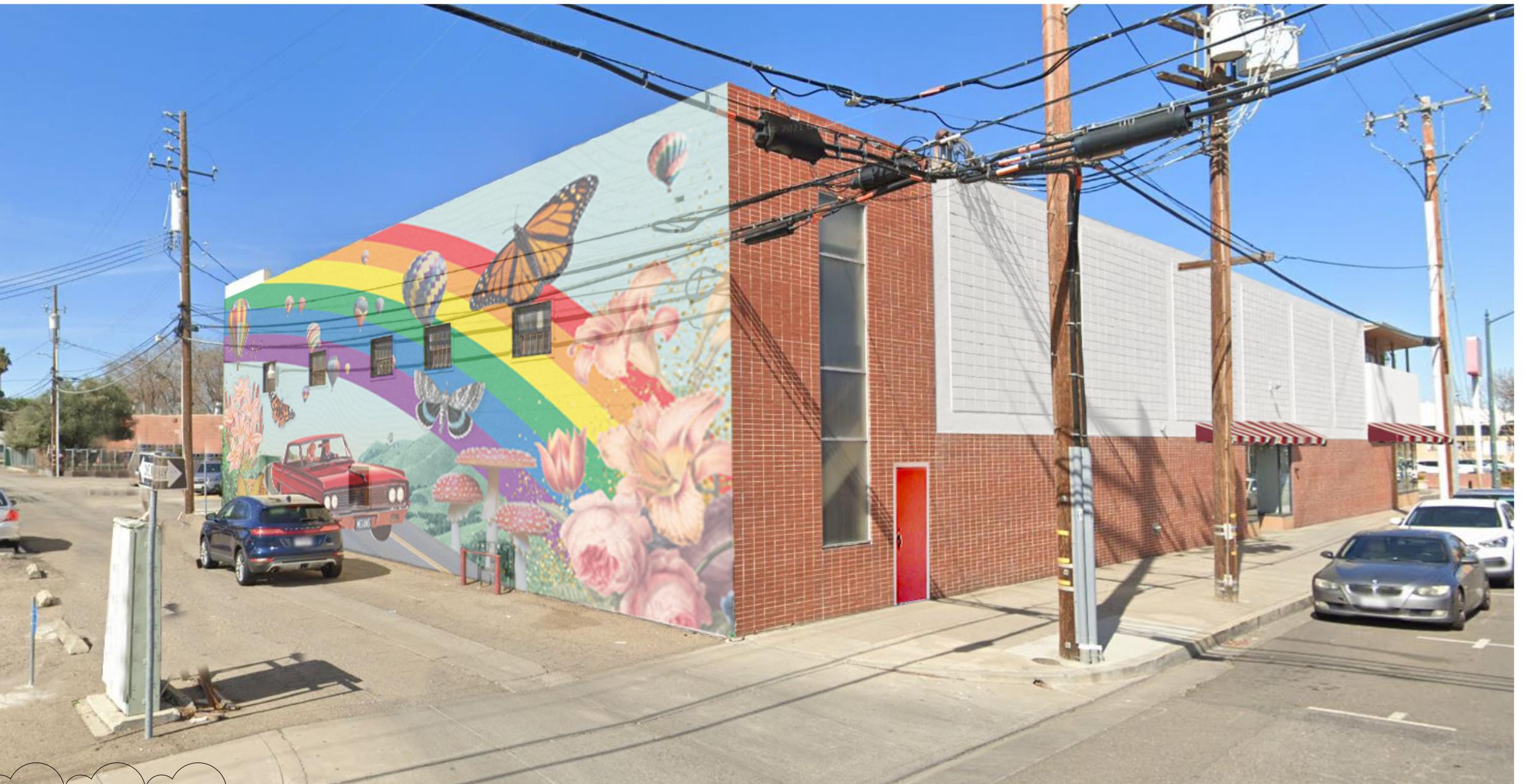
41 RENDER - FRONT FACADE



43 PROPOSED NORTH ELEVATION - RENDERED
1/8" = 1'-0"



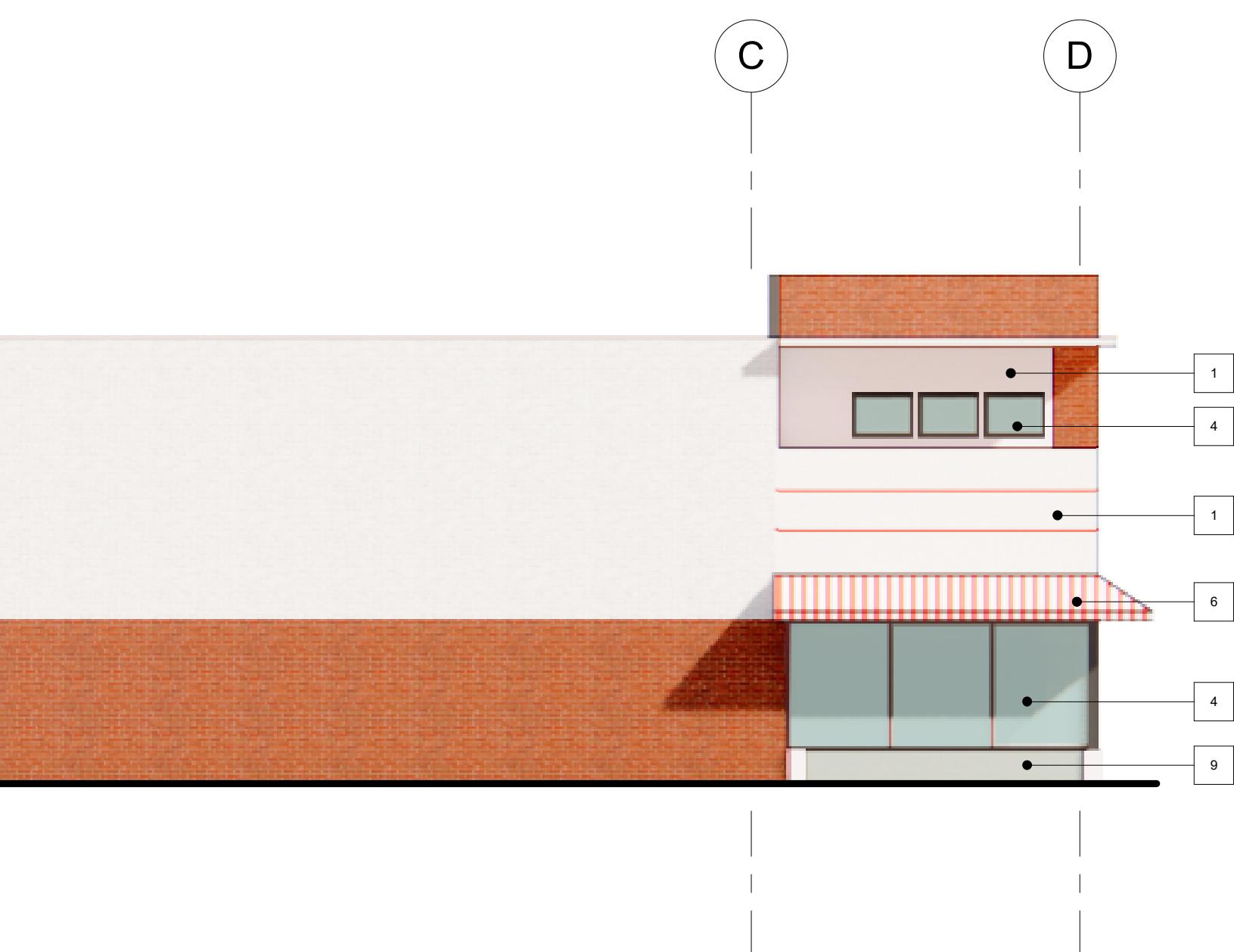
44 PROPOSED EAST ELEVATION - RENDERED
1/8" = 1'-0"



21 RENDER - SE CORNER



23 PROPOSED SOUTH ELEVATION - RENDERED
1/8" = 1'-0"



GENERAL NOTES: ELEVATION

1. CONTRACTOR TO VERIFY LOCATION OF ELECTRICAL, PLUMBING, AND MECHANICAL EQUIPMENT WITH OWNER/AGENT BEFORE INSTALLATION.
2. STRUCTURE IS ONLY DIAGRAMMED FOR ARCHITECTURAL PURPOSES.
3. EXISTING EXTERIOR STRUCTURE AND ROOFING TO REMAIN. ALL HEIGHTS AND SIZES OF FRAME TO BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION.
4. IN BUILDINGS USES FOR OTHER THAN RESIDENTIAL OCCUPANCIES, DRAFT STOPS MUST BE INSTALLED IN WOOD FRAMED FLOOR CONSTRUCTION CONTAINING CONCEALED SPACE. SUCH DRAFT STOPS MUST BE INSTALLED SO THAT THE AREA OF THE CONCEALED SPACE DOES NOT EXCEED 1,000 SQUARE FEET. (CBC 718.3.3)
5. IN BUILDINGS USED FOR OTHER THAN RESIDENTIAL OCCUPANCIES, DRAFT STOPS MUST BE INSTALLED IN THE ATTIC FORMED BY COMBUSTIBLE CONSTRUCTION. SUCH DRAFT STOPS MUST BE INSTALLED SO THAT THE AREA OF THE CONCEALED SPACE DOES NOT EXCEED 3,000 SF. (CBC 718.4.3)

KEYNOTES: ELEVATION

1. (E) EXTERIOR WALL TO BE PAINTED WHITE.
2. (E) EXTERIOR WALL TO BE PAINTED WITH MURAL.
3. (E) BRICK MASONRY TO REMAIN
4. (E) GLAZING TO REMAIN
5. (E) CANNED LIGHTING TO REMAIN
6. (N) AWNING
7. (N) SIGNAGE
8. (N) EXTERIOR DOOR TO BE PAINTED RED TO MATCH NEW AWNINGS.
9. (E) EXTERIOR WALL BASE TO BE REPAINTED GREEN.

REVISIONS

REV #	REV DATE	REV DESCRIPTION
1	03/12/2022	CUP REVIEW #1
2	06/15/2022	CUP REVIEW #2

SEAL
NOT FOR CONSTRUCTION

PROJECT
MEGAN'S ORGANIC
MARKET CANNABIS
DISPENSARY
104 W. 10TH STREET
TRACY, CA 95376

CLIENT
MOM EC LLC dba
MEGAN'S ORGANIC
MARKET

SHEET TITLE
3D VIEWS

DATE: 12/22/2021

TECHNICIAN: NB

PROJECT MANAGER: AMS

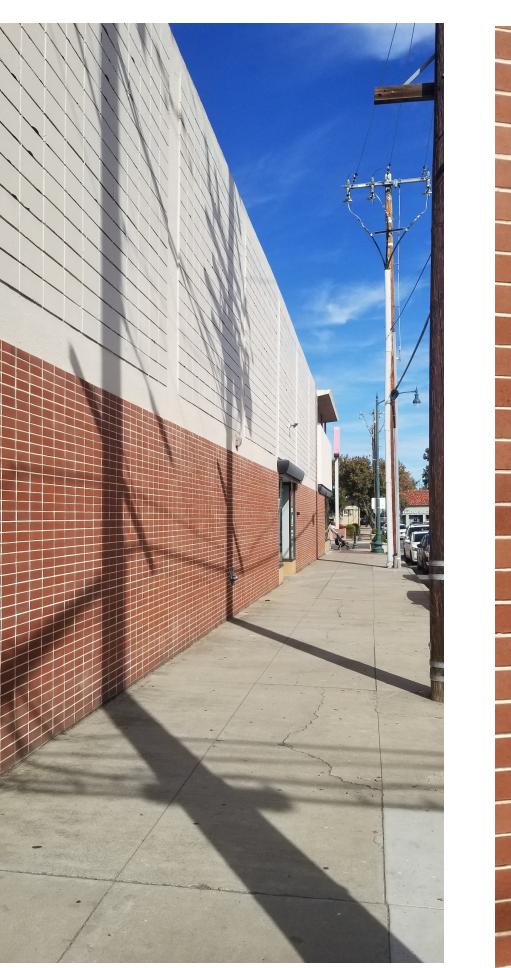
JOB NUMBER: 560

SHEET NUMBER

G0.5



1 SOUTH ELEVATION FROM ALLEY



2 EAST ELEVATION



3 EAST ENTRANCE



4 NORTH ELEVATION FROM 10TH STREET



5 NORTH ELEVATION ENTRY



6 VIEW EAST DOWN 10TH STREET, BUILDING ON RIGHT



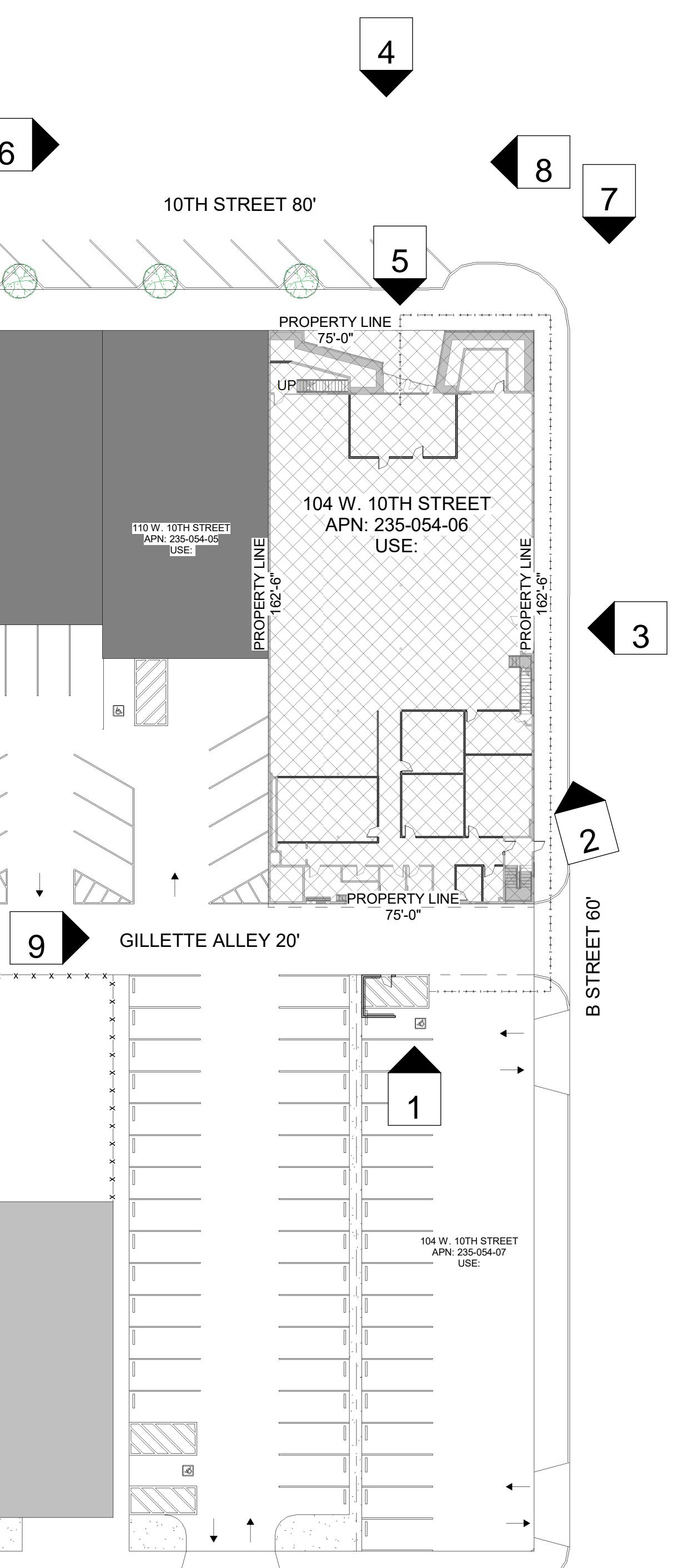
7 VIEW SOUTH DOWN B STREET, BUILDING ON RIGHT



8 VIEW WEST DOWN 10TH STREET, BUILDING ON LEFT



9 VIEW EAST DOWN GILLETTE ALLEY, BUILDING ON LEFT (MIDDLE OF IMAGE)





PURLIEU
LANDSCAPE DESIGN + BUILD

License #996077

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San Luis Obispo, Ca 93401
www.purlieu.landscapes.com
805.439.1757

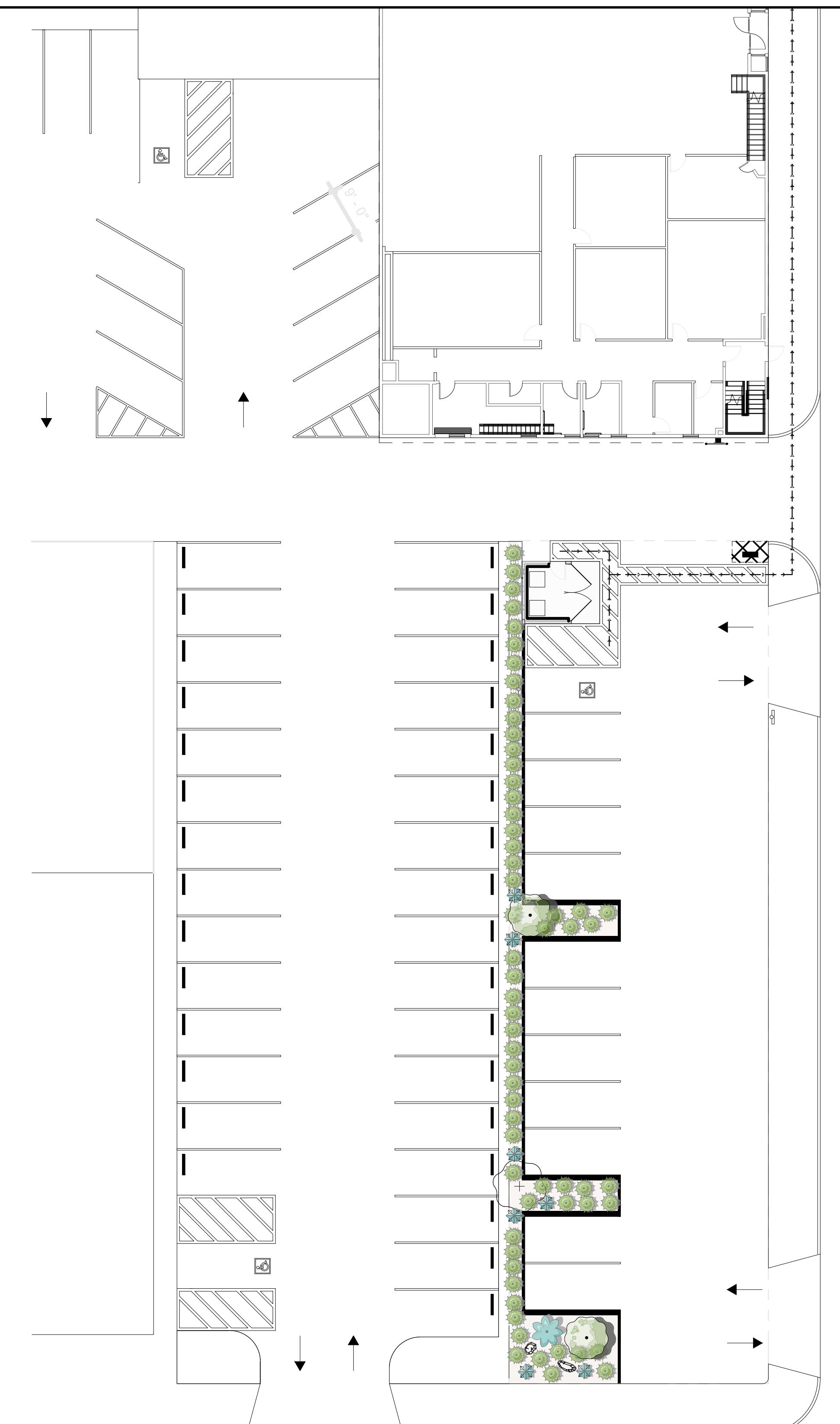
DESIGNED BY

Landscape Designer
Michael H. Vogt

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Megan's Organic Market

104 W 10th St // Tracy, CA



PLANTING PLAN

CONCEPT PLANT SCHEDULE

	ALMOND TREE Prunus dulcis / Almond	2
	SMALL GRASS Carex divulsa / European Grey Sedge	62
	AGAVE Agave attenuata / Foxtail Agave Agave ovatifolia / Whale's Tongue Agave	8
	LARGE AGAVE Agave americana / Century Plant	1

REVISIONS

DATE	SUBMITTAL

PLANTING PLAN

CLIENT

Megan's Organic Market
104 W 10th St
San Luis Obispo, California
93401
05/19/22



Two days before you dig
call toll free: 1.800.422.4133
(Under Ground Service Alert)

0 10 20 40
SCALE: 1/16" = 1'-0"
NORTH

L3.0



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805.439.1757

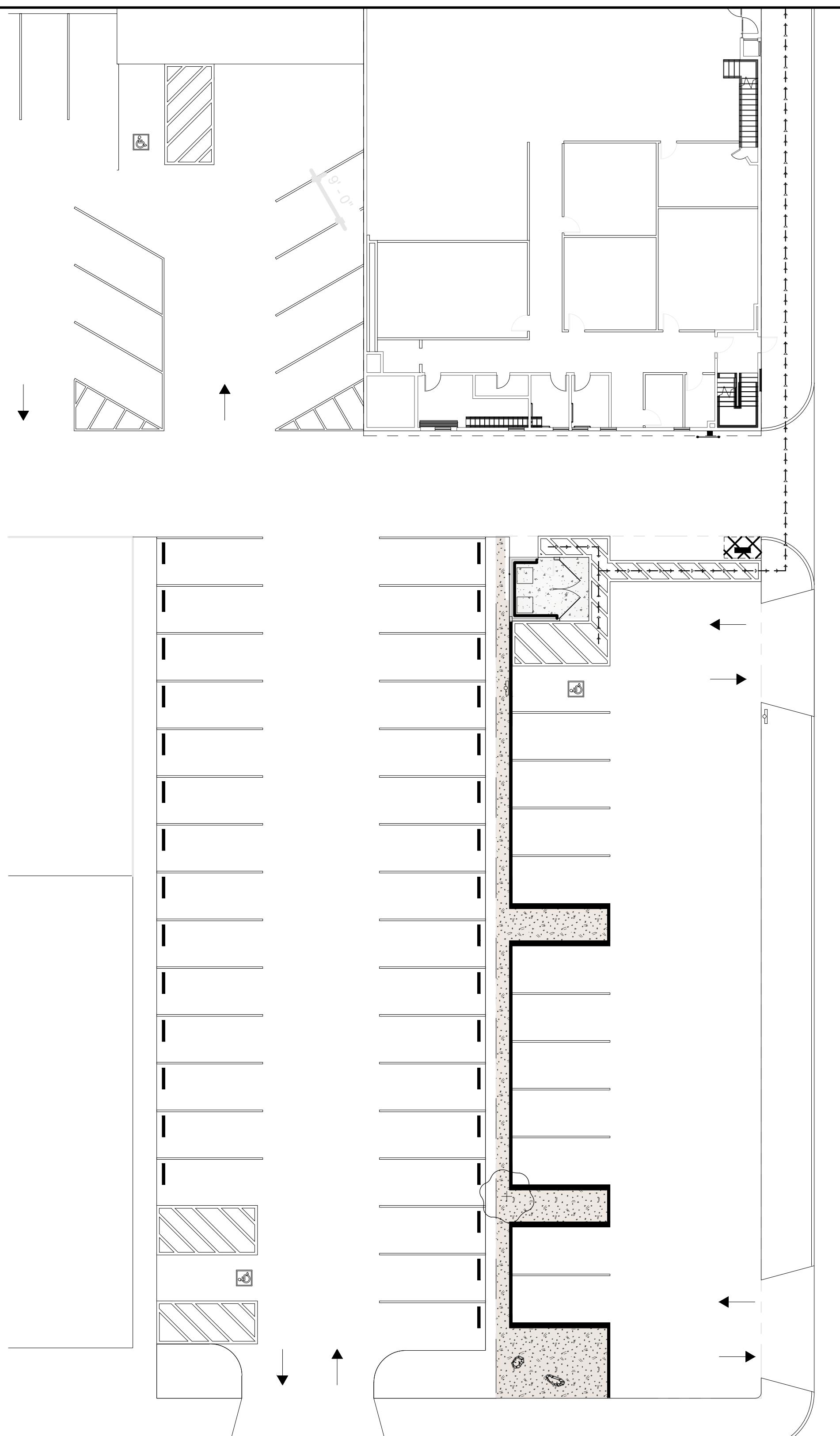
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Megan's Organic Market

104 W. 10th St // Tracy, CA



Hardscape Plan

0 10 20 40
SCALE : 1/16" = 1'-0"
NORTH



Two days before you dig
call toll free: 1.800.422.4133
(Under Ground Service Alert)

L2.0

GENERAL NOTES:

DESCRIPTION

1. Work performed shall comply with the following:
A. These General Notes, and Construction Documents and Specifications.
B. All applicable local, state, and federal codes, ordinances and regulations. All codes listed in Specifications and Drawings shall be inclusive of all codes, regulations and requirements adopted by the State of California, including all Amendments.
2. Source of base information is Purlieu Landscape Design + Build and is assumed to be correct. Report any discrepancies immediately to the Owner's representative.
3. Verify locations of pertinent site improvements installed under other contracts. If any part of this plan cannot be followed due to site conditions, contact owner's representative for instructions prior to commencing work.
4. Contact local underground utility services for utility location and identification, prior to commencing work.
5. If a Contractor other than Purlieu Landscape Design + Build, constructs these plans, Purlieu is not liable for any damage or plan discrepancies.
6. Location, number, and size of existing trees are not exact. Existing trees on plan are placed to approximate locations. Exact location, number, and size of trees to be determined on site.

LEGEND:

SYMBOL	DESCRIPTION	QTY
	Concrete Flatwork - Broom finish	153 sq. ft.
	Mulch	1,605 sq. ft.

REVISIONS

DATE	SUBMITTAL

Hardscape Plan

CLIENT

Megan's Organic Market
104 W. 10th St
Tracy, California
95376
05/19/22

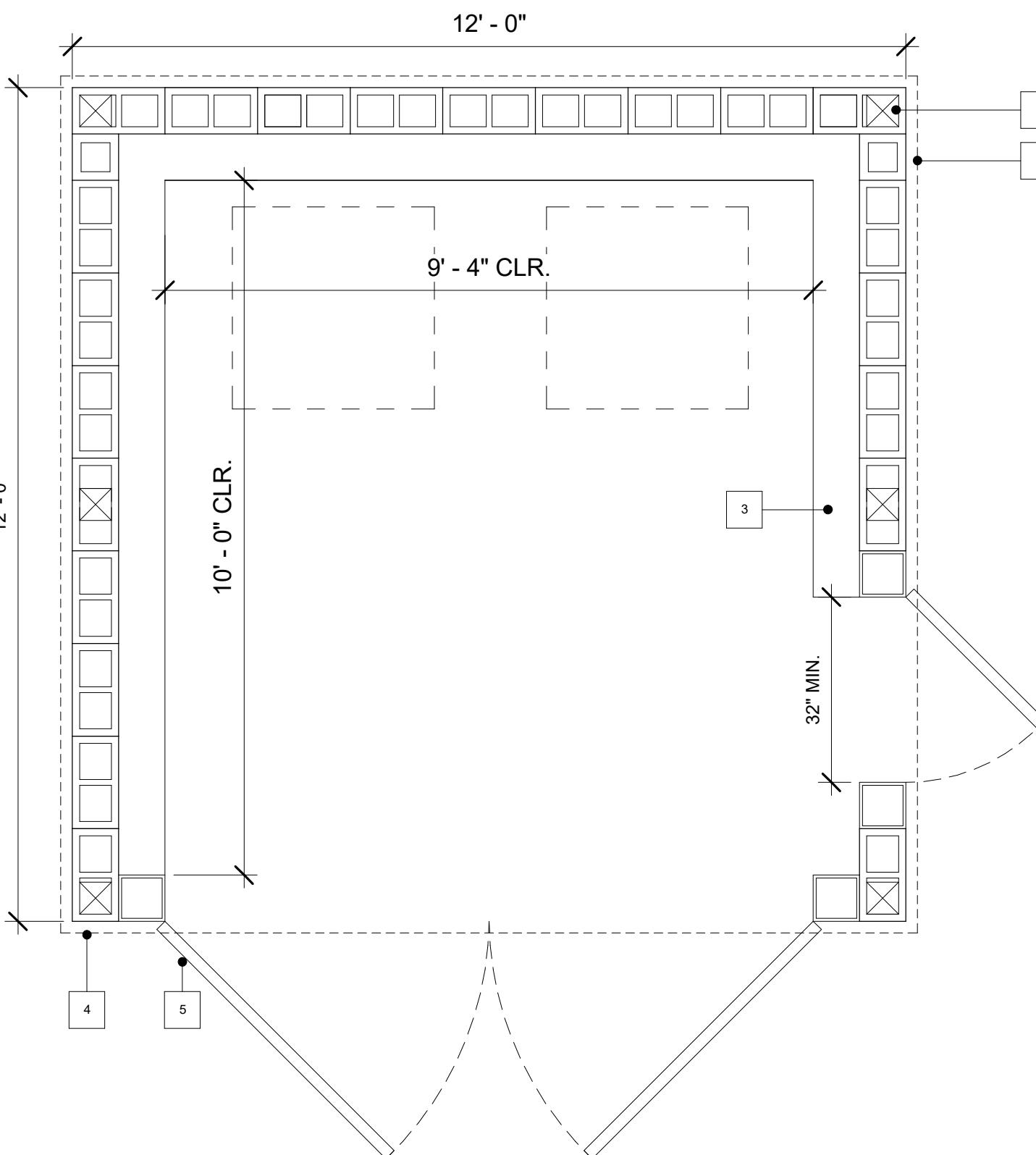
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REVISIONS
REV # | REV DATE | REV DESCRIPTION
1 | 03/31/2022 | CUP REVIEW #1

SEAL

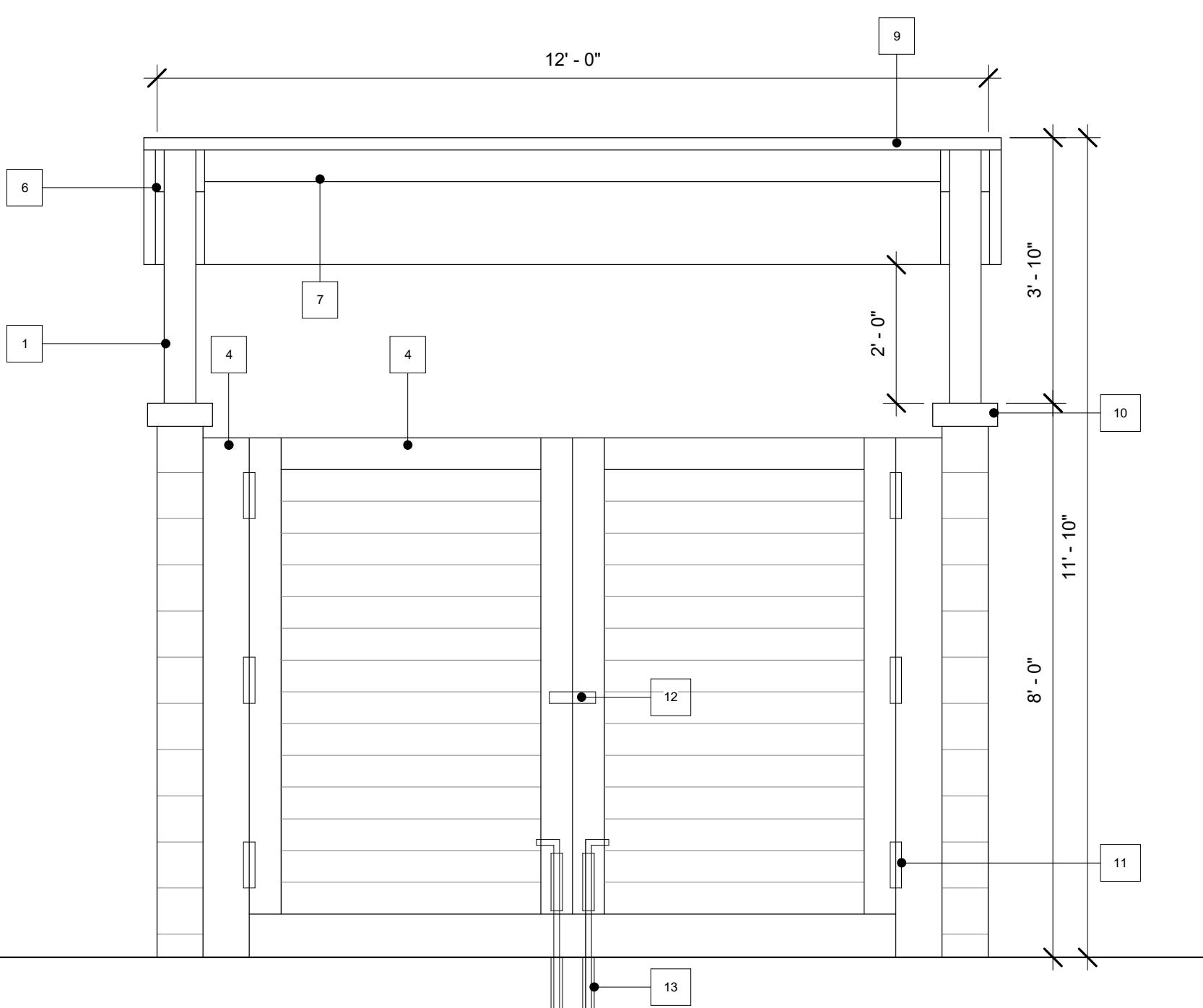
PROJECT
MEGAN'S ORGANIC
MARKET CANNABIS
DISPENSARY
104 W. 10TH STREET
TRACY, CA 95376

CLIENT
MOM EC LLC dba
MEGAN'S ORGANIC
MARKET



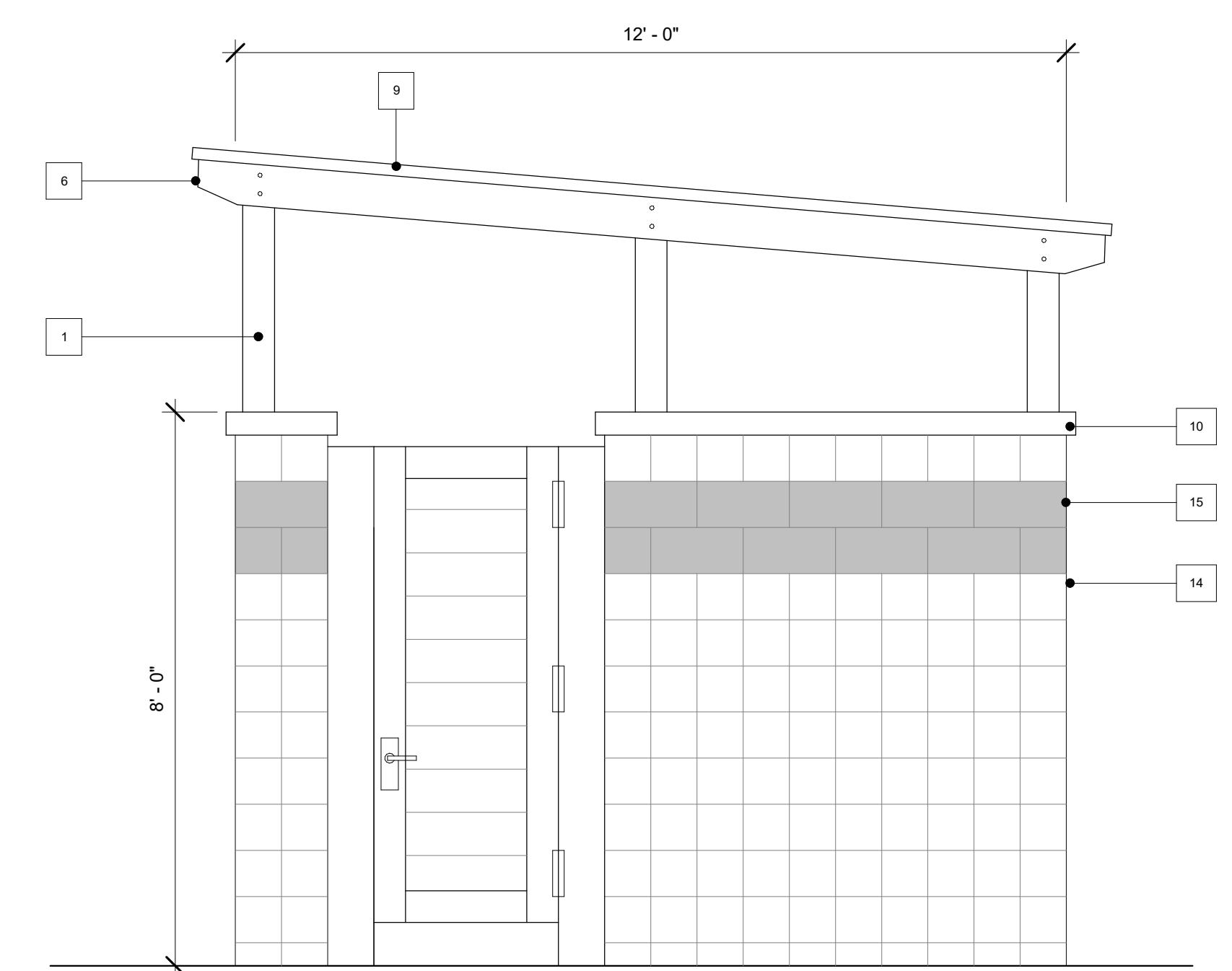
42 TRASH ENCLOSURE ENLARGED PLAN

1/2" = 1'-0"



44 TRASH ENCLOSURE FRONT ELEVATION

1/2" = 1'-0"



24 TRASH ENCLOSURE SIDE ELEVATION

1/2" = 1'-0"

KEYNOTES: TRASH ENCLOSURE

1. 6x6 ROOF POST
2. ROOF OUTLINE
3. 8" CONCRETE CURB
4. PAINTED TUBE STEEL GATE POST
5. PAINTED STEEL DOUBLE SWING GATE
6. 2x6 RAFTERS
7. 2x6 PURLINS
8. PAINTED STEEL GATE FRAME
9. STANDING SEAM METAL ROOF COLOR TO MATCH BUILDINGS
10. PRECAST CONCRETE CAP
11. (3) BARREL HINGE
12. SLIDE BOLT AND SLEEVE
13. DROP BOLT AND SLEEVE
14. BURNISHED FACE CMU 8x8x16 MATTE HALF-SCORE FINISH. COLOR: PAINTED WHITE
15. BURNISHED FACE CMU 8x8x16 MATTE FINISH. COLOR: PAINTED RED TO MATCH BUILDING. TBD BY OWNER

SHEET TITLE
SITE DETAILS

DATE: 04/18/22

TECHNICIAN: GLW

PROJECT MANAGER: AMM

JOB NUMBER: 560

SHEET NUMBER

A1.1

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REVIEWS

REV # | REV DATE | REV DESCRIPTION

AL

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CONSTRUCTION

PROJECT

MEGAN'S ORGANIC
MARKET CANNABIS
DISPENSARY
104 W. 10TH STREET
TRACY, CA 95376

CLIENT

MOM EC LLC dba
MEGAN'S ORGANIC
MARKET

IEET TITI

FIRST FLOOR PLAN

DATE: 12/22/2021

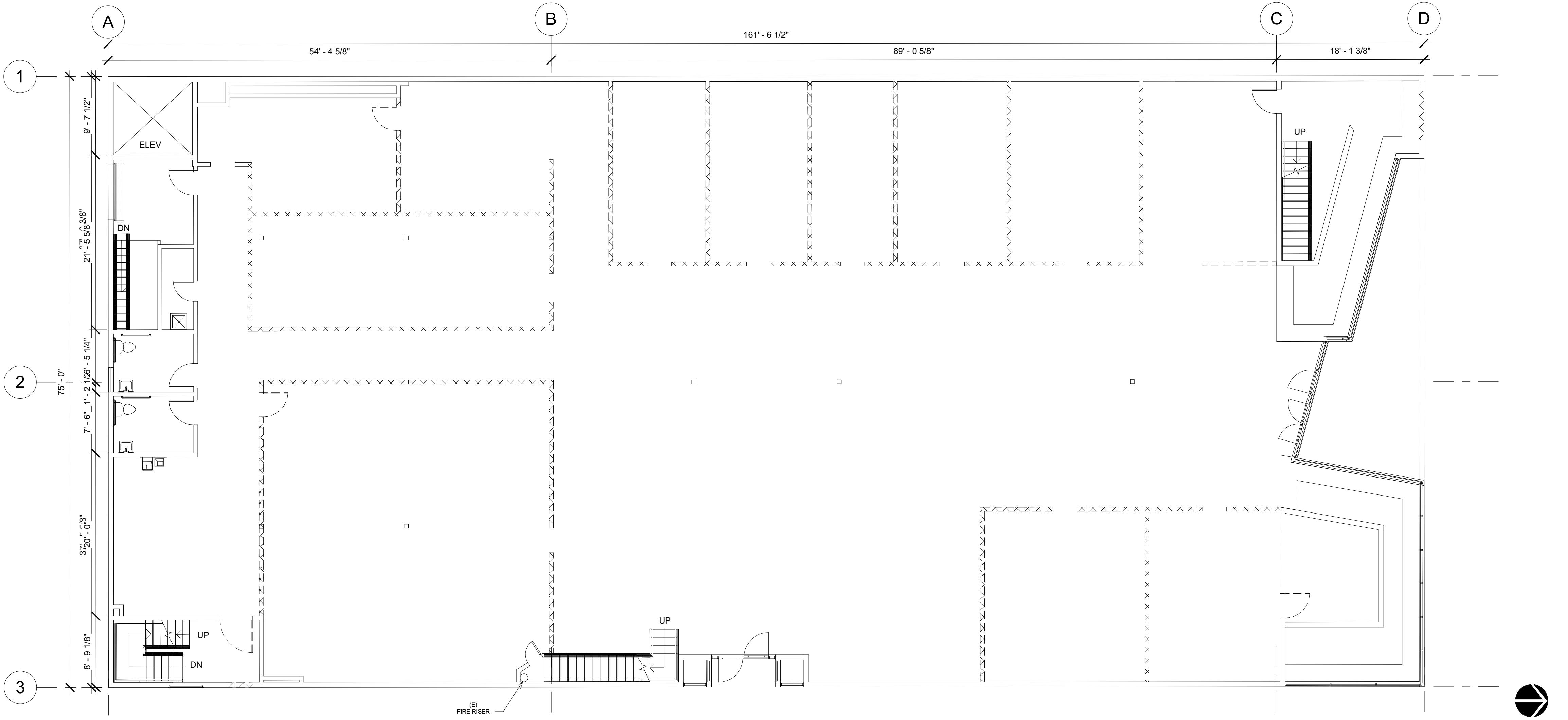
TECHNICIAN: GLW

PROJECT MANAGER: ACG

SHEET NUMBER

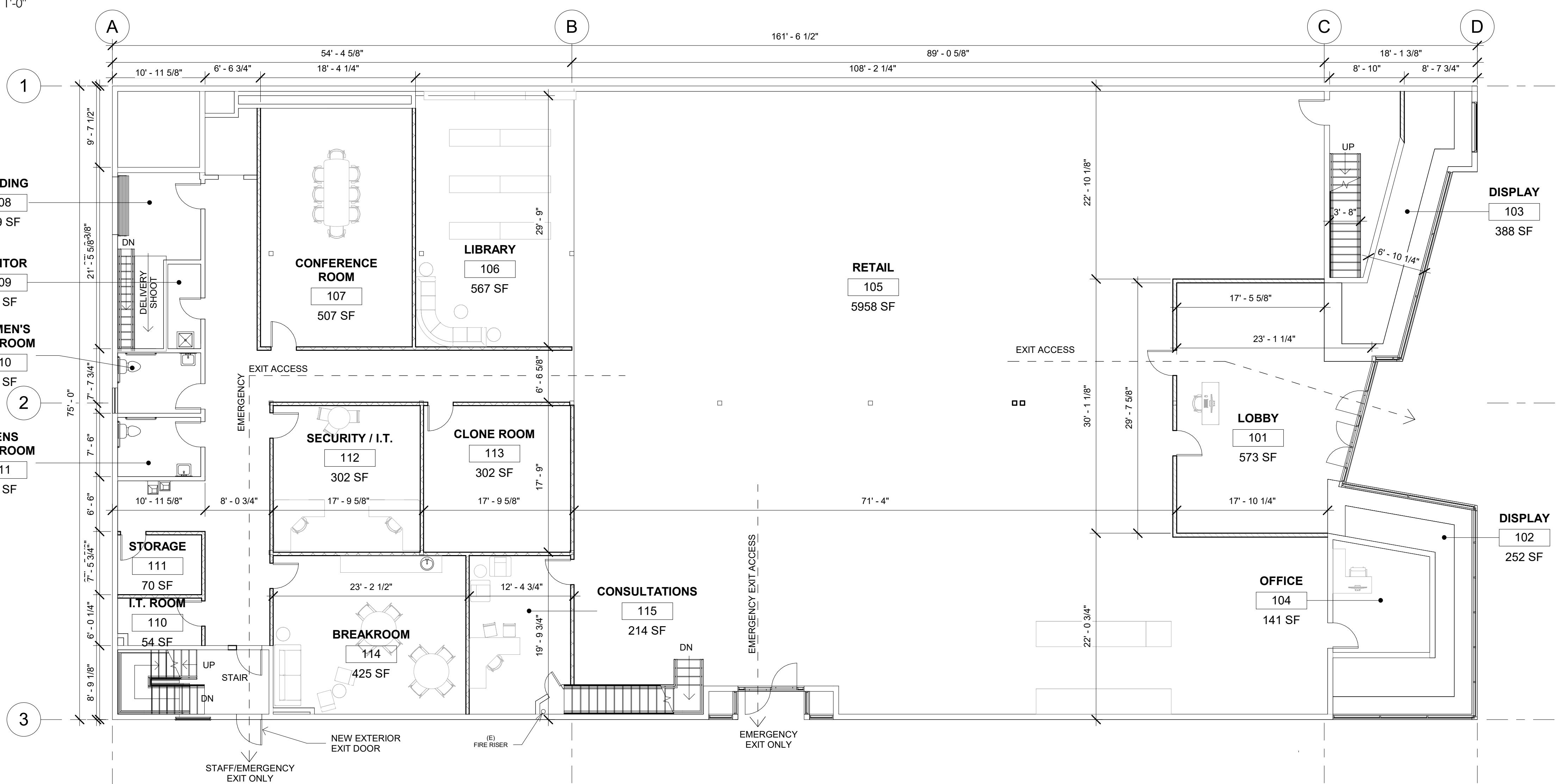
A2.1

A2.1



42 DEMO FLOOR PLAN - LEVEL 1

1/8" = 1-0"



44 PROPOSED FLOOR PLAN - LEVEL 1

1/8 - 1-0

GENERAL NOTES: FLOOR PLAN

RE IN PLAN IS ONLY DIAGRAMMATIC. NOT FOR
TION. CONTRACTOR TO VERIFY FURNITURE
PRIOR TO CONSTRUCTION.

RATED 2A:10B:C FIRE EXTINGUISHERS SUCH
XTINGUISHER IS LOCATED WITHIN A 75-FOOT
STANCE TO ANY POINT IN THE BUILDING.
HERS SHALL BE MOUNTED ON THE WALL OR
S, SUCH THAT THE TOP OF THE
HER IS NO HIGHER THAN 48 INCHES ABOVE

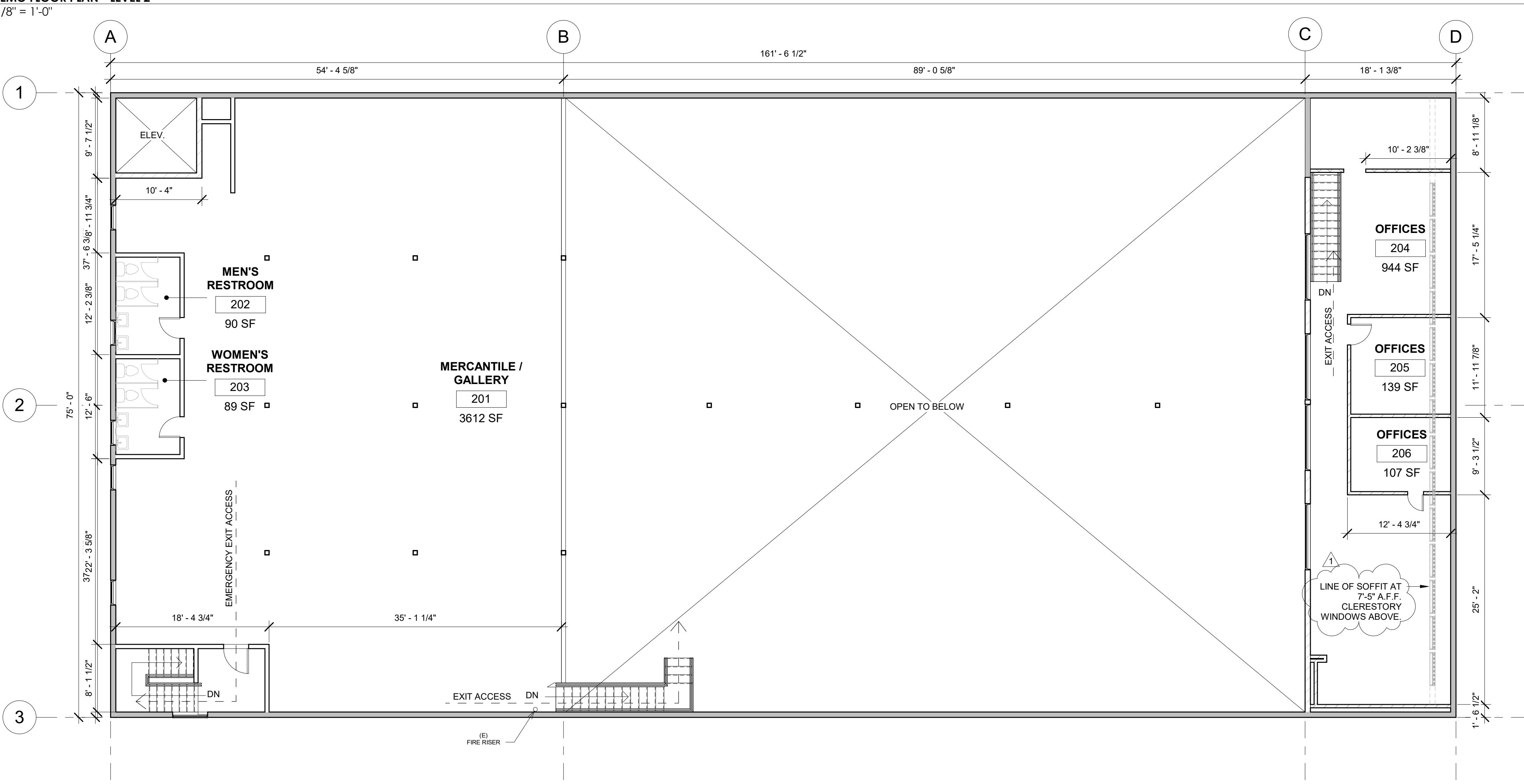
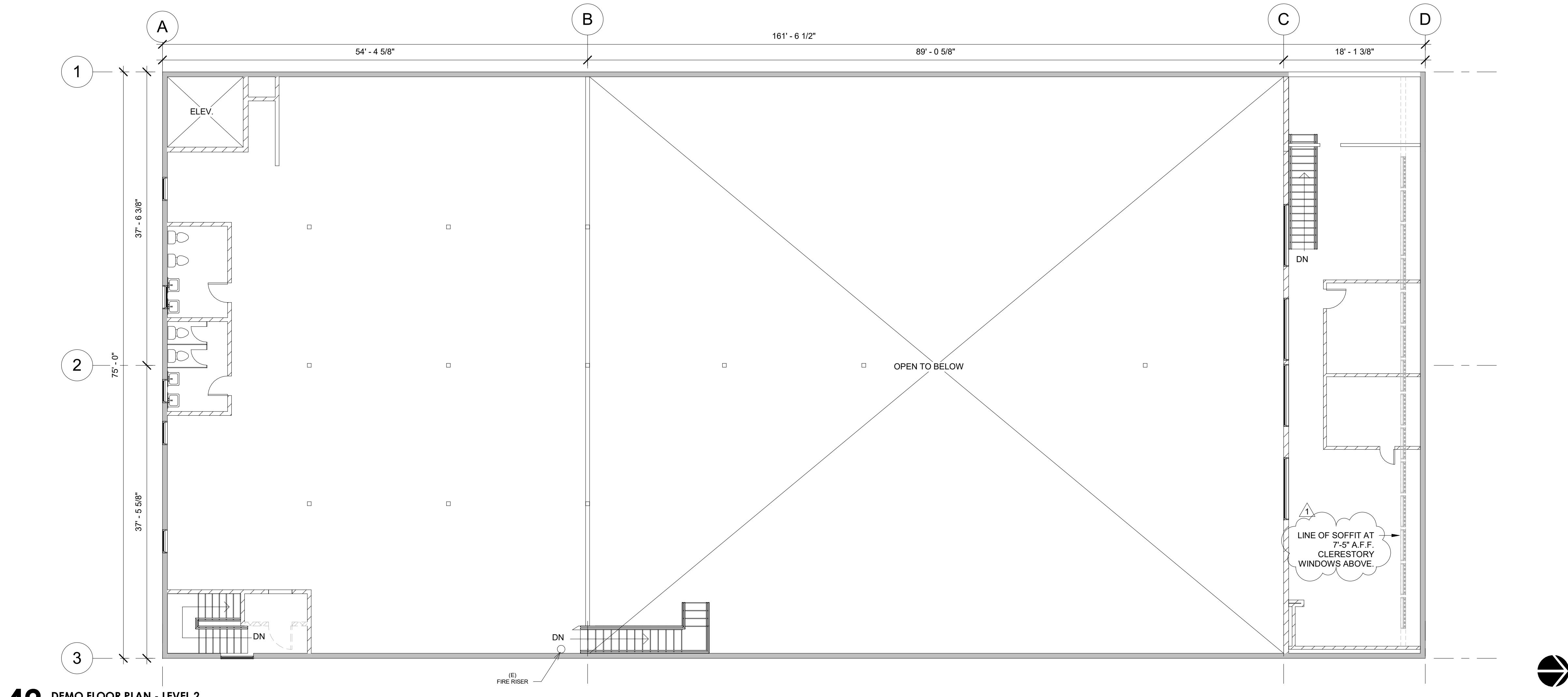
CONTRACTOR TO PROVIDE NEW SIGNAGE
ED TO COMPLY WITH APPLICABLE BUILDING
SIGNAGE SHALL COMPLY WITH
LITY GUIDELINES, AND CBC INCLUDING BUT
D TO PROPORTION, COLOR, CONTRAST AND
NT STYLE AND GRADE 2 BRAILLE
ENTS. AFFIX AN INTERNATIONAL
LITY SYMBOL ON ALL ACCESSIBLE
S PER APPLICABLE CODE. RE: A-0.2

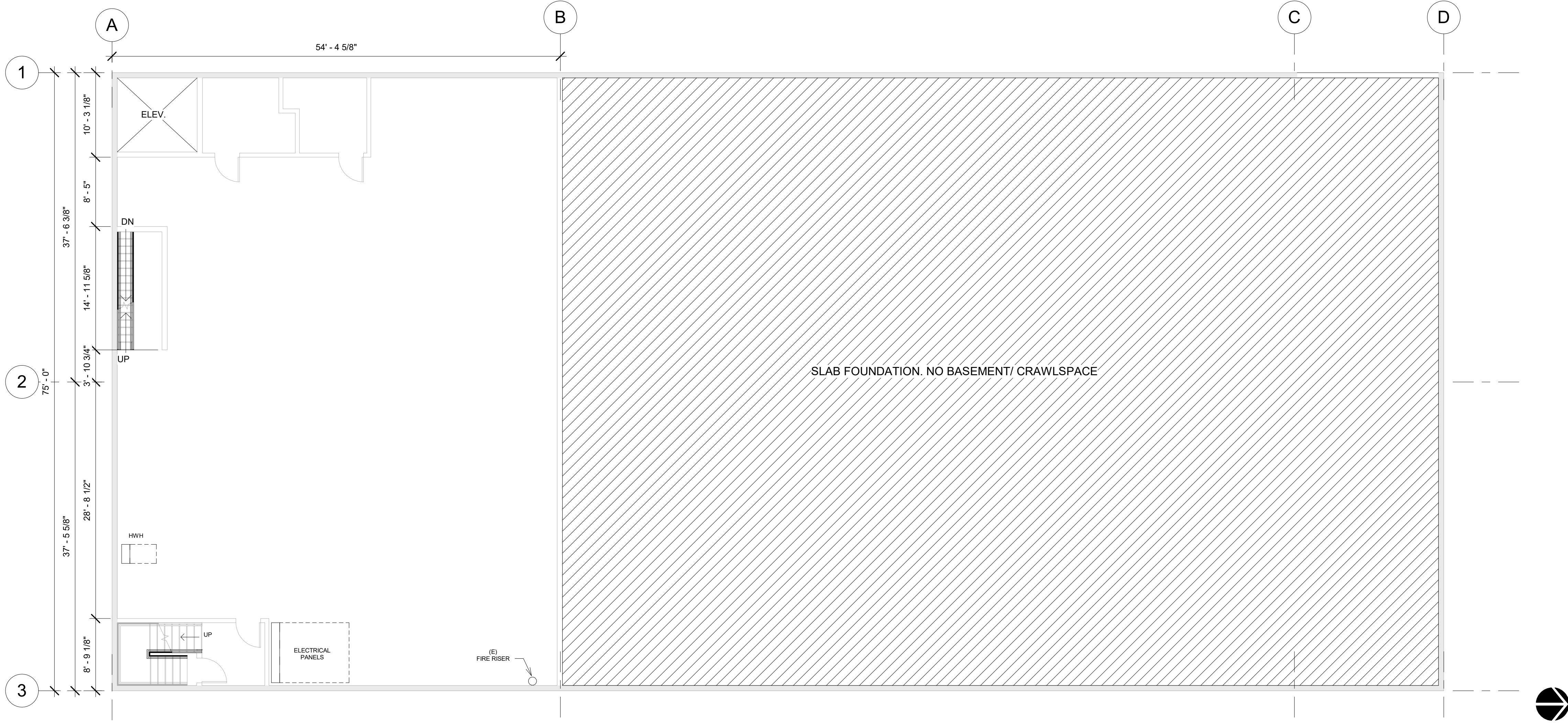
SH
R HARDEWARE TO BE FALCON LEVER

WALL TYPES

   	<p>(E) EXT. MASONRY WALL. EXT. FINISH PER ELEVATION.</p> <p>(E) INT. WALL TO REMAIN.</p> <p>(E) WALL TO BE REMOVED.</p> <p>(N) 2X4 D.F. WOOD STUD WALL @ 16" O.C. W/ PLASTER FINISH.</p>
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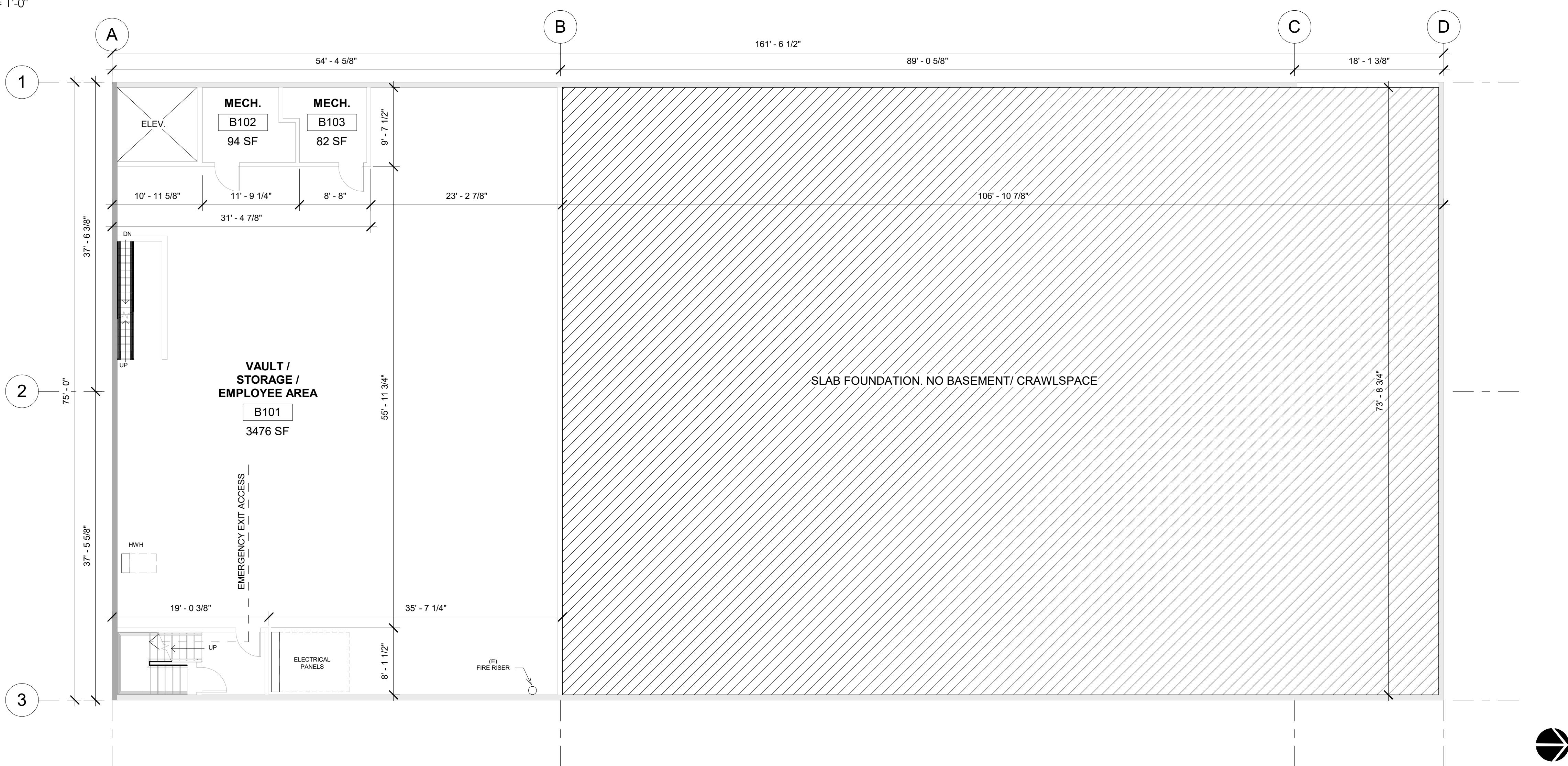
GENERAL NOTES: FLOOR PLAN	
1.	FURNITURE IN PLAN IS ONLY DIAGRAMMATIC. NOT FOR CONSTRUCTION. CONTRACTOR TO VERIFY FURNITURE W/ OWNER PRIOR TO CONSTRUCTION.
2.	PROVIDE RATED 2A:10:B:C FIRE EXTINGUISHERS SUCH THAT AN EXTINGUISHER IS LOCATED WITHIN A 75-FOOT TRAVEL DISTANCE TO ANY POINT IN THE BUILDING. EXTINGUISHERS SHALL BE MOUNTED ON THE WALL OR IN CABINETS SUCH THAT THE TOP OF THE EXTINGUISHER IS NO HIGHER THAN 48 INCHES ABOVE THE FLOOR.
3.	GENERAL CONTRACTOR TO PROVIDE NEW SIGNAGE AS REQUIRED TO COMPLY WITH APPLICABLE BUILDING CODES. ALL SIGNAGE SHALL COMPLY WITH ACCESSIBILITY GUIDELINES AND CEC, INCLUDING BUT NOT LIMITED TO PROPORTION, COLOR, CONTRAST AND RELIEF, FONT STYLE AND GRADE 2 BRAILLE REQUIREMENTS. AFFIX AN INTERNATIONAL ACCESSIBILITY SYMBOL ON ALL ACCESSIBLE ENTRANCES PER APPLICABLE CODE. RE: A-0.2
4.	ALL DOOR HARDWARE TO BE FALCON LEVER ACTION.
5.	ALL WORK SHALL BE IN COMPLIANCE TO LOCAL BUILDING CODES. CONTRACTOR TO SUBMIT ON RFI (REQUEST FOR INFORMATION) TO THE ARCHITECT ON RECORD FOR CLARIFICATION OF CONSTRUCTION METHODS, DETAILS OR SPECIFICATIONS AS NEEDED.
WALL TYPES	
(E)	EXT. MASONRY WALL. EXT. FINISH PER ELEVATION.
(E)	INT. WALL TO REMAIN.
(E)	WALL TO BE REMOVED.
(N)	2X4 D.F. WOOD STUD WALL @ 16" O.C. W/ PLASTER FINISH.





42 DEMO FLOOR PLAN - BASEMENT

1/8" = 1'-0"



44 PROPOSED FLOOR PLAN - BASEMENT

1/8" = 1'-0"

GENERAL NOTES: FLOOR PLAN

- FURNITURE IN PLAN IS ONLY DIAGRAMMATIC. NOT FOR CONSTRUCTION. CONTRACTOR TO VERIFY FURNITURE W/ OWNER PRIOR TO CONSTRUCTION.
- PROVIDE RATED 2A:10B:C FIRE EXTINGUISHERS SUCH THAT AN EXTINGUISHER IS LOCATED WITHIN A 75-FOOT TRAVEL DISTANCE TO ANY POINT IN THE BUILDING. EXTINGUISHERS SHALL BE MOUNTED ON THE WALL OR IN CABINETS SUCH THAT THE TOP OF THE EXTINGUISHER IS NO HIGHER THAN 48 INCHES ABOVE THE FLOOR.
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WALL TYPES

<input checked="" type="checkbox"/>	(E) EXT. MASONRY WALL. EXT. FINISH PER ELEVATION.
<input type="checkbox"/>	(E) INT. WALL TO REMAIN.
<input type="checkbox"/>	(E) WALL TO BE REMOVED.
<input checked="" type="checkbox"/>	(N) 2X4 D.F. WOOD STUD WALL @ 16" O.C. W/ PLASTER FINISH.

NOT FOR
CONSTRUCTION

CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION NO. _____

1. APPROVAL OF A CONDITIONAL USE PERMIT (CUP22-0001) FOR A CANNABIS STOREFRONT RETAILER (DISPENSARY) AT 104 W. Tenth STREET, APN 235-054-06. THE APPLICANT IS MOM TR, INC. AND THE PROPERTY OWNER IS PETER MAGLARAS;
2. ALLOW THE CONDITIONAL USE PERMIT TO BE VALID FOR ONE (1) YEAR, AS DESCRIBED IN THE CONDITIONS OF APPROVAL, AND
3. DETERMINE THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT GUIDELINES SECTION 15301.

WHEREAS, California state law allows local governments to regulate commercial cannabis activities in their respective jurisdictions; and

WHEREAS, Commercial cannabis activities require a cannabis business permit to operate in Tracy and a conditional use permit to operate cannabis businesses at specific locations; and

WHEREAS, Megan's Organic Market was awarded a cannabis business permit (application number CBPA20-0032) by the Tracy Police Chief on June 21, 2021; and

WHEREAS, The applicant submitted a conditional use permit application to operate a cannabis storefront retailer (dispensary) in an existing building at 104 W. Tenth Street, on March 1, 2022; and

WHEREAS, The subject site is designated Commercial in the Tracy General Plan and zoned Central Business District (CBD), wherein cannabis dispensaries are a conditionally permitted use; and

WHEREAS, Conditional use permits are valid for six (6) months, under Tracy Municipal Code (TMC) section 10.08.4350; and

WHEREAS, The applicant must also obtain a State license for the operation of the cannabis business and comply with the conditions of their approved cannabis business permit, which may take longer than six (6) months granted under the conditional use permit; and

WHEREAS, Under TMC 10.08.4360 the Planning Commission may grant a greater time limit for conditional use permit approvals; and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the applications on August 24, 2022; now, therefore, be it

RESOLVED: That the Planning Commission adopts a resolution approving a conditional use permit (CUP22-0001) for a cannabis storefront retailer (dispensary) at 104 W. Tenth Street, APN 235-054-06, subject to the Conditions of Approval contained in Attachment C to the staff report and based on the findings below.

1. There are circumstances applicable to the use which make the granting of a use permit necessary for the preservation and enjoyment of substantial property right, because a conditional use permit is necessary for the operation of a cannabis dispensary in the GHC CBD Zone as required by the Tracy Municipal Code.
2. The proposed location of the use and the conditions under which it would be operated or maintained is in accordance with the objectives of the Tracy Municipal Code Chapter 6.36 and Chapter 10.08. Additionally, the project site is located at least 600 feet away from a parcel containing a school, day care center, or youth center, and the use will be operated wholly indoors. The use will operate similarly to a retail store, which is complementary of the surrounding commercial area.
3. The project will not, under the circumstances of the particular case or as conditioned, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use, or to the general welfare of the City because the project, as conditioned, is consistent with the zoning, commercial cannabis activity regulations, and other elements of the Tracy Municipal Code the City of Tracy General Plan, the Design Goals and Standards, City Standards, California Building Codes, California Fire Codes, and California cannabis regulations. There will be no odors or similar objectionable impacts to other businesses in the vicinity as all cannabis products will be entirely packaged and stored in accordance with the requirements of Chapter 6.36; and be it

FURTHER RESOLVED: That the Planning Commission allow the conditional use permit to be valid for one (1) year, as described in the Conditions of Approval; and be it

FURTHER RESOLVED: That the Planning Commission determines that this project is categorically exempt from the California Environmental Quality Act pursuant Guidelines Section 15301.

The foregoing Resolution 2022-_____ was adopted by the Planning Commission on August 24, 2022, by the following vote:

AYES: COMMISSION MEMBERS:
NOES: COMMISSION MEMBERS:
ABSENT: COMMISSION MEMBERS:
ABSTENTION: COMMISSION MEMBERS:

CHAIR

ATTEST:

STAFF LIAISON

City of Tracy
Conditions of Approval
Megan's Organic Market Cannabis Dispensary
Application Number CUP22-0001

A. General Provisions and Definitions.

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

The Project: Megan's Organic Market Cannabis Dispensary, conditional use permit number CUP22-0001

The Property: 104 W. Tenth Street (Assessor's Parcel Number 235-054-06)

A.2. Definitions.

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

A.3. Compliance with submitted plans. Prior to the establishment of the use, the project shall be established in substantial compliance with the plans received by the Development Services Department on July 6, 2022 to the satisfaction of the Development Services Director.

- A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
- A.5. Compliance with laws. The Developer shall comply with all federal, state and local laws, as amended from time to time, related to the development of real property within the Project, including, but not limited to:
 - the Planning and Zoning Law (Government Code sections 65000, et seq.)
 - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
 - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
 - The Medicinal and Adult-Use Cannabis Regulation and Safety Act;
 - Regulations of the Bureau of Cannabis Control;
 - Tracy Municipal Code (TMC) Chapter 6.36 (Commercial Cannabis Activity); and
 - City of Tracy Procedures and Guidelines for a cannabis business permit adopted by City Council Resolution 2020-137
- A.6. Compliance with applicable regulations. Unless specifically modified by these Conditions of Approval, the use shall comply with all City and State Regulations and the approved cannabis business permit No. CBPA20-0032, which includes business operations requirements, the safety and security plan, and the odor control plan.
- A.7. Prior to construction, the applicant shall submit construction documents which meet the requirements of the California Building and Fire Codes and the Tracy Municipal Code to the City of Tracy and the South San Joaquin County Fire Authority for review, approval and inspections.
- A.8. At all times, applicant (or its successor) shall maintain all necessary permits to operate a cannabis business pursuant to Municipal Code Chapter 6.36. Neither the applicant, nor any other entity, shall have an entitlement or other property right to operate a cannabis business at the property without holding such a cannabis business permit, which may be approved, denied, renewed, or revoked in accordance with the requirements of Chapter 6.36.
- A.9. This the conditional use permit shall expire one year following the date on which the use permit became effective unless, prior to the expiration of one year, the use is established in accordance with this use permit, or a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application.

B. Development Services Department, Planning Division Conditions

Contact: Kimberly Matlock

(209) 831-6430

kimberly.matlock@cityoftracy.org

- B.1. Prior to approval of a building permit, the applicant shall provide detailed plans that demonstrate compliance with TMC Section 6.36.380(k).
- B.2. Prior to final inspection, the applicant shall demonstrate compliance with TMC Section 6.36.380(l).
- B.3. Community Benefit Agreement. Prior to commencing any cannabis operation, the applicant shall execute a Community Benefit Agreement with the City in accordance with the requirements of their cannabis business permit.
- B.4. Wholly indoors. The use shall be conducted wholly indoors. The use may not be conducted outside the building, including in the outdoor patio or parking lot.
- B.5. Hours of operation. The hours of operation shall be limited to 6:00 am to 10:00 pm in accordance with State law. Should the hours of operation established in the State law become more restrictive, the use shall comply with the more restrictive regulations.

C. Development Services Department, Building Division Conditions

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

- C.1. Prior to the commencement of interior improvements, applicant shall submit construction documents, plans, specifications and/or calculations to the Building Safety Division, which meet all requirements of Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable. The plans shall include, and not be limited to, the following:
 - 1. Demo Plan
 - 2. Existing Floor Plan
 - 3. Proposed Floor Plan
 - 4. Electrical Plans
 - 5. T-24 Energy Documentation (as applicable)
 - 6. Mechanical Plans
 - 7. Plumbing Plans
 - 8. Egress plan complying with CBC Chapter 10
 - 9. ABC form

D. Tracy Police Department Conditions

Contact: Lieutenant Miguel Contreras (209) 831-6618 miguel.contreras@tracypd.com

- D.1. A minimum of 2 on-site security guards shall be maintained on site during business hours and 1 on-site security guard during closed hours. The name of the company shall be provided to the Police Department at the time of Building Permit application submittal. The establishment shall remain closed for business if the minimum of 2 certified security guards are not present during business hours on any given day. Once the minimum-security staffing is met, the establishment may re-open for business.

- D.1.1. Overnight (nonbusiness hours) security shall be a minimum of 1 certified guard solely responsible for the security of this establishment and not multiple locations.
- D.1.2. All contracted or employed guards shall be certified and have sole responsibilities as a security guard focused on safety and security. The security guards will be readily identifiable.
- D.2. Applicant shall cooperate with all legal requests from Tracy PD and any crimes shall be reported without delay.
- D.3. Prior to establishment of the use, the applicant shall establish and maintain an updated on-call list of responders with their alarm service provider and current alarm permit with the City of Tracy, to include the on-site security manager. This shall be provided prior to the establishment of the use.
- D.4. Trash containers and enclosures shall be locked and not accessible by the public at all times.

E. South San Joaquin County Fire Authority Conditions

Contact: Raymond Boyle (209) 831-6737 raymond.boyle@sjcfire.org

- E.1. A construction permit is required to alter the existing tenant space. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
 - E.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. Construction plans shall include, but not limited to:
 - a. Plans shall be designed, stamped and signed by a licensed design professional.
 - b. Construction type, occupancy classification, occupant load calculation
 - c. If fire sprinklers and/or fire alarm system is existing or proposed.
 - d. Details of locking mechanisms to ensure the secured areas do not violate the emergency egress requirements of the Building Code. [TMC §6.36.380]
 - E.1.2 Any modifications to the fire sprinkler and/or fire alarm system shall be submitted directly to the South San Joaquin County Fire prior to the installation or modification.
- E.2. Engineering and building permit applications received by our offices are subject to the current fee schedule for South San Joaquin County Fire Authority. Contact our offices for additional information.
 - E.2.1. Application processing fees and minimum plan review fees are due at time of submittal of construction documents.
 - E.2.2. Additional plan review fees, minimum inspection fees and administrative fees are calculated on approval of project and shall be paid prior to issuance of permit.
 - E.2.3. Permit holder is responsible for any additional inspection fees incurred, and shall be paid prior to final inspection.

- E.3. Prior to occupancy of each new business, the tenant shall contact South San Joaquin County Fire Authority for a new business inspection. Additional fees may be required for New Business, Annual and Operational Fire Permits. All fees shall be paid prior to approval of inspections.
- E.4. Knox boxes shall be required. The operator of the building shall immediately notify the Fire Authority and provide the new key where a lock is changed or rekeyed. The key to such shall be secured in the key box.
- E.5. Building and each tenant space shall be provided with approved address identification in accordance with CFC §505.

August 24, 2022

Agenda Item 1.E

RECOMMENDATION

RECEIVE AN INFORMATIONAL REPORT REGARDING CITY REGULATIONS OF TRUCK STOPS AND TRUCK USES AROUND INDUSTRIAL AREAS ACROSS THE CITY.

EXECUTIVE SUMMARY

In response to a request by the City Council on October 19, 2021, this agenda item is an informational report regarding City regulations of truck stops and other similar or related trucking land uses in primarily industrial areas in Tracy.

BACKGROUND AND LEGISLATIVE HISTORY

On October 19, 2021, the City Council requested a discussion of City regulations regarding truck stops and truck uses around industrial areas in Tracy. The primary regulatory framework governing the permitting of such uses is the City's zoning ordinance (Chapter 10 of the Tracy Municipal Code). Pursuant to the zoning ordinance, the City has numerous zone districts and specific plans that permit land uses as of right or conditionally. Under the zoning ordinance, conditional use permits require consideration and approval by the Planning Commission for all conditionally permitted land uses.

Industrial zones and other areas near the freeway where trucks are typically present include the following as well as depicted on a map in Attachment A:

- Industrial Areas Specific Plan (ISP)
- Northeast Industrial Specific Plan (NEI)
- Cordes Ranch Specific Plan (CRSP)
- Light Industrial Zone (M-1)
- Heavy Industrial Zone (M-2)
- I-205 Corridor Specific Plan Light Industrial (I-205 SP LI)
- Highway Service Zone (HS), a commercial zone near I-205
- I-205 Overlay Zone and CRSP I-205 Overlay (I-205 Overlays), which covers all industrially-zoned property within 500 feet of the I-205 freeway

The City of Tracy allows a variety of land uses in the areas listed above, including the following truck land uses related to the City Council's October 2021 inquiry:

- Truck stops**, which may include fueling, servicing, emergency repairs, parking, motels, restaurants, and other related services
- Truck fueling and washing**, standalone establishment
- Truck repair**, standalone establishment
- Truck parking**, which usually refers to a standalone parking lot for short-term or long-term truck parking and/or trailer storage that is off-site from an associated business and may or may not have a building.

The current land use regulations for these uses in the City's industrial areas are as follows. This information is also presented in a table format in Attachment A.

- **Truck stops** are conditionally permitted in CRSP and HS; they are not permitted in ISP, NEI, M-1, M-2, and I-205 SP LI or within I-205 Overlays
- **Truck fueling and washing** are conditionally permitted in NEI, CRSP, M-1, and the HS zone; they are not permitted in ISP, M-2, and I-205 SP LI or within I-205 Overlays
- **Truck repair** is conditionally permitted in ISP Limited Industrial, CRSP, and M-1 and permitted ISP General Industrial; it is not permitted in NEI, M-2, and I-205 SP LI or within I-205 Overlays
- **Truck parking and trailer storage** are conditionally permitted in CRSP and permitted in M-1 and M-2; they are not permitted in ISP, NEI, I-205 SP LI, and HS or within I-205 Overlays

ANALYSIS AND POTENTIAL COURSES OF ACTION

Over the years, City staff has received inquiries relating to the establishment of off-site truck parking facilities, truck repair, and truck fueling stations in various industrial areas in the City. Some of these inquiries have been in areas where the proposed land uses are not permitted and amendments to the zoning ordinance would need to occur to allow such land uses. In other instances, such land uses are allowed upon the granting of conditional use permits by the Planning Commission as noted above.

If the City were interested in broadening land use regulations to more broadly allow these uses in industrial areas, then amendments to the zoning code and/or specific plans would need to take place. The Planning Commission may have a discussion about potential changes, and after receiving public input and performing environmental review, make recommendations to the City Council. A number of industrial developers and property owners of industrially-zoned property have been noticed of this meeting so that they may provide input if desired.

Any expansion of truck-related uses should be based upon the locational (such as proximity to residential neighborhoods) and operational characteristics of each industrial area. While very preliminary, staff suggestions for further analysis and review are as follows:

- **Truck stops**
 - Consider conditionally permitting in NEI and I-205 SP LI
 - Continue to conditionally permit in CRSP and the HS zone
 - Continue to prohibit in ISP, M-1, M-2, and within I-205 Overlays
- **Truck fueling and washing**
 - Consider permitting as of right in NEI and CRSP
 - Consider conditionally permitting in ISP and I-205 SP LI
 - Continue to conditionally permit in M-1 and HS
 - Continue to prohibit in M-2 and within I-205 Overlays
- **Truck repair**
 - Consider conditionally permitting in NEI, CRSP, and M-1
 - Consider conditionally permitting in I-205 SP LI

- Continue to conditionally permit in ISP Limited Industrial and HS and permit in ISP General Industrial
- Continue to prohibit in M-2 and within I-205 Overlays
- **Off-site truck parking and trailer storage**
 - Consider permitting as of right in ISP, NEI, and CRSP
 - Continue to conditionally permit in M-1 and M-2
 - Continue to prohibit in I-205 SP LI and within I-205 Overlays

Should Planning Commission be interested in further reviewing any of the above or other changes to the zoning code or specific plans, staff could prepare text amendments for Planning Commission's consideration. As discussed above, any proposed changes would need consideration and recommendation by the Planning Commission and final action by the City Council.

FISCAL IMPACT

There is no fiscal impact on this informational item.

PUBLIC OUTREACH/ INTEREST

Property owners and developers of industrial property and other known interested parties have been notified of this meeting and invited to participate in the discussion.

STRATEGIC PLAN

This agenda item is a routine review of City zoning regulations held in a public meeting in accordance with Governance Strategic Plan Goal 3, Objective 1: Conduct informational, virtual Council/Community Workshops.

ACTION REQUESTED OF THE PLANNING COMMISSION

Staff recommends that the Planning Commission receive an informational report regarding the City's regulations of truck stops and truck uses around industrial areas across the City.

Prepared by: Kimberly Matlock, Associate Planner

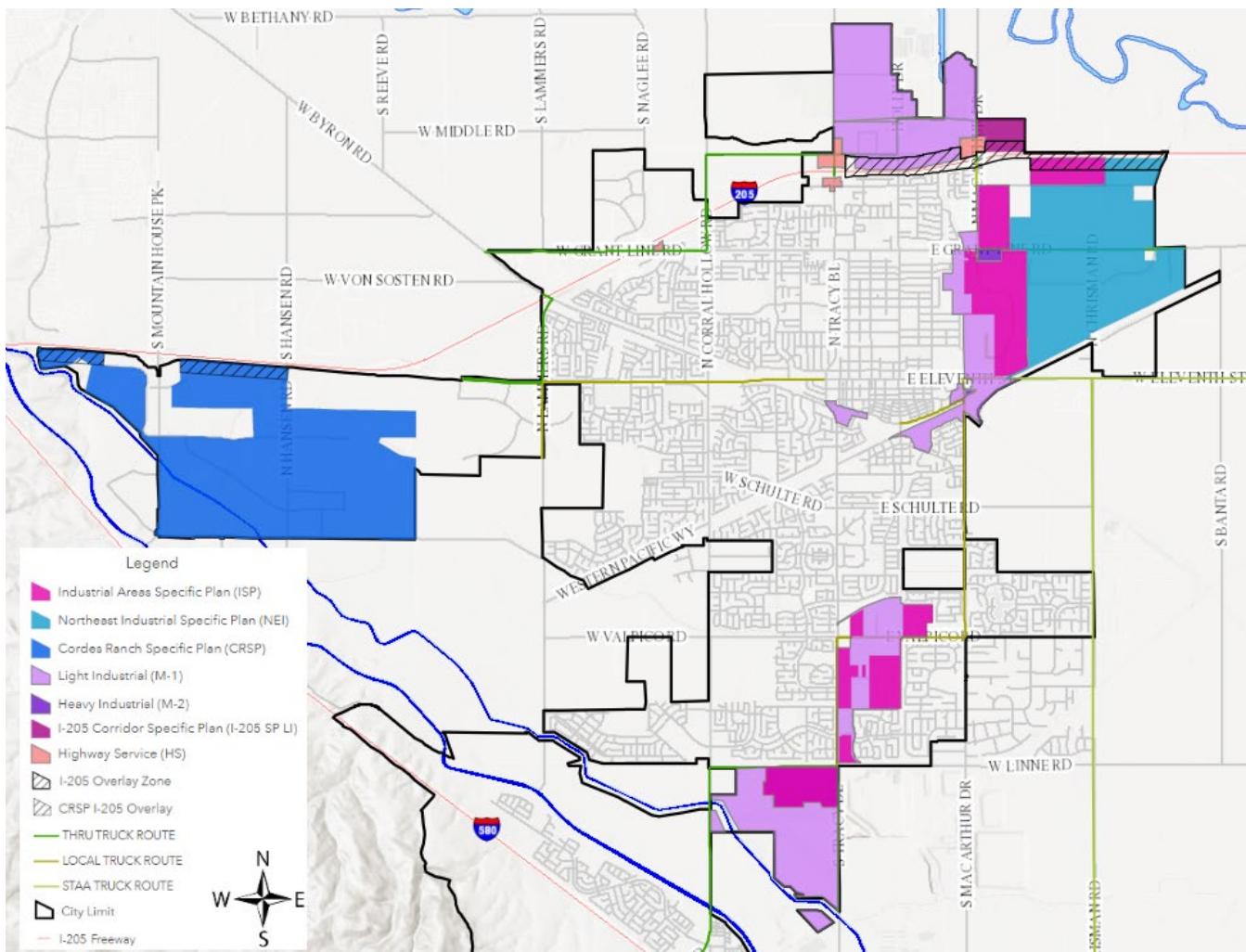
Reviewed by: Bill Dean, Assistant Development Services Director and Victoria Lombardo, Senior Planner

Approved by: Kris Balaji, Development Services Director

Attachments:

Attachment A – Truck Land Use Areas and Tables

Map of Industrial Areas



Current Land Use Permissions

	Industrial Areas Specific Plan (ISP) Limited Industrial and General Industrial areas	Northeast Industrial Specific Plan (NEI) Light Industrial	Cordes Ranch Specific Plan (CRSP) Business Park Industrial (BPI) areas	Light Industrial (M-1) Zone	Heavy Industrial (M-2) Zone	I-205 Corridor Specific Plan (I-205 SP LI)	Highway Service (HS) Zone
Truck Stops ¹	NP	NP	C ²	NP	NP	NP	C
Truck Fueling & Washing ¹	NP	C	C ²	C	NP	NP	C
Truck Repair ¹	C / P	NP	C ²	C	NP	NP	C
Off-Site Truck and Trailer Parking and Storage ¹	NP	NP	C	P	P	NP	NP

P = Permitted

C = Conditionally Permitted

NP = Not Permitted

¹ = Prohibited in the I-205 Overlay Zone and CRSP I-205 Overlay

² = Only on sites southeast of Capital Parks Drive and International Parkway

Potential Land Use Permission Ideas to Discuss and Consider

	Industrial Areas Specific Plan (ISP) Limited Industrial and General Industrial areas	Northeast Industrial Specific Plan (NEI) Light Industrial	Cordes Ranch Specific Plan (CRSP) Business Park Industrial (BPI) areas	Light Industrial (M-1) Zone	Heavy Industrial (M-2) Zone	I-205 Corridor Specific Plan (I-205 SP LI)	Highway Service (HS) Zone
Truck Stops ¹	NP	C	C ²	NP	NP	C	C
Truck Fueling & Washing ¹	C	P	P	C	NP	C	C
Truck Repair ¹	C / P	P	P ²	P	NP	C	C
Off-Site Truck and Trailer Parking and Storage ¹	P	P	P	P	P	NP	NP

P = Permitted

C = Conditionally Permitted

NP = Not Permitted

¹ = Prohibited in the I-205 Overlay Zone and CRSP I-205 Overlay

² = Only on sites southeast of Capital Parks Drive and International Parkway