TRACY CITY COUNCIL REGULAR MEETING AGENDA

Tuesday, October 19, 2021, 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. IN ACCORDANCE WITH THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH GUIDELINES, UNIVERSAL MASKING INDOORS IS RECOMMENDED. MASKS ARE REQUIRED FOR UNVACCINATED INDIVIDUALS IN INDOOR PUBLIC SETTINGS. MEMBERS OF THE PUBLIC MAY PARTICIPATE REMOTELY IN THE MEETING VIA THE FOLLOWING METHOD:

As always, the public may view the City Council 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 "City Council Meeting Videos" under the "City Council" 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 City Council 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:** 2557 784 0206 and **Event Password**: TracyCC
  - ***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 25577840206#8722922#

- *Protocols for commenting via WebEx:*
  - *If you wish to comment on the "Consent Calendar", "Items from the Audience/Public Comment" or "Regular Agenda" portions of the agenda:*
    - *Listen for the Mayor 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 "Consent Calendar" "Items from the Agenda/Public Comment" or "Regular Agenda" 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.

Date Posted: October 14, 2021

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.

Consent Calendar - All items listed on the Consent Calendar are considered routine and/or consistent with previous City Council direction. One motion, a second, and a roll call vote may enact the items listed on the Consent Calendar. No separate discussion of Consent Calendar items shall take place unless a member of the City Council, City staff or the public request discussion on a specific item.

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*

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PRESENTATIONS

1. CONSENT CALENDAR

1.A. ADOPTION OF OCTOBER 5, 2021 CLOSED SESSION, SPECIAL MEETING AND REGULAR MEETING MINUTES

1.B. APPROVE AN AMENDMENT TO THE AGREEMENT WITH TYLER TECHNOLOGIES, INC. TO EXTEND THE TERM FOR THREE YEARS, WITH AUTOMATIC ONE-YEAR RENEWAL PERIODS THEREAFTER AND FIND THAT IT IS IN THE BEST INTEREST OF THE CITY TO FOREGO THE REQUEST FOR PROPOSALS PROCESS FOR THESE SERVICES

1.C. WAIVE SECOND READING AND ADOPT ORDINANCE 1318, AN ORDINANCE OF THE CITY OF TRACY AMENDING TRACY MUNICIPAL CODE SECTION 6.36 TO INCREASE THE NUMBER OF CANNABIS BUSINESS PERMITS FOR RETAILERS-STOREFRONT (DISPENSARIES) TO ONE DISPENSARY PER 10,000 RESIDENTS EXCEPT FOR PERMITS AWARDED AS PART OF THE 2020/2021 COHORT

1.D. AUTHORIZE THE CITY OF TRACY TO BECOME AN ADDITIONAL MEMBER OF THE CALIFORNIA COMMUNITY HOUSING AGENCY (CalCHA); SUPPORTING CalCHA'S ISSUANCE OF TAX-EXEMPT BONDS FOR THE PRODUCTION, PRESERVATION, AND PROTECTION OF ESSENTIAL MIDDLE-INCOME HOUSING, AND AUTHORIZE THE CITY MANAGER TO ENTER INTO PUBLIC BENEFIT AGREEMENTS WITH CalCHA FOR MIDDLE-INCOME RENTAL HOUSING CREATED WITHIN CITY LIMITS

1.E. AUTHORIZE THE ACCEPTANCE OF $20,000 FROM THE 2021 STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL FOR FUNDING ALCOHOL RELATED PROGRAMS TO REDUCE YOUTH ACCESS TO ALCOHOL AND INCREASE SAFETY IN THE COMMUNITY AND APPROVE THE APPROPRIATION TO THE POLICE DEPARTMENT BUDGET FOR FISCAL YEAR 21/22

1.F. AMEND CITY COUNCIL CODE OF CONDUCT TO ADD LANGUAGE REQUIRING COUNCIL REPRESENTATIVES ON EXTERNAL BOARDS TO RECEIVE POLICY DIRECTION PRIOR TO FISCALLY OBLIGATING THE CITY VIA BOARD ACTION

1.G. APPROVE THE SUBMITTAL OF A COMMENT LETTER FOR THE I-205 MANAGED LANES PROJECT EXPRESSING SUPPORT FOR THE PROJECT AND RECOMMENDING LOCATIONS ALONG THE I-205 CORRIDOR TO BE CONSIDERED FOR THE FUTURE MOBILITY HUB FOR THE CITY OF TRACY

1.H. ADOPT A RESOLUTION MAKING FINDINGS AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE CITY COUNCIL AND ALL BOARDS AND COMMISSIONS OF THE CITY OF TRACY FOR THE PERIOD FROM OCTOBER 19, 2021 THROUGH NOVEMBER 19, 2021 PURSUANT TO ASSEMBLY BILL 361

1.I. APPROVE THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 4083 - TRACY HILLS VILLAGE 9A, AND AUTHORIZE THE CITY CLERK TO FILE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

1.J. APPROVE THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 4084 - TRACY HILLS VILLAGE 9B, AND AUTHORIZE THE CITY CLERK TO FILE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

1.K. APPROVE THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 4037 - KT PROPERTY II, AND AUTHORIZE THE CITY CLERK TO FILE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

1.L. APPROVE THE DEFERRED IMPROVEMENT AGREEMENT FOR TRACY HILLS - PHASE 1B, AND AUTHORIZE THE CITY CLERK TO FILE THE DEFERRED IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

1.M. APPROVE THE DEFERRED IMPROVEMENT AGREEMENT FOR TRACY HILLS - KT, TRACT 4037, AND AUTHORIZE THE CITY CLERK TO FILE THE DEFERRED IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

2. ITEMS FROM THE AUDIENCE

3. REGULAR AGENDA

3.A. PUBLIC HEARING TO CONSIDER APPROVING THE TRACY HILLS PHASE 2 PROJECT, WHICH INCLUDES APPROVING A GENERAL PLAN AMENDMENT, INTRODUCING AN ORDINANCE APPROVING A TRACY HILLS SPECIFIC PLAN AMENDMENT, AND APPROVING A VESTING TENTATIVE SUBDIVISION MAP TO CREATE 1,470 SINGLE-FAMILY RESIDENTIAL LOTS AND VARIOUS OTHER PARCELS ON APPROXIMATELY 1,143 ACRES LOCATED SOUTH OF I-580, WEST OF CORRAL HOLLOW ROAD. THE APPLICANT IS JOHN PALMER. APPLICATION NUMBERS GPA21-0001, SPA21-0003, AND TSM20-0003

3.B. AUTHORIZE STAFF TO NEGOTIATE A DEVELOPMENT AGREEMENT WITH RIDGE CAPITAL RELATED TO PROPERTY AT THE SOUTHWEST CORNER OF I-205 AND PARADISE ROAD

3.C. RECEIVE A PRESENTATION AND ACCEPT THE CITY-WIDE URBAN FOREST MANAGEMENT PLAN (UFMP)

3.D. RECEIVE AN UPDATE ON DOWNTOWN PARKLET DESIGN STANDARDS

4. ITEMS FROM THE AUDIENCE

5. STAFF ITEMS

6. COUNCIL ITEMS AND COMMENTS

7. ADJOURNMENT

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

October 5, 2021, 4:45 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Young called the meeting to order at 4:46 p.m. for the purpose of a closed session to discuss the items outlined below.

2. ROLL CALL – Roll call found Council Member Davis, Mayor Pro Tem Vargas and Mayor Young present. Council Member Arriola arrived at 4:46 p.m. after roll call.

3. ITEMS FROM THE AUDIENCE – None

4. CLOSED SESSION

   There was no public comment regarding the items.

   a. Real Property Negotiations (Gov. Code, § 54956.8)

Property Location:	APN: 234-250-01 Address: 1630 Cypress Drive 95376
Negotiators for the City:	Brian MacDonald, Parks & Recreation Director Richard Joaquin, Parks Planning & Development Manager Leticia Ramirez, City Attorney Bob Adams, Interim City Manager
Negotiating Parties:	Tracy Unified School District
Under Negotiation:	Price and Terms of Payment

   b. Conference with Legal Counsel – Anticipated Litigation (Gov. Code § 54956.9)

      Significant exposure to litigation pursuant to § 54956.9(d)(2). (One case).

5. MOTION TO RECESS TO CLOSED SESSION **–** Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to recess to closed session at 4:48 p.m. Roll call found Council Members Arriola, Davis, Mayor Pro Tem Vargas and Mayor Young in favor; passed and so ordered.

   Council Member Bedolla arrived at 4:48 p.m.

6. REPORT OF FINAL ACTION – None

7. COUNCIL ITEMS AND COMMENTS – None

8. ADJOURNMENT – Time: 6:12 p.m.

ACTION: Motion was made by Council Member Davis and seconded by Council Member Arriola to adjourn. Roll call found all in favor; passed and so ordered.

The agenda was posted at City Hall on September 30, 2021. The above are action minutes.

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Mayor

ATTEST:

_____
City Clerk

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

October 5, 2021, 6:00 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Time 6:12 p.m.

2. ROLL CALL – Council Members Arriola, Bedolla, Davis, Mayor Pro Tem Vargas and Mayor Young present.

3. ITEMS FROM THE AUDIENCE – None

4. CONDUCT A CITY COUNCIL WORKSHOP TO REVIEW THE CITY'S ECONOMIC DEVELOPMENT EFFORTS AND STRATEGIES AND PROVIDE DIRECTION ON UPDATING THE ECONOMIC DEVELOPMENT STRATEGIC PLAN

Bob Adams, Interim City Manager introduced the item.

Michael Nimon, Economic Development Manager provided the staff report, presentation, and responded to questions.

Mary Mitracos encouraged part of economic development to be education and updating the Strategic Plan to include pursuit of a four-year college in the City limits.

City Council comments and questions followed.

Council Member Arriola suggested the following:

- Identifying emerging, new innovative industries and enhance local policy to make the City attractive to new and upcoming industries. In addition to cannabis, green technology, renewable energy, agricultural tech, are other industries staff has identified, that there are opportunities for the Council to make further policies that would help support those innovative industries.
- Identifying particular areas that staff brings back to Council for example related to green renewable energy jobs, companies invest in cities that have local climate goals and we do not have in this city. Similarly when talking about high tech jobs, people talking about access to fiber optic cables which we do not have. Need to identify an industry and fight for that industry.
- Identify and develop individual strategies to help facilitate filling empty stores. Maybe there are legal options, policy determination like vacancy fines. We have that infill, that's where people can create jobs they can walk to and reduce traffic.
- Discussions about partnerships with schools and labor unions. Another opportunity to enhance partnership particularly with schools and see if there are private sector folks that could jump in. The mall is private sector and asked if staff has looked into opportunities to support the mall, or have they asked about flexibility about zoning and ways we can reinvigorate our mall.
- Requested staff let Council know if more staff is needed to make sure things are getting done for the community.

Mayor Young confirmed with Council that they agreed with Council Member Arriola's suggestions.

Mayor Pro Tem Vargas suggested an additional focus area stating transportation is important. Currently SJCOG has an EIR to encourage widening of I-205 and 580 to add the toll lanes, but Valley Link continues to be a priority. However, with the TOD component, there are land uses for residential, mixed use and retail but office spaces is not part of it. A comprehensive TOD has work-live-space and work-office as a component. Need to be ready to incentivize the growth to be business and opportunity ready, need housing and plan accordingly.

Council Member Davis asked about the benefit of additional Economic Development Department staff to benefit with advancing economic development goals.

Council Member Bedolla stated he was in favor of mid-term update, and supported maintaining land and building availability data and options on vacant properties, exploring options the City might have for vacant properties, permit streamlining and updating the infrastructure plans. Economic Development opportunities – supported educational opportunities and housing diversity.

Mayor Young stated it was unanimous Council wants to move forward so that is a yes on mid-term and staff can come back with a of standard as to what the City would like to have, look at it every 5 years, and make sure we are keeping up on our strategies. Mayor Young supported all things that were said especially education. Would be good if we had some type of communication to educate our public. Echo business retention, continue to do things to retain businesses we have here and uplift our mall.

Mayor Pro Tem Vargas suggested the opportunity to have workshops with stakeholders, landowners and business owners. It is important as we need them to collaborate. Mayor Young agreed.

5. COUNCIL ITEMS AND COMMENTS – Mayor Pro Tem Vargas stated she was contacted by several residents regarding the health of the downtown trees, adding she is supportive of the trees and would hate to lose any trees because of water conservancy.

Bob Adams, Interim City Manager responded the downtown trees on 10th Street are distressed and chemicals used to wash out those businesses have been washed into tree wells and will have to come out. Now we are doing a better job making sure they are not putting chemicals where the street trees are.

Mayor Pro Tem Vargas stated the JPA budget for Fire Department has grown 25% from last approved budget and cautioned need checks and balances. Good idea for us to look into financial expenditures. Still waiting for financial audit to make sure we are spending taxpayers dollars correctly, and hopefully we will have an update soon about how money has been spent.

Mayor Pro Tem Vargas stated she had a conversation with a resident who expressed concern with Fire Department employees morale and health, and several employees that may have difficulties. Mayor Pro Tem Vargas requested the City Manager update Council on the number of Fire Department employees that have left the employment under concerning circumstances or if Council can be briefed on any employee issues that may have been happening or are off for one reason or another.

Bob Adams, Interim City Manager responded he did not know what it will take to generate that report but should have some kind of information who is leaving, but

specifics about individual employees is not something we can share because it is protected. Turnover is normal in most organizations. If it is too excessive, anything under 5-10% is reasonably normal, but not aware of an issue, will ask Human Resources to see if they have that information and share with Council if relevant. Mayor Young responded OK.

6. ADJOURNMENT – Time: 7:16 p.m.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Davis to adjourn. Roll call found all in favor; passed and so ordered.

The agenda was posted at City Hall on September 30, 2021. The above are action minutes.

_____
Mayor

ATTEST:

_____
City Clerk

TRACY CITY COUNCIL REGULAR MEETING MINUTES

October 5, 2021, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy *Web Site: www.cityoftracy.org*

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 in-person and remotely via WebEx during the meeting.

Mayor Young called the meeting to order at 7:17 p.m.

Mayor Young led the Pledge of Allegiance.

Deacon Jack Ryan offered the invocation.

Roll call found Council Members Arriola, Bedolla, Davis, Mayor Pro Tem Vargas and Mayor Young present.

Mayor Young proclaimed the month of October as Breast Cancer Awareness Month.

Mayor Young presented a proclamation for Arbor Day to John Newman, Public Works Supervisor.

Mayor Young presented a proclamation for Domestic Violence Awareness Month to Merlyn Pittman, Executive Director, Chest of Hope.

Sekou Millington, Police Chief swore in Lieutenant Scott Muir and Sergeant Dan Pasquale.

1. CONSENT CALENDAR – Following the removal of consent item 1.C by Bob Adams, Interim City Manager motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to adopt the consent calendar. Roll call found all in favor; passed and so ordered. Mayor Pro Tem Vargas abstained from voting on Item 1.A.

   1.A. ADOPTION OF SEPTEMBER 21, 2021 CLOSED SESSION AND REGULAR MEETING MINUTES – **Minutes were adopted**. Mayor Pro Tem Vargas abstained from voting on 1.A.

   1.B. AUTHORIZE STAFF TO INITIATE THE PROCESS TO PARTICIPATE IN THE PROPOSED LOS VAQUEROS RESERVOIR EXPANSION PROJECT FOR WATER STORAGE AND APPROPRIATE $280,000 FROM THE WATER FUND RESERVES TO PAY FAIR-SHARE START UP COSTS AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE PROJECT ACTIVITY AGREEMENT **– Resolution 2021-139** authorized initiating the process to participate in the proposed Los Vaqueros Reservoir expansion project for water storage.

1.D. WAIVE SECOND READING AND ADOPT ORDINANCE 1317, AN ORDINANCE OF THE CITY OF TRACY ADDING A NEW CHAPTER 7.32, PARKLETS, TO TITLE 7, PUBLIC WORKS, OF THE TRACY MUNICIPAL CODE - **Ordinance 1317 was adopted.**

1.E. AMEND COUNCIL POLICY FOR REIMBURSEMENT OF TRAVEL AND EXPENSES FOR ELECTED AND APPOINTED OFFICIALS **– Resolution 2021-140** approved the amendment to the Council Policy for Reimbursement of Travel and Expenses for Elected and Appointed officials.

1.F. ACCEPT UPDATE ON FISCAL YEAR 2021-2023 MULTI-YEAR AND SHORT-TERM CITY COUNCIL STRATEGIC PRIORITIES AND WORKPLAN - **Update Accepted**

1.G. RECEIVE AN UPDATE ON THE TRACY CITY CENTER ASSOCIATION (TCCA) SPECIAL EVENT PERMIT WHICH WILL NOT BE EXTENDED AT THE REQUEST OF TCCA AND WILL EXPIRE ON OCTOBER 14, 2021 **– Update Accepted**

1.H. PROVIDE AN UPDATE TO THE CITY COUNCIL ON THE POLICE DEPARTMENT'S RESPONSE TO FIREWORKS COMPLAINTS AND OFFICIAL CITY EVENTS DURING THE JULY 4TH WEEKEND – **Update Accepted**

1.C. APPROVE CUSTOM SURVEY QUESTIONS FOR INCLUSION IN THE 2021 NATIONAL COMMUNITY SURVEY™ FOR THE CITY OF TRACY

Vanessa Carrera, Assistant to the City Manager provided the staff report**.**

There was no public comment.

City Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2021-141** approving custom survey questions for inclusion in the 2021 National Community Survey™ for the City of Tracy as amended below:

It was Council's consensus to make the following changes to the survey questions:

- Add to Question 14: Work and office space as an example in the mixed-use space category.
- Change Question 15 to read: *What is your preferred location for a future rail/bus hub (e.g. Valley Link) and TOD District in Tracy?* Council also directed staff to remove the "Westside Ranch area near Mountain House Parkway" location option, and provide a point of reference in parenthesis next to each location option, such as: I-205/Mall area (north), Downtown Tracy (central).
- Remove the following categories from Question 16: Building a Temporary Emergency Housing Facility for the Homeless, Building a Multi-Generation Recreation Center, and Community Aquatics Center.
- Add the following categories to Question 16: Begin the next phase of Legacy Fields Sports Complex Phase II, and begin the Tracy Nature Park.

2. ITEMS FROM THE AUDIENCE – Simon Losch shared his concerns regarding Council Member Davis and Fire Department staff attending a political event on September 18, 2021 called Brew with the Government Crew.

Council Member Davis responded she was invited to Assemblymember Villapudua's event, but did not orchestrate the event.

Mayor Young asked the City Attorney where the City is officially as far as the Fire Chief being in uniform at political events.

Leticia Ramirez, City Attorney responded there are certain state prohibitions that govern the use of a uniform in a political advertisement. Will have to do research. Mayor Young and Mayor Pro Tem Vargas agreed to a memo.

Bob Adams, Interim City Manager responded staff did not know it was a political event, and shared that the Police Chief declined, the picture of the Police Chief in uniform was taken from the City's website and was not approved. Mr. Adams stated he did not believe Fire Chief Bradley attended, a Battalion Chief was there answering questions and that was the extent of the City's involvement. Staff will look into it and get a better answer.

Zahra shared her concerns regarding lack of jobs in Tracy, River Island planning to build a business park that Tracy should build, should be focusing on high tech jobs, head of household jobs and requested Council reconsider putting needs of developers before needs of residents.

A member of the public shared concerns regarding Mayor Pro Tem Vargas and Mayor Young, residents voted against downtown TOD, neighboring city getting a business park, asked what is the plan for additional traffic and congestion, and asked Council to impose a curfew on commercial motor vehicles departing and arriving from these warehouses.

Mayor Pro Tem Vargas responded she has supported and is a proponent of TOD. Incorrect information is being shared.

Mayor Young responded it is important that facts are presented. Makes it seem like there is a 2-3, but that is not this Council. This is Team Tracy and never look for 3-2.

Dan Evans agreed with the previous speaker's comments stating the City is in shambles, and shared his experience living in Livermore and Hacienda business park. Mr. Evans shared his disappointment that we had Westside approved and sat on it and pushed for more warehousing. Need higher wages, easing our commute, and lowering greenhouse emissions.

Mayor Pro Tem Vargas responded SB 548 was a bill that just got signed by the Governor that Valley Link has spearheaded which will reduce green gases, alleviating congestion. Mayor Pro Tem Vargas clarified why she recused herself from the Westside item.

Mayor Young stated there is way too much to go into a detailed list of what is happening in our City, and how many years it takes to get things done. It's a process. The City is in the midst of doing the International Park of Commerce that people wished they had.

Robert Tanner stated the Police Department needs to be increased by ten and a vehicle added in the field. Mr. Tanner added even though a survey was done on amenities for the City, the Mayor insisted the multi-gen, which was third on the list, go first and put Library third.

Dotty Nygard thanked the City for coming out for Clean Air Day event. Ms. Nygard shared her disappointment regarding a survey information request in March and no follow through, is not publicly noticed and need to have more direct link for community input. With California Clean Air Day celebrating this week ties into Arbor Day and decreasing our carbon footprint. Ms. Nygard strongly recommended an environmental task force on this Council.

Alex Monceaux asked when the City is going to work on non-competitive licensing or issue refund check if that is the direction the City is going. Mr. Monceaux stated he is signing deals in other cities, and cannot keep waiting.

3. REGULAR AGENDA

3.A DISCUSS CITY'S RESPONSE TO COVID-19 (VERBAL REPORT)

Midori Lichtwardt, Assistant City Manager provided the staff report.

City Council comments and questions followed.

There was no public comment.

City Council accepted the report.

3.B APPROVE AN AMENDMENT TO ADD ANIMAL BOARDING FACILITIES AS A CONDITIONALLY PERMITTED USE WITHIN THE GENERAL INDUSTRIAL LAND USE DESIGNATION OF THE INDUSTRIAL AREAS SPECIFIC PLAN (SPA20-0009)

Alan Bell, Senior Planner provided the staff report and responded to questions.

There was no public comment.

Council comments and questions followed.

ACTION: Motion was made by Council Member Davis and seconded by Mayor Pro Tem Vargas to adopt **Resolution 2021-142** approving of an amendment to the Industrial Areas Specific Plan – Permitted Uses within the General Industrial Land Use Designation – Section 4.1.1.2. Roll call found all in favor, passed and so ordered.

3.C DISCUSS CITY'S DEVELOPMENT AGREEMENT PROCEDURES AND PROVIDE DIRECTION TO STAFF

Bill Dean, Interim Development Services Director, provided the staff report and responded to questions.

Mary Mitracos stated developers hold too much sway over the City and Council. As new subdivisions have come on it seems the previous Council concerned primarily with infrastructure. The biggest problem is the City is not adhering to concentric growth, and suggested Council put an emphasis in the future on infill and concentric growth.

Council comments and questions followed.

Mr. Dean clarified Council's direction to add into the Development Agreement Guidelines bullet points related to connectivity, completing infrastructure, public art and public spaces as well as funding for amenities such as libraries. Will make it clear to the development community that when proposing a Development Agreement to expect to have dialogue with Council when it comes forward.

3.D INTRODUCE AN ORDINANCE AMENDING TRACY MUNICIPAL CODE SECTION 6.36 TO INCREASE THE NUMBER OF CANNABIS BUSINESS PERMITS FOR RETAILERS-STOREFRONT (DISPENSARIES) TO ONE DISPENSARY PER 10,000 RESIDENTS

Midori Lichtwardt, Assistant City Manager recused herself from the item as she is the hearing officer for the current cannabis hearings.

Bill Dean, Interim Development Services Director provided the staff report and responded to questions.

Michelle Trew, Tracy Cannabis Collective thanked Council for the opportunity to serve Tracy, strongly supported an amendment to let final applicants to continue to the Conditional Use Permit (CUP) process, also supported applicants turning in an updated benefit agreement.

Pamela Epstein, representing GOE Tracy supported staff's recommendation to amend commercial cannabis business permit, submittal of a revised Community Benefit Plan (CBP) and standardized language, moving the updated CBP to the time of CUP submission, and referred to a letter submitted to Council.

Kimberly Cargile, Tracy Cannabis Collection supported the increase of the number of cannabis business permits and looks forward to applying for a CUP and continuing through the process, and supported Council's request for guidelines regarding community benefit proposals.

Lauren Carpenter, CEO of Embarc Tracy thanked Council for their decision and efforts to allow Embarc to move forward with the applicant process and is looking forward to submitting a community benefit proposal.

Ariana Van Alstine, Tracy Cannabis Collective supported moving forward with the ordinance. Also supported Council to allow a standardized community benefit plan, and the final applicants in the process to move forward with CUP process and a Community Benefit Plan.

Deanna Garcia shared appreciation for Council's efforts bringing cannabis to Tracy and making it into the ordinance.

Robert Tanner shared his concerns regarding Council's decision to increase cannabis business licenses from one for every 25,000 to one for every 10,000. Mr. Tanner suggested starting with four and see how that goes.

Council comments and questions followed.

Mayor Young requested extending the permit expiration date from 2-3 years and come back and make sure they are a good business in our community. Let it expire in two years. Mayor Pro Tem Vargas and Council Member Arriola supported the request to extend the permit expiration date to two years.

Adrianne Richardson, City Clerk announced correspondence was received and provided to Council on behalf of C.H.C.C, Inc. dba Tracy Cannabis Collective, GOE Tracy, LLC. dba Garden of Eden, Jiva TCY LLC and Altamont Wellness, LLC. dba Bowtie.

City Council questions continued.

Adrianne Richardson, City Clerk read the title of the proposed ordinance.

Leticia Ramirez, City Attorney clarified Council cannot make the amendment today to the permit expiration date because it was not noticed. Staff can bring it back with the Community Benefit Plan.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to waive the reading of the full text and introduce **Ordinance 1318** an ordinance of the City of Tracy amending Chapter 6.36, Commercial Cannabis Activity, of the Tracy Municipal Code regarding retailer – storefront permits. Roll call found Council Members Arriola, Davis, Mayor Pro Tem Young and Mayor Young in favor; passed and so ordered. Council Member Bedolla opposed.

3.E DISCUSS AMENDING REQUIREMENT FOR A SUPERMAJORITY VOTE (OR FOUR-FIFTHS VOTE) OF THE CITY COUNCIL TO REMOVE THE CITY MANAGER OR CITY ATTORNEY AND PROVIDE DIRECTION TO STAFF

Kimberly Murdaugh, Director of Human Resources and Leticia Ramirez, City Attorney, provided the staff report.

Dan Evans did not think it would benefit the City or residents, will have alliances and was strongly opposed to amending the requirement for a supermajority.

Robert Tanner stated two positions are too important to allow a 3-2 position. The Grand Jury said 3-2 is not good, Council agreed and came up with 4-1. There is no reason for change, keep supermajority.

Mary Mitracos stated the supermajority only came into effect in the last two years. The decision was always 3-2 and did not think long standing policies

should be changed. Ms. Mitracos believed Tracy is the only city with the 4-1 policy in the County. Should stay with what has worked for long time.

Alice English echoed same sentiment as Mr. Tanner. Past Council created the problem and does not trust this decision right now, maybe in two years. It is a Grand Jury recommendation, and there is no reason to change it.

Mayor Pro Tem Vargas explained why she requested this item to amend the supermajority requirement to hire or let go the City Manager or City Attorney.

Council questions and comments continued.

Council Members Arriola, Bedolla, and Davis supported keeping the supermajority requirement for a supermajority vote of the City Council to remove the City Attorney or City Manager.

4. ITEMS FROM THE AUDIENCE – Dan Evans stated he is critical of this Council, but it feels like the audience was heard and thanked Council for that.

Karen Moore spoke about Tracy Parks stating Tracy is not keeping up with changes other cities are doing, and suggested equipment for adults to do workouts. When planning parks make more variety for citizens.

5. STAFF ITEMS – Bob Adams, Interim City Manager provided an update on the following actions taken by the Interim City Manager during the COVID emergency:

- Accept Improvements for Tracy Hills Neighborhood Park 3 within the Dedicated Park Site in Village 8A, Tract 3957
- Approve a Professional Services Agreement with Tripepi Smith and Associates for Marketing and Communications Services – FY 2021-2022

6. COUNCIL ITEMS – Council Member Arriola reported on the League of California Cities Annual Conference, and his election as Statewide President on the LGBT Caucus, and as President of a caucus was also given a seat on the California Cities Board of Directors. With the addition of our Mayor, Tracy is very well represented.

Council Member Arriola stated Council heard from 3rd party contracted employees related to Tracer bus drivers, and would like to evaluate our legal options about what is going on there. Council Member Bedolla responded Council was sent a memo regarding this issue.

Council Member Arriola requested to have closed captioning for Channel 26 in the future. Council Member Bedolla seconded the request.

Mayor Pro Tem Vargas reported on SB 548 which was signed by the Governor. SB 548 allows Tri-Valley-San Joaquin Valley, Valley Link to be a transportation district which will allow the agency to go to design build on the 42 miles on rail. Mayor Pro Tem Vargas reported on the League of California Cities Annual Conference, and was asked to remain on the Latino Caucus Executive Board for another year.

Mayor Young reported on meetings and events she has attended. Mayor Young spoke about the charity check presentations by Tracy Connects to Tracy Community Connections and the Tracy Mayor's Benefit for Tracy Community Connection to help with homelessness efforts, as well as Boys and Girls Club for mental health for our youth. Mayor Young also reported on the League of California Cities Annual Conference and being officially sworn in on the Board of Directors.

Mayor Young wanted to make sure the following is codified for the Council budget 1. Caucus membership to be included as Council represents the area. 2. Requested to have jackets with the City logo on it for Council so Council is representing the City, and catalogue that has our logo to order extra if desired. Mayor Pro Tem Vargas and Council Member Arriola supported the requests.

7. ADJOURNMENT – Time: 10:25 p.m.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Davis to adjourn. Roll call found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on September 30, 2021. The above are action minutes. A recording is available at the office of the City Clerk.

_____
Mayor

ATTEST:

_____
City Clerk

October 19, 2021

AGENDA ITEM 1.B

REQUEST

APPROVE AN AMENDMENT TO THE AGREEMENT WITH TYLER TECHNOLOGIES, INC. TO EXTEND THE TERM FOR THREE YEARS, WITH AUTOMATIC ONE-YEAR RENEWAL PERIODS THEREAFTER AND FIND THAT IT IS IN THE BEST INTEREST OF THE CITY TO FOREGO THE REQUEST FOR PROPOSALS PROCESS FOR THESE SERVICES

EXECUTIVE SUMMARY

The City of Tracy contracted with Tyler Technologies, Inc. (Tyler) for use of Tyler's Munis Enterprise Resource Planning (Munis ERP) software in 2014. Munis ERP is cloud based software that runs the City's financial, budgeting, payroll, human resources, timekeeping and utility billing systems. The initial agreement was for a seven-year period beginning on July 1, 2014 and ending on June 30, 2021. City staff has negotiated a three-year renewal with automatic one-year renewals thereafter. The annual cost during the three-year term is $285,585.

TMC 2.20.140(b)(6) allows for an exception to the Request For Proposals (RFP) process when the City Council determines that it is not in the best interest of the City to issue an RFP. City staff feel that given the significant time and cost required to issue an RFP and possibly implement a new ERP system, it is in the best interest of the City to forego the RFP process.

DISCUSSION

In 2013, the City began looking for a replacement for the City's financial, payroll and budgeting system software which had become antiquated. After issuing a Request for Proposal and subsequent demonstrations from two vendors, the City chose Tyler's Munis ERP to replace the existing software. The City entered into a seven-year agreement for use of Munis and for hosting services provided by Tyler on July 1, 2014 which expired on June 30, 2021.

Munis ERP is the lifeblood of the City's financial system and handles the accounting, budgeting, payroll, timekeeping, human resources and utility billing functions within the City. Munis is a cloud based system with hosting of the hardware and software performed by Tyler, thus eliminating most peripheral costs such as hardware or database administration.

Implementation of an ERP system is a very costly and time-intensive endeavor usually taking two years or more to fully implement. The original implementation seven years ago incurred over $132,000 in direct fees and thousands of hours of staff time over a two-year period. City staff are very happy with the Munis ERP system and wish to continue using this system long into the future. Tyler continues to enhance the capabilities under their "Evergreen Philosophy" at no additional cost to the City. As a result, Munis ERP remains up to date and staff continue to gain efficiencies from ongoing enhancements. TMC 2.20.140(b)(6) allows for an exception to the Request For Proposals (RFP) process when the City Council determines that it is not in the best

interest of the City to issue an RFP. Given the investment in Munis ERP, overall satisfaction, and the very considerable costs to change systems, City staff has determined that it is not in the City's best interest to explore changing systems.

Tyler Technologies is the leader in Public Sector financial solutions for over 4,000 clients across the U.S. and has over 35 years in the Public Sector. Munis is currently used by many of our sister cities in the Central Valley and Bay Area. They focus solely on the public sector.

FISCAL IMPACT

The total general fund cost over three years is $856,755. Funds are currently budgeted for the current fiscal year.

STRATEGIC PLAN

This agenda item supports the City Council's Governance Strategic Priority; Goal 2, which is to ensure continued fiscal sustainability through financial and budgetary stewardship; and Goal 3, which is to identify technological resources to promote communication, enhance city services, and promote organizational productivity.

RECOMMENDATION

It is recommended that the City Council approve, by resolution, an Amendment to an Agreement with Tyler Technologies, Inc. to extend the term for three years, with automatic one-year renewal periods thereafter, and find that it is in the best interest of the City to forego the Request for Proposals process for these services.

Prepared by: Robert Harmon, Senior Accountant

Reviewed by: Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

ATTACHMENTS

Attachment A – SaaS Amendment
Attachment B – Investment Summary

AMENDMENT

This amendment ("Amendment") is effective as of the date of signature of the last party to sign as indicated below ("Amendment Effective Date"), by and between Tyler Technologies, Inc. ("Tyler") and the City of Tracy ("Client").

WHEREAS, Tyler and the Client are parties to an agreement dated May 27, 2014 ("Agreement"); and

WHEREAS, the Term of the Agreement expires June 30, 2021 ("Expiration Date");

THEREFORE, in consideration of the mutual covenants contained herein, Tyler and the Client agree as follows.

1. SaaS Term. The term of the Agreement is hereby renewed for a term equal to the number of years indicated on the Sales Quotation attached hereto as Exhibit 1 and commencing on the day following the Expiration Date (for the purposes of this Amendment, the "Renewal Term"). After the completion of the Renewal Term, the Agreement will renew automatically for additional one (1) year terms at our then-current SaaS Fees unless terminated in writing by either party at least sixty (60) days prior to the end of the then-current term. We will provide you notice of any increase in SaaS Fees no less than sixty (60) days prior to the commencement of the renewal term.

2. SaaS Fees. SaaS Fees, as detailed in the attached Sales Quotation, for year one are invoiced annually in advance, beginning on the commencement date of the Renewal Term. Subsequent annual SaaS Fees are invoiced annually in advance, beginning on the anniversary of the initial invoice date.

3. Users Limits. The SaaS fees may be based on user limits indicated in the attached Sales Quotation and the Agreement, with the Sales Quotation controlling in the event of conflict. Should the number of users be exceeded, Tyler reserves the right to re-negotiate the SaaS fees based upon any resulting changes in the pricing categories.

4. This Amendment shall be governed by and construed in accordance with the terms and conditions of the Agreement.

5. All other terms and conditions of the Agreement shall remain in full force and effect.

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, persons having been duly authorized and empowered to enter into this Amendment hereunto executed this Amendment effective as of the date last set forth below.

Tyler

By: Sherry Clark

Name: Sherry Clark

Title: Senior Corporate Attorney

Date: 10/1/21

City of Tracy

By: _____

Name: Nancy Young

Title: Mayor

Date: _____

Approved as to form:

By: _____

Name: Leticia Ramirez

Title: City Attorney

Date: _____

Exhibit 1
Investment Summary

The following Investment Summary details the software and services to be delivered by us to you under the Agreement. This Investment Summary is effective as of the Effective Date. Capitalized terms not otherwise defined will have the meaning assigned to such terms in the Agreement.

In the event a comment in the following sales quotation conflicts with a provision of this Amendment, the provision in this Amendment shall control.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

Attachment B – Investment Summary

Quoted By:	Karen Grosset
Date:	6/30/2021
Quote Expiration:	12/20/2021
Quote Name:	City of Tracy - ERP - SaaS Renewal
Quote Number:	2021-130219
Quote Description:	

Sales Quotation For

City of Tracy
333 Civic Center Plz
Tracy, CA 95376-4059
Phone +1 (209) 831-4100

SaaS

Description	Annual Fee Net	# Years	Total SaaS Fee	Impl. Hours
Financials:				
Accounting/GL	$38,691.00	3.0	$116,073.00	0
Capital Assets	$9,800.00	3.0	$29,400.00	0
Cash Management	$7,252.00	3.0	$21,756.00	0
Contract Management	$4,443.00	3.0	$13,329.00	0
Employee Expense Reimbursement	$4,761.00	3.0	$14,283.00	0
Inventory	$9,156.00	3.0	$27,468.00	0
Project & Grant Accounting	$8,342.00	3.0	$25,026.00	0
Purchasing	$16,850.00	3.0	$50,550.00	0
Asset Maintenance	$15,052.00	3.0	$45,156.00	0
Human Capital Management:				
Human Resources & Talent Management	$6,076.00	3.0	$18,228.00	0
Payroll w/ESS	$17,454.00	3.0	$52,362.00	0
Revenue:				
Accounts Receivable	$8,900.00	3.0	$26,700.00	0
Central Property File	$1,799.00	3.0	$5,397.00	0
General Billing	$5,926.00	3.0	$17,778.00	0
Maplink GIS Integration	$5,549.00	3.0	$16,647.00	0

Tyler Cashiering	$14,359.00	3.0	$43,077.00	0
UB Interface	$5,906.00	3.0	$17,718.00	0
Utility Billing CIS	$23,179.00	3.0	$69,537.00	0
Productivity:				
Citizen Self Service	$7,107.00	3.0	$21,321.00	0
eProcurement	$6,483.00	3.0	$19,449.00	0
IVR Gateway	$4,505.00	3.0	$13,515.00	0
Munis Analytics & Reporting (SaaS)	$18,707.00	3.0	$56,121.00	128
Transparency Portal	$16,350.00	3.0	$49,050.00	0
Tyler Content Manager SE	$13,479.00	3.0	$40,437.00	0
Tyler Forms Processing	$6,128.00	3.0	$18,384.00	0
Additional:				
Comprehensive Annual Financial Report Statement Builder	$9,331.00	3.0	$27,993.00	0
TOTAL:	**$285,585.00**		**$856,755.00**	**128**

Summary	**One Time Fees**	**Recurring Fees**
Total Tyler Software	$0.00	$0.00
Total SaaS	$0.00	$285,585.00
Total Tyler Services	$0.00	$0.00
Total 3rd Party Hardware, Software and Services	$0.00	$0.00
Summary Total	**$0.00**	**$285,585.00**
Contract Total	**$856,755.00**	

Unless otherwise indicated in the contract or amendment thereto, pricing for optional items will be held for six (6) months from the Quote date or the Effective Date of the contract, whichever is later.

Customer Approval: _____ Date: _____

Print Name: _____ P.O. #: _____

Attachment B – Investment Summary

All primary values quoted in US Dollars

Comments

Client agrees that items in this sales quotation are, upon Client's signature or approval of same, hereby added to the existing agreement ("Agreement") between the parties and subject to its terms. Additionally, payment for said items, as applicable but subject to any listed assumptions herein, shall conform to the following terms:

- License fees for Tyler and third party software are invoiced upon the earlier of (i) deliver of the license key or (ii) when Tyler makes such software available for download by the Client;
- Fees for hardware are invoiced upon delivery;
- Fees for year one of hardware maintenance are invoiced upon delivery of the hardware;
- Annual Maintenance and Support fees, SaaS fees, Hosting fees, and Subscription fees are first payable when Tyler makes the software available for download by the Client (for Maintenance) or on the first day of the month following the date this quotation was signed (for SaaS, Hosting, and Subscription), and any such fees are prorated to align with the applicable term under the Agreement, with renewals invoiced annually thereafter in accord with the Agreement.
- Fees for services included in this sales quotation shall be invoiced as indicated below.
  - Implementation and other professional services fees shall be invoiced as delivered.
  - Fixed-fee Business Process Consulting services shall be invoiced 50% upon delivery of the Best Practice Recommendations, by module, and 50% upon delivery of custom desktop procedures, by module.
  - Fixed-fee conversions are invoiced 50% upon initial delivery of the converted data, by conversion option, and 50% upon Client acceptance to load the converted data into Live/Production environment, by conversion option. Where conversions are quoted as estimated, Tyler will invoice Client the actual services delivered on a time and materials basis.
  - Except as otherwise provided, other fixed price services are invoiced upon complete delivery of the service. For the avoidance of doubt, where "Project Planning Services" are provided, payment shall be invoiced upon delivery of the Implementation Planning document. Dedicated Project Management services, if any, will be invoiced monthly in arrears, beginning on the first day of the month immediately following initiation of project planning.
  - If Client has purchased any change management services, those services will be invoiced in accordance with the Agreement.
  - Notwithstanding anything to the contrary stated above, the following payment terms shall apply to services fees specifically for migrations: Tyler will invoice Client 50% of any Migration Fees listed above upon Client approval of the product suite migration schedule. The remaining 50%, by line item, will be billed upon the go-live of the applicable product suite. Tyler will invoice Client for any Project Management Fees listed above upon the go-live of the first product suite. Unless otherwise indicated on this Sales quotation, annual services will be invoiced in advance, for annual terms commencing on the date this sales quotation is signed by the Client. If listed annual service(s) is an addition to the same service presently existing under the Agreement, the first term of the added annual service will be prorated to expire coterminous with the existing annual term for the service, with renewals to occur as indicated in the Agreement.
- Expenses associated with onsite services are invoiced as incurred.

Tyler recommends the use of a 128-bit SSL Security Certificate for any Internet Web Applications, such as the Munis Web Client and the MUNIS Self Service applications if hosted by the Client. This certificate is required to encrypt the highly sensitive payroll and financial information as it travels across the public internet. There are various vendors who sell SSL Certificates, with all ranges of prices.

Tyler's quote contains estimates of the amount of services needed, based on our preliminary understanding of the size and scope of your project. The actual amount of services depends on such factors as your level of involvement in the project and the speed of knowledge transfer.

Comments

Unless otherwise noted, prices submitted in the quote do not include travel expenses incurred in accordance with Tyler's then-current Business Travel Policy.

Tyler's prices do not include applicable local, city or federal sales, use excise, personal property or other similar taxes or duties, which you are responsible for determining and remitting. Installations are completed remotely, but can be done onsite upon request at an additional cost.

In the event Client cancels services less than two (2) weeks in advance, Client is liable to Tyler for (i) all non-refundable expenses incurred by Tyler on Client's behalf; and (ii) daily fees associated with the cancelled services if Tyler is unable to re-assign its personnel.

Implementation hours are scheduled and delivered in four (4) or eight (8) hour increments.

Tyler provides onsite training for a maximum of 12 people per class. In the event that more than 12 users wish to participate in a training class or more than one occurrence of a class is needed, Tyler will either provide additional days at then-current rates for training or Tyler will utilize a Train-the-Trainer approach whereby the client designated attendees of the initial training can thereafter train the remaining users.

In the event Client acquires from Tyler any edition of Tyler Content Manager software other than Enterprise Edition, the license for Content Manager is restricted to use with Tyler applications only. If Client wishes to use Tyler Content Manager software with non-Tyler applications, Client must purchase or upgrade to Tyler Content Manager Enterprise Edition.

Payroll library includes: 1 PR check, 1 direct deposit, 1 vendor from payroll check, 1 vendor from payroll direct deposit, W2, W2c, ACA 1095B, ACA 1095C and 1099 R.

General Billing library includes: 1 invoice, 1 statement, 1 general billing receipt and 1 miscellaneous receipt.

Personnel Actions Forms Library includes: 1 Personnel Action form - New and 1 Personnel Action Form - Change.

Tyler's pricing is based on the scope of proposed products and services being obtained from Tyler. Should portions of the scope of products or services be removed by the Client, Tyler reserves the right to adjust prices for the remaining scope accordingly.

Tyler Content Manager SE includes up to 1TB of storage. Should additional storage be needed it may be purchased as needed at an annual fee of $5,000 per TB.

The Munis SaaS fees are based on 150 concurrent users. Should the number of concurrent users be exceeded, Tyler reserves the right to re-negotiate the SaaS fees based upon any resulting changes in the pricing categories.

Transparency Portal SaaS services will renew automatically for additional one (1) year terms at our then-current fee unless terminated in writing by either party at least thirty (30) days prior to the end of the then-current term.

Accounting/GL includes Accounts Payable and Budgeting.

Development modifications, interfaces and services, where applicable, shall be invoiced to the client in the following manner: 50% of total upon authorized signature to proceed on program specifications and the remaining 50% of total upon delivery of modifications, interface and services.

RESOLUTION _____

APPROVING AN AMENDMENT TO THE AGREEMENT WITH TYLER TECHNOLOGIES, INC. TO EXTEND THE TERM FOR THREE YEARS, WITH AUTOMATIC ONE-YEAR RENEWAL PERIODS THEREAFTER AND FINDING THAT IT IS IN THE BEST INTEREST OF THE CITY TO FOREGO THE REQUEST FOR PROPOSALS PROCESS FOR THESE SERVICES

WHEREAS, The City of Tracy entered into a seven-year agreement with Tyler Technologies, Inc. for software and hosting services of Tyler's Munis ERP software on July 1, 2014; and

WHEREAS, The City and Tyler Technologies, Inc. have negotiated a three-year extension of the agreement with subsequent one-year automatic renewals thereafter; and

WHEREAS, The Munis ERP system provides vital services for the City in the areas of accounting, budgeting, payroll, timekeeping, human resources and utility billing; and

WHEREAS, The City would incur very significant costs and replacing Munis ERP would require a significant investment in staff time and resources; and

WHEREAS, Munis ERP is an ever-evolving product and is enhanced regularly;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves an Amendment to the Agreement with Tyler Technologies, Inc. for a three-year period with automatic one-year extensions thereafter; and

FURTHER, BE IT RESOLVED, That the City Council of the City of Tracy has determined that it is not in the best interest of the City to issue a Request for Proposal for these services under TMC 2.20.140(b)(6).

* * * * * * * * * * * * * * * *

The foregoing Resolution _____ is hereby passed and adopted by the Tracy City Council this 19th day of October 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

October 19, 2021

AGENDA ITEM 1.C

REQUEST

WAIVE SECOND READING AND ADOPT ORDINANCE 1318, AN ORDINANCE OF THE CITY OF TRACY AMENDING TRACY MUNICIPAL CODE SECTION 6.36 TO INCREASE THE NUMBER OF CANNABIS BUSINESS PERMITS FOR RETAILERS-STOREFRONT (DISPENSARIES) TO ONE DISPENSARY PER 10,000 RESIDENTS EXCEPT FOR PERMITS AWARDED AS PART OF THE 2020/2021 COHORT

EXECUTIVE SUMMARY

Ordinance 1318 was introduced at the regular Council meeting held on October 5, 2021. Ordinance 1318 is before Council for adoption.

DISCUSSION

On September 7, 2021, City Council directed modifications to the City's commercial cannabis ordinance found in Chapter 6.36 of the TMC to increase the number of allowable Commercial Cannabis Business Permits for Retailer-Storefront (dispensary) businesses from 4 to a maximum of 10. On September 21, 2021, City Council modified such direction to include a maximum of 10 permits, except for the 2020/2021 permit cycle (current cohort of applicants), which will be a maximum of 11 Retailer-Storefront (dispensary) permits.

Proposed Ordinance 1318 was introduced at the regular Council meeting held on October 5, 2021, to amend Tracy Municipal Code Section 6.36 to increase the number of Cannabis Business Permits for Retailers-Storefront (dispensaries) to one dispensary per 10,000 residents. Proposed Ordinance 1318 is before Council for adoption.

STRATEGIC PLAN

This agenda item relates to Economic Development Strategy Priority Number 5: Develop policies to target new jobs in innovative industries (e.g. cannabis, green industry).

FISCAL IMPACT

Processing of Cannabis Business Permit applications is funded through the payment of permit application fees. Depending on the Community Benefit Plans submitted and the number of Retail Storefront (Dispensary) businesses open, the fiscal impacts will vary. More will be known on fiscal impacts as the City continues to process the applications.

RECOMMENDATION

Staff recommends that Council waive the full reading of the text and adopt Ordinance 1318, amending Chapter 6.36 of the Tracy Municipal Code to increase the number of allowable Cannabis Business Permits for Retailer Storefront (Dispensaries) to one per 10,000 residents, except for permits awarded as part of the 2020/2021 cohort.

Prepared by: Necy Lopez, Deputy City Clerk

Reviewed by: Adrianne Richardson, City Clerk
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

ATTACHMENTS:

Attachment A: Ordinance 1318

ORDINANCE 1318

AN ORDINANCE OF THE CITY OF TRACY AMENDING CHAPTER 6.36, COMMERCIAL CANNABIS ACTIVITY, OF THE TRACY MUNICIPAL CODE REGARDING RETAILER – STOREFRONT PERMITS

WHEREAS, on December 19, 2019, the City Council adopted Ordinance 1277 adding Chapter 6.36, Commercial Cannabis Activity, to the Tracy Municipal Code to establish regulations for commercial cannabis activity in the City of Tracy; and

WHEREAS, on July 21, 2021, the City Council adopted Ordinance 1293 amending Chapter 6.36 of the Tracy Municipal Code to further refine the cannabis cultivation permit requirements; and

WHEREAS, on July 21, 2021, the City Council adopted Resolution 2020-137 establishing the cannabis Business Permit Application Procedures and Guidelines (the "Regulations"); and

WHEREAS, Tracy Municipal Code section 6.36.040 establishes the number of each type of cannabis business that shall be permitted to operate in the City at any one given time; and

WHEREAS, Tracy Municipal Code section 6.36.040 currently allows a maximum of four cannabis business permits to be issued for Retailer - Storefront (Dispensary); and

WHEREAS, pursuant to the Regulations, the City Council accepted applications from entities interested in obtaining a cannabis businesses permit, with the application period closing on October 15, 2020 (the "Current Application Process"); and

WHEREAS, the City Council considered possible changes to Tracy Municipal Code Chapter 6.36 and the Regulations at a meeting on September 21, 2021; and

WHEREAS, the City Council provided direction to staff to prepare an ordinance to increase the maximum number of cannabis business permits for Retailer - Storefront (Dispensary) from four (4) to one (1) per 10,000 residents of the City of Tracy; and

WHEREAS, the City Council further provided direction that the limit on the number of cannabis business permits for Retailer - Storefront (Dispensary) should not apply to entities that submitted applications during the Current Application Process; and

WHEREAS, the City Council introduced this ordinance at regular meeting on October 5, 2021, at which time all interested parties had an opportunity to be heard; and

WHEREAS, the City Council desires to adopt this ordinance in order to change the maximum number of cannabis business permits for Retailer - Storefront (Dispensary).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TRACY, DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings.

The City Council of the City of Tracy finds that all of the above Recitals are true and correct and incorporated herein by reference.

SECTION 2. Amendment of Section 6.36.040.

Section 6.36.040, "Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted", of the Tracy Municipal Code is hereby amended to read as follows (with deletions in ~~strikethrough~~ and additions underlined):

"6.36.040 - Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted

(a) Maximum Number and Type of Authorized Cannabis Businesses Permitted. The number of each type of cannabis business that shall be permitted to operate in the City at any one given time shall be as follows:

i. Cultivation (Indoor Only) - no maximum number.
ii. Distribution - no maximum number.
iii. Manufacturing - no maximum number.
iv. Microbusiness - no maximum number.
v. Retailer - Non-Storefront (Delivery Only) - no maximum number.
vi. Retailer - Storefront (Dispensary) – a maximum number as set forth in subsection 6.36.040(b).~~a maximum of four (4) storefront retailers.~~
vii. Testing Laboratory - no maximum number.

This section 6.36.040 is only intended to create a maximum number of cannabis businesses that may be issued permits to operate in the City under each category. Nothing in this chapter creates a mandate that the City Council must issue any or all of the cannabis business permits if it is determined that the applicants do not meet the standards which are established in the application requirements or further amendments to the application process.

(b) (i) A maximum of one (1) Retailer - Storefront (Dispensary) permit may be issued for every 10,000 individuals living within the City of Tracy. For the purposes of this subsection, the total population of the City shall be determined by the most current published total available from the U.S. Census Bureau or the California State Department of Finance, whichever has been more recently updated, as of the date the cannabis business permit is issued. No new permit may be issued to authorize a Retailer - Storefront (Dispensary) use if the number of such permits already issued equals or exceeds the total number authorized pursuant to this subsection.

(ii) Notwithstanding section (b)(i), a maximum of eleven (11) Retailer - Storefront (Dispensary) permits may be issued to entities that submitted applications for commercial cannabis business permits on or before October 15, 2020. Any business awarded a commercial

cannabis business permit prior to December 31, 2021 shall not be subject to the limitation established in section (b)(i), above, as long as such commercial cannabis business permit is renewed annually as required by this chapter and is not revoked.

(~~b~~c) Each year following the Police Chief's initial award of cannabis business permits, if any, or at any time in the City Council's discretion, the City Council may reassess the number of cannabis business permits which are authorized for issuance. The City Council, in its discretion, may determine by ordinance whether the number of commercial cannabis permits should change."

SECTION 3. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council of the City of Tracy hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 4. Approval of the amendments is exempt from environmental review in accordance with Business and Professions Code section 26055(h), the exemption for the adoption of an ordinance that requires discretionary review of permits to engage in commercial cannabis activities.

SECTION 5. This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the Ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the Ordinance. (Gov't. Code §36933.) This Ordinance shall take effect 30 days after its final passage and adoption.

* *

The foregoing Ordinance 1318 was introduced at a regular meeting of the Tracy City Council on the 5th day of October, 2021, and finally adopted on the ___ day of October, 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

October 19, 2021

AGENDA ITEM 1.D

REQUEST

AUTHORIZE THE CITY OF TRACY TO BECOME AN ADDITIONAL MEMBER OF THE CALIFORNIA COMMUNITY HOUSING AGENCY (CalCHA); SUPPORTING CalCHA'S ISSUANCE OF TAX-EXEMPT BONDS FOR THE PRODUCTION, PRESERVATION, AND PROTECTION OF ESSENTIAL MIDDLE-INCOME HOUSING, AND AUTHORIZE THE CITY MANAGER TO ENTER INTO PUBLIC BENEFIT AGREEMENTS WITH CalCHA FOR MIDDLE-INCOME RENTAL HOUSING CREATED WITHIN CITY LIMITS

EXECUTIVE SUMMARY

In January 2019, the County of Kings and the Housing Authority of Kings County formed CalCHA under the Joint Exercise of Powers Act. CalCHA is a California joint powers authority and political subdivision of the State, which was specifically formed with the purpose of providing, preserving, protecting, and supporting middle-income housing production throughout California. The purpose of CalCHA is to issue tax exempt bonds to finance affordable housing developments. Specifically, CalCHA has the authority to acquire, construct, improve, operate, and dispose of real property.

Becoming a member of CalCHA will enhance the City's ability to increase middle-income housing stock within the City. This item requests that Council authorize the City of Tracy to become an additional member of the California Community Housing Agency; supporting CalCHA's issuance of tax-exempt bonds for the production, preservation, and protection of essential middle-income housing, and authorize the City Manager to enter into public benefit agreements with CalCHA for middle-income rental housing created within City limits. This housing will be deed restricted for low, median, and moderate-income households in the City of Tracy.

DISCUSSION

Background

City Council has made various efforts to adopt workforce/affordable housing policies within the City. On April 3, 2018, the City Council discussed workforce/affordable housing and directed staff to explore potential taskforces and return to Council with information on homelessness, zoning, fees, and the City's Growth Management Ordinance (GMO) as they relate to affordable/workforce housing. The Council subsequently directed staff to continue with its work on housing affordability to be presented as part of the Affordable/Workforce Housing Workshop.

On June 4, 2019, the City Council conducted a workshop on workforce and affordable housing led by David Early, of PlaceWorks, Inc., which included a review of Tracy area housing costs and wages, existing affordable housing incentives, and potential projects or programs to help address housing affordability in Tracy. The workshop included a robust discussion regarding incomes and affordability in the City of Tracy. The discussion highlighted the fact that the median income in Tracy is higher than San Joaquin County median income and, because the City's GMO exemptions rely on County income levels rather than City of Tracy income levels, the GMO's existing

exemptions for affordable housing are underutilized/not used. Over the last 13 years, only one project delivered new affordable housing to the City, just 0.6% of the new housing supply provided during this time period. A comparison of the City's and County's income cohorts and resulting rent maximums is shown below.

Income Category	Household Income (1)		Maximum Apartment Monthly Rent (2)	
	SJ County	City of Tracy	SJ County	City of Tracy
Low: 80% of AMI	$48,916	$70,712	$973	$1,518
Median: 100% of AMI	$61,145	$88,390	$1,279	$1,960
Moderate: 120% of AMI	$73,374	$106,068	$1,584	$2,402

(1) City of Tracy incomes reported by 2018 American Community Survey 5-year average; assumes a 3.5 person household.
(2) Assumes 30% of household income spent on rent and utilities.

On March 16, 2021, City Council adopted a set of strategic priorities that include implementation of affordable housing initiatives under the quality of life section.

San Joaquin County Income Levels

There are limited public financing tools at the Federal, State and local level. Funding for the development, acquisition, and rehabilitation of affordable rental housing is often income restricted to households earning 60% area median income (AMI) and below. Meanwhile, private market developments are unrestricted, unaffordable, and targeted for households earning above 120% AMI. This has led to a gap in the market for low- to moderate-income households, often described as the "missing middle," or the workforce housing population. The "missing middle" is generally defined as households earning between 60% AMI up to 120% AMI.

California Community Housing Authority (CalCHA)

In January 2019, the County of Kings and the Housing Authority of Kings County formed CalCHA under the Joint Exercise of Powers Act. CalCHA is a California joint powers authority and political subdivision of the State, which was specifically formed with the purpose of providing, preserving, protecting, and supporting middle-income housing production throughout California. The purpose of CalCHA is to issue tax exempt bonds to finance affordable housing developments. Specifically, CalCHA has the authority to acquire, construct, improve, operate, and dispose of real property.

To date, CalCHA membership consists of the following agencies:

City of Dublin, City of Livermore, Kings County, Kings County Housing Authority, City of Santa Rosa, City of Fairfield, City of Menlo Park, Marin County, City of Larkspur, City of Napa, City of Mountain View, City of Glendale, Glendale Housing Authority, City of

Hayward, City of Walnut Creek, City of Rancho Cordova, City of La Mesa, City of Carson, Housing Authority of Santa Barbara, City of Morgan Hill, City of Larkspur, City of Napa, City of Menlo Park, Marin County, City of Chula Vista, City of Escondido, City of Berkeley, City of Encinitas, City of Antioch, City of Palm Springs, City of Concord, City of Arcadia, City of Pasadena, and the City of Hercules.

Process

CalCHA has developed a financing model to create affordable housing for the essential middle-income workforce (defined as housing for households ranging from 60% of area median income to 120% of area median income) and proposes using Essential Housing Revenue Bonds issued by CalCHA to finance the acquisition or development of essential middle-income housing. This housing will be deed restricted for low, median, and moderate-income households in the City of Tracy. To satisfy the public purposes for which the bonds will be authorized to be issued, the owner, CalCHA, commits, through the execution of a regulatory agreement, to support, preserve, and provide low-income, median-income, and moderate-income rental housing. CalCHA will also satisfy the public purposes of the bonds by granting all surplus project revenues to the City as a term of the Public Benefit Agreement.

Staff recommends approval of a resolution that specifies the City Manager's authority. The resolution will authorize the City to:

1. Become a member of CalCHA, and
2. Support and approve CalCHA's issuance of tax-exempt bonds for the acquisition of existing rental properties or development of new units as a means towards the production, preservation and protection of essential middle-income housing within the City limits, and
3. Enter into Public Benefit Agreements with CalCHA if and when there is a live opportunity.

Considering a history of undersupply of essential middle-income housing within the City, combined with the current economic condition related to the COVID-19 pandemic, staff is anticipating even greater need for long-term housing stability for existing middle-income residents.

To date, CalCHA has focused on acquiring large, existing market rate rental housing developments and deed restricting the units to households earning up to 120% AMI. Rents on affordable units created through this Program would be capped at a maximum of 35% of the applicable percentage of AMI, and annual rent increase percentages are also capped at a maximum of 4%, which is well below the limits allowed under AB1482, which limits annual rent increases among other things. All new tenants would need to income-qualify. CalCHA properties are governmentally owned, and therefore are exempt from property tax, which enables the financial feasibility of the model. If a project requires rehabilitation, the work is done upfront and financed through the bond issuance.

CalCHA does not issue bonds in a city unless the city in which the proposed project is located approves the issuance of the bonds and accepts all surplus economics that are

generated by each project. Under the Joint Exercise of Powers Agreement, CalCHA specifies itself as a separate entity from the members of the JPA, meaning its debts, liabilities, and obligations are separate from the City. As a member of CalCHA, the City would not have ownership or management responsibilities of the project, the project would operate as any other private complex in the City. The bonds issued by CalCHA for a project are payable solely out of the revenues and receipts derived from the project being financed and are not obligations of the City. For the Program to acquire properties in Tracy, the City would first need to become an Additional Member of CalCHA. Before property is acquired under the Program, the City would need to sign a Public Benefit Agreement for the specific property, which allows but does not obligate the City, at its sole discretion, to purchase the property between Year 15 and the end of the bond term.

Additionally, the City would receive any surplus cash flow from the property during the life of the bonds. If the City elects not to exercise its purchase option, CalCHA maintains the right to sell the property after the end of the bond term, at which time all net sale proceeds would be granted to the City. The regulatory agreement will not displace any existing residents. The expectation is that units will be transitioned over time as market rate tenants move out of their own volition. In addition, in the event an existing tenant during annual income recertification is found to exceed 120% AMI, CalCHA will not displace the household. Instead, CalCHA will occupy each vacant or available unit with a qualifying household and would charge over-qualified households market-rate rent.

Benefits of JPA Membership

There are no financial investments, maintenance, or liabilities required from the City as a result of joining. Other significant benefits of becoming a member of the JPA is that the City is entitled to receive surplus revenue generated by projects and the City may sign a Public Benefit Agreement which provides an opportunity for the project to remain affordable after the initial bonds have been repaid. According to the Public Benefit Agreement the City signs with CalCHA, the City will have an option period to purchase the project after the 15th year and until the end of the bond term. The City may assign the option to another entity, such as a non-profit housing developer. The purchase price of the projects will be equal to the outstanding balance of the bond debt plus customary transactional costs. If the bond is paid off at or before the end of the term years, the City can exercise its option to purchase with no acquisition costs to the City. The City Manager, or designee, will execute a Public Benefit Agreement with CalCHA for each project that is acquired in the City limits. Entering into the JPA and/or Public Benefit Agreement does not create any financial liabilities for the City.

FISCAL IMPACT

While the project will stabilize much needed middle-income housing and has the potential for generating operating revenue or sales proceeds, the City will lose property tax revenue received from any existing rental properties acquired.

STRATEGIC PLAN

This agenda item meets a strategic priority to implement affordable housing initiatives, item 4 under the Quality of Life Strategic Priorities.

RECOMMENDATION

Adopt a Resolution authorizing the City to become an Additional Member of the California Community Housing Agency (CalCHA); supporting CalCHA's issuance of tax-exempt bonds for the production, preservation, and protection of essential middle-income housing; and authorizing the City Manager to enter into Public Benefit Agreements with CalCHA for middle-income rental housing created within City limits.

Prepared by: Michael Nimon, Economic Development Manager

Reviewed by: William Dean, Interim Development Services Director
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

ATTACHMENTS

Attachment A – Joint Exercise of Powers Agreement Relating to the California Community Housing Agency
Attachment B – Public Benefit Agreement
Attachment C – No Liability Letter

JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA COMMUNITY HOUSING AGENCY

THIS AGREEMENT, dated as of January 29, 2019, among the parties executing this Agreement (all such parties, except those which have withdrawn as provided herein, are referred to as the "Members" and those parties initially executing this Agreement are referred to as the "Charter Members"):

WITNESSETH

WHEREAS, pursuant to Title 1, Division 7, Chapter 5 of the California Government Code (in effect as of the date hereof and as the same may from time to time be amended or supplemented, the "Joint Exercise of Powers Act"), two or more public agencies may by agreement jointly exercise any power common to the contracting parties; and

WHEREAS, each of the Members is a "public agency" as that term is defined in Section 6500 of the Joint Exercise of Powers Act; and

WHEREAS, each of the Members is empowered by law to promote economic, cultural and community development, including, without limitation, the promotion of opportunities for the creation or retention of employment, the stimulation of economic activity, the increase of the tax base, and the promotion of opportunities for education, cultural improvement and public health, safety and general welfare; and

WHEREAS, each of the Members may accomplish the purposes and objectives described in the preceding preamble by various means; and

WHEREAS, each Member is also empowered by law to acquire, construct, improve, operate and dispose of real property for a public purpose; and

WHEREAS, the Joint Exercise of Powers Act authorizes the Members to create a joint exercise of powers entity with the authority to exercise any powers common to the Members, including but not limited to acquiring, constructing, improving, operating and disposing of real property for a public purpose, all as specified in this Agreement, and to exercise the additional powers granted to it in the Joint Exercise of Powers Act and any other applicable provisions of the laws of the State of California; and

WHEREAS, a public entity established pursuant to the Joint Exercise of Powers Act is empowered to issue or execute non-recourse debt, which may include bonds, notes, commercial paper or any other evidences of indebtedness, leases, installment sale or other financing agreements or certificates of participation therein (herein "Obligations"), and to otherwise undertake financing programs under the Joint Exercise of Powers Act or other applicable provisions of the laws of the State of California to accomplish its public purposes; and

Kings County Agreement No. 19-006

WHEREAS, the Members have determined to specifically authorize a public entity authorized pursuant to the Joint Exercise of Powers Act to issue non-recourse Obligations pursuant to the Joint Exercise of Powers Act or other applicable provisions of the laws of the State of California; and

WHEREAS, it is the desire of the Members to use a public entity established pursuant to the Joint Exercise of Powers Act to undertake the financing and/or refinancing of projects that provide, preserve and support affordable local housing for low-income, moderate-income and middle-income families and individuals within the jurisdictions of the Members, including, but not limited to, capital or working capital projects, purchase or acquisition of property, receivables, commodities, bonds, other revenue streams or assets of any kind, liability or other insurance, or retirement programs, or facilitating Members use of existing or new financial instruments and mechanisms in the furtherance of this purpose; and

WHEREAS, by this Agreement, each Member desires to create and establish the "California Community Housing Agency" for the purposes set forth herein and to exercise the powers provided herein;

NOW, THEREFORE, the Members, for and in consideration of the mutual promises and agreements herein contained, do agree as follows:

Section 1. Purpose.

This Agreement is made pursuant to the provisions of the Joint Exercise of Powers Act. The purpose of this Agreement is to establish a public entity for the joint exercise of powers common to the Members and for the exercise of additional powers given to a joint powers entity under the Joint Powers Act or any other applicable law, including, but not limited to, the issuance of non-recourse Obligations for any purpose or activity permitted under the Joint Exercise of Powers Act or any other law; provided, however that such purpose shall be solely for the acquisition, construction, rehabilitation, ownership, operation, maintenance, administration and/or financing of multifamily housing for low-income, moderate-income and middle-income families and individuals (the "Purpose"). Such Purpose will be accomplished and said power exercised in the manner hereinafter set forth.

Section 2. Term.

This Agreement shall become effective in accordance with Section 17 as of the date hereof and shall continue in full force and effect until such time as it is terminated in writing by all the Members; provided, however, that this Agreement shall not terminate or be terminated until all Obligations issued or caused to be issued by the Agency (defined below) shall no longer be outstanding under the terms of the indenture, trust agreement, resolution or other instrument pursuant to which such Obligations are issued.

Section 3. Agency.

A. CREATION AND POWERS OF AGENCY.

Pursuant to the Joint Exercise of Powers Act, there is hereby created a public entity to be known as the "California Community Housing Agency" (the "Agency"), and said Agency shall be a public entity separate and apart from the Members. Its debts, liabilities and obligations do not constitute debts, liabilities or obligations of any Members, and the Obligations of the Agency shall only be non-recourse obligations.

B. BOARD.

The Agency shall be administered by the Board of Directors (the "Board," or the "Directors" and each a "Director") whose members shall be, at all times, members of the Board of Supervisors (the "Board of Supervisors") of Kings County, California, with each such Director serving in his or her individual capacity as Director of the Board. The term of office as a member of the Board shall terminate when such member shall cease to be a member of the Board of Supervisors and the successor to such member of the Board of Supervisors shall become a member of the Board.

Notwithstanding the preceding paragraph, the Board may by resolution or bylaws provide for changes in the qualifications, composition and number of Directors, the appointment of Directors, successors, their respective terms of office and any other provisions relating to the qualification and office of the Directors, including provision for alternative Directors (in which case all references in this Agreement to any Director shall be deemed to refer to and include the applicable alternate Director, if any, when so acting in place of a regularly appointed Director).

The Board shall be the administering agency of this Agreement and, as such, shall be vested with the powers set forth herein, and shall administer this Agreement in accordance with the purposes and functions provided herein.

Directors shall not receive any compensation for serving as such, but shall be entitled to reimbursement for any expenses actually incurred in connection with serving as a Director, if the Board shall determine that such expenses shall be reimbursed and there are unencumbered funds available for such purpose.

C. OFFICERS; DUTIES; OFFICIAL BONDS.

The officers of the Agency shall be the Chair, Vice-Chair, Secretary and Treasurer (defined below). The Board, in its capacity as administering agent of this Agreement, shall elect a Chair, a Vice-Chair, and a Secretary of the Agency from among Directors to serve until such officer is re-elected or a successor to such office is elected by the Board. The Board shall appoint one or more of its officers or employees to serve as treasurer, auditor, and controller of the Agency (the "Treasurer") pursuant to Section 6505.6 of the Joint Exercise of Powers Act to serve until such officer is re-elected or a successor to such office is elected by the Board.

Subject to the applicable provisions of any resolution, indenture, trust agreement or other instrument or proceeding authorizing or securing Obligations (each such resolution, indenture, trust agreement, instrument and proceeding being herein referred to as an "Indenture") providing for a trustee or other fiscal agent, and except as may otherwise be specified by resolution of the Board, the Treasurer is designated as the depositary of the Agency to have custody of all money of the Agency, from whatever source derived and shall have the powers, duties and responsibilities specified in Sections 6505, 6505.5 and 6509.5 of the Joint Exercise of Powers Act.

The Treasurer of the Agency is designated as the public officer or person who has charge of, handles, or has access to any property of the Agency, and such officer shall file an official bond with the Secretary of the Agency in the amount specified by resolution of the Board but in no event less than $1,000.

The Board shall have the power to appoint such other officers and employees as it may deem necessary and to retain independent counsel, consultants and accountants.

The Board shall have the power, by resolution, to the extent permitted by the Joint Exercise of Power Act or any other applicable law, to delegate any of its functions to one or more of the Directors or officers, employees or agents of the Agency and to cause any of said Directors, officers, employees or agents to take any actions and execute any documents or instruments for and in the name and on behalf of the Board or the Agency.

D. MEETINGS OF THE BOARD.

(1) Ralph M. Brown Act.

All meetings of the Board, including, without limitation, regular, adjourned regular, special, and adjourned special meetings shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code of the State of California), or any successor legislation hereinafter enacted (the "Brown Act").

(2) Regular Meetings.

The Board shall provide for its regular meetings; provided, however, it shall hold at least one regular meeting each year. The date, hour and place of the holding of the regular meetings shall be fixed by resolution of the Board. To the extent permitted by the Brown Act, such meetings may be held by telephone conference.

(3) Special Meetings.

Special meetings of the Board may be called in accordance with the provisions of Section 54956 of the Government Code of the State of

California. To the extent permitted by the Brown Act, such meetings may be held by telephone conference.

(4) Minutes.

The Secretary of the Agency shall cause to be kept minutes of the regular, adjourned regular, special, and adjourned special meetings of the Board and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each Director.

(5) Quorum.

A majority of the Board shall constitute a quorum for the transaction of business. No action may be taken by the Board except upon the affirmative vote of a majority of the Directors present at the meeting, except that less than a quorum may adjourn a meeting to another time and place.

E. RULES AND REGULATIONS.

The Agency may adopt, from time to time, by resolution of the Board such bylaws, policies or rules and regulations for the conduct of its meetings and affairs as may be required.

Section 4. Powers.

The Agency shall have the power, in its own name, to exercise the common powers of the Members and to exercise all additional powers given to a joint powers entity under any of the laws of the State of California, including, but not limited to, the Joint Exercise of Powers Act, for the Purpose authorized under this Agreement. Such powers shall include the common powers specified in this Agreement and may be exercised in the manner and according to the method provided in this Agreement. The Agency is hereby authorized to do all acts necessary for the exercise of such power, including, but not limited to, any of all of the following: to make and enter into contracts; to employ agents and employees; to acquire, construct, improve, own, maintain and operate, or provide for maintenance and operation, and sell, lease, pledge, assign, mortgage or otherwise dispose, of any property, improvements, commodities, leases, contracts, receivables, bonds or other revenue streams or assets of any kind relating to the Purpose; to exercise the power of condemnation; to incur debts, liabilities or obligations; to receive gifts, contributions and donations of property, funds, services, and other forms of assistance from person, firms, corporations and any governmental entity; to sue and be sued in its own name; to establish and collect fees; to form public benefit nonprofit corporations or other affiliate entities to accomplish any of its Purposes; to make grants, loans or provide other financial assistance to governmental, nonprofit and for profit organizations to accomplish any of its Purposes; and generally to do any and all things necessary or convenient to accomplish its Purposes. The boundaries of the Agency shall encompass the boundaries of all the Members and the powers of the Agency may be exercised anywhere within those boundaries or to the extent permitted by the laws of the State of California, including, but not limited to the Joint Exercise of Powers Act,

outside of those boundaries, which may be outside of the State of California, provided that the power of condemnation may only be exercised within the jurisdictional boundaries of the Charter Members.

Without limiting the generality of the foregoing, the Agency may issue or cause to be issued Obligations, and pledge any property, contracts or revenues as security to the extent permitted under the Joint Exercise of Powers Act, or any other applicable provision of law.

The manner in which the Agency shall exercise its powers and perform its duties is and shall be subject to the restrictions upon the manner in which a California county could exercise such powers and perform such duties. The manner in which the Agency shall exercise its powers and perform its duties shall not be subject to any restrictions applicable to the manner in which any other public agency could exercise such powers or perform such duties, whether such agency is a party to this Agreement or not.

Section 5. Fiscal Year.

For the purposes of this Agreement, the term "Fiscal Year" shall mean the fiscal year as established from time to time by resolution of the Board, being, at the date of this Agreement, the period from July 1 to and including the following June 30, except for the first Fiscal Year which shall be the period from the date of this Agreement to June 30, 2019.

Section 6. Disposition of Assets.

At the end of the term hereof or upon the earlier termination of this Agreement as set forth in Section 2, after payment of all expenses and liabilities of the Agency, all property of the Agency both real and personal shall automatically vest in the Members in the manner and amount determined by the Board in its sole discretion and shall thereafter remain the sole property of the Members; provided, however, that any surplus money on hand shall be returned in proportion to the contributions made by the Members.

Section 7. Obligations.

From time to time the Agency shall issue Obligations, in one or more series, for the purpose of exercising its powers and raising the funds necessary to carry out its Purposes under this Agreement, including but not limited to acquiring, constructing, improving, operating and disposing of real property for a public purposes.

The services of bond counsel, financing consultants and other consultants and advisors working on the projects and/or their financing or refinancing or on post-issuance compliance or administration may be used by the Agency. The expenses of the Board shall be paid from the proceeds of the Obligations, payments made by Obligation obligors or other third parties, or any other unencumbered funds of the Agency available for such purpose.

Section 8. Obligations Only Limited and Special Obligations of Agency.

The Obligations, together with the interest and premium, if any, thereon, shall not be deemed to constitute a debt of any Member or pledge of the faith and credit of the Members or the Agency. The Obligations shall be only special non-recourse obligations of the Agency, and the Agency shall under no circumstances be obligated to pay the Obligations except from revenues and other funds pledged therefor. Neither the Members nor the Agency shall be obligated to pay the principal of, premium, if any, or interest on the Obligations, or other costs incidental thereto, except the Agency from the revenues and funds pledged and available therefor, and neither the faith and credit nor the taxing power of the Members nor the faith and credit of the Agency shall be pledged to the payment of the principal of, premium, if any, or interest on the Obligations nor shall the Members or the Agency in any manner be obligated to make any appropriation for such payment.

No covenant or agreement contained in any Obligation or related document shall be deemed to be a covenant or agreement of any Director, or any officer, employee or agent of the Agency in his or her individual capacity, and neither the Board of the Agency nor any Director or officer thereof executing the Obligations shall be liable personally on any Obligation or be subject to any personal liability or accountability by reason of the issuance of any Obligations.

Section 9. Accounts and Reports.

All funds of the Agency shall be strictly accounted for. The Agency shall establish and maintain such funds and accounts as may be required by good accounting practice and by any provision of any Indenture (to the extent such duties are not assigned to a trustee of Obligations). The books and records of the Agency shall be open to inspection at all reasonable times by each Member.

The Treasurer of the Agency shall cause an independent audit to be made of the books of accounts and financial records of the Agency by a certified public accountant or public accountant in compliance with the provisions of Section 6505 of the Joint Exercise of Powers Act. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code of the State of California and shall conform to generally accepted auditing standards. When such an audit of accounts and records is made by a certified public accountant or public accountant, a report thereof shall be filed as a public record with each Member and also with the county auditor of each county in which a Member is located; provided, however, that to the extent permitted by law, the Agency may, instead of filing such report with each Member and such county auditor, elect to post such report as a public record electronically on a website designated by the Agency. Such report if made shall be filed within 12 months of the end of the Fiscal Year or Years under examination.

The Treasurer is hereby directed to report in writing on the first day of July, October, January, and April of each year to the Board and the Charter Members which report shall describe the amount of money held by the Treasurer for the Agency, the amount of receipts since the last such report, and the amount paid out since the last such report (which may exclude

amounts held by a trustee or other fiduciary in connection with any Obligations to the extent that such trustee or other fiduciary provided regular reports covering such amounts.)

Any costs of the audit, including contracts with, or employment of, certified public accountants or public accountants in making an audit pursuant to this Section, shall be borne by the Agency and shall be a charge against any unencumbered funds of the Agency available for that purpose.

In any Fiscal Year the Board may, by resolution adopted by unanimous vote, replace the annual special audit with an audit covering a two-year period.

Section 10. Funds.

Subject to the applicable provisions of any Indenture, which may provide for a trustee or other fiduciary to receive, have custody of and disburse Agency funds, the Treasurer of the Agency shall receive, have the custody of and disburse Agency funds pursuant to the accounting procedures developed under Sections 3.C and 9, and shall make the disbursements required by this Agreement or otherwise necessary to carry out any of the provisions of purposes of this Agreement.

Section 11. Notices.

Notices and other communications hereunder to the Members shall be sufficient if delivered to the clerk of the governing body of each Member; provided that, to the extent permitted by law, the Agency may provide notices and other communications and postings electronically (including, without limitation, through email or by posting to a website).

Section 12. Additional Members/Withdrawal of Members.

Qualifying public agencies may be added as parties to this Agreement and become Charter Members upon: (1) the filing by such public agency with the Agency of an executed counterpart of this Agreement, together with a copy of the resolution of the governing body of such public agency approving this Agreement and the execution and delivery hereof; and (2) adoption of a resolution of the Board approving the addition of such public agency as a Charter Member. Upon satisfaction of such conditions, the Board shall file such executed counterpart of this Agreement as an amendment hereto, effective upon such filing.

Qualifying public agencies may also be added as Non-Charter Members ("Additional Members") of the Agency upon: (1) the filing by such public agency with the Agency of a resolution of the governing body of such public agency requesting to be added as an Additional Member of the Agency, and (2) adoption of a resolution of the Board approving the addition of such public agency as an Additional Member. An Additional Member may limit in the aforementioned resolution the scope of its Additional Membership to what is necessary or appropriate to facilitate the financing or refinancing of one or more specified projects or programs.

A Member may withdraw from this Agreement upon written notice to the Board; provided, however, that at least one Member shall be a Charter Member and no such withdrawal shall result in the dissolution of the Agency so long as any Obligations remain outstanding. Any such withdrawal shall be effective only upon receipt of the notice of withdrawal by the Board, which shall acknowledge receipt of such notice of withdrawal in writing and shall file such notice as an amendment to this Agreement effective upon such filing.

Section 13. Indemnification.

To the full extent permitted by law, the Board may authorize indemnification by the Agency of any person who is or was a Director or an officer, employee or other agent of the Agency, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a Director or an officer, employee or other agent of the Agency, against expenses, including attorneys fees, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith in a manner such person reasonably believed to be in the best interests of the Agency and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of such person was unlawful and, in the case of an action by or in the right of the Agency, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. The Board may purchase a policy or policies of insurance in furtherance of any indemnification obligation created or otherwise in protection of Directors, officers, employees or other agents.

Section 14. Contributions and Advances.

Contributions or advances of public funds and of the use of personnel, equipment or property may be made to the Agency by the Members for any of the Purposes of this Agreement. Payment of public funds may be made to defray the cost of any such contribution or advance. Any such advance may be made subject to repayment, and in such case shall be repaid, in the manner agreed upon by the Agency and the Member making such advance at the time of such advance. It is mutually understood and agreed to that no Member has any obligation to make advances or contributions to the Agency to provide for the costs and expenses of administration of the Agency, even though any Member may do so. The Members understand and agree that a portion of the funds of the Agency that otherwise may be allocated or distributed to the Members may instead be used to make grants, loans or provide other financial assistance to governmental units and to nonprofit organizations to accomplish any of the governmental unit's or nonprofit organization's purposes.

Section 15. Immunities.

All of the privileges and immunities from liabilities, exemptions from laws, ordinances and rules, and other benefits which apply to the activity of officers, agents or employees of Members when performing their respective functions within the territorial limits of their respective public agencies, shall apply to the same degree and extent to the Directors, officers, employees, agents or other representatives of the Agency while engaged in the performance of any of their functions or duties under the provisions of this Agreement.

Section 16. Amendments.

Except as provided in Sections 3B and 12 above, or to cure any error, omission or ambiguity in this Agreement, this Agreement shall not be amended, modified, or altered except with (i) written consent of all holders of any outstanding bonds of the Agency, (ii) written consent of each of Charter Member, and (iii) negative consent of each Additional Member. To obtain the negative consent of each such Additional Member, the following negative consent procedure shall be followed: (a) the Agency shall provide each such Additional Member with a notice at least sixty (60) days prior to the date such proposed amendment is to become effective explaining the nature of such proposed amendment and this negative consent procedure; (b) the Agency shall provide each such Additional Member who did not respond a reminder notice with a notice at least thirty (30) days prior to the date such proposed amendment is to become effective; and (c) if no such Additional Member objects to the proposed amendment in writing within sixty (60) days after the initial notice, the proposed amendment shall become effective with respect to all Members.

Section 17. Effectiveness.

This Agreement shall become effective and be in full force and effect and a legal, valid and binding obligation of each of the Members on the date that the Board shall have received from two of the Charter Members an executed counterpart of this Agreement, together with a certified copy of a resolution of the governing body of each such Charter Member approving this Agreement and the execution and delivery hereof.

Section 18. Partial Invalidity.

If any one or more of the terms, provisions, promises, covenants or conditions of this Agreement shall to any extent be adjudged invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants and conditions of this Agreement shall not be affected thereby, and shall be valid and enforceable to the fullest extent permitted by law.

Section 19. Successors.

This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto. Except to the extent expressly provided herein, no Member may assign any right or obligation hereunder without the consent of the other Members.

Section 20. Miscellaneous.

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

The section headings herein are for convenience only and are not to be construed as modifying or governing the language in the section referred to.

Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

This Agreement shall be governed under the laws of the State of California.

This Agreement is the complete and exclusive statement of the agreement among the Members, which supercedes and merges all prior proposals, understandings, and other agreements, whether oral, written, or implied in conduct, between and among the Members relating to the subject matter of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their duly authorized representatives as of the day and year first above written.

Charter Member:

KINGS COUNTY

By _____
Name: Joe Neves
Title: Chairman JAN 2 9 2019

ATTEST:

By _____
Name: Melanie Curtis
Title: Deputy Clerk to the Board of Supervisors

Charter Member:

HOUSING AUTHORITY OF THE COUNTY OF KINGS

By _____
Name: Joe Neves
Title: Chairman

ATTEST:

By _____
Name: Jennifer Moleus
Title: Deputy Clerk to the Board of Supervisors

FIRST AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA COMMUNITY HOUSING AGENCY

THIS FIRST AMENDMENT TO JOINT EXERCISE OF POWERS AGREEMENT, dated July 30, 2019 (this "First Amendment"), is executed and delivered to amend the provisions of that certain Joint Exercise of Powers Agreement, dated as of January 1, 2019, (the "Agreement"), among the County of Kings and the Housing Authority of the County of Kings (the "Charter Members") and the other members (the "Additional Members" and, together with the Charter Members, the "Members") thereto.

WITNESSETH

WHEREAS, pursuant to Title 1, Division 7, Chapter 5 of the California Government Code (in effect as of the date hereof and as the same may from time to time be amended or supplemented, the "Joint Exercise of Powers Act"), the Charter Members and the Additional Members entered into the Agreement; and

WHEREAS, pursuant to Assembly Bill No. 1912, enacted on September 29, 2018 ("AB 1912"), Section 6508.1 of the California Government Code prohibits Members from disclaiming the retirement obligations of the Agency if the Agency were to contract with a public retirement system (as defined in such statute); and

WHEREAS, also pursuant to AB 1912, Section 6508.2 of the Government Code requires that the retirement obligations of the Agency be apportioned among former and current Members such that the apportionment equals 100% of the retirement liability of the Agency if the Agency is unable to meets it retirement obligations under the circumstances described in such statute; and

WHEREAS, the Agency does not currently have any retirement contract with any public retirement system; and

WHEREAS, pursuant to Section 16 of the Agreement, the provisions of the Agreement may be amended with the written consent of the Charter Members provided that no amendment shall materially adversely affect the interests of any Additional Member unless the negative consent of that Additional Member is also obtained; and

WHEREAS, in order to ensure that Members will not be obligated for any portion of any future retirement obligations of the Agency, the Charter Members now find it necessary and desirable to amend the Agreement as provided herein, which amendment does not materially adversely affect the interests of any Additional Member; and

NOW, THEREFORE, the Charter Members, for and in consideration of the mutual promises and agreements herein contained, do agree as follows:

Kings County Agreement No. 19-006.1

Section 1. Authority for Amendment.

This First Amendment is hereby executed in accordance with Section 16 of the Agreement.

Section 2. Definitions.

All terms defined in the Agreement shall have the same meanings when used in this First Amendment, except as otherwise provided herein.

Section 3. Amendments.

A. **Amendment to Section 3.A. of the Agreement.**

The paragraph in Section 3.A. of the Agreement is hereby amended to read in full as follows (additions to the Agreement shown in underline text and deletions shown in ~~strikethrough~~ text):

> Pursuant to the Joint Exercise of Powers Act, there is hereby created a public entity to be known as the "California Community Housing Agency" (the "Agency"), and said Agency shall be a public entity separate and apart from the Members. To the extent permitted by law, its ~~Its~~ debts, liabilities and obligations do not constitute debts, liabilities or obligations of any Members, and the Obligations of the Agency shall only be non-recourse obligations.

B. **Amendment to Section 4 of the Agreement.**

Section 4 of the Agreement is hereby amended to read in full as follows (additions to the Agreement shown in underline text and deletions shown in ~~strikethrough~~ text):

> The Agency shall have the power, in its own name, to exercise the common powers of the Members and to exercise all additional powers given to a joint powers entity under any of the laws of the State of California, including, but not limited to, the Joint Exercise of Powers Act, for the Purpose authorized under this Agreement. Such powers shall include the common powers specified in this Agreement and may be exercised in the manner and according to the method provided in this Agreement. The Agency is hereby authorized to do all acts necessary for the exercise of such power, including, but not limited to, any of all of the following: to make and enter into contracts; to employ agents and employees; to acquire, construct, improve, own, maintain and operate, or provide for maintenance and operation, and sell, lease, pledge, assign, mortgage or otherwise dispose, of any property, improvements, commodities, leases, contracts, receivables, bonds or other revenue streams or assets of any kind relating to the Purpose; to exercise the power of condemnation; to incur debts, liabilities or obligations; to receive gifts, contributions and donations of property, funds, services, and other forms of assistance from person, firms, corporations and any governmental entity; to sue and be sued in its own name; to establish and collect

fees; to form public benefit nonprofit corporations or other affiliate entities to accomplish any of its Purposes; to make grants, loans or provide other financial assistance to governmental, nonprofit and for profit organizations to accomplish any of its Purposes; and generally to do any and all things necessary or convenient to accomplish its Purposes. The boundaries of the Agency shall encompass the boundaries of all the Members and the powers of the Agency may be exercised anywhere within those boundaries or to the extent permitted by the laws of the State of California, including, but not limited to the Joint Exercise of Powers Act, outside of those boundaries, which may be outside of the State of California, provided that the power of condemnation may only be exercised within the jurisdictional boundaries of the Charter Members.

Notwithstanding anything to the contrary in this Agreement, the Agency shall not have the power or the authority to enter into any retirement contract with any public retirement system (as defined in Section 6508.2 of the California Government Code) for any reason. The provision in this paragraph is intended to benefit the Members and to be a confirming irrevocable obligation of the Agency which may be enforced by the Members, individually or collectively.

Without limiting the generality of the foregoing, the Agency may issue or cause to be issued Obligations, and pledge any property, contracts or revenues as security to the extent permitted under the Joint Exercise of Powers Act, or any other applicable provision of law.

The manner in which the Agency shall exercise its powers and perform its duties is and shall be subject to the restrictions upon the manner in which a California county could exercise such powers and perform such duties. The manner in which the Agency shall exercise its powers and perform its duties shall not be subject to any restrictions applicable to the manner in which any other public agency could exercise such powers or perform such duties, whether such agency is a party to this Agreement or not.

C. **Amendment to Section 20 of the Agreement.**

Section 20 of the Agreement is hereby amended to read in full as follows (additions to the Agreement shown in underline text and deletions shown in ~~strikethrough~~ text):

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

The section headings herein are for convenience only and are not to be construed as modifying or governing the language in the section referred to.

Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

This Agreement shall be governed under the laws of the State of California.

This Agreement, along with its recitals which are an integral part and are incorporated herein, is the complete and exclusive statement of the agreement among the Members, which ~~supercedes~~supersedes and merges all prior proposals, understandings, and other agreements, whether oral, written, or implied in conduct, between and among the Members relating to the subject matter of this Agreement.

Section 4. Effective Date.

This First Amendment shall become effective and be in full force and effect on the date that the Board shall have received from two of the Charter Members an executed counterpart of this First Amendment.

Section 5. Miscellaneous.

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

The section headings herein are for convenience only and are not to be construed as modifying or governing the language in the section referred to.

The recitals are an integral part of this First Amendment and are incorporated herein.

Any section not so amended as stated above shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to Joint Exercise of Powers Agreement to be executed and attested by their duly authorized representatives as of the day and year first above written.

Charter Member:

KINGS COUNTY

By _____
Name: Joe Neves
Title: Chairman AUG 06 2019

ATTEST:

By _____
Name: Catherine Venturella
Title: Clerk of the Board of Supervisor

Charter Member:

HOUSING AUTHORITY OF THE COUNTY OF KINGS

By _____
Name: Doug Verboon
Title: Vice Chairman

ATTEST:

By _____
Name: Jennifer Molina
Title: Administrative Assistant

RECORDING REQUESTED BY
California Community Housing Agency

WHEN RECORDED RETURN TO:
Orrick, Herrington & Sutcliffe LLP
405 Howard Street
San Francisco, CA 94105
Attention: [●]

PUBLIC BENEFIT AGREEMENT

By and Between

CALIFORNIA COMMUNITY HOUSING AGENCY

and

CITY OF TRACY

_____

Relating to

CALIFORNIA COMMUNITY HOUSING AGENCY
ESSENTIAL HOUSING REVENUE BONDS
(TRACY)

PUBLIC BENEFIT AGREEMENT

This PUBLIC BENEFIT AGREEMENT ("*Agreement*"), dated _____ 1, 2021 and effective as of the Effective Date (as hereinafter defined), by and between the CALIFORNIA COMMUNITY HOUSING AGENCY, a joint exercise of powers agency organized and existing under the laws of the state of California (including its successors and assigns, "*Owner*"), and the City of Tracy ("*Host*").

BACKGROUND

WHEREAS, Owner is a public entity organized pursuant to a joint exercise of powers agreement (the "Agreement") among a number of California counties, cities and special districts, including Host, and is validly existing under the laws of the State of California, in particular, Title 1, Division 7, Chapter 5 of the California Government Code (the "Joint Exercise of Powers Act"); and

WHEREAS, Owner and Host have determined that there is an undersupply of affordable housing for "middle-income" residents of Host and wish to provide for the public good and promote the health and welfare of such residents by making dwelling units available to middle-income tenants according to income criteria to be established by Owner from time to time; and

WHEREAS, pursuant to the Joint Exercise of Powers Act and the Agreement, Owner proposes to issue Bonds (as hereinafter defined) to finance Owner's acquisition of the certain multifamily rental housing project (the "*Project*") located at [●] in the City of Tracy, California, located on the real property site described in Exhibit A hereto; and

WHEREAS, the Project will provide public benefit through the production, preservation and/or protection of below-market-rate rental housing, pursuant to a Regulatory Agreement and Declaration of Restrictive Covenants (the "*Regulatory Agreement*") by and between Owner and Trustee (as hereinafter defined); and

WHEREAS, Owner intends to make a contribution to Host by (a) paying or causing to be paid to Host all excess revenues derived from the Project after payment in full of related debt, taxes and other expenses, and (b) granting to Host an option (but under no circumstances an obligation) to purchase the Project or direct the sale of the Project and receive the net sale proceeds thereof, in each case as set forth herein.

AGREEMENT

In consideration of the mutual covenants herein contained, and such other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, Owner and Host mutually agree as follows:

Section 1. Definitions. Capitalized terms used in this Agreement shall have the meanings assigned to them in this Section 1; capitalized terms used in this Agreement and not defined in this Section 1 or elsewhere herein shall have the meanings assigned to them in the Indenture (herein defined).

(a) "*Appraised Value*" – the value of the Optioned Property as determined by an independent appraiser, selected by Owner, regularly engaged in making appraisals of property similar to the Optioned Property.

(b) "*Authority Indemnified Parties*" – Owner and each of its officers, governing members, directors, officials, employees, attorneys, agents and members.

(c) "*Bonds*" – bonds of the Owner issued to finance its acquisition of the Project and related transaction costs, bearing the designation "Essential Housing Revenue Bonds (Tracy)," issued in one or more series or sub-series with such series and sub-series designations as may be set forth in the Indenture, including subordinate bonds which may be placed with Project Administrator, or an affiliate thereof, if applicable, and including bonds issued to refund the Bonds, if applicable.

(d) "*Bond Trustee*" – Wilmington Trust, National Association or any successor trustee under the Indenture.

(e) "*Closing*" – shall have the meaning set forth in Section 8 of this Agreement.

(f) "*Conveyance*" – that transaction or series of transactions by which Owner shall transfer, bargain, sell and convey any and all right, title or interest in and to the Optioned Property.

(g) "*County*" – the County of San Joaquin.

(h) "*Effective Date*" – shall have the meaning set forth in Section 12 of this Agreement.

(i) "*Extraordinary Costs and Expenses*" – shall have the meaning set forth in the Indenture.

(j) "*Fair Market Value*" – the price, in no event less than the Purchase Option Price, a willing purchaser and a willing seller in an arm's length transaction would agree upon as a fair sales price that could reasonably be expected to be received upon the sale of the Optioned Property, as determined by Owner pursuant to such means as Owner shall deem suitable for such purpose; provided that Owner's determination of the manner of sale and Fair Market Value shall be final and incontestable.

(k) "*Indenture*" – the Indenture of Trust between Owner, as issuer, and the Bond Trustee, as trustee, pursuant to which the Bonds are issued.

(l) "*Option*" – has the meaning set forth in Section 2 of this Agreement.

(m) "*Option Term Commencement Date*" – the date sixteen (16) years from the date of issuance of the Bonds.

(n) "*Option Term*" – shall commence on the Option Term Commencement Date and, if not exercised, shall terminate at 11:59 p.m. local time on the date that is nineteen (19) years from the Option Term Commencement Date.

(o) "*Optioned Property*" – means all of Owner's right, title and interest (which includes fee simple title to the real property) in and to all property and assets used in or otherwise related to the operation of the Project including, without limitation, all real property and interests in real property, all tangible and intangible personal property including furniture, fixtures, equipment, supplies, intellectual property, licenses, permits, approvals, and contractual rights of any kind or nature together with the right to own and carry on the business and operations of the Project.

(p) "*Outstanding*" – with respect to Bonds, as of any given date, all Bonds which have been authenticated and delivered by Trustee under the Indenture, except: (i) Bonds cancelled at or prior to such date or delivered to or acquired by Trustee at or prior to such date for cancellation; (ii) Bonds deemed to be paid in accordance with Article VIII of the Indenture; and (iii) Bonds in lieu of which other Bonds have been authenticated under the Indenture.

(q) "*Project Administrator*" – [●], a [●], and its successors and assigns.

(r) "*Project Administrator Sale*" – a sale of the Optioned Property at its Appraised Value to Project Administrator in accordance with Section 6(c) of this Agreement.

(s) "*Project Debt*" – any debt secured by the Project and incurred to finance or refinance Owner's acquisition of the Project and related transaction costs, including any portion of the Bonds and any bonds, notes or other indebtedness issued by Owner to refund the Bonds in whole or in part.

(t) "*Purchase Option Price*" – the sum of the amounts set forth below:

i. an amount sufficient to either prepay, redeem in whole or fully defease for redemption on the earliest call date all Project Debt; *plus*

ii. any fees or other amounts not identified in clause (i) that may be necessary to effect the complete release from and discharge of any lien, mortgage or other encumbrance on the Optioned Property (the amounts in clauses (i) and (ii) being collectively referred to as the "*Satisfied Indebtedness*"); *plus*

iii. any amounts due to Owner (including the Authority Indemnified Persons, as provided in the Indenture), the Bond Trustee or any predecessor or successor, or any other Person under any indenture, loan agreement, bond, note or other instrument relating to any Satisfied Indebtedness (including, without limitation, indemnification amounts, Owner's Extraordinary Costs and Expenses, recurrent and extraordinary fees and expenses, and reimbursable costs and expenses of any kind or nature); *plus*

iv. Transaction Costs; *minus*

v. The amount of any Project Debt assumed by Host; and *minus*

vi. Any funds held by or for Owner under the Indenture applied to the retirement of Project Debt, but, for avoidance of doubt, the Owner may retain amounts in

the Extraordinary Expense Fund or similar funds under the Indenture it deems reasonable as a reserve against future costs and expenses of the type described in subparagraph (iii) above, which amount shall be final and incontestable.

(u) "*Third-Party Sale*" - a sale of the Optioned Property to a third-party purchaser at Fair Market Value.

(v) "*Transaction Costs*" – to the extent not otherwise described herein, any costs or expenses of any kind or nature associated with or incurred by Owner and Host in connection with the consummation of the Conveyance, any refinancing of the Project or assumption of Project Debt regardless of whether such costs and expenses are customarily borne by the seller or purchaser in any such transaction, including but not limited to taxes, recording fees and other impositions, Owner's and Host's legal and other professional fees, fees for verification agents, bidding agents, escrow agents, custodians or trustees, assumption fees, prepayment fees, the cost of the appraisal (regardless of whether the Appraised Value is ultimately determined to be the Fair Market Value), surveys, inspections, title commitments, title insurance premiums and other title-related fees, and all amounts required for indemnification of Authority, Trustee and Project Administrator.

Section 2. Economic Contribution. To provide a public benefit and economic contribution to Host as described in the Recitals to this Agreement, Owner hereby (a) agrees to pay or cause to be paid to Host the amounts held in the Excess Revenue Fund pursuant to Section 3 and the Indenture, and (b) grants to Host an option (the "*Option*") with respect to the Optioned Property, as more fully described in Section 6 of this Agreement.

Section 3. Excess Revenues.

(a) Owner shall cause Trustee to create an account (the "Excess Revenue Fund") under the Indenture into which surplus cash from the Project will be deposited following payment of all other obligations and expenses as required pursuant to the Indenture. Upon exercise of the Option as provided herein, Trustee shall transfer the balance of the Excess Revenue Fund to Host in connection with the Conveyance.

(b) On the first date upon which no Bonds or other Project Debt remains Outstanding, which may be the date of the Conveyance, any and all moneys in the Excess Revenue Fund shall be transferred by Trustee to Host, to be applied by Host in its sole discretion. Thereafter, for so long as Owner remains the owner of the Project and there is no Project Debt outstanding, Owner shall pay or cause to be paid to Host, all Project-related revenue in excess of Project-related expenses, to be applied by Host in its sole discretion. At Host's written request and expense, Owner will appoint a third-party paying agent or trustee to handle payment of excess revenues to Host following retirement of all Bonds and all Project Debt.

(c) Upon any Conveyance of the Project by Owner pursuant to the terms hereof, Owner shall apply the proceeds of the sale (i) to redeem the Bonds then Outstanding, (ii) to prepay, redeem in whole or fully defease any other Project Debt, and (iii) to pay any fees or other amounts listed in (iii) and (iv) of the Purchase Option Price definition. Any proceeds remaining following the foregoing payments shall be transferred to the Host.

Section 4. **Option Term.** The Option shall become effective on the Option Term Commencement Date and may be exercised during the Option Term at Host's sole discretion. Owner agrees that it will not enter into any agreement to sell all or any part of the Optioned Property during the Option Term, without the specific written request of Host and written consent of Owner, which consent shall not be unreasonably withheld, and, if Project Debt is outstanding, delivery of an Opinion of Bond Counsel to Owner substantially to the effect that such sale will not, in and of itself, adversely affect the exclusion of interest on the Bonds from gross income for purposes of federal income taxation. Upon the expiration of the Option Term, Owner shall use its best efforts to sell the Optioned Property at Fair Market Value. Following the expiration of the Option Term, Host shall not be precluded from purchasing all or any portion of the Optioned Property from Owner at a price and on the terms agreed upon by Host and Owner, but Owner shall not be precluded from seeking or agreeing to sell, or consummating the sale of, all or any portion thereof to any third party.

Section 5. **Manner of Exercise of Option.**

(a) General. Within the Option Term and in compliance with and observance of all of the terms and conditions of this Agreement, Host may, in its sole discretion, exercise the Option by:

i. Purchasing the Optioned Property upon payment of the Purchase Option Price;

ii. Directing Owner to cause a Third-Party Sale; or

iii. Directing Owner to cause a Project Administrator Sale.

(b) Owner's Notice. At least six (6) months prior to the Option Term Commencement Date, Owner shall provide Host notice of the Option Term Commencement Date; provided, however, that failure to provide such notice shall not affect the sufficiency or validity of any proceedings taken in connection with the exercise of the Option.

(c) Host's Notice. To exercise the Option, Host shall provide Owner notice of its intent to exercise the Option at any time prior to the end of the Option Term.

(d) Owner's Response. Within fifteen (15) business days of its receipt of Host's notice of intent to exercise the Option, Owner shall provide Host with a written estimate of the amounts comprising the Purchase Option Price.

(e) Exercise Notice. Within fifteen (15) business days of its receipt of the estimated Purchase Option Price, Host shall provide Owner written notice either (i) that it is withdrawing its intent to exercise the Option, which will under no circumstances cause the Option Term to end, or (ii) that it intends to proceed with the exercise of the Option and specifying in accordance with subparagraph (a) above, whether Host elects to purchase the Optioned Property, cause a Third-Party Sale, or cause a Project Administrator Sale (an "*Exercise Notice*").

Section 6. **Fixing of Option and Purchase Price; Contractual Obligation.**

(a) Purchase Option. If Host notifies Owner of its intent to purchase the Optioned Property in accordance with Section 5 hereof, Host shall deliver to Owner a purchase agreement therefor in form and substance satisfactory to Owner and its counsel subject to the terms and conditions of this Agreement. Unless Owner shall have objected to the form of purchase agreement within fifteen (15) business days of its receipt thereof, Owner shall be deemed to have accepted the terms of the purchase agreement without the need for the signature of Owner thereon, and Host shall be obligated to purchase and Owner shall be obligated to sell and convey to Host good and marketable title to the Optioned Property at the Purchase Option Price within ninety (90) days thereafter. Upon Closing, Host may apply amounts in the Excess Revenue Fund to the payment of the Purchase Option Price and thereafter shall apply such funds in its sole discretion.

(b) Third-Party Sale. If Host notifies Owner of its request for a Third-Party Sale in accordance with Section 5 hereof, within fifteen (15) business days of Owner's receipt of such Exercise Notice, Owner shall select an appraiser to provide the Appraised Value. Owner shall then market the Optioned Property at the Appraised Value and use its best efforts to negotiate, sell and convey good and marketable title to the Optioned Property at Fair Market Value. The Owner shall endeavor to sell the Optioned Property at Fair Market Value, by such means as it shall determine to be suitable for such purpose; provided that Owner's determination of the manner of sale shall be final and incontestable, and Owner shall incur no liability to any party as a result of or otherwise in connection with the sale or failure to sell. Nothing herein shall require or prevent Owner from selling the Optioned Property subject to the restrictions set forth in the Regulatory Agreement or similar types of restrictions established by Owner.

(c) Project Administrator Sale. If Host notifies Owner of its request for a Project Administrator Sale in accordance with Section 5 hereof, within fifteen (15) business days of Owner's receipt of such Exercise Notice, Owner shall select an appraiser to provide the Appraised Value to Owner, Host and Project Administrator. If within fifteen (15) business days of receipt of the Appraised Value, Project Administrator agrees to purchase the Optioned Property at the Appraised Value, Owner shall cause Project Administrator to deliver to Owner a purchase agreement therefor in form and substance satisfactory to Owner and its counsel subject to the terms and conditions of this Agreement, and Owner shall be obligated to sell and convey to Project Administrator good and marketable title to the Optioned Property at the Appraised Value, but in no event less than the Purchase Option Price, within ninety (90) days thereafter. If Project Administrator fails to agree to purchase the Optioned Property, Host may rescind the Exercise Notice or direct Owner to proceed to close the sale under the terms of a Third-Party Sale. It shall be a condition of effectiveness to any Project Administrator Sale that the new owner (Project Administrator or its designee) shall enter into a new regulatory agreement and/or declaration of restrictive covenants, and cause the same to be recorded in the real property records of the County, providing for the continued operation of the Project for a period of not less than fifteen (15) years, or such other term as Host may agree to in writing, as middle-income housing with occupancy and income restrictions on terms substantially similar to those contained in the Regulatory Agreement.

Section 7. Terms of Conveyance of Optioned Property.

(a) The Conveyance shall be in the nature of a grant deed in which Owner shall deliver one or more deeds, bills of sale, or other instruments of transfer without recourse or warranty of any kind or nature.

(b) The Optioned Property will be conveyed in AS IS CONDITION, WITH ALL FAULTS, and without representations or warranties of any kind or nature as to the condition of the Optioned Property.

(c) In the event of a Conveyance to the Host, Host acknowledges that Owner will convey the Optioned Property AS IS and that OWNER IS MAKING NO WARRANTIES AND REPRESENTATIONS, EXPRESS OR IMPLIED, with reference to the condition of the Optioned Property. HOST WAIVES ANY AND ALL CLAIMS AGAINST OWNER, INCLUDING BUT NOT LIMITED TO, CLAIMS BASED IN PART, INCLUDING, BUT NOT LIMITED TO, NEGLIGENCE, STRICT LIABILITY AND STRICT RESPONSIBILITY, IN CONTRACT, IN WARRANTY, IN EQUITY, OR UNDER ANY STATUTE, LAW OR REGULATION ARISING DIRECTLY OR INDIRECTLY OUT OF ANY CONDITION OF THE OPTIONED PROPERTY.

(d) There shall be no partial transfer and that, upon consummation of the Conveyance, Owner shall be fully divested of any and all right, title or interest in and to the Optioned Property.

(e) Upon payment of the Purchase Option Price, as adjusted for any prorations, credits and charges, Owner shall convey title to the Optioned Property by quit claim deed reasonably satisfactory in form and substance to Host.

Section 8. Closing of Conveyance of Optioned Property. The closing of the Conveyance to the Host ("*Closing*") shall take place not later than the ninetieth (90^{th}) calendar day following the date on which Owner and Host agree on the terms of the purchase agreement pursuant to Section 6(a) hereof at such time within normal business hours and at such place as may be designated by Host.

(a) Prorations. All general and special real property taxes and assessments, and rents shall be prorated as of the Closing, with Host responsible for all such items to the extent arising or due at any time following the closing. General real property taxes shall be prorated at the time of Closing based on the net general real property taxes for the year of Closing.

(b) Limitation. If, after taking into account all adjustments and prorations, the net amount due Owner at Closing is less than the Purchase Option Price, it is fully understood and agreed that in no event shall Owner receive proceeds less than the amount necessary to fully retire or defease the Bonds and otherwise satisfy all of the payments constituting the components of the Purchase Option Price and the prorations in Section 8(a).

(c) Possession. Physical possession of the Optioned Property shall be delivered to Host at the time of Closing.

Section 9. Optioned Property: Title Insurance, Title Defects.

(a) Within fifteen (15) business days after it receives an Exercise Notice specifying Host's intent to purchase the Optioned Property, Owner shall provide Host with a title commitment (the "*Title Commitment*") in the customary ALTA form of Standard Owner's Policy of Title Insurance in Host's favor, for the amount equivalent to the Purchase Option Price (whichever is

applicable), with a commitment to insure good and marketable fee simple title to the Optioned Property in Host, issued by a title insurance company licensed to do business in the State of California and acceptable to Host (the "*Title Company*"). The policy shall show the status of title to the Optioned Property and show all exceptions, including easements, restrictions, rights-of-way, covenants, reservations, and other conditions of record, if any, affecting the subject real estate. Accompanying the Title Commitment, Owner shall also have Title Company furnish Host with true, correct, complete, and legible copies of all documents affecting title to the subject real estate. The cost and expense of such Standard Owner's Title Commitment shall be payable as a Transaction Cost. Host shall pay the additional premium due if Host elects to obtain an extended coverage policy of title insurance and/or extended coverage endorsements. Owner shall cooperate with Host, at no expense to Owner, by providing an affidavit to Title Company to induce Title Company to issue to Host at Closing a "GAP" endorsement to the Title Commitment showing the effective date of the Title Commitment to be the time and date of Closing.

(b) If the Title Commitment shows exceptions to title which are unacceptable to Host, Host shall, within ten (10) business days after receipt of the Title Commitment and not later than twenty (20) business days before the date for Closing, notify Owner of such fact and Owner shall have twenty (20) business days after Owner receives Host's written objections to cure such defects and to present a Title Commitment on the basis of which Closing may occur or to notify Host that Owner will not cure same. If Owner cannot or will not cure such defects within such twenty (20) business day period and thereafter convey title to the Optioned Property as required in this Agreement, then Host shall have the right (at Host's option) to either:

(i) Rescind the Exercise Notice and Owner may proceed to close the sale under the terms of a Third-Party Sale, if there is a third-party offer; or

(ii) Accept whatever title Owner can or will convey, without reduction in the purchase price because of such title defects. Any exceptions to title disclosed on the Title Commitment to which Host does not timely object to in writing or to which Host objects but thereafter accepts by Closing shall be included as a "Permitted Exception."

Section 10. Assignment of Option. Host shall not assign the Option without the prior written consent of Owner, which consent shall not be unreasonably withheld, and delivery of an Opinion of Bond Counsel to Owner substantially to the effect that such assignment will not, in and of itself, adversely affect the exclusion of interest on the Bonds from gross income for purposes of federal income taxation. Notwithstanding the foregoing, neither party to this Agreement shall assign its interests, obligations, rights and/or responsibilities under this Agreement without the prior written consent of the other party.

Section 11. Recording of Agreement. This Agreement, and any amendment thereto, shall be recorded with the recorder's office of the County. Host shall cooperate with Owner to remove any such recorded Agreement or amendment thereto from title to the Optioned Property upon Owner's reasonable request therefor and, in any event, by no later than the earliest of (i) a Conveyance or (ii) the expiration of the Option Term. In the event that, within said time, Host fails to so cooperate and provide its original signature to a termination of such recorded Agreement or amendment thereto, then Host hereby irrevocably constitutes and appoints Owner as Host's true

and lawful attorney (and agent-in-fact) strictly for the purpose of executing in Host's name any such termination.

Section 12. Conditions Precedent; Effective Date. Effectiveness of this Agreement shall be conditioned upon satisfaction of each of the following conditions:

(a) Issuance of the Bonds;

(b) Purchase of the Optioned Property by Owner as evidenced by a grant deed or comparable instrument; and

(c) Recording in the real property records of the County of this Agreement and the Regulatory Agreement.

The first date upon which each of the above conditions is satisfied shall be the effective date of this Agreement (the "*Effective Date*").

Section 13. No Individual Liability.

(a) The Owner shall not be directly, indirectly, contingently or otherwise liable for any costs, expenses, losses, damages, claims or actions, of any conceivable kind on any conceivable theory, under or by reason of or in connection with this Agreement or any sale or Conveyance or failure or price thereof or application of proceeds thereof, except only as to moneys available therefor under and in accordance with the Indenture and this Agreement.

(b) No Authority Indemnified Person shall be individually or personally liable for the payment of any sum hereunder or be subject to any personal liability or accountability by reason of the execution and delivery of this Agreement, or by any proceedings for the determination of the Purchase Option Price, or Host's exercise or waiver of same, or otherwise except in the case of such Authority Indemnified Person's own willful misconduct.

Section 14. Notices, Governing Law, Binding Effect and Other Miscellaneous Provisions.

(a) Notices. All notices provided for in this Agreement shall be in writing and shall be given to Owner or Host at the address set forth below or at such other address as they individually may specify thereafter by written notice in accordance herewith:

If to Owner:	California Community Housing Agency 1400 W. Lacey Blvd., Building 1 Hanford, California 93230 Attention: Michael LaPierre
With a copy to:	[●]
If to Host:	City of Tracy

Such notices shall be deemed effective upon actual delivery or upon the date that any such delivery was attempted and acceptance thereof was refused, or if mailed, certified return receipt requested, postage prepaid, properly addressed, three (3) days after posting.

(b) Consents and Approvals. All consents and approvals and waivers required or asserted hereunder shall be in writing, signed by the party from whom such consent, approval, waiver or notice is requested, provided that no written consent or approval of Owner shall be required for any action that Host may, in its reasonable good faith judgment, find it necessary to take in the event of an emergency.

(c) Cooperation. Owner will keep Host advised of its complete name at all times, including any change of such name. Host will keep Owner advised of its complete name at all times, including any change of such name. Unless the parties otherwise agree, Owner shall cooperate with Host and provide Host with all information and records in its possession, and access to counsel and other professionals, to assist Host in determining and updating the Purchase Option Price. On the first date that Project Debt is not Outstanding, and Owner remains the owner of the Project, Owner shall promptly notify Host of the Purchase Option Price.

(d) Maintenance of Membership. In order to preserve the Project's exemption from property tax, Host agrees to remain a member of the Owner joint powers authority so long as any Bonds remain outstanding.

(e) Pronouns. Where appropriate to the context, words of one gender include all genders, and the singular includes the plural and vice versa.

(f) Amendments. This Agreement may not be modified except in a written instrument signed by Host and Owner.

(g) Complete Agreement. This Agreement together with all schedules and exhibits attached hereto and made part thereof supersedes all previous agreements, understandings and representations made by or between the parties hereto.

(h) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California, without regard to conflicts of law principles. All claims of whatever character arising out of this Agreement, or under any statute or common law relating in any way, directly or indirectly, to the subject matter hereof or to the dealings between Owner and any other party hereto, if and to the extent that such claim potentially could or actually does involve Owner, shall be brought in any state or federal court of competent jurisdiction located in Kings County, California. By executing and delivering this Agreement, each party hereto irrevocably: (i) accepts generally and unconditionally the exclusive jurisdiction and venue of such courts; (ii) waives any defense of forum non-conveniens; and (iii) agrees not to seek removal of such proceedings to any court or forum other than as specified above. The foregoing shall not be deemed or construed to constitute a waiver by Owner of any prior notice or procedural requirements applicable to actions or claims against or involving governmental units and/or political subdivisions of the State of California that may exist at the time of and in connection with such matter.

(i) Subordination. This Agreement shall be subordinate to any claim, pledge or interest in the Optioned Property securing the Bonds or any Project Debt.

(j) Legal Construction. In case any one or more of the provisions contained in this Agreement shall for any reason be held by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such invalid provision shall be deemed severable, and shall not affect the validity or enforceability of any other provisions of this Agreement, all of which shall remain fully enforceable.

(k) Term. This Agreement shall terminate upon the earliest of a (i) Conveyance or (ii) the expiration of the Option Term in accordance with this Agreement.

(l) Captions. The captions used in this Agreement are solely for convenience and shall not be deemed to constitute a part of the substance of the Agreement for purpose of its construction.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth above.

CALIFORNIA COMMUNITY HOUSING AGENCY

By: _____

_____

CITY OF TRACY

By: _____

_____

Signature Page to Public Benefit Agreement

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of _____)

On _____, before me, _____,
(insert name and title of the officer)
Notary Public, personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature_____ (Seal)

EXHIBIT A

LEGAL DESCRIPTION OF REAL PROPERTY

ATTACHMENT C

May 30, 2019

Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
+1 415 773 5700
orrick.com

Justin Cooper

E jcooper@orrick.com
D +1 415 773 5908
F +1 415 773 5759

California Community Housing Agency
2999 Oak Road, Suite 710
Walnut Creek, CA 94597
Attn: Michael LaPierre

Re: California Community Housing Agency

The California Community Housing Agency ("CalCHA") was formed pursuant to a Joint Exercise of Powers Agreement (the "Agreement") between two original members, Kings County and the Housing Authority of Kings County (the "Charter Members"). In accordance with Section 12 of the Agreement, additional cities, counties and other local government entities may, and have, joined CalCHA (each a Non-Charter Member or "Additional Member" and, together with the Charter Members, the "Members"). You have asked whether an Additional Member is exposed to liability by virtue of its decision to become a member of CalCHA and/or its approval of bonds proposed to be issued by CalCHA.

CalCHA is a political subdivision of the State of California created under the California Joint Powers Act (California Government Code Section 6500 and following) (the "Act") and the Agreement. Pursuant to the Act and the Agreement, CalCHA is authorized to issue revenue bonds and to acquire, construct, improve, own, maintain and operate, or provide for maintenance and operation, and sell, lease, pledge, assign, mortgage or otherwise dispose, of any property.

In order to meet state law, federal income tax law, and policy requirements for the issuance of certain bonds, CalCHA has adopted a policy to not issue bonds or other forms of indebtedness unless the governing body of an Additional Member (or Charter Member, as the case may be) in which the proposed project (the "Project) is located approves the issuance of bonds for the Project.

Pursuant to applicable state law, CalCHA policies, and the documents providing for the issuance of bonds by CalCHA, the bonds are issued as limited obligations of CalCHA, not of any Charter Member or Additional Member, and are payable solely out of the revenues and receipts derived from the Project being financed.

Specifically, Section 8 of the Agreement provides that "[t]he Bonds, together with the interest and premium, if any, thereon, shall ***not*** be deemed to constitute a debt of any Member or pledge of the faith and credit of the Members...Neither the Members nor…shall be obligated to pay the principal of, premium, if any, or interest on the Bonds, or other costs incidental thereto…" (emphasis added). The Agreement also expressly provides that CalCHA is a public entity separate and apart from the Members, and "[i]ts debts, liabilities and obligations do not constitute debts, liabilities or obligations of any Members."[1] Accordingly, bonds issued for any particular Project will be indebtedness solely of CalCHA.

Please do not hesitate to contact me if you have further questions with respect to this matter.

Sincerely yours,

/s/ *Justin Cooper*

Justin Cooper

[1] See Cal. Government Code Section 6508.1. "…the debts, liabilities, and obligations of the agency shall be debts, liabilities, and obligations of the parties to the agreement unless the agreement specifies otherwise."

RESOLUTION 2021-_____

AUTHORIZING THE CITY OF TRACY TO BECOME AN ADDITIONAL MEMBER OF THE CALIFORNIA COMMUNITY HOUSING AGENCY (CalCHA), SUPPORTING CalCHA'S ISSUANCE OF TAX-EXEMPT BONDS FOR THE PRODUCTION, PRESERVATION, AND PROTECTION OF ESSENTIAL MIDDLE-INCOME HOUSING, AND AUTHORIZING THE CITY MANAGER TO ENTER INTO PUBLIC BENEFIT AGREEMENTS WITH CalCHA FOR MIDDLE-INCOME RENTAL HOUSING CREATED WITHIN CITY LIMITS

WHEREAS, CalCHA is a Joint Powers Authority created pursuant to Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the "Act"), and a Joint Exercise of Powers Agreement Relating to CalCHA among certain public agencies (the "Agreement"), in order to produce, preserve and protect quality affordable rental housing made available to California's essential middle-income workforce, and

WHEREAS, One of the primary goals of the City of Tracy (the "City") is to meet the growing housing needs of its residents by actively supporting the production, preservation and protection of market-rate and affordable rental housing for all, and

WHEREAS, The City, has determined that it is in the public interest and for the public benefit that the City become an Additional Member of CalCHA pursuant to Section 12 of the Agreement in order to facilitate the production, preservation and protection of quality affordable rental housing for the City's essential middle-income workforce, including the financing of projects therefor by CalCHA, and

WHEREAS, The Agreement has been filed with the City, and the members of the City Council of the City (the "City Council"), with the assistance of its staff, have reviewed said document, and the City proposes to become an Additional Member of CalCHA, and

WHEREAS, CalCHA proposes to issue from time to time its governmental purpose revenue bonds (the "Bonds") and use the proceeds thereof to finance the acquisition, construction, development and certain related costs of multifamily housing developments within the City (each, a "Project"), and

WHEREAS, CalCHA intends to implement regulatory agreements at each Project to avoid the displacement of existing residents, restrict future occupancy to middle-income households earning no more than 120% of area median income, and impose limitations on the annual rent increases of such qualified middle-income households, and

WHEREAS, CalCHA proposes, pursuant to one or more Public Benefit Agreements (the "Public Benefit Agreements"), between CalCHA and the City, the form of which has been filed with the City Council, to grant the City the option, but never the obligation, to purchase each Project or to cause CalCHA to sell such Project, commencing on the date fifteen (15) years after CalCHA's acquisition of such Project, and

WHEREAS, It is in the public interest and for the public benefit that the City Council approve the issuance of the Bonds by CalCHA for the aforesaid purposes;

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

Section 1. The foregoing recitals are true and correct.

Section 2. The City Council hereby authorizes the City to become an Additional Member of CalCHA. The Agreement is hereby approved and the City Manager or the designee thereof is hereby authorized and directed to execute the Agreement and the City Clerk or such Clerk's designee is hereby authorized and directed to attest thereto.

Section 3. The proposed form of Public Benefit Agreement on file with the City Council is hereby approved. In connection with any Project, the City Manager or the designee thereof is hereby authorized and directed to execute an agreement in substantially said form, with such changes therein as such officer executing the same may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 4. The City Council hereby supports and approves CalCHA's issuance of Bonds from time to time as a means towards the production, preservation and protection of essential middle-income rental housing within City limits.

Section 5. The issuance of Bonds shall be subject to the approval of CalCHA of all financing documents relating thereto to which CalCHA is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 6. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or construct any Project or any refinancing of any Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, construction, rehabilitation or operation of any Project; (iii) make any contribution or advance any funds whatsoever to CalCHA; or (iv) except as provided in this Resolution, take any further action with respect to CalCHA or its membership therein.

Section 7. The executing officers(s), the City Clerk and all other proper officers and officials of the City are hereby authorized and directed to execute such other agreements, documents and certificates, and to perform such other acts and deeds, as may be necessary or convenient to effect the purposes of this Resolution and the transactions herein authorized.

Section 8. The City Clerk shall forward a certified copy of this Resolution and an originally executed Agreement to CalCHA:

California Community Housing Agency
1400 W. Lacey Boulevard
Hanford, California 93230
Attention: Michael LaPierre

Section 9. This Resolution shall take effect immediately upon its passage.

* * * * * * * * * * * * * * * * * *

The foregoing Resolution 2021-_____ was passed and adopted by the Tracy City Council on the 19th day of October, 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Exhibit A – Joint Exercise of Powers Agreement Relating to the California Community Housing Agency

Exhibit B – Public Benefit Agreement

Exhibit C – No Liability Letter

October 19, 2021

AGENDA ITEM 1.E

REQUEST

AUTHORIZE THE ACCEPTANCE OF $20,000 FROM THE 2021 STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL FOR FUNDING ALCOHOL RELATED PROGRAMS TO REDUCE YOUTH ACCESS TO ALCOHOL AND INCREASE SAFETY IN THE COMMUNITY AND APPROVE THE APPROPRIATION TO THE POLICE DEPARTMENT BUDGET FOR FISCAL YEAR 21/22

EXECUTIVE SUMMARY

The City of Tracy has been awarded $20,000 from the State of California Department of Alcoholic Beverage Control for funding alcohol related programs, including the Minor Decoy Program, Shoulder Tap Program, and the Informed Merchants Preventing Alcohol-related Crime Tendencies (IMPACT) Program to reduce youth access to alcohol and increase safety in the community. Staff recommends that the City of Tracy accept the grant and authorize an appropriation of $20,000 to the Police Department budget for FY 21/22.

DISCUSSION

On September 20, 2021, the Tracy Police Department Community Preservation Unit applied for the State of California Alcoholic Beverage Control grant. The grant award had the potential for up to $20,000 to provide funding for traffic safety measures. On October 5, 2021, the Police Department was notified that it would be a recipient of $20,000.

The grant provides for the funding for programs that aim to reduce youth's access to alcohol and promote safety in the community. These objectives are achieved through the deployment of Minor Decoy Program, Shoulder Tap Program, and the Informed Merchants Preventing Alcohol-related Crime Tendencies Program, also known as the IMPACT Program.

According to the California Department of Alcoholic Beverage Control, underage drinking has numerous negative effects and consequences associated with it. Consuming alcohol underage not only damages the brain from fully developing, but it is also against the law and is the main contributing factor in vehicle collisions for persons between the ages of 16-20.

To deter underage drinking, the California Department of Alcoholic Beverage Control has implemented these programs to combat this from occurring. The Minor Decoy and Shoulder-Tap program have steadily decreased the accessibility of minors to obtain alcohol from both licensed premises and the general public.

The City of Tracy has 190 active licensed retail outlets (on-sale and off-sale) within its jurisdiction. Tracy Police Department is committed to conducting minor decoy and shoulder tap operations and conduct IMPACT inspections during the terms of the grant agreement. In addition, the department ensures the support of the local prosecutor for all related operations.

With this award, the Tracy Police Department plans to use nine (9) sworn officers to conduct four (4) operations to utilize the grant funds.

STRATEGIC PLAN

This agenda item relates to Council's Strategic Priorities for Public Safety.

FISCAL IMPACT

The City of Tracy will receive $20,000 from the 2021 State of California Department of Alcoholic Beverage Control. No City match is required; however, this is a reimbursement grant that will require the upfront costs be paid from the Police Department's operational budget. Accepting this grant funding requires the funds to be appropriated from the Department of Alcoholic Beverage Control and $20,000 added to the Police Department's Operating Budget.

RECOMMENDATION

That City Council adopt a resolution authorizing the acceptance of the 2021 Department of Alcoholic Beverage Control grant in the amount of $20,000 for Alcohol related Enforcement Programs and approve the appropriation of $20,000 to the Police Department's Operating Budget for FY 21/22.

Prepared by: Beth Lyons-McCarthy, Police Support Operations Manager
Richard Graham, Police Sergeant

Reviewed by: Sekou Millington, Chief of Police
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

RESOLUTION _____

AUTHORIZING THE ACCEPTANCE OF $20,000 FROM THE 2021 STATE OF CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL FOR FUNDING ALCOHOL RELATED PROGRAMS TO REDUCE YOUTH ACCESS TO ALCOHOL AND INCREASE SAFETY IN THE COMMUNITY AND APPROVE THE APPROPRIATION TO THE POLICE DEPARTMENT BUDGET FOR FISCAL YEAR 21/22.

WHEREAS, The Tracy Police Department applied for and was awarded $20,000 from the 2021 State of California Alcoholic Beverage Control Office for funding alcohol related programs to reduce youth access to alcohol and increase safety in the community, and

WHEREAS, To deter underage drinking, the California Department of Alcoholic Beverage Control has implemented programs such as the Minor Decoy Program, Shoulder Tap Program, and the Informed Merchants Preventing Alcohol-related Crime Tendencies (IMPACT) Program, and

WHEREAS, The City of Tracy has 190 active alcohol related retail outlets within its jurisdiction, and

WHEREAS, The Tracy Police Department is committed to combatting and reducing underage drinking by leading four (4) Minor Decoy and Shoulder Tap operations, and conducting IMPACT compliance checks, and

WHEREAS, Staff recommends that City Council accept the 2021 State of California Alcoholic Beverage Control Grant to assist Tracy Police Department in achieving these goals;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby accepts the $20,000 grant award from the 2021 State of California Alcoholic Beverage Control Grant for funding alcohol related programs to reduce youth access to alcohol and increase safety in the community and approve the appropriation of $20,000 to the Police Department's Operating Budget for FY 21/22.

* * * * * * * * * * * * *

The foregoing Resolution_____ was passed and adopted by the Tracy City Council on the 19th day of October, 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

October 19, 2021

AGENDA ITEM 1.F

REQUEST

AMEND CITY COUNCIL CODE OF CONDUCT TO ADD LANGUAGE REQUIRING COUNCIL REPRESENTATIVES ON EXTERNAL BOARDS TO RECEIVE POLICY DIRECTION PRIOR TO FISCALLY OBLIGATING THE CITY VIA BOARD ACTION

EXECUTIVE SUMMARY

At its July 6, 2021 meeting, Council discussed and provided policy direction to staff regarding a proposed policy that would require Council Members serving on external boards, commissions, subcommittees, or Joint Powers of Authorities (JPA) to receive policy direction from City Council on fiscal matters in excess of previously allocated budgets, prior to obligating the City via board action.

This item requests Council's approval of an amendment to the City Council Code of Conduct to include this requirement.

DISCUSSION

It is a best practice for City Councils to develop governance policies around roles and responsibilities, and norms and behaviors to ensure a shared understanding of the City Manager's role and the Council's expectations to optimize working relationships. These types of policies help to facilitate effective meetings, provide ground rules for healthy debate, promote civility, and serve as a guide for Council conduct, behavior, and effectiveness. To that end, Council adopted a City Code of Conduct on October 15, 2019.

At its July 6, 2021 meeting, Council discussed and provided policy direction to staff regarding a proposed policy amendment that would require Council Members serving on external boards, commissions, subcommittees, or Joint Powers of Authorities (JPA) to obtain Council approval prior to committing City funds in excess of previous budget allocations via board action.

Proposed new language for Council consideration to be inserted as a new section 3.4.9 and will require that

> *3.4.9 When serving on external boards, commissions, subcommittees, or Joint Powers of Authorities, City Council representatives must first obtain policy direction from Council on any fiscal matter that exceeds previously allocated budget(s), prior to obligating the City via board action.*

STRATEGIC PLAN

This item address the Council's Strategic Priority of Governance that encourages the development of good governance policies.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATION

That the City Council, by resolution, amend the Council Code of Conduct.

Prepared by: Midori Lichtwardt, Assistant City Manager

Reviewed by: Karin Schnaider, Finance Director

Approved by: Bob Adams, Interim City Manager

ATTACHMENTS

A – Current Version of City Council Code of Conduct as amended, February 16, 2021

ATTACHMENT A

CITY COUNCIL

CODE OF CONDUCT

Adopted on October 15, 2019 by Resolution No. 2019-203

Amended on July 21, 2020 by Resolution No. 2020-133.

Amended on February 16, 2021 by Resolution No. 2021-017

TABLE OF CONTENTS

CHAPTER 1 - FORM OF GOVERNMENT

1.1 Preamble……4

1.2 Form of Government 4

1.3. City Manager Appointment, Power and Duties……..4

1.4 City Attorney Appointment and Responsibilities……5

CHAPTER 2 - COUNCIL POWERS AND RESPONSIBILITIES

2.1 City Council Generally 6

2.2 Mayor and Vice Mayor-Appointment, Power and Duties..... 6

2.3 Council Actions..... 7

2.4 Council Member Committees..... 8

CHAPTER 3 - LEGAL AND ETHICAL STANDARDS

3.1 Preamble 9

3.2 Public Interest..... 9

3.3 Council Conduct..... 10

3.4 Conflict of Interest. 11

3.5 Code of Conduct Compliance and Enforcement 16

3.6 AB 1234-Required Ethics Training 17

CHAPTER 4 - COMMUNICATIONS

4.1 Relationship/Communications with Staff 20

4.2 Council Relationship/Communication with Council Advisory Bodies 21

4.3 Handling of Litigation and Other Confidential Information 21

4.4 Representing an Official City Position 21

4.5 Quasi-Judicial Role/Ex Parte Contacts 22

4.6 No Attorney-Client Relationship 23

CHAPTER 5 - COUNCIL ADVISORY BODIES

5.1 Boards, Commissions and Committees Generally.....24

5.2 Board, Commission and Committee Organization and Conduct..... 25

5.3 Board, Commission and Committee Appointments 25

5.4 Boards, Commissions and Committees - Vacancy of Office 25

CHAPTER 6 - COUNCIL FINANCIAL MATTERS

6.1 Compensation.....27

6.2 Benefits.....27

6.3 City Council Budget and Expenses 27

APPENDIX

A. Tracy Municipal Code (TMC) 2.08.060

B. Council Appointed Committees

C. City Nepotism Policy

D. City Personnel Rule 9.2 (d)

E. Resolution No. 2004-152 - Board, Commission, Committee Vacancy, Selection, and Defining Residency Requirements, for Appointee Bodies

F. Ordinance 1094

G. Resolution No. 2007-075 – Council Travel Procedures

ATTACHMENT 1 – City Council Code of Conduct Norms and Values Statement

ATTACHMENT 2 – Council Advisory Body Norms and Values Statement

CHAPTER 1
FORM OF GOVERNMENT

1.1 Preamble

The legal responsibilities of the Tracy City Council are set forth by applicable state and federal laws. In addition, the City Council has adopted regulations, including this Code of Conduct Policy, that hold Council Members to standards of conduct above and beyond what is required by law. This Policy is written with the assumption that Council Members, through training, are aware of their legal and ethical responsibilities as elected officials.

1.2 Form of Government

The City of Tracy operates under a Council-Manager form of government as prescribed by the Tracy Municipal Code ("TMC"). Accordingly, the Mayor and members of the Council are elected at-large, provide legislative direction, set City policy, and ultimately answer to the public.

1.3 City Manager Appointment, Power and Duties

The City Manager is appointed by a majority vote of the Council and serves as the City's chief administrative officer and is responsible for directing the day-to-day operations of the City and implementing policy direction per Section 2.08.060 of the TMC (attached). Specifically, Section 2.08.070 of the TMC prohibits interference by either the City Council or any of its members with the City Manager's execution of their powers or duties:

- The Council nor a member shall interfere with the appointment by the City Manager of any of the department heads or any person to any office or employment.
- Additionally, the Council nor any of its members shall interfere with the City Manager's power to remove any of those persons.
- Neither the Council nor any of its members shall give orders to any subordinate of the City Manager, either publicly or privately.
- The City Council nor any of its members shall interfere with the administration of the City Attorney or give orders to the subordinates of the City Attorney.
- The City Manager and his/her senior staff shall conduct themselves in accordance with the International City Management Association (ICMA) Code of Ethics.

The Council and its members shall deal only with the City Manager with respect to the administrative services or operational matters of the City.

1.4 City Attorney Appointment and Responsibilities

The City Attorney is appointed by a majority vote of the Council. Per Section 12.08.40, the City Attorney is responsible for approving as to form all subdivision improvement agreements and security, deferred improvement agreements, liability agreements and insurance, and all governing documents for a community apartment project, condominium, stock cooperative, or conversion.

- The City Attorney and his/her senior staff shall at all times conduct themselves in accordance with the California Rules of Professional Conduct, established by the California State Bar, and the Ethical Principles for City Attorneys, adopted by the League of California Cities' City Attorneys Department.

CHAPTER 2
COUNCIL POWERS AND RESPONSIBILITIES

2.1 City Council Generally

2.1.1 The City Council has the power, in the name of the City, to do and perform all acts and things appropriate to a municipal entity and the general welfare of its inhabitants, which are not specifically prohibited by the constitution, and/or State or Federal laws.

2.1.2 The Council acts as a body. Council policy and directives are established by majority vote, unless otherwise required by state law. A decision of the majority binds the Council to a course of action.

2.1.3 No Council Member has extraordinary powers beyond those of other members (except as may otherwise be provided in State law). All members, including the Mayor, have equal powers.

2.1.4 No member of the Council is permitted to hold any other City office or City employment.

2.1.5 Council Members are appointed by the Council body to serve on various committees, including Council standing and ad hoc committees, and third agency member committees.

2.1.6 Based on available resources as determined by the City Manager, unless directed by the City Council, the Council as a body may participate in public relations activities regarding issues or topics pertaining to City business or that affect the community at-large. This may include, but is not limited to the dissemination of information via press release, video, social media, and/or other means of communication.

2.2 Mayor and Mayor Pro Tem - Appointment, Power, and Duties

2.2.1 The Mayor is directly elected by the voters to serve a two-year term. The selection of the Mayor Pro Tem occurs every two years in December

after the City receives the certified results from the County Registrar of Voters electing a Mayor.

2.2.2 A Mayor Pro Tem is appointed by the Council and can be replaced at any time by a majority vote of the Council.

2.2.3 The Mayor is the presiding officer of the City Council. In the Mayor's absence, the Mayor Pro Tem shall perform the duties of the Mayor.

2.2.4 The Mayor is the official head of the City for all ceremonial purposes.

2.2.5 Per Government Code, the Mayor, with the approval of the City Council, shall (a) execute official documents (Section 40602b) and (b) make appointments to city boards, commissions, and committees unless otherwise specifically provided by statute (Section 40605).

2.2.6 The Mayor is authorized to send letters stating the City's official position to appropriate legislators as long as it is consistent with the Council's Legislative Policy.

2.2.7 The Mayor may perform other duties consistent with the mayoral office as prescribed by the Tracy Municipal Code, California Government Code, or as determined by the Council.

2.2.8 The Mayor does not possess any power of veto.

2.2.9 The Mayor coordinates with the City Manager in the development of agendas for meetings of the City Council. Once the agenda is published, the City Manager may withdraw an item. Additionally, the Mayor may rearrange the order of business on the agenda.

2.3 Council Actions

2.3.1 Legislative actions by the City Council can be taken by means of ordinance, resolution, or minute action (motion) duly made and passed by the majority (unless otherwise required).

2.3.2 Under Council protocols and procedures, an item may be placed on the agenda if requested by two Council Members. The request can be made during open session or outside of a Council meeting.

2.3.3 Public actions of the Council are recorded in the minutes of the City Council meeting. The City Clerk is required to make a record only of business actually passed upon by a vote of the Council and is not required to record any remarks of Council Members, except at the special request of a Council Member and with the consent of the Council.

2.3.4 Actions of the Council concerning confidential property, personnel, and/or legal matters of the City are to be reported consistent with State law.

2.4 Council Member Committees

2.4.1 The City Council may organize itself into standing and/or special/ ad hoc subcommittees to facilitate Council review of policy matters and action.

2.4.2 The Council may create or dissolve standing and/or special/ad hoc sub committees at any time by an affirmative vote of a majority of the Council. The Council will endeavor to rotate appointments to standing and ad hoc standing committees to ensure equitable participation.

2.4.3 The Council appoints and removes members to standing and ad hoc committees.

2.4.4 The Council also appoints and removes Council Members to third member agencies.

2.4.5 It is a best practice for non-appointed Council Members not to attend Council standing Committees to avoid the appearance of impropriety.

CHAPTER 3

LEGAL AND ETHICAL STANDARDS

3.1 Preamble

The residents and businesses of Tracy are entitled to have fair, ethical, and accountable local government. Such a government requires that public officials:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government;
- Be independent, impartial, and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Tracy City Council has adopted this Code of Conduct and the Norms and Values Statement (Attachment) to encourage public confidence in the integrity of local government and its fair and effective operation.

3.2 Public Interest

3.2.1 Recognizing that stewardship of the public interest must be their primary concern, Council Members shall work for the common good of the people of Tracy and not for any private or personal interest. Council Members must endeavor to treat all members of the public and issues before them in a fair and equitable manner.

3.2.2 Council Members shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Tracy Municipal Code; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3.3 Conduct

3.3.1 Council Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff, or the public.

3.3.2 Council Member duties shall be performed in accordance with the processes and rules of order established by the City Council.

3.3.3 Council Members shall inform themselves on public issues, listen attentively to public discussions before the body, and focus on the business at hand.

3.3.4 Council decisions shall be based upon the merits and substance of the matter at hand.

3.3.5 It is the responsibility of Council Members to publicly share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Council Members and the public prior to taking action on the matter.

3.3.6 Council Members shall not attend internal staff meetings or meetings between City staff and third parties unless authorized by the City Manager.

3.3.7 Policy Role

3.3.7.1 Council Members shall respect and adhere to the Council-Manager structure of the Tracy City government as provided in State law and Tracy Municipal Code.

3.3.7.2 Council Members shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees.

3.3.8 Campaign Activities. The Tracy City Council strongly encourages its members and City Board and Commission members to abide by the highest ethical standards and best practices relating to campaign activities to ensure that City elections promote decency, honesty and fair play. To that end, all candidates seeking elected office within the City of Tracy, including their official campaign representatives, are urged and encouraged to sign and comply with the Code of Fair Campaign Practices. (Attachment 3) A candidate's signed Code of Fair Campaign Practices shall be posted on the City's Elections Document webpage within three (3) business days of execution. (Reso No. 2021-017)

3.3.8.1 City staff shall send a copy of all notices (e.g. emails) sent to candidates relating to non-compliance with the TMC election sign restrictions to the entire City Council and all other candidates. (Reso No. 2021-017)

3.3.9 Implementation

3.3.9.1 This Code of Conduct shall be included in the regular orientations for City Council candidates. Current Council Members, including those entering office upon election shall sign a City Council Norms and Values Statement **(Attachment 1)** affirming they have read and understand this Tracy City Council Code of Conduct.

3.4 Conflict of Interest

3.4.1 In order to assure their independence and impartiality on behalf of the public good, Council Members are prohibited from using their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.

3.4.2 In accordance with State law, Council Members must file an annual written disclosure (Form 700) of their economic interests.

3.4.3 Council Members shall not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general.

3.4.4 Council Members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They must neither disclose confidential information without proper legal authorization nor use such information to advance the personal, financial, or private interests of themselves or others.

3.4.5 City Council Members should avoid any action that could be construed as, or create the appearance of, using public office for personal gain, including use of City stationery or other City resources to obtain or promote personal business or political campaigns.

3.4.6 Public resources not available to the general public (e.g., City staff time, equipment, supplies, or facilities) shall not be used by Council Members for private gain and, personal and political purposes.

3.4.6.1 A mass communication using City resources shall not be sent within the 60 days preceding an election that feature a currently elected or appointed official of the City of Tracy whose name will appear on the ballot at that election. When no currently elected or appointed official is otherwise designated during the 60 days preceding an election, communication of official matters shall be made by the City Manager or designee.

3.4.7 In keeping with their role as stewards of the public interest, Council Members shall not appear on behalf of the private interests of a third party before the City Council or any board, commission, or committee or proceeding of the City, except as permitted by law.

3.4.8 To the best of their ability, Council Members shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions publicly, members shall explicitly state they do not represent the Council or the City.

3.4.9 Tracy City Municipal Code Provisions

3.4.9.1 Financial Interests in City Contracts Prohibited.

Section 2.04.050 of the Municipal Code prohibits members of the Council, appointed employees, the City Treasurer and members of City boards and commissions during their term of office, to contract or subcontract with the City.

Section 2.04.050 also requires a City Council Member to recuse (as defined by the Fair Political Practices Commission) themselves from any vote regarding any Memorandum of Understanding between the City and any lawfully recognized bargaining unit in which a City Council member has an immediate family member. “Immediate family member” is defined as “any and/or all spouses, partners or adult children, whether they live in a single household or not” under this section of the TMC.

3.4.9.2 Nepotism.

The City of Tracy’s Nepotism Policy prohibits the initial appointment of an individual to a position within the City of Tracy who has a marital or familial relationship, as defined in Section 4 of the Policy, with any member the City Council, City Manager, or City Attorney.

3.4.9.3 Use of City Property for Private Purposes by City Official/ Employee.

The use for private gain or advantage of City time, facilities, equipment and supplies, prestige, influence, or information obtained through one’s City office or employment. No City-owned facilities, equipment or supplies, including autos, trucks, instruments, tools, supplies, machines, badges, identification cards, or other items which are the property of the City shall be used by an employee for personal or non-City business reasons except upon prior written approval of the City Manager. (City Personnel Rule 9.2 (d))

3.4.9.4 Political Activities Prohibited; Discrimination.

For informational purposes, the following provisions apply to City and contract employees and consultants:

1. No employee shall, while in uniform or during the employee's working hours, take an active part in any municipal or other political campaign.

2. No employee shall, while in uniform or during the employee's work hours, seek or accept contributions for or against a candidate or issue.

3. An employee may not seek or accept signatures to any petition for or against any such candidate or issue during their work hours.

4. No person in the classified service shall be employed, promoted, demoted, or discharged or in any way favored or discriminated against because of political opinions or affiliations or on any other basis protected by state and/or federal law.

3.4.10 California State Law Regarding Conflicts

While not enforceable by the City, there are four key areas of California State law that regulate the ethics of public officials.

3.4.10.1 Constitutional prohibitions

State law strictly forbids elected and appointed public officials from accepting free or discounted travel from

transportation companies. The penalty for a violation includes the forfeiture of office.

3.4.10.2 Contractual conflicts of interest

This prohibition, found in Government Code Section 1090, applies to elected and appointed officials as well as other City staff members. It prohibits the City from entering into a contract if one of its members (i.e., a Council Member) is financially interested in the contract. If the bar (or prohibition) applies, the agency is prohibited from entering into the contract whether or not the official with the conflict participates or not. In some limited circumstances, officials are allowed to disqualify themselves from participation and the agency may enter into the contract.

Financial interest has been defined to include employment, stock/ ownership interests, and certain membership on the board of directors of a for-profit or nonprofit corporation, among others. Violations can be charged as a felony. A person convicted of violating Section 1090 is prohibited from ever holding public office in the State.

3.4.10.3 Political Reform Act - Conflicts of Interest

The Political Reform Act (PRA) was adopted by the voters in 1974 and is the primary expression of the law relative to conflicts of interest (and campaign finance) in California. The Act created the Fair Political Practices Commission (FPPC), a five-member State board which administers the Act.

The Act and the regulations are complex and are continuously subjected to official interpretation. The following synopsis of key parts of the Act will be helpful in spotting issues; however, the FPPC and/or City Attorney should be consulted for further advice and clarification.

With respect to conflicts of interest, the FPPC has promulgated a regulation which establishes an analysis which assists in determining whether a public official is participating in a government decision in which they have a qualifying financial interest and whether it is reasonably foreseeable that the decision will have a material financial effect on the public official's financial interest, which is distinguishable from the effect the decision will have on the public generally.

3.4.10.3.1 Political Reform Act-Enforcement

The FPPC can assess administrative fines and penalties for violation of the Act. The District Attorney and the State Attorney General may prosecute violators as civil or criminal matters. Violators may also be removed from office pursuant to Government Code Section 3060.

3.4.10.4 Common Law Conflicts of Interest

This is the judicial expression of the public policy against public officials using their official position for private benefit. An elected official bears a fiduciary duty to exercise the powers of office for the benefit of the public and is not permitted to use those powers or their office for the benefit of any private interest. This common law doctrine continues to survive the adoption of various statutory expressions of conflict law.

3.4.10.5 Appearance of Impropriety

When participation in action or decision-making as a public official does not implicate the specific statutory criteria for conflicts of interest; however, participation still does not “look” or “feel” right, that public official has probably encountered the appearance of impropriety.

For the public to have faith and confidence that government authority will be implemented in an even-handed and ethical manner, public officials may need to step aside even though no technical conflict exists. An example is where a long-term nonfinancial affiliation exists between the public official and an applicant or the applicant is related by blood or marriage to the official. For the good of the community, members who encounter the appearance of impropriety should step aside.

3.5 AB 1234-Required Ethics Training

AB 1234 requires elected or appointed officials who are compensated for their service or reimbursed for their expenses to take two hours of training in ethics principles and laws every two years. Those who enter office after January 1, 2006 must receive the training within a year of starting their service. They must then receive the training every two years after that.

The training must cover general ethics principles relating to public service and ethics laws including:

- Laws relating to personal financial gain by public officials (including bribery and conflict of interest laws);

- Laws relating to office-holder perks, including gifts and travel restrictions, personal and political use of public resources, and prohibitions against gifts of public funds;

- Governmental transparency laws, including financial disclosure requirements and open government laws (the Brown Act and Public Records Act); Laws relating to fair processes, including fair contracting requirements, common law bias requirements, and due process

NOTE: State laws governing conflicts of interest are written to ensure that actions are taken in the public interest. These laws are very complex. Council Members should consult with the City Attorney, their own attorney, or the Fair Political Practices Commission for guidance in advance.

3.6 Code of Conduct Compliance and Enforcement

Consistent with this oath is the requirement of this Council policy to comply with the laws as well as report violations of the laws and policy of which they become aware.

3.6.1 A request for censure of a member of the Council may be submitted to the City Manager by any member of the Council ("Initiating Member"), with the support of another Council member ("Seconding Member"). Censure is a formal statement or resolution by the Council officially reprimanding a Council Member for conduct that may include sanctions. It is the intent of the Council that a request for censure be used only for significant and/or repeated violations of this Code of Conduct and not a means to address politically or personally motivated disagreements amongst Council.

The request shall contain the specific charges on which the proposed censure is based. The City Manager shall deliver a copy of the request for censure and the charges to each member of the Council at least 72 hours after receipt of the request. The request for censure shall first be considered by a neutral mediator selected by the Presiding Judge of the Superior Court of California of the County of San Joaquin. The neutral mediator shall conduct an investigation and prepare a written analysis of the allegation and their preliminary findings and recommendation. Said investigation shall, at a minimum, include interviews with the Initiating Member and the member who is the subject of the request. The neutral mediator's recommendation shall be to: (a) set the matter for a censure hearing and whether censure is warranted or (b) no further action should be taken with respect to the request. The neutral mediator shall present its recommendation to the Council for its consideration and action within thirty (30) days of completing their investigation.

3.6.1.1 The censure request shall be agendized at the next regular Council meeting following receipt of the neutral mediator's written findings and recommendation. Council shall determine whether or not to accept the neutral mediator's recommendation. If the Council decides to set the matter for a censure hearing, it shall schedule it no sooner than two weeks after its determination to hear the matter. It may not schedule the matter during any previously scheduled excused absence of the subject Council Member. Written notice of the hearing shall be delivered in person to the member of the Council subject to the censure hearing at least ten (10) days in advance of the scheduled hearing. If the Council decides that no further action is required, Council may also request the

Initiating Member either reimburse the City the cost of the neutral mediator's services from personal funds (not campaign funds), not to exceed $2,500, or forgo a month's salary as Council Member. A report regarding the Initiating Member's compliance with that request shall be presented to Council within sixty (60) days of that request.

3.6.1.2 At the censure hearing, the member of the Council who is the subject of the request for censure shall be given the opportunity to make an opening and a closing statement, to call witnesses on their behalf and to question their accusers. The member subject to the charges may be represented by a person or persons of their choice whether or not an attorney at law and may have that representative speak or question witnesses on their behalf. The questioning or cross-questioning of witness may be reasonably limited by the person chairing the hearing.

3.6.1.3 Testimony shall be taken only from witnesses having direct knowledge of facts or circumstances relevant to the specific charges under consideration. However, the rules of evidence and judicial procedure applicable in courts of law shall not be applied to this hearing, and the procedures shall be generally informal.

3.6.2 At the discretion of the Council, sanctions may be imposed as a result of a censure. These sanctions may be applied individually or in combination. They include, but are not limited to:

3.6.2.1 Public Admonishment - —A reproof or verbal warning directed to a Council Member about a particular type of behavior that violates City policy.

3.6.2.2 Revocation of Special Privileges —A revocation of a Council Member's Council Committee assignments, such as standing and ad hoc committees, regional boards and commissions, and other board/ committee appointments. Other revocations may include temporary suspension of official travel, conference participation, and ceremonial titles.

3.6.3 Nothing in this Section shall limit Council's ability to informally address conduct considered to be not significant or a minor violation of this Code, which may include informal counseling from one Council member to another, and a Council member to a Council advisory body member.

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CHAPTER 4
COMMUNICATIONS

4.1 Relationship/Communications with Staff

Staff serves the City Council as a whole, therefore:

4.1.1 A Council Member shall not direct staff in person or in writing to initiate any action, change a course of action, or prepare any report. A Council Member shall not initiate any project or study without the approval of the majority of the Council.

4.1.2 Requests for information and corresponding responses made by Council Members will be shared with the full Council.

4.1.3 Council Members shall not attempt to pressure or influence discussions, recommendations, workloads, schedules, or department priorities without first consulting with the City Manager and obtaining the approval of a majority of the Council.

4.1.4 When preparing for Council meetings, Council Members should direct questions ahead of time to the City Manager so that staff can provide the desired information at the Council meeting.

4.1.5 Any concerns by a member of the City Council regarding the behavior or work of a City employee should be directed to the City Manager privately to ensure the concern is resolved. Council Members shall not reprimand employees directly nor should they communicate their concerns to anyone other than the City Manager.

4.1.6 Council Members may direct routine inquiries to either the City Manager or appropriate department head.

4.1.7 Council Members serving on Council committees or as the City's representative to an outside agency may interact directly with City staff assigned to that effort as the City Manager's designee. The City

staff member so designated and assigned will keep the City Manager appropriately informed.

4.2 Council Relationship/Communication with Council Advisory Bodies

4.2.1 Council Members shall not attempt to pressure or influence board, commission, or committee decisions, recommendations, or priorities absent the approval of the majority of the Council.

4.2.2 It is a best practice that Council Members refrain from attending Board, Commission, and/or Committee meetings to avoid the appearance of impropriety.

4.3 Handling of Litigation and Other Confidential Information

4.3.1 All written materials and verbal information provided to Council Members on matters that are confidential and/or privileged under State law shall be kept in complete confidence to ensure that the City's position is not compromised. No disclosure or mention of any information in these materials may be made to anyone other than Council Members, the City Attorney, or City Manager.

4.3.1.1 Confidential materials provided in preparation for and during Closed Sessions shall not be retained and documents must be returned to staff at the conclusion of the Closed Session.

4.3.1.2 Council Members may not request confidential written information from staff that has not been provided to all Council Members.

4.4 Representing an Official City Position

4.4.1 City Council Members may use their title only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether they are exceeding or appearing to exceed their authority.

4.4.2 Once the City Council has taken a position on an issue, all official City correspondence regarding that issue will reflect the Council's adopted position.

4.4.3 The Mayor is authorized to send letters on City letterhead stating the City's official position to appropriate legislators as long as it is consistent with the Council's Legislative Policy.

4.4.4 City letterhead may be used by Council Members only for official City business and/or to represent a policy action taken by the Council body.

4.4.5 If a member of the City Council appears before another governmental agency organization to give a statement on an issue affecting the City, the Council Member should indicate the majority position and opinion of the Council.

4.4.6 Personal opinions and comments may be expressed only if the Council Member clarifies that these statements do not reflect the official position of the City Council.

4.5 Quasi-Judicial Role/Ex *Parte* Contacts

The City Council has a number of roles. It legislates and makes administrative and executive decisions. The Council also acts in a quasi-judicial capacity or "like a judge" when it rules on various permits, licenses, and land use entitlements.

In this last capacity, quasi-judicial, the Council holds a hearing, takes evidence, determines what the evidence shows, and exercises its discretion in applying the facts to the law shown by the evidence. It is to these proceedings that the rule relative to *ex parte* contacts applies.

4.5.1 *Ex Parte* Contacts/Fair Hearings. The Council shall refrain from receiving information and evidence on any quasi-judicial matter while such matter is pending before the City Council or any agency, board, or commission thereof, except at the public hearing.

As an elected official, it is often impossible to avoid such contacts and exposure to information. Therefore, if any member is exposed to information or evidence about a pending matter outside of the public hearing, through contacts by constituents, the applicant or through site visits, the member shall disclose all such information and/or evidence acquired from such contacts, which is not otherwise included in the written or oral staff report, during the public hearing, and before the public comments period is opened.

Matters are "pending" when an application has been filed. Information and evidence gained by members via their attendance at noticed public hearings before subordinate boards and commissions are not subject to this rule.

4.6 No Attorney-Client Relationship

Council Members who consult the City Attorney, their staff, and/or attorney(s) contracted to work on behalf of the City cannot enjoy or establish an attorney-client relationship with said attorney(s) by consulting with or speaking to same. Any attorney-client relationship established belongs to the City, acting through the City Council, and as may be allowed in State law for purposes of defending the City and/or the City Council in the course of litigation and/or administrative procedures, etc.

CHAPTER 5
COUNCIL ADVISORY BODIES

5.1 Boards, Commissions, and Committees Generally

5.1.1 The Tracy Municipal Code establishes a Planning Commission to advise the Council on land use matters (Chapter 10.04) and a Parks and Community Services Commission (Chapter 7.16)

5.1.2 The rules of procedure and code of conduct that govern the City Council apply with equal force to all Council advisory boards and commissions.

5.1.3 The City Council may also establish by ordinance or resolution, boards, commissions, and committees to assist the Council in making its policy decisions. The City Council has the inherent power to create advisory bodies.

5.1.4 City boards, commissions, and committees (collectively "Council advisory bodies") provide policy recommendation to Council; they do not set or establish City policy or provide administrative direction to City staff.

5.1.5 City boards, commissions, and committees are advisory in nature and therefore do not represent City's official position on city matters.

5.1.6 Appointments to boards, commissions, and committees are made by a majority vote of the Council. Appointees to Council advisory bodies serve at the pleasure of the City Council.

5.1.7 The terms "board" and "commission" can be used interchangeably. Boards and commissions typically have broader policy and advisory responsibilities than committees which typically have much more focused advisory roles to the Council.

5.2 Board, Commission, and Committee Organization and Conduct

5.2.1 Annually, each board, commission, and committee elects one of their members to serve as the chair (presiding officer) and vice-chair.

5.2.2 Boards, commissions, and committees hold regular and special meetings as required. The conduct of board, commission, and committee meetings are governed by the same rules of policy and procedure as the City Council.

5.2.3 Boards, commissions, and committees should comply with all applicable open meeting and conflict-of-interest laws of the State.

5.2.4 Upon appointment or reappointment, Council advisory body members shall sign a Council Advisory Body Norms and Values statement (**Attachment 2**) affirming they have read and understand this City of Tracy City Council Code of Conduct.

5.3 Board, Commission, and Committee Appointments

5.3.1 Resolution No. 2004-152 establishes the board, commission, and committee appointment/selection process and requirements for residency.

5.3.2 The term of office for each board, commission, or committee member is 4 years, with the exception of the Measure V Residents' Oversight Committee which is 3 years.

5.3.3 The City Clerk provides application forms, maintains a listing of all applications received, and solicits applications when vacancies occur.

5.4 Boards, Commissions, and Committees- Vacancy and Selection/Appointment Processes

5.4.1 Resolution No. 2004-152 outlines procedures for filling a board, commission or committee vacancy and selection and appointment process. The Council appoints all City boards, commissions, and committee members.

5.4.2 Resignations may be submitted at any time to the City Council either directly or through the board, commission, or committee chair. Resignations are effective upon submittal.

5.5 Boards, Commissions, and Committees - Removal

A board member, commissioner, or committee member serves at the pleasure of the Council and may be removed at any time. The removal of a planning commission member must comply with TMC Section in accordance with the applicable procedure.

CHAPTER 6
COUNCIL FINANCIAL MATTERS

6.1 Compensation

6.1.1 Pursuant to Ordinance No. 1094, the Tracy Mayor and City Council receive a monthly salary. The amount is the salary limit established by the State Legislature for members of the City Council of general law cities having a population range within which the City of Tracy falls, as specified in California Government Code Section 36516(a).

6.1.2 The salary of the Mayor and City Council should be reviewed every two years.

6.2 Benefits

6.2.1 The California Government Code provides that Council Members may receive City-funded health, retirement, and other benefits. City-funded medical, dental, and life insurance plan benefits are provided. The Council Policy Providing City Paid Health Insurance for City Treasurer, City Clerk, and City Council, adopted by Resolution No. 2003-391, states that an elected official is not eligible for City-funded health benefits if the official or the official's spouse has employer-paid health insurance.

6.3 City Council Budget and Expenses

6.3.1 City Council Resolution No. 2007-075 provides policy guidance regarding Council expenditures for equipment, supplies and communications; travel; local expenses; and eligible reimbursements.

CITY OF TRACY CITY COUNCIL

NORMS AND VALUES STATEMENT

PREAMBLE

The residents and businesses of Tracy are entitled to have fair, ethical, and accountable local government. Such a government requires that public officials:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government.
- Be independent, impartial and fair in their judgment and actions.
- Use their public office for the public good, not for personal gain.
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Tracy City Council has adopted a Code of Conduct to encourage public confidence in the integrity of local government and its fair and effective operation.

City Council Members shall sign this Norms and Values statement upon assuming office and upon reelection to office as a symbol of each Council Member's continuing commitment to abide by the principles of this code.

1. Act in the Public Interest

   Recognizing that stewardship of the public interest must be their primary concern, Council Members shall work for the common good of the people of Tracy and not for any private or personal interest, and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner.

2. Comply with the Law

   Council Members shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions;

the Tracy City Municipal Code; laws pertaining to Council-Manager form of government, conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3. Conduct of Members

Council Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the City Council, boards, commissions, committees, staff, or the public.

4 Respect for Process

Council Member duties shall be performed in accordance with the processes and rules of order established by the City Council.

5. Conduct of Public Meetings

Council Members shall inform themselves of public issues, listen attentively to public discussions before the body, and focus on the business at hand.

6. Decisions Based on Merit

Council decisions shall be based upon the merits and substance of the matter at hand.

7. Communication

It is the responsibility of Council Members to share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Council Members.

8. Coordination with City Staff

Appropriate City staff should be involved when Council Members meet with officials from other agencies and jurisdictions to ensure proper staff support as needed and to keep staff informed.

9. Disclosure of Corruption

All City officials shall take an oath upon assuming office, pledging to uphold the constitution and laws of the City, the State, and the Federal government. As part of this oath, officials commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery, or other violation of the law.

10. Conflict of Interest

In order to assure their independence and impartiality on behalf of the public good, Council Members shall not use their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.

In accordance with the law, members shall file written disclosures of their economic interests and if they have a conflict of interest regarding a particular decision, refrain from participating in that decision unless otherwise permitted by law.

11. Gifts and Favors

Council Members shall not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general. They shall refrain from accepting gifts, favors, or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.

12. Confidential Information

Council Members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial, or private interests.

13. Use of Public Resources

Public resources not available to the general public (e.g., City staff time, equipment, supplies, or facilities) shall not be used by Council Members for private gain or personal and/or campaign purposes.

14. Representation of Private Interests

In keeping with their role as stewards of the public trust, Council Members shall not appear on behalf of the private interests of a third-party before the City Council or any board, commission, or committee or proceeding of the City.

15. Advocacy

To the best of their ability, Council Members shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions, members shall explicitly state that they do not represent the Council or the City.

16. Improper Influence

Council Members shall refrain from using their position to improperly influence the deliberations or decisions of City staff, boards, commissions, or committees.

17. Policy Role of Members

Council Members shall respect and adhere to the Council-Manager structure of Tracy City government as provided in State law and the City Municipal Code.

18. Positive Work Environment

Council Members shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees.

19. Implementation

Ethics standards shall be included in the regular orientations for City Council candidates. Council Members entering office shall sign a statement affirming they read and understood the City of Tracy's City Council Code of Conduct.

20. Campaign Activities.

Council Members who seek elected office within the City shall endeavor to conduct their campaign activities in a manner that promotes decency, honesty and fair play and in accordance with the Code of Fair Campaign Elections Code (Section 20400 et seq.).

21. Compliance and Enforcement

Council Members themselves have the primary responsibility to assure that ethical standards are understood and met and that the public can continue to have **full** confidence in the integrity of City government.

This City Council Norms and Values statement shall be considered to be a summary of the longer City Council Code of Conduct document. The City Council Code of Conduct document shall be considered to be the definitive document relating to ethical conduct by Tracy City Council Members.

I affirm that I have read and understand the City of Tracy City Council Norms and Values statement.

_____ _____

Signature Date

CITY OF TRACY
COUNCIL ADVISORY BODY
NORMS AND VALUES STATEMENT

PREAMBLE

The residents and businesses of Tracy are entitled to have fair, ethical, and accountable local government. Such a government requires that public officials, including Council advisory body members:

- Comply with both the letter and the spirit of the laws and policies affecting operations of the government.
- Be independent, impartial, and fair in their judgment and actions.
- Use their public office for the public good, not for personal gain.
- Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, Council advisory body members are expected to adhere to the Code of Conduct adopted by the Tracy City Council to encourage public confidence in the integrity of local government and its fair and effective operation.

Council advisory body members shall sign this Norms and Values statement at the first meeting of the board, commission, or committee upon assuming office and, if applicable, upon reappointment to the board, commission, or committee as a symbol of each Council advisory body member's commitment to abide by the principles of this code during their term.

1. Act in the Public Interest

   Recognizing that stewardship of the public interest must be their primary concern, Council advisory body members shall work for the common good of the people of Tracyand not for any private or personal interest, and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner.

2. Comply with the Law

   Council advisory body members shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties. These laws include, but are not limited to: the United States and California Constitutions; the Tracy City Municipal Code; laws pertaining to the Council-

Manager form of government, conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.

3. Conduct of Council Advisory Body Members

   Council advisory body members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of Council Members; other members of the Council advisory body; other boards, commissions, or committees; staff; or the public.

4. Respect for Process

   Council advisory body member duties shall be performed in accordance with the processes and rules of order established by the City Council.

5. Conduct of Public Meetings

   Council advisory body members shall inform themselves of public issues, listen attentively to public discussions before the body, and focus on the business at hand.

6. Decisions Based on Merit

   Council advisory body members shall base their decisions upon the merits and substance of the matter at hand.

7. Communication

   It is the responsibility of Council advisory body members to share substantive information that is relevant to a matter under consideration that they have received from sources outside of the public decision-making process with all other Council advisory body members.

8. Coordination with City Staff

   Appropriate City staff should be involved when Council advisory body members meet with officials from other agencies and jurisdictions to ensure proper staff support, as needed, and to keep staff informed.

9. Disclosure of Corruption

   All City officials shall take an oath upon assuming office, pledging to uphold the Constitution and laws of the City, the State, and the Federal government. As part of this oath, officials commit to disclosing to the appropriate authorities and/or to the City Council any behavior or activity that may qualify as corruption, abuse, fraud, bribery, or other violation of the law.

10. Conflict of Interest

    In order to assure their independence and impartiality on behalf of the public good, Council advisory body members shall not use their official positions to influence government decisions in which they have a financial interest or where they have an organizational responsibility or a personal relationship that would present a conflict of interest under applicable State law.

    In accordance with the law, members shall file written disclosures of their economic interests and if they have a conflict of interest regarding a particular decision, refrain from participating in that decision unless otherwise permitted by law.

11. Gifts and Favors

    Council advisory body members shall not take advantage of services or opportunities for personal gain by virtue of their public office that are not available to the public in general. They shall refrain from accepting gifts, favors, or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.

12. Confidential Information

    Council advisory body members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial, or private interests.

13. Use of Public Resources

    Public resources not available to the general public (e.g., City staff time, equipment, supplies, or facilities) shall not be used by Council advisory body members for private gain or personal and/or campaign purposes.

14. Representation of Private Interests

In keeping with their role as stewards of the public trust, Council advisory body members shall not appear on behalf of the private interests of a third party before the City Council or any board, commission, or committee, or proceeding of the City.

15. Advocacy

To the best of their ability, Council advisory body members shall represent the official policies and positions of the City of Tracy. When presenting their personal opinions or positions, members shall explicitly state that they represent neither the Council advisory body nor the City.

16. Improper Influence

Council advisory body members shall refrain from using their position to improperly influence the deliberations or decisions of City staff, boards, commissions, or committees.

17. Policy Role of Members

Council advisory body members shall respect and adhere to the Council-Manager structure of Tracy City government as provided in State law and the City Municipal Code.

18. Positive Work Environment

Council advisory body members shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees.
Attachment 2 to City Council Code of Conduct

19. Implementation

Ethics standards shall be included in the regular orientations for Council advisory body members. Upon entering office and upon reappointment, Council advisory body members shall sign a statement affirming they read and understood the City of Tracy's City Council Code of Conduct.

20. Campaign Activities.

Council advisory body members who seek elected office within the City shall endeavor to conduct their campaign activities in a manner that promotes decency, honesty and fair play and in accordance with the Code of Fair Campaign Elections Code (Section 20400 et seq.).

21. Compliance and Enforcement

Council advisory body members themselves have the responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of City government.

The Council Advisory Body Norms and Values statement shall be considered to be a summary of the longer City Council Code of Conduct document. The City Council Code of Conduct document shall be considered to be the definitive document relating to ethical conduct by Tracy City Council advisory body members.

I affirm that I have read and understand the City of Tracy City Council Code of Conduct.

_____ _____

Signature Date

CODE OF FAIR CAMPAIGN PRACTICES

(Elections Code § 20440)

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammeled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

(1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties that merit this criticism.

(2) I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.

(3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on a candidate's actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age, sexual orientation, sex, including gender identity, or any other characteristic set forth in Section 12940 of the Government Code, or association with another person who has any of the actual or perceived characteristics set forth in Section 12940 of the Government Code.

(4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice that tends to corrupt or undermine our American system of free elections, or that hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.

(5) I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees.

(6) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support deriving from any individual or group that resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics that I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.

(7) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a

committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

Print Name: _____ Signature: _____

Date:_____

RESOLUTION 2021-_____

AMENDING THE CITY COUNCIL CODE OF CONDUCT TO ADD LANGUAGE REQUIRING COUNCIL REPRESENTATIVES ON EXTERNAL BOARDS TO RECEIVE POLICY DIRECTION PRIOR TO FISCALLY OBLIGATING THE CITY VIA BOARD ACTION

WHEREAS, It is a best practice for City Councils to develop governance policies around roles and responsibilities, and norms and behaviors to ensure a shared understanding of the City Manager's role and Council's expectations to optimize working relationships, and

WHEREAS, On October 15, 2019, the Tracy City Council adopted a Code of Conduct that outlines the norms and values the City Council holds itself to as City elected officials, and

WHEREAS, On July 6, 2021 Council directed staff to amend its Code of Conduct to include the following language pertaining to Council representatives' authority to obligate the City when serving on a board, commission, committee or Joint Powers of Authority as a new section:

"*3.4.9 When serving on external boards, commissions, subcommittees, or Joint Powers of Authorities, City Council representative must first obtain policy direction from Council on any fiscal matter that exceeds previously allocated budget(s), prior to obligating the City via board action."*

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby amends the Code of Conduct to require Council Members serving on external boards, commissions, subcommittees, or Joint Powers of Authorities (JPA) to receive policy direction from City Council on fiscal matters in excess of previously allocated budgets, prior to obligating the City via board action.

* * * * * * * * * * * * * * * * *

The foregoing Resolution 2021-_____ was passed and adopted by the Tracy City Council on the 19th day of October, 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

October 19, 2021

AGENDA ITEM 1.G

REQUEST

APPROVE THE SUBMITTAL OF A COMMENT LETTER FOR THE I-205 MANAGED LANES PROJECT EXPRESSING SUPPORT FOR THE PROJECT AND RECOMMENDING LOCATIONS ALONG THE I-205 CORRIDOR TO BE CONSIDERED FOR THE FUTURE MOBILITY HUB FOR THE CITY OF TRACY

EXECUTIVE SUMMARY

The San Joaquin Council of Governments (SJCOG) and the California Department of Transportation (CalTrans), District 4 and District 10 are developing the I-205 Managed Lanes Project (Project) to address increased commute times and corridor congestion on I-205 from I-5, through the City of Tracy, and through to the Alameda/San Joaquin County border. The Project will also address increased use of the corridor as an intercity and interstate truck and freight route and increased need for alternative modes of transportation between San Joaquin County and the San Francisco Bay Area, specifically increased Transit/High Occupancy Vehicle (HOV) opportunities. The Project is currently in the Project Approval and Environmental Document (PA & ED) phase where multiple design alternatives are analyzed. The City of Tracy is a major stakeholder in this Project and has the right to submit a comment letter to the SJCOG and CalTrans Notice of Preparation (NOP) of the Environmental Document.

This item requests that City Council approve the submittal of a comment letter regarding the Project that expresses support for the Project and recommends the City's preferred locations for a possible future Mobility Hub in Tracy in accordance with the City's Draft Transportation Master Plan.

DISCUSSION

A Project Study Report-Project Development Support (PSR-PDS) was prepared in 2017 that examined widening I-205 to include High Occupancy Vehicle (HOV) lanes between the Alameda County Line and I-5, with outside widening west of Eleventh Street and inside widening east of Eleventh Street. Additionally, after the approval of the PSR-PDS, in 2019, SJCOG completed a Congested Corridor Plan. This plan included the I-205 corridor, as well as the larger connected corridors of I-5, SR 120, and SR 99. The SJCOG Congested Corridors Plan for I-205 included the widening of I-205 to the outside to leave the median open for future transit capacity improvements. It also included constructing Express Lane facilities instead of HOV only lanes. The I-205 Managed Lanes Projects is a derivative of this SJCOG Congested Corridors Plan.

Managed Lanes are special lanes allocated just for cars with two or more people (HOV), buses, trucks or electric vehicles. Another example of lane management is to charge a Single Occupant Vehicle (SOV) user fee or toll to help pay for maintenance, transit and construction. These toll lanes would be similar to the HOT lanes on the I-580 in Livermore/Pleasanton/Dublin. Managed lanes take vehicles out of general congestion resulting in overall travel times decreasing and overall travel speeds increasing.

CalTrans is the lead agency for the I-205 Managed Lanes Project and SJCOG is the Project sponsor. However, the Project is being coordinated with many agencies,

including Alameda County Transportation Commission (ACTC), the Metropolitan Transportation Commission (MTC), San Joaquin Regional Rail Commission (SJRRC), San Joaquin County, the City of Tracy, the Regional Transit District (RTD), and the Tri-Valley-San Joaquin Valley Regional Rail Authority. The Project included both sides of I-205 through San Joaquin County and the City of Tracy from I-5 to the San Joaquin/Alameda County border, as shown in Attachment A.

The Project is considering five cross section alternatives during the PA&ED phase as shown in Attachment B. Alternative 1 would make no improvements and the status quo be maintained. Three of the four build alternatives would involve widening the median to accommodate the multimodal travel lanes. Alternative 2 would include partial widening. Alternative 3 would not include widening but would convert an existing lane into a high-occupancy vehicle lane. Alternatives 4 and 5 would involve widening the length of the Project area and would provide a 60-foot-wide median opening for future transit improvements (bus or rail). Existing and planned local road overcrossings and under crossings, and interchanges would be altered or reconfigured, if necessary, based on the alternative.

Each build alternative may include detention or retention basins, access roads, and up to four transit hubs. Transit hubs features may include park-and-ride lots, electric vehicle charging stations, bus stops and train stops. Locations for transit hubs would be determined in coordination with stakeholders that include but are not limited to the following: Federal Highways Administration, CalTrans, Valley Link, San Joaquin Council of Governments, City of Tracy, Community of Mountain House, Alameda County, San Joaquin County, local transit, and the interested public to improve access to the transit facility and to avoid precluding connectivity to the local communities. The proposed Project could construct facilities within the right-of-way, such as rail stops, to accommodate connection to the corridor, but may or may not construct the actual transit hubs.

The Draft 2021 City of Tracy Transportation Master Plan Update is considering Mobility Hubs to support the growing multi-modal transportation needs of the City of Tracy residents. Mobility hub is a place where people can seamlessly connect with multiple modes of transportation in a safe, comfortable, and accessible environment. Mobility hubs provide physical integration among modes by co-locating car sharing, bike sharing, and other shared-mobility services close to public transit stops and large residential developments. With their physical presence and clear, prominent branding, these spaces offer visibility to and connection between public transit and shared mobility services that in turn support multimodal living and reduced dependence on personal cars and solo driving. Attachment C is an example of a Mobility Hub being planned under San Diego Association of Governments (SANDAG) at 8th Street Trolley Station.

Possible Transit Hub locations along I-205 that are being planned with the I-205 Managed Lanes Project are shown in Attachment D. The transit hub at Mountain House, to the west of Tracy has already been advocated by MHCSD. A transit hub outside the City limits will limit passenger opportunity of riding a bus or bike or walking to a station. Everyone will have to take a car, which will add to local street congestion. It is recommended that a Mobility Hub be located within the City limits, which will truly provide the City with the opportunity to develop a multimodal transportation network and plan integration of land uses in a TOD manner around the Mobility Hub. A facility within

the City limits will attract more riders for the transit services compared to a facility outside the City limits. Historically, mass transit stations have always resulted as an attraction for TOD development. The potential Transit Hub on the I-205, within City limits, should coincide with City of Tracy's proposed Mobility Hub.

Staff is requesting Council approve the submission of a comment letter in support of the Project that also includes recommending the following locations within the City of Tracy limits for consideration as a Mobility Hub; namely the I-205/Eleventh Street Interchange, I-205/Grant Line Interchange and Corral Hollow Road near I-205 by the Project. These locations will be evaluated during the PA&ED phase of the I-205 Managed Lanes Project and with proper coordination with City staff and stakeholders, the location will be finalized.

Staff will send a comment letter to CalTrans indicating City's preference on the Mobility Hub locations within the City limits, highlighting the benefits to the residents and future planning, and other Engineering considerations for all affected interchanges within City limits. The comment letter will also request that a City wide outreach of the Project be implemented by CalTrans to seek feedback from all stakeholders of the City.

FISCAL IMPACT

There is no fiscal impact to this agenda item.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Economic Development Strategic Priority, and specifically implements the following goal: Goal 3. Continue to Advance Transit Oriented Development (TOD) opportunities.

RECOMMENDATION

That City Council approve, by motion, the submittal of a comment letter for the I-205 Managed Lanes Project, expressing support for the Project and recommending locations along the I-205 corridor to be considered for the future Mobility Hub for the City of Tracy.

Prepared by: Anju Pillai, PE, Senior Civil Engineer

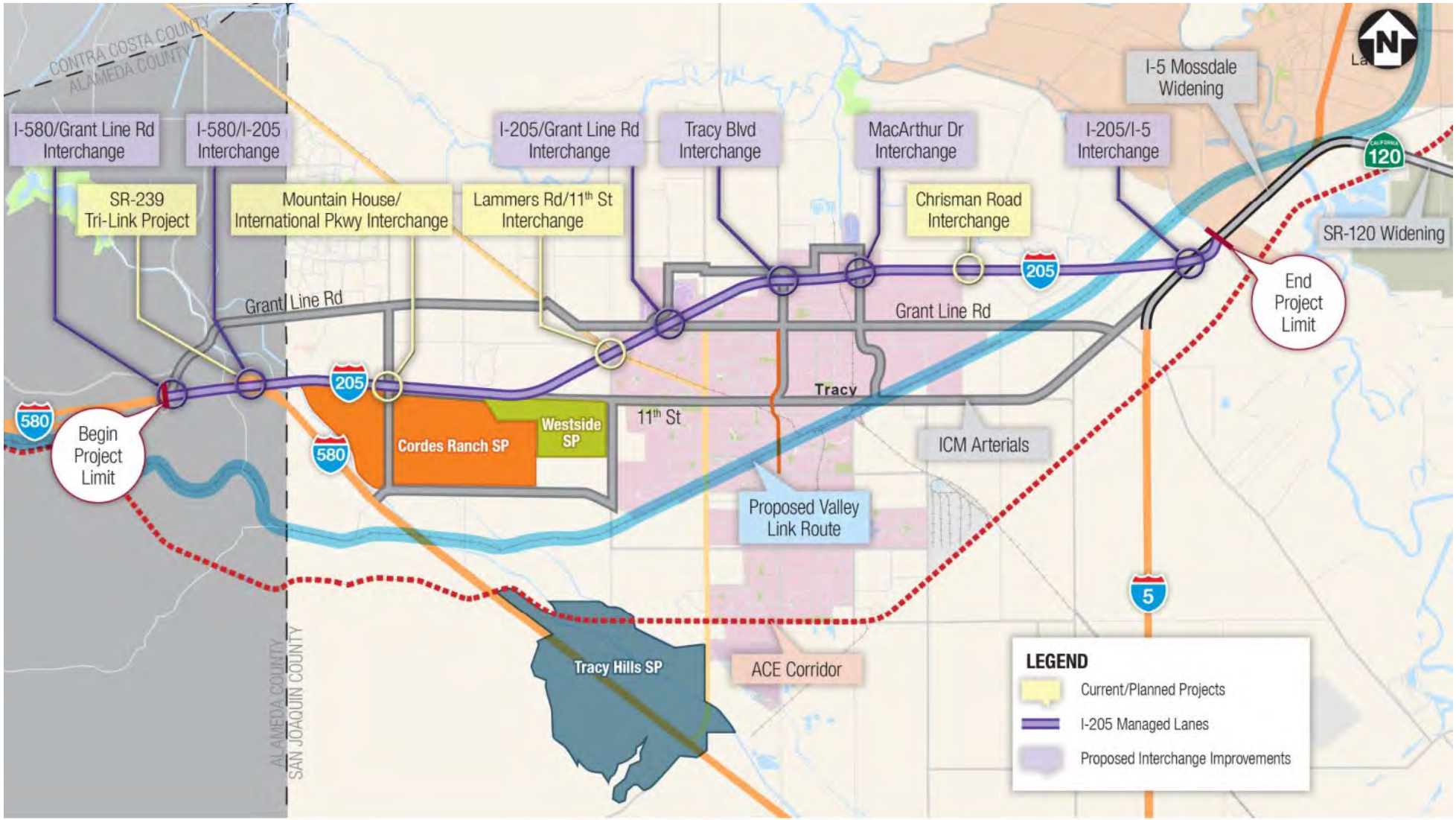
Reviewed by: Robert Armijo, PE, City Engineer / Assistant Director of Development Services
William Dean, Interim Director of Development Services
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

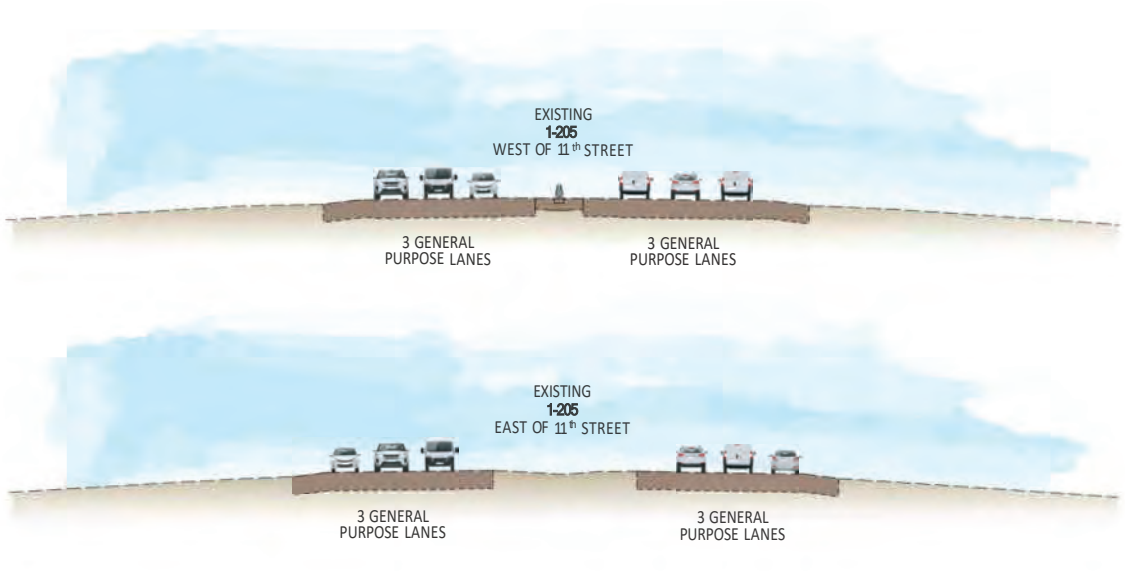
Approved by: Bob Adams, Interim City Manager

ATTACHMENTS

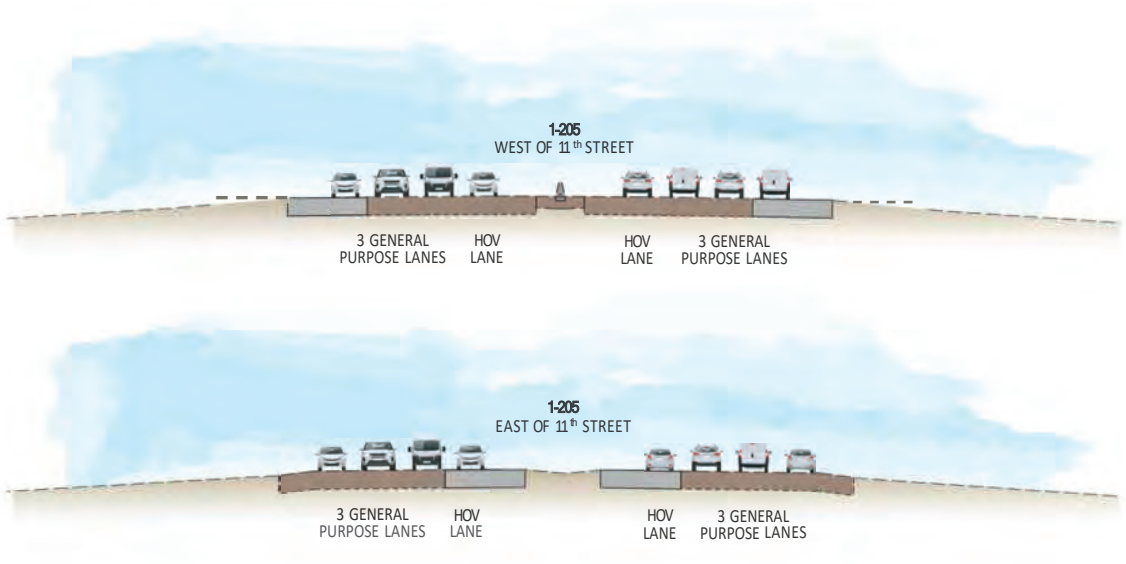
Attachment A – I-205 Managed Lanes Vicinity Map
Attachment B – Possible Design Alternatives for the I-205 Managed Lanes Project
Attachment C – Sample Mobility Hub
Attachment D – Potential Transit Hubs on I-205

Attachment A

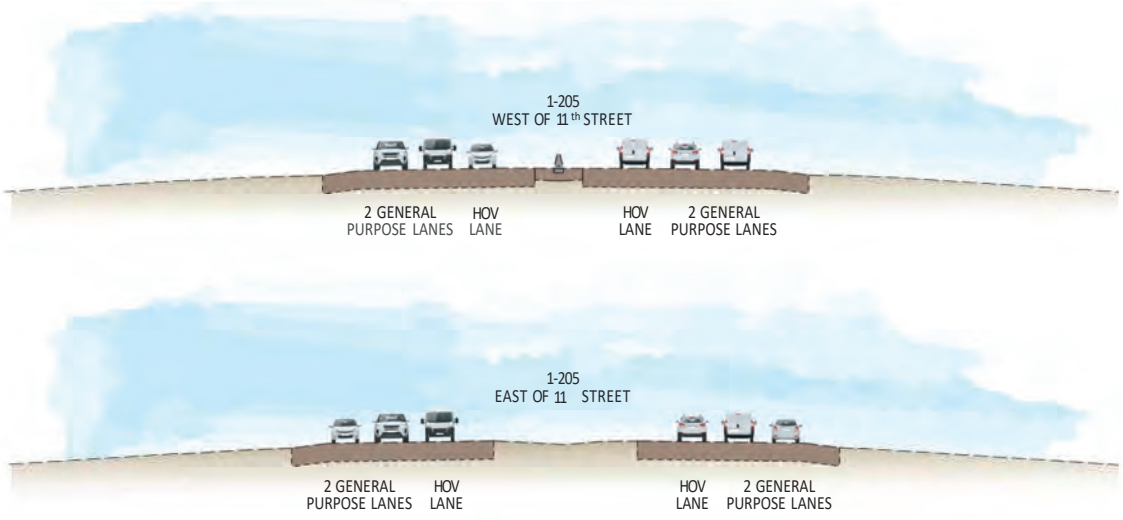




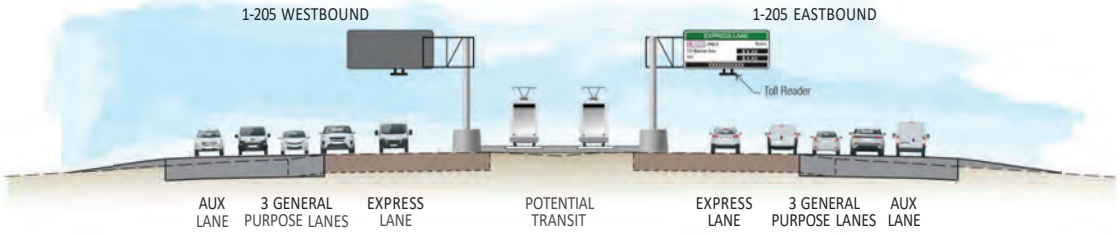
Alternative 1
No-Build Alternative



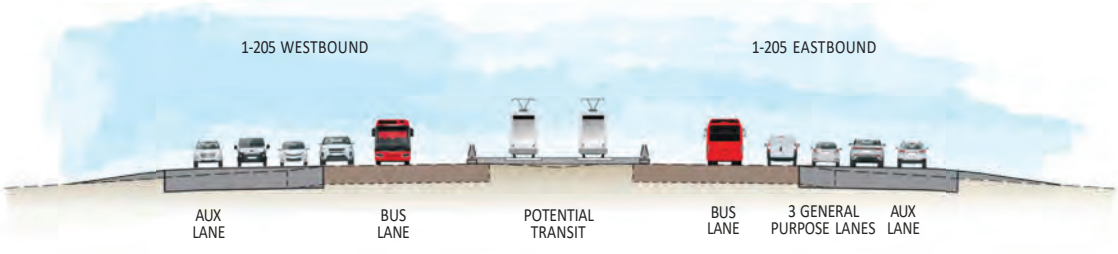
Alternative 2
High-Occupancy Vehicle Lane Addition



Alternative 3
High-Occupancy Vehicle Lane Conversion



Alternative 4
Express Lanes



Alternative 5
Transit Only Lanes

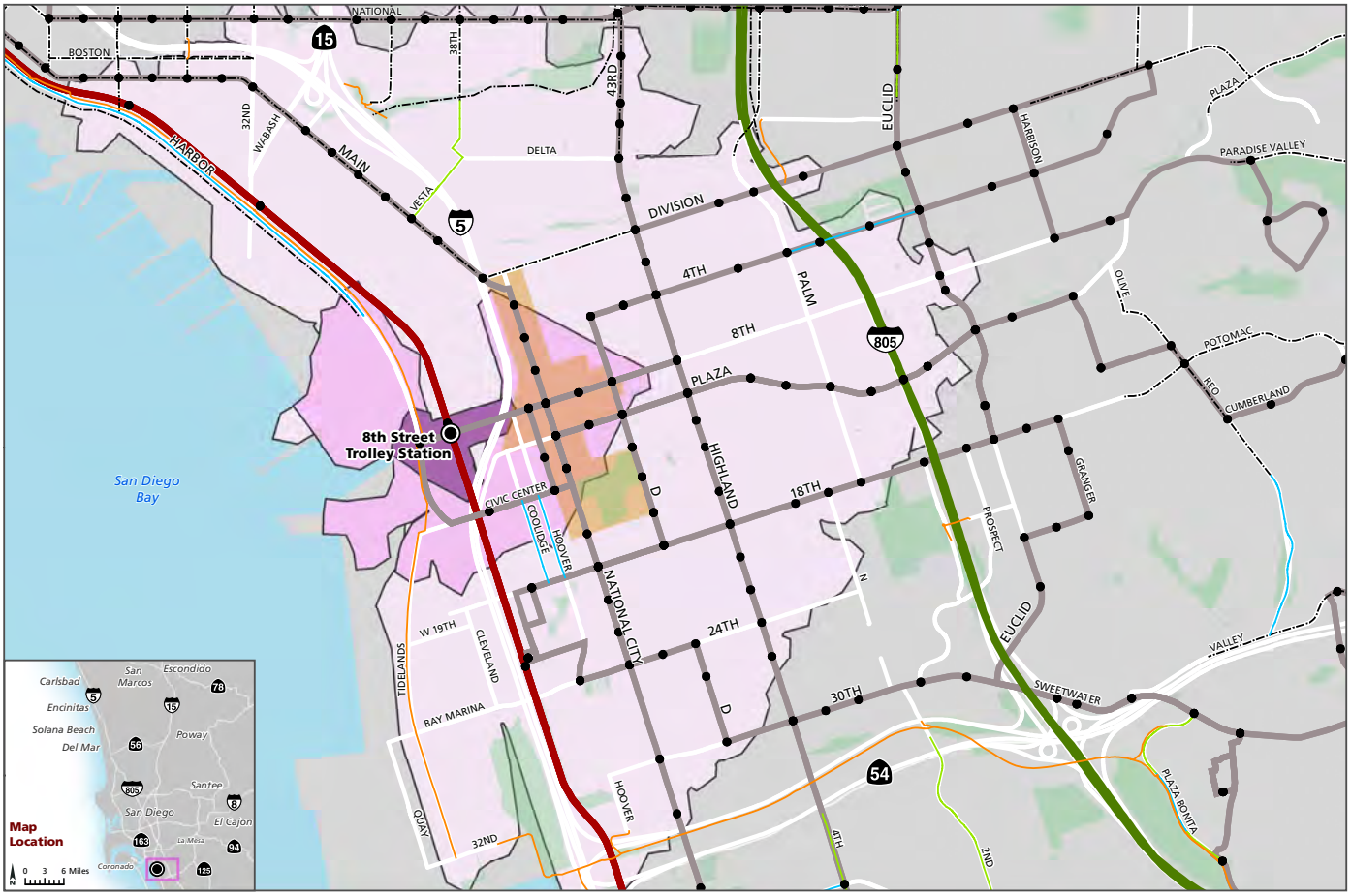
8th Street Trolley Station

Mobility hubs are transportation centers located in smart growth areas served by high frequency transit service. They provide an integrated suite of mobility services, amenities, and technologies that bridge the distance between transit and an individual's origin or destination. They are places of connectivity where different modes of travel—walking, biking, transit, and shared mobility options—converge and where there is a concentration of employment, housing, shopping, and/or recreation. This profile sheet summarizes mobility conditions and demographic characteristics around the 8th Street Trolley Station to help inform the suite of mobility hub features that may be most suitable.

The 8th Street Trolley Station is directly west of Interstate 5 in the northwest corner of National City, a South Bay community. The station provides access to the UC San Diego Blue Line and a few local bus routes, and is within close proximity to the region's industrial working waterfront including Naval Base San Diego. A mix of single and multi-family housing units are located east of the station on the other side of Interstate 5, and the downtown village area features a thriving community college and other retail destinations. The map below depicts the transit services and bikeways anticipated to serve the community in 2020.

2020 MOBILITY SERVICES MAP

In 2020, a variety of travel options will be available within a five minute walk, bike, or drive to the 8th Street Trolley Station.



DEMOGRAPHIC AND TRANSPORTATION HIGHLIGHTS

2020 Population and Employment

= 5,000

POPULATION = 57,741

By 2020, over 57,000 people will live within a five-minute drive of the 8th Street Trolley Station.

EMPLOYMENT = 41,093

In 2020, over 40,000 jobs will be accessible within a five-minute drive of the 8th Street Trolley Station.

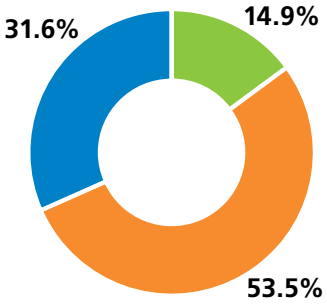
2020 Transit Services

- ☑ BUS
  local bus
- ☑ LIGHT RAIL
  Trolley
- ☐ HEAVY RAIL

5,715
Average Weekday Boardings

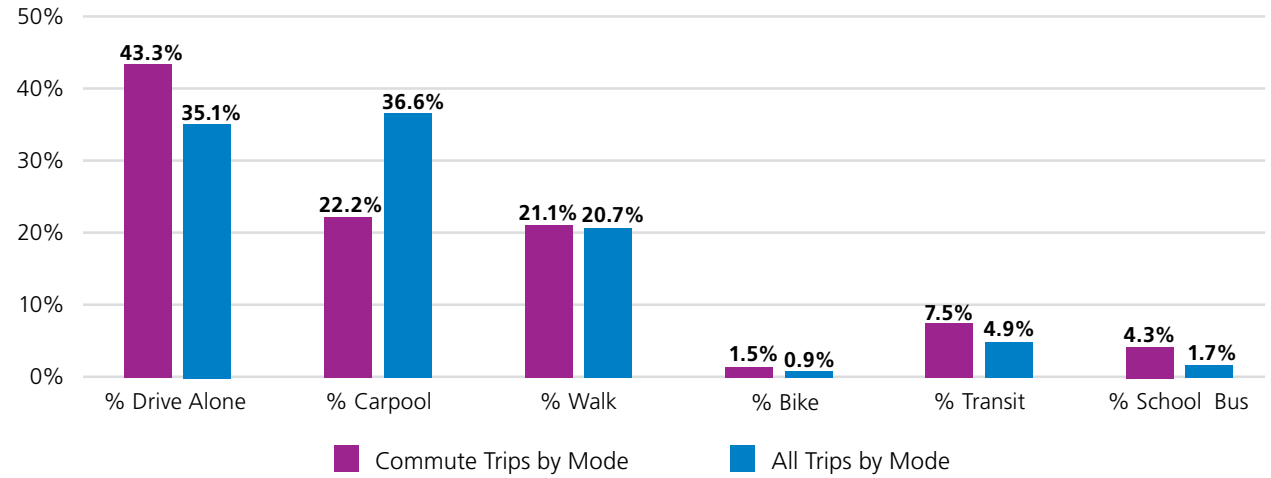
2020 Vehicle Ownership

Vehicle ownership rates account for all households within a five-minute drive of the 8th Street Trolley Station



2020 Mode Share Among Residents

In 2020, residents within a five-minute drive of the 8th Street Trolley Station will use a variety of travel modes for both commute and non-commute trips.



Source: Series 13: 2050 Regional Growth Forecast/San Diego Forward: The Regional Plan in ABM 13.2.2



Photos courtesy of SANDAG and the City of National City

MOBILITY HUB OPPORTUNITIES

The 8th Street Trolley Station is located a short distance from major waterfront employers, including Naval Base San Diego. The station provides a convenient Park & Ride option for the Blue Line Trolley that connects downtown to the U.S./Mexico border. As part of the San Diego Trolley Renewal Project, the Blue Line was renovated to provide a more comfortable transit experience for riders. The renovation included signal optimization for improved service, new shelters, raised platforms, and next arrival signage. Implementation of the mobility hub concept can expand upon these transit station investments to enhance the waiting area with technology amenities like WiFi and USB charging ports. Existing passenger loading zones, where feasible, can also be expanded to accommodate designated curb space with clear wayfinding signage for seamless passenger loading and unloading.

A surface lot with over 120 parking spaces may provide an opportunity to support operation of some shared mobility services and related amenities. These services expand the reach of transit by filling gaps in the local bus network. Motorized shared services help fulfil connections beyond the first or last mile. Given the Trolley station location west of Interstate 5, trips destined for locations beyond the National City civic center may be difficult via walking or biking. Electrified and other motorized shared services could be explored along with amenities that support their operation – EV charging infrastructure and dedicated parking or loading areas. Subsides for qualifying residents and employees could also be considered.

Additionally, the Trolley station's somewhat isolated location limits access to retail stores and eateries so the opportunity to allow mobile retail services and food vendors to operate during periods of heavy station use could be explored. Transit lot occupancy is routinely higher than two-thirds pointing to an opportunity to enhance parking management efforts using real-time availability and reservation technology while facilitating more flexible use of parking areas based on changing demands.

Beyond the immediate station area, the City of National City is making several multimodal improvements to enhance the walking and biking experience – pedestrian pathways, curb bulbouts, traffic circles, improved lighting, bike boxes, reverse angled parking, and effective wayfinding signage. The city's proximity to the 24-mile Bayshore Bikeway invites the opportunity for residents and visitors to use the facility to make inter-city connections while pursuing a healthy, active lifestyle.

RECOMMENDED MOBILITY HUB FEATURES

Mobility hubs depend on a complementary suite of transportation services, amenities, and technologies to deliver a seamless and reliable travel experience. Providing context-sensitive mobility hub features leverages existing transportation investments while anticipating the future of mobility in the San Diego region. Pedestrian, bike, and motorized solutions all play a role to enhance connections to transit while extending its reach into communities. The incorporation of electrified mobility options coupled with real-time technologies will reduce our region's carbon footprint while providing a fully integrated trip planning experience. As on-demand and autonomous services become more ubiquitous, transit stations and their surrounding communities will need to adapt to ensure these services effectively meet the needs of users while positively contributing to the transportation landscape.



ENHANCED TRANSIT WAITING AREAS

The Trolley station could offer enhanced station amenities like WiFi, USB charging ports, and an interactive transportation kiosk that displays real-time information about regional travel options.



PASSENGER LOADING ZONES

Designated passenger loading zones could be used by on-demand ridehailing and microtransit services dropping off passengers and responding to real-time ride requests.



BIKESHARE

Bikeshare complements existing bike and pedestrian facilities—traffic circles, bike boxes, reverse angled parking, effective wayfinding. The Bayshore Bikeway provides a great opportunity to encourage biking for both commute and recreational trips. Integration of electric bikes can assist riders with longer trips, and membership subsidies could reduce financial barriers.



ON-DEMAND RIDESHARE

Increased use of pooled, on-demand rideshare services can enhance mobility for both residents and employees. Subsidies could be provided to ensure equitable access. Employers could partner with service providers to offer convenient transit connection options for employees while minimizing parking demand at employment sites.



MICROTRANSIT

On-demand, shared autonomous shuttles could align with Trolley arrival times then transport riders to port, civic, and commercial destinations. Major waterfront employers could partner to subsidize this service.



ELECTRIC VEHICLE CHARGING

Electric shared mobility services like bikeshare, microtransit, and on-demand vehicles require fast EV charging points to support operations. Siting charging stations and/or wireless charging technology near the Trolley station and passenger loading zones will ensure a connected network of conveniently located charging opportunities.



MOBILE RETAIL SERVICES

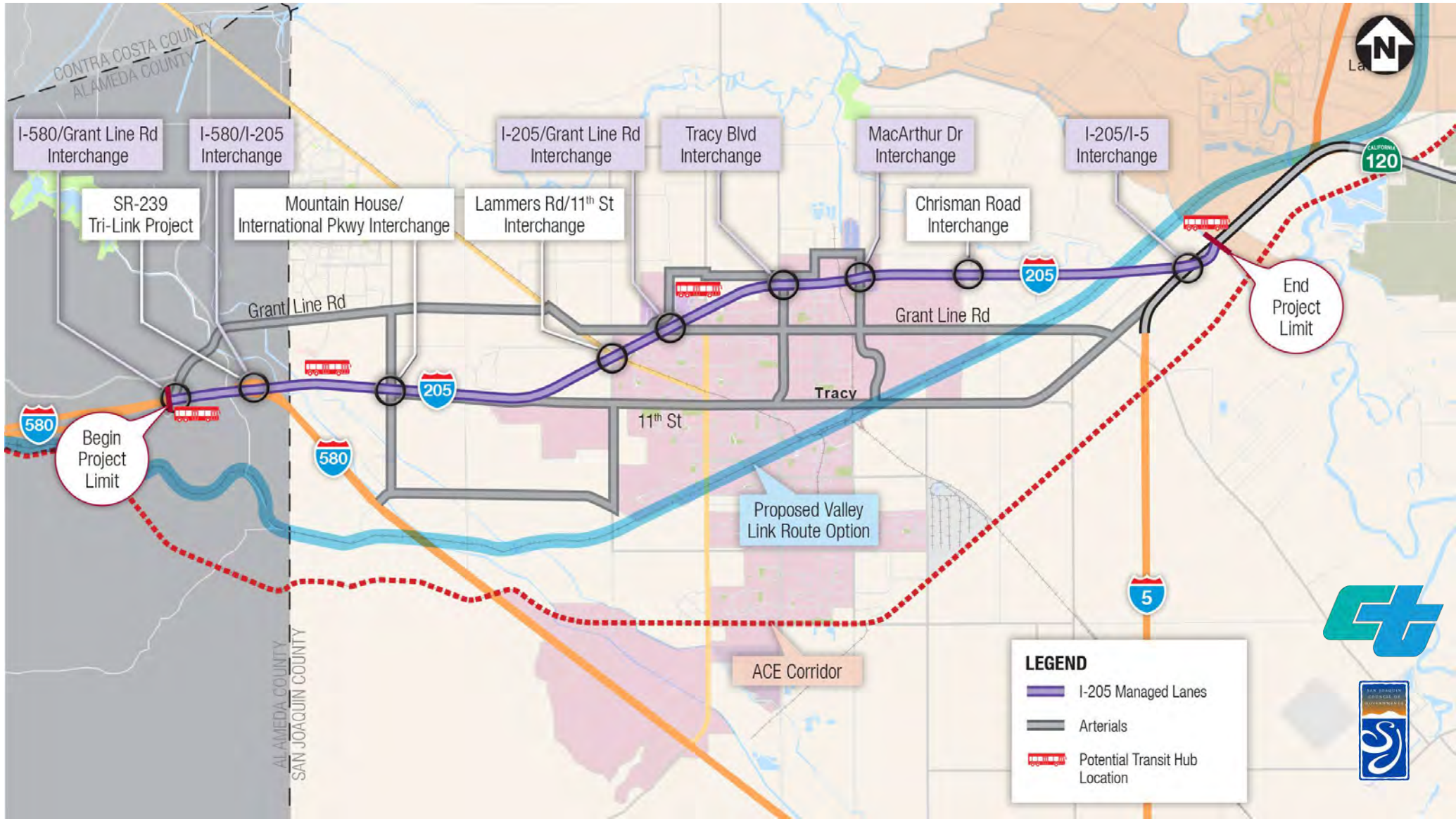
The availability of retail services like grocery, dry cleaning, and package delivery stations during peak travel times can help commuters complete daily errands while en route to or from the Trolley station.



UNIVERSAL TRANSPORTATION ACCOUNT

An integrated system that offers National City residents and employees a seamless way to find, access, and pay for a wide range of mobility services and amenities is a key component of a mobility hub.

Project Overview



October 19, 2021

AGENDA ITEM 1.H

REQUEST

ADOPT A RESOLUTION MAKING FINDINGS AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE CITY COUNCIL AND ALL BOARDS AND COMMISSIONS OF THE CITY OF TRACY FOR THE PERIOD FROM OCTOBER 19, 2021 THROUGH NOVEMBER 19, 2021 PURSUANT TO ASSEMBLY BILL 361

EXECUTIVE SUMMARY

On September 16, 2021, Governor Newsom signed Assembly Bill 361 into law, effective immediately. AB 361 amends the Brown Act (Government Code section 59450 *et seq.*) to include new authorization for remote or teleconference meetings of legislative bodies subject to certain conditions.

This item requests that Council adopt the proposed resolution making the required findings and authorizing remote teleconference meetings of the City Council and all Boards and Commissions of the City of Tracy for the period of October 19, 2021, through November 19, 2021 in accordance with AB 361 and Government Code section 54953(e).

DISCUSSION

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which among other things rescinded his prior Executive Order N-29-20 and set a date of October 1, 2021, for public agencies to transition back to public meetings held in full compliance with the Brown Act.

As the Delta variant has surged in California, the Legislature took action to extend the COVID-19 exceptions to the Brown Act's teleconference requirements, subject to some additional safeguards. On September 16, 2021, Governor Newsom signed Assembly Bill 361, to allow a local agency to use teleconferencing if certain circumstances exist without complying with the Brown Act's traditional agenda posting, physical access, and quorum requirements for teleconferencing provisions (Attachment A).

The goal of AB 361 is "to improve and enhance public access to local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options" consistent with Executive Order N-29-20. The bill contains an urgency clause, which made the bill effective upon signing with a sunset date of January 1, 2024.

The new Section 54953(e)(1) of the Brown Act, as amended by AB 361, allows legislative bodies to continue to meet via teleconference without complying with the Brown Act's teleconferencing requirements, but only during a state of emergency proclaimed by the Governor, in which, 1) state or local health officials have imposed or recommended measures to promote social distancing, or 2) the legislative body has

determined by majority vote that meeting in person would present an imminent risk to the health or safety of the attendees.

A local agency that holds a meeting under these circumstances would be required by AB 361 to follow the steps listed below, in addition to giving notice of the meeting and posting agendas as required under the Brown Act. These additional requirements are intended to protect the public's right to participate in the meetings of local agency legislative bodies.

Pursuant to AB 361 local agencies are required to do all of the following in addition to meeting notice requirements under the Brown Act:

- Allow the public to access the meeting and require that the agenda provide an opportunity for the public to directly address the legislative body pursuant to the Brown Act's other teleconferencing provisions.
- In each instance when the local agency provides notice of the teleconferenced meeting or posts its agenda, give notice for how the public can access the meeting and provide public comment.
- Identify and include in the agenda an opportunity for all persons to attend via a call-in or an internet-based service option; the legislative body needs not provide a physical location for the public to attend or provide comments.
- Conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the public.
- Stop the meeting until public access is restored in the event of a service disruption that either prevents the local agency from broadcasting the meeting to the public using the call-in or internet-based service option or is within the local agency's control and prevents the public from submitting public comments (any actions taken during such a service disruption can be challenged under the Brown Act's existing challenge provisions).
- Not require comments be submitted in advance (though the legislative body may provide that as an option) and provide the opportunity to comment in real-time.
- Provide adequate time for public comment, either by establishing a timed public comment period or by allowing a reasonable amount of time to comment.
- If the legislative body uses a third-party website or platform to host the teleconference, and the third-party service requires users to register to participate, the legislative body must provide adequate time during the comment period for users to register and may not close the registration comment period until the comment period has elapsed.

AB 361 also provides that, if the state of emergency remains active for more than 30 days, a local agency must make the following findings by majority vote every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules.

While the City Council and all of the City's Boards and Commissions are currently meeting in person, making the required findings provides the City Council and Board and Commission members with flexibility to participate via teleconference in meetings in the event of potential COVID-19 exposure or COVID-19 related concerns. If Council approves the proposed resolution, staff will present a staff report to Council every thirty days to verify that the circumstances continue to exist.

STRATEGIC PLAN

This agenda item relates to the City Council's Strategic Priorities in the area of Public Safety (Goal #1 Support COVID-19 Public Health Recovery).

FISCAL IMPACT

There is no fiscal impact related to this agenda item.

RECOMMENDATION

Staff recommends that Council adopt a resolution making findings and authorizing remote meetings of the City Council and all Boards and Commissions of the City of Tracy for the period of October 19, 2021, through November 19, 2021, pursuant to AB 361.

Prepared by: Leticia Ramirez, City Attorney
Nancy Ashjian, Assistant City Attorney

Reviewed by: Adrianne Richardson, City Clerk
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

ATTACHMENTS

A – Assembly Bill 361

STATE OF CALIFORNIA
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly

resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and

to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 89305.6 is added to the Education Code, to read:

89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing

and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically

or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body

shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter

2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for

the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting

of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting,

members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the

legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint

powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

O

RESOLUTION 2021-

MAKING FINDINGS AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE CITY COUNCIL AND ALL BOARDS AND COMMISSIONS OF THE CITY OF TRACY FOR THE PERIOD FROM OCTOBER 19, 2021 THROUGH NOVEMBER 19, 2021 PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, The City of Tracy is committed to preserving and nurturing public access and participation in meetings of the City Council; and

WHEREAS, All meetings of the City of Tracy's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and

WHEREAS, Assembly Bill (2021) amended the Brown Act, and in particular, Government Code section 54953(e), to allow for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, A required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, A proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the City's boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, Imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, As a condition of extending the use of the provisions found in section 54953(e), the City Council must reconsider the circumstances of the state of emergency that exists in the City, every thirty days; and

WHEREAS, Emergency conditions persist in the City, specifically, a state of emergency remains active as of March 4, 2020, when Governor Newsom issued a Proclamation of a State of Emergency across California due to COVID-19; and

WHEREAS, On March 17, 2020, the City Council of the City of Tracy ratified the declaration of an emergency by the City Manager due to COVID-19 in accordance with Chapter 3.26 of the Tracy Municipal Code; and

WHEREAS, The City Council does hereby find that COVID-19 has caused, and will continue to cause, conditions of peril to the safety of persons within the City that are likely to be beyond the control of services, personnel, equipment, and facilities of the City, and desires to affirm a local emergency exists and re-ratify the proclamation of a state of emergency by the Governor of the State of California; and

WHEREAS, As a consequence of the COVID-19 emergency persisting, the City Council does hereby find that all legislative bodies of the City of Tracy, including the City Council, Council ad hoc and subcommittees, and Boards and Commmissions, shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution as findings of this City Council by this reference.

Section 2. Findings. The City Council hereby finds that due to COVID-19, including the Delta variant, holding City Council and other legislative body meetings in person will present imminent risk to the health and safety of attendees.

Section 3. Remote Teleconference Meetings. The City Council, including Council subcommittees, and all Boards and Commissions of the City of Tracy are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

The foregoing Resolution 2021-_____ was passed and adopted by the City Council of the City of Tracy on the 19th day of October, 2021, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

October 19, 2021

AGENDA ITEM 1.I

REQUEST

APPROVE THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 4083 - TRACY HILLS VILLAGE 9A, AND AUTHORIZE THE CITY CLERK TO FILE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

EXECUTIVE SUMMARY

City staff requests that the City Council approve the Final Subdivision Map for Tract 4083 - Tracy Hills Village 9A, for subdivision into 69 single-family residential lots and numerous other parcels. Approval of the Final Subdivision Map will facilitate recordation of the Final Subdivision Map, the construction of in-tract improvements, and the issuance of the building permits to construct the residential houses. Lennar Homes of California, Inc., a California Corporation (Developer), has signed the Subdivision Improvement Agreement (SIA) and posted the required security to guarantee completion of the improvements required as a condition of approval of the Final Subdivision Map.

DISCUSSION

On November 10, 2020, the City Council adopted the Tracy Hills Specific Plan Amendment for the Tracy Hills Phase 1B/1C and approved various related land use entitlements, including that certain Small-Lot Vesting Tentative Subdivision Map for Tracy Hills Phase 1B, pursuant to Resolution No. 2020-188 (VTSM). The VTSM includes 432 single-family residential lots, park parcels, HOA recreation area parcel, dual-use retention basin parcel, and numerous other parcels to be owned and maintained by Homeowners Association, Developer or City, on approximately 309.9 acres located in the Tracy Hills Specific Plan Area, west of Tracy Hills Phase 1A in the vicinity of Tracy Hills Drive. Attachment A shows the overall Tracy Hills Phase 1B project area and the location of the subject Final Subdivision Map for Tract 4083 - Tracy Hill Phase 9A.

The Developer is requesting approval of the Final Subdivision Map for Tract 4083 - Tracy Hills Village 9A to create 69 single-family residential lots and other associated parcels located on approximately 24.0 acres within the boundaries of and in conformance with the VTSM. The Final Subdivision Map for Tract 4083 - Tracy Hills Phase 9A (Attachment B) has been prepared on behalf of the Developer and reviewed by the Engineering Division.

The Conditions of Approval for the VTSM require the Developer to design and construct certain on-site improvements connected with the approval of the Final Subdivision Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City Standards. Improvement Plans for the required public street and utility improvements have been prepared on behalf of the Developer and approved by the City Engineer. Landscape Improvement Plans for the required landscape and irrigation improvements in the parkway strips within the public streets are still under review by the City Engineer and will be incorporated into and made part of the SIA upon approval by the City Engineer. Since the required improvements will not be completed prior to the recordation of the Final Subdivision Map, the Developer has requested to execute the

SIA to guarantee the completion of the improvements as authorized by Government Code Section 66462.

The SIA (Attachment C) addresses construction of the public streets, utilities and other in-tract improvements associated with the 69 single-family residential lots and other facilities that will be constructed by the Developer as part of Tract 4083 - Tracy Hills Village 9A.

The SIA is intended to replace and supersede the Inspection Improvement Agreement for Tract 4083 - Tracy Hills Village 9A that was approved by the City Manager on September 3, 2021, and executed by the City and Developer, which allowed the Developer to proceed with the construction and installation of the required public improvements at its own risk prior to the Engineering Division's completion of the review and approval of the appurtenant plans and specifications.

The Developer has executed the SIA and posted the required security to guarantee completion of the improvements.

The Final Subdivision Map has been reviewed as to its substantial compliance with approved Vesting Tentative Subdivision Map. The SIA, and Final Subdivision Map are attached, and the Improvement Plans are on file with the City Engineer and are available for review upon request.

Upon completion of all improvements, the City will accept the public improvements for maintenance and will accept all offers of dedication of public right-of-way and other public parcels at that time.

FISCAL IMPACT

The Developer has paid the applicable engineering review fees, which include the cost of review of the Improvement Plans and Final Map and processing the Agreement.

STRATEGIC PLAN

This agenda item is consistent with the Council approved Economic Development Strategy to ensure physical infrastructure necessary for development.

RECOMMENDATION

Staff recommends that the Tracy City Council, by resolution, approve the Final Subdivision Map and Subdivision Improvement Agreement for Tract 4083 - Tracy Hills Village 9A, and authorize the City Clerk to file the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder.

Prepared by: Doug Rodgers, SNG & Associates, Inc.

Reviewed by: Robert Armijo, PE, City Engineer / Assistant Development Services Director
William Dean, Interim Director of Development Services
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

ATTACHMENTS

Attachment A – Location Map
Attachment B – Final Subdivision Map
Attachment C – Subdivision Improvement Agreement

ATTACHMENT A
Location Map

N

0 500 1000
(IN FEET)

LANDS OF RODGERS

N11°50'57"E
2408.17'(5)

DESIGNATED REMAINDER
2020-162750

UNION PACIFIC RAILROAD

STATE OF CALIFORNIA – CALIFORNIA AQUEDUCT
(2677 O.R. 204 / 2690 O.R. 62 / 2722 O.R. 230 / 2886 O.R. 315)

THE TRACY FERRY, LLC
(2016-048281)

PARCEL G

PARCEL F

TRACT 3954

17

TRACT NO. 3878
43 M&P 17

PARCEL BBB

TRACY HILLS DRIVE

TRACT 4083
VILLAGE 9A

FUTURE LAMMERS ROAD

TRACY HILLS DRIVE

24

TRACT 3957
43 M&P 74

R. 5 E.
R. 4 E.

26 PM 179

25

PARCEL EE

(3095 O.R. 714)

STATE OF CALIFORNIA – STATE ROUTE 580

TRACY HILLS PHASE 1C

TRACY HILLS PHASE 1B

TRACY HILLS PHASE 1A

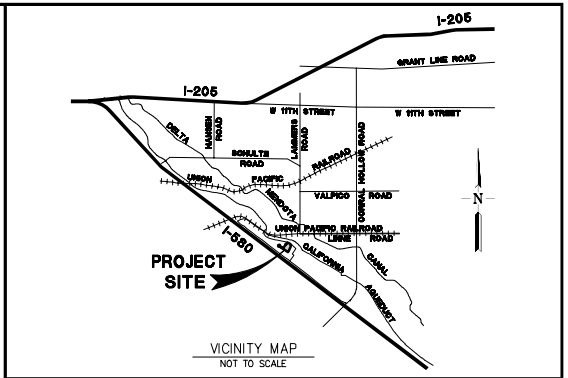
TRACT NO. 4083
SUBDIVISIONS OF SAN JOAQUIN COUNTY

TRACY HILLS VILLAGE 9A

BEING A SUBDIVISION OF PORTIONS OF PARCELS 2 AND 3 AS SHOWN ON THE PARCEL MAP RECORDED NOVEMBER 23, 2020 IN BOOK 26 OF PARCEL MAPS AT PAGE 179 OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, BEING PORTIONS OF SECTIONS 1 AND 12, T. 3 S., R. 4 E. MOUNT DIABLO MERIDIAN

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI–JENSEN–AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
AUGUST 2021



OWNER'S STATEMENT

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE ALL THE PARTIES HAVING RECORD TITLE INTEREST IN THE LANDS SUBDIVIDED AND SHOWN ON THIS FINAL MAP OF "TRACT NO. 4083, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY HILLS VILLAGE 9A", CITY OF TRACY, CALIFORNIA, AND WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS FINAL MAP IN THE OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, CALIFORNIA.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY, IN FEE, FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "TRACY HILLS DRIVE", "LAMMERS ROAD", "KUSNICK STREET", "BARTON AVENUE", "SINGH LANE", "ARIEL LANE", "CORSICA AVENUE", AND "DUSTIN PLACE" WITHIN THE BOUNDARY OF THIS MAP ARE FOR THE PURPOSE OF PUBLIC STREETS.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY AS AN EASEMENT FOR PUBLIC PURPOSES: THE CITY OF TRACY SHALL RESERVE THE RIGHT TO CONTROL ACCESS OVER AND ACROSS THE 1–FOOT WIDE ACCESS RESERVE STRIP SHOWN AT THE WEST END OF SINGH LANE AND BARTON AVENUE.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY, IN FEE, FOR PUBLIC PURPOSES: THE AREA DESIGNATED ON THIS MAP AS "PARCEL C" IS FOR PUBLIC SANITARY SEWER AND ACCESS PURPOSES.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE HOMEOWNERS ASSOCIATION: THE AREAS DESIGNATED ON THIS MAP AS PARCELS "A", "B", "D", "E", AND "F".

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY AS AN EASEMENT FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "PUBLIC UTILITY EASEMENT" OR "PUE" ARE FOR PUBLIC UTILITY PURPOSES, INCLUDING THE RIGHTS OF INGRESS, EGRESS, CONSTRUCTION, RECONSTRUCTION, ACCESS FOR MAINTENANCE OF WORKS, IMPROVEMENTS AND STRUCTURES, AND THE CLEARING OF OBSTRUCTIONS AND VEGETATION.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY AS AN EASEMENT FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "STORM DRAIN EASEMENT" OR "SDE" ARE FOR PUBLIC STORM DRAIN PURPOSES, INCLUDING THE RIGHTS OF INGRESS, EGRESS, CONSTRUCTION, RECONSTRUCTION, ACCESS FOR MAINTENANCE OF WORKS, IMPROVEMENTS AND STRUCTURES, AND THE CLEARING OF OBSTRUCTIONS AND VEGETATION.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY AS AN EASEMENT FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "SANITARY SEWER EASEMENT" OR "SSE" ARE FOR PUBLIC SANITARY SEWER PURPOSES, INCLUDING THE RIGHTS OF INGRESS, EGRESS, CONSTRUCTION, RECONSTRUCTION, ACCESS FOR MAINTENANCE OF WORKS, IMPROVEMENTS AND STRUCTURES, AND THE CLEARING OF OBSTRUCTIONS AND VEGETATION.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY AS AN EASEMENT FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "SIGHT DISTANCE EASEMENT" OR "STDE" ARE FOR DEDICATION TO THE CITY OF TRACY AS A NON–EXCLUSIVE SURFACE EASEMENT FOR SIGHT DISTANCE PURPOSES INCLUDING THE CLEARING OF OBSTRUCTIONS AND VEGETATION FOR THE PURPOSE OF MAINTAINING THE AREA SUCH THAT NO STRUCTURES OR VEGETATION ARE HIGHER THAN 2 FEET ABOVE THE TOP OF CURB.

THE REAL PROPERTY DESCRIBED BELOW IS RESERVED AS AN EASEMENT FOR PRIVATE PURPOSES: THE AREAS DESIGNATED AS "LANDSCAPE MAINTENANCE EASEMENT" OR "LME" ARE FOR LANDSCAPING PURPOSES. SAID AREAS SHALL BE CONVEYED TO THE HOMEOWNERS ASSOCIATION OF THIS SUBDIVISION BY SEPARATE INSTRUMENT.

THE UNDERSIGNED HEREBY RELINQUISH TO THE PUBLIC FOREVER ALL ABUTTERS RIGHTS OF ACCESS FOR PEDESTRIAN AND VEHICLE INGRESS AND EGRESS ACROSS THE LOT LINES SHOWN THUSLY //////////// (LOTS 1, 59 AND 60 TO AND FROM KUSNICK STREET, LOTS 34, 41, 42 AND 49 TO AND FROM SINGH LANE, LOTS 37, 38, 45 AND 46 TO AND FROM CORSICA AVENUE, LOTS 50 AND 69 TO AND FROM ARIEL LANE).

DATED THIS _____ DAY OF _____, 2021.

OWNER: AG ESSENTIAL HOUSING CA 1, L.P., A DELAWARE LIMITED PARTNERSHIP

BY: AGWIP ASSET MANAGEMENT, LLC,
AN ARIZONA LIMITED LIABILITY COMPANY,
ITS AUTHORIZED AGENT

BY: _____
STEVEN S. BENSON, ITS MANAGER

OWNER'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF ARIZONA)
)
COUNTY OF MARICOPA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 202__, BY STEVEN S. BENSON, THE MANAGER OF AGWIP ASSET MANAGEMENT, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, THE AUTHORIZED AGENT OF AG ESSENTIAL HOUSING CA 1, L.P., A DELAWARE LIMITED PARTNERSHIP, FOR AND ON BEHALF THEREOF.

_____
NOTARY PUBLIC

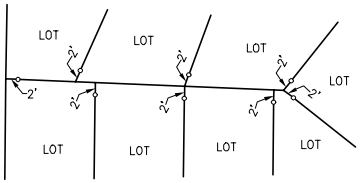
MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

PRINCIPAL COUNTY OF BUSINESS: _____

NOTES:

1. APPROVAL OF THIS FINAL TRACT MAP IS SUBJECT TO THE VESTING TENTATIVE MAP (APPLICATION NUMBER TSM18–0006) CONDITIONS OF APPROVAL DATED NOVEMBER 10, 2020.
2. ALL FRONT CORNERS ARE TO BE REFERENCED WITH A BP2 SURVEY MARKER W/ ANCHORING PLUG (30MM) STAMPED RJA LS 6441 AT THE TOP OF CURB ON LOT LINE PROJECTIONS, UNLESS OTHERWISE NOTED.
3. ALL REAR CORNERS ARE TO BE REFERENCED WITH A 3/4" IRON PIPE AND CAP OR A NAIL AND TAG SET ON THE CORRESPONDING SIDE PROPERTY LINES ON A 2 FEET OFFSET AS TYPICALLY SHOWN BELOW, UNLESS OTHERWISE NOTED.



RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2021, AT _____ __M., IN BOOK _____ OF MAPS AND PLATS, AT PAGE _____, RECORDER'S SERIES NO. _____ AT THE REQUEST OF FIRST AMERICAN TITLE COMPANY.

FEE: $_____ PAID

STEVE J. BESTOLARIDES
ASSESSOR/RECORDER/COUNTY CLERK

BY: _____
DEPUTY COUNTY RECORDER

JOB NO. 185011

SHEET 1 OF 12 SHEETS

ATTACHMENT B
Final Subdivision Map

C:\JOBS\185011\SURVEY\CAD FILES\FINAL MAP\TRACT 4083 - 9A\185011-FMLOM 7/15/2021 10:36:19 AM ALAN KELLER

TRACT NO. 4083
SUBDIVISIONS OF SAN JOAQUIN COUNTY

TRACY HILLS VILLAGE 9A

BEING A SUBDIVISION OF PORTIONS OF PARCELS 2 AND 3 AS SHOWN ON THE PARCEL MAP RECORDED NOVEMBER 23, 2020 IN BOOK 26 OF PARCEL MAPS AT PAGE 179 OFFICIAL RECORDS OF SAN JOAQUIN COUNTY,
BEING PORTIONS OF SECTIONS 1 AND 12, T. 3 S., R. 4 E.
MOUNT DIABLO MERIDIAN

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
AUGUST 2021

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF AG ESSENTIAL HOUSING CA 1, L.P. ON JANUARY 1, 2021. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP (IF ANY), THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE DECEMBER 31, 2022, AND THAT SAID MONUMENTS ARE OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATED THIS _____ DAY OF _____, 2021.

_____
SCOTT A. SHORTLIDGE, P.L.S. NO. 6441

LICENSED LAND SURVEYOR
SCOTT A. SHORTLIDGE
No. 6441
STATE OF CALIFORNIA

CITY ENGINEER'S STATEMENT

I, ROBERT ARMIJO, HEREBY STATE THAT I AM THE CITY ENGINEER OF THE CITY OF TRACY, CALIFORNIA AND THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT 4083, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY HILLS VILLAGE 9A", CITY OF TRACY, CALIFORNIA AND THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF. I FURTHER STATE THAT THIS FINAL MAP COMPLIES WITH ALL THE PROVISIONS OF TITLES 10 AND 12 OF THE TRACY MUNICIPAL CODE, AND ANY AMENDMENTS THERETO, APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP.

DATED THIS _____ DAY OF _____, 2021.

_____
ROBERT ARMIJO, R.C.E. NO. 63173
CITY ENGINEER

REGISTERED PROFESSIONAL ENGINEER
ROBERT ARMIJO
No. 63173
CIVIL
STATE OF CALIFORNIA

SURVEYOR FOR THE CITY STATEMENT

I, DAVID W. ENKE, HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT 4083, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY HILLS VILLAGE 9A", CITY OF TRACY, CALIFORNIA AND THAT THE SUBDIVISION SHOWN HEREON COMPLIES WITH ALL THE PROVISIONS OF CHAPTER 2 OF THE CALIFORNIA SUBDIVISION MAP ACT, AS AMENDED, AND THAT THIS FINAL MAP IS TECHNICALLY CORRECT.

DATED THIS _____ DAY OF _____, 2021.

_____
DAVID W. ENKE, L.S. NO. 4071

LICENSED LAND SURVEYOR
DAVID W. ENKE
No. 4071
STATE OF CALIFORNIA

CERTIFICATE OF DEDICATION

THE FOLLOWING REAL PROPERTY IS DEDICATED BY AG ESSENTIAL HOUSING CA 1, L.P., 8585 E. HARTFORD DRIVE, SUITE 118, SCOTTSDALE, AZ 85255:

"TRACY HILLS DRIVE", "LAMMERS ROAD", "KUSNICK STREET", "BARTON AVENUE", "SINGH LANE", "ARIEL LANE", "CORSICA AVENUE", AND "DUSTIN PLACE" FOR THE PURPOSES OF PUBLIC STREET RIGHTS-OF-WAY; AND "PARCEL C" FOR PUBLIC SANITARY SEWER AND ACCESS PURPOSES.

THE FOLLOWING REAL PROPERTY IS DEDICATED BY AG ESSENTIAL HOUSING CA 1, L.P. TO THE CITY OF TRACY AS EASEMENTS FOR PUBLIC PURPOSES: "PUBLIC UTILITY EASEMENT" OR "PUE", "SANITARY SEWER EASEMENT" OR "SSE", "STORM DRAIN EASEMENT" OR "SDE", AND "SIGHT DISTANCE EASEMENT" OR "STDE".

THE CITY OF TRACY SHALL RECONVEY THE PROPERTY TO THE SUBDIVIDER IF THE CITY OF TRACY MAKES A DETERMINATION PURSUANT TO GOVERNMENT CODE SECTION 66477.5 THAT THE SAME PUBLIC PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST, OR THE PROPERTY OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITIES.

SIGNATURE OMISSIONS:

PURSUANT TO SECTION 66436(a), 3(A)(i) OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF PARTIES OWNING THE FOLLOWING INTERESTS, WHICH CANNOT RIPEN INTO A FEE, HAVE BEEN OMITTED:
1. SJCOG, INC. CONSERVATION EASEMENTS: 2012-091623
2. CITY OF TRACY EMERGENCY VEHICLE ACCESS: 2018-009292
3. CONOCO PHILLIPS PIPELINE EASEMENTS: 1897 O.R. 449, 1963 O.R. 227

CITY CLERK'S STATEMENT

THIS IS TO STATE THAT AT ITS REGULARLY HELD MEETING ON THE _____ DAY OF _____, 2021, THE CITY COUNCIL OF THE CITY OF TRACY, CALIFORNIA PER COUNCIL RESOLUTION NO._____ APPROVED THIS FINAL MAP OF "TRACT NO. 4083, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY HILLS VILLAGE 9A", CITY OF TRACY, CALIFORNIA, AND ACCEPTED ON BEHALF OF THE PUBLIC FOR PUBLIC USE THE OFFER OF DEDICATION OF ALL PUBLIC UTILITY EASEMENTS, SANITARY SEWER EASEMENTS, STORM DRAIN EASEMENTS, AND SIGHT DISTANCE EASEMENTS, ACCEPTED ON BEHALF OF THE PUBLIC THE RELINQUISHMENT TO THE CITY OF TRACY ALL ACCESS RIGHTS OF LOTS 1, 59 AND 60 TO AND FROM KUSNICK STREET, LOTS 34, 41, 42 AND 49 TO AND FROM SINGH LANE, LOTS 37, 38, 45 AND 46 TO AND FROM CORSICA AVENUE, LOTS 50 AND 69 TO AND FROM ARIEL LANE, ACCEPTED ON BEHALF OF THE PUBLIC THE RIGHT TO CONTROL ACCESS OVER AND ACROSS THE 1-FOOT WIDE ACCESS RESERVE STRIP SHOWN AT THE WEST END OF SINGH LANE AND BARTON AVENUE. ALL AS SHOWN ON THIS FINAL MAP, ACCEPTED THE OFFER OF DEDICATION OF ALL STREET RIGHTS-OF-WAY, SUBJECT TO SATISFACTORY COMPLETION OF IMPROVEMENTS THEREON, IN ACCORDANCE WITH TITLES 10 AND 12 OF THE TRACY MUNICIPAL CODE, AND ANY AMENDMENTS THERETO, APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, AND ACCEPTED ON BEHALF OF THE PUBLIC FOR PUBLIC USE THE OFFER OF DEDICATION OF "PARCEL C", SUBJECT TO THE SATISFACTORY COMPLETION OF IMPROVEMENTS.

I HEREBY FURTHER STATE PURSUANT TO GOVERNMENT CODE SECTIONS 66434(G) AND 66499.20.2 OF THE SUBDIVISION MAP ACT, THE ABANDONMENT OF THE EASEMENT LISTED ON SHEET 3 OF THIS MAP.

I HEREBY FURTHER STATE PURSUANT TO SECTION 66477.5 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA; THE LOCAL AGENCY SHALL RECONVEY THE PROPERTY TO THE SUBDIVIDER IF THE LOCAL AGENCY MAKES A DETERMINATION PURSUANT TO SAID SECTION THAT THE SAME PUBLIC PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST, OR THE PROPERTY OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITIES, AS SPECIFIED IN SUBDIVISION (C) OF SAID SECTION.

DATED THIS _____ DAY OF _____, 2021.

_____
ADRIANNE RICHARDSON, CITY CLERK
AND CLERK OF THE CITY COUNCIL

G:\JOBS\185011\SURVEY\CAD FILES\FINAL MAP\TRACT 4083 - TRACY HILLS VILLAGE 9A.DWG 8/13/2021 11:25:49 AM ALAN MILLER

BASIS OF BEARINGS

THE LINE TAKEN AS N44°38'35"W BETWEEN TWO FOUND MONUMENTS (STATION NUMBER 2060 AND STATION NUMBER 3022) OF THE CITY OF TRACY GEODETIC CONTROL NETWORK, WHICH IS BASED UPON THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 3, NAD 83 (EPOCH 2004.0), AS SHOWN ON THE RECORD OF SURVEY FILED JUNE 26, 2007, IN BOOK 36 OF SURVEYS AT PAGE 118, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, IS THE BASIS OF BEARINGS FOR THIS MAP.

REFERENCES:

(1) DIVISION OF HIGHWAYS, DISTRICT 10, STATE HIGHWAY MAP 10 S.J. 580 11.0 SHEETS 9 TO 13 OF 21 SHEETS AND DEED 3095 O.R. 714 SAN JOAQUIN COUNTY RECORDS.
(2) RECORD OF SURVEY, 33 RS 57
(3) DEPARTMENT OF WATER RESOURCES RIGHT OF WAY MAPS, DRAWING NUMBERS 01011-39-06, 01012-39-07 AND 01013-39-08
(4) CITY OF TRACY GEODETIC CONTROL NETWORK RECORD OF SURVEY, 36 RS 118
(5) PARCEL MAP, 25 PM 168
(6) TRACT NO. 3878, 43 M & P 17
(7) PARCEL MAP, 26 PM 179

LEGEND

TRACT MAP BOUNDARY LINE	
LOT LINE	
EXISTING EASEMENT LINE	
NEW EASEMENT LINE	
MONUMENT LINE	
MONUMENT TIE LINE	
EXISTING PROPERTY LINE	
FOUND MONUMENT AS NOTED	
SET STANDARD MONUMENT, STAMPED LS 6441	
3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441	
ABUTTERS RIGHTS OF ACCESS RELINQUISHED	

PUE	PUBLIC UTILITY EASEMENT
SDE	STORM DRAIN EASEMENT
SSE	SANITARY SEWER EASEMENT
STDE	SIGHT DISTANCE EASEMENT
LME	LANDSCAPE MAINTENANCE EASEMENT
EX.	EXISTING
SQ.FT.	SQUARE FEET
(M-M)	MONUMENT TO MONUMENT
(M-PL)	MONUMENT TO PROPERTY LINE
(R)	RADIAL
(T)	TOTAL
O.R.	OFFICIAL RECORDS
(DATA)(1)	RECORD DATA & REFERENCE

TRACT NO. 4083
SUBDIVISIONS OF SAN JOAQUIN COUNTY

TRACY HILLS VILLAGE 9A

BEING A SUBDIVISION OF PORTIONS OF PARCELS 2 AND 3 AS SHOWN ON THE PARCEL MAP RECORDED NOVEMBER 23, 2020 IN BOOK 26 OF PARCEL MAPS AT PAGE 179 OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, BEING PORTIONS OF SECTIONS 1 AND 12, T. 3 S., R. 4 E. MOUNT DIABLO MERIDIAN

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA

AUGUST 2021

GRID NOTE:

THE DISTANCES SHOWN HEREON ARE GRID DISTANCES. MULTIPLY DISTANCES BY 1.0000612 TO OBTAIN GROUND LEVEL DISTANCES.

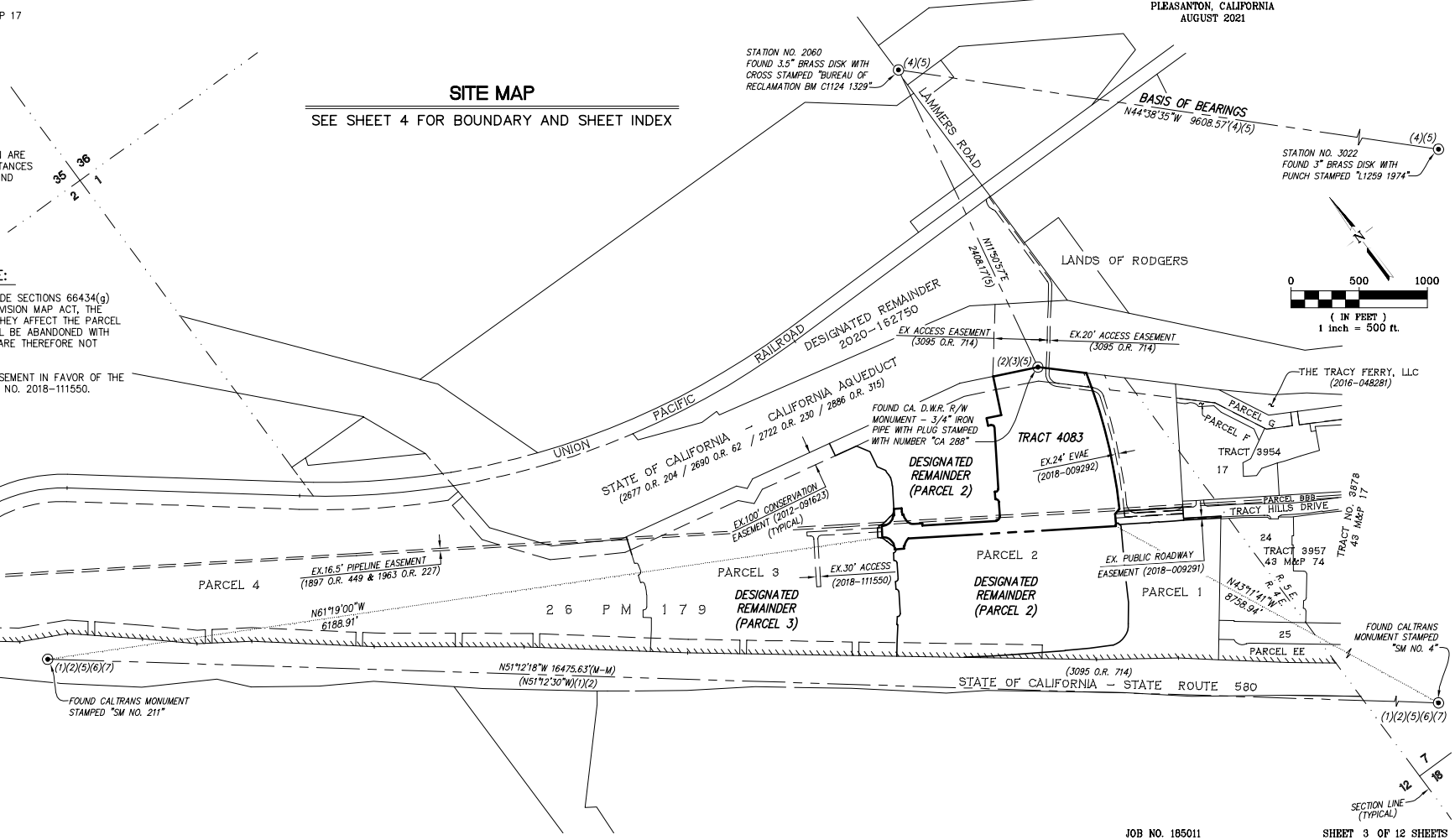
ABANDONMENT NOTE:

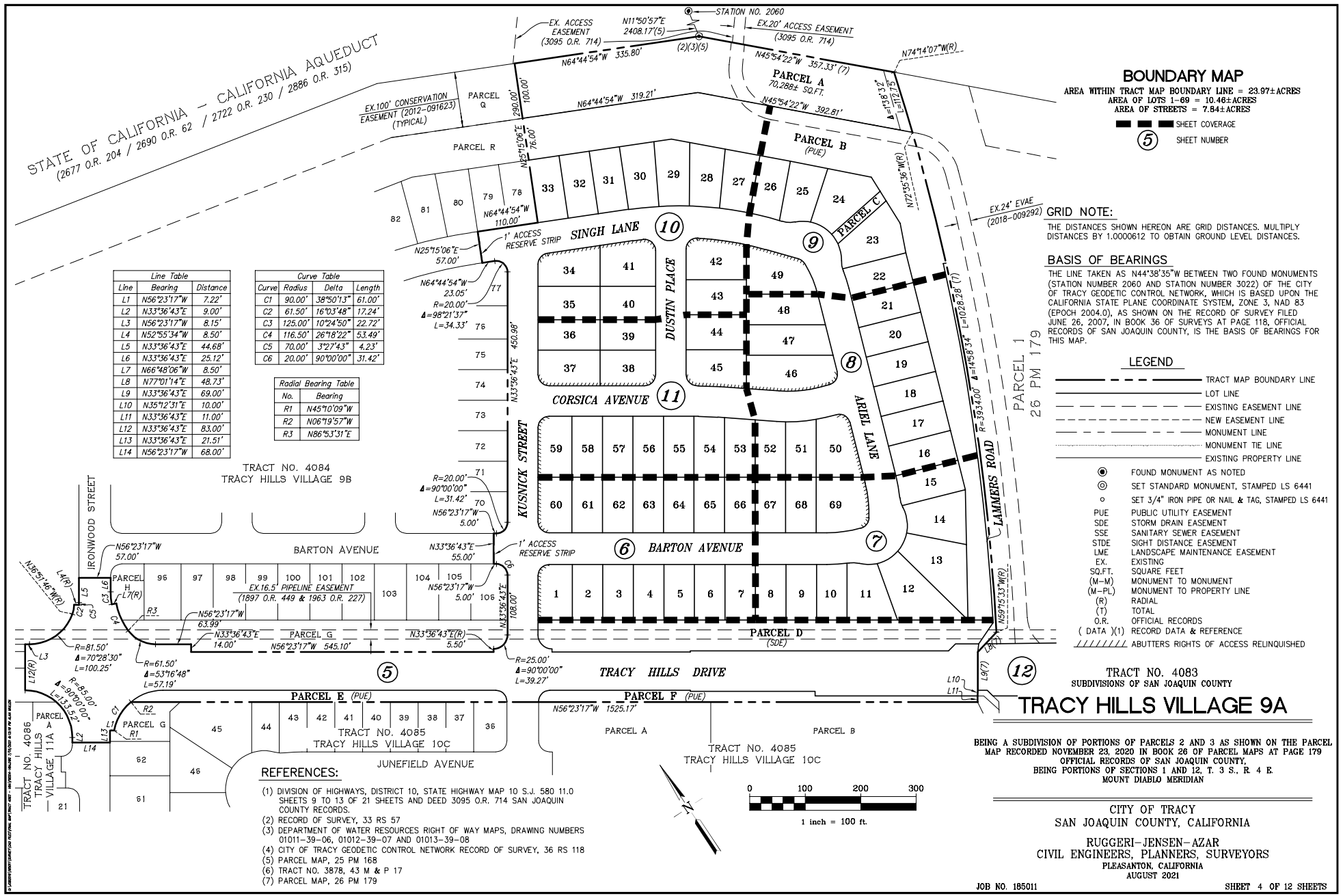
PURSUANT TO GOVERNMENT CODE SECTIONS 66434(g) AND 66499.20.2 OF THE SUBDIVISION MAP ACT, THE EASEMENT LISTED BELOW, AS THEY AFFECT THE PARCEL BEING SUBDIVIDED HEREON, WILL BE ABANDONED WITH THE FILING OF THIS MAP AND ARE THEREFORE NOT SHOWN HEREON:

1. AN ACCESS & UTILITY EASEMENT IN FAVOR OF THE CITY OF TRACY PER DOC. NO. 2018-111550.

SITE MAP

SEE SHEET 4 FOR BOUNDARY AND SHEET INDEX





Line Table		
Line	Bearing	Distance
L1	N56°23'17"W	7.22'
L2	N33°36'43"E	9.00'
L3	N56°23'17"W	8.15'
L4	N52°55'34"W	8.50'
L5	N33°36'43"E	44.68'
L6	N33°36'43"E	25.12'
L7	N66°48'06"W	8.50'
L8	N77°01'14"E	48.73'
L9	N33°36'43"E	69.00'
L10	N35°12'31"E	10.00'
L11	N33°36'43"E	11.00'
L12	N33°36'43"E	83.00'
L13	N33°36'43"E	21.51'
L14	N56°23'17"W	68.00'

Curve Table			
Curve	Radius	Delta	Length
C1	90.00'	38°50'13"	61.00'
C2	61.50'	16°03'48"	17.24'
C3	125.00'	10°24'50"	22.72'
C4	116.50'	26°18'22"	53.49'
C5	70.00'	3°27'43"	4.23'
C6	20.00'	90°00'00"	31.42'

Radial Bearing Table	
No.	Bearing
R1	N45°10'09"W
R2	N06°19'57"W
R3	N86°53'31"E

REFERENCES:

(1) DIVISION OF HIGHWAYS, DISTRICT 10, STATE HIGHWAY MAP 10 S.J. 580 11.0 SHEETS 9 TO 13 OF 21 SHEETS AND DEED 3095 O.R. 714 SAN JOAQUIN COUNTY RECORDS.
(2) RECORD OF SURVEY, 33 RS 57
(3) DEPARTMENT OF WATER RESOURCES RIGHT OF WAY MAPS, DRAWING NUMBERS 01011-39-06, 01012-39-07 AND 01013-39-08
(4) CITY OF TRACY GEODETIC CONTROL NETWORK RECORD OF SURVEY, 36 RS 118
(5) PARCEL MAP, 25 PM 168
(6) TRACT NO. 3878, 43 M & P 17
(7) PARCEL MAP, 26 PM 179

BOUNDARY MAP

AREA WITHIN TRACT MAP BOUNDARY LINE = 23.97±ACRES
AREA OF LOTS 1-69 = 10.46±ACRES
AREA OF STREETS = 7.84±ACRES

SHEET COVERAGE

(5) SHEET NUMBER

GRID NOTE:

THE DISTANCES SHOWN HEREON ARE GRID DISTANCES. MULTIPLY DISTANCES BY 1.0000612 TO OBTAIN GROUND LEVEL DISTANCES.

BASIS OF BEARINGS

THE LINE TAKEN AS N44°38'35"W BETWEEN TWO FOUND MONUMENTS (STATION NUMBER 2060 AND STATION NUMBER 3022) OF THE CITY OF TRACY GEODETIC CONTROL NETWORK, WHICH IS BASED UPON THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 3, NAD 83 (EPOCH 2004.0), AS SHOWN ON THE RECORD OF SURVEY FILED JUNE 26, 2007, IN BOOK 36 OF SURVEYS AT PAGE 118, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, IS THE BASIS OF BEARINGS FOR THIS MAP.

LEGEND

- TRACT MAP BOUNDARY LINE
- LOT LINE
- EXISTING EASEMENT LINE
- NEW EASEMENT LINE
- MONUMENT LINE
- MONUMENT TIE LINE
- EXISTING PROPERTY LINE
- FOUND MONUMENT AS NOTED
- SET STANDARD MONUMENT, STAMPED LS 6441
- SET 3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441

PUE	PUBLIC UTILITY EASEMENT
SDE	STORM DRAIN EASEMENT
SSE	SANITARY SEWER EASEMENT
STDE	SIGHT DISTANCE EASEMENT
LME	LANDSCAPE MAINTENANCE EASEMENT
EX.	EXISTING
SQ.FT.	SQUARE FEET
(M-M)	MONUMENT TO MONUMENT
(M-PL)	MONUMENT TO PROPERTY LINE
(R)	RADIAL
(T)	TOTAL
O.R.	OFFICIAL RECORDS
(DATA)(1)	RECORD DATA & REFERENCE
////////	ABUTTERS RIGHTS OF ACCESS RELINQUISHED

TRACT NO. 4083
SUBDIVISIONS OF SAN JOAQUIN COUNTY

TRACY HILLS VILLAGE 9A

BEING A SUBDIVISION OF PORTIONS OF PARCELS 2 AND 3 AS SHOWN ON THE PARCEL MAP RECORDED NOVEMBER 23, 2020 IN BOOK 26 OF PARCEL MAPS AT PAGE 179 OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, BEING PORTIONS OF SECTIONS 1 AND 12, T. 3 S., R. 4 E. MOUNT DIABLO MERIDIAN

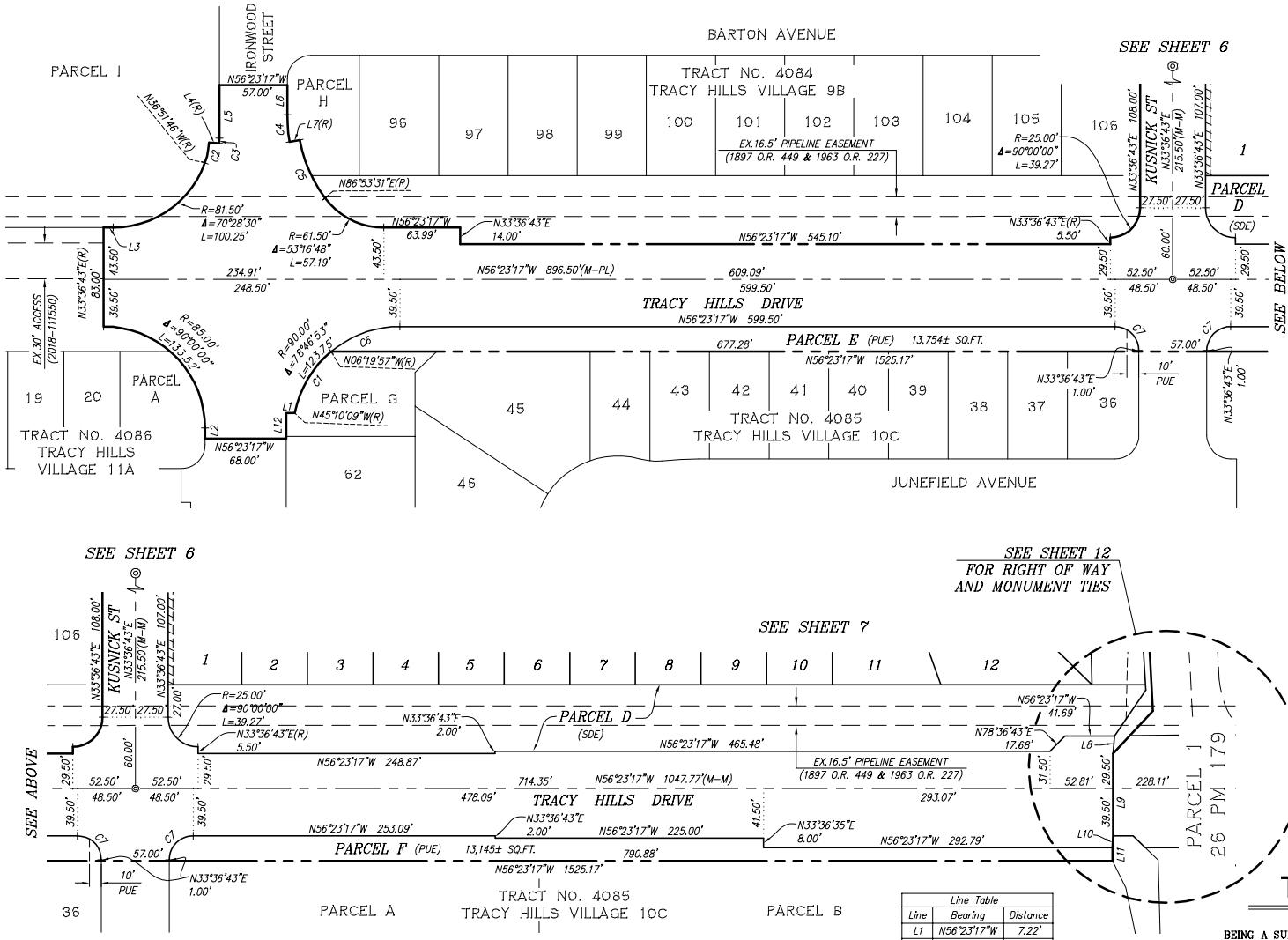
CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

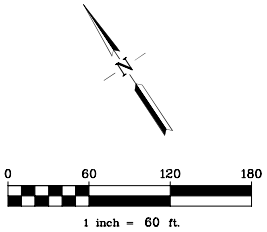
RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA

AUGUST 2021

JOB NO. 185011

SHEET 4 OF 12 SHEETS





GRID NOTE:

THE DISTANCES SHOWN HEREON ARE GRID DISTANCES. MULTIPLY DISTANCES BY 1.0000612 TO OBTAIN GROUND LEVEL DISTANCES.

BASIS OF BEARINGS

THE LINE TAKEN AS N44°38'35"W BETWEEN TWO FOUND MONUMENTS (STATION NUMBER 2060 AND STATION NUMBER 3022) OF THE CITY OF TRACY GEODETIC CONTROL NETWORK, WHICH IS BASED UPON THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 3, NAD 83 (EPOCH 2004.0), AS SHOWN ON THE RECORD OF SURVEY FILED JUNE 26, 2007, IN BOOK 36 OF SURVEYS AT PAGE 118, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, IS THE BASIS OF BEARINGS FOR THIS MAP.

LEGEND

	TRACT MAP BOUNDARY LINE
	LOT LINE
	EXISTING EASEMENT LINE
	NEW EASEMENT LINE
	MONUMENT LINE
	MONUMENT TIE LINE
	EXISTING PROPERTY LINE
◉	FOUND MONUMENT AS NOTED
◎	SET STANDARD MONUMENT, STAMPED LS 6441
○	SET 3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441
PUE	PUBLIC UTILITY EASEMENT
SDE	STORM DRAIN EASEMENT
SSE	SANITARY SEWER EASEMENT
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EX.	EXISTING
SQ.FT.	SQUARE FEET
(M–M)	MONUMENT TO MONUMENT
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(5) PARCEL MAP, 25 PM 168
(6) TRACT NO. 3878, 43 M & P 17
(7) PARCEL MAP, 26 PM 179

Curve Table			
Curve	Radius	Delta	Length
C1	90.00'	38°50'13"	61.00'
C2	61.50'	16°03'48"	17.24'
C3	70.00'	3°27'43"	4.23'
C4	125.00'	10°24'50"	22.72'
C5	116.50'	26°18'22"	53.49'
C6	90.00'	39°56'40"	62.74'
C7	20.00'	90°00'00"	31.42'

Line Table		
Line	Bearing	Distance
L1	N56°23'17"W	7.22'
L2	N33°36'43"E	9.00'
L3	N56°23'17"W	8.15'
L4	N52°55'34"W	8.50'
L5	N33°36'43"E	44.68'
L6	N33°36'43"E	25.12'
L7	N66°48'06"W	8.50'
L8	N39°00'55"E	14.56'
L9	N33°36'43"E	69.00'
L10	N35°12'31"E	10.00'
L11	N33°36'43"E	11.00'
L12	N33°36'43"E	21.51'

TRACT NO. 4083
SUBDIVISIONS OF SAN JOAQUIN COUNTY

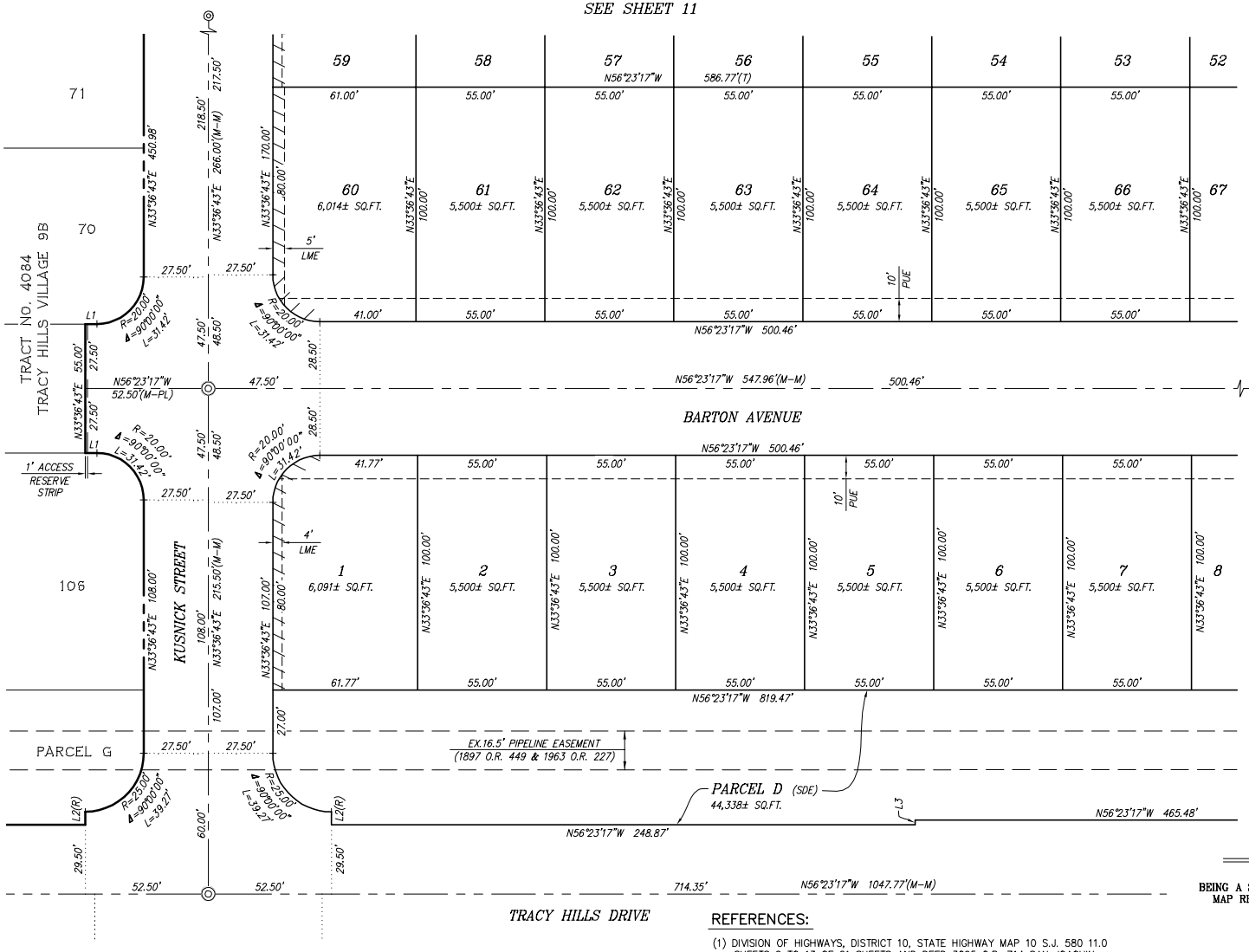
TRACY HILLS VILLAGE 9A

BEING A SUBDIVISION OF PORTIONS OF PARCELS 2 AND 3 AS SHOWN ON THE PARCEL MAP RECORDED NOVEMBER 23, 2020 IN BOOK 26 OF PARCEL MAPS AT PAGE 179 OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, BEING PORTIONS OF SECTIONS 1 AND 12, T. 3 S., R. 4 E. MOUNT DIABLO MERIDIAN

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI–JENSEN–AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA

AUGUST 2021



Line Table		
Line	Bearing	Distance
L1	N56°23'17"W	5.00'
L2	N33°36'43"E	5.50'
L3	N33°36'43"E	2.00'

REFERENCES:

(1) DIVISION OF HIGHWAYS, DISTRICT 10, STATE HIGHWAY MAP 10 S.J. 580 11.0 SHEETS 9 TO 13 OF 21 SHEETS AND DEED 3095 O.R. 714 SAN JOAQUIN COUNTY RECORDS.
(2) RECORD OF SURVEY, 33 RS 57
(3) DEPARTMENT OF WATER RESOURCES RIGHT OF WAY MAPS, DRAWING NUMBERS 01011-39-06, 01012-39-07 AND 01013-39-08
(4) CITY OF TRACY GEODETIC CONTROL NETWORK RECORD OF SURVEY, 36 RS 118
(5) PARCEL MAP, 25 PM 168
(6) TRACT NO. 3878, 43 M & P 17
(7) PARCEL MAP, 26 PM 179

0 30 60 90

1 inch = 30 ft.

GRID NOTE:

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BASIS OF BEARINGS

THE LINE TAKEN AS N44°38'35"W BETWEEN TWO FOUND MONUMENTS (STATION NUMBER 2060 AND STATION NUMBER 3022) OF THE CITY OF TRACY GEODETIC CONTROL NETWORK, WHICH IS BASED UPON THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 3, NAD 83 (EPOCH 2004.0), AS SHOWN ON THE RECORD OF SURVEY FILED JUNE 26, 2007, IN BOOK 36 OF SURVEYS AT PAGE 118, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, IS THE BASIS OF BEARINGS FOR THIS MAP.

LEGEND

	TRACT MAP BOUNDARY LINE
	LOT LINE
	EXISTING EASEMENT LINE
	NEW EASEMENT LINE
	MONUMENT LINE
	MONUMENT TIE LINE
	EXISTING PROPERTY LINE
◉	FOUND MONUMENT AS NOTED
◎	SET STANDARD MONUMENT, STAMPED LS 6441
○	SET 3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441
PUE	PUBLIC UTILITY EASEMENT
SDE	STORM DRAIN EASEMENT
SSE	SANITARY SEWER EASEMENT
STDE	SIGHT DISTANCE EASEMENT
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EX.	EXISTING
SQ.FT.	SQUARE FEET
(M-M)	MONUMENT TO MONUMENT
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O.R.	OFFICIAL RECORDS
(DATA)(1)	RECORD DATA & REFERENCE
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TRACT NO. 4083
SUBDIVISIONS OF SAN JOAQUIN COUNTY

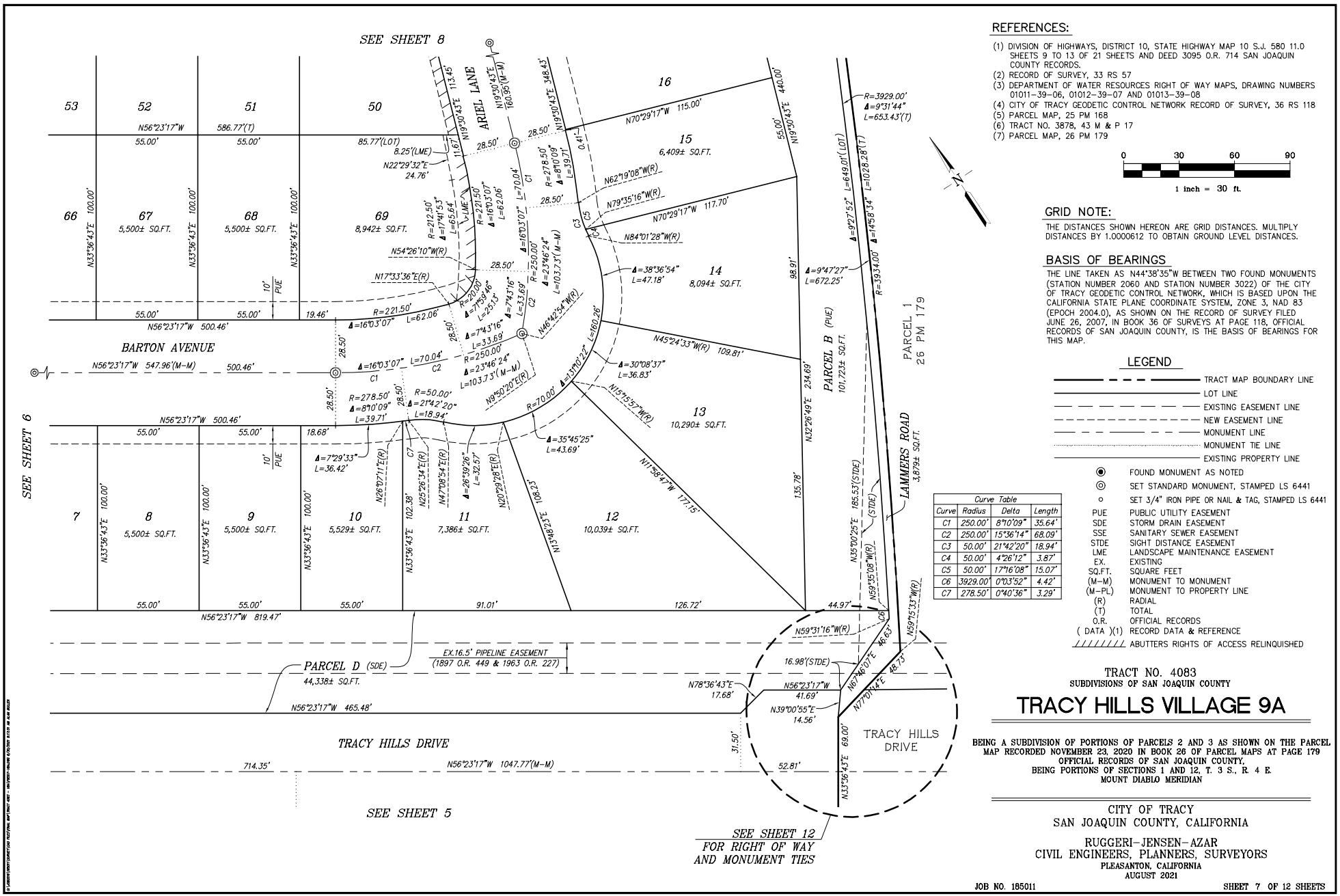
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CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
AUGUST 2021

JOB NO. 185011



REFERENCES:

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(6) TRACT NO. 3878, 43 M & P 17
(7) PARCEL MAP, 26 PM 179

0 30 60 90
1 inch = 30 ft.

GRID NOTE:

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- LOT LINE
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- EXISTING PROPERTY LINE
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- ○ SET 3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441

PUE	PUBLIC UTILITY EASEMENT
SDE	STORM DRAIN EASEMENT
SSE	SANITARY SEWER EASEMENT
STDE	SIGHT DISTANCE EASEMENT
LME	LANDSCAPE MAINTENANCE EASEMENT
EX.	EXISTING
SQ.FT.	SQUARE FEET
(M-M)	MONUMENT TO MONUMENT
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(R)	RADIAL
(T)	TOTAL
O.R.	OFFICIAL RECORDS
(DATA)(1)	RECORD DATA & REFERENCE
////////	ABUTTERS RIGHTS OF ACCESS RELINQUISHED

Curve Table

Curve	Radius	Delta	Length
C1	250.00'	8°10'09"	35.64'
C2	250.00'	15°36'14"	68.09'
C3	50.00'	21°42'20"	18.94'
C4	50.00'	4°26'12"	3.87'
C5	50.00'	17°16'08"	15.07'
C6	3929.00'	0°03'52"	4.42'
C7	278.50'	0°40'36"	3.29'

TRACT NO. 4083
SUBDIVISIONS OF SAN JOAQUIN COUNTY

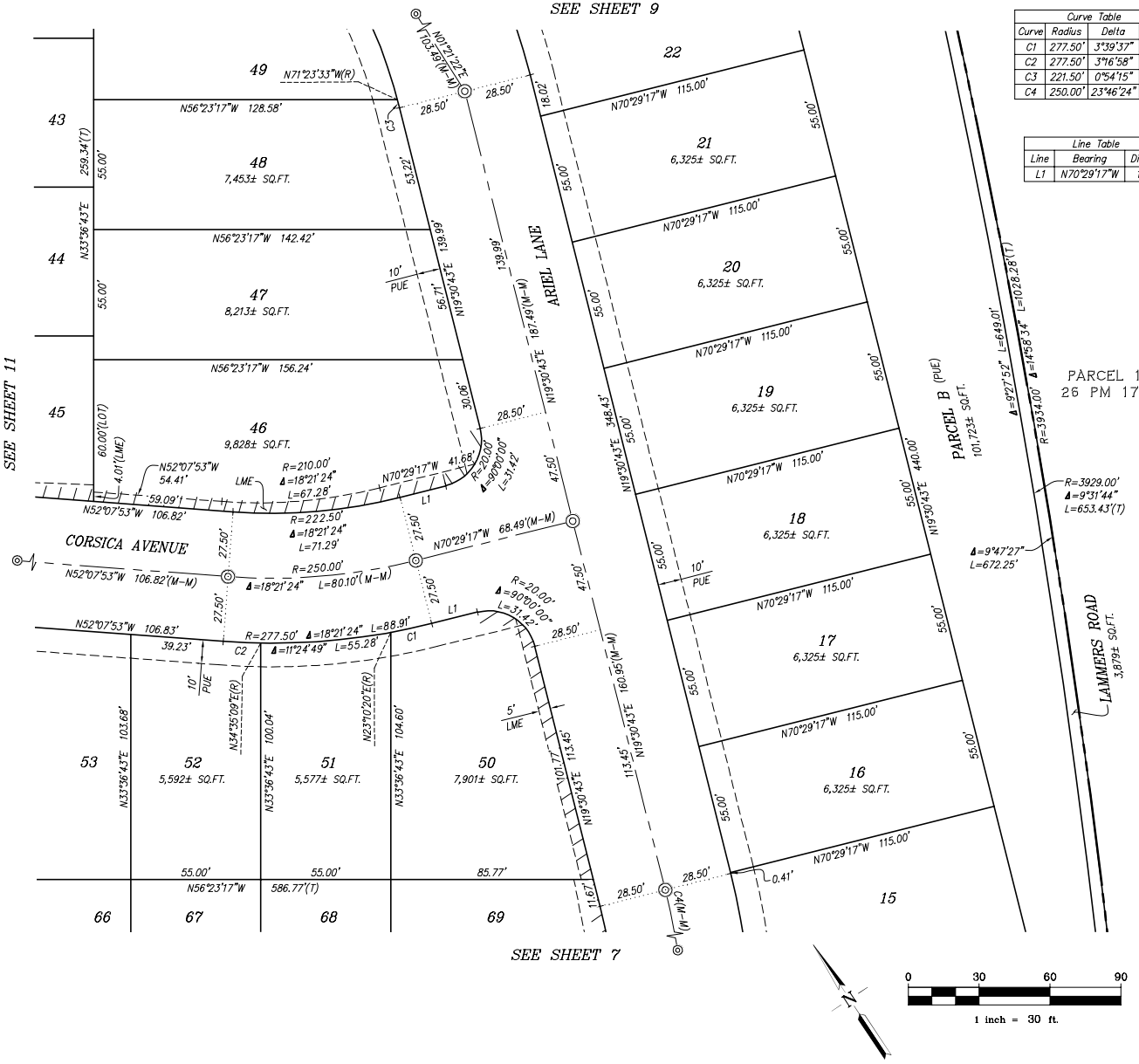
TRACY HILLS VILLAGE 9A

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CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
AUGUST 2021

JOB NO. 185011 SHEET 7 OF 12 SHEETS



Curve Table			
Curve	Radius	Delta	Length
C1	277.50'	3°39'37"	17.73'
C2	277.50'	3°16'58"	15.90'
C3	221.50'	0°54'15"	3.50'
C4	250.00'	23°46'24"	103.73'

Line Table		
Line	Bearing	Distance
L1	N70°29'17"W	19.99'

REFERENCES:

(1) DIVISION OF HIGHWAYS, DISTRICT 10, STATE HIGHWAY MAP 10 S.J. 580 11.0 SHEETS 9 TO 13 OF 21 SHEETS AND DEED 3095 O.R. 714 SAN JOAQUIN COUNTY RECORDS.
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(6) TRACT NO. 3878, 43 M & P 17
(7) PARCEL MAP, 26 PM 179

GRID NOTE:

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BASIS OF BEARINGS

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LEGEND

	TRACT MAP BOUNDARY LINE
	LOT LINE
	EXISTING EASEMENT LINE
	NEW EASEMENT LINE
	MONUMENT LINE
	MONUMENT TIE LINE
	EXISTING PROPERTY LINE
◉	FOUND MONUMENT AS NOTED
◎	SET STANDARD MONUMENT, STAMPED LS 6441
○	SET 3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441
PUE	PUBLIC UTILITY EASEMENT
SDE	STORM DRAIN EASEMENT
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(T)	TOTAL
O.R.	OFFICIAL RECORDS
(DATA)(1)	RECORD DATA & REFERENCE
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0 30 60 90

1 inch = 30 ft.

TRACT NO. 4083
SUBDIVISIONS OF SAN JOAQUIN COUNTY

TRACY HILLS VILLAGE 9A

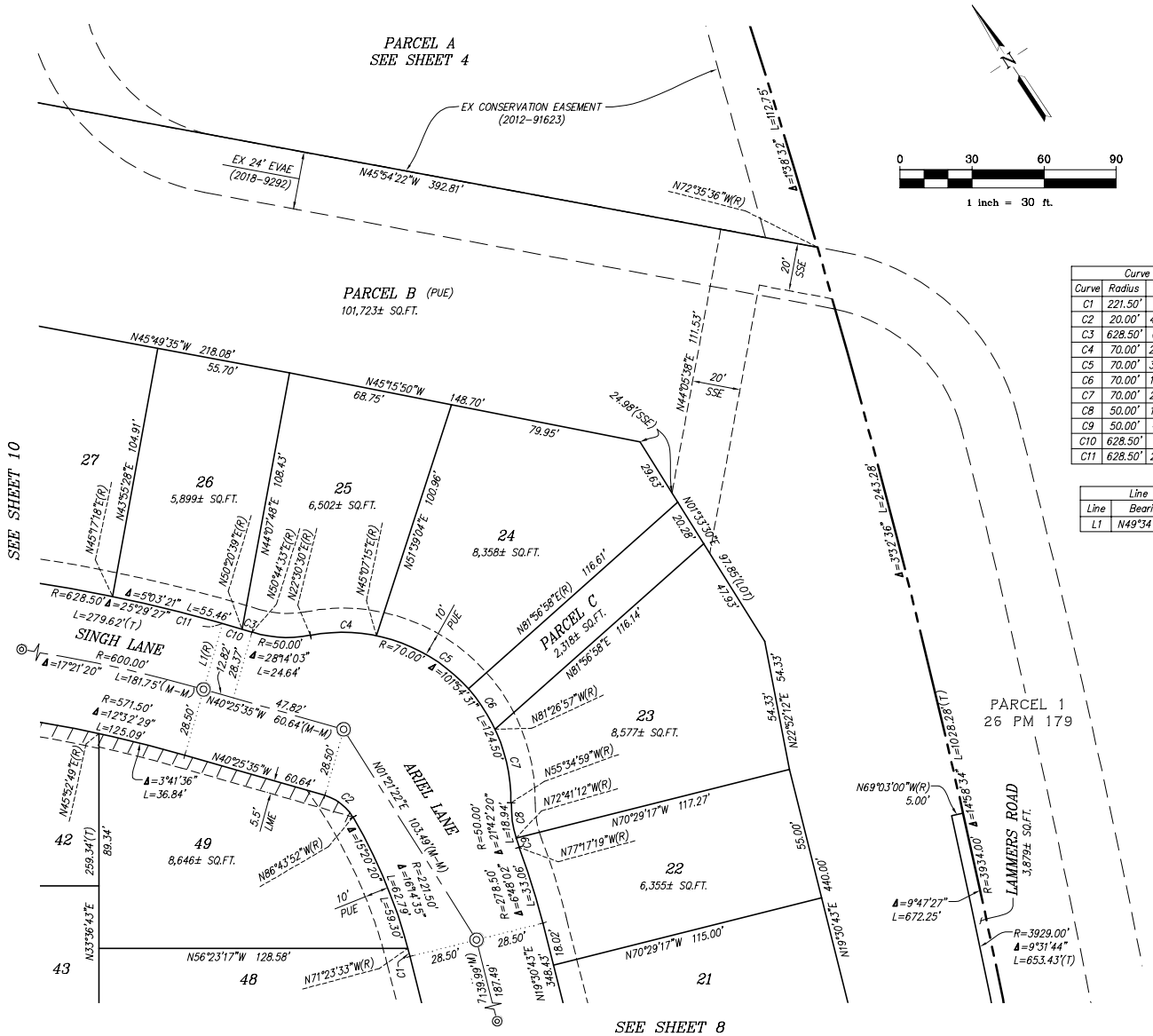
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SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
AUGUST 2021

JOB NO. 185011

SHEET 8 OF 12 SHEETS



Curve Table			
Curve	Radius	Delta	Length
C1	221.50'	0°54'15"	3.50'
C2	20.00'	43°41'43"	15.25'
C3	628.50'	0°23'54"	4.37'
C4	70.00'	22°36'45"	27.63'
C5	70.00'	36°49'43"	44.99'
C6	70.00'	16°36'06"	20.28'
C7	70.00'	25°51'58"	31.60'
C8	50.00'	17°06'13"	14.93'
C9	50.00'	4°36'07"	4.02'
C10	628.50'	1°10'09"	12.82'
C11	628.50'	24°19'18"	266.80'

Line Table		
Line	Bearing	Distance
L1	N49°34'25"E	28.50'

REFERENCES:

(1) DIVISION OF HIGHWAYS, DISTRICT 10, STATE HIGHWAY MAP 10 S.J. 580 11.0 SHEETS 9 TO 13 OF 21 SHEETS AND DEED 3095 O.R. 714 SAN JOAQUIN COUNTY RECORDS.
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(6) TRACT NO. 3878, 43 M & P 17
(7) PARCEL MAP, 26 PM 179

GRID NOTE:

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LEGEND

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TRACT NO. 4083
SUBDIVISIONS OF SAN JOAQUIN COUNTY

TRACY HILLS VILLAGE 9A

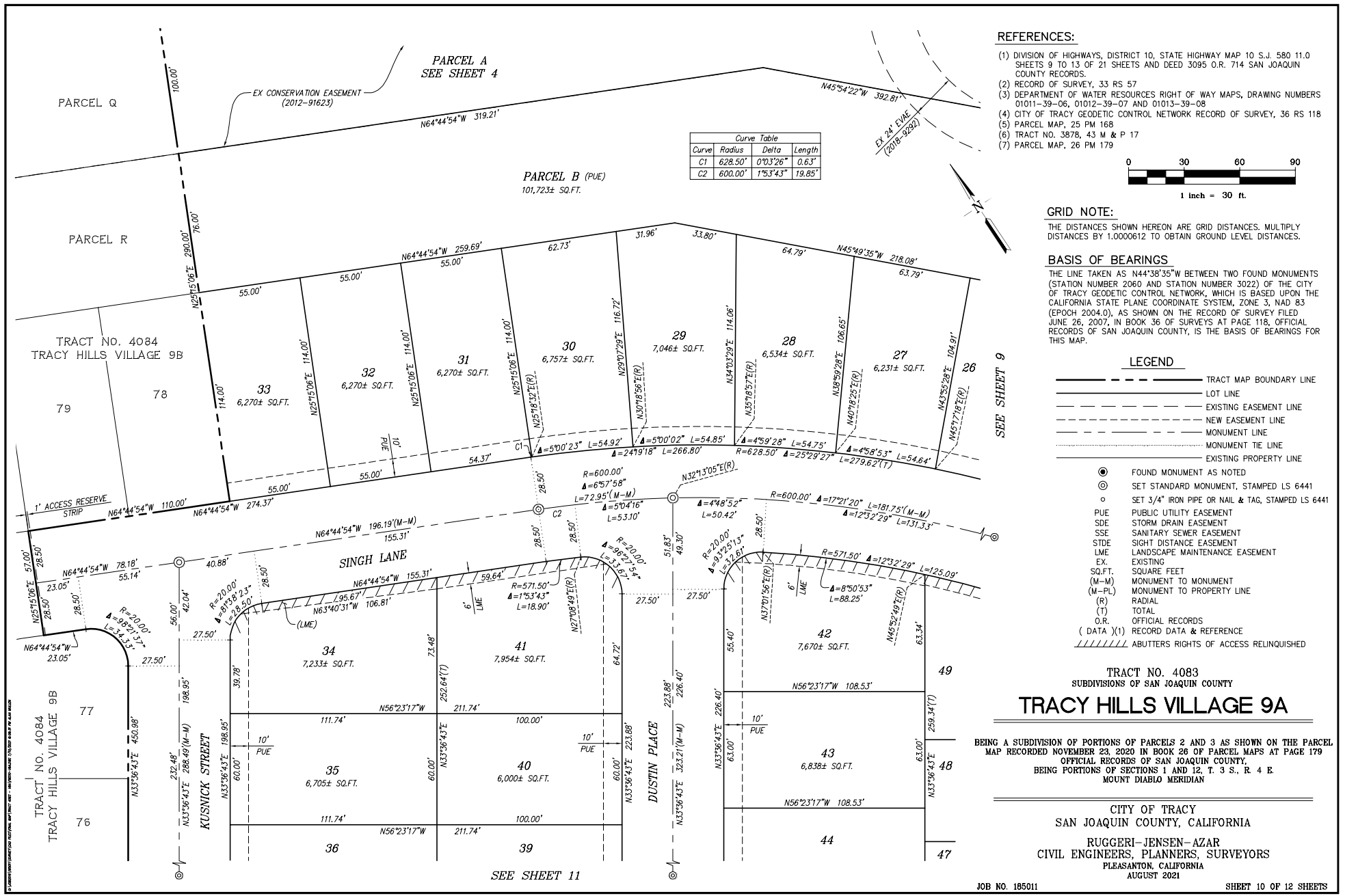
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CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
AUGUST 2021

JOB NO. 185011

SHEET 9 OF 12 SHEETS



Curve Table			
Curve	Radius	Delta	Length
C1	628.50'	0°03'26"	0.63'
C2	600.00'	1°53'43"	19.85'

REFERENCES:

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0 30 60 90

1 inch = 30 ft.

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TRACT NO. 4083
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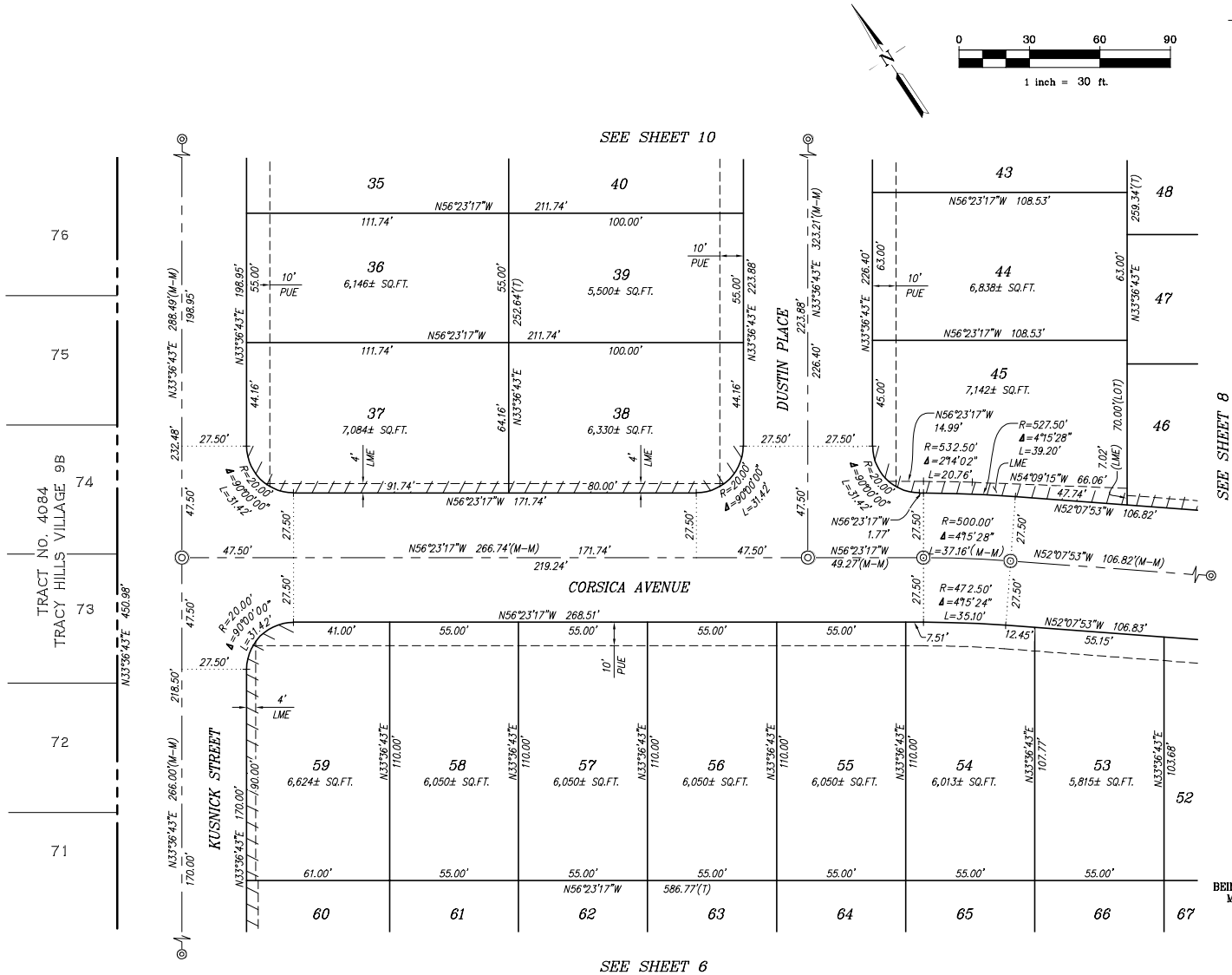
TRACY HILLS VILLAGE 9A

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OFFICIAL RECORDS OF SAN JOAQUIN COUNTY,
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MOUNT DIABLO MERIDIAN

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI-JENSEN-AZAR
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O.R.	OFFICIAL RECORDS
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TRACT NO. 4083
SUBDIVISIONS OF SAN JOAQUIN COUNTY

TRACY HILLS VILLAGE 9A

BEING A SUBDIVISION OF PORTIONS OF PARCELS 2 AND 3 AS SHOWN ON THE PARCEL MAP RECORDED NOVEMBER 23, 2020 IN BOOK 26 OF PARCEL MAPS AT PAGE 179 OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, BEING PORTIONS OF SECTIONS 1 AND 12, T. 3 S., R. 4 E. MOUNT DIABLO MERIDIAN

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
AUGUST 2021

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0 60 120 180

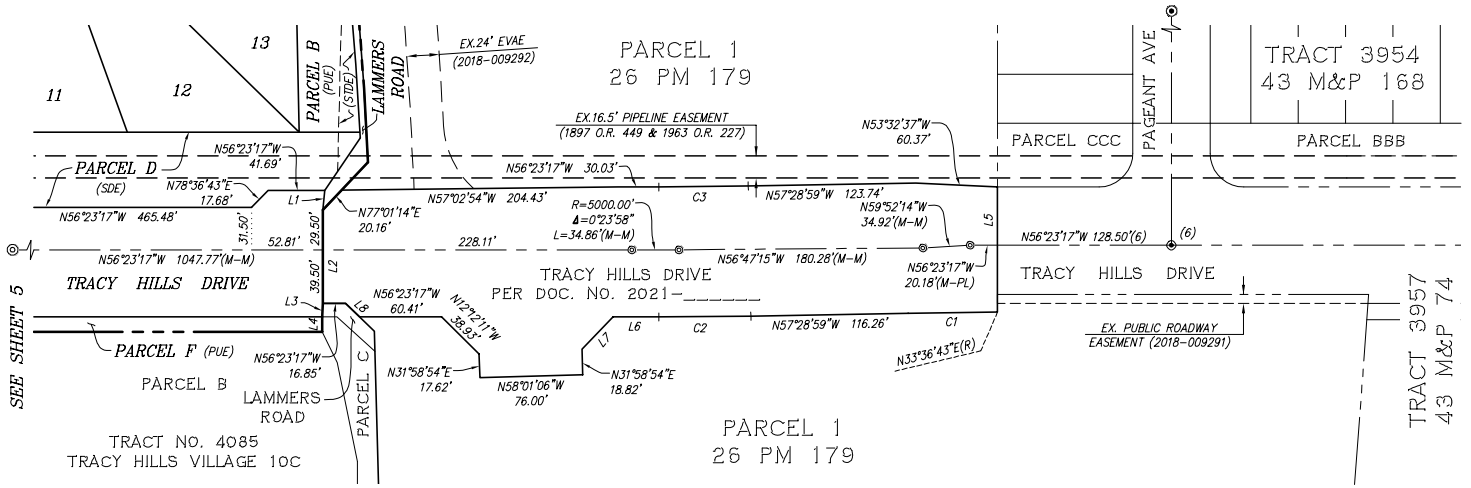
1 inch = 60 ft.

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THE DISTANCES SHOWN HEREON ARE GRID DISTANCES. MULTIPLY DISTANCES BY 1.0000612 TO OBTAIN GROUND LEVEL DISTANCES.

BASIS OF BEARINGS

THE LINE TAKEN AS N44°38'35"W BETWEEN TWO FOUND MONUMENTS (STATION NUMBER 2060 AND STATION NUMBER 3022) OF THE CITY OF TRACY GEODETIC CONTROL NETWORK, WHICH IS BASED UPON THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 3, NAD 83 (EPOCH 2004.0), AS SHOWN ON THE RECORD OF SURVEY FILED JUNE 26, 2007, IN BOOK 36 OF SURVEYS AT PAGE 118, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, IS THE BASIS OF BEARINGS FOR THIS MAP.



Line Table		
Line	Bearing	Distance
L1	N39°00'55"E	14.56'
L2	N33°36'43"E	69.00'
L3	N35°12'31"E	10.00'
L4	N33°36'43"E	11.00'
L5	N33°36'50"E	92.50'
L6	N56°23'17"W	33.85'
L7	N77°42'58"E	33.10'
L8	N12°12'11"W	14.35'

Curve Table			
Curve	Radius	Delta	Length
C1	3450.50'	1°05'42"	65.95'
C2	3548.50'	1°05'42"	67.82'
C3	3452.50'	1°05'43"	65.99'

LEGEND

	TRACT MAP BOUNDARY LINE
	LOT LINE
	EXISTING EASEMENT LINE
	NEW EASEMENT LINE
	MONUMENT LINE
	MONUMENT TIE LINE
	EXISTING PROPERTY LINE
◉	FOUND MONUMENT AS NOTED
◎	SET STANDARD MONUMENT, STAMPED LS 6441
○	SET 3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441
PUE	PUBLIC UTILITY EASEMENT
SDE	STORM DRAIN EASEMENT
SSE	SANITARY SEWER EASEMENT
STDE	SIGHT DISTANCE EASEMENT
LME	LANDSCAPE MAINTENANCE EASEMENT
EX.	EXISTING
SQ.FT.	SQUARE FEET
(M-M)	MONUMENT TO MONUMENT
(M-PL)	MONUMENT TO PROPERTY LINE
(R)	RADIAL
(T)	TOTAL
O.R.	OFFICIAL RECORDS
(DATA)(1)	RECORD DATA & REFERENCE
////////	ABUTTERS RIGHTS OF ACCESS RELINQUISHED

TRACT NO. 4083
SUBDIVISIONS OF SAN JOAQUIN COUNTY

TRACY HILLS VILLAGE 9A

BEING A SUBDIVISION OF PORTIONS OF PARCELS 2 AND 3 AS SHOWN ON THE PARCEL MAP RECORDED NOVEMBER 23, 2020 IN BOOK 26 OF PARCEL MAPS AT PAGE 179 OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, BEING PORTIONS OF SECTIONS 1 AND 12, T. 3 S., R. 4 E. MOUNT DIABLO MERIDIAN

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
AUGUST 2021

JOB NO. 185011

SHEET 12 OF 12 SHEETS

Recording Requested By:

City of Tracy
Development Services
333 Civic Center Plaza
Tracy, CA 95376

And When Recorded Mail To:

City of Tracy
Office of the City Clerk
333 Civic Center Plaza
Tracy, CA 95376
Attn: Adrianne Richardson

SPACE ABOVE THIS LINE FOR RECORDER'S INFORMATION

City of Tracy
SUBDIVISION IMPROVEMENT AGREEMENT
Tract 4083 - Tracy Hills Village 9A

This **Subdivision Improvement Agreement** ("**Agreement**") is entered into between the City of Tracy, a municipal corporation ("**City**"), and **LENNAR HOMES OF CALIFORNIA, INC.**, a California corporation ("**Developer**").

Recitals

A. Developer is the party responsible for the construction of the public improvements within a portion of the real property comprising the subject Final Subdivision Map for Tracy 4083 - Tracy Hills Village 9A, and being more particularly described and depicted in Exhibit "**A**" attached hereto and incorporated herein by reference (hereinafter "**Property**").

B. On November 10, 2020, the Tracy City Council ("**City Council**") adopted the Tracy Hills Specific Plan Amendment for Tracy Hills Phase 1B/1C and approved various related land use entitlements, including that certain Small-Lot Vesting Tentative Subdivision Map for Tracy Hills Phase 1B, Tract 4004, processed under Application No. TSM18-0006 and approved by Resolution No. 2020-188 ("**Tentative Map**"). The Tentative Map includes 432 single-family residential lots, park parcels, HOA recreation area parcel, retention basin parcel, and numerous other parcels to be owned and maintained by Homeowners Association, Developer or City on approximately 309.9 acres located in the Tracy Hills Specific Plan Area, west of Tracy Hills Phase 1A in the vicinity of Tracy Hills Drive. The Tentative Map is on file with the City Clerk, and is incorporated herein by this reference.

C. The approval of the Tentative Map by the City Council was subject to specified conditions of approval ("**Conditions of Approval**"). The Conditions of Approval, attached hereto as Exhibit "**B**", describe, among other things, improvements that are required for approval of the Final Subdivision Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City Standards.

D. In accordance with the Subdivision Map Act (California Government Code sections 66410, *et seq*) and the Subdivision Ordinance (Tracy Municipal Code, Title 12), Developer has submitted to the City the Final Subdivision Map for Tract 4083 - Tracy Hills Village 9A, consisting of 69 single-family residential lots located on approximately 24.0 acres within the boundaries of the aforementioned 432 lot Tracy Hills Phase 1B project. Exhibit "**C**" shows the overall Tracy Hills Phase 1B project area and the location of the Final Subdivision Map for Tract 4083 - Tracy Hills Village 9A, ("**Project**" or "**Project site**").

E. In accordance with the Conditions of Approval, Developer has prepared and the City Engineer has approved certain improvement plans and specifications (which incorporate portions of the City's Standard Specifications), which describe the improvements that are required for approval of the Final Subdivision Map and are incorporated herein by reference. The approved plans and specifications ("**Approved Plans and Specifications**") include: sixteen (16) sheets of improvement plans entitled "Improvement Plans, Village 9A, Tract 4083, Tracy Hills Phase 1B", prepared by Ruggeri-Jensen-Azar; four (4) sheets of joint trench plans entitled "Joint Trench Composite Plan, Tracy Hills Phase 1B, Village 9A", prepared by Power Systems Design; and four (4) sheets of street lighting plans entitled "Street Lighting Plan Set, Tracy Hills Village 9A", prepared by Power Systems Design.

F. In furtherance of the satisfaction of the Conditions of Approval, landscape improvement plans and specifications which describe in detail the landscape and irrigation improvements in the parkway strips within the public streets shown on the Final Subdivision Map have been prepared on behalf of the Developer and are under review by the City Engineer. The plans and specifications under review include landscape construction plans, entitled "Tracy Hills Landscape Improvement Plans, Neighborhood 9A, Tract 4083 Phase 1B, prepared by FORMA ("**Submitted Plans and Specifications**" or "**Additional Work**").

G. Developer shall not commence with construction of the Additional Work until such time as the City Engineer completes the review and formally approves the Submitted Plans and Specifications. Upon the formal approval by the City Engineer, the Submitted Plans and Specifications shall be incorporated into and made part of this Agreement to the same extent and the same effect as if fully and originally set forth herein as part of the Approved Plans and Specifications.

H. Because the required improvements have not been completed, Developer has requested to execute this Agreement as authorized by Government Code section 66462.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Scope of Work; Location. Developer shall perform, or cause to be performed, the Work described in the Approved Plans and Specifications, the Submitted Plans and Specifications as ultimately approved by the City Engineer, and the Conditions of Approval (hereinafter "**Work**"), to the satisfaction of the City Engineer. The Work shall

be performed, and all materials and labor shall be provided, at Developer's expense, in the manner described in the Plans and Specifications. No change shall be made to the Work unless authorized in writing by the City Engineer. Developer may submit a written request to the City Engineer for a change in the scope of Work, as authorized by Tracy Municipal Code section 12.36.060(f).

Developer shall perform all Work at the locations and grades shown on the Plans and Specifications. Developer (a) has acquired any necessary easement or right-of-way or (b) has entered into a separate Agreement with the City to acquire the necessary easement or right-of-way at Developer's expense.

2. Time of Performance. Time is of the essence in the performance of the Work, and the timing requirements set forth here shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. Developer shall submit all requests for extensions of time to the City, in writing, no later than ten days after the start of the condition that purportedly caused the delay, and not later than the date on which performance is due.

2.1 Commencement of Work. No later than 15 days before the beginning of Work, Developer shall provide written notice to the City Engineer of the date on which Developer will begin Work. Developer shall not begin Work until after the notice required by this section is properly provided, and Developer shall not begin Work before the date specified in the written notice.

2.2 Schedule of Work. Concurrently with the written notice of beginning of Work, Developer shall provide the City with a written schedule of Work, which shall be updated in writing as necessary to accurately reflect Developer's prosecution of the Work.

2.3 Completion of Work. Developer shall complete all Work by no later than 365 days after Developer's submittal of its notice of commencement of Work pursuant to Section 2.1 above. If the Work is not completed by this date, City Engineer may grant an extension of time if (a) Developer submits a written request for extension at least ten (10) days prior to expiring date of completion, (b) the City Engineer determines that Work is progressing satisfactorily and an extension is warranted, and (c) Developer pays all processing fees for such time extension.

2.4 Reversion to Acreage. If Developer fails to begin the Work before the date on which completion is due, Developer shall, upon written request by the City, consent to the reversion to acreage of all real property described by the Final Map, and Developer shall bear the costs of processing and implementing the reversion.

3. Improvement Security. Concurrently with Developer's execution of this Agreement, and before beginning any Work, Developer shall furnish contract security, in a form authorized by the Subdivision Map Act (including Government Code sections 66499 *et seq.*) and Tracy Municipal Code section 12.36.080, in the following amounts:

3.1 Faithful Performance security in the amount of **$1,569,832.00** to secure faithful performance of this Agreement (until the date on which the City Council accepts the Work as complete) under Government Code sections 66499.1, 66499.4, and 66499.9.

3.2 Labor and Material security in the amount of **$1,569,832.00** to secure payment by Developer to laborers and materialmen under Government Code sections 66499.2, 66499.3, and 66499.4.

3.3 Warranty security in the amount of **$156,984.00** to guarantee improvements against any defective work or labor done or defective materials used in performance of Work for one year from the date on which the City Council accepts the Work as complete, under Government Code sections 66499.1, 66499.4, and 66499.9.

3.4 Monumentation security in the amount of **$19,875.00** to secure faithful performance of setting monuments pursuant to Government Code section 66496.

4. Indemnification. Developer shall indemnify, defend, and hold harmless City (including its elected officials, officers, agents and employees) from and against any and all claims, demands, damages, liabilities, costs, and expenses (including court costs and attorney's fees) resulting from the performance of the Work by Developer or Developer's agents, representatives, contractors, subcontractors, or employees, except when caused by the active negligence or willful misconduct of City, until such time as all of the following have occurred: (1) the City Council accepts all of the improvements comprising the Work, (2) the City becomes responsible for the maintenance, operation and repair of all of the improvements comprising the Work, and (3) the one year warranty period set forth in Section 12, below, has expired, at which time the indemnification obligations under this Section 4 shall automatically terminate, with regard to any cause of action arising after such date. For avoidance of doubt, Developer's obligations under this Section 4 are in addition to all other Developer's obligations set forth in this Agreement, and shall not affect Developer's warranty obligations set forth in Section 12, below.

5. Insurance. Concurrently with the execution of this Agreement by Developer, and before beginning any Work, Developer shall furnish evidence to the City that the following insurance requirements have been satisfied. The insurance requirements contained in this Section 5 are material terms of this Agreement. These insurance coverage requirements below may be satisfied by umbrella or excess liability policies upon City approval.

5.1. General. Developer shall, throughout the duration of this Agreement, maintain insurance to cover Developer, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.

5.2. Commercial General Liability (with coverage at least as broad as ISO form CG 00 01) coverage shall be maintained in an amount not less than $4,000,000 per occurrence and $8,000,000 general aggregate for general liability, bodily injury, personal injury, and property damage, including without

limitation, blanket contractual liability and coverage for explosion, collapse, and underground property hazards.

5.3. Professional Contracts. Developer shall cause its design professionals to maintain professional liability insurance that insures against professional errors and omissions that may be made in performing services related to the Work to be rendered in connection with this Agreement, in the minimum amount of one million dollars ($1,000,000) per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this Agreement, and Developer agrees to cause its design professionals to maintain continuous coverage through a period no less than three years after completion of the services required pursuant to this Agreement.

5.4. Automobile Liability (with coverage at least as broad as ISO form 00 01 07 97 for "any auto" including "hired autos" and "non-owned autos") coverage shall be maintained in an amount not less than $2,000,000 per accident for bodily injury and property damage.

5.4.1. If Developer has no employees, or does not own automobiles, then "hired autos" and "non-owned autos" coverage shall be maintained in an amount not less than $1,000,000 per accident for bodily injury and property damage.

5.5. Workers' Compensation coverage shall be maintained as required by the State of California.

5.6. Endorsements. Developer shall obtain endorsements to the commercial general liability and automobile policies with the following provisions:

5.6.1. The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an Additional Insured on Developer's Commercial General Liability policy utilizing endorsement form CG 20 10 (or its equivalent) for ongoing operations and CG 20 37 (or its equivalent) for products/completed operations.

5.6.2. For any claims related to this Agreement, Developer's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of Developer's insurance and shall not contribute with it.

5.6.3. Developer shall require its contractors and subcontractors providing services required by this Agreement (e.g. general contractors, design professionals) to name it and the City as Additional Insureds.

5.7. Notice of Cancellation. Developer shall notify the City of any cancellation of either the commercial general liability policy or automobile insurance policy before the expiration date. For the purpose of this notice requirement, any material change in the policy before the expiration shall be considered a cancellation. Developer shall immediately obtain a replacement policy.

5.8. Authorized Insurers. All insurance companies providing coverage to Developer shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California, with an AM Best rating of at least A-:VII.

5.9. Insurance Certificate. Developer shall provide evidence of compliance with the commercial general liability insurance and automobile insurance requirements listed above by providing a certificate of insurance and

endorsements, in a form satisfactory to the City Attorney before the City executes this Agreement.

5.10. Substitute Certificates. No later than thirty (30) days before the policy expiration date of any insurance policy required by this Agreement, Developer shall provide a substitute certificate of insurance.

5.11. Developer's Obligation. Maintenance of insurance by Developer as specified in this Agreement shall in no way be interpreted as relieving Developer of any responsibility whatsoever (including indemnity obligations under this Agreement), and Developer may carry, at its own expense, such additional insurance as it deems necessary.

6. Independent Contractor Status. Developer is an independent contractor and is solely responsible for the acts of its employees, agents, and subcontractors, including any negligent acts or omissions. Developer is not City's employee and Developer shall have no authority, express or implied, to act on behalf of the City as an agent, or to bind the City to any obligation, unless the City provides prior written authorization to Developer.

7. Default.

7.1 Notice. If Developer is in default of this Agreement, as defined in Section 7.2, the City Engineer shall provide written notice to Developer and Developer's surety (if any) describing the default.

7.2 Events of default. Developer shall be in default of this Agreement if the City Engineer determines that any one of the following conditions exist:

7.2.1 Developer is insolvent, bankrupt, or makes a general assignment for the benefit of its creditors.

7.2.2 Developer abandons the Project site.

7.2.3 Developer fails to perform one or more requirements of this Agreement.

7.2.4 Developer fails to replace or repair any damage caused by Developer or its agents, representatives, contractors, subcontractors, or employees in connection with performance of the Work.

7.2.5 Developer violates any legal requirement related to the Work.

7.3 If Developer fails to cure the default within thirty (30) calendar days, or provide adequate written assurance to the satisfaction of the City Engineer that the cure will be promptly started and diligently prosecuted to its completion, the City may, in the discretion of the City Engineer, take any or all of the following actions:

7.3.1 Cure the default and charge Developer for the costs, including administrative costs and interest in an amount equal to 7% per annum from the date of default.

7.3.2 Demand Developer complete performance of the Work.

7.3.3 Demand Developer's surety (if any) complete performance of the Work.

8. **Ownership of Work.** All original documents prepared by Developer for this Agreement are the property of the City, and Developer shall provide them to the City at the completion of Developer's Work, or upon demand from the City.

9. **Inspection by the City; Inspection Fees and Fee Credits.** In order to permit the City to inspect the Work, Developer shall, at all times, provide to the City proper and safe access to the Project site, and all portions of the Work, and to all shops where portions of the Work are in preparation.

Concurrently with Developer's execution of this Agreement and before the beginning of any Work, Developer shall pay the City Inspection Fees in the amount of 3.5% of the estimated Project costs (as approved by the City Engineer). If the City requires an independent inspection, Developer shall pay all such costs and provide a report directly to the City.

Developer shall be entitled to fee credits consistent with Section 3.3 of the Development Agreement (DA), adopted by Ordinance 1213, as may be amended from time to time, and as provided in greater detail in the Finance and Implementation Plan (FIP) for the Project pursuant to the DA and Tracy Municipal Code Section 10.20.060(b)(3), as may be amended from time to time.

10. **Developer's Authorized Representative.** At all times during the progress of the Work, Developer shall have a competent foreperson or superintendent (Superintendent) on site with authority to act on behalf of Developer. Developer shall, at all times, keep the City Engineer informed in writing of the names and telephone numbers of: (a) the Superintendent; and (b) all contractors and subcontractors performing the Work.

11. **Acceptance of Work.** Before the City Council's acceptance of the Work, Developer is solely responsible for maintaining the quality of the Work and maintaining safety at the Project site. Developer's obligation to perform the Work is not satisfied until after the City Engineer has made a written determination that all obligations of the Agreement have been satisfied, all outstanding fees and charges have been paid, and the City Council has accepted the Work as complete.

12. **Warranty Period.** Developer shall warrant the quality of the Work, in accordance with the terms of the Plans and Specifications, for a period of one year after acceptance of the Work by the City Council. If during the one-year warranty period any portion of the Work is determined by the City Engineer to be defective as a result of an obligation of Developer under this Agreement, Developer shall be in default of this Agreement and shall without delay and without any cost to City repair, replace, or reconstruct any defective improvements.

13. Miscellaneous.

13.1 Notices. All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or electronically mailed to the respective party as follows:

To City	To Developer:
City of Tracy 333 Civic Center Plaza Tracy, CA 95376 Attn: City Engineer notice@cityoftracy.org	Lennar Homes of California, Inc. 2603 Camino Ramon, Suite 525 San Ramon, CA 94583 Attn: Bridgit Koller bridgit.koller@lennar.com
With a copy to:	With a copy to:
City Attorney 333 Civic Center Plaza Tracy, CA 95376 Attn: City Engineer attorney@cityoftracy.org	AG Essential Housing CA 1, LP c/o AGWIP Asset Management LLC 8585 Scottsdale, AZ 85255 Attn: Steven S. Benson, Manager steve.benson@agwipam.com

Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the email address designated above, or (2) two working days following the deposit in the United States Mail of registered or certified mail, sent to the address designated above.

13.2 Approvals by City. Any approval or consent by that is to be given by City under this Agreement shall be in writing, and any approval or consent that is not in writing shall not be binding on City.

13.3 Modifications. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

13.4 Waivers. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

13.5 Assignment and Delegation. This Agreement and any portion of it may not be assigned or transferred, nor shall any of Developer's duties be delegated, without the City's prior written consent. Any attempt to assign or delegate this Agreement without the City's written consent shall be void and of no effect. A consent by the City to one assignment shall not be deemed to be a consent to any subsequent assignment.

13.6 Jurisdiction and Venue. The interpretation, validity and enforcement of the Agreement shall be governed by the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

13.7 Permits, Licenses, and Compliance with Law. Developer shall, at Developer's expense, obtain and maintain all necessary permits and licenses for the performance of the Work. Before City signs the Agreement, Developer shall

obtain a City of Tracy Business License. Developer shall comply with all local, state, and federal laws, whether or not those laws are expressly stated in this Agreement.

13.8 Entire Agreement; Severability. This Agreement, including all documents incorporated by reference, comprises the entire integrated understanding between the parties concerning the improvements to be constructed for this Project. This Agreement supersedes all prior negotiations, representations, or agreements. If a term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in effect.

14. Signatures. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity and authority to execute this Agreement. This Agreement shall inure to the benefit of and be binding upon the parties and their successors and assigns.

The parties hereby agree to the full performance of the terms set forth herein.

City of Tracy

_____
Nancy D. Young, Mayor

Date: _____

Approved by City Council on _____
by Resolution No. _____.

Attest:

_____
By: Adrianne Richardson, City Clerk

Approved As To Form:

_____
By: Leticia Ramirez, City Attorney

Developer

LENNAR HOMES OF CALIFORNIA, INC.
a California corporation

By: Bridgit Koller
Title: Vice President

Date: 10/4/2021

Federal Employer Tax ID No. 93-1223261

Exhibits

A: Legal Description and Plat of Property (Recital A)
B: Tentative Map Conditions of Approval (Recital C)
C: Location of Project Site (Recital D)

Consent to Recordation

AG Essential Housing CA 1, LP, is the owner in fee simple of the real property described in Exhibit A and hereby consents to the recordation of this Subdivision Improvement Agreement.

AG Essential Housing CA 1 LP
a Delaware Limited Partnership

By: AGWIP Asset Management, LLC
An Arizona Limited Liability Company
Its Authorized Agent

_____
By: Steven S. Benson
Title: Manager
Date: _____

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

All that real property situate in the City of Tracy, County of San Joaquin, State of California, described as follows:

All of Lots 1 through 69, Parcel C, and all of Barton Avenue, Corsica Avenue, Dustin Place, Ariel Lane, Singh Lane, and a portion of Kusnick Street, all as shown on the final subdivision map of Tract No. 4083, Tracy Hills Village 9A, filed on _____, 2021, in Book _____ of Maps and Plats, at Page _____, Recorders Series No. 2021-_____, Official Records of San Joaquin County, California.

See Exhibit "A" Plat Map attached hereto and made a part hereof.

TRACY HILLS PHASE 1B

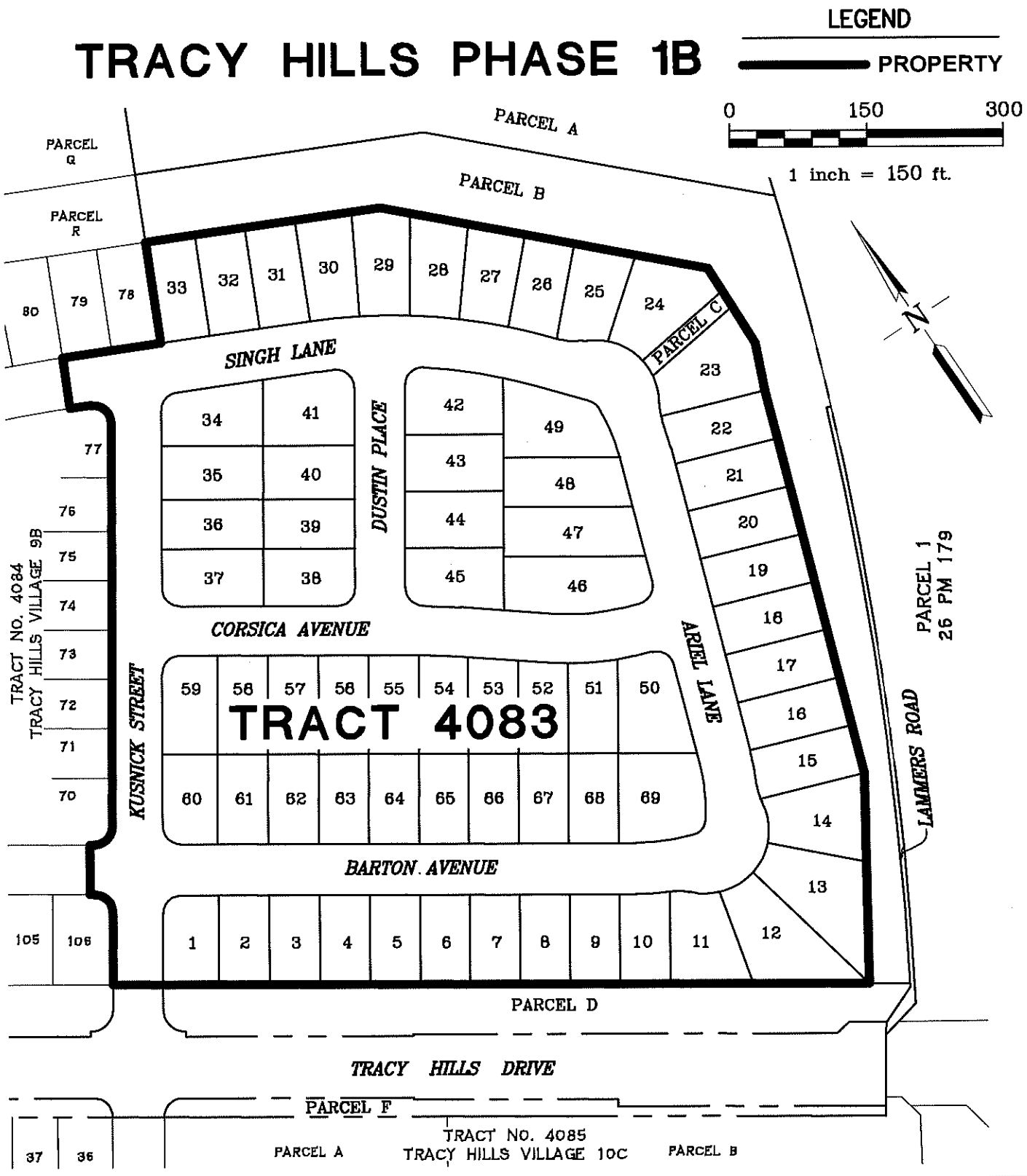


EXHIBIT A

PLAT TO ACCOMPANY LEGAL DESCRIPTION FOR SUBDIVISION IMPROVEMENT AGREEMENT TRACT 4083 – PORTION OF VILLAGE 9A

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

SCALE:	DATE:	JOB NO.:
1" = 150'	9-9-2021	185011

G:\JOB2018\185011\SURVEY\CAD FILES\PLATS\SIA V9A.DWG 9/9/2021 8:35:52 AM

EXHIBIT "B"
CONDITIONS OF APPROVAL

Conditions of Approval for Tracy Hills Phase 1B
Small-Lot Vesting Tentative Subdivision Map
Application Number TSM18-0006
November 10, 2020

Project: These Conditions of Approval shall apply to the small-lot Vesting Tentative Subdivision Map for Tracy Hills Phase 1B, Application Number TSM18-0006, including approximately 432 single-family residential lots, a park site, and approximately 70 other parcels.

Property: The property consists of approximately 310 acres located in the Tracy Hills Specific Plan Area, west of Phase 1A in the vicinity of Tracy Hills Drive, Application Number TSM18-0006.

Community Facilities Districts: Certain conditions of approval herein involve the establishment of one or more Community Facilities Districts (CFDs) to implement the Project. The imposition of conditions requiring or involving the establishment of CFDs on the Property shall not limit the City from establishing additional CFDs over the Property, subject to an affirmative vote of the Property owner(s).

A. Definitions; Abbreviations.

The definitions in the City's zoning regulations (Tracy Municipal Code, Title 10, Chapter 10.08) and subdivision ordinance (Tracy Municipal Code, Title 12, Chapter 12.08) apply, and in addition:

1. "Applicant" means any person, or other legal entity, defined as a "Subdivider" by Section 12.08.010 of the City of Tracy Municipal Code.

2. "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 here. (The Development Services Director is also referred to in the Tracy Municipal Code as the Development and Engineering Services Director.)

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 Hills Specific Plan, the Tracy Municipal Code, ordinances, resolutions, written policies, written procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).

4. "Conditions of Approval" or "Conditions" means these conditions of approval.

5. "Property" means the approximately 310 acres located in the Tracy Hills Specific Plan Area that is the subject of the small-lot Vesting Tentative Subdivision Map for Tracy Hills Phase 1B, Application Number TSM18-0006.

The following abbreviations may be used in these Conditions:

EIR	Environmental Impact Report	PI&RA	Park Improvement and Reimbursement Agreement
DIA	Deferred Improvement Agreement	PUE	Public Utility Easement
OIA	Offsite Improvement Agreement	TMC	Tracy Municipal Code

B. **Planning Division Conditions of Approval**

1. Compliance with laws. The Subdivider 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. City Regulations. Unless specifically modified by these Conditions of Approval, the Subdivider shall comply with all City Regulations.

3. Mitigation Measures. The Subdivider shall comply with all applicable mitigation measures in the Final Subsequent Environmental Impact Report (EIR) for the Tracy Hills Specific Plan Project (State Clearinghouse No. 2013102053), which was certified by the City Council on April 5, 2016, as it may be amended or modified pursuant to CEQA and the CEQA Guidelines.

4. Notice of protest period. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Subdivider that the 90-day approval period (in which the Subdivider 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 begin on the date of the conditional approval of this Project. If the Subdivider fails to file a protest of the Exactions complying with all of the requirements of Government Code Section 66020 within this 90-day period, the Subdivider 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.

5. Final Maps for Financing Purposes. For the purpose of these Conditions of Approval, if any Final Map or Parcel Map is filed within the boundaries of the Project solely for financing purposes only, and no permits will be requested pursuant to such map, then the requirements listed in these Conditions of Approval shall not apply to the final map or parcel map for financing purposes only.

6. Conformance with Vesting Tentative Subdivision Map. All Final Maps shall be in substantial conformance with the approved Vesting Tentative Subdivision Map (Application Number TSM18-0006), which was received by the Development Services Department on October 7, 2020, and approved by the City Council on November 10, 2020, unless modified by these Conditions.

7. Maintenance for Project Public Landscaping. Before approval of the first Final Map, the Subdivider shall assure that there will be sufficient funding for the ongoing costs related to public landscaping maintenance. Subdivider shall prepare public landscaping improvement plans and a public landscaping budget analysis (to be reviewed and approved by the City Public Works Director) to establish the scope of and cost estimates for public landscaping maintenance.

   As used in these Conditions of Approval:

   "Public landscaping maintenance costs" include but are not limited to all costs associated with the maintenance, operation, repair and replacement of public landscaping included in the Project. Labor costs shall be based upon and be paid at "prevailing wages," as that term is used in Section 1771 of the California Labor Code.

   "Public landscaping" includes but is not limited to the following public areas and public improvements within or adjacent to the Project: public walls, special public amenities, 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. It does not include public streets and street sweeping, but may include street lights.

   Before approval of the first Final Map, Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which adopts and implements one or more of the following three options (a., b. or c.), subject to the approval of the City's Finance Director:

   a. CFD or other funding mechanism. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall, at its expense, form a Community Facilities District (CFD) or establish another lawful funding mechanism that is reasonably acceptable to the City for the entire Property for funding or performing the on-going maintenance of public landscaping. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon successful formation, the Property will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment. If funds are needed to pay for such public

landscaping maintenance costs before collection of the first Special Services Tax (the "deficit"), then before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall deposit to the CFD (by submittal to the City's Finance Director) the amount of the deficit;

Or

b. HOA and dormant CFD. If the HOA is the chosen funding mechanism, the Subdivider must do the following:

(1) Form a Homeowner's Association (HOA) 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 within the entire tentative subdivision map area;

(2) Cause the HOA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property concurrently with the first Final Map, 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 HOA of all public landscape areas within the entire tentative subdivision map area;

(3) For each Final Map, make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas within the Final Map area;

(4) Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), annex into a CFD in a "dormant" capacity, to be triggered if the HOA 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 homebuyers and non-residential property owners, even during the dormant period.

Or

c. Direct funding. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full costs of public landscaping maintenance as identified by the approved landscaping budget analysis.

8. Maintenance for Public Landscaping for Major Program Roadways. Before approval of the first Final Map, the Subdivider shall assure that there will be sufficient funding to pay the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways, by entering into an agreement with the City, which shall be recorded against the Property, which adopts and implements one of the following two options (a. or b.), subject to the approval of the City's Finance Director:

   a. CFD. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), Subdivider shall, at its sole expense, form a Community Facilities District (CFD) for the Property, for funding the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon successful formation, the Property will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment. If funds are needed to pay for such public landscaping maintenance costs before collection of the first Special Services Tax (the "deficit"), then before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall deposit to the CFD (by submittal to the City's Finance Director) the amount of the deficit;

   Or

   b. Direct Funding. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full costs of funding the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan.

9. Parks. Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the property, which stipulates the following:

   a. Before final inspection or occupancy of the 180th dwelling unit (whichever occurs first, except for up to fifteen model homes), the Phase 1B neighborhood park shall be completed and accepted by the City Council. If the Phase 1B neighborhood park is not completed and accepted by the City Council before final inspection or occupancy of the 180th dwelling unit (whichever occurs first, except for up to fifteen model homes) , no further building permits (except for plumbing only building permits) shall be issued until the neighborhood park is completed and accepted by the City Council.

10. Conservation Easement. Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates that before issuance of a building permit for the 300th dwelling unit (except for plumbing only building permits), the Subdivider shall plant trees in the 100-foot wide conservation easement adjacent to Interstate 580, as depicted in Appendix C of the Tracy Hills Specific Plan (Figures C-6 and C-7), to the satisfaction of the Development Services Director.

11. Schools. Before issuance of a building permit for each new dwelling (except for plumbing only permits), the Subdivider shall document compliance with all applicable school mitigation requirements and provide to the City a certificate of compliance for such requirements from the Jefferson School District and Tracy Unified School District.

12. Public Services. Before approval of the first Final Map, the Subdivider shall do one of the following, subject to the approval of the City's Finance Director:

    a. CFD or other funding mechanism. The Subdivider shall enter into an agreement with the City, to be signed by the City's Finance Director, which shall be recorded against the Property, which stipulates that prior to issuance of a building permit (except for plumbing only building permits and except for up to fifteen model homes), the Subdivider will form or annex into a Community Facilities District (CFD) or establish another lawful funding mechanism that is reasonably acceptable to the City for funding the on-going operational costs of providing Police services, Public Works services and other City services to serve the Project area. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. The Subdivider shall be responsible for all costs associated with the formation or annexation proceedings. Upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment.

    Or

    b. Direct funding. The Subdivider 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 (except for plumbing only building permits and except for up to fifteen model homes), the Subdivider will fund a fiscal impact study to be conducted and approved by the City to determine the long term on-going operational costs of providing Police services, Public Works services, and other City services to serve the Project area, and deposit with the City an amount necessary, as reasonably determined by the City, to fund the full costs in perpetuity as identified by the approved study.

13. Utilities in Roundabout. The roundabout shown on the approved Vesting Tentative Subdivision Map for Tracy Hills Phase 1B shall be designed and constructed in such a manner that no utility lines intersect a 30-foot radius from the center of the roundabout in order to allow sufficient space for the planting and mature growth of any trees planted within the roundabout, which are conceptually depicted in Appendix C of the Tracy Hills Specific Plan (Figure C-9). The Subdivider shall submit Improvement Plans that demonstrate compliance with this condition, to the satisfaction of the Development Services Director.

14. Phillips 66 Pipeline Easement. A Phillips 66 pipeline easement intersects the Project site. Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates that the Subdivider shall clearly mark and label any plot plan where the location of the 16.25-foot minimum setback line from the edge of the Phillips 66 pipeline easement encroaches into the subject property of the plot plan, prior to issuance of a building permit (except for plumbing only building permits), to the satisfaction of the Development Services Director.

C. **Engineering Division Conditions of Approval**

C.1. General Conditions

C.1.1. Subdivider shall comply with the applicable requirements of the approved documents, technical analyses/reports prepared for the Project listed as follows:

a) *Tracy Hills Specific Plan,* approved by City Council on April 5, 2016, by Resolution No. 2016-063, and any amendments thereto.

b) *Amendment to the Tracy Hills Specific Plan for Phase 1B and 1C,* approved by City Council by Resolution No. 2020-_____ on November 10, 2020, including the *Transportation Consistency Analysis* prepared for the Amendment by Kimley-Horn and Associates, dated October 1, 2020, and any updates or amendments thereto ("Specific Plan Amendment").

c) *Tracy Hills Specific Plan Final Subsequent Environmental Impact Report,* dated January 2016, certified by City Council by Resolution No. 2016-062 on April 5, 2016, and the *Initial Study for the Proposed Amendment to the Tracy Hills Specific Plan for Phase 1B and 1C* prepared by Kimley-Horn and Associates, dated October 2020, including all mitigation measures incorporated therein (hereinafter referred to together as "EIR").

d) *Tracy Hills Phase 1A/B/C Plus KT Network Analysis Memorandum* prepared by Kimley-Horn and Associates, dated December 23, 2019, and *Tracy Hills Phase 1B Vesting Tentative Map Review Memorandum* prepared by Kimley-Horn and Associates, dated October 6, 2020, and any updates or amendments thereto ("Traffic Study").

e) *Tracy Hills Phase 1B and 1C Sanitary Sewer Study Technical Memorandum* prepared by Black Water Consulting Engineers, to be completed subsequent to the approval of the Vesting Tentative Subdivision Map, and any updates or amendments thereto ("Sanitary Sewer Study").

f) *Peer Review and Hydraulic Evaluation for Tracy Hills Phase 1B and 1C Technical Memorandum* prepared by West Yost Associates, dated May 7, 2020, and any updates or amendments thereto ("*Water Study*").

g) *Tracy Hills Phase 1B Drainage Analysis Technical Memorandum* prepared by Ruggeri-Jensen-Azar, dated August 4, 2020, and any revisions or additions thereto required as a result of the future review of said memorandum performed by the City storm drainage consultant ("Storm Drainage Study").

h) *Citywide Water System Master Plan* prepared by West Yost Associates, dated December 2012.

i) *Plan Line Study – Corral Hollow Road* prepared by Ruggeri-Jensen-Azar ("Corral Hollow Road Plan Line"), dated November 7, 2016.

j) Pipeline Safety Hazard Assessment, Tracy Hills Specific Plan prepared by Place Works dated September 2014.

k) *Any Finance Implementation Plan* ("FIP"), as described in Section 10.20.060(b)(3)(B) of the Tracy Municipal Code, that is approved by the City Council for the property described in the Tracy Hills Phase 1B Vesting Tentative Subdivision Map, Application No. TSM18-0006.

l) *Development Agreement,* executed between the City of Tracy and the developers of the Tracy Hills Project, approved by the City Council on April 5, 2016, by Ordinance No. 1213, and any amendments thereto ("Development Agreement").

m) Settlement Agreement, executed between the City of Tracy and the developers of the Tracy Hills Project, having an effective date of December 17, 2019 ("Settlement Agreement").

n) Agreement to Defer Payment of Development Impact Fees on New Residential Development, executed between the City of Tracy and the developers of the Tracy Hills Project, dated November 15, 2016 ("Fee Deferral Agreement").

C.1.2. Timing of Compliance: The Applicant shall satisfy each of the following conditions prior to filing the first Final Map unless a different time for compliance is specifically stated in these Conditions of Approval. Any condition requiring an improvement that has already been designed,

completed or under a City-approved agreement may be considered satisfied at the discretion of the City Engineer.

For the purpose of these Conditions of Approval, if any Final Map or Parcel Map is filed within the boundaries of the Project solely for financing purposes only, and no permits will be requested pursuant to such map, then the requirements listed in these Conditions of Approval shall not apply to the final map or parcel map for financing purposes only.

C.1.3. Revisions to the Vesting Tentative Subdivision Map ("VTSM"): The Subdivider shall incorporate revisions to comply with the recommendations and comments in the Traffic Study prior to signature by the City Engineer on the VTSM.

C.2. Improvement Plans

C.2.1. General

The Subdivider shall complete Improvement Plans to comply with all applicable laws, including the City Regulations (defined above) and these Conditions of Approval. Improvement Plans shall contain the design, construction details and specifications of improvements that are required to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.2.2. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

C.2.2. Site Grading

C.2.2.1. Erosion Control

Grading Plans shall specify the method of erosion control to be employed and materials to be used.

C.2.2.2. Grading and Drainage Plans

Submit a Grading and Drainage Plan prepared by a Registered Civil Engineer and accompanied by the Project's Geotechnical/Soils Engineering report. The report shall provide recommendations regarding adequacy of the site relative to the stability of soils such as soil types and classification, percolation rate, soil bearing capacity, highest observed ground water elevation, and others.

C.2.2.3. When the grade differential between the Project site and the adjacent property(s) exceeds 12 inches, a reinforced or masonry block wall, engineered slope, or engineered retaining wall is required for retaining soil. The Subdivider shall submit Retaining Wall Plans that includes the construction detail(s) and structural calculations of the retaining wall or masonry wall for City's review and approval.

C.2.2.4. If an engineered slope is used to retain soil on adjacent property outside the Project boundary, a slope easement will be necessary from the adjacent property. The Subdivider shall obtain a slope easement from owner(s) of the adjacent and affected property(s) and show the slope easement on the Final Map.

C.2.2.5. If applicable, show existing irrigation structure(s), channel(s) and pipe(s) that are to remain or relocated or to be removed, after coordinating with the irrigation district or owner of the irrigation facilities. If there are irrigation facilities including tile drains, that are required to remain to serve existing adjacent agricultural uses, the Subdivider shall design, coordinate and construct required modifications to the facilities to the reasonable satisfaction of the owner of the irrigation facilities and the City.

C.2.3. Grading Permit

The City will not accept a grading permit application for the Project as complete until the Subdivider has provided all relevant documents related to the grading permit required by the City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer.

C.2.4. Storm Drainage

C.2.4.1. Not used.

C.2.4.2. All permanent underground storm drainage lines, structures and facilities to be maintained by the City shall be located within right-of-way to be dedicated to the City or within an easement. If applicable, interim facilities and storm drain lines and collection basins shall be maintained by the Subdivider.

Provide design and construction details for all storm water intercept points at Project boundary at I-580 showing adequate inlet structures, erosion control features, storm drainage easements and connections to the proposed storm drainage facilities in Tracy Hills Drive.

Prior to acceptance of storm drainage facilities for maintenance by the City, the Subdivider shall revise the locations of the 50' wide openings in the Conservation Easements to align with existing drainage routes and proposed storm drainage intercept points into the Project on-site storm drainage system.

C.2.4.3. Storm drainage plans are to be submitted with the required hydrologic and hydraulic calculations for the sizing of storm drainage pipe(s) and shall comply with the Storm Drainage Study and City Regulations.

C2.4.4. Prior to acceptance of maintenance of any public facilities by the City, the Subdivider shall prepare and obtain approval from the Public Works Department of a maintenance plan for all temporary and permanent storm drainage facilities to be maintained by the Subdivider or the HOA. The maintenance plan shall show the phasing of roadway construction, mass grading, drainage facilities, including collection channels, erosion control and protection of the Phillips 66 pipeline during construction. A SWPPP may be used as the maintenance plan with approval by the City Engineer.

C.2.4.5. Storm water designs shall show facilities needed for the collection and channeling of surface water runoff and off-site flow-thru surface water runoff to underground storm drainage facilities, such as temporary drainage collection channels and sedimentation ponds. These improvements shall be shown on the Grading Plans and be approved by the City Engineer before the issuance of a Grading Permit.

C.2.4.6. Since the Project will construct a terminal retention basin, it has been determined that the Project will be exempt from the Post Construction Stormwater Quality Standards. However, should new Federal or State regulations come into effect during the buildout of the Project that would require future compliance, then the Project would not be exempted from those new requirements.

SWPPP's shall be implemented during project construction. In addition, the Project may implement stormwater control measures such as disconnected roof leaders, non-contiguous street sidewalks (providing landscape strips/parkways), tree planting in parkways and use of drought tolerant landscape with drip irrigation systems and "intelligent" controllers. Similarly, public education measures regarding the damaging effects of pollutants to water quality may also be implemented.

C.2.4.7. All storm water structural and construction details that are not part of the City Standard Plans or City Design Standards shall be provided by the Subdivider and submitted to the City for approval as part of the improvement plans.

C.2.4.8. Storm drainage retention basin, including dual-use recreation facilities, shall be contained within a parcel suitable for dedication to the City of Tracy. The basin shall be provided with appropriate fencing with warning signs, access roadways to and from public roadways and access roadways into the ponds for maintenance purposes as approved by the City Engineer. All storm drainage inlets into this basin shall have inlet structures with design acceptable to the City Engineer. All dual-use recreation facilities located with the retention basin shall be designed in consultation with the Engineering, Public Works, Parks & Recreation, and other applicable City departments and are subject to the final approval of said departments.

C.2.4.9. Fixed vertical sediment depth markers shall be installed near discharge points into the Retention Basin to assist with measurements of sediment deposition over time and future assessments of the need for maintenance activities.

C.2.4.10. Prior to or concurrently with the City's approval of the first Final Map within Project, the Subdivider shall dedicate to the City utility maintenance easements necessary for all storm drainage facilities. All requirements relating to the access and maintenance by the Utilities Department and Public Works Department shall be incorporated into the improvement plans.

C.2.5. Sanitary Sewer

C.2.5.1. All sanitary sewer lines and associated improvements shall be designed and installed per the Sanitary Sewer Study that is to be completed subsequent to the Vesting Tentative Subdivision Map approval and City Regulations. Before approval of Final Map(s) for the Project, Subdivider shall submit improvement plans and obtain approval for the plans for all on-site sewer improvements.

C.2.5.2. No final inspection of any residential building will be performed or certificate of occupancy for commercial building will be issued, with the exception of Model Homes, until all improvements required per the Sanitary Sewer Study and City Regulations are completed and functional, as determined by the City Engineer.

C.2.5.3. Subdivider shall pay impact fees at the time of issuance of building permit or in accordance with the Fee Deferral Agreement.

C.2.5.4. Prior to the City's approval of the first Final Map within Project, the Subdivider shall dedicate to the City utility maintenance easements necessary for all sanitary sewer lines. All requirements relating to the access and maintenance by the Utilities Department and Public Works Department shall be incorporated into the improvement plans.

C.2.5.5. The design for 10" sanitary sewer main shown crossing Lot 24 on the VTSM shall be revised as necessary to address access and maintenance requirements of the Public Works Department. The 10" sanitary sewer line shall be located within a parcel to be dedicated to the City for access and maintenance. A paved access shall be provided for the entire length of the parcel to be created between Lots 23 and 24 as required by the Public Works and Utilities departments.

C.2.6. Water Distribution System

C.2.6.1. All potable and recycled water lines and associated improvements shall be designed and installed per the Water Study and City Regulations.

C.2.6.2. During the construction phases (vertical construction) of the Project, the Subdivider shall be 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 Marshall.

C.2.6.3. Prior to approval of each Final Map, the Subdivider shall submit calculations and improvement plans as required by the Fire Marshall and the City Engineer, and obtain a letter from the Fire Marshall that the fire flow parameters per Tracy Design Standards Section 6.02 are met for the phased construction of water lines to the satisfaction of the Fire Marshal.

C.2.6.4. Subdivider shall install a 12-inch recycled water main in Tracy Hills Drive as required to serve the Project, connected to the existing recycled water main installed for the Tracy Hills Phase 1A project.

Initially, the 12-inch Recycled Water Main will be connected to a potable water supply (with a stub in place to future recycled water) as approved by the City until the program backbone Recycled Water facilities are in place. Once the Recycled

Water system network is online the 12-inch Recycled Water distribution main will be disconnected from the Potable Water system and connected to the Recycled Water System as part of the Recycled Water Project by the City.

C.2.6.5. Domestic and Irrigation Water Services – The HOA will be responsible for the repair and maintenance of all valves, fittings on services related to landscaping on all parcels to be owned by HOA and within HOA easements.

C.2.6.6. Fire Service Line – The Subdivider shall design and install fire hydrants at the locations approved by the Fire Marshall. Before the approval of the Improvement Plans, the Subdivider shall obtain written approval from the Fire Marshall for the design, location and construction details of the fire service connections to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.2.7. Street Improvements

C.2.7.1. Subdivider is required to design and construct all applicable on-site, frontage and off-site roadway improvements to serve the Project as identified in the Traffic Study, EIR and these Conditions of Approval. All improvements shall comply with City Regulations, Tracy Hills Design Standards and Specific Plan Amendment. Such improvements shall include, but are not limited to, roadways, water distribution system, sewer system, storm drainage systems, curb and gutter, sidewalks, street lighting system, traffic signals, ITS systems, pavement and crosswalk striping, bicycle lanes and trails, roadway signage and street signs, median islands, turn lanes, landscaping, and all necessary related improvements as required by the City. Timing of completion of street improvements shall comply with these Conditions of Approval.

In the case of a discrepancy between the information shown on the VTSM and the right-of-way and street improvement requirements in the Traffic Study, the Traffic Study shall govern unless determined otherwise by the City Engineer.

Subdivider shall conduct traffic counts as required by the City Engineer once every three months (or at other times if determined by the City Engineer) from the date of approval of the first Final map within the VTSM area. Subdivider shall submit report with the traffic counts to the City Engineer within 10 days from the date of the traffic counts. Where applicable, these traffic counts will be utilized to determine the timing of improvements that have been identified in the Traffic Report and the EIR.

C.2.7.2. Tracy Hills Drive and Other In-tract Streets – Right-of-Way

The Subdivider shall dedicate all rights-of-way that are necessary to construct Tracy Hills Drive and all the in-tract streets, based on their respective cross sections shown on the Vesting Tentative Subdivision Map ("VTSM") and in accordance the Traffic Study, with the Final Map for the respective phase. The width of travel lanes, turn lanes, street median, landscaping strips and sidewalks shall be in accordance with the Vesting Tentative Subdivision Map and the Traffic Study.

C.2.7.3. Tracy Hills Drive and Other In-tract Streets – Improvements

Design and construction details of Tracy Hills Drive and the in-tract streets such as asphalt concrete pavement, curb, gutter, median curb, sidewalks, street lights, fire hydrants, landscaping with automatic irrigation system, storm drains, catch basin and drop inlets, sanitary sewer mains and laterals, water mains, individual water services and meters, pavement marking and striping, traffic signs, driveways, curb ramps and all other street improvements shall comply with City Regulations, and shall be shown on the Improvement Plans.

Improvements along Tracy Hills Drive shall also include Class II bike lanes on both sides of the roadway and an ADA-compliant decomposed granite trail northerly of the north side of the roadway, in accordance with the VTSM and the Traffic Study.

C.2.7.4. Lammers Road South of Tracy Hills Drive – Right-of-Way

The Subdivider shall dedicate the right-of-way necessary to construct the ultimate future Lammers Road improvements (137' right-of-way) between Tracy Hills Drive and I-580, based on the Future Lammers Road (Ultimate) cross section shown on the VTSM and in accordance the Traffic Study, with the Final Map for the respective phase that meets the trigger thresholds identified in the Traffic Study. The ultimate future width and number of travel lanes and turn lanes, and width of street median, landscaping strips and sidewalks shall be in accordance with the Traffic Study.

The Subdivider shall dedicate or cause to be dedicated all right-of-way that is necessary to construct the ultimate future Lammers Road improvements between I-580 and Corral Hollow Road, and that is outside of the boundaries of the Project, in accordance the Traffic Study. Details of the roadway alignment and geometry shall be submitted for

review and approved by the City Engineer. The right-of-way shall be dedicated to the City prior to or concurrently with the Final Map that dedicates the right-of-way for the portion of Lammers Road between Tracy Hills Drive and I-580 as described above. The ultimate future width and number of travel lanes, turn lanes, and width of street median, landscaping strips and sidewalks shall be in accordance with the Traffic Study and roadway alignment and geometry as approved by the City Engineer.

C.2.7.5. Lammers Road South of Tracy Hills Drive – Improvements for Residential Units

A total of 1,347 residential units west of Corral Hollow Road, accessed via Tracy Hills Drive, can be built before triggering the need for the Lammers Road south connection between Tracy Hills Drive and Corral Hollow Road. This trigger equates to approximately 890 westbound and 473 eastbound P.M. peak hour trips along Tracy Hills Drive west of Corral Hollow Road.

Prior to approval of the first Final Map after the trigger threshold has been reached as determined by the traffic counts required by Condition C.2.7.1, the Subdivider shall construct Lammers Road improvements south of Tracy Hills Drive, extending between Tracy Hills Drive and Corral Hollow Road, including undercrossing beneath I-580, consisting of two travel lanes, and a shoulder, landscape strips and sidewalk on the east side as shown on the VTSM and in accordance with the Traffic Study. Subdivider shall obtain approval of encroachment permit and/or agreements from Caltrans for the I-580 undercrossing and related improvements within the Caltrans right-of-way.

C.2.7.6. Lammers Road South of Tracy Hills Drive – Improvements for Commercial Development

Prior to the final inspection of any commercial building developed on the area south of Tracy Hills Drive and east of future Lammers Road and designated as General Highway Commercial in the Specific Plan Amendment (Parcels T and U on the VTSM), the Subdivider shall construct the Interim Lammers Road Improvements south of Tracy Hills Drive, extending between Tracy Hills Drive and Corral Hollow Road, including widened undercrossing beneath I-580, consisting of four travel lanes, shoulders, street median, landscape strips and sidewalks as shown on the VTSM and in accordance with the Traffic Study. The final extent and cross-section geometry of the improvements shall be determined at the time of application for the commercial development.

C.2.7.7. In order to guarantee completion of the portion of the Lammers Road South of Tracy Hills Drive Improvements between I-580 and Corral Hollow Road and that lie outside of the boundaries of the Project, the Subdivider shall enter into an improvement agreement (SIA or OIA) and post an improvement security in the amounts and form in accordance with section 12.36.080 of the TMC and as required by these Conditions of Approval. The Subdivider shall submit the signed and notarized improvement agreement with the necessary improvement security before approval of the Final Map within the Project that meets the trigger thresholds identified in the Traffic Study.

C.2.7.8. Lammers Road North of Tracy Hills Drive – Right-of-Way

The Subdivider shall dedicate the right-of-way necessary to construct the ultimate future Lammers Road improvements (137' right-of-way) between Tracy Hills Drive and the California Aqueduct right-of-way, based on the Future Lammers Road (Ultimate) cross section shown on the VTSM and in accordance the Traffic Study, with the Final Map for the respective phase. The ultimate future width and number of travel lanes and turn lanes, and width of street median, landscaping strips and sidewalks shall be in accordance with the Traffic Study.

C.2.7.9. Lammers Road North of Tracy Hills Drive – Improvements for High Density Residential Development

At the time of approval of the first Final Map for residential development within the area north of Tracy Hills Drive and east of future Lammers Road (designated as High Density Residential in the Specific Plan Amendment and shown as Parcels B and C on the VTSM), the Subdivider shall construct the Interim Lammers Road improvements, extending between Tracy Hills Drive and the California Aqueduct right-of-way, consisting of four travel lanes, shoulders, street median, landscape strips and sidewalks as shown on the VTSM and in accordance with the Traffic Study. The final extent and cross-section geometry of the improvements shall be determined at the time of application for the high density residential development.

In order to guarantee completion of the Lammers Road North of Tracy Hills Drive Improvements, the Subdivider shall enter into an improvement agreement (SIA or OIA) and post an improvement security in the amounts and form in accordance with section 12.36.080 of the TMC and as required by these Conditions of Approval. The Subdivider shall submit the signed and notarized improvement agreement with the

necessary improvement security before approval of the first Final Map within Parcels B and C.

C.2.7.10. Corral Hollow Road at Lammers Road – Right of Way

Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by City Council on November 26, 2012, pursuant to Resolution 2012-240, amended on November 19, 2013, Corral Hollow Road will be a 4-lane major arterial street with a raised median, sidewalks, bicycle facilities and landscaping, as depicted on the Corral Hollow Road Plan Line.

The Subdivider shall dedicate all rights-of-way necessary for the widening of Corral Hollow Road required at the future intersection of Corral Hollow Road and Lammers Road. The dedication shall include additional right-of-way for turn lanes and transitions where applicable. If required, the Subdivider shall also dedicate right-of-way for construction of intersection improvements as outlined in the Traffic Study, including traffic signal or a roundabout for buildout requirements.

The Subdivider may be eligible for fee Credits and/or reimbursements for right-of-way dedication beyond Project's frontage obligation per the CRTMP requirements. Temporary or interim improvements are not eligible for fee credits or reimbursements.

C.2.7.11. Corral Hollow Road at Lammers Road – Improvements

Concurrent with the construction of improvements on Lammers Road south of Tracy Hills Drive as described above, the Subdivider shall construct the Corral Hollow Road and Lammers Road intersection improvements, consisting of either a roundabout or traffic signal and all associated improvements, in accordance with the Traffic Study.

C.2.7.12. Pavement Repaving/Overlay on Corral Hollow Road

For the first 144 homes within the VTSM area, the Subdivider shall pay $50,000 towards its fair share towards the estimated cost of repaving/overlay from I-580 south right-of-way line to southerly City Limits as directed by the City Engineer. At the time of construction of the intersection of future Lammers Road and Corral Hollow Road the Subdivider shall design and install repaving/overlay from the intersection to I-580 south right-of-way line as directed by the City Engineer. City will make fair share contributions collected

from other projects available to the Subdivider towards the cost of repaving/overlay.

C.2.7.13. Not used.

C.2.7.14. In order to guarantee completion of the Corral Hollow Road Improvements, the Subdivider shall enter into an improvement agreement (SIA or OIA) and post an improvement security in the amounts and form in accordance with section 12.36.080 of the TMC and as required by these Conditions of Approval. The Subdivider shall submit the signed and notarized improvement agreement with the necessary improvement security before approval of the Final Map within the Project that meets the trigger thresholds identified in the Traffic Study.

C.2.7.15. Criseldo Mina Avenue and Palmer Street - Improvements

In accordance with the Traffic Study, all improvements necessary to implement Route No. 1 in the Alternative Routes Analysis contained therein, consisting of the connection of Criseldo Mina Avenue to Palmer Street, shall be completed and said streets shall be accepted by the City Council as public roadways prior to the filing of the Final Map within the Project that meets the trigger thresholds identified in the Traffic Study.

C.2.7.16. Emergency Vehicle Access (EVA)

The existing all-weather emergency vehicle access road constructed per the Conditions of Approval and EIR Mitigation Measures for the Tracy Hills Phase 1A VTSM shall be reconstructed as necessary to conform to the extended Tracy Hills Drive improvements and the proposed Project grading north of Tracy Hills Drive, as generally shown on the VTSM.

Prior to issuance of the first building permit, the Subdivider shall ensure that the existing and reconstructed portions of the all-weather emergency vehicle access road, extending from Tracy Hills Drive northerly to its terminus at South Lammers Road, is fully accessible to Fire Department vehicles and all other necessary emergency responders at all times and to the satisfaction of the Fire Department.

C.2.7.17. Traffic Control Plan

Before starting any work within the project, the Subdivider shall submit a Traffic Control Plan for each phase of work, to show the method and type of construction signs to be used for regulating traffic at the work areas and within existing

streets accessing the work areas. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

C.2.7.18. Encroachment Permit

Before starting any work to be performed and improvements to be constructed within City's right-of-way, the Subdivider shall obtain an Encroachment Permit from the City. The Subdivider or its authorized representative shall submit all documents that are required to process the Encroachment Permit including but not limited to, approved Improvement Plans, Traffic Control Plan, payment of engineering review fees, copy of the Contractor's license, Contractor's Tracy business license, and certificate of insurance naming the City of Tracy as additional insured or as a certificate holder.

C.2.7.19. Dead-End Streets.

A standard barricade and guardrail with appropriate traffic sign will be required at street ends. Alternatively, turnarounds/ hammerheads meeting the requirements of Fire Marshall shall be provided at the dead-end streets.

C.2.7.20. All intersections shall be designed to accommodate fire truck movements as required by the Fire Department.

C.2.7.21. Subdivider must provide and verify sight distances, where applicable, with regard to intersections, reverse lots and fence placements as required by the City Engineer.

C.2.8. EIR Mitigation Measures

The EIR identifies Project impacts that are to be mitigated by the Subdivider. The mitigation measures are summarized in the Mitigation, Monitoring and Reporting Matrix contained in the EIR as referenced under Item C.1.1.c above. Subdivider shall comply with all applicable mitigation measures as outlined in the EIR including, but not limited to, the following:

a. Mitigation Measure HAZ 4.8-2b: Prior to issuance of grading permits, the Project Applicant shall work with Conoco Phillips and Shell to implement and observe a site damage-prevention plan to the satisfaction of the City of Tracy Engineering Division.

b. Mitigation Measure LU 4.10-1: All tentative and final maps within the THSP shall conform to the provisions of the 2009 ALUCP (or the ALUCP in effect at the time of Project Applicant submissions)

c. Mitigation Measure HYDRL 4.9-2: All Project Applicants shall submit and obtain City approval of a drainage plan to the City of Tracy for on-site post-construction BMP drainage improvements consistent with the Tracy Hills Storm Drain Master Plan. Once City approval is received, all Project Applicants shall construct the drainage improvements as necessary and in accordance with the timing described in the Tracy Hills Storm Drain Master Plan.

d. Mitigation Measure NOI 4.11-3e: Prior to the issuance of Grading Permits, any residential development associated with the THSP Buildout (i.e., development other than Phase 1A) located within 260 feet of the Union Pacific Railroad corridor shall have an Acoustical Analysis prepared to fully analyze acoustical impacts and develop measures, if required, to ensure that the City's exterior standards of 70 dBA would be achieved for the proposed land uses that are subject to noise from train pass-bys. The analysis shall conduct detailed train noise modeling to verify that residences are adequately shielded and/or located at an adequate distance from the rail corridor to comply with the City's exterior standards. The analysis shall also ensure that interior noise levels do not exceed 45 dBA.

e. Mitigation Measure PSR 4.12-6: Developers of subsequent phases of the Project (beyond Phase 1A) will be required to prepare SB 221 analysis for each subsequent phase of development.

f. Mitigation Measure PSR 4.12-7a: As part of the development process for each individual site-specific development under the Specific Plan, the City shall review flow monitoring, at the applicant's cost, to determine available capacity.

g. Mitigation Measure TRANS 4.13-2: To achieve compliance with CIR-3 Policy P4 and P6, the bicycle and pedestrian improvement connections from the THSP to the Citywide Network shall be implemented when the roadway infrastructure is required as determined at approval of each final map or issuance of building permits by the City Engineer. The pedestrian and bicycle facilities are included in the City of Tracy's typical cross sections and in the City TIF. Bicycle and pedestrian facilities within the THSP area shall be implemented with each building permit application/final map approval. Widening Corral Hollow Road and constructing and widening Lammers Road shall be in place when the project generates 2,588 AM peak hour trips.

h. Mitigation Measure PSR 4.12-2: Prior to issuance of the first building permit, the developer shall construct an all-whether, emergency vehicle access to all points of the Project site from Lammers Road (including crossings of the Delta Mendota Canal, Union Pacific Railroad, and California Aqueduct). The emergency

vehicle access shall be available to police, fire, and all other necessary and relevant emergency responders. The design, location, and maintenance of the access shall meet City standards to the satisfaction of the Fire Chief. The access shall be continuously maintained by the developer until permanent access is developed and accepted for maintenance by the City

C.2.9. Neighborhood, Linear and Dual-Use Parks

C.2.9.1. The Subdivider shall offer for dedication Parcels "EEE", "DDD", "CCC" and "K" for neighborhood park, linear park, and dual use recreation facility/detention basin purposes, respectively, on the Final Map that corresponds to the timing of completion of respective parks as identified in the Planning ~~s~~ Department's Conditions of Approval. The Subdivider shall design and construct the park improvements consistent with the Tracy Hills Specific Plan, Specific Plan Amendment and City Regulations. The Subdivider shall be eligible for park fee credits in accordance with the Title 13 of the TMC and the Park Improvement and Reimbursement Agreement ("PI&RA").

C.2.9.2. The Subdivider shall submit park improvement plans, signed and notarized improvement agreement PI&RA, and Improvement Security in the amount and type specified in the City Regulations at the time of approval of the Final Map that corresponds to the timing of completion of the park improvements specified in Planning Division's Conditions of Approval.

C.2.10. Public Utility Easements

C.2.10.1. Undergrounding of Overhead Utilities. Any existing overhead lines and poles within the Project boundaries shall be removed or undergrounded.

C.2.10.2. All private utility services to serve the Project such as electric, telephone and cable TV to the building must be installed underground, within right-of-way or a dedicated Public Utility Easement (PUE) and at the location approved by the City and the respective owner(s) of the utilities.

The Subdivider shall submit improvement plans for the installation of electric, gas, telephone and TV cable lines that are to be installed under the sidewalk or within the PUE. Underground utility conduits may be installed under the sidewalks, and underground boxes and structures may be located in the landscaped parkway next to the curb. All above-ground boxes and facilities shall be behind the sidewalk and within the PUE. Pop-outs to provide additional

width of PUE where required to accommodate larger above-ground structures will be permitted subject to review and approval by Public Works Director and the City Engineer. Before approval of the first Final Map, the Subdivider shall complete the necessary coordination work with the respective owner(s) of the utilities to for approval.

C.2.10.3. Public Utility Easements on sideyard lots shall be adjusted or eliminated in final neighborhood designs based on actual joint trench design requirements.

C.3. Final Map

The City will not approve any Final Map until the Subdivider demonstrates, to the satisfaction of the City Engineer, that all the requirements set forth in these Conditions of Approval are completed, including, but not limited to the following:

C.3.1. Subdivider has submitted one reproducible (mylar) copy of the approved tentative subdivision map for the Project after Subdivider's receipt of a notification of approval of the Tentative Subdivision Map. The signature of the owner of the Property on the Tentative Subdivision Map shall indicate the owner's consent to the preparation of the Tentative Subdivision Map and the proposed subdivision of the Property.

C.3.2. Each Final Map is prepared in accordance with the applicable requirements of the Tracy Municipal Code, these Conditions of Approval, all other applicable City Regulations, and in substantial conformance with the Tentative Subdivision Map.

C.3.3. Each Final Map includes and shows offer(s) of dedication of all right(s)-of-way and/or temporary or permanent easement(s) required by the Improvement Plans and Final Map, in accordance with City Regulations and these Conditions. If construction easement(s) is/are shown, it/they shall indicate the termination date of the construction easement(s).

C.3.4. 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 separate points adjacent to or within the Property described by the Final Map.

C.3.5. Subdivider has submitted a signed and stamped Engineer's Estimate that show construction cost of subdivision improvements that are described in Conditions C.2 above plus 10% for construction contingencies.

C.3.6. Subdivision Improvement Agreement

Before the City's approval of any Final Map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the Final Map), and post all required improvement security in accordance with City Regulations.

C.3.7. Final Map Phasing Plan

Prior to Subdivider's submittal to the City of the first Final Map for City approval, Subdivider shall submit for the City Engineer's review and reasonable approval a phasing plan for the submittal of all Final Maps to be filed for this Vesting Tentative Subdivision Map. The phasing plan may be subject to subsequent modifications based on market conditions, the rate of development, and Subdivider's disposition of the parcels created by the Final Maps.

C3.8. Deferred Improvement Agreement

Prior to the City's approval of the first Final Map within the Project, the Subdivider shall execute a Deferred Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement or other executed agreement(s) with the City) which are required by these Conditions of Approval. The Deferred Improvement Agreement shall identify timing requirements for construction of all remaining public facilities, in conformance with the phasing plan submitted by the Subdivider and approved by the City Engineer.

C.3.9. Improvement Security

The Subdivider shall provide improvement security for all public facilities, as required by Subdivision Improvement Agreement or Offsite Improvement Agreement. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with City Regulations. The amount of the improvement security shall be as follows:

C.3.9.1 Faithful Performance (100% of the estimated cost of constructing the public facilities).

C.3.9.2 Labor & Material (100% of the estimated cost of constructing the public facilities).

C.3.9.3 Warranty (10% of the estimated cost of constructing the public facilities).

C.3.9.4 Monumentation ($750 multiplied by the total number of street centerline monuments that are shown on the Final Map).

C.3.10. Subdivider has paid engineering review fees including improvement plan checking, final map review, agreement processing, and all other fees required by these Conditions of Approval and City Regulations.

C.3.11. Subdivider has submitted technical or materials specifications, cost estimate, and technical reports related to the design of improvements that are shown on the Improvement Plans and as required by these Conditions.

C.3.12. Subdivider has submitted hydrologic and storm drainage calculations for the design and sizing of in-tract storm drainage pipes located within the Project.

C.3.13. Subdivider has submitted signed and stamped Improvement Plans.

C.3.14. Signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA.

C.3.15. Signed and notarized Deferred Improvement Agreement (DIA) and Improvement Security, to allow deferment of completion of improvements as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with the DIA and Section 12.36.080 of the TMC.

C.4. Grading and Encroachment Permits

No applications for grading and encroachment permits will be accepted by the City as complete until the Subdivider has provided all documents required by these Conditions and City Regulations, to the reasonable satisfaction of the City Engineer, including, but not limited to, the following:

C.4.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of and stamped and signed by a Registered Civil Engineer.

C.4.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.

C.4.3. Three sets of the Storm Water Pollution Prevention Plan (SWPPP) identical to the reports submitted to the State Water Quality Control

Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID). After the completion of the Project, the Subdivider 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.

C.4.4. 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 Subdivider. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008 and any subsequent amendment(s), and the City Regulations.

C.4.5. Two sets of the Project's Geotechnical Report signed and stamped by a licensed Geo-technical Engineer licensed to practice in the State of California. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, percolation rate, roadway section construction recommendations and elevation of the highest observed groundwater level.

C.4.6. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) as required in Mitigation Monitoring and Reporting Program of the Tracy Hills Specific Plan Final Environmental Impact Report (TH-EIR).

C.4.7. Two sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system.

C.4.8. Reasonable written permission from irrigation district or affected owner(s), if applicable. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.

C.4.9. Written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), if applicable. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection.

C.4.10. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar) that incorporate all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.4.11. Two sets of structural calculations for drainage structures and retaining walls within street right-of-way and retention basins signed and stamped by a Structural Engineer licensed in the State of California.

C.4.12. Not Used.

C.4.13. Check payment for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the current fee rate adopted by the City Council.

C.4.14. Traffic Control Plan for each phase signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.

C.4.15. As required per Mitigation Measure 4.8-2a of the EIR, the Subdivider shall submit, prior to issuance of grading permits, a Phase II ESA focused on soil sampling conducted near the location of the underground crude oil pipelines, as determined by a qualified Phase II/Site Characterization specialist.

C.4.16. As required per Mitigation Measure 4.8-2b of the EIR, prior to issuance of grading permits, the Subdivider shall work with Conoco Phillips to implement and observe a site damage prevention plan to the satisfaction of the City of Tracy Engineering Division.

C.4.17 Signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA.

C.4.18 Signed and notarized Deferred Improvement Agreement (DIA) and Improvement Security, to allow deferment of completion of improvements as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with the DIA and Section 12.36.080 of the TMC, or pursuant to the terms of the Development Agreement, as appropriate.

C.5. Building Permit

The City will not approve any building permit within the Project boundaries (except for a plumbing permit issued for the purpose of perfecting an RGA) until a Final Map is approved by the City Council and it is recorded at the San Joaquin County Recorder's Office, and the Subdivider demonstrates, to the reasonable satisfaction of the City Engineer, compliance with all the required Conditions of Approval and payment of fees in accordance with the Fee Deferral Agreement including but not limited to the following:

C.5.1. Payment of the applicable current City-Wide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park Development Impact Fees as these relate to the Project and as required by these Conditions of Approval.

C.5.2. Payment of applicable Regional Transportation Impact Fees (RTIF) as required in the Mitigation, Monitoring and Reporting Program of the EIR, these Conditions of Approval, and the Settlement Agreement.

C.5.3. Check payment of any applicable Agricultural Mitigation Fee as required in Chapter 13.28 of the Tracy Municipal Code and Mitigation Measure AG 4.2.1 of the EIR and these Conditions of Approval.

C.5.4. Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC.

C.6. Final Building Inspection

The City will not perform final building inspection (except for Model Homes) until after the Subdivider provides documentation which demonstrates, to the reasonable satisfaction of the City Engineer, that:

C.6.1. The Subdivider has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested or a final building inspection has to be performed unless otherwise defined herein. Unless specifically provided in these Conditions, or the City Regulations, the Subdivider shall take all actions necessary to construct all public facilities required to serve the Project, and the Subdivider 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. Temporary or Final Building Certificate of Occupancy

No Final Building Inspection shall be performed or a Temporary or Final Building Certificate of Occupancy will be issued (except for Model Homes) by the City until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

C.7.1 The Subdivider has satisfied all the requirements set forth in these Conditions of Approval.

C.7.2. The Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested, unless otherwise defined herein. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Subdivider shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to

serve the Project, and the Subdivider shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.8. Acceptance of Public Improvements

Public improvements will not be considered for City Council's acceptance until after the Subdivider demonstrates to the reasonable satisfaction of the City Engineer, completion of the following:

C.8.1. All the public improvements shown on the Improvement Plans are completed and all the deficiencies listed in the deficiency report prepared by the assigned Engineering Inspector are all corrected.

C.8.2. Subdivider has completed the 90-day public landscaping maintenance period.

C.8.3. Subdivider has submitted Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements.

C.8.4. Where applicable, signed and notarized Grant Deed(s) with legal description(s) and plat maps for the offer of dedication of right-of-way, and Grant of Easements as required per these Conditions of Approval and City Regulations, or dedications shown on the Final Map.

C.9. Release of Improvement Security

City will release Improvement Security(s) to the Subdivider after City Council's acceptance of public improvements, both on-site and off-site, in accordance with TMC section 12.36.080, upon written request and submittal of the recorded Notice of Completion.

C.10. Special Conditions

C.10.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, except as otherwise specifically approved in the Tracy Hills Specific Plan.

C.10.2. When street cuts are made for installation of utilities, the Subdivider is required to install 2 inches thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides and for the entire length of the utility trench. A 2 inches deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. If the utility

trench extends beyond the median island, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street.

C.10.3. 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. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Developer's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).

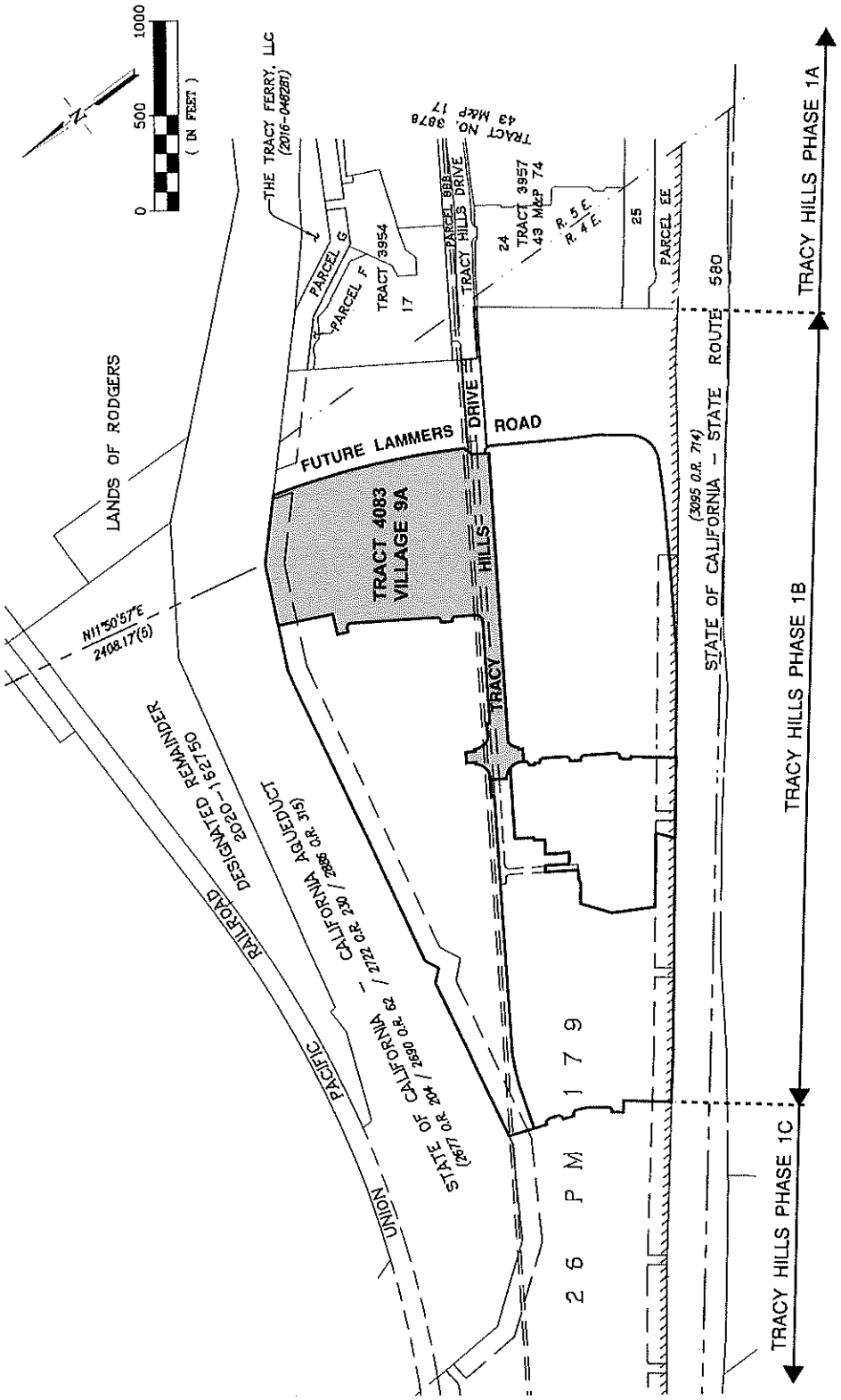
C.10.4. Benefit District

The Subdivider may make a written request to the City for the formation of a Benefit District, before the approval of the final map and improvement plans for the public facility(s) considered to be oversized that benefits other property(s) or development(s). Reimbursement request(s) will be processed in accordance with TMC Chapter 12.60.

C.10.5. The CFD or HOA shall include future costs of maintenance including PG&E charges for all new streetlights and new traffic signals to be installed by the Project.

C.10.6. Nothing contained in these Conditions shall be construed to permit any violation of City Regulations. Subject, however, to City Regulations, this Condition does not preclude the City from requiring pertinent revisions and additional requirements to the final map, improvement agreements, and improvement plans, before the City Engineer's signature on the final map and improvement plans, if the City Engineer finds it necessary due to public health and safety reasons. (Government Code section 66498.6.) The Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

EXHIBIT "C"
LOCATION OF PROJECT SITE



RESOLUTION 2021-_____

APPROVING THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 4083 - TRACY HILLS VILLAGE 9A, AND AUTHORIZING THE CITY CLERK TO FILE THE AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

WHEREAS, A Small-Lot Vesting Tentative Subdivision Map for Tracy Hills Phase 1B (VTSM) consisting of 432 single-family residential lots, park parcels, HOA recreation area parcel, dual-use retention basin parcel, and numerous other parcels to be owned and maintained by Homeowners Association, Developer or City, on approximately 309.9 acres located in the Tracy Hills Specific Plan Area, west of Tracy Hills Phase 1A in the vicinity of Tracy Hills Drive, was approved by the Tracy City Council on November 10, 2020, pursuant to Resolution No. 2020-188, and

WHEREAS, The Final Subdivision Map for Tract 4083 - Tracy Hills Phase 9A, consists of 69 single-family residential lots and other associated parcels located on approximately 24.0 acres within the boundaries of and in conformance with the VTSM, and

WHEREAS, The Conditions of Approval for the VTSM require the Developer to design and construct certain on-site improvements connected with the approval of the Final Subdivision Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City Standards, and

WHEREAS, The Improvement Plans, Specifications, and Cost Estimates for the required public street and utility improvements have been prepared on behalf of the Developer and approved by the City Engineer and are incorporated into the subject Subdivision Improvement Agreement for Tract 4083 - Tracy Hills Phase 9A (SIA) by reference, and

WHEREAS, The Landscape Improvement Plans for the required landscape and irrigation improvements in the parkway strips within the public streets are still under review by the City Engineer and will be incorporated into and made part of the SIA upon approval by the City Engineer, and

WHEREAS, The SIA addresses construction of the public streets, utilities and other in-tract improvements associated with the 69 single-family residential lots and other facilities that will be constructed by the Developer as part of the Tract 4083 - Tracy Hills Village 9A development, and

WHEREAS, The SIA is intended to replace and supersede the Inspection Improvement Agreement for Tract 4083 - Tracy Hills Village 9A, which was approved by the City Manager on September 3, 2021, and executed by the City and Developer, and

WHEREAS, The Developer has executed the SIA and has posted the required securities to guarantee completion of the improvements, and

WHEREAS, Upon completion of all improvements, the City will accept the improvements and will accept all offers of dedication of public right-of-way and other public parcels, and

WHEREAS, The Developer will pay for the cost of engineering inspection and processing the agreement;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves the Final Subdivision Map and Subdivision Improvement Agreement for Tract 4083 - Tracy

Hills Village 9A and authorizes the City Clerk to file the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder.

* * * * * * * * * * * * *

The foregoing Resolution 2021-_____ was passed and adopted by the Tracy City Council on the 19th day of October, 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

October 19, 2021

AGENDA ITEM 1.J

REQUEST

APPROVE THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 4084 - TRACY HILLS VILLAGE 9B, AND AUTHORIZE THE CITY CLERK TO FILE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

EXECUTIVE SUMMARY

City staff requests that the City Council approve the Final Subdivision Map for Tract 4084 - Tracy Hills Village 9B, for subdivision into 64 single-family residential lots and numerous other parcels. Approval of the Final Subdivision Map will facilitate recordation of the Final Subdivision Map, the construction of in-tract improvements, and the issuance of the building permits to construct the residential houses. Lennar Homes of California, Inc., a California Corporation (Developer), has signed the Subdivision Improvement Agreement (SIA) and posted the required security to guarantee completion of the improvements required as a condition of approval of the Final Subdivision Map.

DISCUSSION

On November 10, 2020, the City Council adopted the Tracy Hills Specific Plan Amendment for the Tracy Hills Phase 1B/1C and approved various related land use entitlements, including that certain Small-Lot Vesting Tentative Subdivision Map for Tracy Hills Phase 1B, pursuant to Resolution No. 2020-188 (VTSM). The VTSM includes 432 single-family residential lots, park parcels, HOA recreation area parcel, dual-use retention basin parcel, and numerous other parcels to be owned and maintained by Homeowners Association, Developer or City, on approximately 309.9 acres located in the Tracy Hills Specific Plan Area, west of Tracy Hills Phase 1A in the vicinity of Tracy Hills Drive. Attachment A shows the overall Tracy Hills Phase 1B project area and the location of the subject Final Subdivision Map for Tract 4084 - Tracy Hill Phase 9B.

The Developer is requesting approval of the Final Subdivision Map for Tract 4084 - Tracy Hills Village 9B to create 64 single-family residential lots and other aforementioned parcels located on approximately 36.4 acres within the boundaries of and in conformance with the VTSM. The Final Subdivision Map for Tract 4084 - Tracy Hills Phase 9B (Attachment B) has been prepared on behalf of the Developer and reviewed by the Engineering Division.

The Conditions of Approval for the VTSM require the Developer to design and construct certain on-site improvements connected with the approval of the Final Subdivision Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City Standards. Improvement Plans for the required public street and utility improvements have been prepared on behalf of the Developer and approved by the City Engineer. Landscape Improvement Plans for the required landscape and irrigation improvements in the parkway strips within the public streets are still under review by the City Engineer and will be incorporated into and made part of the SIA upon approval by the City Engineer. Since the required improvements will not be completed prior to the recordation of the Final Subdivision Map, the Developer has requested to execute the

SIA to guarantee the completion of the improvements as authorized by Government Code Section 66462.

The SIA (Attachment C) addresses construction of the public streets, utilities and other in-tract improvements associated with the 64 single-family residential lots and other facilities that will be constructed by the Developer as part of Tract 4084 - Tracy Hills Village 9B.

The SIA is intended to replace and supersede the Inspection Improvement Agreement for Tract 4084 - Tracy Hills Village 9B that was approved by the City Manager on September 3, 2021, and executed by the City and Developer, which allowed the Developer to proceed with the construction and installation of the required public improvements at its own risk prior to the Engineering Division's completion of the review and approval of the appurtenant plans and specifications.

The Developer has executed the SIA and posted the required security to guarantee completion of the improvements.

The Final Subdivision Map has been reviewed as to its substantial compliance with approved Vesting Tentative Subdivision Map. The SIA, and Final Subdivision Map are attached, and the Improvement Plans are on file with the City Engineer and are available for review upon request.

Upon completion of all improvements, the City will accept the public improvements for maintenance and will accept all offers of dedication of public right-of-way and other public parcels at that time.

FISCAL IMPACT

The Developer has paid the applicable engineering review fees, which include the cost of review of the Improvement Plans and Final Map and processing the Agreement.

STRATEGIC PLAN

This agenda item is consistent with the Council approved Economic Development Strategy to ensure physical infrastructure necessary for development.

RECOMMENDATION

Staff recommends that the Tracy City Council, by resolution, approve the Final Subdivision Map and Subdivision Improvement Agreement for Tract 4084 - Tracy Hills Village 9B, and authorize the City Clerk to file the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder.

Prepared by: Doug Rodgers, SNG & Associates, Inc.

Reviewed by: Robert Armijo, PE, City Engineer / Assistant Development Services Director
William Dean, Interim Director of Development Services
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

ATTACHMENTS

Attachment A – Location Map
Attachment B – Final Subdivision Map
Attachment C – Subdivision Improvement Agreement

ATTACHMENT A
Location Map

STATE OF CALIFORNIA – STATE ROUTE 580
(3095 O.R. 714)

PARCEL EE

25

R. 5 E / R. 4 E

43 M&P 74
TRACT 3957

24

PARCEL 1

TRACY HILLS DRIVE

PARCEL BBB

TRACT NO. 3878
17 M&P 43

17

TRACT 3954

PARCEL F

PARCEL G

THE TRACY FERRY, LLC
(2016-048281)

TRACY HILLS DRIVE

2 6 P M 1 7 9

STATE OF CALIFORNIA – CALIFORNIA AQUEDUCT
(2677 O.R. 204 / 2690 O.R. 62 / 2722 O.R. 230 / 2886 O.R. 315)

UNION PACIFIC RAILROAD

DESIGNATED REMAINDER
2020-162750

N11°50'57"E — 2408.17'(5)

LANDS OF RODGERS

(IN FEET)
0 500 1000

N

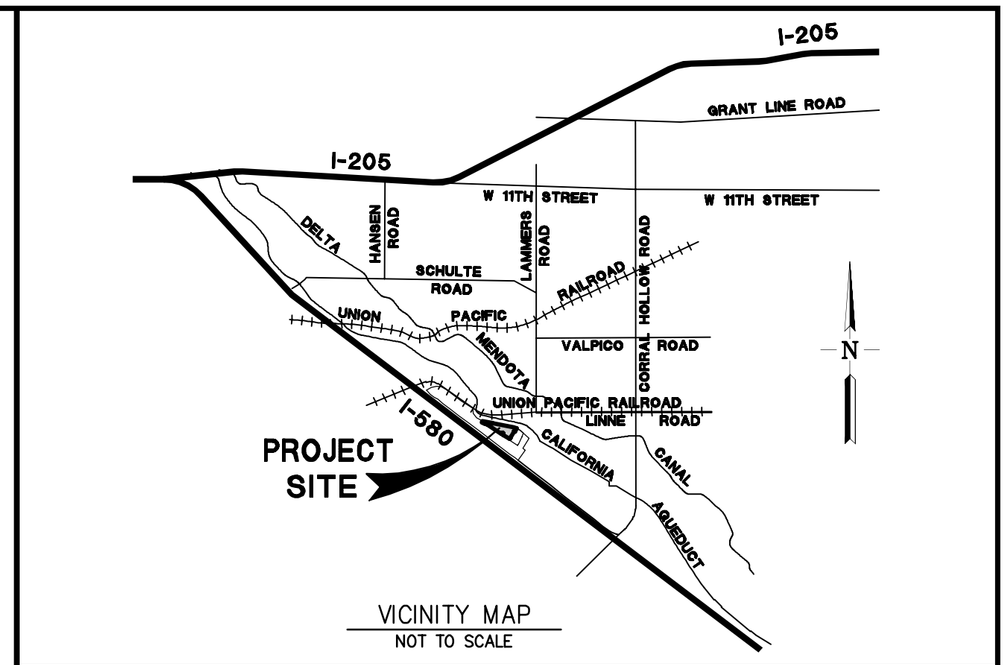
TRACT NO. 4084
SUBDIVISIONS OF SAN JOAQUIN COUNTY

TRACY HILLS VILLAGE 9B

BEING A SUBDIVISION OF PORTIONS OF PARCELS 2 AND 3
AS SHOWN ON THE PARCEL MAP RECORDED NOVEMBER 23, 2020
IN BOOK 26 OF PARCEL MAPS AT PAGE 179
OFFICIAL RECORDS OF SAN JOAQUIN COUNTY,
BEING PORTIONS OF SECTIONS 1 AND 12, T. 3 S., R. 4 E.
MOUNT DIABLO MERIDIAN

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI–JENSEN–AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
AUGUST 2021



VICINITY MAP
NOT TO SCALE

OWNER'S STATEMENT

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE ALL THE PARTIES HAVING RECORD TITLE INTEREST IN THE LANDS SUBDIVIDED AND SHOWN ON THIS FINAL MAP OF "TRACT NO. 4084, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY HILLS VILLAGE 9B", CITY OF TRACY, CALIFORNIA, AND WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS FINAL MAP IN THE OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, CALIFORNIA.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY, IN FEE, FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "BARTON AVENUE", "IRONWOOD STREET", "SINGH LANE", "HINTON DRIVE", AND "GATLIN DRIVE" WITHIN THE BOUNDARY OF THIS MAP ARE FOR THE PURPOSE OF PUBLIC STREETS.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY, IN FEE, FOR PUBLIC PURPOSES: THE AREAS DESIGNATED ON THIS MAP AS PARCELS "J" AND "M" ARE FOR PUBLIC PARK PUPOSES.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY, IN FEE, FOR PUBLIC PURPOSES: THE AREA DESIGNATED ON THIS MAP AS "PARCEL K" IS FOR RETENTION BASIN, DRAINAGE, PARK, AND UTILITY PURPOSES.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE HOMEOWNERS ASSOCIATION: THE AREAS DESIGNATED IN THIS MAP AS PARCELS "G", "H", "I", "L", "N", "O", "P", "Q", AND "R".

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY AS AN EASEMENT FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "PUBLIC UTILITY EASEMENT" OR "PUE" ARE FOR PUBLIC UTILITY PURPOSES, INCLUDING THE RIGHTS OF INGRESS, EGRESS, CONSTRUCTION, RECONSTRUCTION, ACCESS FOR MAINTENANCE OF WORKS, IMPROVEMENTS AND STRUCTURES, AND THE CLEARING OF OBSTRUCTIONS AND VEGETATION.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY AS AN EASEMENT FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "STORM DRAIN EASEMENT" OR "SDE" ARE FOR PUBLIC STORM DRAIN PURPOSES, INCLUDING THE RIGHTS OF INGRESS, EGRESS, CONSTRUCTION, RECONSTRUCTION, ACCESS FOR MAINTENANCE OF WORKS, IMPROVEMENTS AND STRUCTURES, AND THE CLEARING OF OBSTRUCTIONS AND VEGETATION.

THE REAL PROPERTY DESCRIBED BELOW IS RESERVED AS AN EASEMENT FOR PRIVATE PURPOSES: THE AREAS DESIGNATED AS "LANDSCAPE MAINTENANCE EASEMENT" OR "LME" ARE FOR LANDSCAPING PURPOSES. SAID AREAS SHALL BE CONVEYED TO THE HOMEOWNERS ASSOCIATION OF THIS SUBDIVISION BY SEPARATE INSTRUMENT.

THE UNDERSIGNED HEREBY RELINQUISH TO THE PUBLIC FOREVER ALL ABUTTERS RIGHTS OF ACCESS FOR PEDESTRIAN AND VEHICLE INGRESS AND EGRESS ACROSS THE LOT LINES SHOWN THUSLY //////////// (LOT H TO AND FROM IRONWOOD STREET, LOT 106 TO AND FROM KUSNICK STREET, LOTS 70, 107, 119, 120, 129 AND 130 TO AND FROM BARTON AVENUE, LOTS 77, 113, 125 AND 133 TO AND FROM SINGH LANE, LOT 114 TO AND FROM GATLIN DRIVE, LOT 126 TO AND FROM HINTON DRIVE).

DATED THIS _____ DAY OF _____, 2021.

OWNER: AG ESSENTIAL HOUSING CA 1, L.P., A DELAWARE LIMITED PARTNERSHIP

BY: AGWIP ASSET MANAGEMENT, LLC,
AN ARIZONA LIMITED LIABILITY COMPANY,
ITS AUTHORIZED AGENT

BY: _____
STEVEN S. BENSON, ITS MANAGER

OWNER'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF ARIZONA)
)
COUNTY OF MARICOPA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 202__, BY STEVEN S. BENSON, THE MANAGER OF AGWIP ASSET MANAGEMENT, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, THE AUTHORIZED AGENT OF AG ESSENTIAL HOUSING CA 1, L.P., A DELAWARE LIMITED PARTNERSHIP, FOR AND ON BEHALF THEREOF.

_____
NOTARY PUBLIC

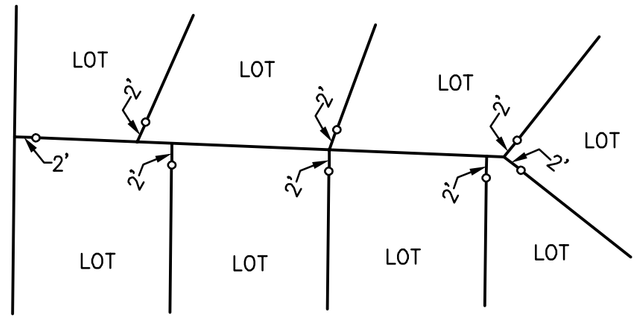
MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

PRINCIPAL COUNTY OF BUSINESS: _____

NOTES:

1. APPROVAL OF THIS FINAL TRACT MAP IS SUBJECT TO THE VESTING TENTATIVE MAP (APPLICATION NUMBER TSM18–0006) CONDITIONS OF APPROVAL DATED NOVEMBER 10, 2020.
2. ALL FRONT CORNERS ARE TO BE REFERENCED WITH A BP2 SURVEY MARKER W/ ANCHORING PLUG (30MM) STAMPED RJA LS 6441 AT THE TOP OF CURB ON LOT LINE PROJECTIONS, UNLESS OTHERWISE NOTED.
3. ALL REAR CORNERS ARE TO BE REFERENCED WITH A 3/4" IRON PIPE AND CAP OR A NAIL AND TAG SET ON THE CORRESPONDING SIDE PROPERTY LINES ON A 2 FEET OFFSET AS TYPICALLY SHOWN BELOW, UNLESS OTHERWISE NOTED.



RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2021, AT _____ __M., IN BOOK _____ OF MAPS AND PLATS, AT PAGE _____, RECORDER'S SERIES NO. _____ AT THE REQUEST OF FIRST AMERICAN TITLE COMPANY.

FEE: $_____ PAID

_____
STEVE J. BESTOLARIDES
ASSESSOR/RECORDER/COUNTY CLERK

BY: _____
DEPUTY COUNTY RECORDER

ATTACHMENT B
Final Subdivision Map

G:\2020\185011\SURVEY\CAD FILES\FINAL MAP\TRACT 4084 - VESTING-VERSION 9/15/2021 11:40:35 AM ALAN WOLLEN

TRACT NO. 4084
SUBDIVISIONS OF SAN JOAQUIN COUNTY

TRACY HILLS VILLAGE 9B

BEING A SUBDIVISION OF PORTIONS OF PARCELS 2 AND 3
AS SHOWN ON THE PARCEL MAP RECORDED NOVEMBER 23, 2020
IN BOOK 26 OF PARCEL MAPS AT PAGE 179
OFFICIAL RECORDS OF SAN JOAQUIN COUNTY,
BEING PORTIONS OF SECTIONS 1 AND 12, T. 3 S., R. 4 E.
MOUNT DIABLO MERIDIAN

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
AUGUST 2021

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF AG ESSENTIAL HOUSING CA 1, L.P. ON JANUARY 1, 2021. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP (IF ANY), THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE DECEMBER 31, 2022, AND THAT SAID MONUMENTS ARE OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATED THIS _____ DAY OF _____, 2021.

_____
SCOTT A. SHORTLIDGE, P.L.S. NO. 6441

LICENSED LAND SURVEYOR
SCOTT A. SHORTLIDGE
No. 6441
STATE OF CALIFORNIA

CITY ENGINEER'S STATEMENT

I, ROBERT ARMIJO, HEREBY STATE THAT I AM THE CITY ENGINEER OF THE CITY OF TRACY, CALIFORNIA AND THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT 4084, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY HILLS VILLAGE 9B", CITY OF TRACY, CALIFORNIA AND THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF. I FURTHER STATE THAT THIS FINAL MAP COMPLIES WITH ALL THE PROVISIONS OF TITLES 10 AND 12 OF THE TRACY MUNICIPAL CODE, AND ANY AMENDMENTS THERETO, APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP.

DATED THIS _____ DAY OF _____, 2021.

_____
ROBERT ARMIJO, R.C.E. NO. 63173
CITY ENGINEER

REGISTERED PROFESSIONAL ENGINEER
ROBERT ARMIJO
No. 63173
CIVIL
STATE OF CALIFORNIA

SURVEYOR FOR THE CITY STATEMENT

I, DAVID W. ENKE, HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT 4084, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY HILLS VILLAGE 9B", CITY OF TRACY, CALIFORNIA AND THAT THE SUBDIVISION SHOWN HEREON COMPLIES WITH ALL THE PROVISIONS OF CHAPTER 2 OF THE CALIFORNIA SUBDIVISION MAP ACT, AS AMENDED, AND THAT THIS FINAL MAP IS TECHNICALLY CORRECT.

DATED THIS _____ DAY OF _____, 2021.

_____
DAVID W. ENKE, L.S. NO. 4071

LICENSED LAND SURVEYOR
DAVID W. ENKE
No. 4071
STATE OF CALIFORNIA

CERTIFICATE OF DEDICATION

THE FOLLOWING REAL PROPERTY IS DEDICATED BY AG ESSENTIAL HOUSING CA 1, L.P., 8585 E. HARTFORD DRIVE, SUITE 118, SCOTTSDALE, AZ 85255:

"BARTON AVENUE", "IRONWOOD STREET", "SINGH LANE", "HINTON DRIVE", AND "GATLIN DRIVE" FOR THE PURPOSES OF PUBLIC STREET RIGHTS-OF-WAY, PARCELS "J" AND "M" FOR PUBLIC PARK PURPOSES, AND PARCEL "K" FOR RETENTION BASIN, DRAINAGE, PARK, AND UTILITY PURPOSES.

THE FOLLOWING REAL PROPERTY IS DEDICATED BY AG ESSENTIAL HOUSING CA 1, L.P. TO THE CITY OF TRACY AS EASEMENTS FOR PUBLIC PURPOSES: "PUBLIC UTILITY EASEMENT" OR "PUE" AND "STORM DRAIN EASEMENT" OR "SDE".

THE CITY OF TRACY SHALL RECONVEY THE PROPERTY TO THE SUBDIVIDER IF THE CITY OF TRACY MAKES A DETERMINATION PURSUANT TO GOVERNMENT CODE SECTION 66477.5 THAT THE SAME PUBLIC PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST, OR THE PROPERTY OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITIES.

SIGNATURE OMISSIONS:

PURSUANT TO SECTION 66436(a), 3(A)(i) OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF PARTIES OWNING THE FOLLOWING INTERESTS, WHICH CANNOT RIPEN INTO A FEE, HAVE BEEN OMITTED:

1. SJCOG, INC. CONSERVATION EASEMENTS: 2012-091623
2. CITY OF TRACY EMERGENCY VEHICLE ACCESS: 2018-009292
3. CONOCO PHILLIPS PIPELINE EASEMENTS: 1897 O.R. 449, 1963 O.R. 227

CITY CLERK'S STATEMENT

THIS IS TO STATE THAT AT ITS REGULARLY HELD MEETING ON THE _____ DAY OF _____, 2021, THE CITY COUNCIL OF THE CITY OF TRACY, CALIFORNIA PER COUNCIL RESOLUTION NO._____ APPROVED THIS FINAL MAP OF "TRACT NO. 4084, SUBDIVISIONS OF SAN JOAQUIN COUNTY, TRACY HILLS VILLAGE 9B", CITY OF TRACY, CALIFORNIA, AND ACCEPTED ON BEHALF OF THE PUBLIC FOR PUBLIC USE THE OFFER OF DEDICATION OF ALL PUBLIC UTILITY EASEMENTS AND STORM DRAIN EASEMENTS, ACCEPTED ON BEHALF OF THE PUBLIC THE RELINQUISHMENT TO THE CITY OF TRACY ALL ACCESS RIGHTS OF LOT H TO AND FROM IRONWOOD STREET, LOT 106 TO AND FROM KUSNICK STREET, LOTS 70, 107, 119, 120, 129 AND 130 TO AND FROM BARTON AVENUE, LOTS 77, 113, 125 AND 133 TO AND FROM SINGH LANE, LOT 114 TO AND FROM GATLIN DRIVE, LOT 126 TO AND FROM HINTON DRIVE. ALL AS SHOWN ON THIS FINAL MAP, ACCEPTED THE OFFER OF DEDICATION OF ALL STREET RIGHTS-OF-WAY, SUBJECT TO SATISFACTORY COMPLETION OF IMPROVEMENTS THEREON, IN ACCORDANCE WITH TITLES 10 AND 12 OF THE TRACY MUNICIPAL CODE, AND ANY AMENDMENTS THERETO, APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, AND ACCEPTED ON BEHALF OF THE PUBLIC FOR PUBLIC USE THE OFFER OF DEDICATION OF PARCELS "J" AND "M" FOR PUBLIC PARK PURPOSES, AND PARCEL "K" FOR RETENTION BASIN, DRAINAGE, PARK, AND UTILITY PURPOSES, SUBJECT TO THE SATISFACTORY COMPLETION OF IMPROVEMENTS.

I HEREBY FURTHER STATE PURSUANT TO GOVERNMENT CODE SECTIONS 66434(G) AND 66499.20.2 OF THE SUBDIVISION MAP ACT, THE ABANDONMENT OF THE EASEMENT LISTED ON SHEET 3 OF THIS MAP.

I HEREBY FURTHER STATE PURSUANT TO SECTION 66477.5 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA; THE LOCAL AGENCY SHALL RECONVEY THE PROPERTY TO THE SUBDIVIDER IF THE LOCAL AGENCY MAKES A DETERMINATION PURSUANT TO SAID SECTION THAT THE SAME PUBLIC PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST, OR THE PROPERTY OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITIES, AS SPECIFIED IN SUBDIVISION (C) OF SAID SECTION.

DATED THIS _____ DAY OF _____, 2021.

_____
ADRIANNE RICHARDSON, CITY CLERK
AND CLERK OF THE CITY COUNCIL

C:\Users\alan\185011\SURVEY\CAD FILES\FINAL MAP\TRACT 4084 - YBBYNSSD-YBBJ.dwg 9/15/2021 11:43:30 AM ALAN WELLEN

BASIS OF BEARINGS

THE LINE TAKEN AS N44°38'35"W BETWEEN TWO FOUND MONUMENTS (STATION NUMBER 2060 AND STATION NUMBER 3022) OF THE CITY OF TRACY GEODETIC CONTROL NETWORK, WHICH IS BASED UPON THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 3, NAD 83 (EPOCH 2004.0), AS SHOWN ON THE RECORD OF SURVEY FILED JUNE 26, 2007, IN BOOK 36 OF SURVEYS AT PAGE 118, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, IS THE BASIS OF BEARINGS FOR THIS MAP.

REFERENCES:

(1) DIVISION OF HIGHWAYS, DISTRICT 10, STATE HIGHWAY MAP 10 S.J. 580 11.0 SHEETS 9 TO 13 OF 21 SHEETS AND DEED 3095 O.R. 714 SAN JOAQUIN COUNTY RECORDS.
(2) RECORD OF SURVEY, 33 RS 57
(3) DEPARTMENT OF WATER RESOURCES RIGHT OF WAY MAPS, DRAWING NUMBERS 01011-39-06, 01012-39-07 AND 01013-39-08
(4) CITY OF TRACY GEODETIC CONTROL NETWORK RECORD OF SURVEY, 36 RS 118
(5) PARCEL MAP, 25 PM 168
(6) TRACT NO. 3878, 43 M & P 17
(7) PARCEL MAP, 26 PM 179
(8) TRACT NO. 4083

LEGEND

	TRACT MAP BOUNDARY LINE
	LOT LINE
	EXISTING EASEMENT LINE
	NEW EASEMENT LINE
	MONUMENT LINE
	MONUMENT TIE LINE
	EXISTING PROPERTY LINE
◉	FOUND MONUMENT AS NOTED
◎	SET STANDARD MONUMENT, STAMPED LS 6441
○	3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441
////////////	ABUTTERS RIGHTS OF ACCESS RELINQUISHED

SDE	STORM DRAIN EASEMENT
PUE	PUBLIC UTILITY EASEMENT
LME	LANDSCAPE MAINTENANCE EASEMENT
EX.	EXISTING
SQ.FT.	SQUARE FEET
(M–M)	MONUMENT TO MONUMENT
(M–ML)	MONUMENT TO MONUMENT LINE
(M–PL)	MONUMENT TO PROPERTY LINE
(R)	RADIAL
(T)	TOTAL
O.R.	OFFICIAL RECORDS
(DATA)(1)	RECORD DATA & REFERENCE

TRACT NO. 4084
SUBDIVISIONS OF SAN JOAQUIN COUNTY

TRACY HILLS VILLAGE 9B

BEING A SUBDIVISION OF PORTIONS OF PARCELS 2 AND 3
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MOUNT DIABLO MERIDIAN

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI–JENSEN–AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA

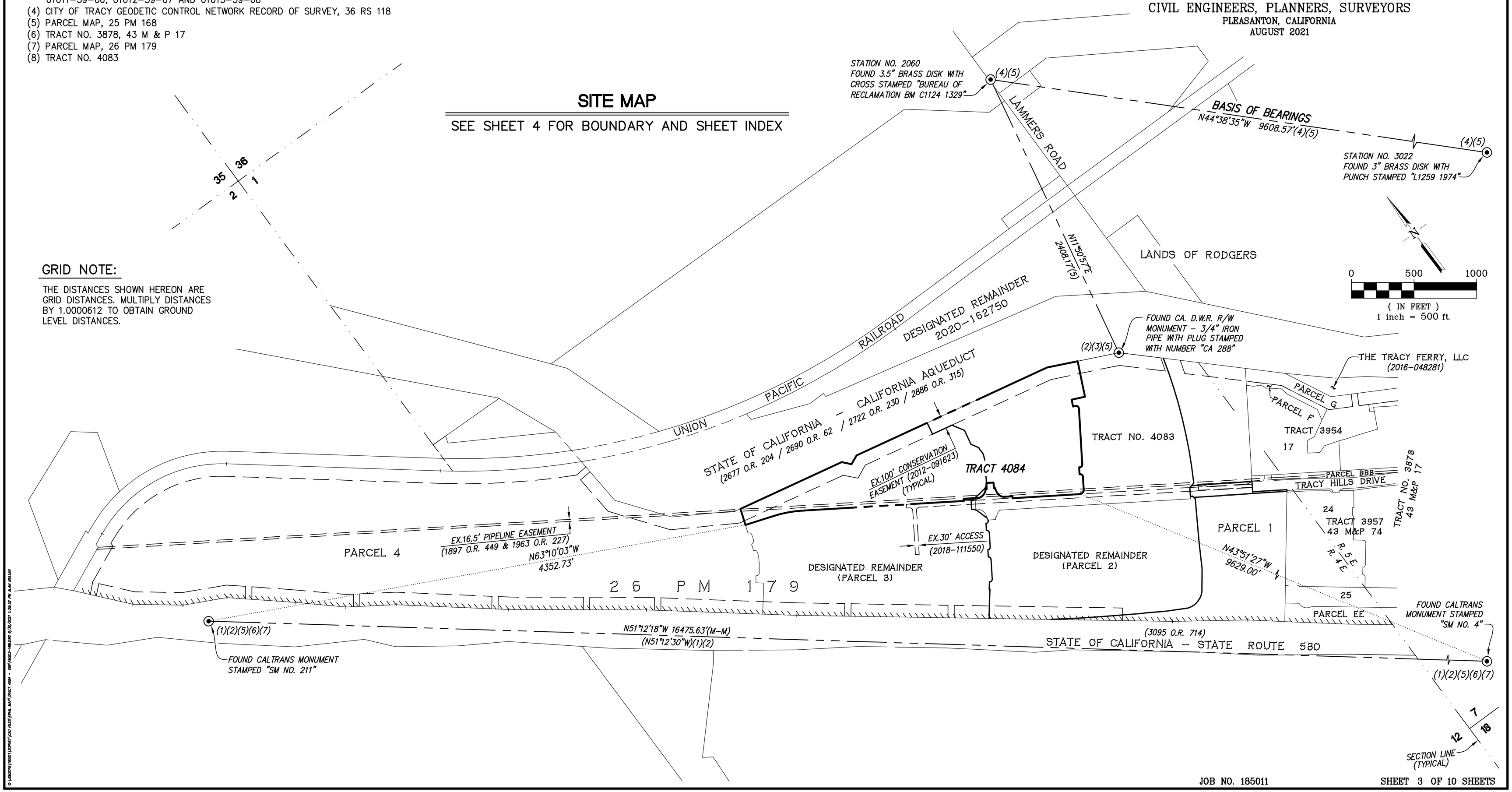
AUGUST 2021

GRID NOTE:

THE DISTANCES SHOWN HEREON ARE GRID DISTANCES. MULTIPLY DISTANCES BY 1.0000612 TO OBTAIN GROUND LEVEL DISTANCES.

SITE MAP

SEE SHEET 4 FOR BOUNDARY AND SHEET INDEX



G:\JOBS\185011\SURVEY\CAD FILES\FINAL MAP\TRACT 4084 - VHR\MAP03-185011.DWG 8/26/2021 1:28:52 PM ALAN WELLIN

BOUNDARY MAP

AREA WITHIN TRACT MAP BOUNDARY LINE = 36.39± ACRES
AREA OF LOTS 70-133 = 9.53± ACRES
AREA OF STREETS = 3.34± ACRES

SHEET COVERAGE

(5) SHEET NUMBER

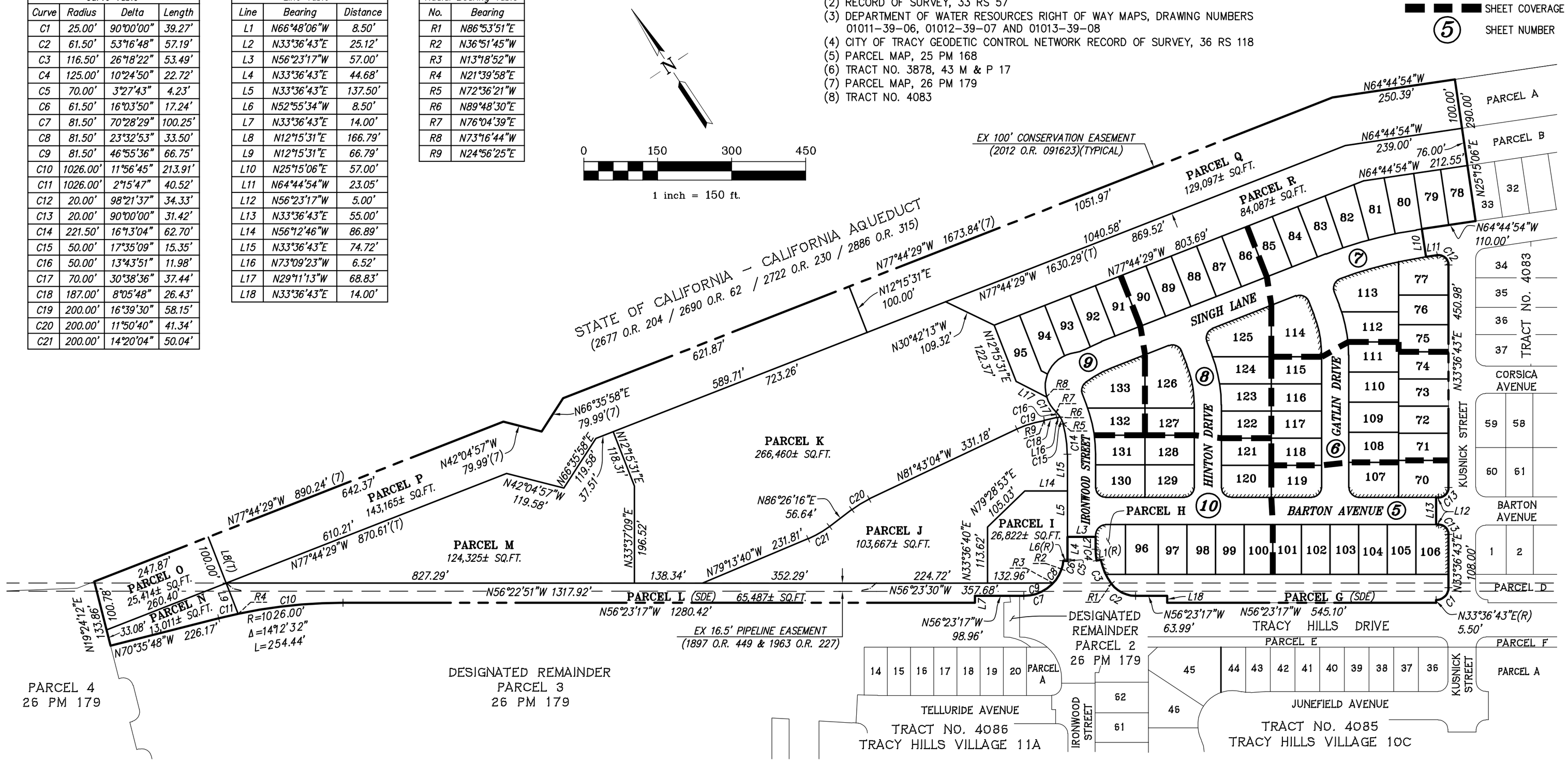
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(5) PARCEL MAP, 25 PM 168
(6) TRACT NO. 3878, 43 M & P 17
(7) PARCEL MAP, 26 PM 179
(8) TRACT NO. 4083

Curve Table			
Curve	Radius	Delta	Length
C1	25.00'	90°00'00"	39.27'
C2	61.50'	53°16'48"	57.19'
C3	116.50'	26°18'22"	53.49'
C4	125.00'	10°24'50"	22.72'
C5	70.00'	3°27'43"	4.23'
C6	61.50'	16°03'50"	17.24'
C7	81.50'	70°28'29"	100.25'
C8	81.50'	23°32'53"	33.50'
C9	81.50'	46°55'36"	66.75'
C10	1026.00'	11°56'45"	213.91'
C11	1026.00'	2°15'47"	40.52'
C12	20.00'	98°21'37"	34.33'
C13	20.00'	90°00'00"	31.42'
C14	221.50'	16°13'04"	62.70'
C15	50.00'	17°35'09"	15.35'
C16	50.00'	13°43'51"	11.98'
C17	70.00'	30°38'36"	37.44'
C18	187.00'	8°05'48"	26.43'
C19	200.00'	16°39'30"	58.15'
C20	200.00'	11°50'40"	41.34'
C21	200.00'	14°20'04"	50.04'

Line Table		
Line	Bearing	Distance
L1	N66°48'06"W	8.50'
L2	N33°36'43"E	25.12'
L3	N56°23'17"W	57.00'
L4	N33°36'43"E	44.68'
L5	N33°36'43"E	137.50'
L6	N52°55'34"W	8.50'
L7	N33°36'43"E	14.00'
L8	N12°15'31"E	166.79'
L9	N12°15'31"E	66.79'
L10	N25°15'06"E	57.00'
L11	N64°44'54"W	23.05'
L12	N56°23'17"W	5.00'
L13	N33°36'43"E	55.00'
L14	N56°12'46"W	86.89'
L15	N33°36'43"E	74.72'
L16	N73°09'23"W	6.52'
L17	N29°11'13"W	68.83'
L18	N33°36'43"E	14.00'

Radial Bearing Table	
No.	Bearing
R1	N86°53'51"E
R2	N36°51'45"W
R3	N13°18'52"W
R4	N21°39'58"E
R5	N72°36'21"W
R6	N89°48'30"E
R7	N76°04'39"E
R8	N73°16'44"W
R9	N24°56'25"E



GRID NOTE:

THE DISTANCES SHOWN HEREON ARE GRID DISTANCES. MULTIPLY DISTANCES BY 1.0000612 TO OBTAIN GROUND LEVEL DISTANCES.

BASIS OF BEARINGS

THE LINE TAKEN AS N44°38'35"W BETWEEN TWO FOUND MONUMENTS (STATION NUMBER 2060 AND STATION NUMBER 3022) OF THE CITY OF TRACY GEODETIC CONTROL NETWORK, WHICH IS BASED UPON THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 3, NAD 83 (EPOCH 2004.0), AS SHOWN ON THE RECORD OF SURVEY FILED JUNE 26, 2007, IN BOOK 36 OF SURVEYS AT PAGE 118, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, IS THE BASIS OF BEARINGS FOR THIS MAP.

LEGEND

	TRACT MAP BOUNDARY LINE
	LOT LINE
	EXISTING EASEMENT LINE
	NEW EASEMENT LINE
	MONUMENT LINE
	MONUMENT TIE LINE
	EXISTING PROPERTY LINE
◉	FOUND MONUMENT AS NOTED
◎	SET STANDARD MONUMENT, STAMPED LS 6441
○	SET 3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441
PUE	PUBLIC UTILITY EASEMENT

SDE	STORM DRAIN EASEMENT
SSE	SANITARY SEWER EASEMENT
STDE	SIGHT DISTANCE EASEMENT
LME	LANDSCAPE MAINTENANCE EASEMENT
EX.	EXISTING
SQ.FT.	SQUARE FEET
(M-M)	MONUMENT TO MONUMENT
(M-ML)	MONUMENT TO MONUMENT LINE
(M-PL)	MONUMENT TO PROPERTY LINE
(R)	RADIAL
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////////	ABUTTERS RIGHTS OF ACCESS RELINQUISHED

TRACT NO. 4084
SUBDIVISIONS OF SAN JOAQUIN COUNTY

TRACY HILLS VILLAGE 9B

BEING A SUBDIVISION OF PORTIONS OF PARCELS 2 AND 3
AS SHOWN ON THE PARCEL MAP RECORDED NOVEMBER 23, 2020
IN BOOK 26 OF PARCEL MAPS AT PAGE 179
OFFICIAL RECORDS OF SAN JOAQUIN COUNTY,
BEING PORTIONS OF SECTIONS 1 AND 12, T. 3 S., R. 4 E.
MOUNT DIABLO MERIDIAN

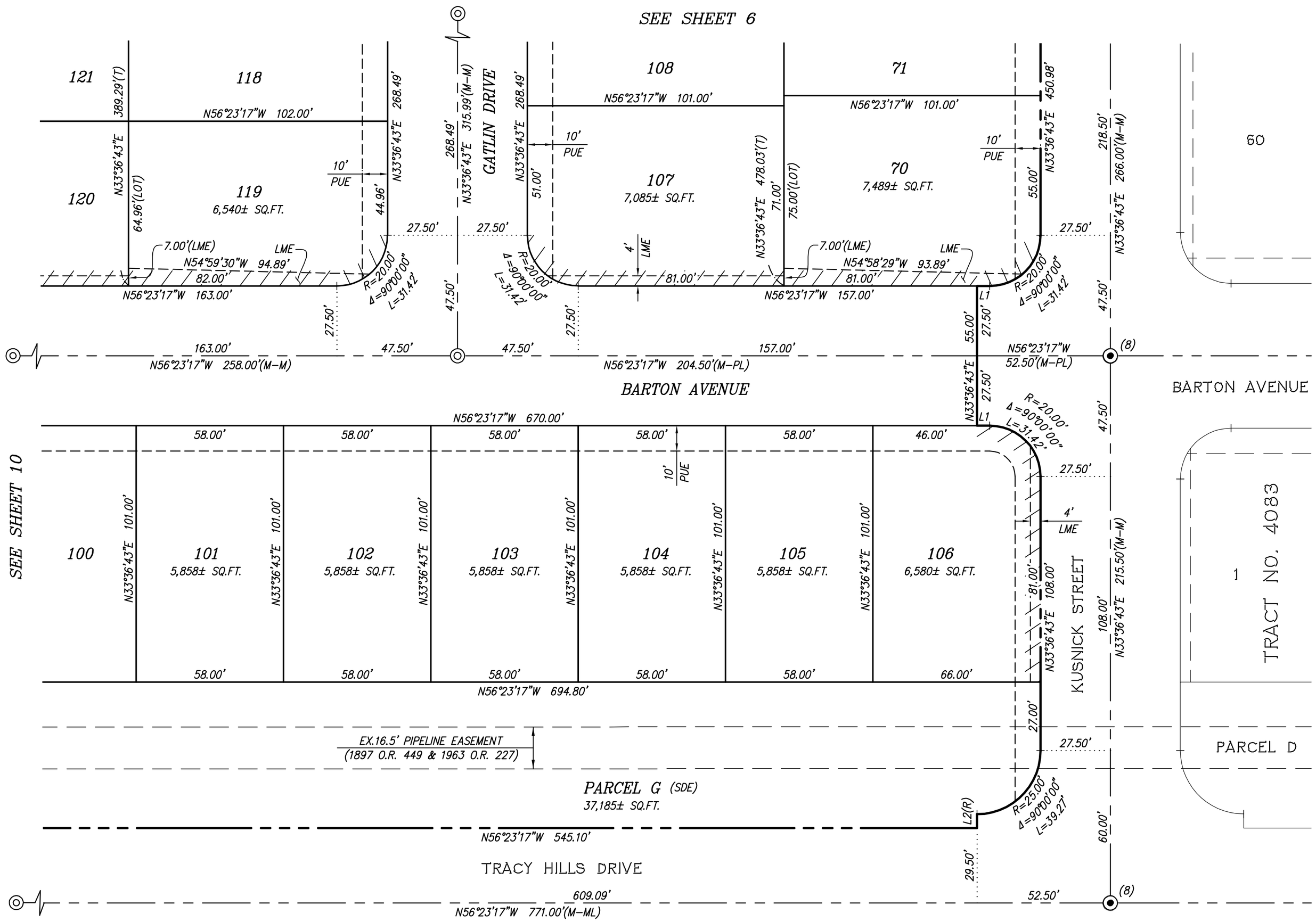
CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA

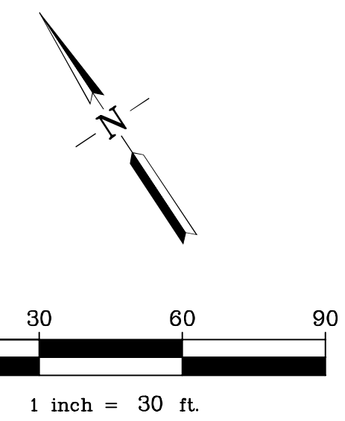
AUGUST 2021

JOB NO. 185011

G:\JOBS\185011\SURVEY\CAD FILES\FINAL MAPS\TRACT 4084 - TRACY HILLS VILLAGE 9B\TRACT 4084 - TRACY HILLS VILLAGE 9B.DWG 7/19/2021 10:35:31 AM ALAN MILLER



Line Table		
Line	Bearing	Distance
L1	N56°23'17"W	5.00'
L2	N33°36'43"E	5.50'



GRID NOTE:

THE DISTANCES SHOWN HEREON ARE GRID DISTANCES. MULTIPLY DISTANCES BY 1.0000612 TO OBTAIN GROUND LEVEL DISTANCES.

BASIS OF BEARINGS

THE LINE TAKEN AS N44°38'35"W BETWEEN TWO FOUND MONUMENTS (STATION NUMBER 2060 AND STATION NUMBER 3022) OF THE CITY OF TRACY GEODETIC CONTROL NETWORK, WHICH IS BASED UPON THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 3, NAD 83 (EPOCH 2004.0), AS SHOWN ON THE RECORD OF SURVEY FILED JUNE 26, 2007, IN BOOK 36 OF SURVEYS AT PAGE 118, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, IS THE BASIS OF BEARINGS FOR THIS MAP.

LEGEND

- TRACT MAP BOUNDARY LINE
- LOT LINE
- EXISTING EASEMENT LINE
- NEW EASEMENT LINE
- MONUMENT LINE
- MONUMENT TIE LINE
- EXISTING PROPERTY LINE

◉	FOUND MONUMENT AS NOTED
◎	SET STANDARD MONUMENT, STAMPED LS 6441
○	SET 3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441
SDE	STORM DRAIN EASEMENT
PUE	PUBLIC UTILITY EASEMENT
LME	LANDSCAPE MAINTENANCE EASEMENT
EX.	EXISTING
SQ.FT.	SQUARE FEET
(M–M)	MONUMENT TO MONUMENT
(M–ML)	MONUMENT TO MONUMENT LINE
(M–PL)	MONUMENT TO PROPERTY LINE
(R)	RADIAL
(T)	TOTAL
O.R.	OFFICIAL RECORDS
(DATA)(1)	RECORD DATA & REFERENCE
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REFERENCES:

(1) DIVISION OF HIGHWAYS, DISTRICT 10, STATE HIGHWAY MAP 10 S.J. 580 11.0 SHEETS 9 TO 13 OF 21 SHEETS AND DEED 3095 O.R. 714 SAN JOAQUIN COUNTY RECORDS.
(2) RECORD OF SURVEY, 33 RS 57
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(4) CITY OF TRACY GEODETIC CONTROL NETWORK RECORD OF SURVEY, 36 RS 118
(5) PARCEL MAP, 25 PM 168
(6) TRACT NO. 3878, 43 M & P 17
(7) PARCEL MAP, 26 PM 179
(8) TRACT NO. 4083

TRACT NO. 4084
SUBDIVISIONS OF SAN JOAQUIN COUNTY

TRACY HILLS VILLAGE 9B

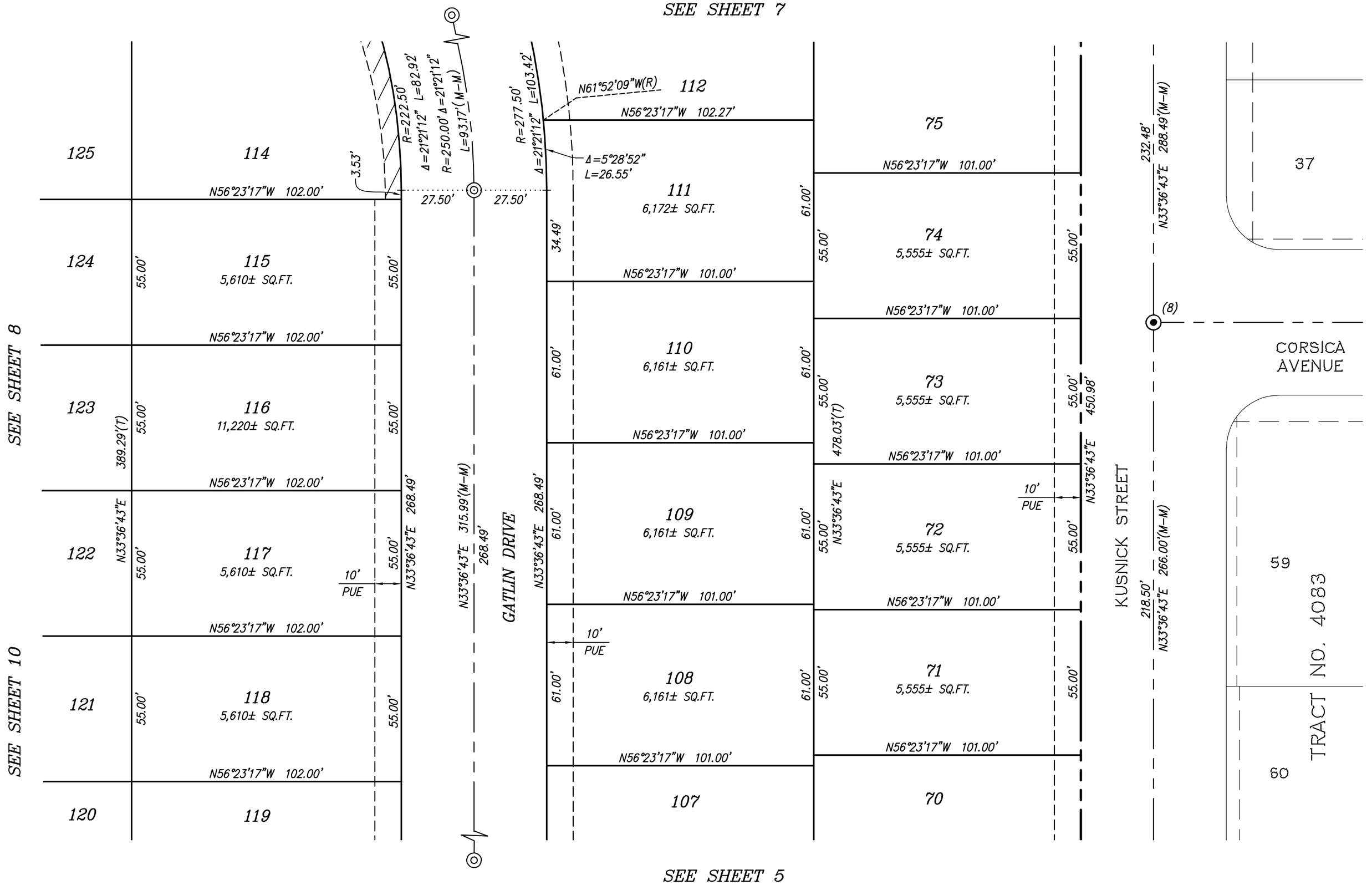
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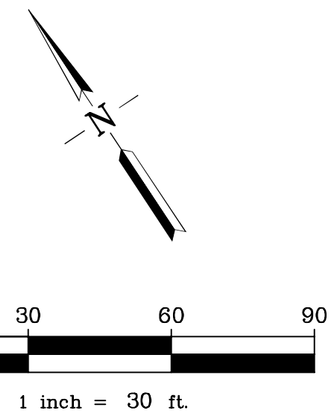
CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI–JENSEN–AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA

AUGUST 2021

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———	LOT LINE
— — —	EXISTING EASEMENT LINE
- - - -	NEW EASEMENT LINE
—— – – ——	MONUMENT LINE
.....	MONUMENT TIE LINE
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◉	FOUND MONUMENT AS NOTED
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SQ.FT.	SQUARE FEET
(M–M)	MONUMENT TO MONUMENT
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TRACT NO. 4084
SUBDIVISIONS OF SAN JOAQUIN COUNTY

TRACY HILLS VILLAGE 9B

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CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI–JENSEN–AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA

AUGUST 2021

JOB NO. 185011

G:\185011\SURVEY\CAD FILES\Final Map\TRACT 4084 - VALVIDGE-RELOWE 6/30/2021 2:35:16 PM ALAN WELLIN

Line Table		
Line	Bearing	Distance
L1	N33°36'43"E	315.99'
L2	N33°36'43"E	268.49'
L3	N12°15'31"E	30.00'

Curve Table			
Curve	Radius	Delta	Length
C1	775.00'	1°31'24"	20.61'

0 30 60 90

1 inch = 30 ft.

SEE SHEET 4
PARCEL R

PARCEL B

TRACT NO. 4083

33

76.00'
290.00'(T)
N25°15'06"E
114.00'

78
6,270± SQ.FT.

79
6,270± SQ.FT.

80
6,621± SQ.FT.

81
6,867± SQ.FT.

82
6,632± SQ.FT.

83
6,328± SQ.FT.

84
6,050± SQ.FT.

85
6,050± SQ.FT.

86

N64°44'54"W 212.55'
60.87'
55.00'
21.23'
41.68'
62.59'
N77°44'29"W 803.69'
59.87'
55.00'
55.00'
N12°15'31"E 110.00'
110.93'
N14°47'35"E(R) 115.75'
N18°33'01"E(R) 115.26'
N22°18'27"E(R)
N25°15'06"E 114.00'
N25°15'06"E 114.00'
N64°44'54"W 11.88'
55.00'
55.00'
N64°44'54"W 110.00'
Δ=2°56'40" L=43.09'
Δ=3°45'26" L=54.99'
Δ=3°45'26" L=54.99'
Δ=12°59'35" L=190.15'
R=838.50'
N64°44'54"W 11.88'(M-PL)
N64°44'54"W 78.18'(M-PL)
28.50'
57.00'
N25°15'06"E
(8)
SINGH LANE
Δ=2°32'03" L=37.09'
R=810.00'
Δ=12°59'35" L=183.68'(M-M)
Δ=12°21'57" L=174.82'
17.89'
10' PUE
28.50'
N64°44'54"W 11.88'
N64°44'54"W 23.05'
R=20.00'
Δ=98°21'37" L=34.33'
56.00'
N22°00'37"E(R)
34.93'
72.29'
N66°33'53"W
LME
Δ=3°14'29" L=44.21'
27.50'
R=781.50' Δ=12°21'57" L=168.66'
C1
6.64'
(LME)
Δ=9°07'28" L=124.45'
N21°54'42"E(R)
68.03'(LOT)
102.03'
60.98'
N56°23'17"W 101.00'
N56°23'17"W 115.16'
478.03'(T)
60.00'
450.98'
N33°36'43"E
288.49'(M-M)
232.48'
N33°36'43"E
N74°46'09"W(R)
10' PUE
N56°23'17"W 101.00'
N56°23'17"W 102.27'
N61°52'09"W(R)
N56°23'17"W 101.00'
61.00'
55.00'
55.00'
N33°36'43"E 104.33'
N56°23'17"W 102.00'(LOT)
3.53'
R=222.50'
Δ=21°21'12"
R=200.00'
Δ=21°17'25" L=74.32'(LME)
R=250.00' L=93.17'(M-M)
Δ=21°21'12"
R=277.50'
Δ=21°21'12" L=103.42'
Δ=12°54'00" L=62.48'
Δ=5°28'52" L=26.55'
27.50'
27.50'
L1 (M-M)
L2
L2
L3
LME
8.5'
55.87'
L=82.92'
Δ=21°21'12"
N12°15'31"E 29.95'
30.00'
78.50'(M-M)
27.50'
27.50'
27.50'
27.50'
Δ=2°58'20" L=14.39'
R=20.00' Δ=90°00'00" L=31.42'
R=20.00' Δ=90°37'38" L=31.63'
N12°53'10"E(R)
4' LME
48.50'
48.55'
N12°15'31"E
28.50'
28.50'
N77°44'29"W 39.16'(M-M)
Δ=0°37'38" L=8.87'
N77°44'29"W 487.78'
55.00'
55.00'
N77°44'29"W 277.02'(M-M)
47.50'
N77°44'29"W 182.02'
182.02'
53.57'
10' PUE
N12°15'31"E 110.00'
N12°15'31"E 110.00'
55.00'
55.00'
55.00'
55.00'
N77°44'29"W 487.78'

114
10,829± SQ.FT.

113
10,734± SQ.FT.

112
6,558± SQ.FT.

111

125

124

115

77
7,610± SQ.FT.

76
6,060± SQ.FT.

75
5,555± SQ.FT.

74

10' PUE

KUSNICK STREET

SEE SHEET 8

SEE SHEET 6

34

35

36

37

TRACT NO. 4083

REFERENCES:

(1) DIVISION OF HIGHWAYS, DISTRICT 10, STATE HIGHWAY MAP 10 S.J. 580 11.0 SHEETS 9 TO 13 OF 21 SHEETS AND DEED 3095 O.R. 714 SAN JOAQUIN COUNTY RECORDS.
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	LOT LINE
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	MONUMENT TIE LINE
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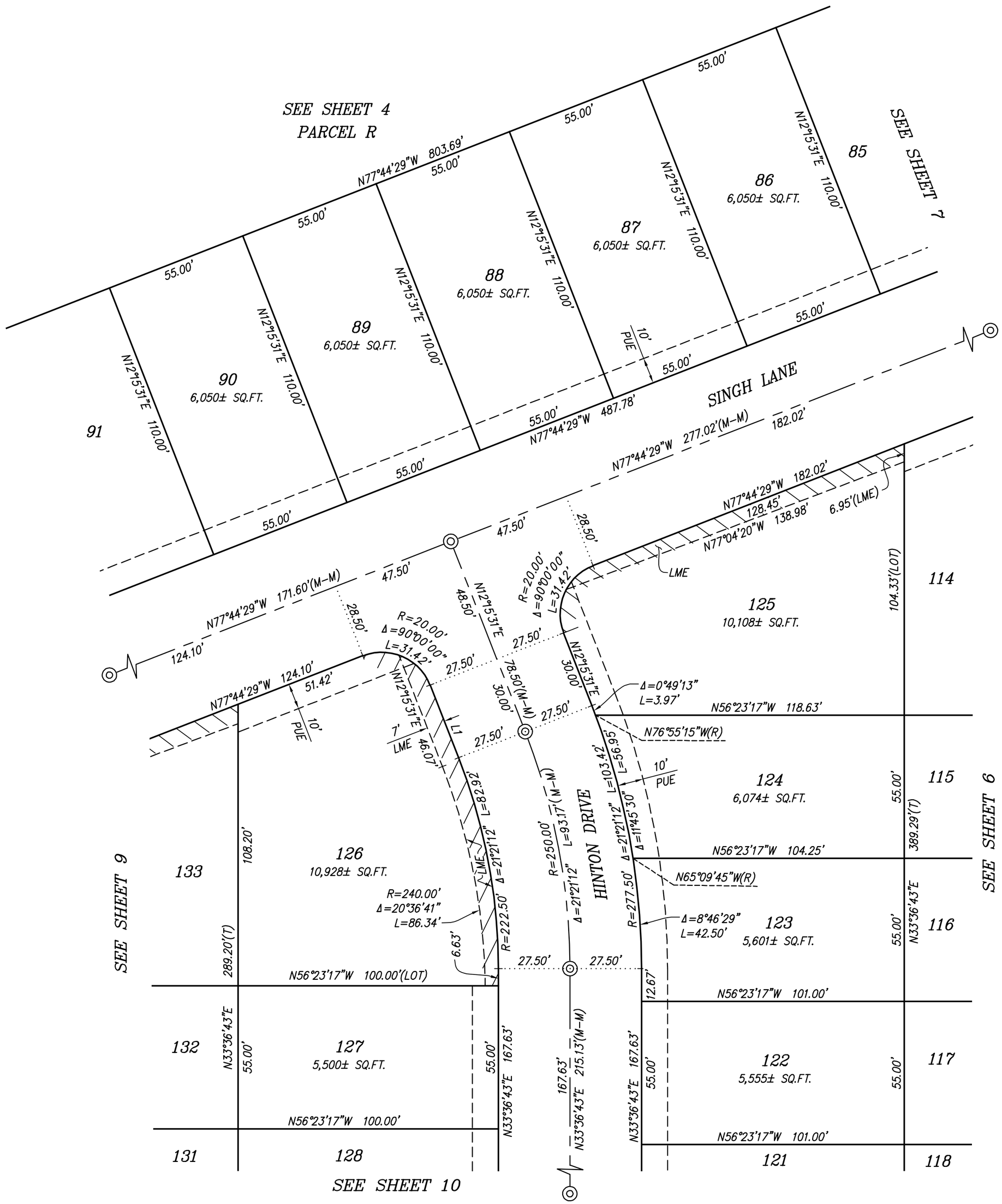
TRACY HILLS VILLAGE 9B

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CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
AUGUST 2021

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REFERENCES:

(1) DIVISION OF HIGHWAYS, DISTRICT 10, STATE HIGHWAY MAP 10 S.J. 580 11.0 SHEETS 9 TO 13 OF 21 SHEETS AND DEED 3095 O.R. 714 SAN JOAQUIN COUNTY RECORDS.
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SQ.FT.	SQUARE FEET
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0 30 60 90

1 inch = 30 ft.

Line Table		
Line	Bearing	Distance
L1	N12°15'31"E	30.00'

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SUBDIVISIONS OF SAN JOAQUIN COUNTY

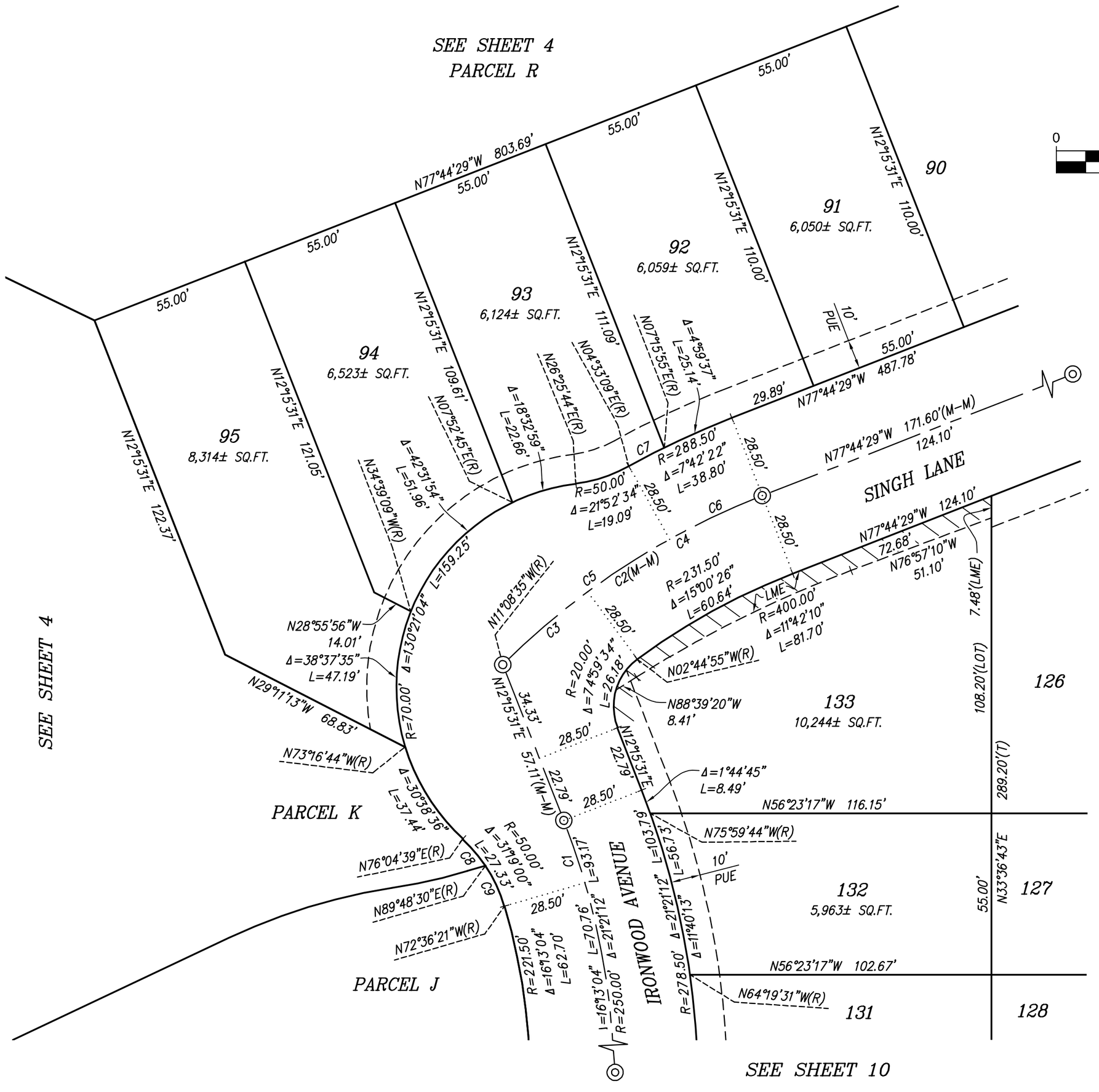
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AUGUST 2021

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0 30 60 90

1 inch = 30 ft.

Curve Table			
Curve	Radius	Delta	Length
C1	250.00'	5°08'08"	22.41'
C2	260.00'	23°24'07"	106.19'
C3	260.00'	8°23'40"	38.09'
C4	260.00'	15°00'26"	68.10'
C5	260.00'	15°41'44"	71.23'
C6	260.00'	7°42'22"	34.97'
C7	288.50'	2°42'46"	13.66'
C8	50.00'	13°43'51"	11.98'
C9	50.00'	17°35'09"	15.35'

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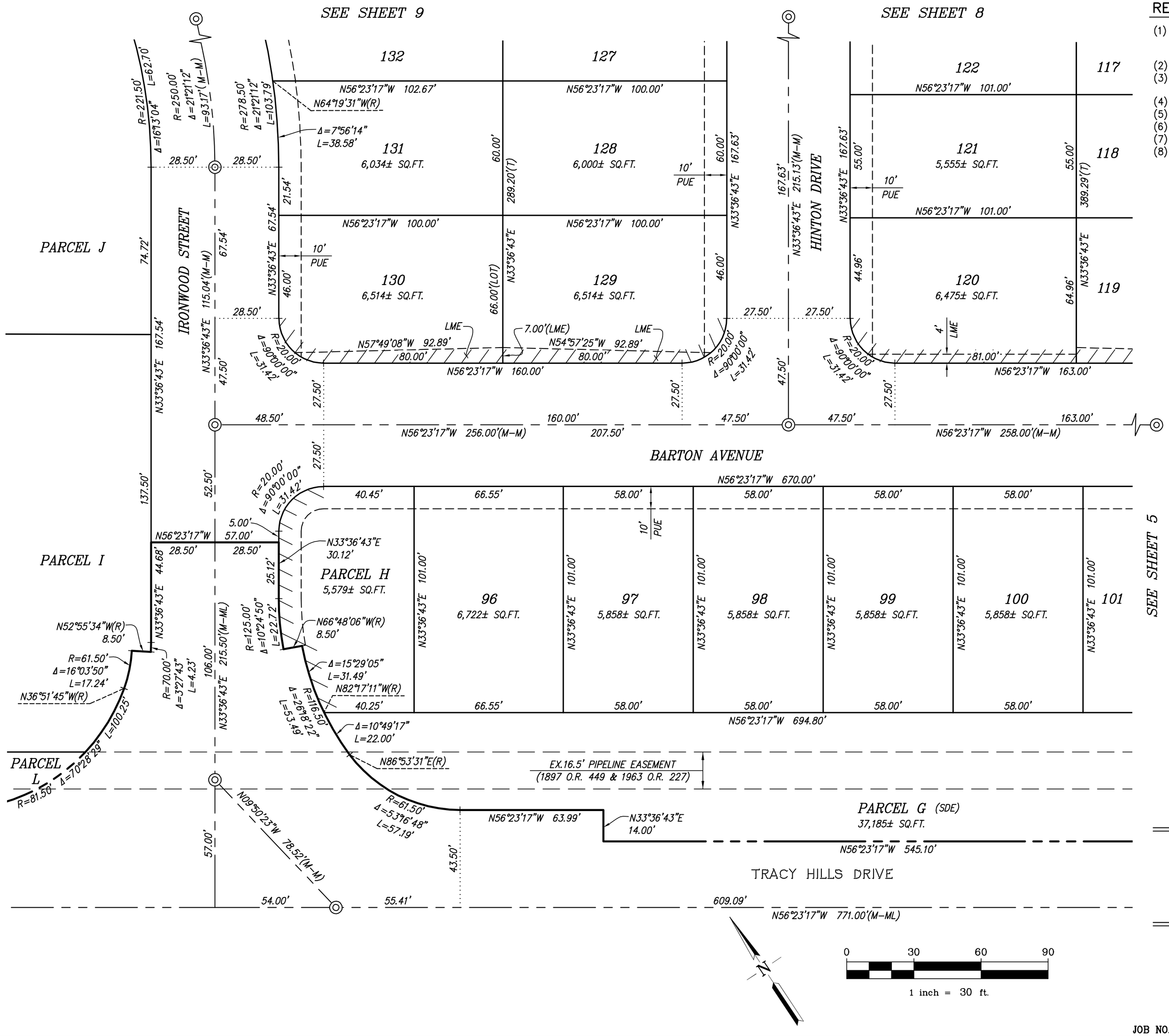
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RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA

AUGUST 2021

JOB NO. 185011

G:\185011\SURVEY\CAD FILES\FINAL MAP\TRACT 4084 - VARYOSOV-VERSION 6/25/2021 2:35:11 PM ALAN WILSON



REFERENCES:

(1) DIVISION OF HIGHWAYS, DISTRICT 10, STATE HIGHWAY MAP 10 S.J. 580 11.0 SHEETS 9 TO 13 OF 21 SHEETS AND DEED 3095 O.R. 714 SAN JOAQUIN COUNTY RECORDS.
(2) RECORD OF SURVEY, 33 RS 57
(3) DEPARTMENT OF WATER RESOURCES RIGHT OF WAY MAPS, DRAWING NUMBERS 01011-39-06, 01012-39-07 AND 01013-39-08
(4) CITY OF TRACY GEODETIC CONTROL NETWORK RECORD OF SURVEY, 36 RS 118
(5) PARCEL MAP, 25 PM 168
(6) TRACT NO. 3878, 43 M & P 17
(7) PARCEL MAP, 26 PM 179
(8) TRACT NO. 4083

GRID NOTE:

THE DISTANCES SHOWN HEREON ARE GRID DISTANCES. MULTIPLY DISTANCES BY 1.0000612 TO OBTAIN GROUND LEVEL DISTANCES.

BASIS OF BEARINGS

THE LINE TAKEN AS N44°38'35"W BETWEEN TWO FOUND MONUMENTS (STATION NUMBER 2060 AND STATION NUMBER 3022) OF THE CITY OF TRACY GEODETIC CONTROL NETWORK, WHICH IS BASED UPON THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 3, NAD 83 (EPOCH 2004.0), AS SHOWN ON THE RECORD OF SURVEY FILED JUNE 26, 2007, IN BOOK 36 OF SURVEYS AT PAGE 118, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, IS THE BASIS OF BEARINGS FOR THIS MAP.

LEGEND

	TRACT MAP BOUNDARY LINE
	LOT LINE
	EXISTING EASEMENT LINE
	NEW EASEMENT LINE
	MONUMENT LINE
	MONUMENT TIE LINE
	EXISTING PROPERTY LINE
◉	FOUND MONUMENT AS NOTED
◎	SET STANDARD MONUMENT, STAMPED LS 6441
○	SET 3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441
SDE	STORM DRAIN EASEMENT
PUE	PUBLIC UTILITY EASEMENT
LME	LANDSCAPE MAINTENANCE EASEMENT
EX.	EXISTING
SQ.FT.	SQUARE FEET
(M-M)	MONUMENT TO MONUMENT
(M-ML)	MONUMENT TO MONUMENT LINE
(M-PL)	MONUMENT TO PROPERTY LINE
(R)	RADIAL
(T)	TOTAL
O.R.	OFFICIAL RECORDS
(DATA)(1)	RECORD DATA & REFERENCE
////////	ABUTTERS RIGHTS OF ACCESS RELINQUISHED

TRACT NO. 4084
SUBDIVISIONS OF SAN JOAQUIN COUNTY

TRACY HILLS VILLAGE 9B

BEING A SUBDIVISION OF PORTIONS OF PARCELS 2 AND 3
AS SHOWN ON THE PARCEL MAP RECORDED NOVEMBER 23, 2020
IN BOOK 26 OF PARCEL MAPS AT PAGE 179
OFFICIAL RECORDS OF SAN JOAQUIN COUNTY,
BEING PORTIONS OF SECTIONS 1 AND 12, T. 3 S., R. 4 E.
MOUNT DIABLO MERIDIAN

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
AUGUST 2021

JOB NO. 185011

Recording Requested By:

City of Tracy
Development Services
333 Civic Center Plaza
Tracy, CA 95376

And When Recorded Mail To:

City of Tracy
Office of the City Clerk
333 Civic Center Plaza
Tracy, CA 95376
Attn: Adrianne Richardson

SPACE ABOVE THIS LINE FOR RECORDER'S INFORMATION

City of Tracy
SUBDIVISION IMPROVEMENT AGREEMENT
Tract 4084 - Tracy Hills Village 9B

This **Subdivision Improvement Agreement** ("**Agreement**") is entered into between the City of Tracy, a municipal corporation ("**City**"), and **LENNAR HOMES OF CALIFORNIA, INC.**, a California corporation ("**Developer**").

Recitals

A. Developer is the party responsible for the construction of the public improvements within a portion of the real property comprising the subject Final Subdivision Map for Tracy 4084 - Tracy Hills Village 9B, and being more particularly described and depicted in Exhibit "**A**" attached hereto and incorporated herein by reference (hereinafter "**Property**").

B. On November 10, 2020, the Tracy City Council ("**City Council**") adopted the Tracy Hills Specific Plan Amendment for Tracy Hills Phase 1B/1C and approved various related land use entitlements, including that certain Small-Lot Vesting Tentative Subdivision Map for Tracy Hills Phase 1B, Tract 4004, processed under Application No. TSM18-0006 and approved by Resolution No. 2020-188 ("**Tentative Map**"). The Tentative Map includes 432 single-family residential lots, park parcels, HOA recreation area parcel, retention basin parcel, and numerous other parcels to be owned and maintained by Homeowners Association, Developer or City on approximately 309.9 acres located in the Tracy Hills Specific Plan Area, west of Tracy Hills Phase 1A in the vicinity of Tracy Hills Drive. The Tentative Map is on file with the City Clerk, and is incorporated herein by this reference.

C. The approval of the Tentative Map by the City Council was subject to specified conditions of approval ("**Conditions of Approval**"). The Conditions of Approval, attached hereto as Exhibit "**B**", describe, among other things, improvements that are required for approval of the Final Subdivision Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City Standards.

D. In accordance with the Subdivision Map Act (California Government Code sections 66410, *et seq*) and the Subdivision Ordinance (Tracy Municipal Code, Title 12), Developer has submitted to the City the Final Subdivision Map for Tract 4084 - Tracy Hills Village 9B, consisting of 64 single-family residential lots located on approximately 36.4 acres within the boundaries of the aforementioned 432 lot Tracy Hills Phase 1B project. Exhibit "**C**" shows the overall Tracy Hills Phase 1B project area and the location of the Final Subdivision Map for Tract 4084 - Tracy Hills Village 9B, ("**Project**" or "**Project site**").

E. In accordance with the Conditions of Approval, Developer has prepared and the City Engineer has approved certain improvement plans and specifications (which incorporate portions of the City's Standard Specifications), which describe the improvements that are required for approval of the Final Subdivision Map and are incorporated herein by reference. The approved plans and specifications ("**Approved Plans and Specifications**") include: sixteen (16) sheets of improvement plans entitled "Improvement Plans, Village 9B, Tract 4084, Tracy Hills Phase 1B", prepared by Ruggeri-Jensen-Azar; four (4) sheets of joint trench plans entitled "Joint Trench Composite Plan, Tracy Hills Phase 1B, Village 9B", prepared by Power Systems Design; and four (4) sheets of street lighting plans entitled "Street Lighting Plan Set, Tracy Hills Village 9B", prepared by Power Systems Design.

F. In furtherance of the satisfaction of the Conditions of Approval, landscape improvement plans and specifications which describe in detail the landscape and irrigation improvements in the parkway strips within the public streets shown on the Final Subdivision Map have been prepared on behalf of the Developer and are under review by the City Engineer. The plans and specifications under review include landscape construction plans, entitled "Tracy Hills Landscape Improvement Plans, Neighborhood 9B, Tract 4084 Phase 1B, prepared by FORMA ("**Submitted Plans and Specifications**" or "**Additional Work**").

G. Developer shall not commence with construction of the Additional Work until such time as the City Engineer completes the review and formally approves the Submitted Plans and Specifications. Upon the formal approval by the City Engineer, the Submitted Plans and Specifications shall be incorporated into and made part of this Agreement to the same extent and the same effect as if fully and originally set forth herein as part of the Approved Plans and Specifications.

H. Because the required improvements have not been completed, Developer has requested to execute this Agreement as authorized by Government Code section 66462.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Scope of Work; Location. Developer shall perform, or cause to be performed, the Work described in the Approved Plans and Specifications, the Submitted Plans and Specifications as ultimately approved by the City Engineer, and the Conditions of Approval (hereinafter "**Work**"), to the satisfaction of the City Engineer. The Work shall

be performed, and all materials and labor shall be provided, at Developer's expense, in the manner described in the Plans and Specifications. No change shall be made to the Work unless authorized in writing by the City Engineer. Developer may submit a written request to the City Engineer for a change in the scope of Work, as authorized by Tracy Municipal Code section 12.36.060(f).

Developer shall perform all Work at the locations and grades shown on the Plans and Specifications. Developer (a) has acquired any necessary easement or right-of-way or (b) has entered into a separate Agreement with the City to acquire the necessary easement or right-of-way at Developer's expense.

2. Time of Performance. Time is of the essence in the performance of the Work, and the timing requirements set forth here shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. Developer shall submit all requests for extensions of time to the City, in writing, no later than ten days after the start of the condition that purportedly caused the delay, and not later than the date on which performance is due.

2.1 Commencement of Work. No later than 15 days before the beginning of Work, Developer shall provide written notice to the City Engineer of the date on which Developer will begin Work. Developer shall not begin Work until after the notice required by this section is properly provided, and Developer shall not begin Work before the date specified in the written notice.

2.2 Schedule of Work. Concurrently with the written notice of beginning of Work, Developer shall provide the City with a written schedule of Work, which shall be updated in writing as necessary to accurately reflect Developer's prosecution of the Work.

2.3 Completion of Work. Developer shall complete all Work by no later than 365 days after Developer's submittal of its notice of commencement of Work pursuant to Section 2.1 above. If the Work is not completed by this date, City Engineer may grant an extension of time if (a) Developer submits a written request for extension at least ten (10) days prior to expiring date of completion, (b) the City Engineer determines that Work is progressing satisfactorily and an extension is warranted, and (c) Developer pays all processing fees for such time extension.

2.4 Reversion to Acreage. If Developer fails to begin the Work before the date on which completion is due, Developer shall, upon written request by the City, consent to the reversion to acreage of all real property described by the Final Map, and Developer shall bear the costs of processing and implementing the reversion.

3. Improvement Security. Concurrently with Developer's execution of this Agreement, and before beginning any Work, Developer shall furnish contract security, in a form authorized by the Subdivision Map Act (including Government Code sections 66499 *et seq.*) and Tracy Municipal Code section 12.36.080, in the following amounts:

3.1 Faithful Performance security in the amount of **$1,268,542.00** to secure faithful performance of this Agreement (until the date on which the City Council accepts the Work as complete) under Government Code sections 66499.1, 66499.4, and 66499.9.
3.2 Labor and Material security in the amount of **$1,268,542.00** to secure payment by Developer to laborers and materialmen under Government Code sections 66499.2, 66499.3, and 66499.4.
3.3 Warranty security in the amount of **$126,855.00** to guarantee improvements against any defective work or labor done or defective materials used in performance of Work for one year from the date on which the City Council accepts the Work as complete, under Government Code sections 66499.1, 66499.4, and 66499.9.
3.4 Monumentation security in the amount of **$20,000.00** to secure faithful performance of setting monuments pursuant to Government Code section 66496.

4. Indemnification. Developer shall indemnify, defend, and hold harmless City (including its elected officials, officers, agents and employees) from and against any and all claims, demands, damages, liabilities, costs, and expenses (including court costs and attorney's fees) resulting from the performance of the Work by Developer or Developer's agents, representatives, contractors, subcontractors, or employees, except when caused by the active negligence or willful misconduct of City, until such time as all of the following have occurred: (1) the City Council accepts all of the improvements comprising the Work, (2) the City becomes responsible for the maintenance, operation and repair of all of the improvements comprising the Work, and (3) the one year warranty period set forth in Section 12, below, has expired, at which time the indemnification obligations under this Section 4 shall automatically terminate, with regard to any cause of action arising after such date. For avoidance of doubt, Developer's obligations under this Section 4 are in addition to all other Developer's obligations set forth in this Agreement, and shall not affect Developer's warranty obligations set forth in Section 12, below.

5. Insurance. Concurrently with the execution of this Agreement by Developer, and before beginning any Work, Developer shall furnish evidence to the City that the following insurance requirements have been satisfied. The insurance requirements contained in this Section 5 are material terms of this Agreement. These insurance coverage requirements below may be satisfied by umbrella or excess liability policies upon City approval.

5.1. General. Developer shall, throughout the duration of this Agreement, maintain insurance to cover Developer, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.
5.2. Commercial General Liability (with coverage at least as broad as ISO form CG 00 01) coverage shall be maintained in an amount not less than $4,000,000 per occurrence and $8,000,000 general aggregate for general liability, bodily injury, personal injury, and property damage, including without

limitation, blanket contractual liability and coverage for explosion, collapse, and underground property hazards.

5.3. Professional Contracts. Developer shall cause its design professionals to maintain professional liability insurance that insures against professional errors and omissions that may be made in performing services related to the Work to be rendered in connection with this Agreement, in the minimum amount of one million dollars ($1,000,000) per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this Agreement, and Developer agrees to cause its design professionals to maintain continuous coverage through a period no less than three years after completion of the services required pursuant to this Agreement.

5.4. Automobile Liability (with coverage at least as broad as ISO form 00 01 07 97 for "any auto" including "hired autos" and "non-owned autos") coverage shall be maintained in an amount not less than $2,000,000 per accident for bodily injury and property damage.

5.4.1. If Developer has no employees, or does not own automobiles, then "hired autos" and "non-owned autos" coverage shall be maintained in an amount not less than $1,000,000 per accident for bodily injury and property damage.

5.5. Workers' Compensation coverage shall be maintained as required by the State of California.

5.6. Endorsements. Developer shall obtain endorsements to the commercial general liability and automobile policies with the following provisions:

5.6.1. The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an Additional Insured on Developer's Commercial General Liability policy utilizing endorsement form CG 20 10 (or its equivalent) for ongoing operations and CG 20 37 (or its equivalent) for products/completed operations.

5.6.2. For any claims related to this Agreement, Developer's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of Developer's insurance and shall not contribute with it.

5.6.3. Developer shall require its contractors and subcontractors providing services required by this Agreement (e.g. general contractors, design professionals) to name it and the City as Additional Insureds.

5.7. Notice of Cancellation. Developer shall notify the City of any cancellation of either the commercial general liability policy or automobile insurance policy before the expiration date. For the purpose of this notice requirement, any material change in the policy before the expiration shall be considered a cancellation. Developer shall immediately obtain a replacement policy.

5.8. Authorized Insurers. All insurance companies providing coverage to Developer shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California, with an AM Best rating of at least A-:VII.

5.9. Insurance Certificate. Developer shall provide evidence of compliance with the commercial general liability insurance and automobile insurance requirements listed above by providing a certificate of insurance and

endorsements, in a form satisfactory to the City Attorney before the City executes this Agreement.

5.10. Substitute Certificates. No later than thirty (30) days before the policy expiration date of any insurance policy required by this Agreement, Developer shall provide a substitute certificate of insurance.

5.11. Developer's Obligation. Maintenance of insurance by Developer as specified in this Agreement shall in no way be interpreted as relieving Developer of any responsibility whatsoever (including indemnity obligations under this Agreement), and Developer may carry, at its own expense, such additional insurance as it deems necessary.

6. Independent Contractor Status. Developer is an independent contractor and is solely responsible for the acts of its employees, agents, and subcontractors, including any negligent acts or omissions. Developer is not City's employee and Developer shall have no authority, express or implied, to act on behalf of the City as an agent, or to bind the City to any obligation, unless the City provides prior written authorization to Developer.

7. Default.

7.1 Notice. If Developer is in default of this Agreement, as defined in Section 7.2, the City Engineer shall provide written notice to Developer and Developer's surety (if any) describing the default.

7.2 Events of default. Developer shall be in default of this Agreement if the City Engineer determines that any one of the following conditions exist:

7.2.1 Developer is insolvent, bankrupt, or makes a general assignment for the benefit of its creditors.

7.2.2 Developer abandons the Project site.

7.2.3 Developer fails to perform one or more requirements of this Agreement.

7.2.4 Developer fails to replace or repair any damage caused by Developer or its agents, representatives, contractors, subcontractors, or employees in connection with performance of the Work.

7.2.5 Developer violates any legal requirement related to the Work.

7.3 If Developer fails to cure the default within thirty (30) calendar days, or provide adequate written assurance to the satisfaction of the City Engineer that the cure will be promptly started and diligently prosecuted to its completion, the City may, in the discretion of the City Engineer, take any or all of the following actions:

7.3.1 Cure the default and charge Developer for the costs, including administrative costs and interest in an amount equal to 7% per annum from the date of default.

7.3.2 Demand Developer complete performance of the Work.

7.3.3 Demand Developer's surety (if any) complete performance of the Work.

8. Ownership of Work. All original documents prepared by Developer for this Agreement are the property of the City, and Developer shall provide them to the City at the completion of Developer's Work, or upon demand from the City.

9. Inspection by the City; Inspection Fees and Fee Credits. In order to permit the City to inspect the Work, Developer shall, at all times, provide to the City proper and safe access to the Project site, and all portions of the Work, and to all shops where portions of the Work are in preparation.

Concurrently with Developer's execution of this Agreement and before the beginning of any Work, Developer shall pay the City Inspection Fees in the amount of 3.5% of the estimated Project costs (as approved by the City Engineer). If the City requires an independent inspection, Developer shall pay all such costs and provide a report directly to the City.

Developer shall be entitled to fee credits consistent with Section 3.3 of the Development Agreement (DA), adopted by Ordinance 1213, as may be amended from time to time, and as provided in greater detail in the Finance and Implementation Plan (FIP) for the Project pursuant to the DA and Tracy Municipal Code Section 10.20.060(b)(3), as may be amended from time to time.

10. Developer's Authorized Representative. At all times during the progress of the Work, Developer shall have a competent foreperson or superintendent (Superintendent) on site with authority to act on behalf of Developer. Developer shall, at all times, keep the City Engineer informed in writing of the names and telephone numbers of: (a) the Superintendent; and (b) all contractors and subcontractors performing the Work.

11. Acceptance of Work. Before the City Council's acceptance of the Work, Developer is solely responsible for maintaining the quality of the Work and maintaining safety at the Project site. Developer's obligation to perform the Work is not satisfied until after the City Engineer has made a written determination that all obligations of the Agreement have been satisfied, all outstanding fees and charges have been paid, and the City Council has accepted the Work as complete.

12. Warranty Period. Developer shall warrant the quality of the Work, in accordance with the terms of the Plans and Specifications, for a period of one year after acceptance of the Work by the City Council. If during the one-year warranty period any portion of the Work is determined by the City Engineer to be defective as a result of an obligation of Developer under this Agreement, Developer shall be in default of this Agreement and shall without delay and without any cost to City repair, replace, or reconstruct any defective improvements.

13. Miscellaneous.

13.1 Notices. All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or electronically mailed to the respective party as follows:

To City	To Developer:
City of Tracy 333 Civic Center Plaza Tracy, CA 95376 Attn: City Engineer notice@cityoftracy.org	Lennar Homes of California, Inc. 2603 Camino Ramon, Suite 525 San Ramon, CA 94583 Attn: Bridgit Koller bridgit.koller@lennar.com
With a copy to:	With a copy to:
City Attorney 333 Civic Center Plaza Tracy, CA 95376 Attn: City Engineer attorney@cityoftracy.org	AG Essential Housing CA 1, LP c/o AGWIP Asset Management LLC 8585 Scottsdale, AZ 85255 Attn: Steven S. Benson, Manager steve.benson@agwipam.com

Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the email address designated above, or (2) two working days following the deposit in the United States Mail of registered or certified mail, sent to the address designated above.

13.2 Approvals by City. Any approval or consent by that is to be given by City under this Agreement shall be in writing, and any approval or consent that is not in writing shall not be binding on City.

13.3 Modifications. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

13.4 Waivers. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

13.5 Assignment and Delegation. This Agreement and any portion of it may not be assigned or transferred, nor shall any of Developer's duties be delegated, without the City's prior written consent. Any attempt to assign or delegate this Agreement without the City's written consent shall be void and of no effect. A consent by the City to one assignment shall not be deemed to be a consent to any subsequent assignment.

13.6 Jurisdiction and Venue. The interpretation, validity and enforcement of the Agreement shall be governed by the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

13.7 Permits, Licenses, and Compliance with Law. Developer shall, at Developer's expense, obtain and maintain all necessary permits and licenses for the performance of the Work. Before City signs the Agreement, Developer shall

obtain a City of Tracy Business License. Developer shall comply with all local, state, and federal laws, whether or not those laws are expressly stated in this Agreement.

13.8 Entire Agreement; Severability. This Agreement, including all documents incorporated by reference, comprises the entire integrated understanding between the parties concerning the improvements to be constructed for this Project. This Agreement supersedes all prior negotiations, representations, or agreements. If a term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in effect.

14. Signatures. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity and authority to execute this Agreement. This Agreement shall inure to the benefit of and be binding upon the parties and their successors and assigns.

The parties hereby agree to the full performance of the terms set forth herein.

City of Tracy

_____
Nancy D. Young, Mayor

Date: _____

Approved by City Council on _____
by Resolution No. _____.

Attest:

_____
By: Adrianne Richardson, City Clerk

Approved As To Form:

_____
By: Leticia Ramirez, City Attorney

Developer

LENNAR HOMES OF CALIFORNIA, INC.
a California corporation

_____

By: Bridgit Koller
Title: Vice President

Date: 10/4/2021

Federal Employer Tax ID No. 93-1223261

Exhibits

A: Legal Description and Plat of Property (Recital A)
B: Tentative Map Conditions of Approval (Recital C)
C: Location of Project Site (Recital D)

Consent to Recordation

AG Essential Housing CA 1, LP, is the owner in fee simple of the real property described in Exhibit A and hereby consents to the recordation of this Subdivision Improvement Agreement.

AG Essential Housing CA 1 LP
a Delaware Limited Partnership

By: AGWIP Asset Management, LLC
An Arizona Limited Liability Company
Its Authorized Agent

_____
By: Steven S. Benson
Title: Manager
Date: _____

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

All that real property situate in the City of Tracy, County of San Joaquin, State of California, described as follows:

All of Lots 70 through 133, Parcel H, and all of Barton Avenue, Ironwood Street, Hinton Drive, Gatlin Drive and Singh Lane, all as shown on the final subdivision map of Tract No. 4084, Tracy Hills Village 9B, filed on _____, 2021, in Book _____ of Maps and Plats, at Page _____, Recorders Series No. 2021-_____, Official Records of San Joaquin County, California.

See Exhibit "A" Plat Map attached hereto and made a part hereof.

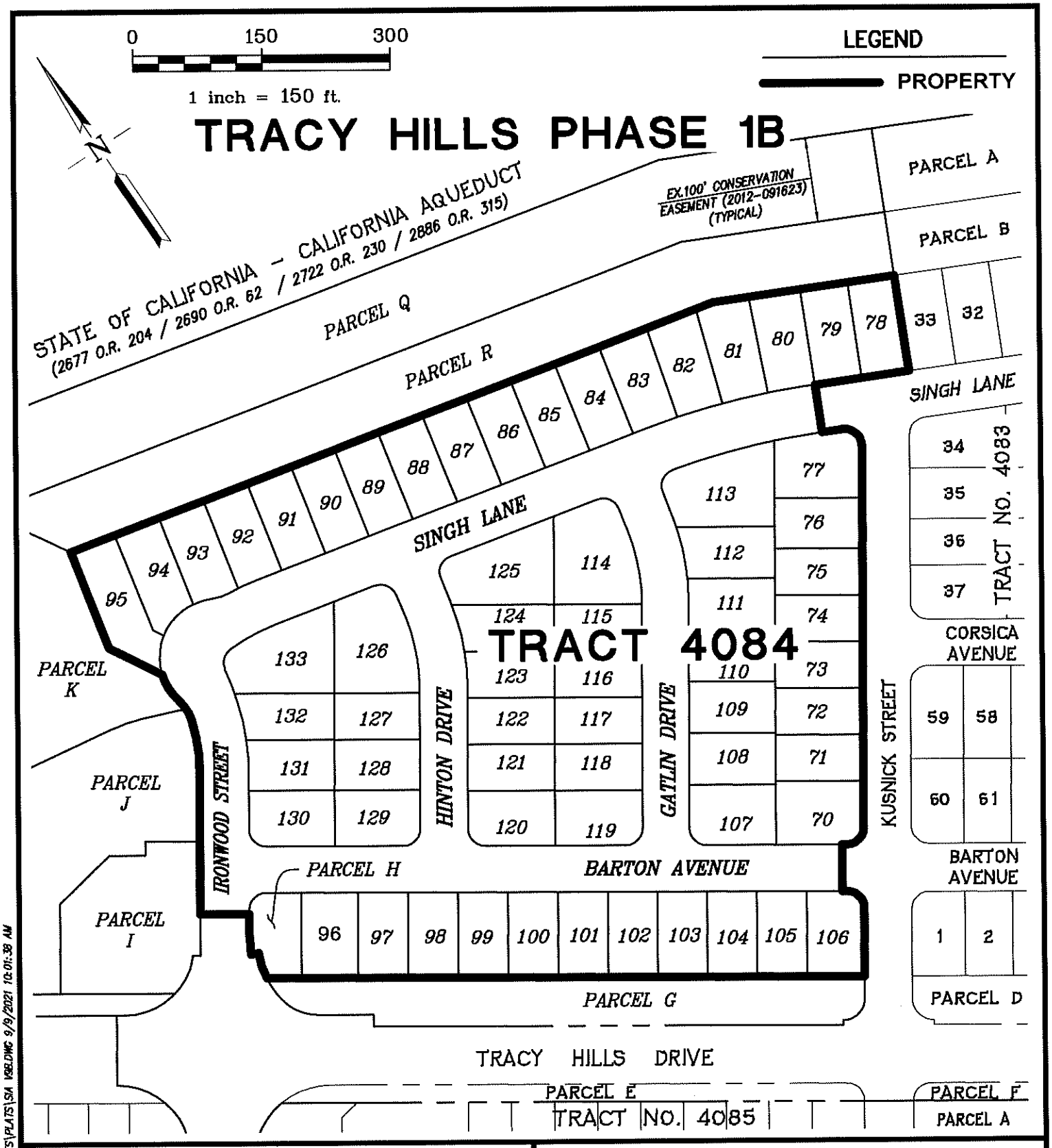


EXHIBIT A

PLAT TO ACCOMPANY LEGAL DESCRIPTION
FOR
SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 4084 – PORTION OF VILLAGE 9B

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

SCALE:	DATE:	JOB NO.:
1" = 150'	9-9-2021	185011

G:\JOB2018\185011\SURVEY\CAD FILES\PLATS\SIA VBB.DWG 9/9/2021 10:01:38 AM

EXHIBIT "B"
CONDITIONS OF APPROVAL

Conditions of Approval for Tracy Hills Phase 1B
Small-Lot Vesting Tentative Subdivision Map
Application Number TSM18-0006
November 10, 2020

Project: These Conditions of Approval shall apply to the small-lot Vesting Tentative Subdivision Map for Tracy Hills Phase 1B, Application Number TSM18-0006, including approximately 432 single-family residential lots, a park site, and approximately 70 other parcels.

Property: The property consists of approximately 310 acres located in the Tracy Hills Specific Plan Area, west of Phase 1A in the vicinity of Tracy Hills Drive, Application Number TSM18-0006.

Community Facilities Districts: Certain conditions of approval herein involve the establishment of one or more Community Facilities Districts (CFDs) to implement the Project. The imposition of conditions requiring or involving the establishment of CFDs on the Property shall not limit the City from establishing additional CFDs over the Property, subject to an affirmative vote of the Property owner(s).

A. Definitions; Abbreviations.

The definitions in the City's zoning regulations (Tracy Municipal Code, Title 10, Chapter 10.08) and subdivision ordinance (Tracy Municipal Code, Title 12, Chapter 12.08) apply, and in addition:

1. "Applicant" means any person, or other legal entity, defined as a "Subdivider" by Section 12.08.010 of the City of Tracy Municipal Code.

2. "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 here. (The Development Services Director is also referred to in the Tracy Municipal Code as the Development and Engineering Services Director.)

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 Hills Specific Plan, the Tracy Municipal Code, ordinances, resolutions, written policies, written procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).

4. "Conditions of Approval" or "Conditions" means these conditions of approval.

5. "Property" means the approximately 310 acres located in the Tracy Hills Specific Plan Area that is the subject of the small-lot Vesting Tentative Subdivision Map for Tracy Hills Phase 1B, Application Number TSM18-0006.

The following abbreviations may be used in these Conditions:

EIR	Environmental Impact Report	PI&RA	Park Improvement and Reimbursement Agreement
DIA	Deferred Improvement Agreement	PUE	Public Utility Easement
OIA	Offsite Improvement Agreement	TMC	Tracy Municipal Code

B. Planning Division Conditions of Approval

1. Compliance with laws. The Subdivider 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. City Regulations. Unless specifically modified by these Conditions of Approval, the Subdivider shall comply with all City Regulations.

3. Mitigation Measures. The Subdivider shall comply with all applicable mitigation measures in the Final Subsequent Environmental Impact Report (EIR) for the Tracy Hills Specific Plan Project (State Clearinghouse No. 2013102053), which was certified by the City Council on April 5, 2016, as it may be amended or modified pursuant to CEQA and the CEQA Guidelines.

4. Notice of protest period. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Subdivider that the 90-day approval period (in which the Subdivider 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 begin on the date of the conditional approval of this Project. If the Subdivider fails to file a protest of the Exactions complying with all of the requirements of Government Code Section 66020 within this 90-day period, the Subdivider 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.

5. Final Maps for Financing Purposes. For the purpose of these Conditions of Approval, if any Final Map or Parcel Map is filed within the boundaries of the Project solely for financing purposes only, and no permits will be requested pursuant to such map, then the requirements listed in these Conditions of Approval shall not apply to the final map or parcel map for financing purposes only.

6. Conformance with Vesting Tentative Subdivision Map. All Final Maps shall be in substantial conformance with the approved Vesting Tentative Subdivision Map (Application Number TSM18-0006), which was received by the Development Services Department on October 7, 2020, and approved by the City Council on November 10, 2020, unless modified by these Conditions.

7. Maintenance for Project Public Landscaping. Before approval of the first Final Map, the Subdivider shall assure that there will be sufficient funding for the ongoing costs related to public landscaping maintenance. Subdivider shall prepare public landscaping improvement plans and a public landscaping budget analysis (to be reviewed and approved by the City Public Works Director) to establish the scope of and cost estimates for public landscaping maintenance.

   As used in these Conditions of Approval:

   "Public landscaping maintenance costs" include but are not limited to all costs associated with the maintenance, operation, repair and replacement of public landscaping included in the Project. Labor costs shall be based upon and be paid at "prevailing wages," as that term is used in Section 1771 of the California Labor Code.

   "Public landscaping" includes but is not limited to the following public areas and public improvements within or adjacent to the Project: public walls, special public amenities, 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. It does not include public streets and street sweeping, but may include street lights.

   Before approval of the first Final Map, Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which adopts and implements one or more of the following three options (a., b. or c.), subject to the approval of the City's Finance Director:

   a. CFD or other funding mechanism. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall, at its expense, form a Community Facilities District (CFD) or establish another lawful funding mechanism that is reasonably acceptable to the City for the entire Property for funding or performing the on-going maintenance of public landscaping. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon successful formation, the Property will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment. If funds are needed to pay for such public

landscaping maintenance costs before collection of the first Special Services Tax (the "deficit"), then before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall deposit to the CFD (by submittal to the City's Finance Director) the amount of the deficit;

Or

b. HOA and dormant CFD. If the HOA is the chosen funding mechanism, the Subdivider must do the following:

(1) Form a Homeowner's Association (HOA) 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 within the entire tentative subdivision map area;

(2) Cause the HOA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property concurrently with the first Final Map, 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 HOA of all public landscape areas within the entire tentative subdivision map area;

(3) For each Final Map, make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas within the Final Map area;

(4) Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), annex into a CFD in a "dormant" capacity, to be triggered if the HOA 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 homebuyers and non-residential property owners, even during the dormant period.

Or

c. Direct funding. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full costs of public landscaping maintenance as identified by the approved landscaping budget analysis.

8. Maintenance for Public Landscaping for Major Program Roadways. Before approval of the first Final Map, the Subdivider shall assure that there will be sufficient funding to pay the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways, by entering into an agreement with the City, which shall be recorded against the Property, which adopts and implements one of the following two options (a. or b.), subject to the approval of the City's Finance Director:

   a. CFD. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), Subdivider shall, at its sole expense, form a Community Facilities District (CFD) for the Property, for funding the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon successful formation, the Property will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment. If funds are needed to pay for such public landscaping maintenance costs before collection of the first Special Services Tax (the "deficit"), then before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall deposit to the CFD (by submittal to the City's Finance Director) the amount of the deficit;

   Or

   b. Direct Funding. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full costs of funding the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan.

9. Parks. Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the property, which stipulates the following:

   a. Before final inspection or occupancy of the 180th dwelling unit (whichever occurs first, except for up to fifteen model homes), the Phase 1B neighborhood park shall be completed and accepted by the City Council. If the Phase 1B neighborhood park is not completed and accepted by the City Council before final inspection or occupancy of the 180th dwelling unit (whichever occurs first, except for up to fifteen model homes) , no further building permits (except for plumbing only building permits) shall be issued until the neighborhood park is completed and accepted by the City Council.

10. Conservation Easement. Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates that before issuance of a building permit for the 300th dwelling unit (except for plumbing only building permits), the Subdivider shall plant trees in the 100-foot wide conservation easement adjacent to Interstate 580, as depicted in Appendix C of the Tracy Hills Specific Plan (Figures C-6 and C-7), to the satisfaction of the Development Services Director.

11. Schools. Before issuance of a building permit for each new dwelling (except for plumbing only permits), the Subdivider shall document compliance with all applicable school mitigation requirements and provide to the City a certificate of compliance for such requirements from the Jefferson School District and Tracy Unified School District.

12. Public Services. Before approval of the first Final Map, the Subdivider shall do one of the following, subject to the approval of the City's Finance Director:

    a. CFD or other funding mechanism. The Subdivider shall enter into an agreement with the City, to be signed by the City's Finance Director, which shall be recorded against the Property, which stipulates that prior to issuance of a building permit (except for plumbing only building permits and except for up to fifteen model homes), the Subdivider will form or annex into a Community Facilities District (CFD) or establish another lawful funding mechanism that is reasonably acceptable to the City for funding the on-going operational costs of providing Police services, Public Works services and other City services to serve the Project area. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. The Subdivider shall be responsible for all costs associated with the formation or annexation proceedings. Upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment.

    Or

    b. Direct funding. The Subdivider 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 (except for plumbing only building permits and except for up to fifteen model homes), the Subdivider will fund a fiscal impact study to be conducted and approved by the City to determine the long term on-going operational costs of providing Police services, Public Works services, and other City services to serve the Project area, and deposit with the City an amount necessary, as reasonably determined by the City, to fund the full costs in perpetuity as identified by the approved study.

13. Utilities in Roundabout. The roundabout shown on the approved Vesting Tentative Subdivision Map for Tracy Hills Phase 1B shall be designed and constructed in such a manner that no utility lines intersect a 30-foot radius from the center of the roundabout in order to allow sufficient space for the planting and mature growth of any trees planted within the roundabout, which are conceptually depicted in Appendix C of the Tracy Hills Specific Plan (Figure C-9). The Subdivider shall submit Improvement Plans that demonstrate compliance with this condition, to the satisfaction of the Development Services Director.

14. Phillips 66 Pipeline Easement. A Phillips 66 pipeline easement intersects the Project site. Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates that the Subdivider shall clearly mark and label any plot plan where the location of the 16.25-foot minimum setback line from the edge of the Phillips 66 pipeline easement encroaches into the subject property of the plot plan, prior to issuance of a building permit (except for plumbing only building permits), to the satisfaction of the Development Services Director.

C. **Engineering Division Conditions of Approval**

C.1. General Conditions

C.1.1. Subdivider shall comply with the applicable requirements of the approved documents, technical analyses/reports prepared for the Project listed as follows:

a) *Tracy Hills Specific Plan,* approved by City Council on April 5, 2016, by Resolution No. 2016-063, and any amendments thereto.

b) *Amendment to the Tracy Hills Specific Plan for Phase 1B and 1C,* approved by City Council by Resolution No. 2020-_____ on November 10, 2020, including the *Transportation Consistency Analysis* prepared for the Amendment by Kimley-Horn and Associates, dated October 1, 2020, and any updates or amendments thereto ("Specific Plan Amendment").

c) *Tracy Hills Specific Plan Final Subsequent Environmental Impact Report,* dated January 2016, certified by City Council by Resolution No. 2016-062 on April 5, 2016, and the *Initial Study for the Proposed Amendment to the Tracy Hills Specific Plan for Phase 1B and 1C* prepared by Kimley-Horn and Associates, dated October 2020, including all mitigation measures incorporated therein (hereinafter referred to together as "EIR").

d) *Tracy Hills Phase 1A/B/C Plus KT Network Analysis Memorandum* prepared by Kimley-Horn and Associates, dated December 23, 2019, and *Tracy Hills Phase 1B Vesting Tentative Map Review Memorandum* prepared by Kimley-Horn and Associates, dated October 6, 2020, and any updates or amendments thereto ("Traffic Study").

e) *Tracy Hills Phase 1B and 1C Sanitary Sewer Study Technical Memorandum* prepared by Black Water Consulting Engineers, to be completed subsequent to the approval of the Vesting Tentative Subdivision Map, and any updates or amendments thereto ("Sanitary Sewer Study").

f) *Peer Review and Hydraulic Evaluation for Tracy Hills Phase 1B and 1C Technical Memorandum* prepared by West Yost Associates, dated May 7, 2020, and any updates or amendments thereto ("*Water Study*").

g) *Tracy Hills Phase 1B Drainage Analysis Technical Memorandum* prepared by Ruggeri-Jensen-Azar, dated August 4, 2020, and any revisions or additions thereto required as a result of the future review of said memorandum performed by the City storm drainage consultant ("Storm Drainage Study").

h) *Citywide Water System Master Plan* prepared by West Yost Associates, dated December 2012.

i) *Plan Line Study – Corral Hollow Road* prepared by Ruggeri-Jensen-Azar ("Corral Hollow Road Plan Line"), dated November 7, 2016.

j) Pipeline Safety Hazard Assessment, Tracy Hills Specific Plan prepared by Place Works dated September 2014.

k) *Any Finance Implementation Plan* ("FIP"), as described in Section 10.20.060(b)(3)(B) of the Tracy Municipal Code, that is approved by the City Council for the property described in the Tracy Hills Phase 1B Vesting Tentative Subdivision Map, Application No. TSM18-0006.

l) *Development Agreement,* executed between the City of Tracy and the developers of the Tracy Hills Project, approved by the City Council on April 5, 2016, by Ordinance No. 1213, and any amendments thereto ("Development Agreement").

m) Settlement Agreement, executed between the City of Tracy and the developers of the Tracy Hills Project, having an effective date of December 17, 2019 ("Settlement Agreement").

n) Agreement to Defer Payment of Development Impact Fees on New Residential Development, executed between the City of Tracy and the developers of the Tracy Hills Project, dated November 15, 2016 ("Fee Deferral Agreement").

C.1.2. Timing of Compliance: The Applicant shall satisfy each of the following conditions prior to filing the first Final Map unless a different time for compliance is specifically stated in these Conditions of Approval. Any condition requiring an improvement that has already been designed,

completed or under a City-approved agreement may be considered satisfied at the discretion of the City Engineer.

For the purpose of these Conditions of Approval, if any Final Map or Parcel Map is filed within the boundaries of the Project solely for financing purposes only, and no permits will be requested pursuant to such map, then the requirements listed in these Conditions of Approval shall not apply to the final map or parcel map for financing purposes only.

C.1.3. Revisions to the Vesting Tentative Subdivision Map ("VTSM"): The Subdivider shall incorporate revisions to comply with the recommendations and comments in the Traffic Study prior to signature by the City Engineer on the VTSM.

C.2. Improvement Plans

C.2.1. General

The Subdivider shall complete Improvement Plans to comply with all applicable laws, including the City Regulations (defined above) and these Conditions of Approval. Improvement Plans shall contain the design, construction details and specifications of improvements that are required to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.2.2. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

C.2.2. Site Grading

C.2.2.1. Erosion Control

Grading Plans shall specify the method of erosion control to be employed and materials to be used.

C.2.2.2. Grading and Drainage Plans

Submit a Grading and Drainage Plan prepared by a Registered Civil Engineer and accompanied by the Project's Geotechnical/Soils Engineering report. The report shall provide recommendations regarding adequacy of the site relative to the stability of soils such as soil types and classification, percolation rate, soil bearing capacity, highest observed ground water elevation, and others.

C.2.2.3. When the grade differential between the Project site and the adjacent property(s) exceeds 12 inches, a reinforced or masonry block wall, engineered slope, or engineered retaining wall is required for retaining soil. The Subdivider shall submit Retaining Wall Plans that includes the construction detail(s) and structural calculations of the retaining wall or masonry wall for City's review and approval.

C.2.2.4. If an engineered slope is used to retain soil on adjacent property outside the Project boundary, a slope easement will be necessary from the adjacent property. The Subdivider shall obtain a slope easement from owner(s) of the adjacent and affected property(s) and show the slope easement on the Final Map.

C.2.2.5. If applicable, show existing irrigation structure(s), channel(s) and pipe(s) that are to remain or relocated or to be removed, after coordinating with the irrigation district or owner of the irrigation facilities. If there are irrigation facilities including tile drains, that are required to remain to serve existing adjacent agricultural uses, the Subdivider shall design, coordinate and construct required modifications to the facilities to the reasonable satisfaction of the owner of the irrigation facilities and the City.

C.2.3. Grading Permit

The City will not accept a grading permit application for the Project as complete until the Subdivider has provided all relevant documents related to the grading permit required by the City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer.

C.2.4. Storm Drainage

C.2.4.1. Not used.

C.2.4.2. All permanent underground storm drainage lines, structures and facilities to be maintained by the City shall be located within right-of-way to be dedicated to the City or within an easement. If applicable, interim facilities and storm drain lines and collection basins shall be maintained by the Subdivider.

Provide design and construction details for all storm water intercept points at Project boundary at I-580 showing adequate inlet structures, erosion control features, storm drainage easements and connections to the proposed storm drainage facilities in Tracy Hills Drive.

Prior to acceptance of storm drainage facilities for maintenance by the City, the Subdivider shall revise the locations of the 50' wide openings in the Conservation Easements to align with existing drainage routes and proposed storm drainage intercept points into the Project on-site storm drainage system.

C.2.4.3. Storm drainage plans are to be submitted with the required hydrologic and hydraulic calculations for the sizing of storm drainage pipe(s) and shall comply with the Storm Drainage Study and City Regulations.

C2.4.4. Prior to acceptance of maintenance of any public facilities by the City, the Subdivider shall prepare and obtain approval from the Public Works Department of a maintenance plan for all temporary and permanent storm drainage facilities to be maintained by the Subdivider or the HOA. The maintenance plan shall show the phasing of roadway construction, mass grading, drainage facilities, including collection channels, erosion control and protection of the Phillips 66 pipeline during construction. A SWPPP may be used as the maintenance plan with approval by the City Engineer.

C.2.4.5. Storm water designs shall show facilities needed for the collection and channeling of surface water runoff and off-site flow-thru surface water runoff to underground storm drainage facilities, such as temporary drainage collection channels and sedimentation ponds. These improvements shall be shown on the Grading Plans and be approved by the City Engineer before the issuance of a Grading Permit.

C.2.4.6. Since the Project will construct a terminal retention basin, it has been determined that the Project will be exempt from the Post Construction Stormwater Quality Standards. However, should new Federal or State regulations come into effect during the buildout of the Project that would require future compliance, then the Project would not be exempted from those new requirements.

SWPPP's shall be implemented during project construction. In addition, the Project may implement stormwater control measures such as disconnected roof leaders, non-contiguous street sidewalks (providing landscape strips/parkways), tree planting in parkways and use of drought tolerant landscape with drip irrigation systems and "intelligent" controllers. Similarly, public education measures regarding the damaging effects of pollutants to water quality may also be implemented.

C.2.4.7. All storm water structural and construction details that are not part of the City Standard Plans or City Design Standards shall be provided by the Subdivider and submitted to the City for approval as part of the improvement plans.

C.2.4.8. Storm drainage retention basin, including dual-use recreation facilities, shall be contained within a parcel suitable for dedication to the City of Tracy. The basin shall be provided with appropriate fencing with warning signs, access roadways to and from public roadways and access roadways into the ponds for maintenance purposes as approved by the City Engineer. All storm drainage inlets into this basin shall have inlet structures with design acceptable to the City Engineer. All dual-use recreation facilities located with the retention basin shall be designed in consultation with the Engineering, Public Works, Parks & Recreation, and other applicable City departments and are subject to the final approval of said departments.

C.2.4.9. Fixed vertical sediment depth markers shall be installed near discharge points into the Retention Basin to assist with measurements of sediment deposition over time and future assessments of the need for maintenance activities.

C.2.4.10. Prior to or concurrently with the City's approval of the first Final Map within Project, the Subdivider shall dedicate to the City utility maintenance easements necessary for all storm drainage facilities. All requirements relating to the access and maintenance by the Utilities Department and Public Works Department shall be incorporated into the improvement plans.

C.2.5. Sanitary Sewer

C.2.5.1. All sanitary sewer lines and associated improvements shall be designed and installed per the Sanitary Sewer Study that is to be completed subsequent to the Vesting Tentative Subdivision Map approval and City Regulations. Before approval of Final Map(s) for the Project, Subdivider shall submit improvement plans and obtain approval for the plans for all on-site sewer improvements.

C.2.5.2. No final inspection of any residential building will be performed or certificate of occupancy for commercial building will be issued, with the exception of Model Homes, until all improvements required per the Sanitary Sewer Study and City Regulations are completed and functional, as determined by the City Engineer.

C.2.5.3. Subdivider shall pay impact fees at the time of issuance of building permit or in accordance with the Fee Deferral Agreement.

C.2.5.4. Prior to the City's approval of the first Final Map within Project, the Subdivider shall dedicate to the City utility maintenance easements necessary for all sanitary sewer lines. All requirements relating to the access and maintenance by the Utilities Department and Public Works Department shall be incorporated into the improvement plans.

C.2.5.5. The design for 10" sanitary sewer main shown crossing Lot 24 on the VTSM shall be revised as necessary to address access and maintenance requirements of the Public Works Department. The 10" sanitary sewer line shall be located within a parcel to be dedicated to the City for access and maintenance. A paved access shall be provided for the entire length of the parcel to be created between Lots 23 and 24 as required by the Public Works and Utilities departments.

C.2.6. Water Distribution System

C.2.6.1. All potable and recycled water lines and associated improvements shall be designed and installed per the Water Study and City Regulations.

C.2.6.2. During the construction phases (vertical construction) of the Project, the Subdivider shall be 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 Marshall.

C.2.6.3. Prior to approval of each Final Map, the Subdivider shall submit calculations and improvement plans as required by the Fire Marshall and the City Engineer, and obtain a letter from the Fire Marshall that the fire flow parameters per Tracy Design Standards Section 6.02 are met for the phased construction of water lines to the satisfaction of the Fire Marshal.

C.2.6.4. Subdivider shall install a 12-inch recycled water main in Tracy Hills Drive as required to serve the Project, connected to the existing recycled water main installed for the Tracy Hills Phase 1A project.

Initially, the 12-inch Recycled Water Main will be connected to a potable water supply (with a stub in place to future recycled water) as approved by the City until the program backbone Recycled Water facilities are in place. Once the Recycled

Water system network is online the 12-inch Recycled Water distribution main will be disconnected from the Potable Water system and connected to the Recycled Water System as part of the Recycled Water Project by the City.

C.2.6.5. Domestic and Irrigation Water Services – The HOA will be responsible for the repair and maintenance of all valves, fittings on services related to landscaping on all parcels to be owned by HOA and within HOA easements.

C.2.6.6. Fire Service Line – The Subdivider shall design and install fire hydrants at the locations approved by the Fire Marshall. Before the approval of the Improvement Plans, the Subdivider shall obtain written approval from the Fire Marshall for the design, location and construction details of the fire service connections to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.2.7. Street Improvements

C.2.7.1. Subdivider is required to design and construct all applicable on-site, frontage and off-site roadway improvements to serve the Project as identified in the Traffic Study, EIR and these Conditions of Approval. All improvements shall comply with City Regulations, Tracy Hills Design Standards and Specific Plan Amendment. Such improvements shall include, but are not limited to, roadways, water distribution system, sewer system, storm drainage systems, curb and gutter, sidewalks, street lighting system, traffic signals, ITS systems, pavement and crosswalk striping, bicycle lanes and trails, roadway signage and street signs, median islands, turn lanes, landscaping, and all necessary related improvements as required by the City. Timing of completion of street improvements shall comply with these Conditions of Approval.

In the case of a discrepancy between the information shown on the VTSM and the right-of-way and street improvement requirements in the Traffic Study, the Traffic Study shall govern unless determined otherwise by the City Engineer.

Subdivider shall conduct traffic counts as required by the City Engineer once every three months (or at other times if determined by the City Engineer) from the date of approval of the first Final map within the VTSM area. Subdivider shall submit report with the traffic counts to the City Engineer within 10 days from the date of the traffic counts. Where applicable, these traffic counts will be utilized to determine the timing of improvements that have been identified in the Traffic Report and the EIR.

C.2.7.2. Tracy Hills Drive and Other In-tract Streets – Right-of-Way

The Subdivider shall dedicate all rights-of-way that are necessary to construct Tracy Hills Drive and all the in-tract streets, based on their respective cross sections shown on the Vesting Tentative Subdivision Map ("VTSM") and in accordance the Traffic Study, with the Final Map for the respective phase. The width of travel lanes, turn lanes, street median, landscaping strips and sidewalks shall be in accordance with the Vesting Tentative Subdivision Map and the Traffic Study.

C.2.7.3. Tracy Hills Drive and Other In-tract Streets – Improvements

Design and construction details of Tracy Hills Drive and the in-tract streets such as asphalt concrete pavement, curb, gutter, median curb, sidewalks, street lights, fire hydrants, landscaping with automatic irrigation system, storm drains, catch basin and drop inlets, sanitary sewer mains and laterals, water mains, individual water services and meters, pavement marking and striping, traffic signs, driveways, curb ramps and all other street improvements shall comply with City Regulations, and shall be shown on the Improvement Plans.

Improvements along Tracy Hills Drive shall also include Class II bike lanes on both sides of the roadway and an ADA-compliant decomposed granite trail northerly of the north side of the roadway, in accordance with the VTSM and the Traffic Study.

C.2.7.4. Lammers Road South of Tracy Hills Drive – Right-of-Way

The Subdivider shall dedicate the right-of-way necessary to construct the ultimate future Lammers Road improvements (137' right-of-way) between Tracy Hills Drive and I-580, based on the Future Lammers Road (Ultimate) cross section shown on the VTSM and in accordance the Traffic Study, with the Final Map for the respective phase that meets the trigger thresholds identified in the Traffic Study. The ultimate future width and number of travel lanes and turn lanes, and width of street median, landscaping strips and sidewalks shall be in accordance with the Traffic Study.

The Subdivider shall dedicate or cause to be dedicated all right-of-way that is necessary to construct the ultimate future Lammers Road improvements between I-580 and Corral Hollow Road, and that is outside of the boundaries of the Project, in accordance the Traffic Study. Details of the roadway alignment and geometry shall be submitted for

review and approved by the City Engineer. The right-of-way shall be dedicated to the City prior to or concurrently with the Final Map that dedicates the right-of-way for the portion of Lammers Road between Tracy Hills Drive and I-580 as described above. The ultimate future width and number of travel lanes, turn lanes, and width of street median, landscaping strips and sidewalks shall be in accordance with the Traffic Study and roadway alignment and geometry as approved by the City Engineer.

C.2.7.5. Lammers Road South of Tracy Hills Drive – Improvements for Residential Units

A total of 1,347 residential units west of Corral Hollow Road, accessed via Tracy Hills Drive, can be built before triggering the need for the Lammers Road south connection between Tracy Hills Drive and Corral Hollow Road. This trigger equates to approximately 890 westbound and 473 eastbound P.M. peak hour trips along Tracy Hills Drive west of Corral Hollow Road.

Prior to approval of the first Final Map after the trigger threshold has been reached as determined by the traffic counts required by Condition C.2.7.1, the Subdivider shall construct Lammers Road improvements south of Tracy Hills Drive, extending between Tracy Hills Drive and Corral Hollow Road, including undercrossing beneath I-580, consisting of two travel lanes, and a shoulder, landscape strips and sidewalk on the east side as shown on the VTSM and in accordance with the Traffic Study. Subdivider shall obtain approval of encroachment permit and/or agreements from Caltrans for the I-580 undercrossing and related improvements within the Caltrans right-of-way.

C.2.7.6. Lammers Road South of Tracy Hills Drive – Improvements for Commercial Development

Prior to the final inspection of any commercial building developed on the area south of Tracy Hills Drive and east of future Lammers Road and designated as General Highway Commercial in the Specific Plan Amendment (Parcels T and U on the VTSM), the Subdivider shall construct the Interim Lammers Road Improvements south of Tracy Hills Drive, extending between Tracy Hills Drive and Corral Hollow Road, including widened undercrossing beneath I-580, consisting of four travel lanes, shoulders, street median, landscape strips and sidewalks as shown on the VTSM and in accordance with the Traffic Study. The final extent and cross-section geometry of the improvements shall be determined at the time of application for the commercial development.

C.2.7.7. In order to guarantee completion of the portion of the Lammers Road South of Tracy Hills Drive Improvements between I-580 and Corral Hollow Road and that lie outside of the boundaries of the Project, the Subdivider shall enter into an improvement agreement (SIA or OIA) and post an improvement security in the amounts and form in accordance with section 12.36.080 of the TMC and as required by these Conditions of Approval. The Subdivider shall submit the signed and notarized improvement agreement with the necessary improvement security before approval of the Final Map within the Project that meets the trigger thresholds identified in the Traffic Study.

C.2.7.8. Lammers Road North of Tracy Hills Drive – Right-of-Way

The Subdivider shall dedicate the right-of-way necessary to construct the ultimate future Lammers Road improvements (137' right-of-way) between Tracy Hills Drive and the California Aqueduct right-of-way, based on the Future Lammers Road (Ultimate) cross section shown on the VTSM and in accordance the Traffic Study, with the Final Map for the respective phase. The ultimate future width and number of travel lanes and turn lanes, and width of street median, landscaping strips and sidewalks shall be in accordance with the Traffic Study.

C.2.7.9. Lammers Road North of Tracy Hills Drive – Improvements for High Density Residential Development

At the time of approval of the first Final Map for residential development within the area north of Tracy Hills Drive and east of future Lammers Road (designated as High Density Residential in the Specific Plan Amendment and shown as Parcels B and C on the VTSM), the Subdivider shall construct the Interim Lammers Road improvements, extending between Tracy Hills Drive and the California Aqueduct right-of-way, consisting of four travel lanes, shoulders, street median, landscape strips and sidewalks as shown on the VTSM and in accordance with the Traffic Study. The final extent and cross-section geometry of the improvements shall be determined at the time of application for the high density residential development.

In order to guarantee completion of the Lammers Road North of Tracy Hills Drive Improvements, the Subdivider shall enter into an improvement agreement (SIA or OIA) and post an improvement security in the amounts and form in accordance with section 12.36.080 of the TMC and as required by these Conditions of Approval. The Subdivider shall submit the signed and notarized improvement agreement with the

necessary improvement security before approval of the first Final Map within Parcels B and C.

C.2.7.10. Corral Hollow Road at Lammers Road – Right of Way

Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by City Council on November 26, 2012, pursuant to Resolution 2012-240, amended on November 19, 2013, Corral Hollow Road will be a 4-lane major arterial street with a raised median, sidewalks, bicycle facilities and landscaping, as depicted on the Corral Hollow Road Plan Line.

The Subdivider shall dedicate all rights-of-way necessary for the widening of Corral Hollow Road required at the future intersection of Corral Hollow Road and Lammers Road. The dedication shall include additional right-of-way for turn lanes and transitions where applicable. If required, the Subdivider shall also dedicate right-of-way for construction of intersection improvements as outlined in the Traffic Study, including traffic signal or a roundabout for buildout requirements.

The Subdivider may be eligible for fee Credits and/or reimbursements for right-of-way dedication beyond Project's frontage obligation per the CRTMP requirements. Temporary or interim improvements are not eligible for fee credits or reimbursements.

C.2.7.11. Corral Hollow Road at Lammers Road – Improvements

Concurrent with the construction of improvements on Lammers Road south of Tracy Hills Drive as described above, the Subdivider shall construct the Corral Hollow Road and Lammers Road intersection improvements, consisting of either a roundabout or traffic signal and all associated improvements, in accordance with the Traffic Study.

C.2.7.12. Pavement Repaving/Overlay on Corral Hollow Road

For the first 144 homes within the VTSM area, the Subdivider shall pay $50,000 towards its fair share towards the estimated cost of repaving/overlay from I-580 south right-of-way line to southerly City Limits as directed by the City Engineer. At the time of construction of the intersection of future Lammers Road and Corral Hollow Road the Subdivider shall design and install repaving/overlay from the intersection to I-580 south right-of-way line as directed by the City Engineer. City will make fair share contributions collected

from other projects available to the Subdivider towards the cost of repaving/overlay.

C.2.7.13. Not used.

C.2.7.14. In order to guarantee completion of the Corral Hollow Road Improvements, the Subdivider shall enter into an improvement agreement (SIA or OIA) and post an improvement security in the amounts and form in accordance with section 12.36.080 of the TMC and as required by these Conditions of Approval. The Subdivider shall submit the signed and notarized improvement agreement with the necessary improvement security before approval of the Final Map within the Project that meets the trigger thresholds identified in the Traffic Study.

C.2.7.15. Criseldo Mina Avenue and Palmer Street - Improvements

In accordance with the Traffic Study, all improvements necessary to implement Route No. 1 in the Alternative Routes Analysis contained therein, consisting of the connection of Criseldo Mina Avenue to Palmer Street, shall be completed and said streets shall be accepted by the City Council as public roadways prior to the filing of the Final Map within the Project that meets the trigger thresholds identified in the Traffic Study.

C.2.7.16. Emergency Vehicle Access (EVA)

The existing all-weather emergency vehicle access road constructed per the Conditions of Approval and EIR Mitigation Measures for the Tracy Hills Phase 1A VTSM shall be reconstructed as necessary to conform to the extended Tracy Hills Drive improvements and the proposed Project grading north of Tracy Hills Drive, as generally shown on the VTSM.

Prior to issuance of the first building permit, the Subdivider shall ensure that the existing and reconstructed portions of the all-weather emergency vehicle access road, extending from Tracy Hills Drive northerly to its terminus at South Lammers Road, is fully accessible to Fire Department vehicles and all other necessary emergency responders at all times and to the satisfaction of the Fire Department.

C.2.7.17. Traffic Control Plan

Before starting any work within the project, the Subdivider shall submit a Traffic Control Plan for each phase of work, to show the method and type of construction signs to be used for regulating traffic at the work areas and within existing

streets accessing the work areas. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

C.2.7.18. Encroachment Permit

Before starting any work to be performed and improvements to be constructed within City's right-of-way, the Subdivider shall obtain an Encroachment Permit from the City. The Subdivider or its authorized representative shall submit all documents that are required to process the Encroachment Permit including but not limited to, approved Improvement Plans, Traffic Control Plan, payment of engineering review fees, copy of the Contractor's license, Contractor's Tracy business license, and certificate of insurance naming the City of Tracy as additional insured or as a certificate holder.

C.2.7.19. Dead-End Streets.

A standard barricade and guardrail with appropriate traffic sign will be required at street ends. Alternatively, turnarounds/ hammerheads meeting the requirements of Fire Marshall shall be provided at the dead-end streets.

C.2.7.20. All intersections shall be designed to accommodate fire truck movements as required by the Fire Department.

C.2.7.21. Subdivider must provide and verify sight distances, where applicable, with regard to intersections, reverse lots and fence placements as required by the City Engineer.

C.2.8. EIR Mitigation Measures

The EIR identifies Project impacts that are to be mitigated by the Subdivider. The mitigation measures are summarized in the Mitigation, Monitoring and Reporting Matrix contained in the EIR as referenced under Item C.1.1.c above. Subdivider shall comply with all applicable mitigation measures as outlined in the EIR including, but not limited to, the following:

a. Mitigation Measure HAZ 4.8-2b: Prior to issuance of grading permits, the Project Applicant shall work with Conoco Phillips and Shell to implement and observe a site damage-prevention plan to the satisfaction of the City of Tracy Engineering Division.

b. Mitigation Measure LU 4.10-1: All tentative and final maps within the THSP shall conform to the provisions of the 2009 ALUCP (or the ALUCP in effect at the time of Project Applicant submissions)

c. Mitigation Measure HYDRL 4.9-2: All Project Applicants shall submit and obtain City approval of a drainage plan to the City of Tracy for on-site post-construction BMP drainage improvements consistent with the Tracy Hills Storm Drain Master Plan. Once City approval is received, all Project Applicants shall construct the drainage improvements as necessary and in accordance with the timing described in the Tracy Hills Storm Drain Master Plan.

d. Mitigation Measure NOI 4.11-3e: Prior to the issuance of Grading Permits, any residential development associated with the THSP Buildout (i.e., development other than Phase 1A) located within 260 feet of the Union Pacific Railroad corridor shall have an Acoustical Analysis prepared to fully analyze acoustical impacts and develop measures, if required, to ensure that the City's exterior standards of 70 dBA would be achieved for the proposed land uses that are subject to noise from train pass-bys. The analysis shall conduct detailed train noise modeling to verify that residences are adequately shielded and/or located at an adequate distance from the rail corridor to comply with the City's exterior standards. The analysis shall also ensure that interior noise levels do not exceed 45 dBA.

e. Mitigation Measure PSR 4.12-6: Developers of subsequent phases of the Project (beyond Phase 1A) will be required to prepare SB 221 analysis for each subsequent phase of development.

f. Mitigation Measure PSR 4.12-7a: As part of the development process for each individual site-specific development under the Specific Plan, the City shall review flow monitoring, at the applicant's cost, to determine available capacity.

g. Mitigation Measure TRANS 4.13-2: To achieve compliance with CIR-3 Policy P4 and P6, the bicycle and pedestrian improvement connections from the THSP to the Citywide Network shall be implemented when the roadway infrastructure is required as determined at approval of each final map or issuance of building permits by the City Engineer. The pedestrian and bicycle facilities are included in the City of Tracy's typical cross sections and in the City TIF. Bicycle and pedestrian facilities within the THSP area shall be implemented with each building permit application/final map approval. Widening Corral Hollow Road and constructing and widening Lammers Road shall be in place when the project generates 2,588 AM peak hour trips.

h. Mitigation Measure PSR 4.12-2: Prior to issuance of the first building permit, the developer shall construct an all-whether, emergency vehicle access to all points of the Project site from Lammers Road (including crossings of the Delta Mendota Canal, Union Pacific Railroad, and California Aqueduct). The emergency

vehicle access shall be available to police, fire, and all other necessary and relevant emergency responders. The design, location, and maintenance of the access shall meet City standards to the satisfaction of the Fire Chief. The access shall be continuously maintained by the developer until permanent access is developed and accepted for maintenance by the City

C.2.9. Neighborhood, Linear and Dual-Use Parks

C.2.9.1. The Subdivider shall offer for dedication Parcels "EEE", "DDD", "CCC" and "K" for neighborhood park, linear park, and dual use recreation facility/detention basin purposes, respectively, on the Final Map that corresponds to the timing of completion of respective parks as identified in the Planning~~'s~~ Department's Conditions of Approval. The Subdivider shall design and construct the park improvements consistent with the Tracy Hills Specific Plan, Specific Plan Amendment and City Regulations. The Subdivider shall be eligible for park fee credits in accordance with the Title 13 of the TMC and the Park Improvement and Reimbursement Agreement ("PI&RA").

C.2.9.2. The Subdivider shall submit park improvement plans, signed and notarized improvement agreement PI&RA, and Improvement Security in the amount and type specified in the City Regulations at the time of approval of the Final Map that corresponds to the timing of completion of the park improvements specified in Planning Division's Conditions of Approval.

C.2.10. Public Utility Easements

C.2.10.1. Undergrounding of Overhead Utilities. Any existing overhead lines and poles within the Project boundaries shall be removed or undergrounded.

C.2.10.2. All private utility services to serve the Project such as electric, telephone and cable TV to the building must be installed underground, within right-of-way or a dedicated Public Utility Easement (PUE) and at the location approved by the City and the respective owner(s) of the utilities.

The Subdivider shall submit improvement plans for the installation of electric, gas, telephone and TV cable lines that are to be installed under the sidewalk or within the PUE. Underground utility conduits may be installed under the sidewalks, and underground boxes and structures may be located in the landscaped parkway next to the curb. All above-ground boxes and facilities shall be behind the sidewalk and within the PUE. Pop-outs to provide additional

width of PUE where required to accommodate larger above-ground structures will be permitted subject to review and approval by Public Works Director and the City Engineer. Before approval of the first Final Map, the Subdivider shall complete the necessary coordination work with the respective owner(s) of the utilities to for approval.

C.2.10.3. Public Utility Easements on sideyard lots shall be adjusted or eliminated in final neighborhood designs based on actual joint trench design requirements.

C.3. Final Map

The City will not approve any Final Map until the Subdivider demonstrates, to the satisfaction of the City Engineer, that all the requirements set forth in these Conditions of Approval are completed, including, but not limited to the following:

C.3.1. Subdivider has submitted one reproducible (mylar) copy of the approved tentative subdivision map for the Project after Subdivider's receipt of a notification of approval of the Tentative Subdivision Map. The signature of the owner of the Property on the Tentative Subdivision Map shall indicate the owner's consent to the preparation of the Tentative Subdivision Map and the proposed subdivision of the Property.

C.3.2. Each Final Map is prepared in accordance with the applicable requirements of the Tracy Municipal Code, these Conditions of Approval, all other applicable City Regulations, and in substantial conformance with the Tentative Subdivision Map.

C.3.3. Each Final Map includes and shows offer(s) of dedication of all right(s)-of-way and/or temporary or permanent easement(s) required by the Improvement Plans and Final Map, in accordance with City Regulations and these Conditions. If construction easement(s) is/are shown, it/they shall indicate the termination date of the construction easement(s).

C.3.4. 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 separate points adjacent to or within the Property described by the Final Map.

C.3.5. Subdivider has submitted a signed and stamped Engineer's Estimate that show construction cost of subdivision improvements that are described in Conditions C.2 above plus 10% for construction contingencies.

C.3.6. Subdivision Improvement Agreement

Before the City's approval of any Final Map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the Final Map), and post all required improvement security in accordance with City Regulations.

C.3.7. Final Map Phasing Plan

Prior to Subdivider's submittal to the City of the first Final Map for City approval, Subdivider shall submit for the City Engineer's review and reasonable approval a phasing plan for the submittal of all Final Maps to be filed for this Vesting Tentative Subdivision Map. The phasing plan may be subject to subsequent modifications based on market conditions, the rate of development, and Subdivider's disposition of the parcels created by the Final Maps.

C3.8. Deferred Improvement Agreement

Prior to the City's approval of the first Final Map within the Project, the Subdivider shall execute a Deferred Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement or other executed agreement(s) with the City) which are required by these Conditions of Approval. The Deferred Improvement Agreement shall identify timing requirements for construction of all remaining public facilities, in conformance with the phasing plan submitted by the Subdivider and approved by the City Engineer.

C.3.9. Improvement Security

The Subdivider shall provide improvement security for all public facilities, as required by Subdivision Improvement Agreement or Offsite Improvement Agreement. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with City Regulations. The amount of the improvement security shall be as follows:

C.3.9.1 Faithful Performance (100% of the estimated cost of constructing the public facilities).

C.3.9.2 Labor & Material (100% of the estimated cost of constructing the public facilities).

C.3.9.3 Warranty (10% of the estimated cost of constructing the public facilities).

C.3.9.4 Monumentation ($750 multiplied by the total number of street centerline monuments that are shown on the Final Map).

C.3.10. Subdivider has paid engineering review fees including improvement plan checking, final map review, agreement processing, and all other fees required by these Conditions of Approval and City Regulations.

C.3.11. Subdivider has submitted technical or materials specifications, cost estimate, and technical reports related to the design of improvements that are shown on the Improvement Plans and as required by these Conditions.

C.3.12. Subdivider has submitted hydrologic and storm drainage calculations for the design and sizing of in-tract storm drainage pipes located within the Project.

C.3.13. Subdivider has submitted signed and stamped Improvement Plans.

C.3.14. Signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA.

C.3.15. Signed and notarized Deferred Improvement Agreement (DIA) and Improvement Security, to allow deferment of completion of improvements as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with the DIA and Section 12.36.080 of the TMC.

C.4. Grading and Encroachment Permits

No applications for grading and encroachment permits will be accepted by the City as complete until the Subdivider has provided all documents required by these Conditions and City Regulations, to the reasonable satisfaction of the City Engineer, including, but not limited to, the following:

C.4.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of and stamped and signed by a Registered Civil Engineer.

C.4.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.

C.4.3. Three sets of the Storm Water Pollution Prevention Plan (SWPPP) identical to the reports submitted to the State Water Quality Control

Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID). After the completion of the Project, the Subdivider 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.

C.4.4. 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 Subdivider. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008 and any subsequent amendment(s), and the City Regulations.

C.4.5. Two sets of the Project's Geotechnical Report signed and stamped by a licensed Geo-technical Engineer licensed to practice in the State of California. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, percolation rate, roadway section construction recommendations and elevation of the highest observed groundwater level.

C.4.6. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) as required in Mitigation Monitoring and Reporting Program of the Tracy Hills Specific Plan Final Environmental Impact Report (TH-EIR).

C.4.7. Two sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system.

C.4.8. Reasonable written permission from irrigation district or affected owner(s), if applicable. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.

C.4.9. Written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), if applicable. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection.

C.4.10. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar) that incorporate all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.4.11. Two sets of structural calculations for drainage structures and retaining walls within street right-of-way and retention basins signed and stamped by a Structural Engineer licensed in the State of California.

C.4.12. Not Used.

C.4.13. Check payment for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the current fee rate adopted by the City Council.

C.4.14. Traffic Control Plan for each phase signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.

C.4.15. As required per Mitigation Measure 4.8-2a of the EIR, the Subdivider shall submit, prior to issuance of grading permits, a Phase II ESA focused on soil sampling conducted near the location of the underground crude oil pipelines, as determined by a qualified Phase II/Site Characterization specialist.

C.4.16. As required per Mitigation Measure 4.8-2b of the EIR, prior to issuance of grading permits, the Subdivider shall work with Conoco Phillips to implement and observe a site damage prevention plan to the satisfaction of the City of Tracy Engineering Division.

C.4.17 Signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA.

C.4.18 Signed and notarized Deferred Improvement Agreement (DIA) and Improvement Security, to allow deferment of completion of improvements as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with the DIA and Section 12.36.080 of the TMC, or pursuant to the terms of the Development Agreement, as appropriate.

C.5. Building Permit

The City will not approve any building permit within the Project boundaries (except for a plumbing permit issued for the purpose of perfecting an RGA) until a Final Map is approved by the City Council and it is recorded at the San Joaquin County Recorder's Office, and the Subdivider demonstrates, to the reasonable satisfaction of the City Engineer, compliance with all the required Conditions of Approval and payment of fees in accordance with the Fee Deferral Agreement including but not limited to the following:

C.5.1. Payment of the applicable current City-Wide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park Development Impact Fees as these relate to the Project and as required by these Conditions of Approval.

C.5.2. Payment of applicable Regional Transportation Impact Fees (RTIF) as required in the Mitigation, Monitoring and Reporting Program of the EIR, these Conditions of Approval, and the Settlement Agreement.

C.5.3. Check payment of any applicable Agricultural Mitigation Fee as required in Chapter 13.28 of the Tracy Municipal Code and Mitigation Measure AG 4.2.1 of the EIR and these Conditions of Approval.

C.5.4. Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC.

C.6. Final Building Inspection

The City will not perform final building inspection (except for Model Homes) until after the Subdivider provides documentation which demonstrates, to the reasonable satisfaction of the City Engineer, that:

C.6.1. The Subdivider has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested or a final building inspection has to be performed unless otherwise defined herein. Unless specifically provided in these Conditions, or the City Regulations, the Subdivider shall take all actions necessary to construct all public facilities required to serve the Project, and the Subdivider 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. Temporary or Final Building Certificate of Occupancy

No Final Building Inspection shall be performed or a Temporary or Final Building Certificate of Occupancy will be issued (except for Model Homes) by the City until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

C.7.1 The Subdivider has satisfied all the requirements set forth in these Conditions of Approval.

C.7.2. The Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested, unless otherwise defined herein. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Subdivider shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to

serve the Project, and the Subdivider shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.8. Acceptance of Public Improvements

Public improvements will not be considered for City Council's acceptance until after the Subdivider demonstrates to the reasonable satisfaction of the City Engineer, completion of the following:

C.8.1. All the public improvements shown on the Improvement Plans are completed and all the deficiencies listed in the deficiency report prepared by the assigned Engineering Inspector are all corrected.

C.8.2. Subdivider has completed the 90-day public landscaping maintenance period.

C.8.3. Subdivider has submitted Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements.

C.8.4. Where applicable, signed and notarized Grant Deed(s) with legal description(s) and plat maps for the offer of dedication of right-of-way, and Grant of Easements as required per these Conditions of Approval and City Regulations, or dedications shown on the Final Map.

C.9. Release of Improvement Security

City will release Improvement Security(s) to the Subdivider after City Council's acceptance of public improvements, both on-site and off-site, in accordance with TMC section 12.36.080, upon written request and submittal of the recorded Notice of Completion.

C.10. Special Conditions

C.10.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, except as otherwise specifically approved in the Tracy Hills Specific Plan.

C.10.2. When street cuts are made for installation of utilities, the Subdivider is required to install 2 inches thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides and for the entire length of the utility trench. A 2 inches deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. If the utility

trench extends beyond the median island, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street.

C.10.3. 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. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Developer's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).

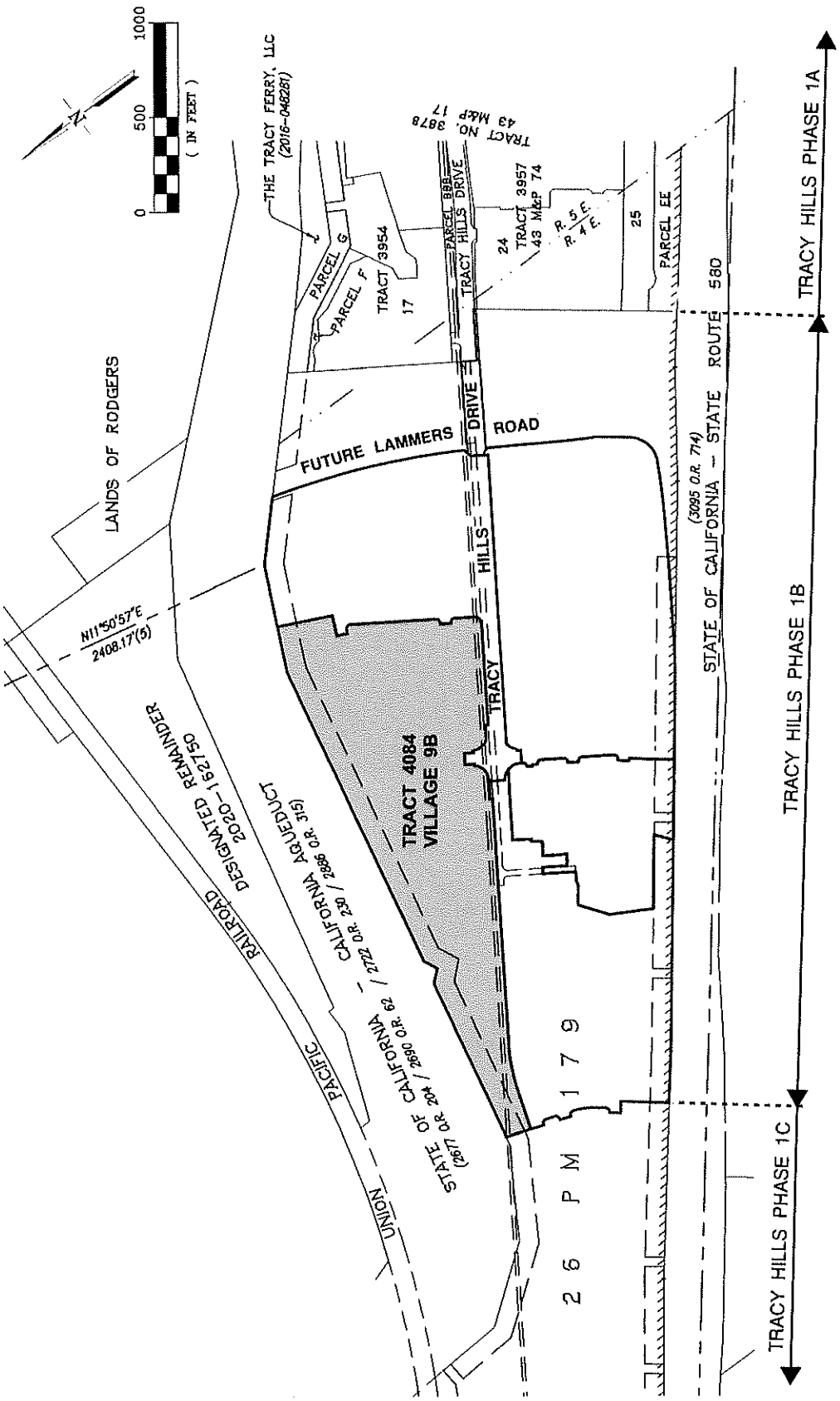
C.10.4. Benefit District

The Subdivider may make a written request to the City for the formation of a Benefit District, before the approval of the final map and improvement plans for the public facility(s) considered to be oversized that benefits other property(s) or development(s). Reimbursement request(s) will be processed in accordance with TMC Chapter 12.60.

C.10.5. The CFD or HOA shall include future costs of maintenance including PG&E charges for all new streetlights and new traffic signals to be installed by the Project.

C.10.6. Nothing contained in these Conditions shall be construed to permit any violation of City Regulations. Subject, however, to City Regulations, this Condition does not preclude the City from requiring pertinent revisions and additional requirements to the final map, improvement agreements, and improvement plans, before the City Engineer's signature on the final map and improvement plans, if the City Engineer finds it necessary due to public health and safety reasons. (Government Code section 66498.6.) The Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

EXHIBIT "C"
LOCATION OF PROJECT SITE



RESOLUTION 2021-_____

APPROVING THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 4084 - TRACY HILLS VILLAGE 9B, AND AUTHORIZING THE CITY CLERK TO FILE THE AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

WHEREAS, A Small-Lot Vesting Tentative Subdivision Map for Tracy Hills Phase 1B (VTSM) consisting of 432 single-family residential lots, park parcels, HOA recreation area parcel, dual-use retention basin parcel, and numerous other parcels to be owned and maintained by Homeowners Association, Developer or City, on approximately 309.9 acres located in the Tracy Hills Specific Plan Area, west of Tracy Hills Phase 1A in the vicinity of Tracy Hills Drive, was approved by the Tracy City Council on November 10, 2020, pursuant to Resolution No. 2020-188, and

WHEREAS, The Final Subdivision Map for Tract 4084 - Tracy Hills Phase 9B, consists of 64 single-family residential lots and other aforementioned parcels located on approximately 36.4 acres within the boundaries of and in conformance with the VTSM, and

WHEREAS, The Conditions of Approval for the VTSM require the Developer to design and construct certain on-site improvements connected with the approval of the Final Subdivision Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City Standards, and

WHEREAS, The Improvement Plans, Specifications, and Cost Estimates for the required public street and utility improvements have been prepared on behalf of the Developer and approved by the City Engineer and are incorporated into the subject Subdivision Improvement Agreement for Tract 4084 - Tracy Hills Phase 9B (SIA) by reference, and

WHEREAS, The Landscape Improvement Plans for the required landscape and irrigation improvements in the parkway strips within the public streets are still under review by the City Engineer and will be incorporated into and made part of the SIA upon approval by the City Engineer, and

WHEREAS, The SIA addresses construction of the public streets, utilities and other in-tract improvements associated with the 64 single-family residential lots and other facilities that will be constructed by the Developer as part of the Tract 4084 - Tracy Hills Village 9B development, and

WHEREAS, The SIA is intended to replace and supersede the Inspection Improvement Agreement for Tract 4084 - Tracy Hills Village 9B, which was approved by the City Manager on September 3, 2021, and subsequently executed by the City and Developer, and

WHEREAS, The Developer has executed the SIA and has posted the required securities to guarantee completion of the improvements, and

WHEREAS, Upon completion of all improvements, the City will accept the improvements and will accept all offers of dedication of public right-of-way and other public parcels, and

WHEREAS, The Developer will pay for the cost of engineering inspection and processing the agreement;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves the Final Subdivision Map and Subdivision Improvement Agreement for Tract 4084 - Tracy

Hills Village 9B, and authorizes the City Clerk to file the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder.

* * * * * * * * * * * * *

The foregoing Resolution 2021-_____ was passed and adopted by the Tracy City Council on the 19th day of October, 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

October 19, 2021

AGENDA ITEM 1.K

REQUEST

APPROVE THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 4037 - KT PROPERTY II, AND AUTHORIZE THE CITY CLERK TO FILE THE SUBDIVISION IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

EXECUTIVE SUMMARY

City staff requests that the City Council approve the Final Subdivision Map for Tract 4037 - KT Property II, for subdivision into 214 single-family residential lots and numerous other parcels. Approval of the Final Subdivision Map will facilitate recordation of the Final Subdivision Map, the construction of in-tract improvements, and the issuance of the building permits to construct the residential houses. Lennar Homes of California, Inc., a California Corporation (Developer), has signed the Subdivision Improvement Agreement (SIA) and posted the required security to guarantee completion of the improvements required as a condition of approval of the Final Subdivision Map.

DISCUSSION

On November 10, 2020, the City Council adopted the Tracy Hills Specific Plan Amendment for the Tracy Hills KT Project and approved various related land use entitlements, including that certain Vesting Tentative Subdivision Map for Tracy Hills KT Project, pursuant to Resolution No. 2020-189 (VTSM). The VTSM includes 214 single-family residential lots, two commercial parcels, linear park parcel, HOA recreation parcel, retention basin parcel, and numerous other parcels to be owned and maintained by a Homeowners Association, on approximately 45.3 acres located in the Tracy Hills Specific Plan Area, east side of Corral Hollow Road in the vicinity of Tracy Hills Drive. Attachment A shows the overall Tracy Hills Specific Plan Area and the location of the subject Final Subdivision Map for Tract 4037 - KT Property II.

The Developer is requesting approval of the Final Subdivision Map for Tract 4037 - KT Property II, to create the 214 single-family residential lots and other aforementioned parcels (but excluding the two commercial parcels) located on approximately 36.1 acres within the boundaries of and in conformance with the VTSM. The Final Subdivision Map for Tract 4037 - KT Property II (Attachment B) has been prepared on behalf of the Developer and reviewed by the Engineering Division.

The Conditions of Approval for the VTSM require the Developer to design and construct certain on-site improvements connected with the approval of the Final Subdivision Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City Standards. Improvement Plans for the required public and private street and utility improvements have been prepared on behalf of the Developer and approved by the City Engineer. Landscape Improvement Plans for the required landscape and irrigation improvements in the parkway strips and common areas are still under review by the City Engineer and will be incorporated into and made part of the SIA upon approval by the City Engineer. Since the required improvements will not be completed prior to the recordation of the Final Subdivision Map, the Developer has requested to execute the

SIA to guarantee the completion of the improvements as authorized by Government Code Section 66462.

The SIA (Attachment C) addresses construction of the public and private streets, utilities and other in-tract improvements associated with the 214 single-family residential lots and other facilities that will be constructed by the Developer as part of Tract 4037 - KT Property II.

The SIA is intended to replace and supersede the Inspection Improvement Agreement for Tract 4037 - KT Property II that was approved by the City Manager on July 22, 2021, and executed by the City and Developer, which allowed the Developer to proceed with the construction and installation of the required public and private improvements at its own risk prior to the Engineering Division's completion of the review and approval of the appurtenant plans and specifications.

The Developer has executed the SIA and posted the required security to guarantee completion of the improvements.

The Final Subdivision Map has been reviewed as to its substantial compliance with approved Vesting Tentative Subdivision Map. The SIA, and Final Subdivision Map are attached, and the Improvement Plans are on file with the City Engineer and are available for review upon request. As aforementioned, the landscaping plans are not complete and are unavailable currently for review.

Upon completion of all improvements, the City will accept the public improvements for maintenance and will accept all offers of dedication of public right-of-way and other public parcels at that time.

FISCAL IMPACT

The Developer has paid the applicable engineering review fees, which include the cost of review of the Improvement Plans and Final Map and processing the Agreement.

STRATEGIC PLAN

This agenda item is consistent with the Council approved Economic Development Strategy to ensure physical infrastructure necessary for development.

RECOMMENDATION

Staff recommends that the Tracy City Council, by resolution, approve the Final Subdivision Map and Subdivision Improvement Agreement for Tract 4037 - KT Property II, and authorize the City Clerk to file the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder.

Prepared by: Doug Rodgers, SNG & Associates, Inc.

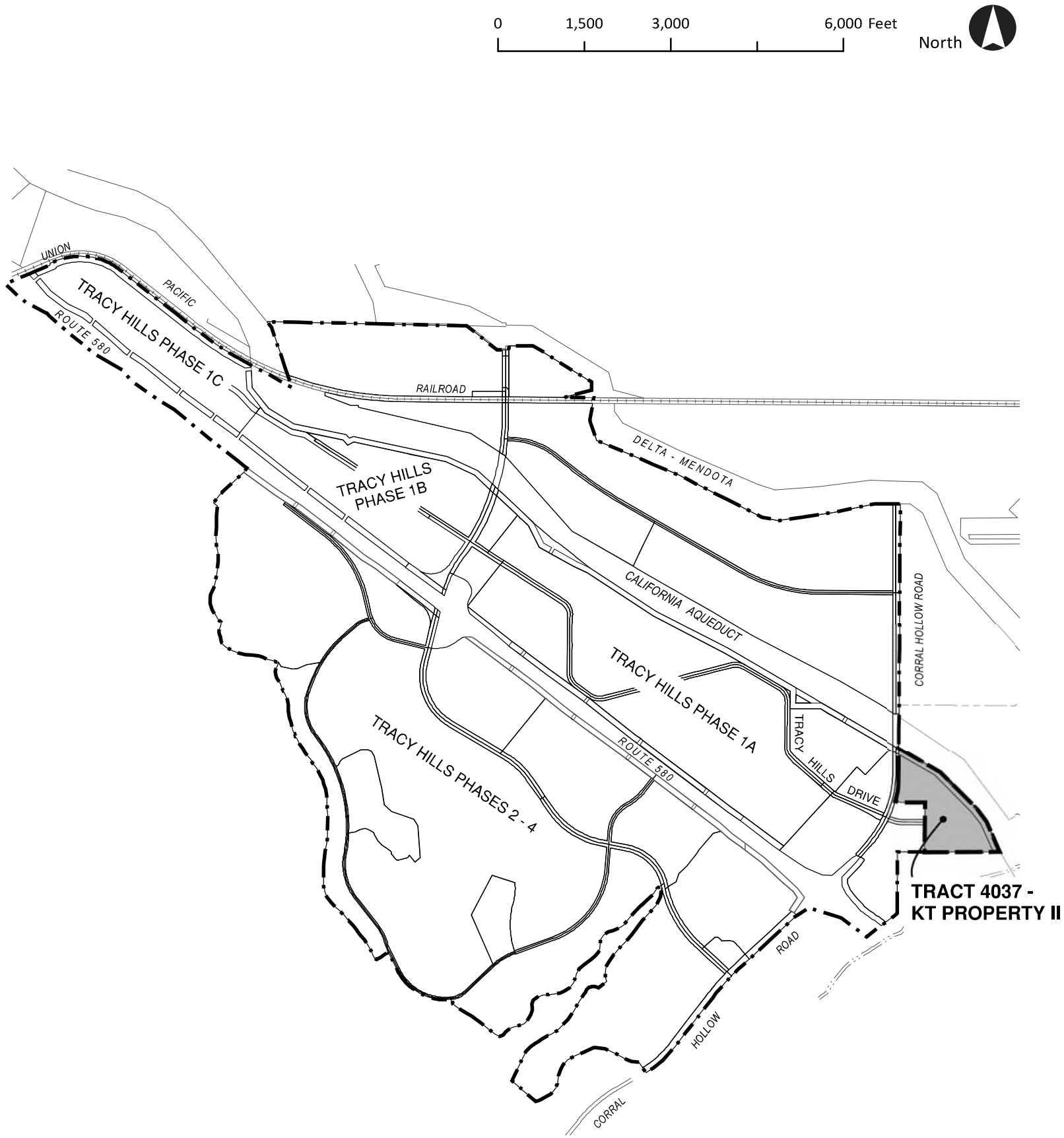
Reviewed by: Robert Armijo, PE, City Engineer / Assistant Development Services Director
William Dean, Interim Director of Development Services
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

ATTACHMENTS

Attachment A – Location Map
Attachment B – Final Subdivision Map
Attachment C – Subdivision Improvement Agreement

ATTACHMENT A
Location Map



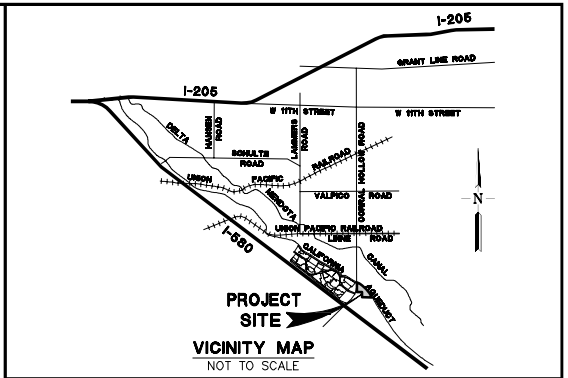
TRACT NO. 4037
SUBDIVISIONS OF SAN JOAQUIN COUNTY

KT PROPERTY II

BEING A SUBDIVISION OF PARCEL A AS SHOWN ON BOOK 10 OF PARCEL MAPS, AT PAGE 64, RECORDED JUNE 5, 1981 AND PARCEL 3 AS SHOWN ON TRACT 4013, RECORDED NOVEMBER 30, 2020 IN BOOK 43 OF MAPS AND PLATS AT PAGE 149 OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, BEING A PORTION OF SECTION 17, T. 3 S., R. 5 E. MOUNT DIABLO MERIDIAN

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI–JENSEN–AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
SEPTEMBER 2021



VICINITY MAP
NOT TO SCALE

OWNER'S STATEMENT

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE ALL THE PARTIES HAVING RECORD TITLE INTEREST IN THE LANDS SUBDIVIDED AND SHOWN ON THIS FINAL MAP OF "TRACT NO. 4037, SUBDIVISIONS OF SAN JOAQUIN COUNTY, KT PROPERTY II", CITY OF TRACY, CALIFORNIA, AND WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS FINAL MAP IN THE OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, CALIFORNIA.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY, IN FEE, FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "EMERALD WAY", "LAPIZ COURT", "DIAMOND AVENUE", "TRACY HILLS DRIVE", "JADE PLACE", "MALACHITE PLACE", "ALABASTER WAY", AND "CORRAL HOLLOW ROAD" WITHIN THE BOUNDARY OF THIS MAP ARE FOR THE PURPOSE OF PUBLIC STREETS.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY, IN FEE, FOR PUBLIC PURPOSES: THE AREA DESIGNATED AS "LOT A" IS FOR PUBLIC PARK PURPOSES.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY, IN FEE, FOR PUBLIC PURPOSES: THE AREA DESIGNATED AS "LOT B" IS FOR SEWER PUMP STATION PURPOSES.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY, IN FEE, FOR PUBLIC PURPOSES: THE AREA DESIGNATED AS "LOT D" FOR RETENTION BASIN AND PUBLIC PARK PURPOSES.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY AS AN EASEMENT FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "PUBLIC UTILITY EASEMENT" OR "PUE" ARE FOR PUBLIC UTILITY PURPOSES, INCLUDING THE RIGHTS OF INGRESS, EGRESS, CONSTRUCTION, RECONSTRUCTION, ACCESS FOR MAINTENANCE OF WORKS, IMPROVEMENTS AND STRUCTURES, AND THE CLEARING OF OBSTRUCTIONS AND VEGETATION.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY AS AN EASEMENT FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "WATER LINE EASEMENT" OR "WLE" ARE FOR CONSTRUCTION, OPERATION, ACCESS FOR MAINTENANCE OF WATER LINES, AND ALL RELATED APPURTENANCES.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED TO THE CITY OF TRACY AS AN EASEMENT FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "SIGHT DISTANCE EASEMENT" OR "STDE" ARE FOR DEDICATION TO THE CITY OF TRACY AS A NON–EXCLUSIVE SURFACE EASEMENT FOR SIGHT DISTANCE PURPOSES INCLUDING THE CLEARING OF OBSTRUCTIONS AND VEGETATION FOR THE PURPOSE OF MAINTAINING THE AREA SUCH THAT NO STRUCTURES OR VEGETATION ARE HIGHER THAN 2 FEET ABOVE THE TOP OF CURB.

THE REAL PROPERTY DESCRIBED BELOW IS RESERVED FOR PRIVATE WAYS AND SHALL BE OWNED IN FEE BY THE HOMEOWNER'S ASSOCIATION AND MANAGED BY THE COVENANTS, CODES, AND RESTRICTIONS THEREOF. THE AREAS DESIGNATED AS ARIANA PLACE, BANNISTER PLACE, CATONA PLACE, CONSTANCE PLACE, DERBY PLACE, EVEREST PLACE, FRENCH WAY, HESTER PLACE, ITALIA WAY, JORDANA WAY, KAYTE WAY, LUTHER WAY, MONTROSE PLACE, MOON WAY, NELL PLACE, OPHELIA PLACE, PLACER PLACE, QUENTIN PLACE, REBUS PLACE, SAVOY PLACE, TABITHA PLACE, UMBERTO PLACE, VINNY PLACE, AND WISHWOOD PLACE.

THE REAL PROPERTY DESCRIBED BELOW IS RESERVED FOR PRIVATE COMMON AREA. THE AREAS DESIGNATED AS "LOT C", "LOT G", "LOT I", "LOT J", "LOT K", "LOT L", "LOT M" FOR THE PURPOSES OF, BUT NOT LIMITED TO, LANDSCAPING, ACCESS, UTILITIES, DRAINAGE, INGRESS, AND EGRESS ALL IN ACCORDANCE WITH THE COVENANTS, CONDITIONS, AND RESTRICTIONS OF THE SUBDIVISION. SAID LOTS ARE TO BE OWNED, MAINTAINED AND CONVEYED TO THE HOMEOWNERS ASSOCIATION BY SEPARATE INSTRUMENT SUBSEQUENT TO THE FILING OF THIS MAP.

DATED THIS _____ DAY OF _____, 2021.

OWNER: AG ESSENTIAL HOUSING CA 1, L.P., A DELAWARE LIMITED PARTNERSHIP

BY: AGWIP ASSET MANAGEMENT, LLC,
AN ARIZONA LIMITED LIABILITY COMPANY,
ITS AUTHORIZED AGENT

BY: _____
STEVEN S. BENSON, ITS MANAGER

OWNER'S ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF _____) SS

ON _____, 2021, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF CALIFORNIA, PERSONALLY APPEARED _____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/ SHE/ THEY EXECUTED THE SAME IN HIS/ HER/ THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS /HER /THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY ON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND,

SIGNATURE: _____

PRINT NAME: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

PRINCIPAL COUNTY OF BUSINESS: _____

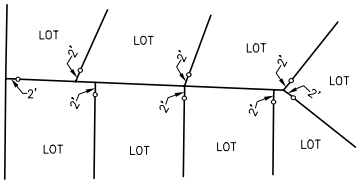
SIGNATURE OMISSIONS:

PURSUANT TO SECTION 66436(a)3(A)(i–viii) OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF PARTIES OWNING THE FOLLOWING INTERESTS, WHICH CANNOT RIPEN INTO A FEE, HAVE BEEN OMITTED:

1. STATE OF CALIFORNIA – DRAINAGE EASEMENT PER BOOK 2609 PAGE 245, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.
2. CITY OF TRACY – GRANT OF EASEMENT PER 2018–106042, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY.

NOTES:

1. APPROVAL OF THIS FINAL TRACT MAP IS SUBJECT TO THE VESTING TENTATIVE MAP (APPLICATION NUMBER TSM20–0002) CONDITIONS OF APPROVAL DATED NOVEMBER 10, 2020
2. ALL FRONT CORNERS ARE TO BE REFERENCED WITH A BP2 SURVEY MARKER W/ANCHORING PLUG (30MM) STAMPED RJA LS 6441 AT THE TOP OF CURB ON LOT LINE PROJECTIONS, UNLESS OTHERWISE NOTED.
3. ALL REAR CORNERS ARE TO BE REFERENCED WITH A 3/4" IRON PIPE AND CAP OR A NAIL AND TAG SET ON THE CORRESPONDING SIDE PROPERTY LINES ON A 2 FEET OFFSET AS TYPICALLY SHOWN BELOW, UNLESS OTHERWISE NOTED.



RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2021, AT _____ __M., IN BOOK _____ OF MAPS AND PLATS, AT PAGE _____, RECORDER'S SERIES NO. _____ AT THE REQUEST OF FIRST AMERICAN TITLE COMPANY.

FEE: $_____ PAID

STEVE J. BESTOLARIDES
ASSESSOR/RECORDER/COUNTY CLERK

BY: _____
DEPUTY COUNTY RECORDER

ATTACHMENT B
Final Subdivision Map

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF AG ESSENTIAL HOUSING CA 1, LP ON JANUARY, 2021. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP (IF ANY), THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE DECEMBER 31, 2022, AND THAT SAID MONUMENTS ARE OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

DATED THIS _____ DAY OF _____, 2021.

_____

SCOTT A. SHORTLIDGE, P.L.S. NO. 6441



CITY ENGINEER'S STATEMENT

I, ROBERT ARMIJO, HEREBY STATE THAT I AM THE CITY ENGINEER OF THE CITY OF TRACY, CALIFORNIA AND THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT 4037, SUBDIVISIONS OF SAN JOAQUIN COUNTY, KT PROPERTY II", CITY OF TRACY, CALIFORNIA AND THAT THE SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF. I FURTHER STATE THAT THIS FINAL MAP COMPLIES WITH ALL THE PROVISIONS OF TITLES 10 AND 12 OF THE TRACY MUNICIPAL CODE, AND ANY AMENDMENTS THERETO, APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP.

DATED THIS _____ DAY OF _____, 2021.

_____

ROBERT ARMIJO, R.C.E. NO. 63173
CITY ENGINEER



SURVEYOR FOR THE CITY STATEMENT

I, DAVID W. ENKE, HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF "TRACT 4037, SUBDIVISIONS OF SAN JOAQUIN COUNTY, KT PROPERTY II", CITY OF TRACY, CALIFORNIA AND THAT THE SUBDIVISION SHOWN HEREON COMPLIES WITH ALL THE PROVISIONS OF CHAPTER 2 OF THE CALIFORNIA SUBDIVISION MAP ACT, AS AMENDED, AND THAT THIS FINAL MAP IS TECHNICALLY CORRECT.

DATED THIS _____ DAY OF _____, 2021.

_____

DAVID W. ENKE, L.S. NO. 4071



CERTIFICATE OF DEDICATION

THE FOLLOWING REAL PROPERTY IS DEDICATED BY AG ESSENTIAL HOUSING CA 1, L.P. FOR THE PURPOSE OF PUBLIC STREET RIGHTS-OF-WAY: "EMERALD WAY", "LAPIZ COURT", "DIAMOND AVENUE", "TRACY HILLS DRIVE", "JADE PLACE", "MALACHITE PLACE", "ALABASTER WAY", AND "CORRAL HOLLOW ROAD"; "LOT A" FOR PUBLIC PARK PURPOSES; "LOT B" FOR SEWER PUMP STATION PURPOSES; AND "LOT D" FOR RETENTION BASIN PURPOSES.

THE FOLLOWING REAL PROPERTY IS DEDICATED BY AG ESSENTIAL HOUSING CA 1, L.P. TO THE CITY OF TRACY AS EASEMENTS FOR PUBLIC PURPOSES: "PUBLIC UTILITY EASEMENT" OR "PUE", "WATER LINE EASEMENT" OR "WLE", AND "SIGHT DISTANCE EASEMENT" OR "STDE".

THE CITY OF TRACY SHALL RECONVEY THE PROPERTY TO THE SUBDIVIDER IF THE CITY OF TRACY MAKES A DETERMINATION PURSUANT TO GOVERNMENT CODE SECTION 66477.5 THAT THE SAME PUBLIC PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST, OR THE PROPERTY OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITIES.

CITY CLERK'S STATEMENT

THIS IS TO STATE THAT AT ITS REGULARLY HELD MEETING ON THE _____ DAY OF _____, 2021, THE CITY COUNCIL OF THE CITY OF TRACY, CALIFORNIA PER COUNCIL RESOLUTION NO._____ APPROVED THIS FINAL MAP OF "TRACT 4037, SUBDIVISIONS OF SAN JOAQUIN COUNTY, KT PROPERTY II", CITY OF TRACY, CALIFORNIA.

ACCEPTED ON BEHALF OF THE PUBLIC FOR PUBLIC USE THE OFFER OF DEDICATION OF ALL PUBLIC UTILITY EASEMENTS, WATER LINE EASEMENTS, AND SIGHT DISTANCE EASEMENTS.

ACCEPTED ON BEHALF OF THE PUBLIC, LOT B FOR THE SEWER PUMP STATION, LOT D FOR THE RETENTION BASIN, AND LOT A FOR THE PUBLIC PARK, SUBJECT TO THE SATISFACTORY COMPLETION OF IMPROVEMENTS.

ACCEPTED, ON BEHALF OF THE PUBLIC, ALL STREET RIGHTS-OF-WAY, SUBJECT TO SATISFACTORY COMPLETION OF IMPROVEMENTS THEREON, IN ACCORDANCE WITH TITLES 10 AND 12 OF THE TRACY MUNICIPAL CODE, AND ANY AMENDMENTS THERETO, APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP.

I HEREBY FURTHER STATE PURSUANT TO SECTION 66477.5 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA; THE LOCAL AGENCY SHALL RECONVEY THE PROPERTY TO THE SUBDIVIDER IF THE LOCAL AGENCY MAKES A DETERMINATION PURSUANT TO SAID SECTION THAT THE SAME PUBLIC PURPOSE FOR WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST, OR THE PROPERTY OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITIES, AS SPECIFIED IN SUBDIVISION (C) OF SAID SECTION.

DATED THIS _____ DAY OF _____, 2021.

_____

ADRIANNE RICHARDSON, CITY CLERK
AND CLERK OF THE CITY COUNCIL

TRACT NO. 4037
SUBDIVISIONS OF SAN JOAQUIN COUNTY

KT PROPERTY II

BEING A SUBDIVISION OF PARCEL A AS SHOWN ON BOOK 10 OF PARCEL MAPS, AT PAGE 64, RECORDED JUNE 5, 1981 AND PARCEL 3 AS SHOWN ON TRACT 4013, RECORDED NOVEMBER 30, 2020 IN BOOK 43 OF MAPS AND PLATS AT PAGE 149 OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, BEING A PORTION OF SECTION 17, T. 3 S., R. 5 E. MOUNT DIABLO MERIDIAN

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

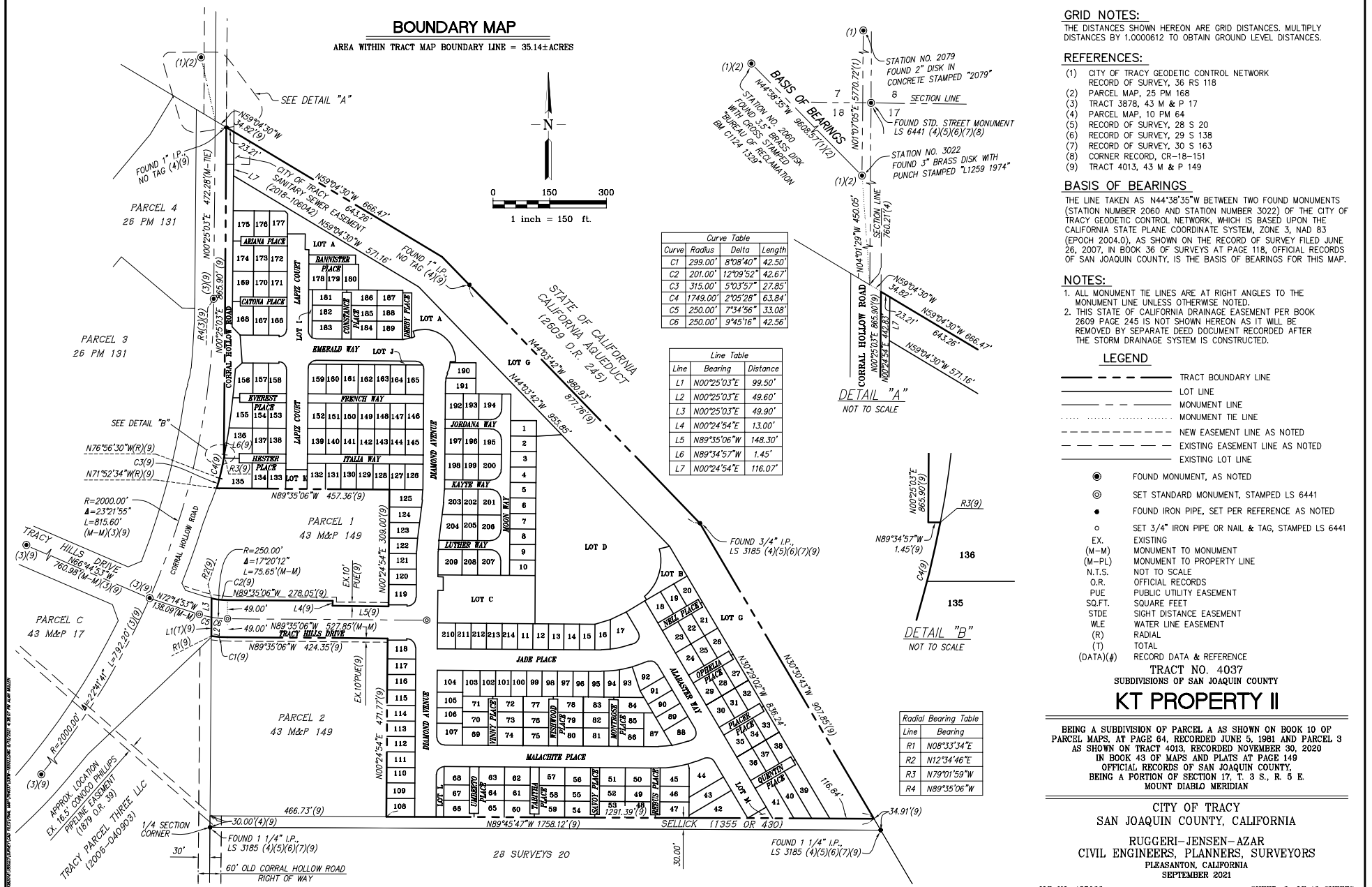
RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
SEPTEMBER 2021

JOB NO. 185023

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BOUNDARY MAP

AREA WITHIN TRACT MAP BOUNDARY LINE = 35.14± ACRES



Curve Table			
Curve	Radius	Delta	Length
C1	299.00'	8°08'40"	42.50'
C2	201.00'	12°09'52"	42.67'
C3	315.00'	5°03'57"	27.85'
C4	1749.00'	2°05'28"	63.84'
C5	250.00'	7°34'56"	33.08'
C6	250.00'	9°45'16"	42.56'

Line Table		
Line	Bearing	Distance
L1	N00°25'03"E	99.50'
L2	N00°25'03"E	49.60'
L3	N00°25'03"E	49.90'
L4	N00°24'54"E	13.00'
L5	N89°35'06"W	148.30'
L6	N89°34'57"W	1.45'
L7	N00°24'54"E	116.07'

Radial Bearing Table	
Line	Bearing
R1	N08°33'34"E
R2	N12°34'46"E
R3	N79°01'59"W
R4	N89°35'06"W

GRID NOTES:

THE DISTANCES SHOWN HEREON ARE GRID DISTANCES. MULTIPLY DISTANCES BY 1.0000612 TO OBTAIN GROUND LEVEL DISTANCES.

REFERENCES:

(1) CITY OF TRACY GEODETIC CONTROL NETWORK RECORD OF SURVEY, 36 RS 118
(2) PARCEL MAP, 25 PM 168
(3) TRACT 3878, 43 M & P 17
(4) PARCEL MAP, 10 PM 64
(5) RECORD OF SURVEY, 28 S 20
(6) RECORD OF SURVEY, 29 S 138
(7) RECORD OF SURVEY, 30 S 163
(8) CORNER RECORD, CR-18-151
(9) TRACT 4013, 43 M & P 149

BASIS OF BEARINGS

THE LINE TAKEN AS N44°38'35"W BETWEEN TWO FOUND MONUMENTS (STATION NUMBER 2060 AND STATION NUMBER 3022) OF THE CITY OF TRACY GEODETIC CONTROL NETWORK, WHICH IS BASED UPON THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 3, NAD 83 (EPOCH 2004.0), AS SHOWN ON THE RECORD OF SURVEY FILED JUNE 26, 2007, IN BOOK 36 OF SURVEYS AT PAGE 118, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, IS THE BASIS OF BEARINGS FOR THIS MAP.

NOTES:

1. ALL MONUMENT TIE LINES ARE AT RIGHT ANGLES TO THE MONUMENT LINE UNLESS OTHERWISE NOTED.
2. THIS STATE OF CALIFORNIA DRAINAGE EASEMENT PER BOOK 2609 PAGE 245 IS NOT SHOWN HEREON AS IT WILL BE REMOVED BY SEPARATE DEED DOCUMENT RECORDED AFTER THE STORM DRAINAGE SYSTEM IS CONSTRUCTED.

LEGEND

- TRACT BOUNDARY LINE
- LOT LINE
- MONUMENT LINE
- MONUMENT TIE LINE
- NEW EASEMENT LINE AS NOTED
- EXISTING EASEMENT LINE AS NOTED
- EXISTING LOT LINE
- ◉ FOUND MONUMENT, AS NOTED
- ◎ SET STANDARD MONUMENT, STAMPED LS 6441
- ● FOUND IRON PIPE, SET PER REFERENCE AS NOTED
- ○ SET 3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441

EX.	EXISTING
(M-M)	MONUMENT TO MONUMENT
(M-PL)	MONUMENT TO PROPERTY LINE
N.T.S.	NOT TO SCALE
O.R.	OFFICIAL RECORDS
PUE	PUBLIC UTILITY EASEMENT
SQ.FT.	SQUARE FEET
STDE	SIGHT DISTANCE EASEMENT
WLE	WATER LINE EASEMENT
(R)	RADIAL
(T)	TOTAL
(DATA)(#)	RECORD DATA & REFERENCE

TRACT NO. 4037
SUBDIVISIONS OF SAN JOAQUIN COUNTY

KT PROPERTY II

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CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA

SEPTEMBER 2021

JOB NO. 185023

SUBDIVISION SHEET INDEX

SCALE: 1" = 150'

SHEET COVERAGE

(8) SHEET NUMBER



GRID NOTES:

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LEGEND

———	TRACT BOUNDARY LINE
———	LOT LINE
——— – – ———	MONUMENT LINE
. . . . .	MONUMENT TIE LINE
– – – – – –	NEW EASEMENT LINE AS NOTED
– — – — – —	EXISTING EASEMENT LINE AS NOTED
———	EXISTING LOT LINE
◉	FOUND MONUMENT, AS NOTED
◎	SET STANDARD MONUMENT, STAMPED LS 6441
•	FOUND IRON PIPE, SET PER REFERENCE AS NOTED
○	SET 3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441
EX.	EXISTING
(M–M)	MONUMENT TO MONUMENT
(M–PL)	MONUMENT TO PROPERTY LINE
N.T.S.	NOT TO SCALE
O.R.	OFFICIAL RECORDS
PUE	PUBLIC UTILITY EASEMENT
SQ.FT.	SQUARE FEET
STDE	SIGHT DISTANCE EASEMENT
WLE	WATER LINE EASEMENT
(R)	RADIAL
(T)	TOTAL
(DATA)(#)	RECORD DATA & REFERENCE

TRACT NO. 4037

SUBDIVISIONS OF SAN JOAQUIN COUNTY

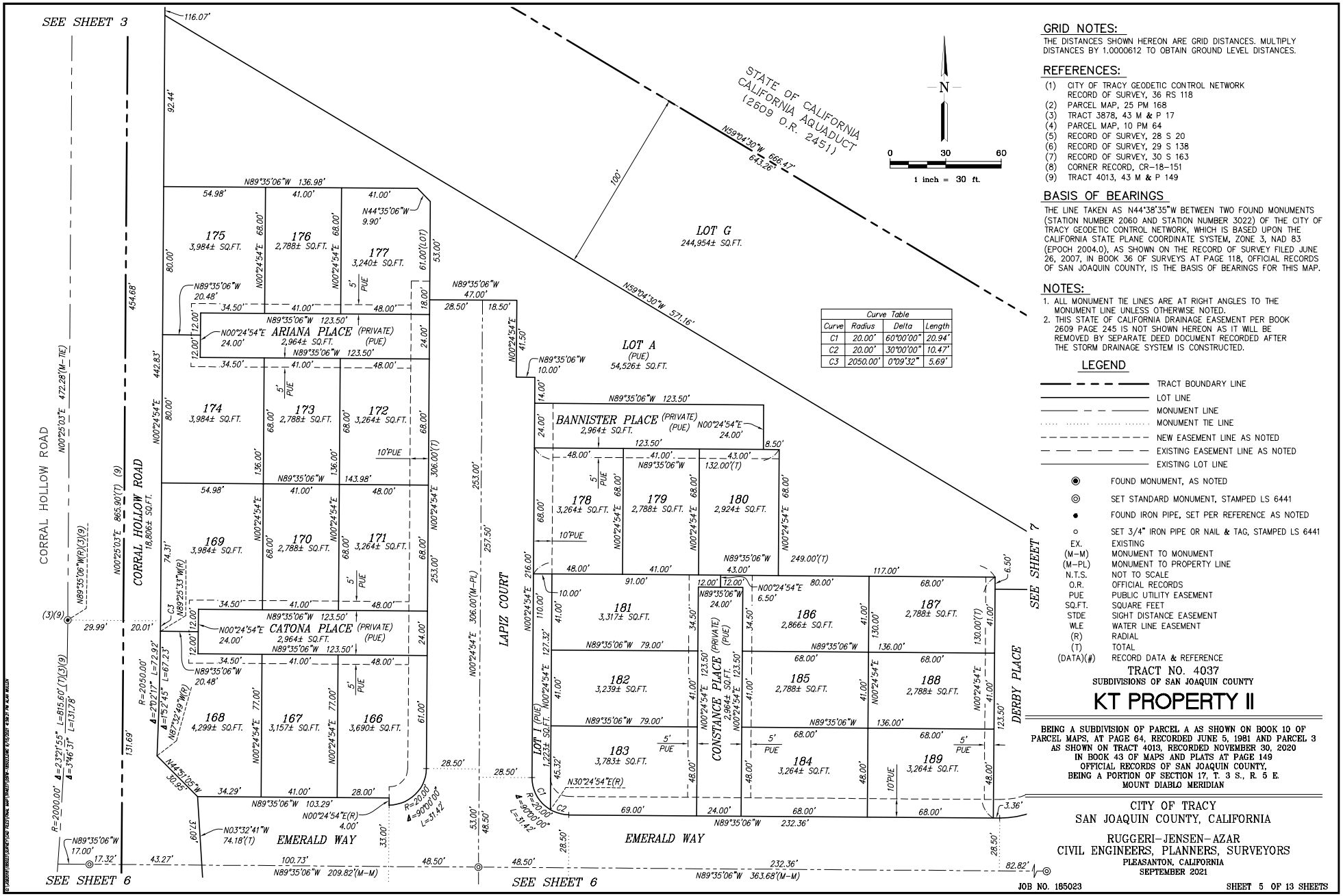
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SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA

SEPTEMBER 2021



GRID NOTES:

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LEGEND

- TRACT BOUNDARY LINE
- LOT LINE
- MONUMENT LINE
- MONUMENT TIE LINE
- NEW EASEMENT LINE AS NOTED
- EXISTING EASEMENT LINE AS NOTED
- EXISTING LOT LINE
- FOUND MONUMENT, AS NOTED
- SET STANDARD MONUMENT, STAMPED LS 6441
- FOUND IRON PIPE, SET PER REFERENCE AS NOTED
- SET 3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441

EX.	EXISTING
(M-M)	MONUMENT TO MONUMENT
(M-PL)	MONUMENT TO PROPERTY LINE
N.T.S.	NOT TO SCALE
O.R.	OFFICIAL RECORDS
PUE	PUBLIC UTILITY EASEMENT
SQ.FT.	SQUARE FEET
STDE	SIGHT DISTANCE EASEMENT
WLE	WATER LINE EASEMENT
(R)	RADIAL
(T)	TOTAL
(DATA)(#)	RECORD DATA & REFERENCE

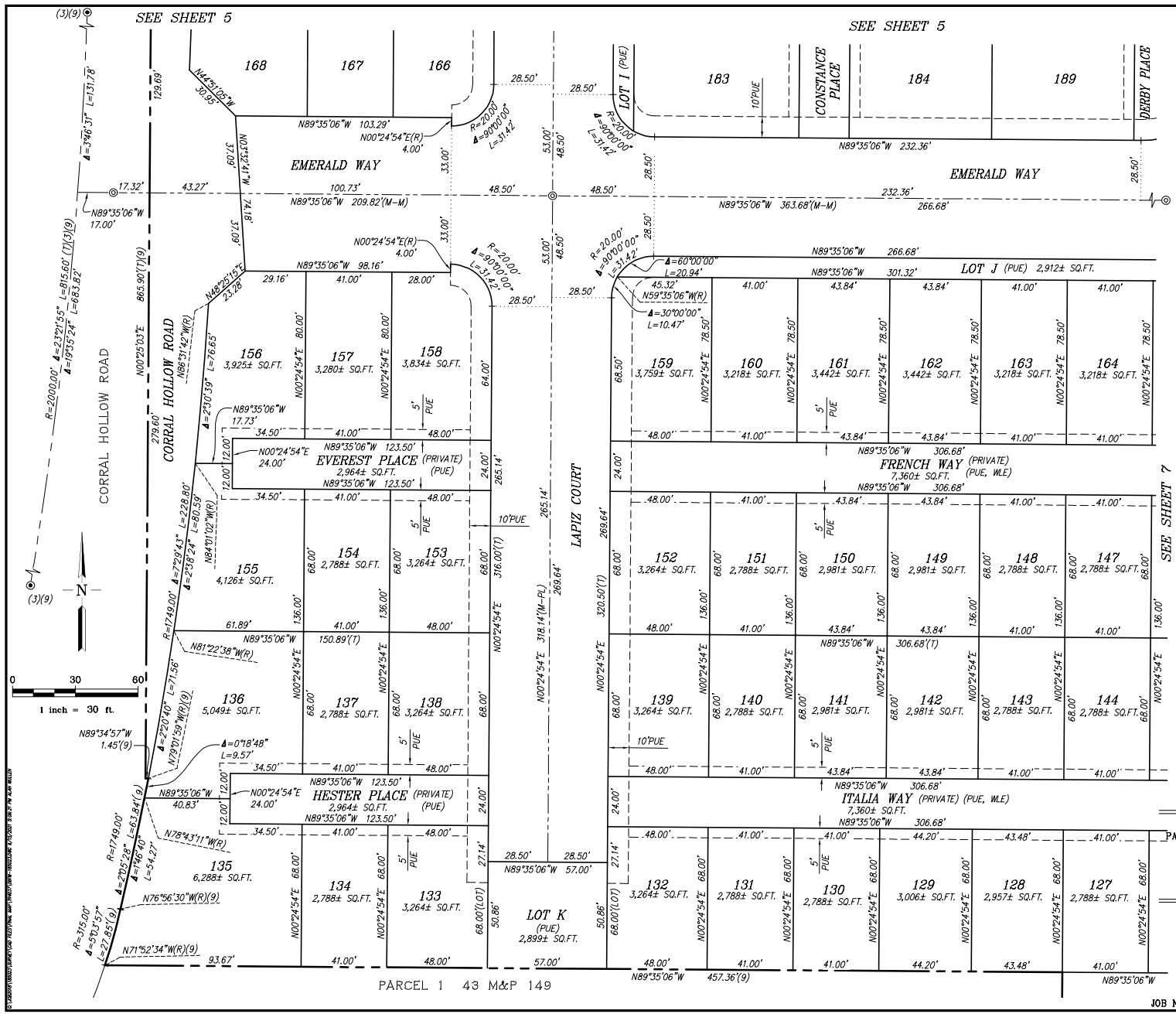
TRACT NO. 4037
SUBDIVISIONS OF SAN JOAQUIN COUNTY

KT PROPERTY II

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RUGGERI-JENSEN-AZAR
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SEPTEMBER 2021



GRID NOTES:

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(7) RECORD OF SURVEY, 30 S 163
(8) CORNER RECORD, CR-18-151
(9) TRACT 4013, 43 M & P 149

BASIS OF BEARINGS

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O.R.	OFFICIAL RECORDS
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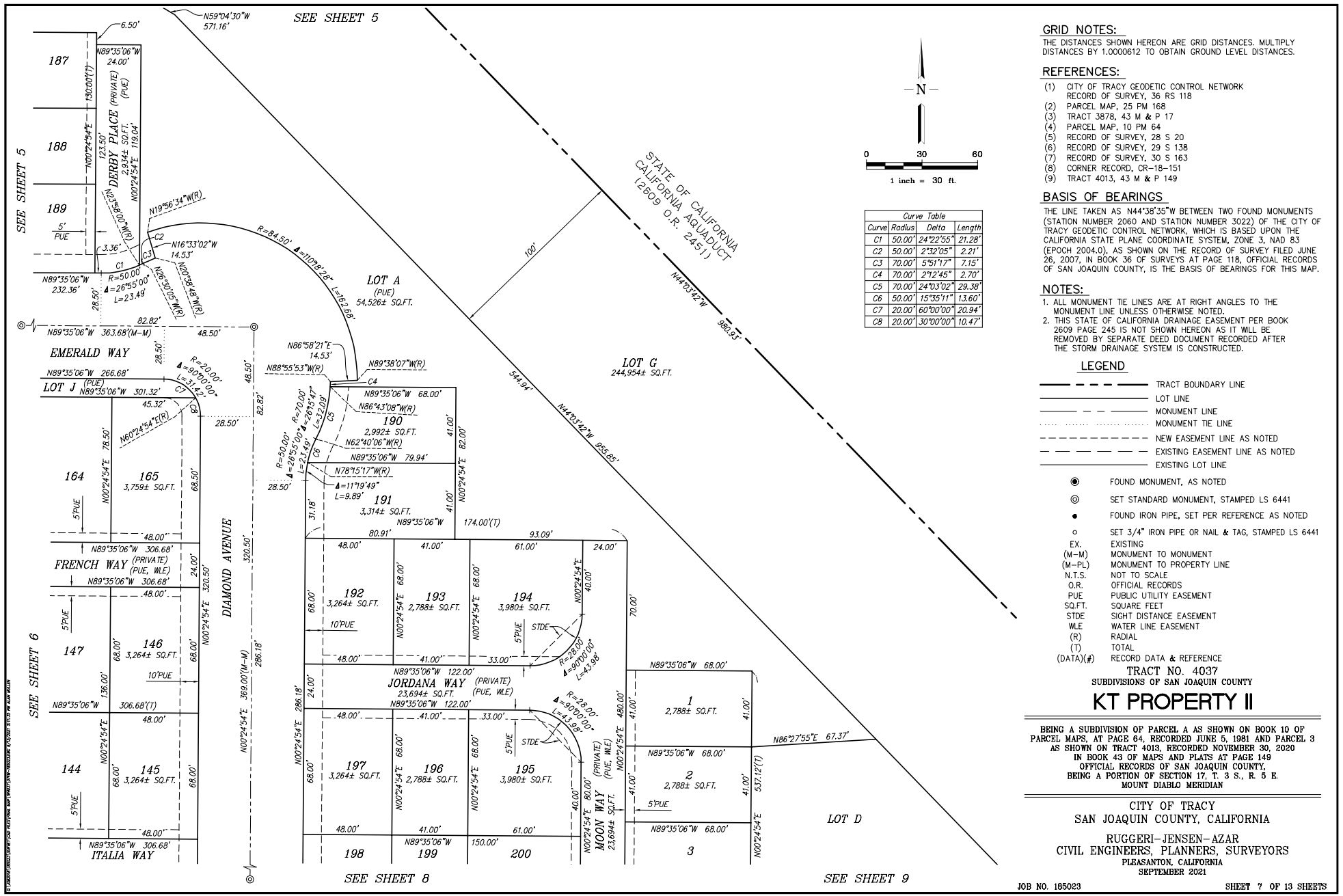
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SEPTEMBER 2021



Curve Table			
Curve	Radius	Delta	Length
C1	50.00'	24°22'55"	21.28'
C2	50.00'	2°32'05"	2.21'
C3	70.00'	5°51'17"	7.15'
C4	70.00'	2°12'45"	2.70'
C5	70.00'	24°03'02"	29.38'
C6	50.00'	15°35'11"	13.60'
C7	20.00'	60°00'00"	20.94'
C8	20.00'	30°00'00"	10.47'

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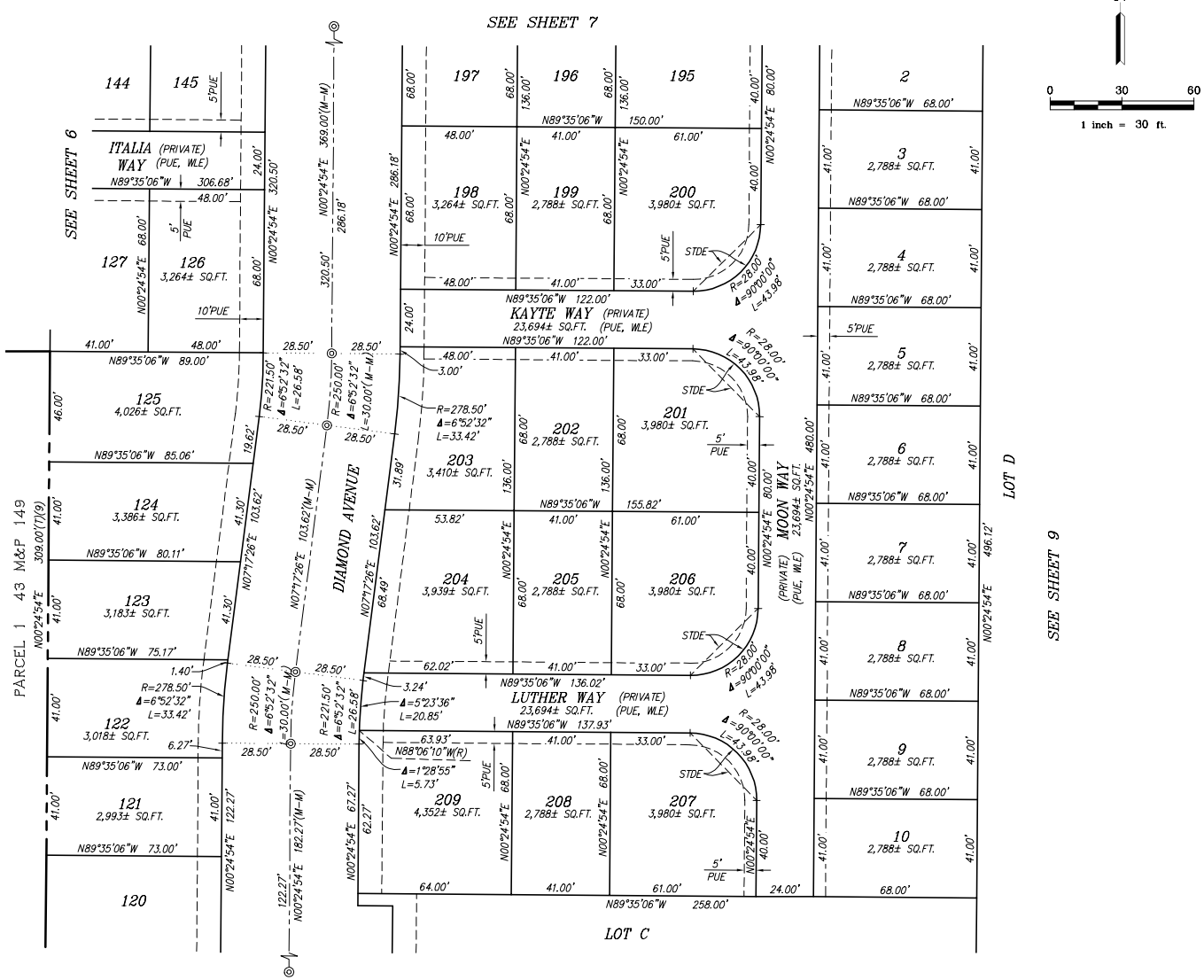
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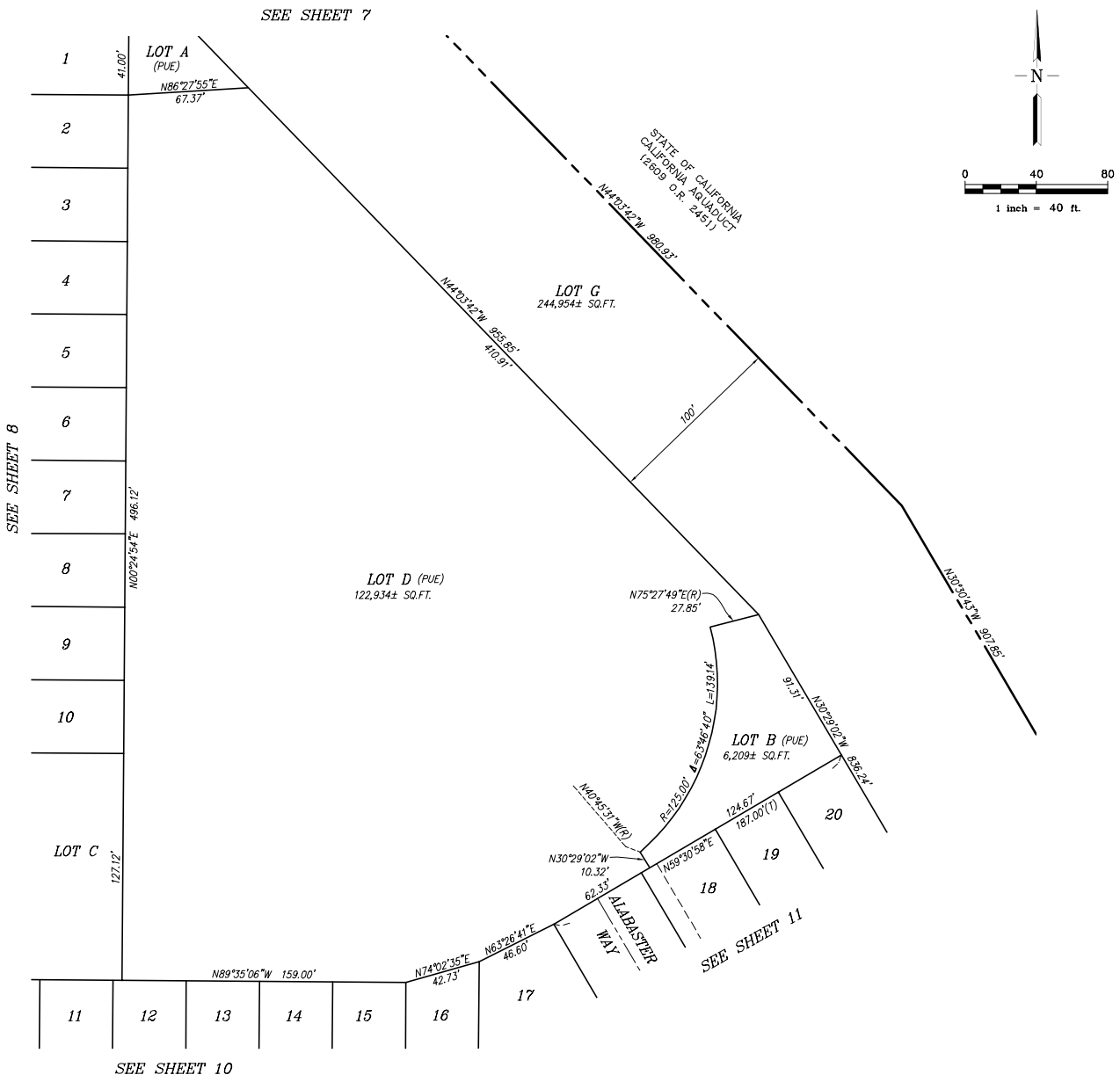
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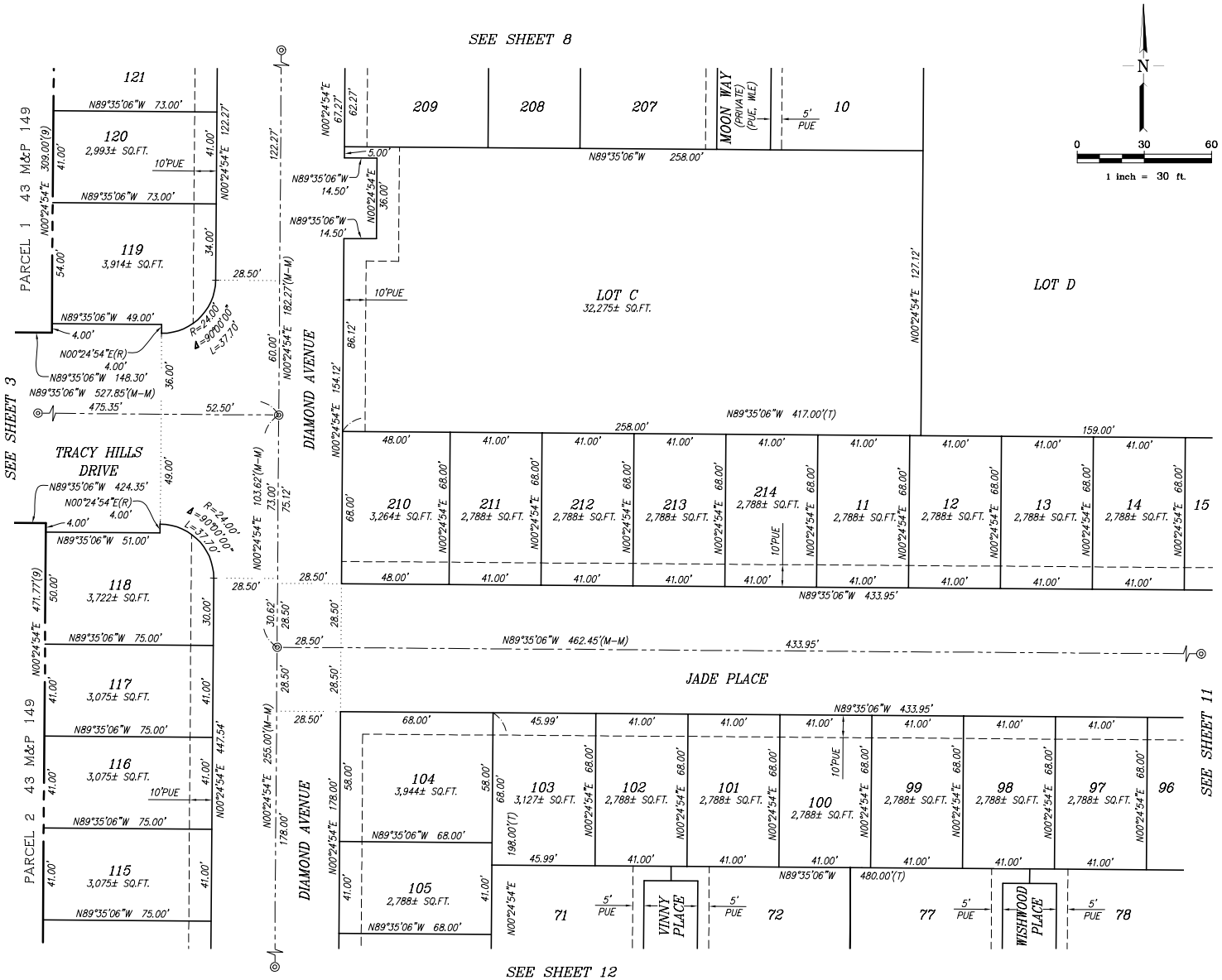
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SUBDIVISIONS OF SAN JOAQUIN COUNTY

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SEPTEMBER 2021

JOB NO. 185023



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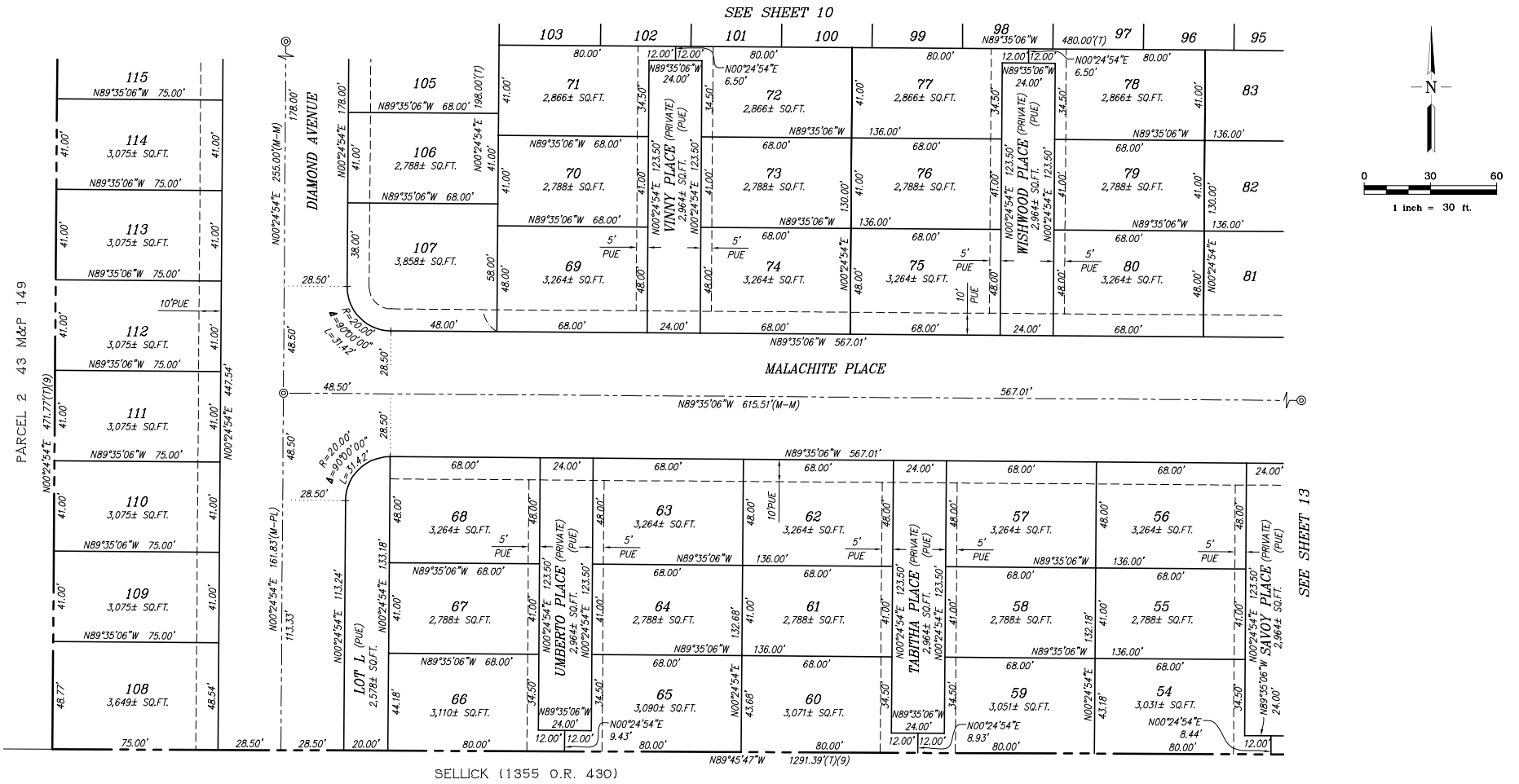
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TRACT NO. 4037
SUBDIVISIONS OF SAN JOAQUIN COUNTY

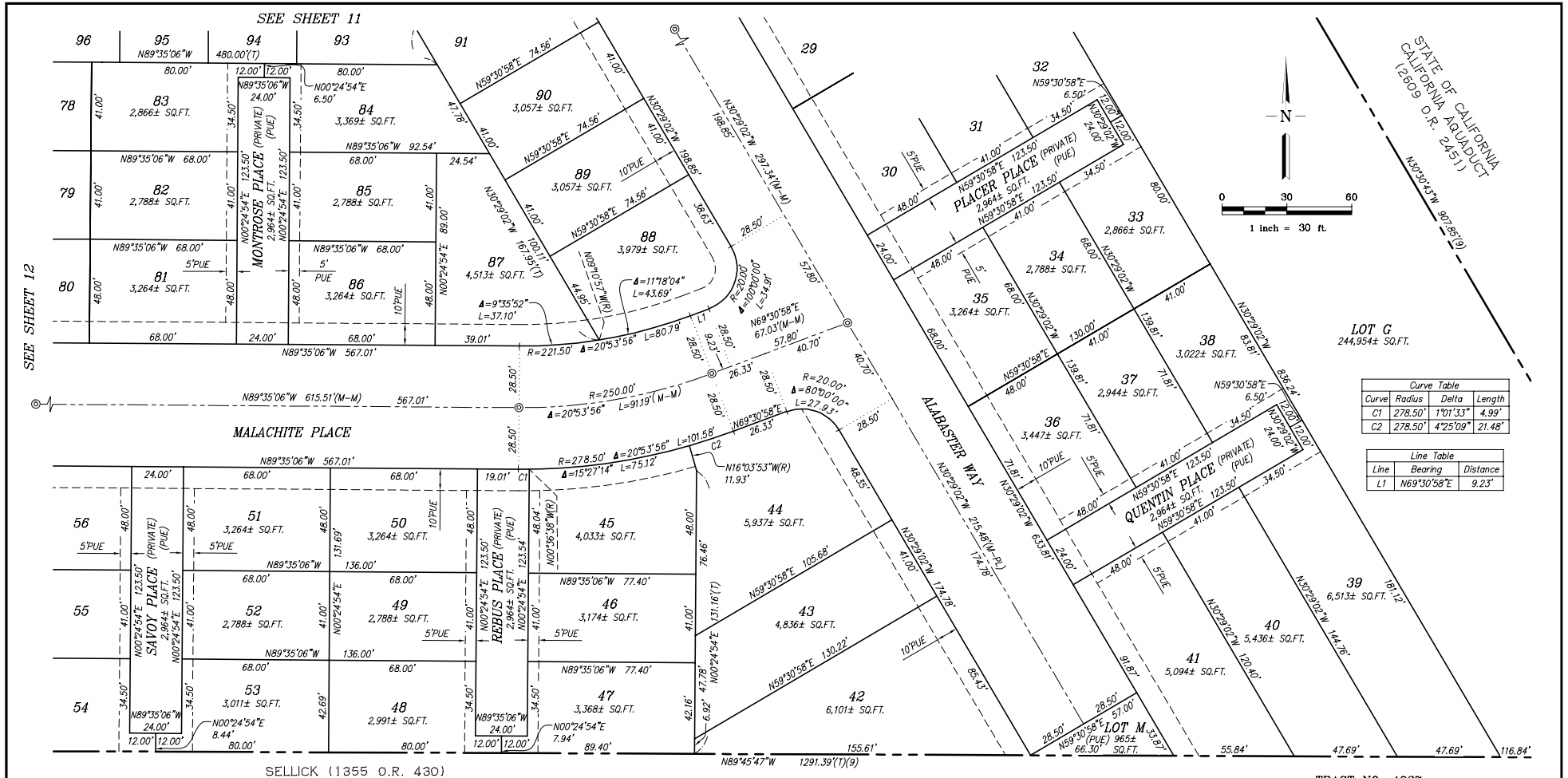
KT PROPERTY II

BEING A SUBDIVISION OF PARCEL A AS SHOWN ON BOOK 10 OF PARCEL MAPS, AT PAGE 64, RECORDED JUNE 5, 1981 AND PARCEL 3 AS SHOWN ON TRACT 4013, RECORDED NOVEMBER 30, 2020 IN BOOK 43 OF MAPS AND PLATS AT PAGE 149 OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, BEING A PORTION OF SECTION 17, T. 3 S., R. 5 E. MOUNT DIABLO MERIDIAN

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
SEPTEMBER 2021

JOB NO. 185023



REFERENCES:

(1) CITY OF TRACY GEODETIC CONTROL NETWORK RECORD OF SURVEY, 36 RS 118
(2) PARCEL MAP, 25 PM 168
(3) TRACT 3878, 43 M & P 17
(4) PARCEL MAP, 10 PM 64
(5) RECORD OF SURVEY, 28 S 20
(6) RECORD OF SURVEY, 29 S 138
(7) RECORD OF SURVEY, 30 S 163
(8) CORNER RECORD, CR-18-151
(9) TRACT 4013, 43 M & P 149

BASIS OF BEARINGS

THE LINE TAKEN AS N44°38'35"W BETWEEN TWO FOUND MONUMENTS (STATION NUMBER 2060 AND STATION NUMBER 3022) OF THE CITY OF TRACY GEODETIC CONTROL NETWORK, WHICH IS BASED UPON THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 3, NAD 83 (EPOCH 2004.0), AS SHOWN ON THE RECORD OF SURVEY FILED JUNE 26, 2007, IN BOOK 36 OF SURVEYS AT PAGE 118, OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, IS THE BASIS OF BEARINGS FOR THIS MAP.

LEGEND

- TRACT BOUNDARY LINE
- LOT LINE
- MONUMENT LINE
- MONUMENT TIE LINE
- NEW EASEMENT LINE AS NOTED
- EXISTING EASEMENT LINE AS NOTED
- EXISTING LOT LINE
- FOUND MONUMENT, AS NOTED
- SET STANDARD MONUMENT, STAMPED LS 6441
- FOUND IRON PIPE, SET PER REFERENCE AS NOTED
- SET 3/4" IRON PIPE OR NAIL & TAG, STAMPED LS 6441

EX.	EXISTING
(M-M)	MONUMENT TO MONUMENT
(M-PL)	MONUMENT TO PROPERTY LINE
N.T.S.	NOT TO SCALE
O.R.	OFFICIAL RECORDS
PUE	PUBLIC UTILITY EASEMENT
SQ.FT.	SQUARE FEET
STDE	SIGHT DISTANCE EASEMENT
WLE	WATER LINE EASEMENT
(R)	RADIAL
(T)	TOTAL
(DATA)(#)	RECORD DATA & REFERENCE

GRID NOTES:

THE DISTANCES SHOWN HEREON ARE GRID DISTANCES. MULTIPLY DISTANCES BY 1.0000612 TO OBTAIN GROUND LEVEL DISTANCES.

NOTES:

1. ALL MONUMENT TIE LINES ARE AT RIGHT ANGLES TO THE MONUMENT LINE UNLESS OTHERWISE NOTED.
2. THIS STATE OF CALIFORNIA DRAINAGE EASEMENT PER BOOK 2609 PAGE 245 IS NOT SHOWN HEREON AS IT WILL BE REMOVED BY SEPARATE DEED DOCUMENT RECORDED AFTER THE STORM DRAINAGE SYSTEM IS CONSTRUCTED.

TRACT NO. 4037
SUBDIVISIONS OF SAN JOAQUIN COUNTY

KT PROPERTY II

BEING A SUBDIVISION OF PARCEL A AS SHOWN ON BOOK 10 OF PARCEL MAPS, AT PAGE 64, RECORDED JUNE 5, 1981 AND PARCEL 3 AS SHOWN ON TRACT 4013, RECORDED NOVEMBER 30, 2020 IN BOOK 43 OF MAPS AND PLATS AT PAGE 149 OFFICIAL RECORDS OF SAN JOAQUIN COUNTY, BEING A PORTION OF SECTION 17, T. 3 S., R. 5 E. MOUNT DIABLO MERIDIAN

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

RUGGERI-JENSEN-AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
SEPTEMBER 2021

JOB NO. 185023

Recording Requested By:

City of Tracy
Development Services
333 Civic Center Plaza
Tracy, CA 95376

And When Recorded Mail To:

City of Tracy
Office of the City Clerk
333 Civic Center Plaza
Tracy, CA 95376
Attn: Adrianne Richardson

SPACE ABOVE THIS LINE FOR RECORDER'S INFORMATION

City of Tracy
SUBDIVISION IMPROVEMENT AGREEMENT
Tract 4037 - KT Property II

This **Subdivision Improvement Agreement** ("**Agreement**") is entered into between the City of Tracy, a municipal corporation ("**City**"), and **LENNAR HOMES OF CALIFORNIA, INC.**, a California corporation ("**Developer**").

Recitals

A. Developer is the party responsible for the construction of the public and private improvements within the real property more particularly described in Exhibit "**A**" attached hereto and incorporated herein by reference (hereinafter "**Property**"), said Property comprising the subject Final Subdivision Map for Tract 4037- KT Property II.

B. On November 10, 2020, the Tracy City Council ("**City Council**") adopted the Tracy Hills Specific Plan Amendment for the Tracy Hills KT Project and approved various related land use entitlements, including that certain Vesting Tentative Subdivision Map for Tracy Hills KT Project, processed under Application No. TSM20-0002 and approved by Resolution No. 2020-189 ("**Tentative Map**"). The Tentative Map includes 214 single-family residential lots, two commercial parcels, linear park parcel, HOA recreation area parcel, retention basin parcel, and numerous other parcels to be owned and maintained by a Homeowners Association, on approximately 45.3 acres located in the Tracy Hills Specific Plan Area, east side of Corral Hollow road in the vicinity of Tracy Hills Drive. The Tentative Map is on file with the City Clerk, and is incorporated herein by this reference.

C. The approval of the Tentative Map by the City Council was subject to specified conditions of approval ("**Conditions of Approval**"). The Conditions of Approval, attached hereto as Exhibit "**B**", describe, among other things, improvements that are required for approval of the Final Subdivision Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City Standards.

D. In accordance with the Subdivision Map Act (California Government Code sections 66410, *et seq*) and the Subdivision Ordinance (Tracy Municipal Code, Title 12), Developer has submitted to the City the Final Subdivision Map for Tract 4037- KT Property II, consisting of the 214 single-family residential lots and other aforementioned parcels (but excluding the two commercial parcels) located on approximately 36.1 acres within the boundaries of the Tentative Map ("**Project**" or "**Project site**").

E. In accordance with the Conditions of Approval, Developer has prepared and the City Engineer has approved certain improvement plans and specifications (which incorporate portions of the City's Standard Specifications), which describe the improvements that are required for approval of the Final Subdivision Map and are incorporated herein by reference. The approved plans and specifications ("**Approved Plans and Specifications**") include: forty (40) sheets of improvement plans entitled "Improvement Plans, KT Property Tract 4037, Tracy Hills", prepared by Ruggeri-Jensen-Azar; twenty (20) sheets of sewer pump station plans entitled "Tracy Hills KT Property, Sewer Pump Station", prepared by Schaaf & Wheeler and Fehr Engineering; four (4) sheets of joint trench plans entitled "Joint Trench Composite, Tracy Hills, Hillview", prepared by O'Dell Engineering; and four (4) sheets of street lighting plans entitled "Street Light Plans, Tracy Hills, Hillview", prepared by O'Dell Engineering.

F. In furtherance of the satisfaction of the Conditions of Approval, landscape improvement plans and specifications which describe in detail the landscape and irrigation improvements in the parkway strips, median islands and HOA common areas within and adjacent to the public streets shown on the Final Subdivision Map have been prepared on behalf of the Developer and are under review by the City Engineer. The plans and specifications under review include twenty-three (23) sheets of landscape construction plans, entitled "Hillview Public Parkway Landscape Improvement Plans, Tracy Hills KT Property, Tract 4037", and twenty-six (26) sheets of landscape construction plans, entitled "Hillview Common Area Landscape Improvement Plans, Tracy Hills KT Property, Tract 4037", both prepared by FORMA ("**Submitted Plans and Specifications**" or "**Additional Work**").

G. Developer shall not commence with construction of the Additional Work until such time as the City Engineer completes the review and formally approves the Submitted Plans and Specifications. Upon the formal approval by the City Engineer, the Submitted Plans and Specifications shall be incorporated into and made part of this Agreement to the same extent and the same effect as if fully and originally set forth herein as part of the Approved Plans and Specifications.

H. Because the required improvements have not been completed, Developer has requested to execute this Agreement as authorized by Government Code section 66462.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Scope of Work; Location. Developer shall perform, or cause to be performed, the Work described in the Approved Plans and Specifications, the Submitted Plans and

Specifications as ultimately approved by the City Engineer, and the Conditions of Approval (hereinafter "**Work**"), to the satisfaction of the City Engineer. The Work shall be performed, and all materials and labor shall be provided, at Developer's expense, in the manner described in the Plans and Specifications. No change shall be made to the Work unless authorized in writing by the City Engineer. Developer may submit a written request to the City Engineer for a change in the scope of Work, as authorized by Tracy Municipal Code section 12.36.060(f).

Developer shall perform all Work at the locations and grades shown on the Plans and Specifications. Developer (a) has acquired any necessary easement or right-of-way or (b) has entered into a separate Agreement with the City to acquire the necessary easement or right-of-way at Developer's expense.

2. Time of Performance. Time is of the essence in the performance of the Work, and the timing requirements set forth here shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. Developer shall submit all requests for extensions of time to the City, in writing, no later than ten days after the start of the condition that purportedly caused the delay, and not later than the date on which performance is due.

2.1 Commencement of Work. No later than 15 days before the beginning of Work, Developer shall provide written notice to the City Engineer of the date on which Developer will begin Work. Developer shall not begin Work until after the notice required by this section is properly provided, and Developer shall not begin Work before the date specified in the written notice.

2.2 Schedule of Work. Concurrently with the written notice of beginning of Work, Developer shall provide the City with a written schedule of Work, which shall be updated in writing as necessary to accurately reflect Developer's prosecution of the Work.

2.3 Completion of Work. Developer shall complete all Work by no later than 365 days after Developer's submittal of its notice of commencement of Work pursuant to Section 2.1 above. If the Work is not completed by this date, City Engineer may grant an extension of time if (a) Developer submits a written request for extension at least ten (10) days prior to expiring date of completion, (b) the City Engineer determines that Work is progressing satisfactorily and an extension is warranted, and (c) Developer pays all processing fees for such time extension.

2.4 Reversion to Acreage. If Developer fails to begin the Work before the date on which completion is due, Developer shall, upon written request by the City, consent to the reversion to acreage of all real property described by the Final Map, and Developer shall bear the costs of processing and implementing the reversion.

3. Improvement Security. Concurrently with Developer's execution of this Agreement, and before beginning any Work, Developer shall furnish contract security, in a form authorized by the Subdivision Map Act (including Government Code sections 66499 *et seq.*) and Tracy Municipal Code section 12.36.080, in the following amounts:

3.1 Faithful Performance security in the amount of **$4,469,400.00** to secure faithful performance of this Agreement (until the date on which the City Council accepts the Work as complete) under Government Code sections 66499.1, 66499.4, and 66499.9.
3.2 Labor and Material security in the amount of **$4,469,400.00** to secure payment by Developer to laborers and materialmen under Government Code sections 66499.2, 66499.3, and 66499.4.
3.3 Warranty security in the amount of **$446,940.00** to guarantee improvements against any defective work or labor done or defective materials used in performance of Work for one year from the date on which the City Council accepts the Work as complete, under Government Code sections 66499.1, 66499.4, and 66499.9.
3.4 Monumentation security in the amount of **$38,750.00** to secure faithful performance of setting monuments pursuant to Government Code section 66496.

4. Indemnification. Developer shall indemnify, defend, and hold harmless City (including its elected officials, officers, agents and employees) from and against any and all claims, demands, damages, liabilities, costs, and expenses (including court costs and attorney's fees) resulting from the performance of the Work by Developer or Developer's agents, representatives, contractors, subcontractors, or employees, except when caused by the active negligence or willful misconduct of City, until such time as all of the following have occurred: (1) the City Council accepts all of the improvements comprising the Work, (2) the City becomes responsible for the maintenance, operation and repair of all of the improvements comprising the Work, and (3) the one year warranty period set forth in Section 12, below, has expired, at which time the indemnification obligations under this Section 4 shall automatically terminate, with regard to any cause of action arising after such date. For avoidance of doubt, Developer's obligations under this Section 4 are in addition to all other Developer's obligations set forth in this Agreement, and shall not affect Developer's warranty obligations set forth in Section 12, below.

5. Insurance. Concurrently with the execution of this Agreement by Developer, and before beginning any Work, Developer shall furnish evidence to the City that the following insurance requirements have been satisfied. The insurance requirements contained in this Section 5 are material terms of this Agreement. These insurance coverage requirements below may be satisfied by umbrella or excess liability policies upon City approval.

5.1. General. Developer shall, throughout the duration of this Agreement, maintain insurance to cover Developer, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services under this Agreement at the minimum levels set forth herein.
5.2. Commercial General Liability (with coverage at least as broad as ISO form CG 00 01) coverage shall be maintained in an amount not less than $4,000,000 per occurrence and $8,000,000 general aggregate for general liability, bodily injury, personal injury, and property damage, including without

limitation, blanket contractual liability and coverage for explosion, collapse, and underground property hazards.

5.3. Professional Contracts. Developer shall cause its design professionals to maintain professional liability insurance that insures against professional errors and omissions that may be made in performing services related to the Work to be rendered in connection with this Agreement, in the minimum amount of one million dollars ($1,000,000) per claim and in the aggregate. Any policy inception date, continuity date, or retroactive date must be before the effective date of this Agreement, and Developer agrees to cause its design professionals to maintain continuous coverage through a period no less than three years after completion of the services required pursuant to this Agreement.

5.4. Automobile Liability (with coverage at least as broad as ISO form 00 01 07 97 for "any auto" including "hired autos" and "non-owned autos") coverage shall be maintained in an amount not less than $2,000,000 per accident for bodily injury and property damage.

5.4.1. If Developer has no employees, or does not own automobiles, then "hired autos" and "non-owned autos" coverage shall be maintained in an amount not less than $1,000,000 per accident for bodily injury and property damage.

5.5. Workers' Compensation coverage shall be maintained as required by the State of California.

5.6. Endorsements. Developer shall obtain endorsements to the commercial general liability and automobile policies with the following provisions:

5.6.1. The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an Additional Insured on Developer's Commercial General Liability policy utilizing endorsement form CG 20 10 (or its equivalent) for ongoing operations and CG 20 37 (or its equivalent) for products/completed operations.

5.6.2. For any claims related to this Agreement, Developer's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of Developer's insurance and shall not contribute with it.

5.6.3. Developer shall require its contractors and subcontractors providing services required by this Agreement (e.g. general contractors, design professionals) to name it and the City as Additional Insureds.

5.7. Notice of Cancellation. Developer shall notify the City of any cancellation of either the commercial general liability policy or automobile insurance policy before the expiration date. For the purpose of this notice requirement, any material change in the policy before the expiration shall be considered a cancellation. Developer shall immediately obtain a replacement policy.

5.8. Authorized Insurers. All insurance companies providing coverage to Developer shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California, with an AM Best rating of at least A-:VII.

5.9. Insurance Certificate. Developer shall provide evidence of compliance with the commercial general liability insurance and automobile insurance requirements listed above by providing a certificate of insurance and

endorsements, in a form satisfactory to the City Attorney before the City executes this Agreement.

5.10. Substitute Certificates. No later than thirty (30) days before the policy expiration date of any insurance policy required by this Agreement, Developer shall provide a substitute certificate of insurance.

5.11. Developer's Obligation. Maintenance of insurance by Developer as specified in this Agreement shall in no way be interpreted as relieving Developer of any responsibility whatsoever (including indemnity obligations under this Agreement), and Developer may carry, at its own expense, such additional insurance as it deems necessary.

6. Independent Contractor Status. Developer is an independent contractor and is solely responsible for the acts of its employees, agents, and subcontractors, including any negligent acts or omissions. Developer is not City's employee and Developer shall have no authority, express or implied, to act on behalf of the City as an agent, or to bind the City to any obligation, unless the City provides prior written authorization to Developer.

7. Default.

7.1 Notice. If Developer is in default of this Agreement, as defined in Section 7.2, the City Engineer shall provide written notice to Developer and Developer's surety (if any) describing the default.

7.2 Events of default. Developer shall be in default of this Agreement if the City Engineer determines that any one of the following conditions exist:

7.2.1 Developer is insolvent, bankrupt, or makes a general assignment for the benefit of its creditors.

7.2.2 Developer abandons the Project site.

7.2.3 Developer fails to perform one or more requirements of this Agreement.

7.2.4 Developer fails to replace or repair any damage caused by Developer or its agents, representatives, contractors, subcontractors, or employees in connection with performance of the Work.

7.2.5 Developer violates any legal requirement related to the Work.

7.3 If Developer fails to cure the default within thirty (30) calendar days, or provide adequate written assurance to the satisfaction of the City Engineer that the cure will be promptly started and diligently prosecuted to its completion, the City may, in the discretion of the City Engineer, take any or all of the following actions:

7.3.1 Cure the default and charge Developer for the costs, including administrative costs and interest in an amount equal to 7% per annum from the date of default.

7.3.2 Demand Developer complete performance of the Work.

7.3.3 Demand Developer's surety (if any) complete performance of the Work.

8. Ownership of Work. All original documents prepared by Developer for this Agreement are the property of the City, and Developer shall provide them to the City at the completion of Developer's Work, or upon demand from the City.

9. Inspection by the City; Inspection Fees and Fee Credits. In order to permit the City to inspect the Work, Developer shall, at all times, provide to the City proper and safe access to the Project site, and all portions of the Work, and to all shops where portions of the Work are in preparation.

Concurrently with Developer's execution of this Agreement and before the beginning of any Work, Developer shall pay the City Inspection Fees in the amount of 3.5% of the estimated Project costs (as approved by the City Engineer). If the City requires an independent inspection, Developer shall pay all such costs and provide a report directly to the City.

Developer shall be entitled to fee credits consistent with Tracy Municipal Code Section 10.20.060(b)(3), as may be amended from time to time.

10. Developer's Authorized Representative. At all times during the progress of the Work, Developer shall have a competent foreperson or superintendent (Superintendent) on site with authority to act on behalf of Developer. Developer shall, at all times, keep the City Engineer informed in writing of the names and telephone numbers of: (a) the Superintendent; and (b) all contractors and subcontractors performing the Work.

11. Acceptance of Work. Before the City Council's acceptance of the Work, Developer is solely responsible for maintaining the quality of the Work and maintaining safety at the Project site. Developer's obligation to perform the Work is not satisfied until after the City Engineer has made a written determination that all obligations of the Agreement have been satisfied, all outstanding fees and charges have been paid, and the City Council has accepted the Work as complete.

12. Warranty Period. Developer shall warrant the quality of the Work, in accordance with the terms of the Plans and Specifications, for a period of one year after acceptance of the Work by the City Council. If during the one-year warranty period any portion of the Work is determined by the City Engineer to be defective as a result of an obligation of Developer under this Agreement, Developer shall be in default of this Agreement and shall without delay and without any cost to City repair, replace, or reconstruct any defective improvements.

13. Miscellaneous.

13.1 Notices. All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or electronically mailed to the respective party as follows:

To City	To Developer:
City of Tracy 333 Civic Center Plaza Tracy, CA 95376 Attn: City Engineer notice@cityoftracy.org	Lennar Homes of California, Inc. 2603 Camino Ramon, Suite 525 San Ramon, CA 94583 Attn: Bridgit Koller bridgit.koller@lennar.com
With a copy to:	With a copy to:
City Attorney 333 Civic Center Plaza Tracy, CA 95376 Attn: City Engineer attorney@cityoftracy.org	AG Essential Housing CA 1, LP c/o AGWIP Asset Management LLC 8585 Scottsdale, AZ 85255 Attn: Steven S. Benson, Manager steve.benson@agwipam.com

Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the email address designated above, or (2) two working days following the deposit in the United States Mail of registered or certified mail, sent to the address designated above.

13.2 Approvals by City. Any approval or consent by that is to be given by City under this Agreement shall be in writing, and any approval or consent that is not in writing shall not be binding on City.

13.3 Modifications. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.

13.4 Waivers. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

13.5 Assignment and Delegation. This Agreement and any portion of it may not be assigned or transferred, nor shall any of Developer's duties be delegated, without the City's prior written consent. Any attempt to assign or delegate this Agreement without the City's written consent shall be void and of no effect. A consent by the City to one assignment shall not be deemed to be a consent to any subsequent assignment.

13.6 Jurisdiction and Venue. The interpretation, validity and enforcement of the Agreement shall be governed by the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

13.7 Permits, Licenses, and Compliance with Law. Developer shall, at Developer's expense, obtain and maintain all necessary permits and licenses for the performance of the Work. Before City signs the Agreement, Developer shall obtain a City of Tracy Business License. Developer shall comply with all local, state, and federal laws, whether or not those laws are expressly stated in this Agreement.

13.8 Entire Agreement; Severability. This Agreement, including all documents incorporated by reference, comprises the entire integrated understanding between the parties concerning the improvements to be

constructed for this Project. This Agreement supersedes all prior negotiations, representations, or agreements. If a term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in effect.

14. Signatures. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity and authority to execute this Agreement. This Agreement shall inure to the benefit of and be binding upon the parties and their successors and assigns.

The parties hereby agree to the full performance of the terms set forth herein.

City of Tracy

_____
Nancy D. Young, Mayor

Date: _____

Approved by City Council on _____
by Resolution No. _____.

Attest:

_____
By: Adrianne Richardson, City Clerk

Approved As To Form:

_____
By: Leticia Ramirez, City Attorney

Developer

LENNAR HOMES OF CALIFORNIA, INC.
a California corporation

_____

By: Bridgit Koller
Title: Vice President

Date: 10/4/2021

Federal Employer Tax ID No. 93-1223261

Exhibits
A: Legal Description of Property (Recital A)
B: Tentative Map Conditions of Approval (Recital C)

Consent to Recordation

AG Essential Housing CA 1, LP, is the owner in fee simple of the real property described in Exhibit A and hereby consents to the recordation of this Subdivision Improvement Agreement.

AG Essential Housing CA 1 LP
a Delaware Limited Partnership

By: AGWIP Asset Management, LLC
An Arizona Limited Liability Company
Its Authorized Agent

_____

By: Steven S. Benson
Title: Manager
Date: _____

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

All that real property situate in the City of Tracy, County of San Joaquin, State of California, described as follows:

Parcel A as shown on the Parcel Map recorded on June 5, 1981, in Book 10 of Parcel Maps, at Page 64, Official Records of San Joaquin County, and Parcel 3 as shown on the map of Tract No. 4013, recorded on November 30, 2020, in Book 43 of Maps and Plats, at Page 149, Official Records of San Joaquin County.

Containing 36.13 acres, more or less.

EXHIBIT "B"
CONDITIONS OF APPROVAL

Conditions of Approval for Tracy Hills KT Project
Vesting Tentative Subdivision Map
Application Number TSM20-0002
November 10, 2020

Project: These Conditions of Approval shall apply to the Vesting Tentative Subdivision Map for Tracy Hills KT Project, Application Number TSM20-0002, including approximately 214 single-family residential lots, a linear park, a retention basin, an HOA recreation area, and two commercial parcels.

Property: The property consists of approximately 45.1 acres located in the Tracy Hills Specific Plan Area, east of Corral Hollow Road in the vicinity of Tracy Hills Drive, Application Number TSM20-0002.

Community Facilities Districts: Certain conditions of approval herein involve the establishment of or annexation into one or more Community Facilities Districts (CFDs) to implement the Project. The imposition of conditions requiring or involving the establishment of or annexation into CFDs on the Property shall not limit the City from establishing additional CFDs over the Property, subject to an affirmative vote of the Property owner(s).

A. **Definitions; Abbreviations.**

The definitions in the City's zoning regulations (Tracy Municipal Code, Title 10, Chapter 10.08) and subdivision ordinance (Tracy Municipal Code, Title 12, Chapter 12.08) apply, and in addition:

1. "Applicant" means any person, or other legal entity, defined as a "Subdivider" by Section 12.08.010 of the City of Tracy Municipal Code.

2. "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 here. (The Development Services Director is also referred to in the Tracy Municipal Code as the Development and Engineering Services Director.)

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 Hills Specific Plan, the Tracy Municipal Code, ordinances, resolutions, written policies, written procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).

4. "Conditions of Approval" or "Conditions" means these conditions of approval.

The following abbreviations may be used in these Conditions:

EIR	Environmental Impact Report	PI&RA	Park Improvement and Reimbursement Agreement
DIA	Deferred Improvement Agreement	PUE	Public Utility Easement
OIA	Offsite Improvement Agreement	TMC	Tracy Municipal Code

B. Planning Division Conditions of Approval

1. Compliance with laws. The Subdivider 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. City Regulations. Unless specifically modified by these Conditions of Approval, the Subdivider shall comply with all City Regulations.

3. Mitigation Measures. The Subdivider shall comply with all applicable mitigation measures in the Final Subsequent Environmental Impact Report (EIR) for the Tracy Hills Specific Plan Project (State Clearinghouse No. 2013102053), which was certified by the City Council on April 5, 2016, and the Addendum to the EIR, which was prepared for the Tracy Hills KT Project consistent with the requirements of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164.

4. Notice of protest period. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Subdivider that the 90-day approval period (in which the Subdivider 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 begin on the date of the conditional approval of this Project. If the Subdivider fails to file a protest of the Exactions complying with all of the requirements of Government Code Section 66020 within this 90-day period, the Subdivider 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.

5. Conformance with Vesting Tentative Subdivision Map. All Final Maps shall be in substantial conformance with the approved Vesting Tentative Subdivision Map (Application Number TSM20-0002), which was received by

the Development Services Department on September 18, 2020 and approved by the City Council on _____, 2020, unless modified by these Conditions.

6. Maintenance for Project Public Landscaping. Before approval of the first Final Map, the Subdivider shall assure that there will be sufficient funding for the ongoing costs related to public landscaping maintenance. Subdivider shall prepare public landscaping improvement plans and a public landscaping budget analysis (to be reviewed and approved by the City Public Works Director) to establish the scope of and cost estimates for public landscaping maintenance.

As used in these Conditions of Approval:

"Public landscaping maintenance costs" include but are not limited to all costs associated with the maintenance, operation, repair and replacement of public landscaping included in the Project. Labor costs shall be based upon and be paid at "prevailing wages," as that term is used in Section 1771 of the California Labor Code.

"Public landscaping" includes but is not limited to the following public areas and public improvements within or adjacent to the Project: public walls, special public amenities, 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. It does not include public streets and street sweeping, but may include street lights.

Before approval of the first Final Map, Subdivider shall enter into an agreement with the City, which shall be recorded against the entire Tracy Hills KT Project property, which adopts and implements one or more of the following three options (a., b. or c.), subject to the approval of the City's Finance Director:

a. CFD or other funding mechanism. Before final inspection or occupancy of the first dwelling (except for up to ten model homes), the Subdivider shall, at its expense, form or annex into a Community Facilities District (CFD) or establish another lawful funding mechanism that is reasonably acceptable to the City for the entire Project area for funding or performing the on-going maintenance of public landscaping. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon successful formation, the Property will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment. If funds are needed to pay for such public landscaping maintenance costs before collection of the first Special Services Tax (the "deficit"), then before final inspection or occupancy of the first dwelling (except for up to ten model homes), the Subdivider shall

deposit to the CFD (by submittal to the City's Finance Director) the amount of the deficit;

Or

b. HOA and dormant CFD. If the HOA is the chosen funding mechanism, the Subdivider must do the following:

(1) Form a Homeowner's Association (HOA) 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 within the entire tentative subdivision map area;

(2) Cause the HOA to enter into an agreement with the City, in a form to be approved by the City and to be recorded concurrently with the first Final Map, 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 HOA of all public landscape areas within the entire tentative subdivision map area;

(3) For each Final Map, make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas within the Final Map area;

(4) Before final inspection or occupancy of the first dwelling (except for up to ten model homes), annex into a CFD in a "dormant" capacity, to be triggered if the HOA 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 homebuyers and non-residential property owners, even during the dormant period.

Or

c. Direct funding. Before final inspection or occupancy of the first dwelling (except for up to ten model homes), the Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full costs of public landscaping maintenance as identified by the approved landscaping budget analysis.

7. Maintenance for Public Landscaping for Major Program Roadways. Before approval of the first Final Map, the Subdivider shall assure that there will be sufficient funding to pay the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways, by entering into an agreement with the City, which shall be recorded

against the entire Tracy Hills KT Project property, which adopts and implements one of the following two options (a. or b.), subject to the approval of the City's Finance Director:

a. CFD. Before final inspection or occupancy of the first dwelling (except for up to ten model homes), Subdivider shall, at its sole expense, form or annex into a Community Facilities District (CFD) for the entire Project area, for funding the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon successful formation, the Property will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment. If funds are needed to pay for such public landscaping maintenance costs before collection of the first Special Services Tax (the "deficit"), then before final inspection or occupancy of the first dwelling (except for up to ten model homes), the Subdivider shall deposit to the CFD (by submittal to the City's Finance Director) the amount of the deficit;

Or

b. Direct Funding. Before final inspection or occupancy of the first dwelling (except for up to ten model homes), the Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full costs of funding the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan.

8. Parks. Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that within 18 months following final inspection or occupancy of the first dwelling (except for up to ten model homes), the linear park shall be completed and accepted by the City.

9. Schools. Before issuance of a building permit for each new dwelling, the Subdivider shall document compliance with all applicable school mitigation requirements and provide to the City a certificate of compliance for such requirements from the Jefferson School District and Tracy Unified School District.

10. Public Services. Before approval of the first Final Map, the Subdivider shall do one of the following, subject to the approval of the City's Finance Director:

a. CFD or other funding mechanism. The Subdivider shall enter into an agreement with the City, to be signed by the Finance Director, which shall be recorded against the Property, which stipulates that prior to

issuance of a building permit (except for up to ten model homes), the Subdivider will form or annex into a Community Facilities District (CFD) or establish another lawful funding mechanism that is reasonably acceptable to the City for funding the on-going operational costs of providing Police services, Public Works services and other City services to serve the Project area. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. The Subdivider shall be responsible for all costs associated with the formation or annexation proceedings. Upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment.

Or

b. Direct funding. The Subdivider 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 (except for up to ten model homes), the Subdivider will fund a fiscal impact study to be conducted and approved by the City to determine the long term on-going operational costs of providing Police services, Public Works services and other City services to serve the Project area, and deposit with the City an amount necessary, as reasonably determined by the City, to fund the full costs in perpetuity as identified by the approved study.

If the provisions for adequate funding of the on-going operational costs of providing Police services, Public Works services and other City services are met prior to issuance of the first building permit for the project, 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.

C. Engineering Division Conditions of Approval

C.1. General Conditions

C.1.1. Subdivider shall comply with the applicable requirements of the approved documents, technical analyses/reports prepared for the Project listed as follows:

a) *Tracy Hills Specific Plan,* approved by City Council by Resolution No. 2016-063, dated April 5, 2016, and any amendments thereto.

b) *Tracy Hills Specific Plan Recirculated Draft Subsequent Environmental Impact Report and Addendum to the Subsequent Environmental Impact Report dated February 2020 ("EIR")*

c) *Tracy Hills KT Update Traffic Study,* prepared by Kimley-Horn and Associates, dated September 9, 2020, and any updates or amendments thereto ("Traffic Study").

d) *Tracy Hills KT Property Sanitary Sewer Study Technical Memorandum* prepared by Carollo, dated February 21, 2020 ("*Sanitary Sewer Study*").

e) *Tracy Hills Water Study Technical Memorandum* prepared by West Yost Associates, dated November 8, 2019 ("*Water Study*").

f) *Tracy Hills Storm Drainage Master Plan* prepared by Ruggeri-Jensen-Azar, dated July 2019 and reviewed by Stormwater Consulting, Inc. as outlined in the memo dated January 6, 2020 ("*Storm Drainage Study*")

g) *Citywide Water System Master Plan prepared by West Yost Associates,* dated December 2012.

h) *Plan Line Study – Corral Hollow Road prepared by Ruggeri-Jensen-Azar* ("*Corral Hollow Road Plan Line*").

i) Any Finance Implementation Plan ("FIP"), as described in Section 10.20.060(b)(3)(B) of the Tracy Municipal Code, that is approved by the City Council for the property described in the Tracy Hills KT Property Vesting Tentative Subdivision Map, Application No. TSM20-0002.

j) *Amendment to the Tracy Hills Specific Plan for the KT Project,* approved by City Council by Resolution No. 2020-___, dated _____, ___, 2020.

C.1.2 Timing of Compliance: The Applicant shall satisfy each of the following conditions prior to filing the first Final Map unless a different time for compliance is specifically stated in these Conditions of Approval. Any condition requiring an improvement that has already been designed, completed or under a City-approved agreement may be considered satisfied at the discretion of the City Engineer. For the purpose of these Conditions of Approval, Final Maps filed solely for financing purposes only, and no permits will be requested pursuant to such final map, then the requirements listed in these Conditions of Approval shall not apply to the final map for financing purposes only.

C.1.3 Revisions to the Vesting Tentative Subdivision Map ("VTSM"): The Subdivider shall incorporate revisions to comply with the recommendations and comments in the Traffic Study prior to approval of the VTSM.

C.2. Improvement Plans

C.2.1. General

The Subdivider shall complete Improvement Plans to comply with all applicable laws, including the City Regulations (defined above) and these Conditions of Approval. Improvement Plans shall contain the design, construction details and specifications of improvements that are required to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.2.2. Site Grading

C.2.2.1 Erosion Control

Grading Plans shall specify the method of erosion control to be employed and materials to be used.

C.2.2.2 Grading and Drainage Plans

Submit a Grading and Drainage Plan prepared by a Registered Civil Engineer and accompanied by the Project's Geo-technical /Soils Engineering report. The report shall provide recommendations regarding adequacy of the site relative to the stability of soils such as soil types and classification, percolation rate, soil bearing capacity, highest observed ground water elevation, and others.

C.2.2.3 When the grade differential between the Project site and the adjacent property(s) exceeds 12 inches, a reinforced or masonry block wall, engineered slope, or engineered retaining wall is required for retaining soil. The Subdivider shall submit Retaining Wall Plans that includes the construction detail(s) and structural calculations of the retaining wall or masonry wall for City's review and approval.

C.2.2.4 If an engineered slope is used to retain soil on adjacent property outside the Project boundary, a slope easement will be necessary from the adjacent property. The Subdivider shall obtain a slope easement from owner(s) of the adjacent and affected property(s) and show the slope easement on the Final Map.

C.2.2.5 If applicable, show existing irrigation structure(s), channel(s) and pipe(s) that are to remain or relocated or to be removed, after coordinating with the irrigation district or owner of the irrigation facilities. If there are irrigation facilities including tile drains, that are required to remain to serve existing adjacent

agricultural uses, the Subdivider shall design, coordinate and construct required modifications to the facilities to the reasonable satisfaction of the owner of the irrigation facilities and the City.

C.2.3. Grading Permit

The City will not accept a grading permit application for the Project as complete until the Subdivider has provided all relevant documents related to the grading permit required by the City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer.

C.2.4. Storm Drainage

C.2.4.1 Site grading shall be designed such that the Project's storm drainage overland release point will be directed to storm drainage easement or to public streets. If overland release is intended to be onto DWR property adjacent to the Project, Subdivider shall submit to the City documentation from DWR approving such discharge overland release onto DWR property as required by the City Engineer.

C.2.4.2 All permanent underground storm drainage lines and structures to be maintained by the City shall be located within right-of-way to be dedicated to the City or within an easement. If applicable, interim facilities and storm drain lines and collection basins shall be maintained by the Subdivider.

C.2.4.3 Storm drainage plans are to be submitted with the required hydrologic and hydraulic calculations for the sizing of storm drainage pipe(s) and shall comply with Storm Drainage Study and City Regulations.

C.2.4.4 Since the Project will construct a terminal retention basin, it has been determined that the Project will be exempt from the Post Construction Stormwater Quality Standards. However, should new Federal or State regulations come into effect during the buildout of the Project that would require future compliance, then the Project would not be exempted from those new requirements.

SWPPP's shall be implemented during project construction. In addition, the Project may implement stormwater control measures such as disconnected roof leaders, non-contiguous street sidewalks (providing landscape strips/parkways), tree planting in parkways and use of drought tolerant landscape with drip irrigation systems and "intelligent" controllers. Similarly, public education measures regarding the damaging

effects of pollutants to water quality may also be implemented.

C.2.4.5 All Storm Water structural and construction details that are not part of the City Standard Plans or City Design Standards shall be provided by the Subdivider and submitted to the City for approval as part of the improvement plans.

C.2.4.6 Storm drainage Retention Basin shall be contained within storm drainage parcels suitable for dedication to the City of Tracy. This basin shall be provided with appropriate fencing with warning signs, access roadways to and from public roadways and access roadways into the ponds for maintenance purposes as approved by the City Engineer. All storm drainage inlets into this basin shall have inlet structures with design acceptable to the City Engineer.

C.2.4.7 Fixed vertical sediment depth markers shall be installed near discharge points into the Retention Basin to assist with measurements of sediment deposition over time and future assessments of the need for maintenance activities.

C.2.5. Sanitary Sewer

C.2.5.1 All sanitary sewer lines and associated improvements shall be designed and installed per the Sanitary Sewer Study and City Regulations. Before approval of Final Map(s) for the Project, Subdivider shall submit improvement plans and obtain approval for the plans for all on-site sewer improvements.

C.2.5.2 The Subdivider shall design and construct the Sanitary Sewer Pump Station (SSPS) with sufficient capacity to service the Project per City Standards and Sanitary Sewer Study. This Pump Station shall be constructed on land to be dedicated by Subdivider, as approved and required by the City. Upon satisfactory completion of the SSPS improvements, as determined by City, the City will accept the land dedication and SSPS improvements for maintenance. Maintenance of the SSPS shall be included in the Community Facilities District (CFD) to be established for the Project.

C.2.5.3 No final inspection of any residential building will be performed or certificate of occupancy for commercial building will be issued, with the exception of Model Homes, until the improvements listed above are completed and functional, as determined by the City Engineer.

C.2.5.4 Subdivider shall pay impact fees at the time of issuance of building permit. In addition, the Subdivider shall pre-pay impact fees for wastewater treatment for all remaining residential lots no later than one year after issuance of first building permit for production home.

C.2.5.5 Prior to the City's approval of the first Final Map within Project, the Subdivider shall dedicate to the City utility maintenance easements necessary for all sanitary sewer lines (gravity or force mains). All requirements relating to the access and maintenance by the Utilities Department and Public Works Department shall be incorporated into the improvement plans.

C.2.5.6 Subdivider shall coordinate with Utilities Department and Public Works Department for determining the access, parking, security fencing, lighting and other related improvements at the Sanitary Sewer Pump Station. The requirements identified shall be incorporated into the design of the SSPS for review and approval by the City Engineer.

C.2.5.7 Parcel "B" (Sanitary Sewer Lift Station) access road shall be paved with structural section per City standards adequate to support maintenance vehicles accessing the Retention basin and the SSPS.

C.2.6. Water Distribution System

C.2.6.1 All potable water lines and associated improvements as identified in the Water Study (Water Line Improvements) shall be designed and installed per City Regulations.

C.2.6.2 During the construction phases (vertical construction) of the Project, the Subdivider shall be 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.

C.2.6.3 Prior to approval of each Final Map, the Subdivider shall submit calculations and improvement plans as required by the Fire Marshal and the City Engineer, and obtain a letter from the Fire Marshal that the fire flow parameters per Tracy Design Standards Section 6.02 are met for the phased construction of water lines to the satisfaction of the Fire Marshal.

C.2.6.4 Subdivider shall install Recycled Water mains in Street "D" required to serve the Project.

Initially, the 8-in Recycled Water Main will be connected to a potable water supply (with a stub in place to future recycled water) as approved by the City until the program backbone Recycled Water facilities are in place. Once the Recycled Water system network is online the 8-in Recycled Water distribution main will be disconnected from the Potable Water system and connected to the Recycled Water System as part of the Recycled Water Project by the City.

C.2.6.5 Domestic and Irrigation Water Services – The HOA will be responsible for the repair and maintenance of all valves, fittings on services related to landscaping on all parcels to be owned by HOA and within HOA easements.

C.2.6.6 Where pressures at individual water services will be 80 psi or more, the Subdivider shall provide pressure-reducing valves at the location approved by the City Engineer. The design of the individual pressure reducing valves for services shall be subject to approval by the Building Official.

C.2.6.7 Fire Service Line – The Subdivider shall design and install fire hydrants at the locations approved by the Fire Marshal. Before the approval of the Improvement Plans, the Subdivider shall obtain written approval from the Fire Marshal for the design, location and construction details of the fire service connections to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.2.7. Street Improvements

C.2.7.1 Subdivider is required to design and construct on-site and frontage roadway improvements to serve the Project as identified in the Traffic Study and these Conditions of Approval. All improvements shall comply with City Regulations, and Tracy Hills Design Standards. Such improvements shall include, but are not limited to, roadways, water distribution system, sewer system, storm drainage systems, curb and gutter, sidewalks, street lighting system, traffic signals, ITS systems, pavement and crosswalk striping, bicycle lanes and trails, roadway signage and street signs, median islands, turn lanes, landscaping, and all necessary related improvements as required by the City. Timing of completion of street improvements shall comply with these Conditions of Approval.

C.2.7.2 Corral Hollow Road Right of Way

Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by City Council on November 26,

2012, pursuant to Resolution No. 2012-240, amended on November 19, 2013, Corral Hollow Road will be a 4-lane major arterial street with a raised median, sidewalks, bicycle facilities and landscaping, and depicted Corral Hollow Road Plan Line.

The Corral Hollow Road Plan Line established the amount of right-of-way to be dedicated from the Project along Corral Hollow Road. The Subdivider shall dedicate all rights-of-way necessary for the widening of Corral Hollow Road along the entire frontage of the Property on Corral Hollow Road. The dedication shall include additional right-of-way for turn lanes and transitions where applicable. If required, the Subdivider shall also dedicate right-of-way for construction of intersection improvements including traffic signal modifications at Tracy Hills Road / Corral Hollow Road for buildout requirements.

The Subdivider shall be eligible for fee Credits and/or reimbursements for right-of-way dedication beyond Project's frontage obligation per the CRTMP requirements. Temporary / interim improvements are not eligible for fee credits or reimbursements.

C.2.7.3 Abandonment of Right-of way on Corral Hollow Road

The Subdivider shall submit request to the City for vacation of existing Corral Hollow Road right-of-way and pay for all costs of processing of vacation of right-of-way and recordation of documents.

Potential impacts to access to adjacent parcels (Sellick APN 253-100-09) due to abandonment of Corral Hollow Road right-of-way (such as providing curb cut/ driveway on Street "D" or other improvements as deemed necessary by the City Engineer) shall be mitigated as approved by the City. All costs of such mitigations shall be paid for by the Subdivider.

C.2.7.4. Corral Hollow Road Improvements

The Subdivider shall design and construct the Corral Hollow Road Improvements in accordance with the Traffic Study, Corral Hollow Road Plan Line and City Regulations.

The improvements will include, but are not limited to, construction of asphalt concrete pavement, traffic signal modifications, pavement markings and striping, traffic signage, street lighting, roadway section construction and/or replacement, asphalt concrete overlay (where required), pavement transitions and other street and utilities

improvements that are required to serve the Project based on the phasing plan approved by the City Engineer.

Roadway design shall conform to STAA truck traffic requirements and Caltrans requirements.

C.2.7.5. Corral Hollow Road Improvements for Residential Units

Prior to issuance of final inspection or occupancy of Model Homes and residential units, the Subdivider shall complete the following Corral Hollow Road Improvements to provide adequate and safe traffic conditions on Corral Hollow Road to the satisfaction of the City Engineer.

Subdivider shall prepare improvement plans for Corral Hollow Road Improvements and obtain approval by the City Engineer before approval of the first Final Map within the Project.

a. Corral Hollow Road/Tracy Hills Drive/ Street D:

1. Southbound: One left turn, one right turn and one through lane.
2. Northbound: One left turn, one right turn and one through lane.
3. Westbound: One left turn, one shared through and right turn lane. However, this layout may result in interim curb, signal and pedestrian crossing, which will be funded by the project as interim improvements. The developer must provide intersection layouts indicting this geometry for review. The layouts must show the ultimate layout as well.
4. Eastbound: Same as existing - One shared through and right turn lane, two left turn lanes.
5. Signal timing: Modified signal timing plans for AM and PM and school midday.
6. Add signal poles and curb/sidewalk as required.

b. Corral Hollow Road/Street A (RIRO Driveway):

1. Northbound: One right turn lane to separate through traffic from right turning vehicles.
2. Provide a raised median on Corral Hollow Drive to prevent left turns in and out of the site.

3. Westbound: one right turn lane exiting the development.

C.2.7.6. Corral Hollow Road Improvements for Commercial Parcels

Prior to issuance of final occupancy of for any buildings on the Commercial parcels, the Subdivider shall complete the following Corral Hollow Road Improvements to provide adequate and safe traffic conditions on Corral Hollow Road to the satisfaction of the City Engineer.

a. Corral Hollow Road/Tracy Hills Drive/ Street D:

1. Southbound: Two left turns, one right turn, and one through lane.
2. Northbound: Two left turns, one right turn, and one through lane.
3. Westbound: One through, one left, and one right turn lane.
4. Eastbound: Same as existing - One shared through and right turn lane, two left turn lanes.
5. Signal timing: Modified signal timing plans for AM and PM and school midday.
6. Add signal poles and curb/sidewalk as required.

C.2.7.7. Fee Credits and/or reimbursements for eligible costs of improvements beyond Project's frontage obligation per the CRTMP, will be determined based on the improvement plans to be approved by the City Engineer. Interim improvements are not eligible for fee credits or reimbursements and are the sole responsibility of the Subdivider.

C.2.7.8. Pavement Repaving/ Overlay on Corral Hollow Road

Subdivided shall pay its fair share of $50,000 towards the estimated cost of r repaving/ overlay from I-580 south right-of-way line to southerly City Limits as directed by the City Engineer.

C.2.7.9 In order to guarantee completion of the Corral Hollow Road Improvements, the Subdivider shall enter into an improvement agreement (SIA or OIA) and post an improvement security in the amounts and form in accordance with section 12.36.080 of the TMC and as required by these Conditions of Approval. The Subdivider shall submit the signed and notarized OIA with the

necessary improvement security before approval of the first Final Map within the Project.

C.2.7.10 For any Corral Hollow Road Improvements considered frontage improvements (such as Subdivider's Frontage Obligation per the CRMP including landscape improvements behind the curb) that are not constructed or security posted with OIA at the time of approval of the first Final Map, the Subdivider shall enter into a DIA with the City.

The Subdivider shall submit the signed and notarized DIA before approval of the first Final Map within the Project. The Subdivider shall post improvement security in the amounts and form in accordance with TMC section 12.36.080 at the times specified in the DIA.

C.2.7.11 Traffic Control Plan

Before starting any work within City's right-of-way on Corral Hollow Road, the Subdivider shall submit a Traffic Control Plan for each phase of work, to show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California. Subdivider shall comply with Caltrans requirements and standards for any work conducted within Caltrans ROW.

C.2.7.12 The Subdivider shall design and construct Corral Hollow Road Improvements to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (CHDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), the Applicable Law, and these Conditions of Approval.

C.2.7.13 The Tracy Hills Specific Plan EIR ("EIR") identifies the Project's traffic impacts that are to be mitigated by the Subdivider. The mitigation measures are summarized in Table 4.13-68, Transportation & Circulation EIR Mitigation Matrix. Subdivider shall comply with the applicable mitigation measures as outlined in the Traffic Study.

C.2.7.14 As the properties north of the Project along Corral Hollow Road develop, City will install fiber-optic lines to connect signals on Corral Hollow Road. In the interim, at the time of installation of traffic signals at Corral Hollow Road / Tracy Hills Drive, the Subdivider shall provide a functional communication system acceptable to the City Engineer, to

connect the City's Traffic Control Management Center (TCMC) located at the City Hall to the traffic signal. Any required improvements at the TCMC to facilitate communications in the interim condition that is not part of the Master Plan Facilities, shall be installed at Subdivider's cost, and no fee credits or reimbursements will be applicable.

C.2.7.15 Bus shelter and turnout on Corral Hollow Road

The bus shelter and turnout on Corral Hollow Road shall be constructed as part of the Frontage Improvements on Corral Hollow Road. The City will provide the construction details and materials specifications of the bus shelter. Timing of construction of bus shelters will be determined in the future based on the extension of TRACER's Fixed Route to serve the Project. In order to assure completion of construction of the bus shelters, the Subdivider may either enter into a DIA with security, or pay to the City the estimated cost for bus shelter on Corral Hollow Road at the time of approval of the first Final Map within the Project.

C.2.7.16 Encroachment Permit

Before starting any work to be performed and improvements to be constructed within City's right-of-way, the Subdivider shall obtain an Encroachment Permit from the City. The Subdivider or its authorized representative shall submit all documents that are required to process the Encroachment Permit including but not limited to, approved Improvement Plans, Traffic Control Plan, payment of engineering review fees, copy of the Contractor's license, Contractor's Tracy business license, and certificate of insurance naming the City of Tracy as additional insured or as a certificate holder.

C.2.7.17 Dead-End Streets. A standard barricade and guardrail with appropriate traffic sign will be required at street ends. Alternatively, turnarounds/ hammerheads meeting the requirements of Fire Marshal shall be provided at the dead-end streets.

C.2.7.18 In-tract Streets. The Subdivider shall dedicate all rights-of-way that are necessary to construct all the in-tract streets based on cross sections shown on the Vesting Tentative Subdivision Map with the Final Map for the respective phase. The width of travel lanes, street median, landscaping strip and sidewalk shall be in accordance with the Vesting Tentative Subdivision Map and Tracy Hills Specific Plan.

Design and construction details of the in-tract streets such as asphalt concrete pavement, curb, gutter, sidewalk, street light, water main, fire hydrant, landscaping with automatic irrigation system, storm drain, catch basin and drop inlets, sanitary sewer main and lateral, water main, individual water service and meter, pavement marking and striping, traffic sign, driveway, handicap ramp and other street improvements shall comply with City Regulations and shall be shown on the Improvement Plans.

C.2.7.19 Emergency/ Utility Vehicles Access at Street "C" and Street "E" Intersection: Access at this intersection shall be limited to emergency/utility vehicles only by the installation of turf blocks with vegetation designed to withstand vehicle loads as required by the City Engineer. The access shall be designed with either lockable bollards or gate with knox-box control as determined by the Fire Marshal and the City Engineer. The maintenance and replacement costs for the access area including sidewalk, rolled curb, turb blocks and access control shall be the responsibility of the HOA , or estimated costs as acceptable to the City shall incorporated into the CFD.

C.2.7.20 For all phases of the Project, the Subdivider shall install sidewalk to provide pedestrian circulation connecting the subdivisions sidewalks to the CH sidewalk and to the Corral Hollow Road/ Tracy Hills Road Intersection. Crosswalks on Corral Hollow Road to provide pedestrian access to the Tracy Hills Phase 1a subdivision should be provided. Timing and design of pedestrian access shall be as determined by the City Engineer based on the Phasing Plan.

C.2.7.21 All intersections shall be designed to accommodate fire truck movements as required by the Fire Department.

C.2.7.22 Subdivider must provide and verify sight distances, where applicable, with regard to intersections, reverse lots and fence placements as required by the City Engineer.

C.2.8. Public Utility Easements

C.2.8.1 Undergrounding of Overhead Utilities. Any existing overhead lines and poles within the Project boundaries and on the west side of Corral hollow Road within the Project frontage shall be removed or undergrounded.

C.2.8.2 All private utility services to serve the Project such as electric, telephone and cable TV to the building must be installed underground, within right-of-way or a dedicated

Public Utility Easement (PUE) and at the location approved by the City and the respective owner(s) of the utilities.

The Subdivider shall submit improvement plans for the installation of electric, gas, telephone and TV cable lines that are to be installed under the sidewalk or within the PUE. Underground utility conduits may be installed under the sidewalks, and underground boxes and structures may be located in the landscaped parkway next to the curb. All above-ground boxes and facilities shall be behind the sidewalk and within the PUE. Pop-outs to provide additional width of PUE where required to accommodate larger above-ground structures will be permitted subject to review and approval by Public Works Director and the City Engineer. Before approval of the first Final Map, the Subdivider shall complete the necessary coordination work with the respective owner(s) of the utilities to for approval.

C.2.8.3 Public Utility Easements on sideyard lots shall be adjusted/ eliminated in final neighborhood designs based on actual joint trench design requirements.

C.2.8.4 The Subdivider shall take necessary actions to accomplish existing DWR easement to be quitclaimed prior to recordation of first Final Map within the Project. If not accomplished prior to first Final Map, the Subdivided shall submit documentation that DWR will quitclaim the easement prior to City's acceptance of the Retention Basin. All costs of the process for the quitclaim shall be borne by the Subdivider.

C.3. Final Map

The City will not approve any Final Map until the Subdivider demonstrates, to the satisfaction of the City Engineer, that all the requirements set forth in these Conditions of Approval are completed, including, but not limited to the following:

C.3.1. Subdivider has submitted one reproducible (mylar) copy of the approved tentative subdivision map for the Project after Subdivider's receipt of a notification of approval of the Tentative Subdivision Map. The signature of the owner of the Property on the Tentative Subdivision Map shall indicate the owner's consent to the preparation of the Tentative Subdivision Map and the proposed subdivision of the Property.

C.3.2. Each Final Map is prepared in accordance with the applicable requirements of the Tracy Municipal Code, these Conditions of

Approval, all other applicable City Regulations, and in substantial conformance with the Tentative Subdivision Map.

C.3.3. Each Final Map includes and shows offer(s) of dedication of all right(s)-of-way and/or temporary or permanent easement(s) required by the Improvement Plans and Final Map, in accordance with City Regulations and these Conditions. If construction easement(s) is/are shown, it/they shall indicate the termination date of the construction easement(s).

C.3.4. 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 separate points adjacent to or within the Property described by the Final Map.

C.3.5. Subdivider has submitted a signed and stamped Engineer's Estimate that show construction cost of subdivision improvements that are described in Conditions C.2 above, plus 10% for construction contingencies.

C.3.6. Subdivision Improvement Agreement

Before the City's approval of any Final Map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the Final Map), and post all required improvement security in accordance with City Regulations.

C.3.7. Phasing Plan and Deferred Improvement Agreement

Prior to Subdivider's submittal to the City of the first Final Map for City approval, Subdivider shall submit for the City Engineer's review and reasonable approval a phasing plan for the submittal of all Final Maps to be filed for this Vesting Tentative Subdivision Map. The phasing plan may be subject to subsequent modifications based on market conditions, the rate of development, and Subdivider's disposition of the parcels created by the Final Maps. Prior to the City's approval of the first final map within the Project, the Subdivider shall execute a Deferred Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement) which are required by these Conditions of Approval. The Deferred Improvement Agreement shall identify timing requirements for construction of all remaining public facilities, in conformance with the phasing plan submitted by the Subdivider and approved by the City Engineer.

C.3.8. Improvement Security

The Subdivider shall provide improvement security for all public facilities, as required by Subdivision Improvement Agreement or Offsite Improvement Agreement. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with City Regulations. The amount of the improvement security shall be as follows:

C.3.8.1 Faithful Performance (100% of the estimated cost of constructing the public facilities).

C.3.8.2 Labor & Material (100% of the estimated cost of constructing the public facilities).

C.3.8.3 Warranty (10% of the estimated cost of constructing the public facilities).

C.3.8.4 Monumentation ($750 multiplied by the total number of street centerline monuments that are shown on the Final Map).

C.3.9. Subdivider has paid engineering review fees including improvement plan checking, final map review, agreement processing, and all other fees required by these Conditions of Approval and City Regulations.

C.3.10. Subdivider has submitted technical or materials specifications, cost estimate, and technical reports related to the design of improvements that are shown on the Improvement Plans and as required by these Conditions.

C.3.11. Subdivider has submitted hydrologic and storm drainage calculations for the design and sizing of in-tract storm drainage pipes located within the Project.

C.3.12. Subdivider has submitted signed and stamped Improvement Plans.

C.3.13. Signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA.

C.3.14. Signed and notarized Deferred Improvement Agreement (DIA) and Improvement Security, to allow deferment of completion of improvements as required by these Conditions of Approval. The form

and amount of Improvement Security shall be in accordance with the DIA and Section 12.36.080 of the TMC.

C.4. Grading and Encroachment Permit

No applications for grading and encroachment permits will be accepted by the City as complete until the Subdivider has provided all documents required by these Conditions and City Regulations, to the reasonable satisfaction of the City Engineer, including, but not limited to, the following:

C.4.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of and stamped and signed by a Registered Civil Engineer.

C.4.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.

C.4.3. Three sets of the Storm Water Pollution Prevention Plan (SWPPP) identical to the reports submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID). After the completion of the Project, the Subdivider 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.

C.4.4. 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 Subdivider. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008 and any subsequent amendment(s), and the City Regulations.

C.4.5. Two sets of the Project's Geotechnical Report signed and stamped by a licensed Geo-technical Engineer licensed to practice in the State of California. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, percolation rate, roadway section construction recommendations and elevation of the highest observed groundwater level.

C.4.6. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) as required in Mitigation Monitoring and Reporting Program of the Tracy Hills Specific Plan Final Environmental Impact Report (TH-EIR).

C.4.7. Two sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system.

C.4.8. Reasonable written permission from irrigation district or affected owner(s), if applicable. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.

C.4.9. Written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), if applicable. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection.

C.4.10. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar) that incorporate all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.4.11. Two sets of structural calculations for drainage structures and retaining walls within street right-of-way and retention basins signed and stamped by a Structural Engineer licensed in the State of California.

C.4.12. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

C.4.13. Check payment for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on April 15, 2014, per Resolution No. 2014-059.

C.4.1.4. Traffic Control Plan for each phase signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.

C.4.15. As required per Mitigation Measure 4.8-2a of the EIR, the Subdivider shall submit, prior to issuance of grading permits, a Phase II ESA focused on soil sampling conducted near the location of the underground crude oil pipelines, as determined by a qualified Phase II/Site Characterization specialist.

C.4.16. As required per Mitigation Measure 4.8-2b of the EIR, prior to issuance of grading permits, the Subdivider shall work with Conoco Phillips to implement and observe a site damage prevention plan to the satisfaction of the City of Tracy Engineering Division.

C.5. Building Permit

The City will not approve any building permit within the Project boundaries until a Final Map is approved by the City Council and it is recorded at the San Joaquin County Recorder's Office, and the Subdivider demonstrates, to the reasonable satisfaction of the City Engineer, compliance with all the required Conditions

C.5.1. Check payment of the applicable City Wide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park Development Impact Fees (adopted by Resolution No. 2014-010) as these relate to the Project and as required by these Conditions of Approval.

C.5.2. Check payment of applicable Regional Transportation Impact Fees (RTIF) as required in the Mitigation Monitoring and Reporting Program of the Final Environmental Impact Report, these Conditions of Approval, and the Settlement Agreement per C1.1.k above.

C.5.3. Check payment of any applicable Agricultural Mitigation Fee as required in Chapter 13.28 of the Tracy Municipal Code and Mitigation Measure AG 4.2.1 of the EIR and these Conditions of Approval.

C.5.4. Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC.

C.5.5. The Project developer(s) shall be required to pay the Transportation Impact Fee established pursuant to the written Agreement by and between the City of Tracy, LTA, the Sierra Club, the County of Alameda, and the City of Livermore to the City of Tracy prior to issuance of building permits for any residential portion of the Project.

C.6. Final Building Inspection

The City will not perform final building inspection (except for Model Homes) until after the Subdivider provides documentation which demonstrates, to the reasonable satisfaction of the City Engineer, that:

C.6.1. The Subdivider has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested or a final building inspection has to be performed unless otherwise defined herein. Unless specifically provided in these Conditions, or the City Regulations, the Subdivider shall take all

actions necessary to construct all public facilities required to serve the Project, and the Subdivider 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. Temporary or Final Building Certificate of Occupancy

No Final Building Inspection shall be performed or a Temporary or Final Building Certificate of Occupancy will be issued (except for Model Homes) by the City until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

C.7.1 The Subdivider has satisfied all the requirements set forth in these Conditions of Approval.

C.7.2. The Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested, unless otherwise defined herein. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Subdivider shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Subdivider shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.8. Acceptance of Public Improvements

Public improvements will not be considered for City Council's acceptance until after the Subdivider demonstrates to the reasonable satisfaction of the City Engineer, completion of the following:

C.8.1. All the public improvements shown on the Improvement Plans are completed and all the deficiencies listed in the deficiency report prepared by the assigned Engineering Inspector are all corrected.

C.8.2. Subdivider has completed the 90-day public landscaping maintenance period.

C.8.3. Subdivider has submitted Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements.

C.8.4. Where applicable, signed and notarized Grant Deed(s) with legal description(s) and plat maps for the offer of dedication of right-of-way, and Grant of Easements as required per these Conditions of Approval and City Regulations, or dedications shown on the Final Map.

C.9. Release of Improvement Security

City will release Improvement Security(s) to the Subdivider after City Council's acceptance of public improvements, both on-site and off-site, in accordance with TMC section 12.36.080, upon written request and submittal of the recorded Notice of Completion.

C.10. Special Conditions

C.10.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, except as otherwise specifically approved in the Tracy Hills Specific Plan.

C.10.2. When street cuts are made for installation of utilities, the Subdivider is required to install 2 inches thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides and for the entire length of the utility trench. A 2 inches deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. If the utility trench extends beyond the median island, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street.

C.10.3. 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. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Developer's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).

C.10.4. Benefit District

The Subdivider may make a written request to the City for the formation of a Benefit District, before the approval of the final map and improvement plans for the public facility(s) considered to be oversized that benefits other property(s) or development(s). Reimbursement request(s) will be processed in accordance with TMC Chapter 12.60.

C.10.5. The CFD or HOA shall pay for the future costs of maintenance including PG&E charges for all new streetlights and new traffic signals to be installed by the Project.

C.10.6. Nothing contained in these Conditions shall be construed to permit any violation of City Regulations. Subject, however, to City Regulations, this Condition does not preclude the City from requiring pertinent revisions and additional requirements to the final map, improvement agreements, and improvement plans, before the City Engineer's signature on the final map and improvement plans, if the City Engineer finds it necessary due to public health and safety reasons. (Government Code section 66498.6.) The Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

RESOLUTION 2021-_____

APPROVING THE FINAL SUBDIVISION MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT 4037 - KT PROPERTY II, AND AUTHORIZING THE CITY CLERK TO FILE THE AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

WHEREAS, A Vesting Tentative Subdivision Map for Tracy Hills KT Project (VTSM) consisting of 214 single-family residential lots, two commercial parcels, linear park parcel, HOA recreation parcel, retention basin parcel, and numerous other parcels to be owned and maintained by a Homeowners Association, on approximately 45.3 acres located in the Tracy Hills Specific Plan Area, east of Corral Hollow Road in the vicinity of Tracy Hills Drive, was approved by the Tracy City Council on November 10, 2020, pursuant to Resolution No. 2020-189, and

WHEREAS, The Final Subdivision Map for Tract 4037 - KT Property II, consists of the 214 single-family residential lots and other aforementioned parcels (but excluding the two commercial parcels) located on approximately 36.1 acres within the boundaries of and in conformance with the VTSM, and

WHEREAS, The Conditions of Approval for the VTSM require the Developer to design and construct certain on-site improvements connected with the approval of the Final Subdivision Map pursuant to the Subdivision Map Act, the Subdivision Ordinance, and applicable City Standards, and

WHEREAS, The Improvement Plans, Specifications, and Cost Estimates for the required public and private street and utility improvements have been prepared on behalf of the Developer and approved by the City Engineer and are incorporated into the subject Subdivision Improvement Agreement for Tract 4037 - KT Property II (SIA) by reference, and

WHEREAS, The Landscape Improvement Plans for the required landscape and irrigation improvements in the parkway strips and common areas are still under review by the City Engineer and will be incorporated into and made part of the SIA upon approval by the City Engineer, and

WHEREAS, The SIA addresses construction of the public and private streets, utilities and other in-tract improvements associated with the 214 single-family residential lots and other facilities that will be constructed by the Developer as part of the Tract 4037 - KT Property II development, and

WHEREAS, The SIA is intended to replace and supersede the Inspection Improvement Agreement for Tract 4037 - KT Property II, which was approved by the City Manager on July 22, 2021, and executed by the City and Developer, and

WHEREAS, The Developer has executed the SIA and has posted the required securities to guarantee completion of the improvements, and

WHEREAS, Upon completion of all improvements, the City will accept the improvements and will accept all offers of dedication of public right-of-way and other public parcels, and

WHEREAS, The Developer will pay for the cost of engineering inspection and processing the agreement;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves the Final Subdivision Map and Subdivision Improvement Agreement for Tract 4037 - KT

Property II and authorizes the City Clerk to file the Subdivision Improvement Agreement with the Office of the San Joaquin County Recorder.

* * * * * * * * * * * * *

The foregoing Resolution 2021-_____ was passed and adopted by the Tracy City Council on the 19th day of October, 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

October 19, 2021

AGENDA ITEM 1.L

REQUEST

APPROVE THE DEFERRED IMPROVEMENT AGREEMENT FOR TRACY HILLS - PHASE 1B, AND AUTHORIZE THE CITY CLERK TO FILE THE DEFERRED IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

EXECUTIVE SUMMARY

Lennar Homes of California, a California corporation (Developer) has requested that the construction of certain improvements required under the Conditions of Approval for the Small-Lot Vesting Tentative Subdivision Map for Tracy Hills Phase 1B be deferred to a later date. The Developer has signed the Deferred Improvement Agreement (DIA) to guarantee completion of the Deferred Improvements in accordance with the timeframes set forth in the Conditions of Approval.

DISCUSSION

The Developer is the developer of the real property generally bordered by the California Aqueduct to the north, Interstate 580 to the south, Future Lammers Road to the east, the UPRR railroad tracks to the west and near the future Lammers Road interchange to the east (Property). Developer is under contract to purchase the Property from the owner, who has consented to Developer recording the DIA.

On November 10, 2020, the City Council adopted the Tracy Hills Specific Plan Amendment for Tracy Hills Phase 1B/1C and approved various related land use entitlements, including that certain Small-Lot Vesting Tentative Subdivision Map for Tracy Hills Phase 1B, Tract 4004 (VTSM), pursuant to Resolution No. 2020-188. Approval of the VTSM was subject to specified conditions of approval (Conditions of Approval).

The Developer has applied to the City for approval of the first final map based upon the approved VTSM and has executed a Subdivision Improvement Agreement for the on-site public facilities required to serve said final map. The Developer has posted security to guarantee completion of the improvements triggered with the final map. In accordance with the Conditions of Approval, prior to the City's approval of the first final map within the Project, the Developer is required to execute a Deferred Improvement Agreement by which the Developer agrees to complete construction of all remaining public facilities which are required by the Conditions of Approval (collectively, Deferred Improvements). The DIA describes the Deferred Improvements and the times at which the completion of said improvements and other requirements are due (Attachment B, Exhibit C of the DIA).

The Deferred Improvements consist of improvements and certain other requirements that are not triggered at this time. The times at which these obligations of the Developer need to be satisfied are listed in the Conditions of Approval. The DIA does not change any of the obligations or timing of the improvements specified in the Conditions of Approval. The Deferred Improvements and associated times of completion are summarized in the following table:

SUMMARY OF DEFERRED IMPROVEMENTS			
No.	Condition No.	Description of Improvement	Timing of Completion
1	B.8	Neighborhood Park	Before final inspection or occupancy of the 180th dwelling unit
2	C.2.7.4	Lammers Road between Tracy Hills Drive and Corral Hollow Road	At a total of 1,347 residential units west of Corral Hollow Road, accessed via Tracy Hills Drive
3	C.2.7.11	Corral Hollow Road and Lammers Road Intersection Improvements	Concurrent with the construction of Lammers Road per No. 2 above
4	C.2.7.12	Corral Hollow Road Pavement Repaving/Overlay	Concurrent with the construction of intersection per No. 3 above
5	C.2.7.16	Emergency Vehicle Access Road reconstruction north of Tracy Hills Drive	Prior to issuance of first building permit in Phase 1B
6	C.2.7.11	Corral Hollow Road/I-580 EB Ramps	2,588 Peak Hour Trips
7	"	Corral Hollow Road/I-580 WB Ramps	2,588 Peak Hour Trips
8	"	Corral Hollow Road between S. Tracy Hills Road and Golden Leaf Lane	2,588 Peak Hour Trips
9	"	Lammers Road between I-580 and Kimball High School	2,588 Peak Hour Trips
10	"	Corral Hollow Road Bicycle/Ped Facilities	2,588 Peak Hour Trips

The Developer has executed the DIA to ensure that the Deferred Improvements will be completed in accordance with the times specified in the Conditions of Approval. The DIA requires that the Developer shall submit the required security within 60 days from the approval of the DIA to guarantee completion of improvements.

FISCAL IMPACT

The Developer has paid the applicable engineering review fees, which include the cost of processing the Deferred Improvement Agreement.

STRATEGIC PLAN

This agenda item is consistent with the Council approved Economic Development Strategy to ensure physical infrastructure necessary for development.

RECOMMENDATION

That City Council, by resolution, approve the Deferred Improvement Agreement for Tracy Hills - Phase 1B, and authorize the City Clerk to file the Deferred Improvement Agreement with the Office of the San Joaquin County Recorder.

Prepared by: Doug Rodgers, SNG & Associates, Inc.

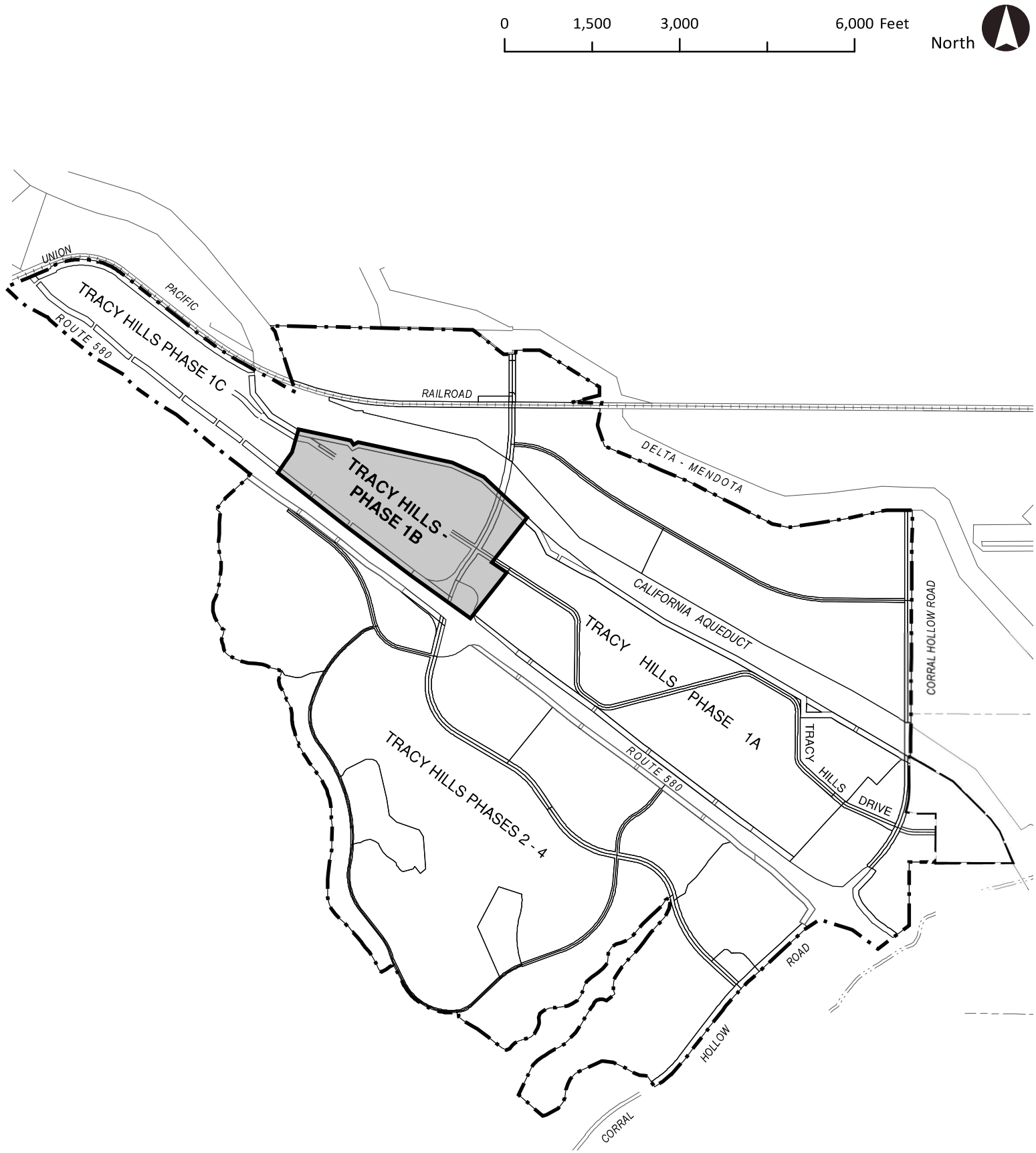
Reviewed by: Robert Armijo, PE, City Engineer / Assistant Development Services Director
William Dean, Interim Director of Development Services
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

ATTACHMENTS

Attachment A – Location Map
Attachment B – Deferred Improvement Agreement

ATTACHMENT A
Location Map



Attachment B

Recording Requested By

City of Tracy
Development & Engineering Services
333 Civic Center Plaza
Tracy, CA 95376

And When Recorded Mail To:

City of Tracy
Office of the City Clerk
333 Civic Center Plaza
Tracy, CA 95376
Attn: Adrian Richardson

SPACE ABOVE THIS LINE FOR RECORDER'S INFORMATION

CITY OF TRACY
DEFERRED IMPROVEMENT AGREEMENT
TRACY HILLS - PHASE 1B

This **DEFERRED IMPROVEMENT AGREEMENT** (hereinafter "Agreement") is made and entered into by and between the **CITY OF TRACY**, a municipal corporation ("City") and **LENNAR HOMES OF CALIFORNIA,** a California corporation ("Developer").

RECITALS

A. Developer is the developer of the real property generally bordered by the California Aqueduct to the north, Interstate 580 to the south, Future Lammers Road to the east, the UPRR railroad tracks to the west and near the future Lammers Road interchange to the east (hereinafter, the "***Property***") and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference. Developer is under contract to purchase the Property from the owner, who is consenting to Developer recording this Agreement as evidenced below by the Consent to Recordation executed by AG Essential Housing CA 4 LP, immediately following City's and Developer's signatures.

B. On April 5, 2016, the Tracy City Council ("***City Council***") adopted the Tracy Hills Specific Plan and approved related land use entitlements, including but not limited to that certain *Development Agreement By and Among the City of Tracy, The Tracy Hills Project Owner, LLC, and Tracy Phase I, LLC*, ("***DA***") under Application Number TSM16-001 and approved by Resolution 2016-065. On November 10, 2020, the City Council approved a Specific Plan Amendment under Application Number SPA19-002, a Large Lot Vesting Tentative Subdivision Map processed under Application Number TSM10-007 ("***Large–Lot Map***") and approved by Resolution No. 2020-187, and a Small Lot Vesting Tentative Subdivision Map processed under Application Number TSM18-006 ("***Small-Lot Map***") and approved by Resolution No. 2020-188. Each of the

two approved maps' outer boundaries include all of the Property. Both maps are on file with the City Clerk and are incorporated herein by this reference.

C. The approval of the Small-Lot Map by the City Council was subject to specified conditions of approval ("***Conditions of Approval***"). The Conditions of Approval are attached hereto as Exhibit "B," and are incorporated herein by reference.

D. As to the Property, currently Developer does not intend to record a final map based upon the Large-Lot Map, but intends to record a final map (or possibly final maps) based upon the Small-Lot Map. If Developer seeks to record a final map based upon the Large-Lot Map, prior to recording any such Large-Lot final map Developer and City shall amend as necessary this Agreement.

E. Certain public improvements and other requirements of the Conditions of Approval will not be completed at the time Developer applies for the first final map within the Small-Lot Map. Therefore, Developer has proposed to execute this Agreement to ensure that the public improvements and other requirements which will not be completed when the City Council acts on Developer's Small-Lot final map (collectively, the "***Deferred Improvements***") will be completed in accordance with the Conditions of Approval for the Small-Lot Map. The Deferred Improvements are described in Exhibit "C", attached hereto and incorporated herein by this reference.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **SCOPE OF WORK; SUBSEQUENT AGREEMENT.** The scope of the work that is the subject of this Agreement is set forth in Exhibit C hereto. Prior to commencing the work described in Exhibit C, Developer shall execute an Off-Site Improvement Agreement with City, in a form approved by the City Engineer, to govern Developer's performance of the work.

2. **IMPROVEMENT SECURITY.** Within sixty (60) calendar days from the approval of this Agreement, Developer shall furnish improvement security for the Deferred Improvements, in a form authorized by the Subdivision Map Act (Government Code sections 66499 *et seq.*) and Tracy Municipal Code section 12.36.080. The scope of Deferred Improvements and the amount of improvement security shall be as determined by the City Engineer. No Final Maps within the boundaries of the Small-Lot Map beyond Final Maps for Village 9A (Tract 4083), and Village 9B (Tract 4084) will be processed by the City until the improvement security pursuant to this section has been submitted to the satisfaction of the City Engineer.

   2.1. Faithful Performance Security in the amount of 100% of the Engineer's Cost Estimate for the Deferred Improvements as approved by the City Engineer to secure faithful performance of this Agreement (until the date when the City Council accepts the Deferred Improvements as complete).

3. **DEFERRAL OF TIME FOR COMPLETION OF DEFERRED IMPROVEMENTS.** The time requirements of the Conditions of Approval notwithstanding, the Developer shall complete the Deferred Improvements according to the time requirements set forth in Exhibit "C" hereto. Time is of the essence in the performance of the Deferred

Improvements in compliance with the requirements of Exhibit "C". The Deferred Improvements shall be completed, at the sole expense of the Developer, to the satisfaction of the City Engineer. The Developer shall submit any and all requests for extensions of time to complete the Deferred Improvements, in writing, not later than ten (10) days from Developer's learning of the condition that is the basis for the requested extension, and in no event later than the date on which completion of the Deferred Improvement(s) is due.

4. **CONDITIONS REMAIN APPLICABLE; OBLIGATIONS RUN WITH THE LAND.** Except as expressly and specifically modified by this Agreement, all of the requirements of the Conditions of Approval for both the Large-Lot Map and the Small-Lot Map shall continue to apply to the Deferred Improvements. In the event of a conflict between the Conditions of Approval and this Agreement, with respect to a Deferred Improvement, the terms and conditions of this Agreement shall prevail. All obligations and provisions of this Agreement shall run with the real property described in Exhibit "A", and shall bind the Developer and its respective successors and assigns. but shall be deemed released as to any lot conveyed to a homeowners' association or a homebuyer that will occupy the lot as its primary residence.

5. **INDEMNIFICATION.** Developer shall indemnify, defend and hold harmless the City (including its elected officials, officers, agents and employees) from and against any and all claims, demands, liabilities, costs and expenses (including court costs and attorney's fees) resulting from or arising out of the deferral of construction of the Deferred Improvements and the performance of the Work by Developer or Developer's agents, representatives, contractors, subcontractors or employees.

6. **NOTICES.**

6.1 All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the respective parties as follows:

To City:	To Developer:
City of Tracy 333 Civic Center Plaza Tracy, California 95376 Attn: City Engineer	Lennar Homes of California, a California Corporation 2603 Camino Ramon, Suite 525 San Ramon, CA 94583 Attn: Bridgit Koller
With a copy to:	With a copy to:
City Attorney 333 Civic Center Plaza Tracy, CA 95376 Attn: City Engineer attorney@cityoftracy.org	AG Essential Housing CA 4, LP c/o AGWIP Asset Management LLC 8585 Scottsdale, AZ 85255 Attn: Steven S. Benson, Manager steve.benson@agwipam.com

6.2 Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated above, or (2) three

working days following the deposit in the United States Mail of registered or certified mail, sent to the address designated above.

7. **MODIFICATIONS.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by all of the parties.

8. **WAIVERS.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

9. **JURISDICTION AND VENUE.** The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

10. **ENTIRE AGREEMENT; EXHIBITS; SEVERABILITY.** The recitals and all defined terms in this Agreement are part of this Agreement. This Agreement, including all documents incorporated by reference, comprises the entire integrated understanding between the parties concerning the improvements to be constructed pursuant to this Agreement. This Agreement supersedes all prior negotiations, representations, or agreements. The following Exhibits attached hereto are incorporated into this Agreement and made a part hereof by this reference:

    A. Legal Description of Property (Recital A.)
    B. Conditions of Approval (Recital C.)
    C. Deferred Improvements (Recital E.)

    If a term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in effect.

11. **SIGNATURES**. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the Developer and the City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

[Signatures on next page]

IN WITNESS WHEREOF the parties do hereby agree to the full performance of the terms set forth herein.

CITY

CITY OF TRACY,
a municipal corporation

_____
By: Nancy Young
Title: MAYOR

Date: _____

Attest:

_____
By: Adrian Richardson
Title: CITY CLERK

Date: _____

Approved as to Form:

_____
By: Leticia Ramirez
Title: CITY ATTORNEY

Date: _____

DEVELOPER:

LENNAR HOMES OF CALIFORNIA, a California corporation

_____
By: Bridgit Koller
Title: VICE PRESIDENT,

Date: 10/4/21

Consent to Recordation

AG Essential Housing CA 1, LP, is the owner in fee simple of the real property described in Exhibit A and hereby consents to the recordation of this Deferred Improvement Agreement.

AG Essential Housing CA 1 LP
a Delaware Limited Partnership

By: AGWIP Asset Management, LLC
An Arizona Limited Liability Company
Its Authorized Agent

_____
By: Steven S. Benson
Title: Manager
Date: _____

EXHIBIT A
(Property Description)

EXHIBIT "A"
Legal Description of Property

DEFERRED IMPROVEMENT AGREEMENT
TRACY HILLS - PHASE 1B

All that real property situate in the City of Tracy, County of San Joaquin, State of California, described as follows:

Parcel One:

Parcels 2 and 3, as shown on that certain map filed November 23, 2020, in Book 26 of Parcel Maps, at Page 179, in the Official Records of San Joaquin County, California ("Map").

Reserving from Parcels 2 and 3 the following:

A non-exclusive easement for vehicle and pedestrian access over those portions of Parcels 2 and 3 shown as "20' Private Access Easement" and "Ex 30' Access (2018-111550)" on the herein described Map.

Excepting therefrom all oil, gas, mineral and hydrocarbon substances lying below a depth of 500 feet below the surface, without the right of surface entry, as reserved in the Deed recorded July 20, 1992, as Document No. 92083244, San Joaquin County Records.

Parcel Two:

The following easements, upon and subject to the terms, conditions and limitations set forth therein, as reserved in Final Order of Condemnation, a certified copy of which was recorded January 3,1967, Instrument No. 98, in Book 3095, Page 714, of Official Records:

A non-exclusive easement 20 feet in width for access purposes, including a bridge crossing the California Aqueduct, as reserved in Parcel 1 (D-SL 35), Unit A (Amended) of said Final Order of Condemnation;

A non-exclusive easement 60 feet in width, to be used for access and bridge purposes across the California Aqueduct, as reserved in Parcel 1 (D-SL 35), Unit A (Amended) of said Final Order of Condemnation;

An easement to transport water transversely across the California Aqueduct by means of a pipe 3/4-inch in diameter, as reserved in Parcel 1 (D-SL 35), Unit A (Amended) of said Final Order of Condemnation;

Non-exclusive easements for roadway purposes in two locations, across and beneath the state highway, as reserved in amended Parcel No. 1-A of said Final Order of Condemnation;

The right to install, replace, repair, remove and maintain a 2-inch water line transversely under the State Highway, as reserved in Amended Parcel No. 1-A of said Final Order of Condemnation.

Parcel Three:

A non-exclusive easement for vehicle and pedestrian access over that certain strip of land designated as "Ex 30' Access (2018-111550)" traversing a portion of Parcel 1 on the herein described Map.

EXHIBIT B
(Conditions of Approval for Small Lot Tentative Subdivision Map)

Conditions of Approval for Tracy Hills Phase 1B
Small-Lot Vesting Tentative Subdivision Map
Application Number TSM18-0006
November 10, 2020

Project: These Conditions of Approval shall apply to the small-lot Vesting Tentative Subdivision Map for Tracy Hills Phase 1B, Application Number TSM18-0006, including approximately 432 single-family residential lots, a park site, and approximately 70 other parcels.

Property: The property consists of approximately 310 acres located in the Tracy Hills Specific Plan Area, west of Phase 1A in the vicinity of Tracy Hills Drive, Application Number TSM18-0006.

Community Facilities Districts: Certain conditions of approval herein involve the establishment of one or more Community Facilities Districts (CFDs) to implement the Project. The imposition of conditions requiring or involving the establishment of CFDs on the Property shall not limit the City from establishing additional CFDs over the Property, subject to an affirmative vote of the Property owner(s).

A. **Definitions; Abbreviations.**

The definitions in the City's zoning regulations (Tracy Municipal Code, Title 10, Chapter 10.08) and subdivision ordinance (Tracy Municipal Code, Title 12, Chapter 12.08) apply, and in addition:

1. "Applicant" means any person, or other legal entity, defined as a "Subdivider" by Section 12.08.010 of the City of Tracy Municipal Code.

2. "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 here. (The Development Services Director is also referred to in the Tracy Municipal Code as the Development and Engineering Services Director.)

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 Hills Specific Plan, the Tracy Municipal Code, ordinances, resolutions, written policies, written procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).

4. "Conditions of Approval" or "Conditions" means these conditions of approval.

5. "Property" means the approximately 310 acres located in the Tracy Hills Specific Plan Area that is the subject of the small-lot Vesting Tentative Subdivision Map for Tracy Hills Phase 1B, Application Number TSM18-0006.

The following abbreviations may be used in these Conditions:

EIR	Environmental Impact Report	PI&RA	Park Improvement and Reimbursement Agreement
DIA	Deferred Improvement Agreement	PUE	Public Utility Easement
OIA	Offsite Improvement Agreement	TMC	Tracy Municipal Code

B. Planning Division Conditions of Approval

1. Compliance with laws. The Subdivider 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. City Regulations. Unless specifically modified by these Conditions of Approval, the Subdivider shall comply with all City Regulations.

3. Mitigation Measures. The Subdivider shall comply with all applicable mitigation measures in the Final Subsequent Environmental Impact Report (EIR) for the Tracy Hills Specific Plan Project (State Clearinghouse No. 2013102053), which was certified by the City Council on April 5, 2016, as it may be amended or modified pursuant to CEQA and the CEQA Guidelines.

4. Notice of protest period. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Subdivider that the 90-day approval period (in which the Subdivider 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 begin on the date of the conditional approval of this Project. If the Subdivider fails to file a protest of the Exactions complying with all of the requirements of Government Code Section 66020 within this 90-day period, the Subdivider 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.

5. Final Maps for Financing Purposes. For the purpose of these Conditions of Approval, if any Final Map or Parcel Map is filed within the boundaries of the Project solely for financing purposes only, and no permits will be requested pursuant to such map, then the requirements listed in these Conditions of Approval shall not apply to the final map or parcel map for financing purposes only.

6. Conformance with Vesting Tentative Subdivision Map. All Final Maps shall be in substantial conformance with the approved Vesting Tentative Subdivision Map (Application Number TSM18-0006), which was received by the Development Services Department on October 7, 2020, and approved by the City Council on November 10, 2020, unless modified by these Conditions.

7. Maintenance for Project Public Landscaping. Before approval of the first Final Map, the Subdivider shall assure that there will be sufficient funding for the ongoing costs related to public landscaping maintenance. Subdivider shall prepare public landscaping improvement plans and a public landscaping budget analysis (to be reviewed and approved by the City Public Works Director) to establish the scope of and cost estimates for public landscaping maintenance.

   As used in these Conditions of Approval:

   "Public landscaping maintenance costs" include but are not limited to all costs associated with the maintenance, operation, repair and replacement of public landscaping included in the Project. Labor costs shall be based upon and be paid at "prevailing wages," as that term is used in Section 1771 of the California Labor Code.

   "Public landscaping" includes but is not limited to the following public areas and public improvements within or adjacent to the Project: public walls, special public amenities, 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. It does not include public streets and street sweeping, but may include street lights.

   Before approval of the first Final Map, Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which adopts and implements one or more of the following three options (a., b. or c.), subject to the approval of the City's Finance Director:

   a. CFD or other funding mechanism. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall, at its expense, form a Community Facilities District (CFD) or establish another lawful funding mechanism that is reasonably acceptable to the City for the entire Property for funding or performing the on-going maintenance of public landscaping. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon successful formation, the Property will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment. If funds are needed to pay for such public

landscaping maintenance costs before collection of the first Special Services Tax (the "deficit"), then before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall deposit to the CFD (by submittal to the City's Finance Director) the amount of the deficit;

Or

b. HOA and dormant CFD. If the HOA is the chosen funding mechanism, the Subdivider must do the following:

(1) Form a Homeowner's Association (HOA) 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 within the entire tentative subdivision map area;

(2) Cause the HOA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property concurrently with the first Final Map, 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 HOA of all public landscape areas within the entire tentative subdivision map area;

(3) For each Final Map, make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas within the Final Map area;

(4) Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), annex into a CFD in a "dormant" capacity, to be triggered if the HOA 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 homebuyers and non-residential property owners, even during the dormant period.

Or

c. Direct funding. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full costs of public landscaping maintenance as identified by the approved landscaping budget analysis.

8. Maintenance for Public Landscaping for Major Program Roadways. Before approval of the first Final Map, the Subdivider shall assure that there will be sufficient funding to pay the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways, by entering into an agreement with the City, which shall be recorded against the Property, which adopts and implements one of the following two options (a. or b.), subject to the approval of the City's Finance Director:

   a. CFD. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), Subdivider shall, at its sole expense, form a Community Facilities District (CFD) for the Property, for funding the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon successful formation, the Property will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment. If funds are needed to pay for such public landscaping maintenance costs before collection of the first Special Services Tax (the "deficit"), then before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall deposit to the CFD (by submittal to the City's Finance Director) the amount of the deficit;

   Or

   b. Direct Funding. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), the Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full costs of funding the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan.

9. Parks. Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the property, which stipulates the following:

   a. Before final inspection or occupancy of the 180th dwelling unit (whichever occurs first, except for up to fifteen model homes), the Phase 1B neighborhood park shall be completed and accepted by the City Council. If the Phase 1B neighborhood park is not completed and accepted by the City Council before final inspection or occupancy of the 180th dwelling unit (whichever occurs first, except for up to fifteen model homes) , no further building permits (except for plumbing only building permits) shall be issued until the neighborhood park is completed and accepted by the City Council.

10. Conservation Easement. Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates that before issuance of a building permit for the 300th dwelling unit (except for plumbing only building permits), the Subdivider shall plant trees in the 100-foot wide conservation easement adjacent to Interstate 580, as depicted in Appendix C of the Tracy Hills Specific Plan (Figures C-6 and C-7), to the satisfaction of the Development Services Director.

11. Schools. Before issuance of a building permit for each new dwelling (except for plumbing only permits), the Subdivider shall document compliance with all applicable school mitigation requirements and provide to the City a certificate of compliance for such requirements from the Jefferson School District and Tracy Unified School District.

12. Public Services. Before approval of the first Final Map, the Subdivider shall do one of the following, subject to the approval of the City's Finance Director:

    a. CFD or other funding mechanism. The Subdivider shall enter into an agreement with the City, to be signed by the City's Finance Director, which shall be recorded against the Property, which stipulates that prior to issuance of a building permit (except for plumbing only building permits and except for up to fifteen model homes), the Subdivider will form or annex into a Community Facilities District (CFD) or establish another lawful funding mechanism that is reasonably acceptable to the City for funding the on-going operational costs of providing Police services, Public Works services and other City services to serve the Project area. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. The Subdivider shall be responsible for all costs associated with the formation or annexation proceedings. Upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment.

    Or

    b. Direct funding. The Subdivider 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 (except for plumbing only building permits and except for up to fifteen model homes), the Subdivider will fund a fiscal impact study to be conducted and approved by the City to determine the long term on-going operational costs of providing Police services, Public Works services, and other City services to serve the Project area, and deposit with the City an amount necessary, as reasonably determined by the City, to fund the full costs in perpetuity as identified by the approved study.

13. Utilities in Roundabout. The roundabout shown on the approved Vesting Tentative Subdivision Map for Tracy Hills Phase 1B shall be designed and constructed in such a manner that no utility lines intersect a 30-foot radius from the center of the roundabout in order to allow sufficient space for the planting and mature growth of any trees planted within the roundabout, which are conceptually depicted in Appendix C of the Tracy Hills Specific Plan (Figure C-9). The Subdivider shall submit Improvement Plans that demonstrate compliance with this condition, to the satisfaction of the Development Services Director.

14. Phillips 66 Pipeline Easement. A Phillips 66 pipeline easement intersects the Project site. Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates that the Subdivider shall clearly mark and label any plot plan where the location of the 16.25-foot minimum setback line from the edge of the Phillips 66 pipeline easement encroaches into the subject property of the plot plan, prior to issuance of a building permit (except for plumbing only building permits), to the satisfaction of the Development Services Director.

C. **Engineering Division Conditions of Approval**

C.1. General Conditions

C.1.1. Subdivider shall comply with the applicable requirements of the approved documents, technical analyses/reports prepared for the Project listed as follows:

a) *Tracy Hills Specific Plan,* approved by City Council on April 5, 2016, by Resolution No. 2016-063, and any amendments thereto.

b) *Amendment to the Tracy Hills Specific Plan for Phase 1B and 1C,* approved by City Council by Resolution No. 2020-_____ on November 10, 2020, including the *Transportation Consistency Analysis* prepared for the Amendment by Kimley-Horn and Associates, dated October 1, 2020, and any updates or amendments thereto ("Specific Plan Amendment").

c) *Tracy Hills Specific Plan Final Subsequent Environmental Impact Report,* dated January 2016, certified by City Council by Resolution No. 2016-062 on April 5, 2016, and the *Initial Study for the Proposed Amendment to the Tracy Hills Specific Plan for Phase 1B and 1C* prepared by Kimley-Horn and Associates, dated October 2020, including all mitigation measures incorporated therein (hereinafter referred to together as "EIR").

d) *Tracy Hills Phase 1A/B/C Plus KT Network Analysis Memorandum* prepared by Kimley-Horn and Associates, dated December 23, 2019, and *Tracy Hills Phase 1B Vesting Tentative Map Review Memorandum* prepared by Kimley-Horn and Associates, dated October 6, 2020, and any updates or amendments thereto ("Traffic Study").

e) *Tracy Hills Phase 1B and 1C Sanitary Sewer Study Technical Memorandum* prepared by Black Water Consulting Engineers, to be completed subsequent to the approval of the Vesting Tentative Subdivision Map, and any updates or amendments thereto ("Sanitary Sewer Study").

f) *Peer Review and Hydraulic Evaluation for Tracy Hills Phase 1B and 1C Technical Memorandum* prepared by West Yost Associates, dated May 7, 2020, and any updates or amendments thereto ("*Water Study*").

g) *Tracy Hills Phase 1B Drainage Analysis Technical Memorandum* prepared by Ruggeri-Jensen-Azar, dated August 4, 2020, and any revisions or additions thereto required as a result of the future review of said memorandum performed by the City storm drainage consultant ("Storm Drainage Study").

h) *Citywide Water System Master Plan* prepared by West Yost Associates, dated December 2012.

i) *Plan Line Study – Corral Hollow Road* prepared by Ruggeri-Jensen-Azar ("Corral Hollow Road Plan Line"), dated November 7, 2016.

j) Pipeline Safety Hazard Assessment, Tracy Hills Specific Plan prepared by Place Works dated September 2014.

k) *Any Finance Implementation Plan* ("FIP"), as described in Section 10.20.060(b)(3)(B) of the Tracy Municipal Code, that is approved by the City Council for the property described in the Tracy Hills Phase 1B Vesting Tentative Subdivision Map, Application No. TSM18-0006.

l) *Development Agreement,* executed between the City of Tracy and the developers of the Tracy Hills Project, approved by the City Council on April 5, 2016, by Ordinance No. 1213, and any amendments thereto ("Development Agreement").

m) Settlement Agreement, executed between the City of Tracy and the developers of the Tracy Hills Project, having an effective date of December 17, 2019 ("Settlement Agreement").

n) Agreement to Defer Payment of Development Impact Fees on New Residential Development, executed between the City of Tracy and the developers of the Tracy Hills Project, dated November 15, 2016 ("Fee Deferral Agreement").

C.1.2. Timing of Compliance: The Applicant shall satisfy each of the following conditions prior to filing the first Final Map unless a different time for compliance is specifically stated in these Conditions of Approval. Any condition requiring an improvement that has already been designed,

completed or under a City-approved agreement may be considered satisfied at the discretion of the City Engineer.

For the purpose of these Conditions of Approval, if any Final Map or Parcel Map is filed within the boundaries of the Project solely for financing purposes only, and no permits will be requested pursuant to such map, then the requirements listed in these Conditions of Approval shall not apply to the final map or parcel map for financing purposes only.

C.1.3. Revisions to the Vesting Tentative Subdivision Map ("VTSM"): The Subdivider shall incorporate revisions to comply with the recommendations and comments in the Traffic Study prior to signature by the City Engineer on the VTSM.

C.2. Improvement Plans

C.2.1. General

The Subdivider shall complete Improvement Plans to comply with all applicable laws, including the City Regulations (defined above) and these Conditions of Approval. Improvement Plans shall contain the design, construction details and specifications of improvements that are required to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.2.2. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

C.2.2. Site Grading

C.2.2.1. Erosion Control

Grading Plans shall specify the method of erosion control to be employed and materials to be used.

C.2.2.2. Grading and Drainage Plans

Submit a Grading and Drainage Plan prepared by a Registered Civil Engineer and accompanied by the Project's Geotechnical/Soils Engineering report. The report shall provide recommendations regarding adequacy of the site relative to the stability of soils such as soil types and classification, percolation rate, soil bearing capacity, highest observed ground water elevation, and others.

C.2.2.3. When the grade differential between the Project site and the adjacent property(s) exceeds 12 inches, a reinforced or masonry block wall, engineered slope, or engineered retaining wall is required for retaining soil. The Subdivider shall submit Retaining Wall Plans that includes the construction detail(s) and structural calculations of the retaining wall or masonry wall for City's review and approval.

C.2.2.4. If an engineered slope is used to retain soil on adjacent property outside the Project boundary, a slope easement will be necessary from the adjacent property. The Subdivider shall obtain a slope easement from owner(s) of the adjacent and affected property(s) and show the slope easement on the Final Map.

C.2.2.5. If applicable, show existing irrigation structure(s), channel(s) and pipe(s) that are to remain or relocated or to be removed, after coordinating with the irrigation district or owner of the irrigation facilities. If there are irrigation facilities including tile drains, that are required to remain to serve existing adjacent agricultural uses, the Subdivider shall design, coordinate and construct required modifications to the facilities to the reasonable satisfaction of the owner of the irrigation facilities and the City.

C.2.3. Grading Permit

The City will not accept a grading permit application for the Project as complete until the Subdivider has provided all relevant documents related to the grading permit required by the City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer.

C.2.4. Storm Drainage

C.2.4.1. Not used.

C.2.4.2. All permanent underground storm drainage lines, structures and facilities to be maintained by the City shall be located within right-of-way to be dedicated to the City or within an easement. If applicable, interim facilities and storm drain lines and collection basins shall be maintained by the Subdivider.

Provide design and construction details for all storm water intercept points at Project boundary at I-580 showing adequate inlet structures, erosion control features, storm drainage easements and connections to the proposed storm drainage facilities in Tracy Hills Drive.

Prior to acceptance of storm drainage facilities for maintenance by the City, the Subdivider shall revise the locations of the 50' wide openings in the Conservation Easements to align with existing drainage routes and proposed storm drainage intercept points into the Project on-site storm drainage system.

C.2.4.3. Storm drainage plans are to be submitted with the required hydrologic and hydraulic calculations for the sizing of storm drainage pipe(s) and shall comply with the Storm Drainage Study and City Regulations.

C2.4.4. Prior to acceptance of maintenance of any public facilities by the City, the Subdivider shall prepare and obtain approval from the Public Works Department of a maintenance plan for all temporary and permanent storm drainage facilities to be maintained by the Subdivider or the HOA. The maintenance plan shall show the phasing of roadway construction, mass grading, drainage facilities, including collection channels, erosion control and protection of the Phillips 66 pipeline during construction. A SWPPP may be used as the maintenance plan with approval by the City Engineer.

C.2.4.5. Storm water designs shall show facilities needed for the collection and channeling of surface water runoff and off-site flow-thru surface water runoff to underground storm drainage facilities, such as temporary drainage collection channels and sedimentation ponds. These improvements shall be shown on the Grading Plans and be approved by the City Engineer before the issuance of a Grading Permit.

C.2.4.6. Since the Project will construct a terminal retention basin, it has been determined that the Project will be exempt from the Post Construction Stormwater Quality Standards. However, should new Federal or State regulations come into effect during the buildout of the Project that would require future compliance, then the Project would not be exempted from those new requirements.

SWPPP's shall be implemented during project construction. In addition, the Project may implement stormwater control measures such as disconnected roof leaders, non-contiguous street sidewalks (providing landscape strips/parkways), tree planting in parkways and use of drought tolerant landscape with drip irrigation systems and "intelligent" controllers. Similarly, public education measures regarding the damaging effects of pollutants to water quality may also be implemented.

C.2.4.7. All storm water structural and construction details that are not part of the City Standard Plans or City Design Standards shall be provided by the Subdivider and submitted to the City for approval as part of the improvement plans.

C.2.4.8. Storm drainage retention basin, including dual-use recreation facilities, shall be contained within a parcel suitable for dedication to the City of Tracy. The basin shall be provided with appropriate fencing with warning signs, access roadways to and from public roadways and access roadways into the ponds for maintenance purposes as approved by the City Engineer. All storm drainage inlets into this basin shall have inlet structures with design acceptable to the City Engineer. All dual-use recreation facilities located with the retention basin shall be designed in consultation with the Engineering, Public Works, Parks & Recreation, and other applicable City departments and are subject to the final approval of said departments.

C.2.4.9. Fixed vertical sediment depth markers shall be installed near discharge points into the Retention Basin to assist with measurements of sediment deposition over time and future assessments of the need for maintenance activities.

C.2.4.10. Prior to or concurrently with the City's approval of the first Final Map within Project, the Subdivider shall dedicate to the City utility maintenance easements necessary for all storm drainage facilities. All requirements relating to the access and maintenance by the Utilities Department and Public Works Department shall be incorporated into the improvement plans.

C.2.5. Sanitary Sewer

C.2.5.1. All sanitary sewer lines and associated improvements shall be designed and installed per the Sanitary Sewer Study that is to be completed subsequent to the Vesting Tentative Subdivision Map approval and City Regulations. Before approval of Final Map(s) for the Project, Subdivider shall submit improvement plans and obtain approval for the plans for all on-site sewer improvements.

C.2.5.2. No final inspection of any residential building will be performed or certificate of occupancy for commercial building will be issued, with the exception of Model Homes, until all improvements required per the Sanitary Sewer Study and City Regulations are completed and functional, as determined by the City Engineer.

C.2.5.3. Subdivider shall pay impact fees at the time of issuance of building permit or in accordance with the Fee Deferral Agreement.

C.2.5.4. Prior to the City's approval of the first Final Map within Project, the Subdivider shall dedicate to the City utility maintenance easements necessary for all sanitary sewer lines. All requirements relating to the access and maintenance by the Utilities Department and Public Works Department shall be incorporated into the improvement plans.

C.2.5.5. The design for 10" sanitary sewer main shown crossing Lot 24 on the VTSM shall be revised as necessary to address access and maintenance requirements of the Public Works Department. The 10" sanitary sewer line shall be located within a parcel to be dedicated to the City for access and maintenance. A paved access shall be provided for the entire length of the parcel to be created between Lots 23 and 24 as required by the Public Works and Utilities departments.

C.2.6. Water Distribution System

C.2.6.1. All potable and recycled water lines and associated improvements shall be designed and installed per the Water Study and City Regulations.

C.2.6.2. During the construction phases (vertical construction) of the Project, the Subdivider shall be 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 Marshall.

C.2.6.3. Prior to approval of each Final Map, the Subdivider shall submit calculations and improvement plans as required by the Fire Marshall and the City Engineer, and obtain a letter from the Fire Marshall that the fire flow parameters per Tracy Design Standards Section 6.02 are met for the phased construction of water lines to the satisfaction of the Fire Marshal.

C.2.6.4. Subdivider shall install a 12-inch recycled water main in Tracy Hills Drive as required to serve the Project, connected to the existing recycled water main installed for the Tracy Hills Phase 1A project.

Initially, the 12-inch Recycled Water Main will be connected to a potable water supply (with a stub in place to future recycled water) as approved by the City until the program backbone Recycled Water facilities are in place. Once the Recycled

Water system network is online the 12-inch Recycled Water distribution main will be disconnected from the Potable Water system and connected to the Recycled Water System as part of the Recycled Water Project by the City.

C.2.6.5. Domestic and Irrigation Water Services – The HOA will be responsible for the repair and maintenance of all valves, fittings on services related to landscaping on all parcels to be owned by HOA and within HOA easements.

C.2.6.6. Fire Service Line – The Subdivider shall design and install fire hydrants at the locations approved by the Fire Marshall. Before the approval of the Improvement Plans, the Subdivider shall obtain written approval from the Fire Marshall for the design, location and construction details of the fire service connections to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.2.7. Street Improvements

C.2.7.1. Subdivider is required to design and construct all applicable on-site, frontage and off-site roadway improvements to serve the Project as identified in the Traffic Study, EIR and these Conditions of Approval. All improvements shall comply with City Regulations, Tracy Hills Design Standards and Specific Plan Amendment. Such improvements shall include, but are not limited to, roadways, water distribution system, sewer system, storm drainage systems, curb and gutter, sidewalks, street lighting system, traffic signals, ITS systems, pavement and crosswalk striping, bicycle lanes and trails, roadway signage and street signs, median islands, turn lanes, landscaping, and all necessary related improvements as required by the City. Timing of completion of street improvements shall comply with these Conditions of Approval.

In the case of a discrepancy between the information shown on the VTSM and the right-of-way and street improvement requirements in the Traffic Study, the Traffic Study shall govern unless determined otherwise by the City Engineer.

Subdivider shall conduct traffic counts as required by the City Engineer once every three months (or at other times if determined by the City Engineer) from the date of approval of the first Final map within the VTSM area. Subdivider shall submit report with the traffic counts to the City Engineer within 10 days from the date of the traffic counts. Where applicable, these traffic counts will be utilized to determine the timing of improvements that have been identified in the Traffic Report and the EIR.

C.2.7.2. Tracy Hills Drive and Other In-tract Streets – Right-of-Way

The Subdivider shall dedicate all rights-of-way that are necessary to construct Tracy Hills Drive and all the in-tract streets, based on their respective cross sections shown on the Vesting Tentative Subdivision Map ("VTSM") and in accordance the Traffic Study, with the Final Map for the respective phase. The width of travel lanes, turn lanes, street median, landscaping strips and sidewalks shall be in accordance with the Vesting Tentative Subdivision Map and the Traffic Study.

C.2.7.3. Tracy Hills Drive and Other In-tract Streets – Improvements

Design and construction details of Tracy Hills Drive and the in-tract streets such as asphalt concrete pavement, curb, gutter, median curb, sidewalks, street lights, fire hydrants, landscaping with automatic irrigation system, storm drains, catch basin and drop inlets, sanitary sewer mains and laterals, water mains, individual water services and meters, pavement marking and striping, traffic signs, driveways, curb ramps and all other street improvements shall comply with City Regulations, and shall be shown on the Improvement Plans.

Improvements along Tracy Hills Drive shall also include Class II bike lanes on both sides of the roadway and an ADA-compliant decomposed granite trail northerly of the north side of the roadway, in accordance with the VTSM and the Traffic Study.

C.2.7.4. Lammers Road South of Tracy Hills Drive – Right-of-Way

The Subdivider shall dedicate the right-of-way necessary to construct the ultimate future Lammers Road improvements (137' right-of-way) between Tracy Hills Drive and I-580, based on the Future Lammers Road (Ultimate) cross section shown on the VTSM and in accordance the Traffic Study, with the Final Map for the respective phase that meets the trigger thresholds identified in the Traffic Study. The ultimate future width and number of travel lanes and turn lanes, and width of street median, landscaping strips and sidewalks shall be in accordance with the Traffic Study.

The Subdivider shall dedicate or cause to be dedicated all right-of-way that is necessary to construct the ultimate future Lammers Road improvements between I-580 and Corral Hollow Road, and that is outside of the boundaries of the Project, in accordance the Traffic Study. Details of the roadway alignment and geometry shall be submitted for

review and approved by the City Engineer. The right-of-way shall be dedicated to the City prior to or concurrently with the Final Map that dedicates the right-of-way for the portion of Lammers Road between Tracy Hills Drive and I-580 as described above. The ultimate future width and number of travel lanes, turn lanes, and width of street median, landscaping strips and sidewalks shall be in accordance with the Traffic Study and roadway alignment and geometry as approved by the City Engineer.

C.2.7.5. Lammers Road South of Tracy Hills Drive – Improvements for Residential Units

A total of 1,347 residential units west of Corral Hollow Road, accessed via Tracy Hills Drive, can be built before triggering the need for the Lammers Road south connection between Tracy Hills Drive and Corral Hollow Road. This trigger equates to approximately 890 westbound and 473 eastbound P.M. peak hour trips along Tracy Hills Drive west of Corral Hollow Road.

Prior to approval of the first Final Map after the trigger threshold has been reached as determined by the traffic counts required by Condition C.2.7.1, the Subdivider shall construct Lammers Road improvements south of Tracy Hills Drive, extending between Tracy Hills Drive and Corral Hollow Road, including undercrossing beneath I-580, consisting of two travel lanes, and a shoulder, landscape strips and sidewalk on the east side as shown on the VTSM and in accordance with the Traffic Study. Subdivider shall obtain approval of encroachment permit and/or agreements from Caltrans for the I-580 undercrossing and related improvements within the Caltrans right-of-way.

C.2.7.6. Lammers Road South of Tracy Hills Drive – Improvements for Commercial Development

Prior to the final inspection of any commercial building developed on the area south of Tracy Hills Drive and east of future Lammers Road and designated as General Highway Commercial in the Specific Plan Amendment (Parcels T and U on the VTSM), the Subdivider shall construct the Interim Lammers Road Improvements south of Tracy Hills Drive, extending between Tracy Hills Drive and Corral Hollow Road, including widened undercrossing beneath I-580, consisting of four travel lanes, shoulders, street median, landscape strips and sidewalks as shown on the VTSM and in accordance with the Traffic Study. The final extent and cross-section geometry of the improvements shall be determined at the time of application for the commercial development.

C.2.7.7. In order to guarantee completion of the portion of the Lammers Road South of Tracy Hills Drive Improvements between I-580 and Corral Hollow Road and that lie outside of the boundaries of the Project, the Subdivider shall enter into an improvement agreement (SIA or OIA) and post an improvement security in the amounts and form in accordance with section 12.36.080 of the TMC and as required by these Conditions of Approval. The Subdivider shall submit the signed and notarized improvement agreement with the necessary improvement security before approval of the Final Map within the Project that meets the trigger thresholds identified in the Traffic Study.

C.2.7.8. Lammers Road North of Tracy Hills Drive – Right-of-Way

The Subdivider shall dedicate the right-of-way necessary to construct the ultimate future Lammers Road improvements (137' right-of-way) between Tracy Hills Drive and the California Aqueduct right-of-way, based on the Future Lammers Road (Ultimate) cross section shown on the VTSM and in accordance the Traffic Study, with the Final Map for the respective phase. The ultimate future width and number of travel lanes and turn lanes, and width of street median, landscaping strips and sidewalks shall be in accordance with the Traffic Study.

C.2.7.9. Lammers Road North of Tracy Hills Drive – Improvements for High Density Residential Development

At the time of approval of the first Final Map for residential development within the area north of Tracy Hills Drive and east of future Lammers Road (designated as High Density Residential in the Specific Plan Amendment and shown as Parcels B and C on the VTSM), the Subdivider shall construct the Interim Lammers Road improvements, extending between Tracy Hills Drive and the California Aqueduct right-of-way, consisting of four travel lanes, shoulders, street median, landscape strips and sidewalks as shown on the VTSM and in accordance with the Traffic Study. The final extent and cross-section geometry of the improvements shall be determined at the time of application for the high density residential development.

In order to guarantee completion of the Lammers Road North of Tracy Hills Drive Improvements, the Subdivider shall enter into an improvement agreement (SIA or OIA) and post an improvement security in the amounts and form in accordance with section 12.36.080 of the TMC and as required by these Conditions of Approval. The Subdivider shall submit the signed and notarized improvement agreement with the

necessary improvement security before approval of the first Final Map within Parcels B and C.

C.2.7.10. Corral Hollow Road at Lammers Road – Right of Way

Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by City Council on November 26, 2012, pursuant to Resolution 2012-240, amended on November 19, 2013, Corral Hollow Road will be a 4-lane major arterial street with a raised median, sidewalks, bicycle facilities and landscaping, as depicted on the Corral Hollow Road Plan Line.

The Subdivider shall dedicate all rights-of-way necessary for the widening of Corral Hollow Road required at the future intersection of Corral Hollow Road and Lammers Road. The dedication shall include additional right-of-way for turn lanes and transitions where applicable. If required, the Subdivider shall also dedicate right-of-way for construction of intersection improvements as outlined in the Traffic Study, including traffic signal or a roundabout for buildout requirements.

The Subdivider may be eligible for fee Credits and/or reimbursements for right-of-way dedication beyond Project's frontage obligation per the CRTMP requirements. Temporary or interim improvements are not eligible for fee credits or reimbursements.

C.2.7.11. Corral Hollow Road at Lammers Road – Improvements

Concurrent with the construction of improvements on Lammers Road south of Tracy Hills Drive as described above, the Subdivider shall construct the Corral Hollow Road and Lammers Road intersection improvements, consisting of either a roundabout or traffic signal and all associated improvements, in accordance with the Traffic Study.

C.2.7.12. Pavement Repaving/Overlay on Corral Hollow Road

For the first 144 homes within the VTSM area, the Subdivider shall pay $50,000 towards its fair share towards the estimated cost of repaving/overlay from I-580 south right-of-way line to southerly City Limits as directed by the City Engineer. At the time of construction of the intersection of future Lammers Road and Corral Hollow Road the Subdivider shall design and install repaving/overlay from the intersection to I-580 south right-of-way line as directed by the City Engineer. City will make fair share contributions collected

from other projects available to the Subdivider towards the cost of repaving/overlay.

C.2.7.13. Not used.

C.2.7.14. In order to guarantee completion of the Corral Hollow Road Improvements, the Subdivider shall enter into an improvement agreement (SIA or OIA) and post an improvement security in the amounts and form in accordance with section 12.36.080 of the TMC and as required by these Conditions of Approval. The Subdivider shall submit the signed and notarized improvement agreement with the necessary improvement security before approval of the Final Map within the Project that meets the trigger thresholds identified in the Traffic Study.

C.2.7.15. Criseldo Mina Avenue and Palmer Street - Improvements

In accordance with the Traffic Study, all improvements necessary to implement Route No. 1 in the Alternative Routes Analysis contained therein, consisting of the connection of Criseldo Mina Avenue to Palmer Street, shall be completed and said streets shall be accepted by the City Council as public roadways prior to the filing of the Final Map within the Project that meets the trigger thresholds identified in the Traffic Study.

C.2.7.16. Emergency Vehicle Access (EVA)

The existing all-weather emergency vehicle access road constructed per the Conditions of Approval and EIR Mitigation Measures for the Tracy Hills Phase 1A VTSM shall be reconstructed as necessary to conform to the extended Tracy Hills Drive improvements and the proposed Project grading north of Tracy Hills Drive, as generally shown on the VTSM.

Prior to issuance of the first building permit, the Subdivider shall ensure that the existing and reconstructed portions of the all-weather emergency vehicle access road, extending from Tracy Hills Drive northerly to its terminus at South Lammers Road, is fully accessible to Fire Department vehicles and all other necessary emergency responders at all times and to the satisfaction of the Fire Department.

C.2.7.17. Traffic Control Plan

Before starting any work within the project, the Subdivider shall submit a Traffic Control Plan for each phase of work, to show the method and type of construction signs to be used for regulating traffic at the work areas and within existing

streets accessing the work areas. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

C.2.7.18. Encroachment Permit

Before starting any work to be performed and improvements to be constructed within City's right-of-way, the Subdivider shall obtain an Encroachment Permit from the City. The Subdivider or its authorized representative shall submit all documents that are required to process the Encroachment Permit including but not limited to, approved Improvement Plans, Traffic Control Plan, payment of engineering review fees, copy of the Contractor's license, Contractor's Tracy business license, and certificate of insurance naming the City of Tracy as additional insured or as a certificate holder.

C.2.7.19. Dead-End Streets.

A standard barricade and guardrail with appropriate traffic sign will be required at street ends. Alternatively, turnarounds/ hammerheads meeting the requirements of Fire Marshall shall be provided at the dead-end streets.

C.2.7.20. All intersections shall be designed to accommodate fire truck movements as required by the Fire Department.

C.2.7.21. Subdivider must provide and verify sight distances, where applicable, with regard to intersections, reverse lots and fence placements as required by the City Engineer.

C.2.8. EIR Mitigation Measures

The EIR identifies Project impacts that are to be mitigated by the Subdivider. The mitigation measures are summarized in the Mitigation, Monitoring and Reporting Matrix contained in the EIR as referenced under Item C.1.1.c above. Subdivider shall comply with all applicable mitigation measures as outlined in the EIR including, but not limited to, the following:

a. Mitigation Measure HAZ 4.8-2b: Prior to issuance of grading permits, the Project Applicant shall work with Conoco Phillips and Shell to implement and observe a site damage-prevention plan to the satisfaction of the City of Tracy Engineering Division.

b. Mitigation Measure LU 4.10-1: All tentative and final maps within the THSP shall conform to the provisions of the 2009 ALUCP (or the ALUCP in effect at the time of Project Applicant submissions)

c. Mitigation Measure HYDRL 4.9-2: All Project Applicants shall submit and obtain City approval of a drainage plan to the City of Tracy for on-site post-construction BMP drainage improvements consistent with the Tracy Hills Storm Drain Master Plan. Once City approval is received, all Project Applicants shall construct the drainage improvements as necessary and in accordance with the timing described in the Tracy Hills Storm Drain Master Plan.

d. Mitigation Measure NOI 4.11-3e: Prior to the issuance of Grading Permits, any residential development associated with the THSP Buildout (i.e., development other than Phase 1A) located within 260 feet of the Union Pacific Railroad corridor shall have an Acoustical Analysis prepared to fully analyze acoustical impacts and develop measures, if required, to ensure that the City's exterior standards of 70 dBA would be achieved for the proposed land uses that are subject to noise from train pass-bys. The analysis shall conduct detailed train noise modeling to verify that residences are adequately shielded and/or located at an adequate distance from the rail corridor to comply with the City's exterior standards. The analysis shall also ensure that interior noise levels do not exceed 45 dBA.

e. Mitigation Measure PSR 4.12-6: Developers of subsequent phases of the Project (beyond Phase 1A) will be required to prepare SB 221 analysis for each subsequent phase of development.

f. Mitigation Measure PSR 4.12-7a: As part of the development process for each individual site-specific development under the Specific Plan, the City shall review flow monitoring, at the applicant's cost, to determine available capacity.

g. Mitigation Measure TRANS 4.13-2: To achieve compliance with CIR-3 Policy P4 and P6, the bicycle and pedestrian improvement connections from the THSP to the Citywide Network shall be implemented when the roadway infrastructure is required as determined at approval of each final map or issuance of building permits by the City Engineer. The pedestrian and bicycle facilities are included in the City of Tracy's typical cross sections and in the City TIF. Bicycle and pedestrian facilities within the THSP area shall be implemented with each building permit application/final map approval. Widening Corral Hollow Road and constructing and widening Lammers Road shall be in place when the project generates 2,588 AM peak hour trips.

h. Mitigation Measure PSR 4.12-2: Prior to issuance of the first building permit, the developer shall construct an all-whether, emergency vehicle access to all points of the Project site from Lammers Road (including crossings of the Delta Mendota Canal, Union Pacific Railroad, and California Aqueduct). The emergency

vehicle access shall be available to police, fire, and all other necessary and relevant emergency responders. The design, location, and maintenance of the access shall meet City standards to the satisfaction of the Fire Chief. The access shall be continuously maintained by the developer until permanent access is developed and accepted for maintenance by the City

C.2.9. Neighborhood, Linear and Dual-Use Parks

C.2.9.1. The Subdivider shall offer for dedication Parcels "EEE", "DDD", "CCC" and "K" for neighborhood park, linear park, and dual use recreation facility/detention basin purposes, respectively, on the Final Map that corresponds to the timing of completion of respective parks as identified in the Planning~~'s~~ Department's Conditions of Approval. The Subdivider shall design and construct the park improvements consistent with the Tracy Hills Specific Plan, Specific Plan Amendment and City Regulations. The Subdivider shall be eligible for park fee credits in accordance with the Title 13 of the TMC and the Park Improvement and Reimbursement Agreement ("PI&RA").

C.2.9.2. The Subdivider shall submit park improvement plans, signed and notarized improvement agreement PI&RA, and Improvement Security in the amount and type specified in the City Regulations at the time of approval of the Final Map that corresponds to the timing of completion of the park improvements specified in Planning Division's Conditions of Approval.

C.2.10. Public Utility Easements

C.2.10.1. Undergrounding of Overhead Utilities. Any existing overhead lines and poles within the Project boundaries shall be removed or undergrounded.

C.2.10.2. All private utility services to serve the Project such as electric, telephone and cable TV to the building must be installed underground, within right-of-way or a dedicated Public Utility Easement (PUE) and at the location approved by the City and the respective owner(s) of the utilities.

The Subdivider shall submit improvement plans for the installation of electric, gas, telephone and TV cable lines that are to be installed under the sidewalk or within the PUE. Underground utility conduits may be installed under the sidewalks, and underground boxes and structures may be located in the landscaped parkway next to the curb. All above-ground boxes and facilities shall be behind the sidewalk and within the PUE. Pop-outs to provide additional

width of PUE where required to accommodate larger above-ground structures will be permitted subject to review and approval by Public Works Director and the City Engineer. Before approval of the first Final Map, the Subdivider shall complete the necessary coordination work with the respective owner(s) of the utilities to for approval.

C.2.10.3. Public Utility Easements on sideyard lots shall be adjusted or eliminated in final neighborhood designs based on actual joint trench design requirements.

C.3. Final Map

The City will not approve any Final Map until the Subdivider demonstrates, to the satisfaction of the City Engineer, that all the requirements set forth in these Conditions of Approval are completed, including, but not limited to the following:

C.3.1. Subdivider has submitted one reproducible (mylar) copy of the approved tentative subdivision map for the Project after Subdivider's receipt of a notification of approval of the Tentative Subdivision Map. The signature of the owner of the Property on the Tentative Subdivision Map shall indicate the owner's consent to the preparation of the Tentative Subdivision Map and the proposed subdivision of the Property.

C.3.2. Each Final Map is prepared in accordance with the applicable requirements of the Tracy Municipal Code, these Conditions of Approval, all other applicable City Regulations, and in substantial conformance with the Tentative Subdivision Map.

C.3.3. Each Final Map includes and shows offer(s) of dedication of all right(s)-of-way and/or temporary or permanent easement(s) required by the Improvement Plans and Final Map, in accordance with City Regulations and these Conditions. If construction easement(s) is/are shown, it/they shall indicate the termination date of the construction easement(s).

C.3.4. 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 separate points adjacent to or within the Property described by the Final Map.

C.3.5. Subdivider has submitted a signed and stamped Engineer's Estimate that show construction cost of subdivision improvements that are described in Conditions C.2 above plus 10% for construction contingencies.

C.3.6. Subdivision Improvement Agreement

Before the City's approval of any Final Map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the Final Map), and post all required improvement security in accordance with City Regulations.

C.3.7. Final Map Phasing Plan

Prior to Subdivider's submittal to the City of the first Final Map for City approval, Subdivider shall submit for the City Engineer's review and reasonable approval a phasing plan for the submittal of all Final Maps to be filed for this Vesting Tentative Subdivision Map. The phasing plan may be subject to subsequent modifications based on market conditions, the rate of development, and Subdivider's disposition of the parcels created by the Final Maps.

C3.8. Deferred Improvement Agreement

Prior to the City's approval of the first Final Map within the Project, the Subdivider shall execute a Deferred Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement or other executed agreement(s) with the City) which are required by these Conditions of Approval. The Deferred Improvement Agreement shall identify timing requirements for construction of all remaining public facilities, in conformance with the phasing plan submitted by the Subdivider and approved by the City Engineer.

C.3.9. Improvement Security

The Subdivider shall provide improvement security for all public facilities, as required by Subdivision Improvement Agreement or Offsite Improvement Agreement. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with City Regulations. The amount of the improvement security shall be as follows:

C.3.9.1 Faithful Performance (100% of the estimated cost of constructing the public facilities).

C.3.9.2 Labor & Material (100% of the estimated cost of constructing the public facilities).

C.3.9.3 Warranty (10% of the estimated cost of constructing the public facilities).

C.3.9.4 Monumentation ($750 multiplied by the total number of street centerline monuments that are shown on the Final Map).

C.3.10. Subdivider has paid engineering review fees including improvement plan checking, final map review, agreement processing, and all other fees required by these Conditions of Approval and City Regulations.

C.3.11. Subdivider has submitted technical or materials specifications, cost estimate, and technical reports related to the design of improvements that are shown on the Improvement Plans and as required by these Conditions.

C.3.12. Subdivider has submitted hydrologic and storm drainage calculations for the design and sizing of in-tract storm drainage pipes located within the Project.

C.3.13. Subdivider has submitted signed and stamped Improvement Plans.

C.3.14. Signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA.

C.3.15. Signed and notarized Deferred Improvement Agreement (DIA) and Improvement Security, to allow deferment of completion of improvements as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with the DIA and Section 12.36.080 of the TMC.

C.4. Grading and Encroachment Permits

No applications for grading and encroachment permits will be accepted by the City as complete until the Subdivider has provided all documents required by these Conditions and City Regulations, to the reasonable satisfaction of the City Engineer, including, but not limited to, the following:

C.4.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of and stamped and signed by a Registered Civil Engineer.

C.4.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.

C.4.3. Three sets of the Storm Water Pollution Prevention Plan (SWPPP) identical to the reports submitted to the State Water Quality Control

Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID). After the completion of the Project, the Subdivider 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.

C.4.4. 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 Subdivider. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008 and any subsequent amendment(s), and the City Regulations.

C.4.5. Two sets of the Project's Geotechnical Report signed and stamped by a licensed Geo-technical Engineer licensed to practice in the State of California. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, percolation rate, roadway section construction recommendations and elevation of the highest observed groundwater level.

C.4.6. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) as required in Mitigation Monitoring and Reporting Program of the Tracy Hills Specific Plan Final Environmental Impact Report (TH-EIR).

C.4.7. Two sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system.

C.4.8. Reasonable written permission from irrigation district or affected owner(s), if applicable. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.

C.4.9. Written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), if applicable. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection.

C.4.10. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar) that incorporate all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.4.11. Two sets of structural calculations for drainage structures and retaining walls within street right-of-way and retention basins signed and stamped by a Structural Engineer licensed in the State of California.

C.4.12. Not Used.

C.4.13. Check payment for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the current fee rate adopted by the City Council.

C.4.14. Traffic Control Plan for each phase signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.

C.4.15. As required per Mitigation Measure 4.8-2a of the EIR, the Subdivider shall submit, prior to issuance of grading permits, a Phase II ESA focused on soil sampling conducted near the location of the underground crude oil pipelines, as determined by a qualified Phase II/Site Characterization specialist.

C.4.16. As required per Mitigation Measure 4.8-2b of the EIR, prior to issuance of grading permits, the Subdivider shall work with Conoco Phillips to implement and observe a site damage prevention plan to the satisfaction of the City of Tracy Engineering Division.

C.4.17 Signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA.

C.4.18 Signed and notarized Deferred Improvement Agreement (DIA) and Improvement Security, to allow deferment of completion of improvements as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with the DIA and Section 12.36.080 of the TMC, or pursuant to the terms of the Development Agreement, as appropriate.

C.5. Building Permit

The City will not approve any building permit within the Project boundaries (except for a plumbing permit issued for the purpose of perfecting an RGA) until a Final Map is approved by the City Council and it is recorded at the San Joaquin County Recorder's Office, and the Subdivider demonstrates, to the reasonable satisfaction of the City Engineer, compliance with all the required Conditions of Approval and payment of fees in accordance with the Fee Deferral Agreement including but not limited to the following:

C.5.1. Payment of the applicable current City-Wide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park Development Impact Fees as these relate to the Project and as required by these Conditions of Approval.

C.5.2. Payment of applicable Regional Transportation Impact Fees (RTIF) as required in the Mitigation, Monitoring and Reporting Program of the EIR, these Conditions of Approval, and the Settlement Agreement.

C.5.3. Check payment of any applicable Agricultural Mitigation Fee as required in Chapter 13.28 of the Tracy Municipal Code and Mitigation Measure AG 4.2.1 of the EIR and these Conditions of Approval.

C.5.4. Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC.

C.6. Final Building Inspection

The City will not perform final building inspection (except for Model Homes) until after the Subdivider provides documentation which demonstrates, to the reasonable satisfaction of the City Engineer, that:

C.6.1. The Subdivider has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested or a final building inspection has to be performed unless otherwise defined herein. Unless specifically provided in these Conditions, or the City Regulations, the Subdivider shall take all actions necessary to construct all public facilities required to serve the Project, and the Subdivider 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. Temporary or Final Building Certificate of Occupancy

No Final Building Inspection shall be performed or a Temporary or Final Building Certificate of Occupancy will be issued (except for Model Homes) by the City until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

C.7.1 The Subdivider has satisfied all the requirements set forth in these Conditions of Approval.

C.7.2. The Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested, unless otherwise defined herein. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Subdivider shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to

serve the Project, and the Subdivider shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.8. Acceptance of Public Improvements

Public improvements will not be considered for City Council's acceptance until after the Subdivider demonstrates to the reasonable satisfaction of the City Engineer, completion of the following:

C.8.1. All the public improvements shown on the Improvement Plans are completed and all the deficiencies listed in the deficiency report prepared by the assigned Engineering Inspector are all corrected.

C.8.2. Subdivider has completed the 90-day public landscaping maintenance period.

C.8.3. Subdivider has submitted Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements.

C.8.4. Where applicable, signed and notarized Grant Deed(s) with legal description(s) and plat maps for the offer of dedication of right-of-way, and Grant of Easements as required per these Conditions of Approval and City Regulations, or dedications shown on the Final Map.

C.9. Release of Improvement Security

City will release Improvement Security(s) to the Subdivider after City Council's acceptance of public improvements, both on-site and off-site, in accordance with TMC section 12.36.080, upon written request and submittal of the recorded Notice of Completion.

C.10. Special Conditions

C.10.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, except as otherwise specifically approved in the Tracy Hills Specific Plan.

C.10.2. When street cuts are made for installation of utilities, the Subdivider is required to install 2 inches thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides and for the entire length of the utility trench. A 2 inches deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. If the utility

trench extends beyond the median island, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street.

C.10.3. 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. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Developer's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).

C.10.4. Benefit District

The Subdivider may make a written request to the City for the formation of a Benefit District, before the approval of the final map and improvement plans for the public facility(s) considered to be oversized that benefits other property(s) or development(s). Reimbursement request(s) will be processed in accordance with TMC Chapter 12.60.

C.10.5. The CFD or HOA shall include future costs of maintenance including PG&E charges for all new streetlights and new traffic signals to be installed by the Project.

C.10.6. Nothing contained in these Conditions shall be construed to permit any violation of City Regulations. Subject, however, to City Regulations, this Condition does not preclude the City from requiring pertinent revisions and additional requirements to the final map, improvement agreements, and improvement plans, before the City Engineer's signature on the final map and improvement plans, if the City Engineer finds it necessary due to public health and safety reasons. (Government Code section 66498.6.) The Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

EXHIBIT C
(Deferred Improvements)

DEFERRED IMPROVEMENT AGREEMENT
TRACY HILLS - PHASE 1B

I. Work: Time for Commencement and Performance

The Work described in this Exhibit "C" (hereinafter "Deferred Improvements") shall be completed within the timelines as specified in this Exhibit "C" of this Agreement. Applicable Conditions of Approval included in this Exhibit "C" refer to the Conditions of Approval for the Small-Lot Vesting Tentative Subdivision Map processed under Application Number TSM18-0006, attached hereto as Exhibit "B". The City shall have no obligation to construct or complete the Deferred Improvements.

II. Description of Work

A. Parks (Condition No. B.9)

Before final inspection or occupancy of the 180th dwelling unit (whichever occurs first, except for up to fifteen model homes), the Phase 1B neighborhood park shall be completed and accepted by the City Council. If the Phase 1B neighborhood park is not completed and accepted by the City Council before final inspection or occupancy of the 180th dwelling unit (whichever occurs first, except for up to fifteen model homes), no further building permits (except for plumbing only building permits) shall be issued until the neighborhood park is completed and accepted by the City Council.

B. Conservation Easement (Condition No. B.10)

Before issuance of a building permit for the 300th dwelling unit (except for plumbing only building permits), the Subdivider shall plant trees in the 100-foot wide Conservation Easement adjacent to Interstate 580, as depicted in Appendix C of the Tracy Hills Specific Plan (Figures C-6 and C-7), to the satisfaction of the Development Services Director.

C. Phillips 66 Pipeline Easement (Condition No. B.14)

Prior to issuance of a building permit (except for plumbing only building permits), the Subdivider shall clearly mark and label any plot plan where the location of the 16.25-foot minimum setback line from the edge of the Phillips 66 Pipeline Easement encroaches into the subject property of the plot plan, to the satisfaction of the Development Services Director.

D. Conservation Easement Openings (Condition No. C.2.4.2)

Prior to acceptance of storm drainage facilities for maintenance by the City, the Subdivider shall revise the locations of the 50' wide openings in the Conservation Easements to align with existing drainage routes and proposed storm drainage intercept points into the Project on-site storm drainage system.

E. Storm Drainage Facilities Maintenance Plan (Condition No. C.2.4.4)

Prior to acceptance of maintenance of any public facilities by the City, the Subdivider shall prepare and obtain approval from the Public Works Department of a maintenance plan for all temporary and permanent storm drainage facilities to be maintained by the Subdivider or the HOA. The maintenance plan shall show the phasing of roadway construction, mass grading, drainage facilities, including collection channels, erosion control and protection of the Phillips 66 pipeline during construction. A SWPPP may be used as the maintenance plan with approval by the City Engineer.

F. Street Improvements (Condition No. C.2.7.1)

Subdivider is required to design and construct all applicable on-site, frontage and off-site roadway improvements to serve the Project as identified in the Traffic Study, EIR and these Conditions of Approval. All improvements shall comply with City Regulations, Tracy Hills Design Standards and Specific Plan Amendment. Such improvements shall include, but are not limited to, roadways, water distribution system, sewer system, storm drainage systems, curb and gutter, sidewalks, street lighting system, traffic signals, ITS systems, pavement and crosswalk striping, bicycle lanes and trails, roadway signage and street signs, median islands, turn lanes, landscaping, and all necessary related improvements as required by the City. Timing of completion of street improvements shall comply with these Conditions of Approval.

In the case of a discrepancy between the information shown on the VTSM and the right-of-way and street improvement requirements in the Traffic Study, the Traffic Study shall govern unless determined otherwise by the City Engineer.

Subdivider shall conduct traffic counts as required by the City Engineer once every three months (or at other times if determined by the City Engineer) from the date of approval of the first Final map within the VTSM area. Subdivider shall submit report with the traffic counts to the City Engineer within 10 days from the date of the traffic counts. Where applicable, these traffic counts will be utilized to determine the timing of improvements that have been identified in the Traffic Report and the EIR.

G. Lammers Road South of Tracy Hills Drive - Right-of-Way (Condition No. C.2.7.4)

The Subdivider shall dedicate or cause to be dedicated the right-of-way necessary to construct the ultimate future Lammers Road improvements (137' right-of-way) between Tracy Hills Drive and I-580, based on the Future Lammers Road (Ultimate) cross section shown on the VTSM and in accordance the Traffic Study, with the Final Map for the respective phase that meets the trigger thresholds identified in the Traffic Study. The ultimate future width and number of travel lanes and turn lanes, and width of street median, landscaping strips and sidewalks shall be in accordance with the Traffic Study.

The Subdivider shall dedicate or cause to be dedicated all right-of-way that is necessary to construct the ultimate future Lammers Road improvements

between I-580 and Corral Hollow Road, and that is outside of the boundaries of the Project, in accordance the Traffic Study. Details of the roadway alignment and geometry shall be submitted for review and approved by the City Engineer. The right-of-way shall be dedicated to the City prior to or concurrently with the Final Map that dedicates the right-of-way for the portion of Lammers Road between Tracy Hills Drive and I-580 as described above. The ultimate future width and number of travel lanes, turn lanes, and width of street median, landscaping strips and sidewalks shall be in accordance with the Traffic Study and roadway alignment and geometry as approved by the City Engineer.

H. Lammers Road South of Tracy Hills Drive - Improvements for Residential Units (Condition No. C.2.7.5)

A total of 1,347 residential units west of Corral Hollow Road, accessed via Tracy Hills Drive, can be built before triggering the need for the Lammers Road south connection between Tracy Hills Drive and Corral Hollow Road. This trigger equates to approximately 890 westbound and 473 eastbound P.M. peak hour trips along Tracy Hills Drive west of Corral Hollow Road.

Prior to approval of the first Final Map after the trigger threshold has been reached as determined by the traffic counts required by Condition C.2.7.1, the Subdivider shall construct Lammers Road improvements south of Tracy Hills Drive, extending between Tracy Hills Drive and Corral Hollow Road, including undercrossing beneath I-580, consisting of two travel lanes, and a shoulder, landscape strips and sidewalk on the east side as shown on the VTSM and in accordance with the Traffic Study. Subdivider shall obtain approval of encroachment permit and/or agreements from Caltrans for the I-580 undercrossing and related improvements within the Caltrans right-of-way.

I. Lammers Road South of Tracy Hills Drive - Improvement Agreement (Condition No. C.2.7.7)

In order to guarantee completion of the portion of the Lammers Road South of Tracy Hills Drive Improvements between I-580 and Corral Hollow Road and that lie outside of the boundaries of the Project, the Subdivider shall enter into an improvement agreement (SIA or OIA) and post an improvement security in the amounts and form in accordance with section 12.36.080 of the TMC and as required by these Conditions of Approval. The Subdivider shall submit the signed and notarized improvement agreement with the necessary improvement security before approval of the Final Map within the Project that meets the trigger thresholds identified in the Traffic Study.

J. Corral Hollow Road at Lammers Road - Right-of-Way (Condition No. C.2.7.10)

Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by City Council on November 26, 2012, pursuant to Resolution 2012-240, amended on November 19, 2013, Corral Hollow Road will be a 4-lane major arterial street with a raised median, sidewalks, bicycle facilities and landscaping, as depicted on the Corral Hollow Road Plan Line.

Prior to or concurrently with approval of the first Final Map after the trigger threshold in Condition No. C.2.7.5. has been reached, the Subdivider shall dedicate or cause to be dedicated all rights-of-way necessary for the widening of Corral Hollow Road required at the future intersection of Corral Hollow Road and Lammers Road. The dedication shall include additional right-of-way for turn lanes and transitions where applicable. If required, the Subdivider shall also dedicate right-of-way for construction of intersection improvements as outlined in the Traffic Study, including traffic signal or a roundabout for buildout requirements.

The Subdivider may be eligible for fee Credits and/or reimbursements for right-of-way dedication beyond Project's frontage obligation per the CRTMP requirements. Temporary or interim improvements are not eligible for fee credits or reimbursements.

K. Corral Hollow Road at Lammers Road - Improvements (Condition No. C.2.7.11)

Concurrent with the construction of improvements on Lammers Road south of Tracy Hills Drive as described above, the Subdivider shall construct the Corral Hollow Road and Lammers Road intersection improvements, consisting of either a roundabout or traffic signal and all associated improvements, in accordance with the Traffic Study.

L. Pavement Repaving/Overlay on Corral Hollow Road (Condition No. C.2.7.12)

At the time of construction of the intersection of future Lammers Road and Corral Hollow Road the Subdivider shall design and install repaving/overlay from the intersection to I-580 south right-of-way line as directed by the City Engineer. City will make fair share contributions collected from other projects available to the Subdivider towards the cost of repaving/overlay.

M. Coral Hollow Road Improvements - Improvement Agreement (Condition No. C.2.7.14)

In order to guarantee completion of the Corral Hollow Road Improvements, the Subdivider shall enter into an improvement agreement (SIA or OIA) and post an improvement security in the amounts and form in accordance with section 12.36.080 of the TMC and as required by these Conditions of Approval. The Subdivider shall submit the signed and notarized improvement agreement with the necessary improvement security before approval of the Final Map within the Project that meets the trigger thresholds identified in the Traffic Study.

N. Criseldo Mina Avenue and Palmer Street - Improvements (Condition No. C2.7.15)

In accordance with the Traffic Study, all improvements necessary to implement Route No. 1 in the Alternative Routes Analysis contained therein, consisting of the connection of Criseldo Mina Avenue to Palmer Street, shall be completed and said streets shall be accepted by the City Council as public roadways prior to

the filing of the Final Map within the Project that meets the trigger thresholds identified in the Traffic Study.

O. Emergency Vehicle Access (EVA) (Condition No. C.2.7.16)

The existing all-weather emergency vehicle access road constructed per the Conditions of Approval and EIR Mitigation Measures for the Tracy Hills Phase 1A VTSM shall be reconstructed as necessary to conform to the extended Tracy Hills Drive improvements and the proposed Project grading north of Tracy Hills Drive, as generally shown on the VTSM.

Prior to issuance of the first building permit, the Subdivider shall ensure that the existing and reconstructed portions of the all-weather emergency vehicle access road, extending from Tracy Hills Drive northerly to its terminus at South Lammers Road, is fully accessible to Fire Department vehicles and all other necessary emergency responders at all times and to the satisfaction of the Fire Department.

P. Traffic Control Plan (Condition No. C.2.17)

Before starting any work within the project, the Subdivider shall submit a Traffic Control Plan for each phase of work, to show the method and type of construction signs to be used for regulating traffic at the work areas and within existing streets accessing the work areas. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

Q. EIR Mitigation Measures

R. Traffic Mitigation Measures (Condition No. C.2.8)

The Tracy Hills Specific Plan EIR ("EIR") identifies the Project's traffic impacts that are to be mitigated by the Subdivider. The mitigation measures are summarized in Table 4.13-68, Transportation & Circulation EIR Mitigation Matrix. Subdivider shall comply with the following applicable mitigation measures as outlined in the Traffic Study.

1. MM 4.13-5a:

    a. Intersection #1, Corral Hollow Road/I-580 EB Ramps
    Implementation Trigger: 2,588 Peak Hour Trips

    b. Intersection #2, Corral Hollow Road/I-580 WB Ramps
    Implementation Trigger: 2,588 Peak Hour Trips

2. MM 4.13-5b:

    a. Corral Hollow Road between S. Tracy Hills Road and Golden Leaf Lane, and Lammers Road between I-580 and Kimball High School.
    Implementation Trigger: 2,588 Peak Hour Trips

    b. Corral Hollow Road between I-580 and just north of Linne Road.
    Implementation Trigger: 2,588 Peak Hour Trips

3. MM 4.13-6a:

    a. Intersection #1, Corral Hollow Road/I-580 EB Ramps
    Implementation Trigger: 2,588 Peak Hour Trips

    b. Intersection #2, Corral Hollow Road/I-580 WB Ramps
    Implementation Trigger: 2,588 Peak Hour Trips

4. MM 4.13-15g:

    a. Corral Hollow Road Bicycle/Pedestrian Facilities
    Implementation Trigger: 2,588 Peak Hour Trips

S. Neighborhood, Linear and Dual-Use Parks (Condition No. C.2.9.1)

The Subdivider shall offer for dedication Parcels "EEE", "DDD", "CCC" and "K" for neighborhood park, linear park, and dual use recreation facility/detention basin purposes, respectively, on the Final Map that corresponds to the timing of completion of respective parks as identified in the Planning~~'s~~ Department's Conditions of Approval. The Subdivider shall design and construct the park improvements consistent with the Tracy Hills Specific Plan, Specific Plan Amendment and City Regulations. The Subdivider shall be eligible for park fee credits in accordance with the Title 13 of the TMC and the Park Improvement and Reimbursement Agreement ("PI&RA").

T. Park Plans and PI&RA (Condition No. C.2.9.2)

The Subdivider shall submit park improvement plans, signed and notarized improvement agreement (PI&RA), and improvement security in the amount and type specified in the City Regulations at the time of approval of the Final Map that corresponds to the timing of completion of the park improvements specified in Planning Division's Conditions of Approval.

RESOLUTION 2021-_____

APPROVING THE DEFERRED IMPROVEMENT AGREEMENT FOR TRACY HILLS - PHASE 1B, AND AUTHORIZING THE CITY CLERK TO FILE THE DEFERRED IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

WHEREAS, On November 10, 2020, the City Council adopted the Tracy Hills Specific Plan Amendment for Tracy Hills Phase 1B/1C and approved various related land use entitlements, including that certain Small-Lot Vesting Tentative Subdivision Map for Tracy Hills Phase 1B, Tract 4004 (VTSM), pursuant to Resolution No. 2020-188, and

WHEREAS, Approval of the VTSM was subject to specified conditions of approval (Conditions of Approval) that require the Developer to design and construct certain on-site and off-site improvements connected with the Project, and

WHEREAS, The Developer has applied to the City for approval of the first final map based upon the approved VTSM and has executed a Subdivision Improvement Agreement for the on-site public private facilities required to serve said final map, and

WHEREAS, In accordance with the Conditions of Approval, prior to the City's approval of the first final map within the Project, the Developer is required to execute a Deferred Improvement Agreement (DIA) by which (among other things) the Developer agrees to complete construction of all remaining public facilities which are required by the Conditions of Approval but will not be completed at the time the City Council takes action on the first final map, and

WHEREAS, The Developer has requested deferral of certain on-site and off-site public improvements and other requirements (collectively, Deferred Improvements) and has executed the DIA to ensure that the Deferred Improvements will be completed in accordance with the Conditions of Approval, and

WHEREAS, The DIA describes the Deferred Improvements and the times at which the completion of said improvements and other requirements are due, and

WHEREAS, The Developer has paid the applicable engineering review fees, which include the cost of processing the Deferred Improvement Agreement;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves the Deferred Improvement Agreement for Tracy Hills - Phase 1B, and authorizes the City Clerk to file the Deferred Improvement Agreement with the Office of the San Joaquin County Recorder.

* * * * * * * * * * * * *

The foregoing Resolution 2021-_____ was passed and adopted by the Tracy City Council on the 19th day of October, 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

October 19, 2021

AGENDA ITEM 1.M

REQUEST

APPROVE THE DEFERRED IMPROVEMENT AGREEMENT FOR TRACY HILLS - KT, TRACT 4037, AND AUTHORIZE THE CITY CLERK TO FILE THE DEFERRED IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

EXECUTIVE SUMMARY

Lennar Homes of California, a California corporation (Developer) has requested that the construction of certain improvements required under the Conditions of Approval for the Vesting Tentative Subdivision Map for Tracy Hills KT Project be deferred to a later date. The Developer has signed the Deferred Improvement Agreement (DIA) to guarantee completion of the Deferred Improvements in accordance with the timeframes set forth in the Conditions of Approval.

DISCUSSION

The Developer is the developer of the real property generally bordered by the California Aqueduct to the north, vacant land to the south, and Corral Hollow Road to the west (Property). Developer is under contract to purchase the Property from the owner, who has consented to Developer recording the DIA.

On November 10, 2020, the City Council adopted the Tracy Hills Specific Plan Amendment for the Tracy Hills KT Project and approved various related land use entitlements, including that certain Vesting Tentative Subdivision Map for Tracy Hills KT Project (VTSM), pursuant to Resolution No. 2020-189. Approval of the VTSM was subject to specified conditions of approval (Conditions of Approval).

The Developer has applied to the City for approval of a final map based upon the approved VTSM and has executed a Subdivision Improvement Agreement for the on-site public and private facilities required to serve said final map. The Developer has posted security to guarantee completion of the improvements triggered with the final map. In accordance with the Conditions of Approval, prior to the City's approval of the first final map within the Project, the Developer is required to execute a Deferred Improvement Agreement by which the Developer agrees to comply with the requirements and complete construction of all remaining public facilities which are required by the Conditions of Approval (collectively, Deferred Improvements). The DIA describes the Deferred Improvements and the times at which the completion of said improvements and other requirements are due (Attachment B, Exhibit C of the DIA).

The Deferred Improvements consist of improvements and certain other requirements that are not triggered at this time. The times at which these obligations of the Developer need to be satisfied are listed in the Conditions of Approval. The DIA does not change any of the obligations or timing of the improvements specified in the Conditions of Approval. The Deferred Improvements and associated times of completion are summarized in the following table:

SUMMARY OF DEFERRED IMPROVEMENTS			
No.	Condition No.	Description of Improvement	Timing of Completion
1	B.8	Linear Park	18 months following final inspection or occupancy of the first dwelling
2	C.2.7.5	Corral Hollow Road Improvements - between Calif. Aqueduct & CalTrans R/W	Prior to final inspection or occupancy of the first residential unit
3	C.2.7.13	Corral Hollow Road/I-580 EB Ramps	2,588 Peak Hour Trips
4	"	Corral Hollow Road/I-580 WB Ramps	2,588 Peak Hour Trips
5	"	Corral Hollow Road between S. Tracy Hills Road and Golden Leaf Lane	2,588 Peak Hour Trips
6	"	Lammers Road between I-580 and Kimball High School	2,588 Peak Hour Trips
7	"	Corral Hollow Road Bicycle/Ped Facilities	2,588 Peak Hour Trips
8	C.2.7.15	Bus turnouts on Corral Hollow Road	With KT frontage improvements

The Developer executed the DIA to ensure that the Deferred Improvements will be completed in accordance with the times specified in the Conditions of Approval. The DIA requires that the Developer shall submit the required security within 60 days from the approval of the DIA to guarantee completion of improvement.

FISCAL IMPACT

The Developer has paid the applicable engineering review fees, which include the cost of processing the Deferred Improvement Agreement.

STRATEGIC PLAN

This agenda item is consistent with the Council approved Economic Development Strategy to ensure physical infrastructure necessary for development.

RECOMMENDATION

That City Council, by resolution, approve the Deferred Improvement Agreement for Tracy Hills - KT, Tract 4037, and authorize the City Clerk to file the Deferred Improvement Agreement with the Office of the San Joaquin County Recorder.

Prepared by: Doug Rodgers, SNG & Associates, Inc.

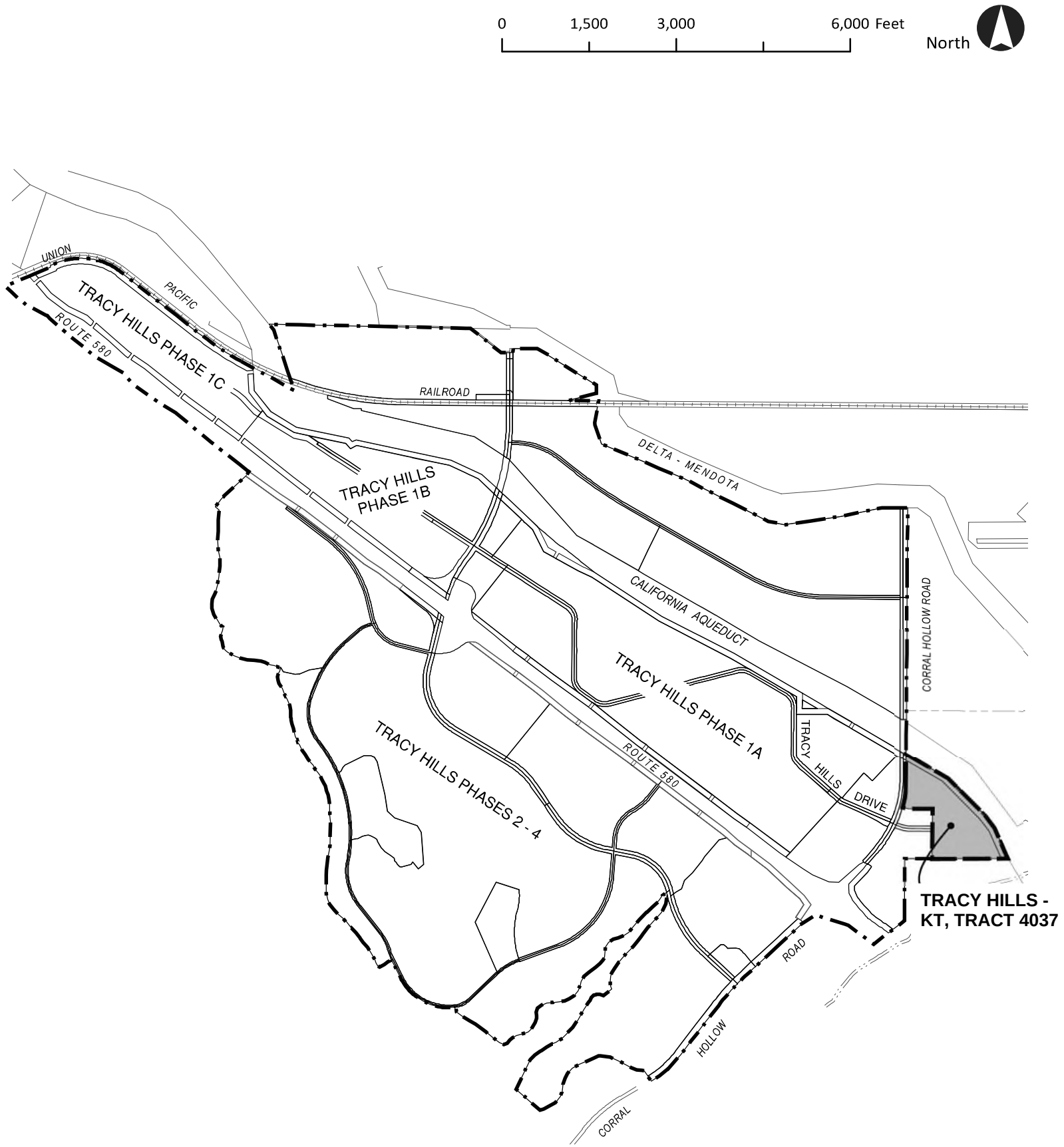
Reviewed by: Robert Armijo, PE, City Engineer / Assistant Development Services Director
William Dean, Interim Director of Development Services
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

ATTACHMENTS

Attachment A – Location Map
Attachment B – Deferred Improvement Agreement

ATTACHMENT A
Location Map



Attachment B

Recording Requested By

City of Tracy
Development & Engineering Services
333 Civic Center Plaza
Tracy, CA 95376

And When Recorded Mail To:

City of Tracy
Office of the City Clerk
333 Civic Center Plaza
Tracy, CA 95376
Attn: Adrian Richardson

SPACE ABOVE THIS LINE FOR RECORDER'S INFORMATION

CITY OF TRACY
DEFERRED IMPROVEMENT AGREEMENT
TRACY HILLS – KT, TRACT 4037

This **DEFERRED IMPROVEMENT AGREEMENT** (hereinafter "Agreement") is made and entered into by and between the **CITY OF TRACY**, a municipal corporation ("City"), and **LENNAR HOMES OF CALIFORNIA,** a California corporation ("Developer").

RECITALS

A. The Developer is the developer of the real property generally bordered by the California Aqueduct to the north, vacant land to the south, and Corral Hollow Road to the west (hereinafter, the "***Property***") and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference. Developer is under contract to purchase the Property from the owner, who is consenting to Developer recording this Agreement as evidenced below.

B. On April 5, 2016, the Tracy City Council ("***City Council***") adopted the Tracy Hills Specific Plan and approved related land use entitlements under Application Number TSM 16-001 and approved by Resolution 2016-065. On November 10, 2020, the City Council approved a Specific Plan Amendment processed under Application Number SPA20-008, and also approved a Vesting Tentative Subdivision Map processed under Application Number TSM20-0002 and approved by Resolution 2020-189 (the "***Tentative Subdivision Map***"). The Tentative Subdivision Map is on file with the City Clerk and is incorporated herein by this reference.

C. The approval of the Tentative Subdivision Map by the City Council was subject to specified conditions of approval ("***Conditions of Approval***"). The Conditions of Approval are attached hereto as Exhibit "B" and are incorporated herein by reference.

D. The Developer has applied to the City for approval of a final map based upon the approved Tentative Subdivision Map.

E. Certain public improvements and other requirements of the Conditions of Approval will not be completed at the time the City Council acts on Developer's application for the final map. Therefore, Developer has agreed to execute this Agreement to ensure that the public improvements and other requirements which will not be completed when the City Council acts on Developer's final map application (collectively, the "***Deferred Improvements***") will be completed in accordance with the Conditions of Approval for the Tentative Subdivision Map. The Deferred Improvements are described in Exhibit "C", attached hereto and incorporated herein by this reference.

NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **CONTINUED APPLICABILITY OF CONDITIONS OF APPROVAL TO DEFERRED IMPROVEMENTS.** Except as expressly and specifically modified by this Agreement, all of the requirements of the Conditions of Approval shall continue to apply to the Deferred Improvements after City's approval of the final map and until satisfied to the reasonable satisfaction of the City. In the event of a conflict between the Conditions of Approval and this Agreement, with respect to a Deferred Improvement, the terms and conditions of this Agreement shall prevail.

2. **IMPROVEMENT SECURITY.** Within sixty (60) calendar days from the approval of this Agreement, Developer shall furnish improvement security for the Deferred Improvements, in a form authorized by the Subdivision Map Act (Government Code sections 66499 *et seq.*) and Tracy Municipal Code section 12.36.080. The scope of Deferred Improvements and the amount of improvement security shall be as determined by the City Engineer. No final inspections for homes (except for model homes) within the boundaries of the Final Map for KT Property II (Tract 4037), will be processed by the City until the improvement security pursuant to this section has been submitted to the satisfaction of the City Engineer.

   2.1. Faithful Performance Security in the amount of 100% of the Engineer's Cost Estimate for the Deferred Improvements as approved by the City Engineer to secure faithful performance of this Agreement (until the date when the City Council accepts the Deferred Improvements as complete).

3. **DEFERRAL OF TIME FOR COMPLETION OF DEFERRED IMPROVEMENTS.** The time requirements of the Conditions of Approval notwithstanding, the Developer shall complete the Deferred Improvements according to the time requirements set forth in Exhibit "C" hereto. Time is of the essence in the performance of the Deferred Improvements in compliance with the requirements of Exhibit "C". The Deferred Improvements shall be completed, at the sole expense of the Developer, to the satisfaction of the City Engineer. The Developer shall submit any and all requests for extensions of time to complete the Deferred Improvements, in writing, not later than ten (10) days from Developer's learning of the condition that is the basis for the requested

extension, and in no event later than the date on which completion of the Deferred Improvement(s) is due.

4. **OBLIGATIONS RUN WITH THE LAND.** All obligations and provisions of this Agreement shall run with the real property described in Exhibit "A", and shall bind the Developer and its respective successors and assigns, but shall be deemed released as to any lot conveyed to a homeowners' association or a homebuyer that will occupy the lot as its primary residence.

5. **NOTICES.**

5.1 All notices, demands, or other communications which this Agreement contemplates or authorizes shall be in writing and shall be personally delivered or mailed to the respective parties as follows:

To City	To Developer:
City of Tracy 333 Civic Center Plaza Tracy, CA 95376 Attn: City Engineer notice@cityoftracy.org	Lennar Homes of California, Inc. 2603 Camino Ramon, Suite 525 San Ramon, CA 94583 Attn: Bridgit Koller bridgit.koller@lennar.com
With a copy to: City Attorney 333 Civic Center Plaza Tracy, CA 95376 Attn: City Engineer attorney@cityoftracy.org	With a copy to: AG Essential Housing CA 4, LP c/o AGWIP Asset Management LLC 8585 Scottsdale, AZ 85255 Attn: Steven S. Benson, Manager steve.benson@agwipam.com

5.2 Communications shall be deemed to have been given and received on the first to occur of: (1) actual receipt at the address designated above, or (2) three working days following the deposit in the United States Mail of registered or certified mail, sent to the address designated above.

6. **MODIFICATIONS.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by all of the parties.

7. **WAIVERS.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

8. **JURISDICTION AND VENUE.** The interpretation, validity, and enforcement of the Agreement shall be governed by and construed under the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement

shall be filed and heard in a court of competent jurisdiction in the County of San Joaquin.

9. **INDEMNIFICATION.** Developer shall indemnify, defend and hold harmless the City (including its elected officials, officers, agents and employees) from and against any and all claims, demands, liabilities, costs and expenses (including court costs and attorney's fees) resulting from or arising out of the deferral of construction of the Deferred Improvements and the performance of the Work by Developer or Developer's agents, representatives, contractors, subcontractors or employees.

10. **ENTIRE AGREEMENT; EXHIBITS; SEVERABILITY.** The recitals and all defined terms in this Agreement are part of this Agreement. This Agreement, including all documents incorporated by reference, comprises the entire integrated understanding between the parties concerning the improvements to be constructed pursuant to this Agreement. This Agreement supersedes all prior negotiations, representations, or agreements. The following Exhibits attached hereto are incorporated into this Agreement and made a part hereof by this reference:

    A. Legal Description of Property (Recital A.)
    B. Conditions of Approval (Recital C.)
    C. Deferred Improvements (Recital E.)

    If a term of this Agreement is held invalid by a court of competent jurisdiction, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in effect.

11. **SIGNATURES**. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the Developer and the City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

[Signatures on next page]

IN WITNESS WHEREOF the parties do hereby agree to the full performance of the terms set forth herein.

CITY

CITY OF TRACY,
a municipal corporation

_____
By: Nancy Young
Title: MAYOR

Date: _____

DEVELOPER:

LENNAR HOMES OF CALIFORNIA, a California corporation

_____
By: Bridgit Koller
Title: VICE PRESIDENT,

Date: 10/4/21

Attest:

_____
By: Adrian Richardson
Title: CITY CLERK
Date: _____

Approved As To Form:

_____
By: Leticia Ramirez
Title: CITY ATTORNEY
Date: _____

Consent to Recordation

AG Essential Housing CA 1, LP, is the owner in fee simple of the real property described in Exhibit A and hereby consents to the recordation of this Deferred Improvement Agreement.

AG Essential Housing CA 1 LP
a Delaware Limited Partnership

By: AGWIP Asset Management, LLC
An Arizona Limited Liability Company
Its Authorized Agent

_____

By: Steven S. Benson
Title: Manager
Date: _____

EXHIBIT A
(Property Description)

EXHIBIT "A"
Property Description

DEFERRED IMPROVEMENT AGREEMENT
TRACY HILLS - KT, TRACT 4037

All that real property situate in the City of Tracy, County of San Joaquin, State of California, described as follows:

Parcel A as shown on the Parcel Map recorded on June 5, 1981, in Book 10 of Parcel Maps, at Page 64, Official Records of San Joaquin County, and Parcel 3 as shown on the map of Tract No. 4013, recorded on November 30, 2020, in Book 43 of Maps and Plats, at Page 149, Official Records of San Joaquin County.

EXHIBIT B
(Conditions of Approval)

EXHIBIT "B"
Conditions of Approval

Conditions of Approval for Tracy Hills KT Project
Vesting Tentative Subdivision Map
Application Number TSM20-0002
November 10, 2020

Project: These Conditions of Approval shall apply to the Vesting Tentative Subdivision Map for Tracy Hills KT Project, Application Number TSM20-0002, including approximately 214 single-family residential lots, a linear park, a retention basin, an HOA recreation area, and two commercial parcels.

Property: The property consists of approximately 45.1 acres located in the Tracy Hills Specific Plan Area, east of Corral Hollow Road in the vicinity of Tracy Hills Drive, Application Number TSM20-0002.

Community Facilities Districts: Certain conditions of approval herein involve the establishment of or annexation into one or more Community Facilities Districts (CFDs) to implement the Project. The imposition of conditions requiring or involving the establishment of or annexation into CFDs on the Property shall not limit the City from establishing additional CFDs over the Property, subject to an affirmative vote of the Property owner(s).

A. Definitions; Abbreviations.

The definitions in the City's zoning regulations (Tracy Municipal Code, Title 10, Chapter 10.08) and subdivision ordinance (Tracy Municipal Code, Title 12, Chapter 12.08) apply, and in addition:

1. "Applicant" means any person, or other legal entity, defined as a "Subdivider" by Section 12.08.010 of the City of Tracy Municipal Code.

2. "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 here. (The Development Services Director is also referred to in the Tracy Municipal Code as the Development and Engineering Services Director.)

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 Hills Specific Plan, the Tracy Municipal Code, ordinances, resolutions, written policies, written procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).

4. "Conditions of Approval" or "Conditions" means these conditions of approval.

The following abbreviations may be used in these Conditions:

EIR	Environmental Impact Report	PI&RA	Park Improvement and Reimbursement Agreement
DIA	Deferred Improvement Agreement	PUE	Public Utility Easement
OIA	Offsite Improvement Agreement	TMC	Tracy Municipal Code

B. Planning Division Conditions of Approval

1. Compliance with laws. The Subdivider 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. City Regulations. Unless specifically modified by these Conditions of Approval, the Subdivider shall comply with all City Regulations.

3. Mitigation Measures. The Subdivider shall comply with all applicable mitigation measures in the Final Subsequent Environmental Impact Report (EIR) for the Tracy Hills Specific Plan Project (State Clearinghouse No. 2013102053), which was certified by the City Council on April 5, 2016, and the Addendum to the EIR, which was prepared for the Tracy Hills KT Project consistent with the requirements of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164.

4. Notice of protest period. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Subdivider that the 90-day approval period (in which the Subdivider 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 begin on the date of the conditional approval of this Project. If the Subdivider fails to file a protest of the Exactions complying with all of the requirements of Government Code Section 66020 within this 90-day period, the Subdivider 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.

5. Conformance with Vesting Tentative Subdivision Map. All Final Maps shall be in substantial conformance with the approved Vesting Tentative Subdivision Map (Application Number TSM20-0002), which was received by

the Development Services Department on September 18, 2020 and approved by the City Council on _____, 2020, unless modified by these Conditions.

6. Maintenance for Project Public Landscaping. Before approval of the first Final Map, the Subdivider shall assure that there will be sufficient funding for the ongoing costs related to public landscaping maintenance. Subdivider shall prepare public landscaping improvement plans and a public landscaping budget analysis (to be reviewed and approved by the City Public Works Director) to establish the scope of and cost estimates for public landscaping maintenance.

As used in these Conditions of Approval:

"Public landscaping maintenance costs" include but are not limited to all costs associated with the maintenance, operation, repair and replacement of public landscaping included in the Project. Labor costs shall be based upon and be paid at "prevailing wages," as that term is used in Section 1771 of the California Labor Code.

"Public landscaping" includes but is not limited to the following public areas and public improvements within or adjacent to the Project: public walls, special public amenities, 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. It does not include public streets and street sweeping, but may include street lights.

Before approval of the first Final Map, Subdivider shall enter into an agreement with the City, which shall be recorded against the entire Tracy Hills KT Project property, which adopts and implements one or more of the following three options (a., b. or c.), subject to the approval of the City's Finance Director:

a. CFD or other funding mechanism. Before final inspection or occupancy of the first dwelling (except for up to ten model homes), the Subdivider shall, at its expense, form or annex into a Community Facilities District (CFD) or establish another lawful funding mechanism that is reasonably acceptable to the City for the entire Project area for funding or performing the on-going maintenance of public landscaping. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon successful formation, the Property will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment. If funds are needed to pay for such public landscaping maintenance costs before collection of the first Special Services Tax (the "deficit"), then before final inspection or occupancy of the first dwelling (except for up to ten model homes), the Subdivider shall

deposit to the CFD (by submittal to the City's Finance Director) the amount of the deficit;

Or

b. HOA and dormant CFD. If the HOA is the chosen funding mechanism, the Subdivider must do the following:

(1) Form a Homeowner's Association (HOA) 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 within the entire tentative subdivision map area;

(2) Cause the HOA to enter into an agreement with the City, in a form to be approved by the City and to be recorded concurrently with the first Final Map, 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 HOA of all public landscape areas within the entire tentative subdivision map area;

(3) For each Final Map, make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas within the Final Map area;

(4) Before final inspection or occupancy of the first dwelling (except for up to ten model homes), annex into a CFD in a "dormant" capacity, to be triggered if the HOA 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 homebuyers and non-residential property owners, even during the dormant period.

Or

c. Direct funding. Before final inspection or occupancy of the first dwelling (except for up to ten model homes), the Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full costs of public landscaping maintenance as identified by the approved landscaping budget analysis.

7. Maintenance for Public Landscaping for Major Program Roadways. Before approval of the first Final Map, the Subdivider shall assure that there will be sufficient funding to pay the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways, by entering into an agreement with the City, which shall be recorded

against the entire Tracy Hills KT Project property, which adopts and implements one of the following two options (a. or b.), subject to the approval of the City's Finance Director:

a. CFD. Before final inspection or occupancy of the first dwelling (except for up to ten model homes), Subdivider shall, at its sole expense, form or annex into a Community Facilities District (CFD) for the entire Project area, for funding the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon successful formation, the Property will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment. If funds are needed to pay for such public landscaping maintenance costs before collection of the first Special Services Tax (the "deficit"), then before final inspection or occupancy of the first dwelling (except for up to ten model homes), the Subdivider shall deposit to the CFD (by submittal to the City's Finance Director) the amount of the deficit;

Or

b. Direct Funding. Before final inspection or occupancy of the first dwelling (except for up to ten model homes), the Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full costs of funding the Subdivider's proportionate share of the ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan.

8. Parks. Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that within 18 months following final inspection or occupancy of the first dwelling (except for up to ten model homes), the linear park shall be completed and accepted by the City.

9. Schools. Before issuance of a building permit for each new dwelling, the Subdivider shall document compliance with all applicable school mitigation requirements and provide to the City a certificate of compliance for such requirements from the Jefferson School District and Tracy Unified School District.

10. Public Services. Before approval of the first Final Map, the Subdivider shall do one of the following, subject to the approval of the City's Finance Director:

a. CFD or other funding mechanism. The Subdivider shall enter into an agreement with the City, to be signed by the Finance Director, which shall be recorded against the Property, which stipulates that prior to

issuance of a building permit (except for up to ten model homes), the Subdivider will form or annex into a Community Facilities District (CFD) or establish another lawful funding mechanism that is reasonably acceptable to the City for funding the on-going operational costs of providing Police services, Public Works services and other City services to serve the Project area. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. The Subdivider shall be responsible for all costs associated with the formation or annexation proceedings. Upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment.

Or

b. Direct funding. The Subdivider 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 (except for up to ten model homes), the Subdivider will fund a fiscal impact study to be conducted and approved by the City to determine the long term on-going operational costs of providing Police services, Public Works services and other City services to serve the Project area, and deposit with the City an amount necessary, as reasonably determined by the City, to fund the full costs in perpetuity as identified by the approved study.

If the provisions for adequate funding of the on-going operational costs of providing Police services, Public Works services and other City services are met prior to issuance of the first building permit for the project, 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.

C. Engineering Division Conditions of Approval

C.1. General Conditions

C.1.1. Subdivider shall comply with the applicable requirements of the approved documents, technical analyses/reports prepared for the Project listed as follows:

a) *Tracy Hills Specific Plan,* approved by City Council by Resolution No. 2016-063, dated April 5, 2016, and any amendments thereto.

b) *Tracy Hills Specific Plan Recirculated Draft Subsequent Environmental Impact Report and Addendum to the Subsequent Environmental Impact Report dated February 2020 ("EIR")*

c) *Tracy Hills KT Update Traffic Study,* prepared by Kimley-Horn and Associates, dated September 9, 2020, and any updates or amendments thereto ("Traffic Study").

d) *Tracy Hills KT Property Sanitary Sewer Study Technical Memorandum* prepared by Carollo, dated February 21, 2020 ("*Sanitary Sewer Study*").

e) *Tracy Hills Water Study Technical Memorandum* prepared by West Yost Associates, dated November 8, 2019 ("*Water Study*").

f) *Tracy Hills Storm Drainage Master Plan* prepared by Ruggeri-Jensen-Azar, dated July 2019 and reviewed by Stormwater Consulting, Inc. as outlined in the memo dated January 6, 2020 ("*Storm Drainage Study*")

g) *Citywide Water System Master Plan prepared by West Yost Associates,* dated December 2012.

h) *Plan Line Study – Corral Hollow Road prepared by Ruggeri-Jensen-Azar* ("*Corral Hollow Road Plan Line*").

i) Any Finance Implementation Plan ("FIP"), as described in Section 10.20.060(b)(3)(B) of the Tracy Municipal Code, that is approved by the City Council for the property described in the Tracy Hills KT Property Vesting Tentative Subdivision Map, Application No. TSM20-0002.

j) Amendment to the Tracy Hills Specific Plan for the KT Project, approved by City Council by Resolution No. 2020-___, dated _____, ___, 2020.

C.1.2 Timing of Compliance: The Applicant shall satisfy each of the following conditions prior to filing the first Final Map unless a different time for compliance is specifically stated in these Conditions of Approval. Any condition requiring an improvement that has already been designed, completed or under a City-approved agreement may be considered satisfied at the discretion of the City Engineer. For the purpose of these Conditions of Approval, Final Maps filed solely for financing purposes only, and no permits will be requested pursuant to such final map, then the requirements listed in these Conditions of Approval shall not apply to the final map for financing purposes only.

C.1.3 Revisions to the Vesting Tentative Subdivision Map ("VTSM"): The Subdivider shall incorporate revisions to comply with the recommendations and comments in the Traffic Study prior to approval of the VTSM.

C.2. Improvement Plans

C.2.1. General

The Subdivider shall complete Improvement Plans to comply with all applicable laws, including the City Regulations (defined above) and these Conditions of Approval. Improvement Plans shall contain the design, construction details and specifications of improvements that are required to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.2.2. Site Grading

C.2.2.1 Erosion Control

Grading Plans shall specify the method of erosion control to be employed and materials to be used.

C.2.2.2 Grading and Drainage Plans

Submit a Grading and Drainage Plan prepared by a Registered Civil Engineer and accompanied by the Project's Geo-technical /Soils Engineering report. The report shall provide recommendations regarding adequacy of the site relative to the stability of soils such as soil types and classification, percolation rate, soil bearing capacity, highest observed ground water elevation, and others.

C.2.2.3 When the grade differential between the Project site and the adjacent property(s) exceeds 12 inches, a reinforced or masonry block wall, engineered slope, or engineered retaining wall is required for retaining soil. The Subdivider shall submit Retaining Wall Plans that includes the construction detail(s) and structural calculations of the retaining wall or masonry wall for City's review and approval.

C.2.2.4 If an engineered slope is used to retain soil on adjacent property outside the Project boundary, a slope easement will be necessary from the adjacent property. The Subdivider shall obtain a slope easement from owner(s) of the adjacent and affected property(s) and show the slope easement on the Final Map.

C.2.2.5 If applicable, show existing irrigation structure(s), channel(s) and pipe(s) that are to remain or relocated or to be removed, after coordinating with the irrigation district or owner of the irrigation facilities. If there are irrigation facilities including tile drains, that are required to remain to serve existing adjacent

agricultural uses, the Subdivider shall design, coordinate and construct required modifications to the facilities to the reasonable satisfaction of the owner of the irrigation facilities and the City.

C.2.3. Grading Permit

The City will not accept a grading permit application for the Project as complete until the Subdivider has provided all relevant documents related to the grading permit required by the City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer.

C.2.4. Storm Drainage

C.2.4.1 Site grading shall be designed such that the Project's storm drainage overland release point will be directed to storm drainage easement or to public streets. If overland release is intended to be onto DWR property adjacent to the Project, Subdivider shall submit to the City documentation from DWR approving such discharge overland release onto DWR property as required by the City Engineer.

C.2.4.2 All permanent underground storm drainage lines and structures to be maintained by the City shall be located within right-of-way to be dedicated to the City or within an easement. If applicable, interim facilities and storm drain lines and collection basins shall be maintained by the Subdivider.

C.2.4.3 Storm drainage plans are to be submitted with the required hydrologic and hydraulic calculations for the sizing of storm drainage pipe(s) and shall comply with Storm Drainage Study and City Regulations.

C.2.4.4 Since the Project will construct a terminal retention basin, it has been determined that the Project will be exempt from the Post Construction Stormwater Quality Standards. However, should new Federal or State regulations come into effect during the buildout of the Project that would require future compliance, then the Project would not be exempted from those new requirements.

SWPPP's shall be implemented during project construction. In addition, the Project may implement stormwater control measures such as disconnected roof leaders, non-contiguous street sidewalks (providing landscape strips/parkways), tree planting in parkways and use of drought tolerant landscape with drip irrigation systems and "intelligent" controllers. Similarly, public education measures regarding the damaging

effects of pollutants to water quality may also be implemented.

C.2.4.5 All Storm Water structural and construction details that are not part of the City Standard Plans or City Design Standards shall be provided by the Subdivider and submitted to the City for approval as part of the improvement plans.

C.2.4.6 Storm drainage Retention Basin shall be contained within storm drainage parcels suitable for dedication to the City of Tracy. This basin shall be provided with appropriate fencing with warning signs, access roadways to and from public roadways and access roadways into the ponds for maintenance purposes as approved by the City Engineer. All storm drainage inlets into this basin shall have inlet structures with design acceptable to the City Engineer.

C.2.4.7 Fixed vertical sediment depth markers shall be installed near discharge points into the Retention Basin to assist with measurements of sediment deposition over time and future assessments of the need for maintenance activities.

C.2.5. Sanitary Sewer

C.2.5.1 All sanitary sewer lines and associated improvements shall be designed and installed per the Sanitary Sewer Study and City Regulations. Before approval of Final Map(s) for the Project, Subdivider shall submit improvement plans and obtain approval for the plans for all on-site sewer improvements.

C.2.5.2 The Subdivider shall design and construct the Sanitary Sewer Pump Station (SSPS) with sufficient capacity to service the Project per City Standards and Sanitary Sewer Study. This Pump Station shall be constructed on land to be dedicated by Subdivider, as approved and required by the City. Upon satisfactory completion of the SSPS improvements, as determined by City, the City will accept the land dedication and SSPS improvements for maintenance. Maintenance of the SSPS shall be included in the Community Facilities District (CFD) to be established for the Project.

C.2.5.3 No final inspection of any residential building will be performed or certificate of occupancy for commercial building will be issued, with the exception of Model Homes, until the improvements listed above are completed and functional, as determined by the City Engineer.

C.2.5.4 Subdivider shall pay impact fees at the time of issuance of building permit. In addition, the Subdivider shall pre-pay impact fees for wastewater treatment for all remaining residential lots no later than one year after issuance of first building permit for production home.

C.2.5.5 Prior to the City's approval of the first Final Map within Project, the Subdivider shall dedicate to the City utility maintenance easements necessary for all sanitary sewer lines (gravity or force mains). All requirements relating to the access and maintenance by the Utilities Department and Public Works Department shall be incorporated into the improvement plans.

C.2.5.6 Subdivider shall coordinate with Utilities Department and Public Works Department for determining the access, parking, security fencing, lighting and other related improvements at the Sanitary Sewer Pump Station. The requirements identified shall be incorporated into the design of the SSPS for review and approval by the City Engineer.

C.2.5.7 Parcel "B" (Sanitary Sewer Lift Station) access road shall be paved with structural section per City standards adequate to support maintenance vehicles accessing the Retention basin and the SSPS.

C.2.6. Water Distribution System

C.2.6.1 All potable water lines and associated improvements as identified in the Water Study (Water Line Improvements) shall be designed and installed per City Regulations.

C.2.6.2 During the construction phases (vertical construction) of the Project, the Subdivider shall be 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.

C.2.6.3 Prior to approval of each Final Map, the Subdivider shall submit calculations and improvement plans as required by the Fire Marshal and the City Engineer, and obtain a letter from the Fire Marshal that the fire flow parameters per Tracy Design Standards Section 6.02 are met for the phased construction of water lines to the satisfaction of the Fire Marshal.

C.2.6.4 Subdivider shall install Recycled Water mains in Street "D" required to serve the Project.

Initially, the 8-in Recycled Water Main will be connected to a potable water supply (with a stub in place to future recycled water) as approved by the City until the program backbone Recycled Water facilities are in place. Once the Recycled Water system network is online the 8-in Recycled Water distribution main will be disconnected from the Potable Water system and connected to the Recycled Water System as part of the Recycled Water Project by the City.

C.2.6.5 Domestic and Irrigation Water Services – The HOA will be responsible for the repair and maintenance of all valves, fittings on services related to landscaping on all parcels to be owned by HOA and within HOA easements.

C.2.6.6 Where pressures at individual water services will be 80 psi or more, the Subdivider shall provide pressure-reducing valves at the location approved by the City Engineer. The design of the individual pressure reducing valves for services shall be subject to approval by the Building Official.

C.2.6.7 Fire Service Line – The Subdivider shall design and install fire hydrants at the locations approved by the Fire Marshal. Before the approval of the Improvement Plans, the Subdivider shall obtain written approval from the Fire Marshal for the design, location and construction details of the fire service connections to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.2.7. Street Improvements

C.2.7.1 Subdivider is required to design and construct on-site and frontage roadway improvements to serve the Project as identified in the Traffic Study and these Conditions of Approval. All improvements shall comply with City Regulations, and Tracy Hills Design Standards. Such improvements shall include, but are not limited to, roadways, water distribution system, sewer system, storm drainage systems, curb and gutter, sidewalks, street lighting system, traffic signals, ITS systems, pavement and crosswalk striping, bicycle lanes and trails, roadway signage and street signs, median islands, turn lanes, landscaping, and all necessary related improvements as required by the City. Timing of completion of street improvements shall comply with these Conditions of Approval.

C.2.7.2 Corral Hollow Road Right of Way

Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by City Council on November 26,

2012, pursuant to Resolution No. 2012-240, amended on November 19, 2013, Corral Hollow Road will be a 4-lane major arterial street with a raised median, sidewalks, bicycle facilities and landscaping, and depicted Corral Hollow Road Plan Line.

The Corral Hollow Road Plan Line established the amount of right-of-way to be dedicated from the Project along Corral Hollow Road. The Subdivider shall dedicate all rights-of-way necessary for the widening of Corral Hollow Road along the entire frontage of the Property on Corral Hollow Road. The dedication shall include additional right-of-way for turn lanes and transitions where applicable. If required, the Subdivider shall also dedicate right-of-way for construction of intersection improvements including traffic signal modifications at Tracy Hills Road / Corral Hollow Road for buildout requirements.

The Subdivider shall be eligible for fee Credits and/or reimbursements for right-of-way dedication beyond Project's frontage obligation per the CRTMP requirements. Temporary / interim improvements are not eligible for fee credits or reimbursements.

C.2.7.3 Abandonment of Right-of way on Corral Hollow Road

The Subdivider shall submit request to the City for vacation of existing Corral Hollow Road right-of-way and pay for all costs of processing of vacation of right-of-way and recordation of documents.

Potential impacts to access to adjacent parcels (Sellick APN 253-100-09) due to abandonment of Corral Hollow Road right-of-way (such as providing curb cut/ driveway on Street "D" or other improvements as deemed necessary by the City Engineer) shall be mitigated as approved by the City. All costs of such mitigations shall be paid for by the Subdivider.

C.2.7.4. Corral Hollow Road Improvements

The Subdivider shall design and construct the Corral Hollow Road Improvements in accordance with the Traffic Study, Corral Hollow Road Plan Line and City Regulations.

The improvements will include, but are not limited to, construction of asphalt concrete pavement, traffic signal modifications, pavement markings and striping, traffic signage, street lighting, roadway section construction and/or replacement, asphalt concrete overlay (where required), pavement transitions and other street and utilities

improvements that are required to serve the Project based on the phasing plan approved by the City Engineer.

Roadway design shall conform to STAA truck traffic requirements and Caltrans requirements.

C.2.7.5. Corral Hollow Road Improvements for Residential Units

Prior to issuance of final inspection or occupancy of Model Homes and residential units, the Subdivider shall complete the following Corral Hollow Road Improvements to provide adequate and safe traffic conditions on Corral Hollow Road to the satisfaction of the City Engineer.

Subdivider shall prepare improvement plans for Corral Hollow Road Improvements and obtain approval by the City Engineer before approval of the first Final Map within the Project.

a. Corral Hollow Road/Tracy Hills Drive/ Street D:

1. Southbound: One left turn, one right turn and one through lane.
2. Northbound: One left turn, one right turn and one through lane.
3. Westbound: One left turn, one shared through and right turn lane. However, this layout may result in interim curb, signal and pedestrian crossing, which will be funded by the project as interim improvements. The developer must provide intersection layouts indicting this geometry for review. The layouts must show the ultimate layout as well.
4. Eastbound: Same as existing - One shared through and right turn lane, two left turn lanes.
5. Signal timing: Modified signal timing plans for AM and PM and school midday.
6. Add signal poles and curb/sidewalk as required.

b. Corral Hollow Road/Street A (RIRO Driveway):

1. Northbound: One right turn lane to separate through traffic from right turning vehicles.
2. Provide a raised median on Corral Hollow Drive to prevent left turns in and out of the site.

3. Westbound: one right turn lane exiting the development.

C.2.7.6. Corral Hollow Road Improvements for Commercial Parcels

Prior to issuance of final occupancy of for any buildings on the Commercial parcels, the Subdivider shall complete the following Corral Hollow Road Improvements to provide adequate and safe traffic conditions on Corral Hollow Road to the satisfaction of the City Engineer.

a. Corral Hollow Road/Tracy Hills Drive/ Street D:

1. Southbound: Two left turns, one right turn, and one through lane.
2. Northbound: Two left turns, one right turn, and one through lane.
3. Westbound: One through, one left, and one right turn lane.
4. Eastbound: Same as existing - One shared through and right turn lane, two left turn lanes.
5. Signal timing: Modified signal timing plans for AM and PM and school midday.
6. Add signal poles and curb/sidewalk as required.

C.2.7.7. Fee Credits and/or reimbursements for eligible costs of improvements beyond Project's frontage obligation per the CRTMP, will be determined based on the improvement plans to be approved by the City Engineer. Interim improvements are not eligible for fee credits or reimbursements and are the sole responsibility of the Subdivider.

C.2.7.8. Pavement Repaving/ Overlay on Corral Hollow Road

Subdivided shall pay its fair share of $50,000 towards the estimated cost of r repaving/ overlay from I-580 south right-of-way line to southerly City Limits as directed by the City Engineer.

C.2.7.9 In order to guarantee completion of the Corral Hollow Road Improvements, the Subdivider shall enter into an improvement agreement (SIA or OIA) and post an improvement security in the amounts and form in accordance with section 12.36.080 of the TMC and as required by these Conditions of Approval. The Subdivider shall submit the signed and notarized OIA with the

necessary improvement security before approval of the first Final Map within the Project.

C.2.7.10 For any Corral Hollow Road Improvements considered frontage improvements (such as Subdivider's Frontage Obligation per the CRMP including landscape improvements behind the curb) that are not constructed or security posted with OIA at the time of approval of the first Final Map, the Subdivider shall enter into a DIA with the City.

The Subdivider shall submit the signed and notarized DIA before approval of the first Final Map within the Project. The Subdivider shall post improvement security in the amounts and form in accordance with TMC section 12.36.080 at the times specified in the DIA.

C.2.7.11 Traffic Control Plan

Before starting any work within City's right-of-way on Corral Hollow Road, the Subdivider shall submit a Traffic Control Plan for each phase of work, to show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California. Subdivider shall comply with Caltrans requirements and standards for any work conducted within Caltrans ROW.

C.2.7.12 The Subdivider shall design and construct Corral Hollow Road Improvements to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (CHDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), the Applicable Law, and these Conditions of Approval.

C.2.7.13 The Tracy Hills Specific Plan EIR ("EIR") identifies the Project's traffic impacts that are to be mitigated by the Subdivider. The mitigation measures are summarized in Table 4.13-68, Transportation & Circulation EIR Mitigation Matrix. Subdivider shall comply with the applicable mitigation measures as outlined in the Traffic Study.

C.2.7.14 As the properties north of the Project along Corral Hollow Road develop, City will install fiber-optic lines to connect signals on Corral Hollow Road. In the interim, at the time of installation of traffic signals at Corral Hollow Road / Tracy Hills Drive, the Subdivider shall provide a functional communication system acceptable to the City Engineer, to

connect the City's Traffic Control Management Center (TCMC) located at the City Hall to the traffic signal. Any required improvements at the TCMC to facilitate communications in the interim condition that is not part of the Master Plan Facilities, shall be installed at Subdivider's cost, and no fee credits or reimbursements will be applicable.

C.2.7.15 Bus shelter and turnout on Corral Hollow Road

The bus shelter and turnout on Corral Hollow Road shall be constructed as part of the Frontage Improvements on Corral Hollow Road. The City will provide the construction details and materials specifications of the bus shelter. Timing of construction of bus shelters will be determined in the future based on the extension of TRACER's Fixed Route to serve the Project. In order to assure completion of construction of the bus shelters, the Subdivider may either enter into a DIA with security, or pay to the City the estimated cost for bus shelter on Corral Hollow Road at the time of approval of the first Final Map within the Project.

C.2.7.16 Encroachment Permit

Before starting any work to be performed and improvements to be constructed within City's right-of-way, the Subdivider shall obtain an Encroachment Permit from the City. The Subdivider or its authorized representative shall submit all documents that are required to process the Encroachment Permit including but not limited to, approved Improvement Plans, Traffic Control Plan, payment of engineering review fees, copy of the Contractor's license, Contractor's Tracy business license, and certificate of insurance naming the City of Tracy as additional insured or as a certificate holder.

C.2.7.17 Dead-End Streets. A standard barricade and guardrail with appropriate traffic sign will be required at street ends. Alternatively, turnarounds/ hammerheads meeting the requirements of Fire Marshal shall be provided at the dead-end streets.

C.2.7.18 In-tract Streets. The Subdivider shall dedicate all rights-of-way that are necessary to construct all the in-tract streets based on cross sections shown on the Vesting Tentative Subdivision Map with the Final Map for the respective phase. The width of travel lanes, street median, landscaping strip and sidewalk shall be in accordance with the Vesting Tentative Subdivision Map and Tracy Hills Specific Plan.

Design and construction details of the in-tract streets such as asphalt concrete pavement, curb, gutter, sidewalk, street light, water main, fire hydrant, landscaping with automatic irrigation system, storm drain, catch basin and drop inlets, sanitary sewer main and lateral, water main, individual water service and meter, pavement marking and striping, traffic sign, driveway, handicap ramp and other street improvements shall comply with City Regulations and shall be shown on the Improvement Plans.

C.2.7.19 Emergency/ Utility Vehicles Access at Street "C" and Street "E" Intersection: Access at this intersection shall be limited to emergency/utility vehicles only by the installation of turf blocks with vegetation designed to withstand vehicle loads as required by the City Engineer. The access shall be designed with either lockable bollards or gate with knox-box control as determined by the Fire Marshal and the City Engineer. The maintenance and replacement costs for the access area including sidewalk, rolled curb, turb blocks and access control shall be the responsibility of the HOA , or estimated costs as acceptable to the City shall incorporated into the CFD.

C.2.7.20 For all phases of the Project, the Subdivider shall install sidewalk to provide pedestrian circulation connecting the subdivisions sidewalks to the CH sidewalk and to the Corral Hollow Road/ Tracy Hills Road Intersection. Crosswalks on Corral Hollow Road to provide pedestrian access to the Tracy Hills Phase 1a subdivision should be provided. Timing and design of pedestrian access shall be as determined by the City Engineer based on the Phasing Plan.

C.2.7.21 All intersections shall be designed to accommodate fire truck movements as required by the Fire Department.

C.2.7.22 Subdivider must provide and verify sight distances, where applicable, with regard to intersections, reverse lots and fence placements as required by the City Engineer.

C.2.8. Public Utility Easements

C.2.8.1 Undergrounding of Overhead Utilities. Any existing overhead lines and poles within the Project boundaries and on the west side of Corral hollow Road within the Project frontage shall be removed or undergrounded.

C.2.8.2 All private utility services to serve the Project such as electric, telephone and cable TV to the building must be installed underground, within right-of-way or a dedicated

Public Utility Easement (PUE) and at the location approved by the City and the respective owner(s) of the utilities.

The Subdivider shall submit improvement plans for the installation of electric, gas, telephone and TV cable lines that are to be installed under the sidewalk or within the PUE. Underground utility conduits may be installed under the sidewalks, and underground boxes and structures may be located in the landscaped parkway next to the curb. All above-ground boxes and facilities shall be behind the sidewalk and within the PUE. Pop-outs to provide additional width of PUE where required to accommodate larger above-ground structures will be permitted subject to review and approval by Public Works Director and the City Engineer. Before approval of the first Final Map, the Subdivider shall complete the necessary coordination work with the respective owner(s) of the utilities to for approval.

C.2.8.3 Public Utility Easements on sideyard lots shall be adjusted/ eliminated in final neighborhood designs based on actual joint trench design requirements.

C.2.8.4 The Subdivider shall take necessary actions to accomplish existing DWR easement to be quitclaimed prior to recordation of first Final Map within the Project. If not accomplished prior to first Final Map, the Subdivided shall submit documentation that DWR will quitclaim the easement prior to City's acceptance of the Retention Basin. All costs of the process for the quitclaim shall be borne by the Subdivider.

C.3. Final Map

The City will not approve any Final Map until the Subdivider demonstrates, to the satisfaction of the City Engineer, that all the requirements set forth in these Conditions of Approval are completed, including, but not limited to the following:

C.3.1. Subdivider has submitted one reproducible (mylar) copy of the approved tentative subdivision map for the Project after Subdivider's receipt of a notification of approval of the Tentative Subdivision Map. The signature of the owner of the Property on the Tentative Subdivision Map shall indicate the owner's consent to the preparation of the Tentative Subdivision Map and the proposed subdivision of the Property.

C.3.2. Each Final Map is prepared in accordance with the applicable requirements of the Tracy Municipal Code, these Conditions of

Approval, all other applicable City Regulations, and in substantial conformance with the Tentative Subdivision Map.

C.3.3. Each Final Map includes and shows offer(s) of dedication of all right(s)-of-way and/or temporary or permanent easement(s) required by the Improvement Plans and Final Map, in accordance with City Regulations and these Conditions. If construction easement(s) is/are shown, it/they shall indicate the termination date of the construction easement(s).

C.3.4. 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 separate points adjacent to or within the Property described by the Final Map.

C.3.5. Subdivider has submitted a signed and stamped Engineer's Estimate that show construction cost of subdivision improvements that are described in Conditions C.2 above, plus 10% for construction contingencies.

C.3.6. Subdivision Improvement Agreement

Before the City's approval of any Final Map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the Final Map), and post all required improvement security in accordance with City Regulations.

C.3.7. Phasing Plan and Deferred Improvement Agreement

Prior to Subdivider's submittal to the City of the first Final Map for City approval, Subdivider shall submit for the City Engineer's review and reasonable approval a phasing plan for the submittal of all Final Maps to be filed for this Vesting Tentative Subdivision Map. The phasing plan may be subject to subsequent modifications based on market conditions, the rate of development, and Subdivider's disposition of the parcels created by the Final Maps. Prior to the City's approval of the first final map within the Project, the Subdivider shall execute a Deferred Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement) which are required by these Conditions of Approval. The Deferred Improvement Agreement shall identify timing requirements for construction of all remaining public facilities, in conformance with the phasing plan submitted by the Subdivider and approved by the City Engineer.

C.3.8. Improvement Security

The Subdivider shall provide improvement security for all public facilities, as required by Subdivision Improvement Agreement or Offsite Improvement Agreement. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with City Regulations. The amount of the improvement security shall be as follows:

C.3.8.1 Faithful Performance (100% of the estimated cost of constructing the public facilities).

C.3.8.2 Labor & Material (100% of the estimated cost of constructing the public facilities).

C.3.8.3 Warranty (10% of the estimated cost of constructing the public facilities).

C.3.8.4 Monumentation ($750 multiplied by the total number of street centerline monuments that are shown on the Final Map).

C.3.9. Subdivider has paid engineering review fees including improvement plan checking, final map review, agreement processing, and all other fees required by these Conditions of Approval and City Regulations.

C.3.10. Subdivider has submitted technical or materials specifications, cost estimate, and technical reports related to the design of improvements that are shown on the Improvement Plans and as required by these Conditions.

C.3.11. Subdivider has submitted hydrologic and storm drainage calculations for the design and sizing of in-tract storm drainage pipes located within the Project.

C.3.12. Subdivider has submitted signed and stamped Improvement Plans.

C.3.13. Signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA.

C.3.14. Signed and notarized Deferred Improvement Agreement (DIA) and Improvement Security, to allow deferment of completion of improvements as required by these Conditions of Approval. The form

and amount of Improvement Security shall be in accordance with the DIA and Section 12.36.080 of the TMC.

C.4. Grading and Encroachment Permit

No applications for grading and encroachment permits will be accepted by the City as complete until the Subdivider has provided all documents required by these Conditions and City Regulations, to the reasonable satisfaction of the City Engineer, including, but not limited to, the following:

C.4.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of and stamped and signed by a Registered Civil Engineer.

C.4.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.

C.4.3. Three sets of the Storm Water Pollution Prevention Plan (SWPPP) identical to the reports submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID). After the completion of the Project, the Subdivider 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.

C.4.4. 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 Subdivider. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008 and any subsequent amendment(s), and the City Regulations.

C.4.5. Two sets of the Project's Geotechnical Report signed and stamped by a licensed Geo-technical Engineer licensed to practice in the State of California. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, percolation rate, roadway section construction recommendations and elevation of the highest observed groundwater level.

C.4.6. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) as required in Mitigation Monitoring and Reporting Program of the Tracy Hills Specific Plan Final Environmental Impact Report (TH-EIR).

C.4.7. Two sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system.

C.4.8. Reasonable written permission from irrigation district or affected owner(s), if applicable. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.

C.4.9. Written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), if applicable. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection.

C.4.10. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar) that incorporate all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.4.11. Two sets of structural calculations for drainage structures and retaining walls within street right-of-way and retention basins signed and stamped by a Structural Engineer licensed in the State of California.

C.4.12. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

C.4.13. Check payment for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on April 15, 2014, per Resolution No. 2014-059.

C.4.1.4. Traffic Control Plan for each phase signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.

C.4.15. As required per Mitigation Measure 4.8-2a of the EIR, the Subdivider shall submit, prior to issuance of grading permits, a Phase II ESA focused on soil sampling conducted near the location of the underground crude oil pipelines, as determined by a qualified Phase II/Site Characterization specialist.

C.4.16. As required per Mitigation Measure 4.8-2b of the EIR, prior to issuance of grading permits, the Subdivider shall work with Conoco Phillips to implement and observe a site damage prevention plan to the satisfaction of the City of Tracy Engineering Division.

C.5. Building Permit

The City will not approve any building permit within the Project boundaries until a Final Map is approved by the City Council and it is recorded at the San Joaquin County Recorder's Office, and the Subdivider demonstrates, to the reasonable satisfaction of the City Engineer, compliance with all the required Conditions

C.5.1. Check payment of the applicable City Wide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park Development Impact Fees (adopted by Resolution No. 2014-010) as these relate to the Project and as required by these Conditions of Approval.

C.5.2. Check payment of applicable Regional Transportation Impact Fees (RTIF) as required in the Mitigation Monitoring and Reporting Program of the Final Environmental Impact Report, these Conditions of Approval, and the Settlement Agreement per C1.1.k above.

C.5.3. Check payment of any applicable Agricultural Mitigation Fee as required in Chapter 13.28 of the Tracy Municipal Code and Mitigation Measure AG 4.2.1 of the EIR and these Conditions of Approval.

C.5.4. Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC.

C.5.5. The Project developer(s) shall be required to pay the Transportation Impact Fee established pursuant to the written Agreement by and between the City of Tracy, LTA, the Sierra Club, the County of Alameda, and the City of Livermore to the City of Tracy prior to issuance of building permits for any residential portion of the Project.

C.6. Final Building Inspection

The City will not perform final building inspection (except for Model Homes) until after the Subdivider provides documentation which demonstrates, to the reasonable satisfaction of the City Engineer, that:

C.6.1. The Subdivider has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested or a final building inspection has to be performed unless otherwise defined herein. Unless specifically provided in these Conditions, or the City Regulations, the Subdivider shall take all

actions necessary to construct all public facilities required to serve the Project, and the Subdivider 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. Temporary or Final Building Certificate of Occupancy

No Final Building Inspection shall be performed or a Temporary or Final Building Certificate of Occupancy will be issued (except for Model Homes) by the City until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

C.7.1 The Subdivider has satisfied all the requirements set forth in these Conditions of Approval.

C.7.2. The Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested, unless otherwise defined herein. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Subdivider shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Subdivider shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.8. Acceptance of Public Improvements

Public improvements will not be considered for City Council's acceptance until after the Subdivider demonstrates to the reasonable satisfaction of the City Engineer, completion of the following:

C.8.1. All the public improvements shown on the Improvement Plans are completed and all the deficiencies listed in the deficiency report prepared by the assigned Engineering Inspector are all corrected.

C.8.2. Subdivider has completed the 90-day public landscaping maintenance period.

C.8.3. Subdivider has submitted Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements.

C.8.4. Where applicable, signed and notarized Grant Deed(s) with legal description(s) and plat maps for the offer of dedication of right-of-way, and Grant of Easements as required per these Conditions of Approval and City Regulations, or dedications shown on the Final Map.

C.9. Release of Improvement Security

City will release Improvement Security(s) to the Subdivider after City Council's acceptance of public improvements, both on-site and off-site, in accordance with TMC section 12.36.080, upon written request and submittal of the recorded Notice of Completion.

C.10. Special Conditions

C.10.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, except as otherwise specifically approved in the Tracy Hills Specific Plan.

C.10.2. When street cuts are made for installation of utilities, the Subdivider is required to install 2 inches thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides and for the entire length of the utility trench. A 2 inches deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. If the utility trench extends beyond the median island, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street.

C.10.3. 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. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Developer's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).

C.10.4. Benefit District

The Subdivider may make a written request to the City for the formation of a Benefit District, before the approval of the final map and improvement plans for the public facility(s) considered to be oversized that benefits other property(s) or development(s). Reimbursement request(s) will be processed in accordance with TMC Chapter 12.60.

C.10.5. The CFD or HOA shall pay for the future costs of maintenance including PG&E charges for all new streetlights and new traffic signals to be installed by the Project.

C.10.6. Nothing contained in these Conditions shall be construed to permit any violation of City Regulations. Subject, however, to City Regulations, this Condition does not preclude the City from requiring pertinent revisions and additional requirements to the final map, improvement agreements, and improvement plans, before the City Engineer's signature on the final map and improvement plans, if the City Engineer finds it necessary due to public health and safety reasons. (Government Code section 66498.6.) The Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

EXHIBIT C

(Deferred Improvements)

DEFERRED IMPROVEMENT AGREEMENT
TRACY HILLS - KT, TRACT 4037

I. Work: Time for Commencement and Performance

The Work described in this Exhibit "C" (hereinafter "Deferred Improvements") shall be completed within the timelines as specified in this Exhibit "C" of this Agreement. Applicable Conditions of Approval included in this Exhibit "C" refer to the Conditions of Approval for Vesting Tentative Subdivision Map TSM20-0003 attached hereto as Exhibit "B". The City shall have no obligation to construct or completed the Deferred Improvements.

II. Description of Work

A. Parks (Condition No. B.8)

Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that within 18 months following final inspection or occupancy of the first dwelling (except for up to ten model homes), the linear park shall be completed and accepted by the City.

B. Abandonment of Right-of way on Corral Hollow Road (Condition No. C.2.7.3)

The Subdivider shall submit request to the City for vacation of existing Corral Hollow Road right-of-way and pay for all costs of processing of vacation of right-of-way and recordation of documents. Vacation shall be recorded prior to City's acceptance of Corral Hollow Road improvements as complete.

Potential impacts to access to adjacent parcels (Sellick APN 253-100-09) due to abandonment of Corral Hollow Road right-of-way (such as providing curb cut/ driveway on Street "D" or other improvements as deemed necessary by the City Engineer) shall be mitigated as approved by the City. All costs of such mitigations shall be paid for by the Subdivider.

C. Corral Hollow Road Improvements for Residential Units (Condition No. C.2.7.5)

Prior to final inspection or occupancy of the first residential unit, the Subdivider shall complete the following Corral Hollow Road Improvements to provide adequate and safe traffic conditions on Corral Hollow Road to the satisfaction of the City Engineer.

Subdivider shall prepare improvement plans for Corral Hollow Road Improvements and obtain approval by the City Engineer before approval of the first Final Map within the Project.

1. Corral Hollow Road/Tracy Hills Drive/ Street D:

    a. Southbound: One left turn, one right turn and one through lane.

b. Northbound: One left turn, one right turn and one through lane.

c. Westbound: One left turn, one shared through and right turn lane. However, this layout may result in interim curb, signal and pedestrian crossing, which will be funded by the project as interim improvements. The developer must provide intersection layouts indicting this geometry for review. The layouts must show the ultimate layout as well.

d. Eastbound: Same as existing - One shared through and right turn lane, two left turn lanes.

e. Signal timing: Modified signal timing plans for AM and PM and school midday.

f. Add signal poles and curb/sidewalk as required.

2. Corral Hollow Road/Street A (RIRO Driveway):

a. Northbound: One right turn lane to separate through traffic from right turning vehicles.

b. Provide a raised median on Corral Hollow Drive to prevent left turns in and out of the site.

c. Westbound: one right turn lane exiting the development.

D. Traffic Mitigation Measures (Condition No. C.2.7.13)

The Tracy Hills Specific Plan EIR ("EIR") identifies the Project's traffic impacts that are to be mitigated by the Subdivider. The mitigation measures are summarized in Table 4.13-68, Transportation & Circulation EIR Mitigation Matrix. Subdivider shall comply with the following applicable mitigation measures as outlined in the Traffic Study.

1. MM 4.13-5a:

a. Intersection #1, Corral Hollow Road/I-580 EB Ramps
Implementation Trigger: 2,588 Peak Hour Trips

b. Intersection #2, Corral Hollow Road/I-580 WB Ramps
Implementation Trigger: 2,588 Peak Hour Trips

2. MM 4.13-5b:

a. Corral Hollow Road between S. Tracy Hills Road and Golden Leaf Lane, and Lammers Road between I-580 and Kimball High School.
Implementation Trigger: 2,588 Peak Hour Trips

b. Corral Hollow Road between I-580 and just north of Linne Road.
Implementation Trigger: 2,588 Peak Hour Trips

3. MM 4.13-6a:

a. Intersection #1, Corral Hollow Road/I-580 EB Ramps
Implementation Trigger: 2,588 Peak Hour Trips

b. Intersection #2, Corral Hollow Road/I-580 WB Ramps
Implementation Trigger: 2,588 Peak Hour Trips

4. MM 4.13-15g:

a. Corral Hollow Road Bicycle/Pedestrian Facilities
Implementation Trigger: 2,588 Peak Hour Trips

E. Bus shelters and turnouts on Corral Hollow Road (Condition No. C.2.7.15)

Two (2) bus shelters and turnouts on Corral Hollow Road shall be constructed as part of the Frontage Improvements on Corral Hollow Road. The City will provide the construction details and materials specifications of the bus shelters. In order to assure completion of construction of the bus shelters, the Subdivider may either enter into a DIA with security, or pay to the City the estimated cost for two (2) bus shelters on Corral Hollow Road prior to final inspection or occupancy of first residential unit.

F. DWR Easement Quitclaim (Condition No. C,2.8.4)

The Subdivider shall take necessary actions to accomplish existing DWR easement to be quitclaimed prior to recordation of first Final Map within the Project. If not accomplished prior to first Final Map, the Subdivider shall record the quitclaim of the DWR easement prior to City's acceptance of the retention basin for maintenance. All costs of the process for the quitclaim shall be borne by the Subdivider.

RESOLUTION 2021-_____

APPROVING THE DEFERRED IMPROVEMENT AGREEMENT FOR TRACY HILLS - KT, TRACT 4037, AND AUTHORIZING THE CITY CLERK TO FILE THE DEFERRED IMPROVEMENT AGREEMENT WITH THE OFFICE OF THE SAN JOAQUIN COUNTY RECORDER

WHEREAS, On November 10, 2020, the City Council adopted the Tracy Hills Specific Plan Amendment for the Tracy Hills KT Project and approved various related land use entitlements, including that certain Vesting Tentative Subdivision Map for Tracy Hills KT Project (VTSM), pursuant to Resolution No. 2020-189, and

WHEREAS, Approval of the VTSM was subject to specified conditions of approval (Conditions of Approval) that require the Developer to design and construct certain on-site and off-site improvements connected with the Project, and

WHEREAS, The Developer has applied to the City for approval of a final map based upon the approved VTSM and has executed a Subdivision Improvement Agreement for the on-site public and private facilities required to serve said final map, and

WHEREAS, In accordance with the Conditions of Approval, prior to the City's approval of the first final map within the Project, the Developer is required to execute a Deferred Improvement Agreement (DIA) by which (among other things) the Developer agrees to complete construction of all remaining public facilities which are required by the Conditions of Approval but will not be completed at the time the City Council takes action on the final map, and

WHEREAS, The Developer has requested deferral of certain on-site and off-site public improvements and other requirements (collectively, Deferred Improvements) and has executed the DIA to ensure that the Deferred Improvements will be completed in accordance with the Conditions of Approval, and

WHEREAS, The DIA describes the Deferred Improvements and the times at which the completion of said improvements and other requirements are due, and

WHEREAS, The Developer has paid the applicable engineering review fees, which include the cost of processing the Deferred Improvement Agreement;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves the Deferred Improvement Agreement for Tracy Hills - KT, Tract 4037, and authorizes the City Clerk to file the Deferred Improvement Agreement with the Office of the San Joaquin County Recorder.

* * * * * * * * * * * * *

The foregoing Resolution 2021-_____ was passed and adopted by the Tracy City Council on the 19th day of October, 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

October 19, 2021

AGENDA ITEM 3.A

REQUEST

PUBLIC HEARING TO CONSIDER APPROVING THE TRACY HILLS PHASE 2 PROJECT, WHICH INCLUDES APPROVING A GENERAL PLAN AMENDMENT, INTRODUCING AN ORDINANCE APPROVING A TRACY HILLS SPECIFIC PLAN AMENDMENT, AND APPROVING A VESTING TENTATIVE SUBDIVISION MAP TO CREATE 1,470 SINGLE-FAMILY RESIDENTIAL LOTS AND VARIOUS OTHER PARCELS ON APPROXIMATELY 1,143 ACRES LOCATED SOUTH OF I-580, WEST OF CORRAL HOLLOW ROAD. THE APPLICANT IS JOHN PALMER. APPLICATION NUMBERS GPA21-0001, SPA21-0003, AND TSM20-0003

EXECUTIVE SUMMARY

The Tracy Hills Specific Plan was originally approved in 1998, re-envisioned with a comprehensive update to the Specific Plan in 2016, and has been amended five times since the 2016 approval. This agenda item is a public hearing to consider approving the Tracy Hills Phase 2 Project, which includes approving a General Plan Amendment, introducing an ordinance approving a Tracy Hills Specific Plan Amendment, and approving a Vesting Tentative Subdivision Map to create 1,470 single-family residential lots and various other parcels on approximately 1,143 acres located south of I-580, west of Corral Hollow Road.

DISCUSSION

For this agenda item, the City Council will be asked to consider the following actions regarding the Tracy Hills Phase 2 Project:

- Approval of a General Plan Amendment (Application Number GPA21-0001)
- Approval of a Tracy Hills Specific Plan Amendment (Application Number SPA21-0003)
- Approval of a Vesting Tentative Subdivision Map (Application Number TSM20-0003)

Background

The Tracy Hills Specific Plan was originally approved and annexed to the City in 1998. Development of the Tracy Hills Specific Plan did not begin until after a 2016 update to the Specific Plan. On April 5, 2016, City Council certified an Environmental Impact Report and approved a General Plan Amendment and a comprehensive update to the Tracy Hills Specific Plan. The Tracy Hills Specific Plan Area consists of approximately 2,767 acres located in the vicinity of the existing Corral Hollow Road interchange and the proposed Lammers Road interchange on Interstate 580.

The 2016 update to the Tracy Hills Specific Plan was primarily focused on Phase 1A, which has been under construction for the past few years in the area between the California Aqueduct and I-580. Development of future phases in Tracy Hills is expected to result in further proposed amendments to the Tracy Hills Specific Plan and General

Plan, such as with the KT Project, the Tracy Hills Phase 1B Project, and this agenda item to consider the Tracy Hills Phase 2 Project.

Overview of the General Plan Amendment

The proposed General Plan Amendment includes changes to the General Plan Land Use Designations map, Figure 2-2, for the Tracy Hills Specific Plan Area (Attachment A: General Plan Amendment). The proposed General Plan Amendment includes changes to the Tracy Hills Phase 2 area (located south of I-580, west of Corral Hollow Road), Tracy Hills Phase 1B area (located north of I-580, south of the California Aqueduct, and west of Phase 1A in the vicinity of Tracy Hills Drive), and the Tracy Hills KT Project area (located east of Corral Hollow Road in the vicinity of Tracy Hills Drive).

Within the Tracy Hills Phase 2 area, the proposed General Plan Amendment includes changing the General Plan land use designation on approximately 42 acres from Residential Medium to Residential Low, changing approximately eight acres from Residential Very Low to Residential Low, and relocating and reducing the size of a Commercial area from approximately seven acres to four acres with the remainder being changed to Residential Low. The proposed changes to Phase 2 are necessary to allow for the proposed Vesting Tentative Subdivision Map, described below.

Within the Tracy Hills Phase 1B area, the proposed General Plan Amendment includes changing the General Plan land use designation on approximately 71 acres, known as Villages 10 and 11, from Residential Low to Residential Medium. This proposed amendment is not expected to affect the density of the Phase 1B area, which has an approved Vesting Tentative Subdivision Map that is already consistent with the allowed density range of Residential Medium for Villages 10 and 11. The purpose of the change is to allow the lots to develop in accordance with the minimum setback standards for the Medium Density Residential (MDR-TH) zone, which would be more consistent with the approved small-lot development.

Within the Tracy Hills KT Project area, the proposed General Plan Amendment includes changing the General Plan land use designation on approximately 10 acres from Commercial to Residential Medium. This portion of the KT Project has a Specific Plan zoning of General Highway Commercial (GHC-TH) with a Medium Density Residential Overlay. The Overlay allowed the property to be developed as either commercial or medium density residential. Now that the property has a Vesting Tentative Subdivision Map for medium density residential, which was approved by the City Council in November 2020, the Overlay is no longer needed because the development type has been determined. The proposed General Plan Amendment would remove any potential ambiguity regarding allowed uses for the site.

Overview of the Tracy Hills Specific Plan Amendment

The proposed Tracy Hills Specific Plan Amendment (SPA) includes rezoning land in a manner consistent with the proposed General Plan Amendment, including changes to the Tracy Hills Phase 2 area, Phase 1B area, and the KT Project area. The proposed SPA also includes adding Appendix D, the Phase 2 Design Guidelines, which lays out

the overall conceptual development plan and implementation details for Phase 2 (Attachment B – Tracy Hills Specific Plan Amendment).

Within the Tracy Hills Phase 2 Area, the proposed SPA includes rezoning approximately 42 acres from Medium Density Residential (MDR-TH) to Low Density Residential (LDR-TH), rezoning approximately eight acres from Residential Estate (RE-TH) to Low Density Residential (LDR-TH), and relocating and reducing the size of an area zoned General Highway Commercial (GHC-TH) from approximately seven acres to four acres with the remainder rezoned to Low Density Residential (LDR-TH). The commercial site is planned for a Welcome Center for the Tracy Hills area south of I-580. The proposed changes to Phase 2 are necessary to allow for the proposed Vesting Tentative Subdivision Map, described below.

Within the Tracy Hills Phase 1B Area, the proposed SPA includes rezoning approximately 71 acres, known as Villages 10 and 11, from Low Density Residential (LDR-TH) to Medium Density Residential (MDR-TH). As explained above, this proposed amendment is not expected to affect the density of the Phase 1B area, which has an approved Vesting Tentative Subdivision Map that is already consistent with the allowed density range of Medium Density Residential (MDR-TH) for Villages 10 and 11. The purpose of the change is to allow the lots to develop in accordance with the minimum setback standards for the Medium Density Residential (MDR-TH) zone, which would be more consistent with the approved small-lot development.

The proposed SPA also includes rezoning approximately 10 acres of the KT Project area from General Highway Commercial (GHC-TH) with a Medium Density Residential Overlay to Medium Density Residential (MDR-TH). As explained above, the Overlay allowed the property to be developed as either commercial or medium density residential. Now that the property has a Vesting Tentative Subdivision Map for medium density residential, which was approved by the City Council in November 2020, the Overlay is no longer needed because the development type has been determined. The proposed amendment would remove any potential ambiguity regarding allowed uses for the site.

The proposed SPA also includes minor revisions to the acreages in various zone districts to reflect more precise mapping and boundary information. Additionally, the proposed SPA includes minor clarifications and corrections related to implementation of the project.

Overview of the Vesting Tentative Subdivision Map

The proposed Vesting Tentative Subdivision Map for Tracy Hills Phase 2 includes 1,470 single-family residential lots, four neighborhood parks, a community park, a school site, an open space and trails network, and various other parcels (Attachment C – Vesting Tentative Subdivision Map).

The proposed density is approximately 3.2 dwelling units per gross acre, based on a Phase 2 area of approximately 457 acres. The overall Vesting Tentative Subdivision Map consists of approximately 1,143 acres because it includes large parcels in the Phase 3 area that will be the subject of future subdivision. The Phase 2 subdivision

design includes typical lot sizes ranging from 4,950 square feet to 6,500 square feet. The proposed Vesting Tentative Subdivision Map is consistent with the proposed amendments to the Tracy Hills Specific Plan and the General Plan.

The City conducted a traffic analysis of the proposed project. Engineering staff and consultants will be present during this agenda item to explain the list of necessary traffic improvements and the required timing of such improvements.

Planning Commission Discussion

The Planning Commission held a public hearing to consider the project on October 6, 2021 and recommended that the City Council approve the Tracy Hills Phase 2 Project, which includes approving the General Plan Amendment, introducing an ordinance approving the Tracy Hills Specific Plan Amendment, and approving the Vesting Tentative Subdivision Map.

Environmental Document

An Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 for the Tracy Hills Specific Plan. An Addendum to the EIR has been prepared in accordance with the provisions of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 to address the proposed General Plan Amendment, Tracy Hills Specific Plan Amendment, and the Vesting Tentative Subdivision Map for the Tracy Hills Phase 2 Project. No new significant environmental impacts were identified for the project. Therefore, no further environmental review is necessary.

STRATEGIC PLAN

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

FISCAL IMPACT

The costs of these development applications were funded by a Cost Recovery Agreement with the applicant.

RECOMMENDATION

Staff and the Planning Commission recommend that the City Council approve the Tracy Hills Phase 2 Project by taking the following actions:

- Approve a General Plan Amendment (Application Number GPA21-0001);
- Introduce an ordinance approving a Tracy Hills Specific Plan Amendment (Application Number SPA21-0003); and
- Approve a Vesting Tentative Subdivision Map (Application Number TSM20-0003)

Prepared by: Scott Claar, Senior Planner

Reviewed by: Bill Dean, Interim Development Services Director
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

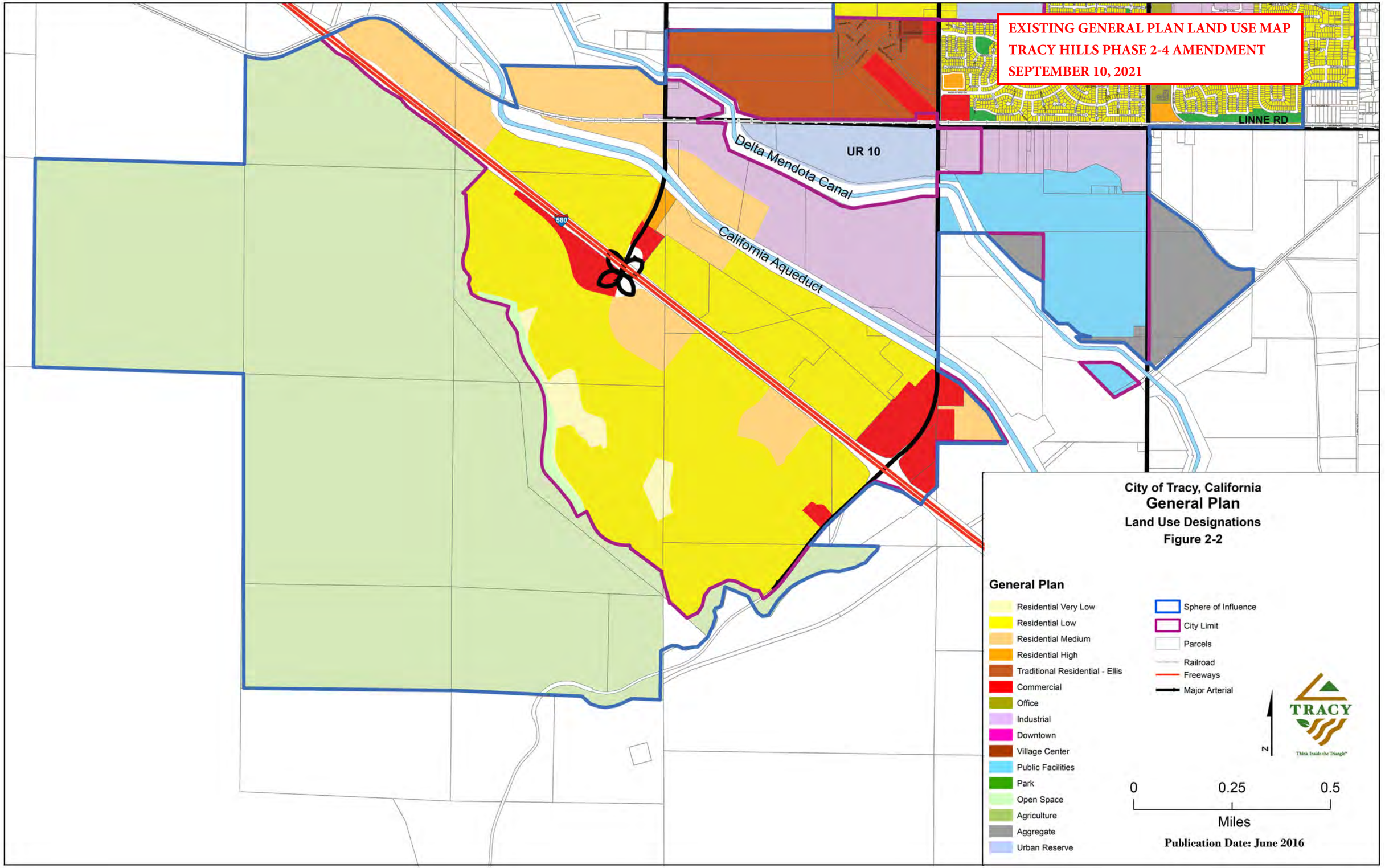
Approved by: Bob Adams, Interim City Manager

ATTACHMENTS:

A – General Plan Amendment
B – Tracy Hills Specific Plan Amendment
C – Vesting Tentative Subdivision Map
D – Addendum to the EIR

Attachment A

EXISTING GENERAL PLAN LAND USE MAP
TRACY HILLS PHASE 2-4 AMENDMENT
SEPTEMBER 10, 2021



City of Tracy, California
General Plan
Land Use Designations
Figure 2-2

General Plan

- Residential Very Low
- Residential Low
- Residential Medium
- Residential High
- Traditional Residential - Ellis
- Commercial
- Office
- Industrial
- Downtown
- Village Center
- Public Facilities
- Park
- Open Space
- Agriculture
- Aggregate
- Urban Reserve
- Sphere of Influence
- City Limit
- Parcels
- Railroad
- Freeways
- Major Arterial

N

TRACY
"Think Inside the Triangle"

0 0.25 0.5
Miles

Publication Date: June 2016

PROPOSED GENERAL PLAN LAND USE MAP
TRACY HILLS PHASE 2-4 AMENDMENT
SEPTEMBER 10, 2021

RESIDENTIAL LOW REVISED TO RESIDENTIAL MEDIUM

RESIDENTIAL VERY LOW REVISED TO RESIDENTIAL LOW

RESIDENTIAL MEDIUM REVISED TO RESIDENTIAL LOW

COMMERCIAL REDUCED AND RELOCATED

GENERAL HIGHWAY COMMERCIAL WITH RESIDENTIAL MEDIUM OVERLAY TO RESIDENTIAL MEDIUM

UR 10

Delta-Mendota Canal

California Aqueduct

LINNE RD

580

205

City of Tracy, California
General Plan
Land Use Designations
Figure 2-2

General Plan

- Residential Very Low
- Residential Low
- Residential Medium
- Residential High
- Traditional Residential - Ellis
- Commercial
- Office
- Industrial
- Downtown
- Village Center
- Public Facilities
- Park
- Open Space
- Agriculture
- Aggregate
- Urban Reserve
- Sphere of Influence
- City Limit
- Parcels
- Railroad
- Freeways
- Major Arterial

N

TRACY
Think Inside the Triangle

0 0.25 0.5
Miles

Publication Date: June 2016

Attachment B

TRACY





TRACY HILLS

Tracy Hills Specific Plan

Approved April 5, 2016 (Tracy Resolution 2016-063)

Amended June 18, 2019, incorporated herein (Tracy Ordinance 1270)

Amended May 19, 2020, incorporated herein (Tracy Ordinance 1286)

Amended July 21, 2020, incorporated herein (Tracy Ordinance 1294)

Amended November 10, 2020, incorporated herein (Tracy Ordinances 1298, 1301, 1302)

Amended June 15, 2021, incorporated herein (Tracy Ordinance 1312)

Draft Amendment September 2021, Phase 2 REDLINE



Tracy Hills Specific Plan

Approved - April 5, 2016

Tracy City Council Resolution 2016-063

City of Tracy
333 Civic Center Plaza
Tracy, California, 95376

TRACY HILLS

Developer and Applicant:

INTEGRAL Communities
John Stanek, Principal
888 San Clemente, Suite 100
Newport Beach, CA 92660

Land Planning and Entitlement

John Palmer
24 W. 10th Street
Tracy, CA 95376

Mike Souza
Souza Realty & Development
672 W. 11th Street
Tracy, CA 95376

Consultants:

Land Planning and Landscape Architecture

FORMA Design, Inc.
151 Kalmus Drive, Suite H5
Costa Mesa, CA 92626
Tel: (714) 673-6200

Project Engineers

Ruggeri-Jensen-Azar
2541 Warren Drive, Suite 100
Rocklin, CA 95677
Tel: (916) 630-8900

Architecture

KTGY Group, Inc.
580 Second Street, Suite 200
Oakland, CA 94607
Tel: (510) 463-2038

TABLE OF CONTENTS

1 INTRODUCTION 1-1

1.1 PURPOSE AND SCOPE OF THE TRACY HILLS SPECIFIC PLAN 1-1

1.2 PROJECT OVERVIEW 1-1

1.3 EXISTING CONDITIONS ..... 1-~~10~~6

1.3.1 Conservation Easement(s) and Protected Open Space ..... 1-~~10~~6

1.3.2 Interstate 580 and Pipeline Easements ..... 1-~~10~~6

1.3.3 California Aqueduct and the Delta-Mendota Canal ..... 1-~~10~~6

1.3.4 Union Pacific Railroad Line ..... 1-~~10~~6

1.4 PROJECT GOALS ..... 1-~~13~~8

1.5 HOW TO USE THIS DOCUMENT ..... 1-~~14~~9

2 ZONING AND DEVELOPMENT STANDARDS 2-1

2.1 RESIDENTIAL ZONING DISTRICTS ..... 2-~~8~~6

2.1.1 Purpose ..... 2-~~8~~6

2.1.2 Permitted and Conditionally Permitted Uses Within Residential Zoning Districts ..... 2-~~8~~6

2.1.3 Development Standards for RE-TH, LDR-TH, MDR-TH, and HDR-TH ..... 2-~~9~~7

2.2 GENERAL HIGHWAY COMMERCIAL ZONING DISTRICT ..... 2-~~10~~8

2.2.1 Purpose ..... 2-~~10~~8

2.2.2 Permitted and Conditionally Permitted Uses Within GHC-TH ..... 2-~~10~~8

2.2.3 Development Standards for GHC-TH ..... 2-~~10~~8

2.3 MIXED USE BUSINESS PARK ZONING DISTRICT ..... 2-~~11~~9

2.3.1 Purpose ..... 2-~~11~~9

2.3.2 Permitted and Conditionally Permitted Uses Within MUBP-TH ..... 2-~~11~~9

2.3.3 Development Standards for MUBP-TH ..... 2-~~11~~9

2.4 LIGHT INDUSTRIAL ZONING DISTRICT ..... 2-~~13~~11

2.4.1 Purpose ..... 2-~~13~~11

2.4.2 Permitted and Conditionally Permitted Uses Within M1-TH ..... 2-~~13~~11

2.4.3 Development Standards for M1-TH ..... 2-~~13~~11

2.5 TRACY HILLS CONSERVATION ZONING DISTRICT ..... 2-~~14~~12

2.5.1 Purpose ..... 2-~~14~~12

2.5.2 Permitted and Conditionally Permitted Uses Within C-TH ..... 2-~~14~~12

2.5.3 Development Standards for C-TH ..... 2-~~14~~12

2.6 OTHER LAND USES ..... 2-~~19~~15

2.6.1 Parks/Recreation ..... 2-~~19~~15

2.6.2 School Sites ..... 2-~~19~~16

2.6.3 Public Infrastructure ..... 2-~~20~~16

2.7 OTHER STANDARDS ..... 2-~~20~~16

2.7.1 Noise ..... 2-~~20~~16

2.8 AIRPORT LAND USE COMPATIBILITY ..... 2-~~20~~16

3 DESIGN GUIDELINES 3-1
3.1 INTRODUCTION 3-1
3.1.1 Purpose and Objectives 3-1
3.2 RESIDENTIAL DESIGN GUIDELINES 3-2
3.2.1 Scale 3-3
3.2.2 Architectural Streetscape 3-5
3.2.3 Variation 3-8
3.2.4 Architectural Character and Styles 3-9
3.2.5 Residential Design Guidelines Checklist 3-17
3.3 MIXED USE BUSINESS PARK ZONING DISTRICT DESIGN GUIDELINES 3-19
3.3.1 Site Design 3-20
3.3.2 Scale 3-22
3.3.3 Architectural Streetscape 3-23
3.3.4 Mixed Use Business Park Zoning District Design Guidelines Checklist 3-26
3.4 LANDSCAPE DESIGN GUIDELINES 3-27
3.4.1 Introduction 3-27
3.4.2 Community Theming and Character 3-28
3.4.3 Landscape Guiding Principles 3-30
3.4.4 Community Monumentation Identity Plan 3-32
3.4.5 Community Monumentation 3-34
3.4.6 Streetscape and Trails 3-43
3.4.7 Edge Conditions / Easements ..... 3-~~51~~52
3.4.8 Conceptual Overall Illustrative Parks and Landscape Plan ..... 3-~~60~~61
3.4.9 Lighting ..... 3-~~70~~71
3.4.10 Furniture ..... 3-~~75~~73
3.4.11 Walls and Fences 3-75
3.4.12 Landscape Master Tree Plan 3-82
3.4.13 Landscape Irrigation 3-84
3.4.14 Utility and Equipment Screening 3-84
3.4.15 Landscape Plant Matrix 3-85
3.4.16 Landscape Design Guidelines Checklist 3-94

4 INFRASTRUCTURE AND SERVICES 4-1
4.1 GENERAL DESCRIPTION 4-1
4.2 ROADWAY SYSTEM 4-1
4.2.1 Roadway System Concept 4-1
4.2.2 Existing Streets 4-1
4.2.3 Planned Streets – Specific Plan Circulation 4-2
4.2.4 Pedestrian and Bicycle Circulation ..... 4-~~17~~14
4.2.5 Public Transportation ..... 4-~~17~~14
4.2.6 Roadway Phasing ..... 4-~~17~~14
4.2.7 Vehicle Trip Reduction and Travel Demand Management ..... 4-~~17~~15

4.3 WATER SUPPLY SYSTEM ..... 4-~~19~~16
4.3.1 Water Demand ..... 4-~~19~~16
4.3.2 Sources of Supply ..... 4-~~19~~16
4.3.3 Distribution and Storage ..... 4-~~19~~16
4.3.4 Level of Service and Timing Standard ..... 4-~~20~~17
4.3.5 Water Supply System Phasing ..... 4-~~20~~17
4.3.6 Trench Requirements ..... 4-~~20~~17
4.4 RECYCLED WATER SYSTEM ..... 4-~~20~~17
4.4.1 Recycled Water ..... 4-~~20~~17
4.5 WASTEWATER COLLECTION AND TREATMENT ..... 4-~~25~~20
4.5.1 Wastewater Collection System and Treatment ..... 4-~~25~~20
4.5.2 Wastewater Treatment ..... 4-~~25~~20
4.5.3 Trench Requirements ..... 4-~~25~~20
4.6 STORM DRAINAGE SYSTEM ..... 4-~~29~~22
4.6.1 Existing Conditions ..... 4-~~29~~22
4.6.2 Collection System ..... 4-~~29~~22
4.6.3 Storm Drainage System Phasing ..... 4-~~30~~23
4.6.4 Quality of Storm Water Discharge ..... 4-~~30~~23
4.7 PUBLIC FACILITIES AND SERVICES ..... 4-~~33~~25
4.7.1 Electricity ..... 4-~~33~~25
4.7.2 Natural Gas ..... 4-~~33~~25
4.7.3 Telephone ..... 4-~~33~~25
4.7.4 Cable Television ..... 4-~~33~~25
4.7.5 Solid Waste ..... 4-~~33~~25
4.7.6 Schools ..... 4-~~33~~26
4.8 PROJECT PHASING ..... 4-~~34~~26
4.8.1 Phase 1A ..... 4-~~34~~26
4.8.2 KT Development 4-26
~~4.8.2~~4.8.3 Phase 1B ..... 4-~~34~~26
~~4.8.3~~4.8.4 Phase 1C ..... 4-~~34~~26
~~4.8.4~~4.8.5 Phase 2 ..... 4-~~34~~26
~~4.8.5~~4.8.6 Phase 3 ..... 4-~~34~~26
~~4.8.6~~4.8.7 Phase 4 ..... 4-~~34~~27
~~4.8.7~~4.8.8 Phase 5 ..... 4-~~34~~27
4.9 INFRASTRUCTURE FUNDING ..... 4-~~37~~27
4.9.1 Funding Sources ..... 4-~~37~~27
4.9.2 Finance and Implementation Plan ..... 4-~~38~~29
4.10 MAINTENANCE ..... 4-~~38~~29
4.10.1 Maintenance Responsibilities ..... 4-~~38~~29
4.11 ENGINEERING DESIGN GUIDELINES ..... 4-~~43~~31

5 ADMINISTRATION 5-1

5.1 THE PERMIT PROCESS 5-1

5.1.1 Tracy Hills Design Guidelines 5-1
5.1.2 Development Review 5-1
5.1.3 Conditional Use Permits 5-1
5.1.4 Tentative Maps 5-1
5.1.5 180-Acre Open Space Area 5-2
5.1.6 Development Phases other than Phase 1A 5-2

APPENDIX

A KT PROJECT A-1
B COMMUNITY GATEWAY ICON B-1
C PHASE 1B C-1
D PHASE 2 ..... D-1

LIST OF FIGURES

1 INTRODUCTION

Figure 1-1 Regional Context Map ..... 1-~~3~~2
Figure 1-2 Vicinity Map ..... 1-~~5~~3
Figure 1-3 Land Use Concept ..... 1-~~7~~4
Figure 1-4 Existing Conditions ..... 1-~~11~~7

2 ZONING AND DEVELOPMENT STANDARDS

Figure 2-1 Zoning Districts ..... 2-~~3~~2
Figure 2-2 ~~100' Wide~~ Conservation ~~Easements~~Lands ..... 2-~~15~~13
Figure 2-3 Conservation Easement Typical Cross Sections ..... 2-~~17~~14
Figure 2-4 Public Facilities Plan ..... 2-~~21~~17
Figure 2-5 Tracy Municipal Airport Land Use Compatibility Zones ..... 2-~~23~~18
Figure 2-6 Medium Density Residential Setbacks Exhibits 2-19

3 DESIGN GUIDELINES

Figure 3-1 Community Identity Signage/Monumentation Key Map - Phase 1A 3-32
Figure 3-2a Primary Community Monumentation 3-38
Figure 3-2b Secondary Community Monumentation 3-39
Figure 3-3 Primary Neighborhood Monumentation 3-40
Figure 3-4 Park Monumentation 3-41
Figure 3-5 Trailhead Marker 3-42
Figure 3-6 Streetscape and Trails Key Map – Phase 1A ..... 3-~~44~~45
Figure 3-7 Section 1 Four Lane Major Arterial with Median (99' RW) ..... 3-~~45~~46
Figure 3-8 Section 2 Spine Road (86' RW) ..... 3-~~46~~47
Figure 3-9 Section 2b Spine Road and 16.5' – Pipeline Easement ..... 3-~~47~~48
Figure 3-10 Section 3 Pipeline Easement with Residential on Both Sides ..... 3-~~48~~49
Figure 3-11 Section 4 Residential Street (57' RW) ..... 3-~~49~~50
Figure 3-12 Section 4b Residential Street Adjacent to Park ..... 3-~~50~~51
Figure 3-13 Edge Conditions/Easements Key Map ..... 3-~~51~~52
Figure 3-14 Section A ..... 3-~~52~~53
Figure 3-15 Section B ..... 3-~~53~~54
Figure 3-16 Section C ..... 3-~~55~~56
Figure 3-17 Sample of Planting Scheme ..... 3-~~56~~57
Figure 3-18 Section D ..... 3-~~57~~58
Figure 3-19 Section E ..... 3-~~58~~59
Figure 3-20 Section F ..... 3-~~59~~60
Figure 3-21 Activity Nodes and Trailheads ..... 3-~~60~~61
Figure 3-22 Conceptual Overall Illustrative Parks and Landscape Plan – Phase 1A ..... 3-~~61~~62
Figure 3-23 ~~Public Park 1~~Tracy Hills Park ..... 3-~~62~~63
Figure 3-24 ~~Public Park 2~~Starcross Park ..... 3-~~63~~64
Figure 3-25 ~~Public Park 3~~Greymont Park ..... 3-~~64~~65
Figure 3-26 Public Park Angled Parking Street Section and Plan View ..... 3-~~65~~66
Figure 3-27 Village Green ..... 3-~~66~~67

Figure 3-28 HOA Parks ..... 3-~~67~~68
Figure 3-29 Master Wall and Fence Plan – Phase 1A ..... 3-76 & 3-77
Figure 3-30 4'-0" Black Vinyl-Coated Chain Link Fence 3-79
Figure 3-31 ~~5'-0"~~4'7" Easement Fence 3-79
Figure 3-32 8'-0" Simtek Fence 3-80
Figure 3-33 3'-~~6~~3" Concrete Split Rail Fence 3-80
Figure 3-34 ~~7'~~6'-0" Proto II Block Wall or Equal 3-81
Figure 3-35 6'-0" Builder Block Wall or 8'-0" Sound Wall 3-81
Figure 3-36 Master Tree Plan – Phase 1A ..... 3-82 & 3-83

4 INFRASTRUCTURE AND SERVICES

Figure 4-1 Roadway Plan 4-3
Figure 4-2 Four Lane Parkway ..... 4-~~5~~4
Figure 4-3 Tracy Hills Drive – Phase 1A ..... 4-~~7~~5
Figure 4-4 Tracy Hills Drive – Phase 1B and 1C ..... 4-~~9~~6
Figure 4-5 Four Land Major Arterial with Median ..... 4-~~11~~7
Figure 4-6 Six Lane Major Arterial with Median ..... 4-~~13~~8
Figure 4-7 ~~Four Land Major Arterial with Median –~~Corral Hollow Road ..... 4-~~11~~9
Figure 4-8 Residential Streets ..... 4-~~15~~10
Figure 4-9 Street B 4-11
Figure 4-10 Street C 4-12
Figure 4-11 Lammers Road (Phases 2&3) 4-13
Figure 4-~~9~~12 Water Distribution System ..... 4-~~21~~18
Figure 4-~~10~~13 Recycled Water Distribution System ..... 4-~~23~~19
Figure 4-~~11~~14 Wastewater Collection System ..... 4-~~27~~21
Figure 4-~~12~~15 Storm Drainage System ..... 4-~~31~~24
Figure 4-~~13~~16 Phasing Plan ..... 4-~~35~~28
Figure 4-~~14~~17 Standard Rip Rap Energy Dissipater ..... 4-~~44~~32
Figure 4-~~15~~18 Type "G" Inlet ..... 4-~~45~~33
Figure 4-~~16~~19 Type "J" Inlet ..... 4-~~46~~34
Figure 4-~~17~~20 Type I Manhole ..... 4-~~47~~35
Figure 4-~~18~~21 Type II Manhole Base ..... 4-~~48~~36
Figure 4-~~19~~22 Type III Manhole Base ..... 4-~~49~~37
Figure 4-~~20~~23 Type IV Manhole Base for CIP ..... 4-~~50~~38
Figure 4-~~21~~24 Type V Manhole Base ..... 4-~~51~~39
Figure 4-~~22~~25 Inlet/MH General Notes & Details ..... 4-~~52~~40
Figure 4-~~23~~26 Type "M" Headwall ..... 4-~~53~~41
Figure 4-~~24~~27 Pipe Culvert Headwalls Straight and "L" ..... 4-~~54~~42
Figure 4-~~25~~28 Pipe Culvert Headwalls Endwalls and Wingwalls Types A, B and C ..... 4-~~55~~43
Figure 4-~~26~~29 Inlet Trash Rack 33" Pipe or Larger ..... 4-~~56~~44

5 ADMINISTRATION

Figure 5-1 Specific Plan Permit Process~~ing~~ 5-3

LIST OF TABLES

1 INTRODUCTION

Table 1-1 Land Use Plan Buildout Example ..... 1-~~9~~5

2 ZONING AND DEVELOPMENT STANDARDS

Table 2-1 Permitted and Conditionally Permitted Uses ..... 2-~~5~~3
Table 2-2 Residential Zoning Districts ..... 2-~~8~~6
Table 2-3 Development Standards – Residential Zoning Districts ..... 2-~~9~~7
Table 2-4 Development Standards – General Highway Commercial Zoning District ..... 2-~~10~~8
Table 2-5 Development Standards – Mixed Use Business Park Zoning District ..... 2-~~12~~10
Table 2-6 Development Standards – Light Industrial Zoning District ..... 2-~~13~~11

3 DESIGN GUIDELINES

(No Table References)

4 INFRASTRUCTURE AND SERVICES

(No Table References)

5 ADMINISTRATION

(No Table References)

1 INTRODUCTION

1.1 PURPOSE AND SCOPE OF THE TRACY HILLS SPECIFIC PLAN

The Tracy Hills Specific Plan is the detailed plan and regulatory document for the development of the entire Specific Plan area. This Specific Plan document is intended to implement the General Plan and direct all facets of the development of the property including, but not necessarily limited to, the distribution of land uses, the location and sizing of the existing and proposed supporting infrastructure, and an overview of the financial vehicles that are intended to be used to plan, construct, and operate these facilities. This Specific Plan is a regulatory document, is incorporated into the City's Zoning Ordinance, and serves as the zoning for all properties within the Specific Plan area.

The Tracy Hills Specific Plan was originally adopted in 1998 (the 1998 THSP). Since then, City policies and developer plans have changed. Due to these changes, the developer submitted and the City approved this new THSP to replace the former 1998 THSP.

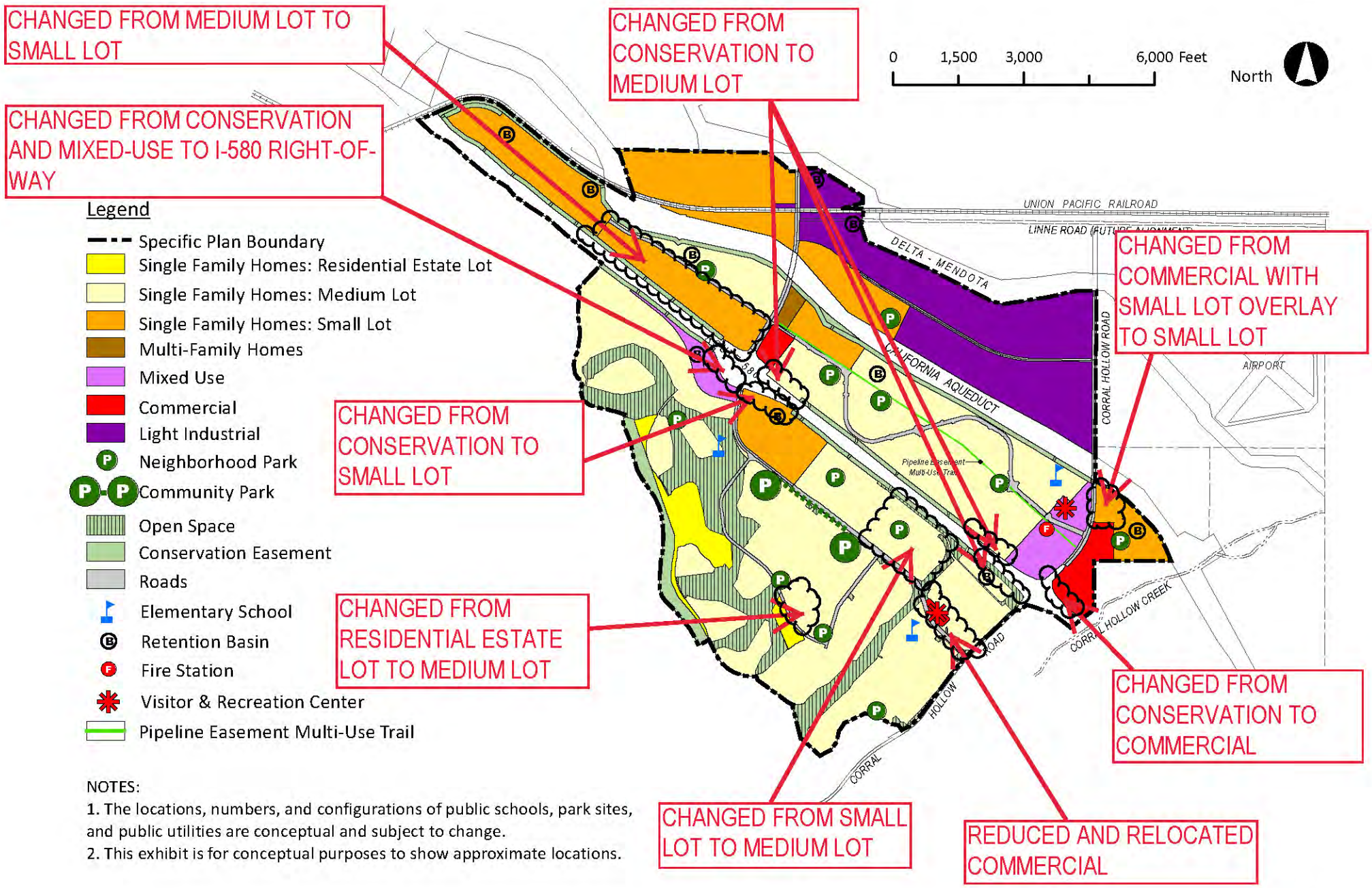
1.2 PROJECT OVERVIEW

The Tracy Hills Specific Plan area encompasses approximately 2,761.3 acres within the southern portion of the City of Tracy surrounding the existing interchange at Corral Hollow Road and the proposed Lammers Road interchange on Interstate 580 (I-580). (Refer to **Figure 1-1, Regional Context Map;** and **Figure 1-2, Vicinity Map.)**

The Specific Plan consists of three areas defined by the physical characteristics of the site. (Refer to **Figure 1-3, Land Use Concept.)**

1. The northern portion of the Specific Plan between the Delta-Mendota Canal and the California Aqueduct is zoned for medium density residential and light industrial uses.
2. The central portion of the Specific Plan, south of the California Aqueduct and north of I-580, is planned predominately for single-family homes, open space conservation easements, mixed use business park, and commercial retail areas. These uses will provide employment opportunities and daily needs and services for residents. Multi-use trails will connect residential neighborhoods, integrated with public park amenities that are within walking distance. Additionally, an elementary school site is planned to serve the neighborhood residents of this area.
3. The southern portion of the Specific Plan area, with rolling and steeper slopes on the southern side of I-580, will be primarily residential neighborhoods with parks and school sites. Consistent with the General Plan, 180 to 185 acres of open space, (originally shown as a golf course in the 1998 THSP), will be integrated into the low density residential areas. A mixed use business park area will be located southwest of the planned Lammers interchange ~~and a commercial retail area will be located along the southeasterly project boundary at Corral Hollow Road.~~ Two elementary schools are planned and a visitor and recreation center is also planned in the southeastern portion of the site. This area abuts approximately 3,500 acres of open space under a conservation easement.

Table 1-1, Land Use Plan Buildout Example summarizes the various proposed land uses, and provides the approximate developable acreages, development ranges, and the projected buildout of residential dwelling units and non-residential development square footage. The approximate gross acres for the Zoning designations for the Tracy Hills Specific Plan are also summarized.



NOTES:

1. The locations, numbers, and configurations of public schools, park sites, and public utilities are conceptual and subject to change.
2. This exhibit is for conceptual purposes to show approximate locations.

Figure 1-3

Land Use Concept

TABLE 1-1
LAND USE PLAN BUILDOUT EXAMPLE

Zoning District or Land Use	Approximate Gross Acres[1]	Approximate Adjusted Developable Acres[1, 2, 3]	Target Density Range or F.A.R.	Projected Dwelling Units or Square Feet[1]
Residential Estate	~~59.9~~55.7	~~50.9~~47.3	(0.5~~-~~ – 2.0 DU's/ac.)	~~76~~54 DU's
Low Density Residential	~~1,351.9~~1,346.7	~~991.9~~1,144.7	(2.1-5.8 DU's/ac.)	~~3,604~~4,112 DU's
Medium Density Residential	~~422.1[4]~~459.7	~~358.8~~390.7	(5.9-12.0 DU's/ac.)	2,~~672~~974 DU's
High Density Residential	9.3	7.9	(12.1-25.0 DU's/ac.)	125 DU's
Mixed Use Business Park	~~79.0~~74.2	~~67.2~~63.1	0.20 F.A.R.	~~585,446~~549,727 s.f.
General Highway Commercial	~~53.8~~53.0	45.0	0.20 F.A.R.	406,945 s.f.
Light Industrial	336.7	286.2	0.25 F.A.R.	~~-~~3,116,663 s.f.
Conservation Easements	~~162.2~~133.3		n/a	
Subtotal:	**~~2,474.5~~2,468.6**	**~~1,808.2~~1,984.9**		
Interstate 580 Interchange and ROW	~~137.5~~142.9			
California Aqueduct ROW	143.0			
Union Pacific Rail Road	12.2			
TOTAL:	**~~2,767.3~~2,766.7**	**~~1,808.2~~1,984.9**		~~6,477~~7,265 DU's 4.1 mil s.f.

1 All Acreages, dwelling units, and square footage examples shown herein are approximate.

2 Adjusted Developable Acres - Residential, Mixed Use Business Park, General Highway Commercial, and Light Industrial acreages have been adjusted to show that an estimated 15% of the land area is used for infrastructure such as roads and utilities, and/or public facilities such as neighborhood parks/amenities, schools, and/or public facilities such as retention basins as noted in the General Plan. Actual numbers will vary depending on site specific characteristics.

3 180 ~~to 185~~ acres minimum of General Plan mandated Open Space taken out of Low Density Residential land use category.

~~4 8.7 acres of General Highway Commercial will be zoned with a Medium Density Residential Overlay and is anticipated to be developed with residential uses. As such this acreage is accounted for in the Medium Density Residential zoning district.~~

1.3 EXISTING CONDITIONS

The Specific Plan area has ground elevations that begin at approximately 195 feet above sea level on the north east side of the site, and rise to over 1,200 feet in the south west corner. The area southwest of the California Aqueduct is primarily used for grazing. Other uses include row crop agriculture and orchards, with open space on the steep upland portions. Vegetation that occurs on site is primarily grassland dominated by non-native species and contains little undisturbed habitat in the flatter lowland areas. The riparian woodland along Corral Hollow Creek has been degraded by historical grazing. Scrub grows in areas of rock outcrops and shallow soil. The area between I-580 and the Union Pacific Railroad/California Aqueduct is vacant with an abandoned structure formerly used in relation with the livestock operation. The portion of the site bound by the California Aqueduct, Union Pacific Rail Road, Delta-Mendota Canal and Corral Hollow Road is utilized as agriculture with three existing residences. (Refer to **Figure 1-4, Existing Conditions Map.)**

1.3.1 Conservation Easement(s) and Protected Open Space

The Specific Plan contains approximately ~~125~~133 acres of open space in 100-foot wide conservation easements that are located adjacent to I-580 and the southern side of the California Aqueduct. These open space conservation easement areas ~~were granted to the San Joaquin Council of Governments (SJCOG).~~provide perpetual habitat.

Approximately 35 acres of additional open space within a conservation easement is located along the Specific Plan's western boundary.

Adjacent to the Specific Plan's western boundary and outside of the City limits, over 3,500 acres of open space has been set aside for the conservation of wildlife habitat. A conservation easement was recorded on the open space in July 2012 and ~~granted to SJCOG. The conservation easement~~ ensures that the lands will be preserved for habitat in perpetuity.

1.3.2 Interstate 580 and Pipeline Easements

Interstate 580 is a four-lane, limited-access interstate highway that bisects the property on a northwest to southeast axis. Interstate 580 connects to I-205 and the western extension of I-580 to the north and to I-5 to the south. The freeway is also fronted by the 100-foot wide, open space conservation easements.

Paralleling and adjacent to the freeway right-of-way are two easements that contain pipelines. A third pipeline easement transects the northeastern corner of the Specific Plan. Refer to Figure 1-4, Existing Conditions Map, for the general locations of pipeline easements.

1.3.3 California Aqueduct and the Delta-Mendota Canal

The California Aqueduct bisects the Specific Plan area north of I-580 in a general northwest-to-southeast direction. Located outside the northern Specific Plan boundary, the Delta-Mendota Canal (DMC), also runs in a northwest to southeast direction and abuts the northern Specific Plan boundary. This segment of the DMC is also located outside of City limits. The two aqueducts carry water south for agricultural use and further south into the Los Angeles basin.

1.3.4 Union Pacific Railroad Line

A segment of the Union Pacific Railroad line crosses the northwest corner of the Specific Plan area in an east-west direction and is an active railway.

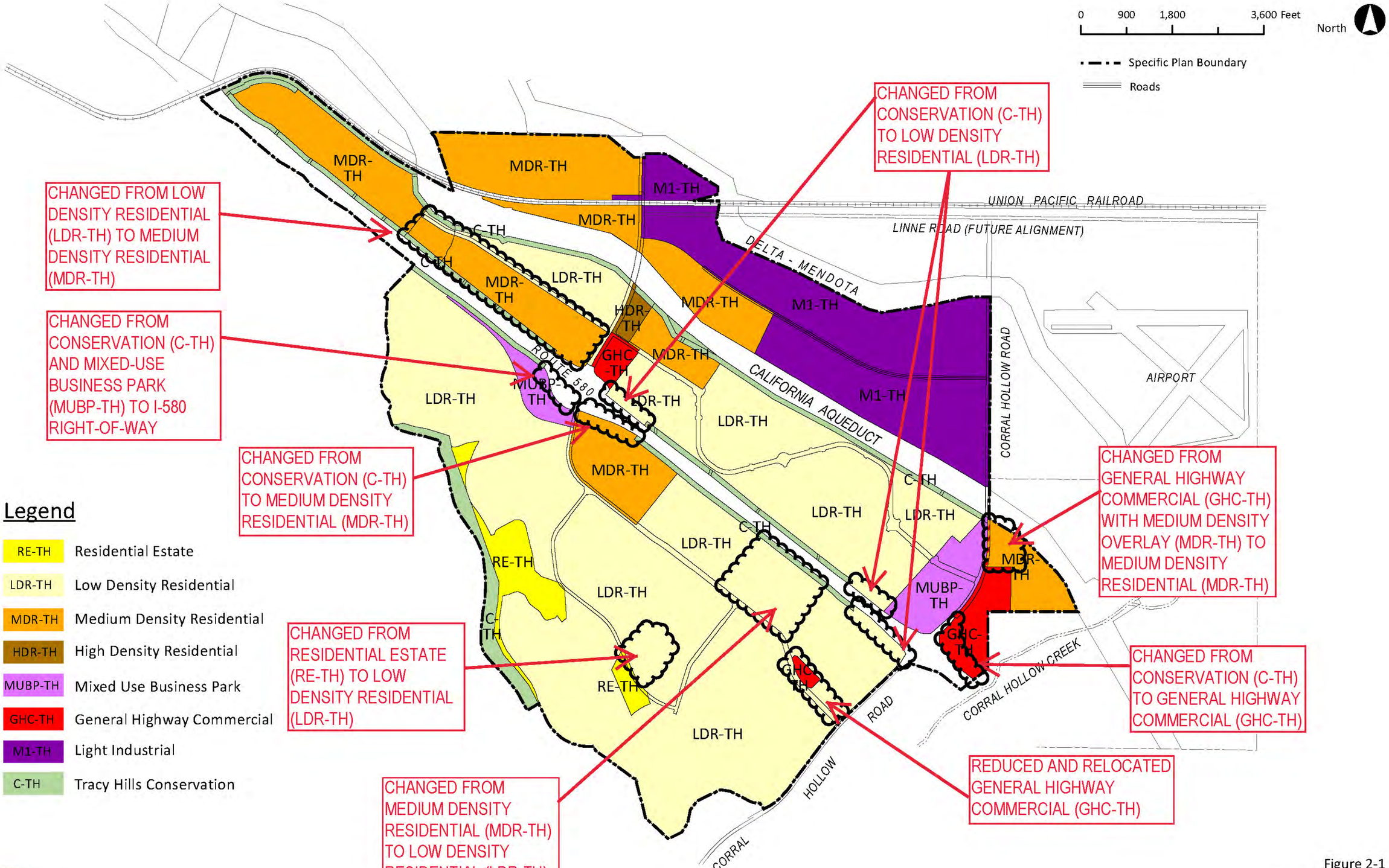


Figure 2-1
Zoning Districts

2.1 RESIDENTIAL ZONING DISTRICTS

2.1.1 Purpose

Tracy Hills will provide a variety of housing types that accommodate a range of housing objectives, buyer needs, and affordability. It is expected that, once fully developed, Tracy Hills will accommodate approximately ~~6,477~~7,265 dwelling units and an estimated population of approximately 20,791 (the California State Department of Finance estimates an average of 3.21 persons per household, as cited in the City's General Plan).

Figure 2-1, Zoning Districts, identifies four residential zoning districts. These zoning districts are Residential Estate (RE-TH, 0.5 to 2.0 dwelling units per acre), Low Density Residential (LDR-TH, 2.1 to 5.8 dwelling units per acre), Medium Density Residential (MDR-TH, 5.9 to 12.0 dwelling units per acre), and High Density Residential (HDR-TH, 12.1 to 25.0 dwelling units per acre).

The land use and development standards for the residential zoning districts of the Tracy Hills Specific Plan shall comply with all requirements that apply to the corresponding residential zoning districts in the Tracy Municipal Code, except as modified within this Specific Plan. (Refer to **Table 2-2, Residential Zoning Districts**).

TABLE 2-2
RESIDENTIAL ZONING DISTRICTS

Tracy Hills Specific Plan Residential Zoning Districts	Tracy Municipal Code Corresponding Zoning Districts
RE-TH	RE
LDR-TH	LDR
MDR-TH	MDR
HDR-TH	HDR

2.1.2 Permitted and Conditionally Permitted Uses Within Residential Zoning Districts

Table 2-1, Permitted and Conditionally Permitted Uses, indicates uses permitted within each residential zoning district of the Tracy Hills Specific Plan. The table also lists conditional uses that are subject to the granting of a Conditional Use Permit.

2.1.3 Development Standards for RE-TH, LDR-TH, MDR-TH, and HDR-TH

TABLE 2-3
DEVELOPMENT STANDARDS - RESIDENTIAL ZONING DISTRICTS

Development Standard	RE-TH	LDR-TH	MDR-TH(12)	HDR-TH
Allowable Density Range	0.5 to 2.0 DU/AC	2.1 to 5.8 DU/AC(14)	5.9 to 12.0 DU/AC	12.1 to 25.0 DU/AC
Maximum Lot Coverage	45%	45%(8)	70%	45%
Minimum Lot Size	15,000 s.f.	3,200 s.f.	(1)	(1)
Minimum Lot Width	45' minimum at street frontage(15)	45' minimum at street frontage(15)	(1)	(1)
Minimum Front Yard Setback(2)(3)(4)	30 feet	10 feet	10 feet(11)	15 feet
Minimum Front Yard Setback(2)(3)(4)Garage	30 feet	20 feet(10)	18 feet(10)	
Minimum Side Yard Setback(2)(3)(6)(9)	10 feet	5 feet	3'-4" opposite garage side(13) 3'-8" on garage side(13)	15 feet, street side; 10 feet interior side
Minimum Rear Yard Setback(2)(3)	30 feet	10 feet	7 feet	10 feet
Maximum Building Height(7)	35 feet	35 feet	35 feet	35 feet

(1) To be determined upon approval of the Tentative Subdivision Map: The developer shall demonstrate that every lot has size and dimensions capable of meeting the land use, public utilities, and development standards of this Specific Plan.

(2) Any building / structure shall maintain minimum setbacks from the following pipelines:
(refer to figure 1-4, Existing Conditions, for general location of pipeline easements)

- Phillips 66: minimum 16.25 feet from the edge of the pipeline easement
- Shell: minimum 10 feet from the edge of the pipeline easement
- PG&E and Chevron: minimum 15 feet from the edge of northeast side the pipeline easement and minimum 20 feet from the edge of the southwest side of the pipeline easement.

(3) All setbacks measured from property line.

(4) There shall be no parking in the front yard between the house and the public right-of-way, except in the driveway.

(5) For rear yard, minimum setback is 5 feet for detached garage.

(6) For all corner lots, the minimum street side yard setback is 10 feet.

(7) Detached accessory structures that encroach into the rear or side yard setbacks shall have a maximum height of 10 feet.

(8) Maximum Lot ~~Coverate~~Coverage up to 55% shall be permitted for single story elevation.

(9) AC condenser units may encroach into the minimum rear or side yard setback. At least one side yard of the lot shall maintain the minimum setback.

(10) The minimum front yard setback to a side swing garage is 10 feet, if the garage door does not face a street.

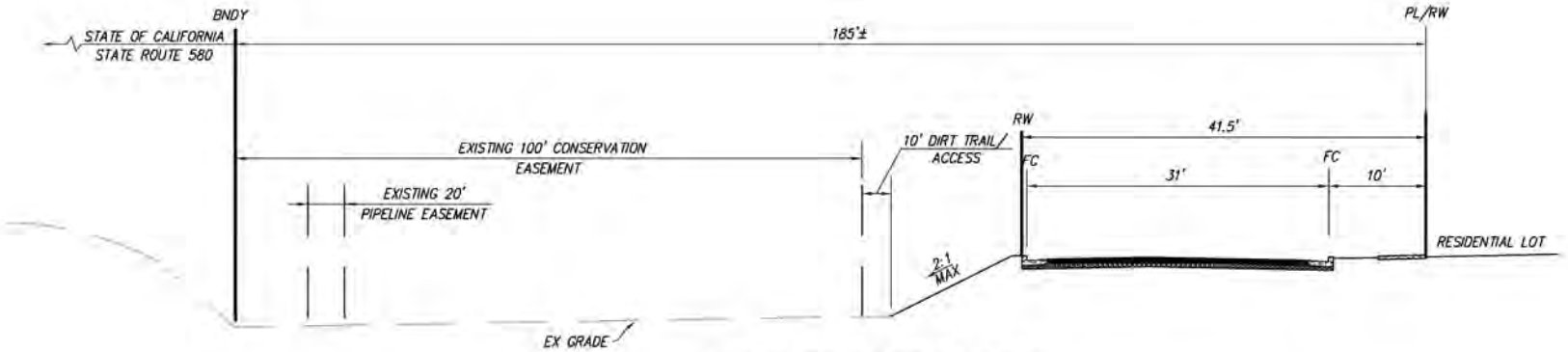
(11) Front porches, balconies, and bay windows may encroach up to 5 feet into the minimum front setback

(12) In the MDR-TH zoning district, lots may be created with access provided by a private court or lane, as shown by the examples in Figure 2-6. For such cases where the front of a house faces a private court or lane, the property line dividing the lot from the private court or lane shall be the front lot line.

(13) The minimum side yard setback may be reduced to zero on the side of an attached duet residential unit.

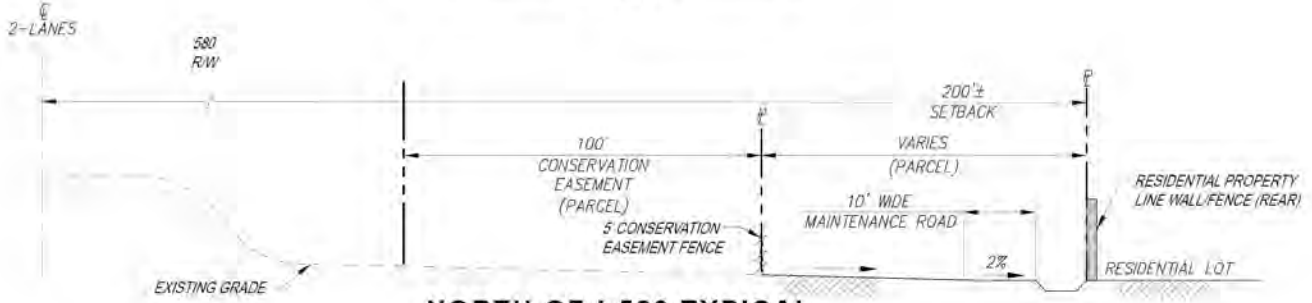
(14) Density shall be calculated using the gross area of the overall subdivision.

(15) Lots on cul-de-sacs or knuckles shall have a minimum lot width of 35 feet at the front property line.



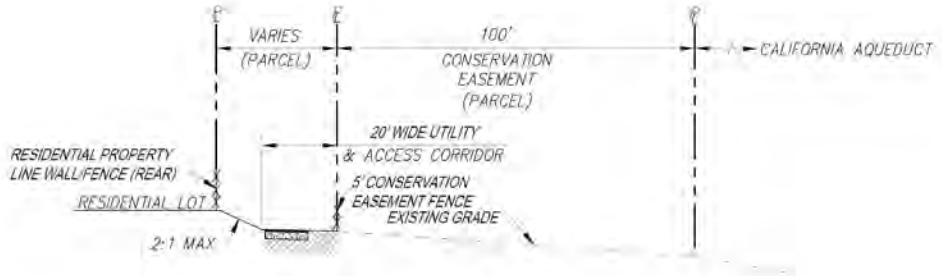
SOUTH OF I-580 TYPICAL

NOT TO SCALE



NORTH OF I-580 TYPICAL

NOT TO SCALE



CALIFORNIA AQUEDUCT TYPICAL

NOT TO SCALE

NOTE: SEE CHAPTER 3, DESIGN GUIDELINES, SECTION 3.4.7, EDGE CONDITIONS, FOR ADDITIONAL DETAILS

Figure 2-3

Conservation Easement Typical Cross Sections

2.6 OTHER LAND USES

2.6.1 Parks/Recreation

Active and passive park and recreation facilities will be provided within the Specific Plan area in a variety of forms at a minimum rate of three acres of neighborhood park land and one acre of community park land per 1,000 population, in accordance with the City of Tracy Parks Master Plan. The tentative subdivision maps within the Specific Plan may have less than three acres of neighborhood park land per 1,000 residents or one acre of community park land per 1,000 residents, due to the size, shape, location, accessibility, or other characteristics of any single tentative map. The community park will be located as otherwise described in the Specific Plan. The Specific Plan also provides for HOA maintained park and recreation facilities, open space and joint use facilities, in addition to the neighborhood and community park land.

Therefore, prior to each residential tentative subdivision map approval, an analysis shall be required of the amount of neighborhood and community park land provided within the entire Specific Plan area. Each tentative subdivision map shall either include adequate neighborhood park land to bring the total neighborhood park land within the tentative-map-approved portion of the Specific Plan to three acres per 1,000 population, or the developer shall demonstrate how future tentative map areas of the Specific Plan will include park land to achieve the minimum three acres per 1,000 population requirement, and otherwise comply with the Parks Master Plan.

After dedication to the City, most park and recreation facilities will be under the jurisdiction of the City Public Works Department and will be operated and maintained by the City for the enjoyment of all residents of Tracy. The Park sites shown on Figure 1-3, Land Use Concept, and Figure 2-4, Public Facilities Plan, indicate conceptual park locations. Parks may include community or neighborhood parks with active and passive recreation. These parks may feature play fields, ball fields, children play areas, picnic areas, tennis courts, open lawn areas, or other amenities including a park located at an elevated location to provide a "view park". All parks in Tracy Hills are envisioned to be interconnected by trails and bikeways within parkways, public streets, open space, and utility corridors. Community and neighborhood park design shall comply with the City of Tracy Parks Master Plan with final design approved by the City.

~~Approximately 180 to 185 acres will be provided for a Tracy Hills Community / Open Space Park to the south of the I-580, and is conceptually shown on Figure 1-3, Land Use Concept, and Figure 2-4, Public Facilities Plan.~~ It is envisioned that the Community / Open Space Park will be designed and improved for scenic and visual enjoyment, provide outdoor recreation opportunities, improve public health and safety, preserve natural resources and control the urban form. The Community /Open Space Park area is subject to final design approval by the City and at a minimum could include both passive and active features ~~including~~such as a nature trail system and pathways that can be used for hiking, walking, biking and jogging, picnic and sitting areas, lawn areas, nature viewing areas, and/or disc golf~~, and/or golf course~~. In specific areas of the open space, enhancements may be incorporated into the final design through the planting of native landscape as passive open space and for habitat improvement. The conceptual design of the minimum 180~~ to 185~~ acres, including ~~the~~ a minimum of 30 acres of community park, will occur with the first subdivision map south of I-580. The Community / Open Space Park will be improved in phases with development of Tracy Hills south of I-580.

~~The 180 to 185 acres of Community / Open Space Park is contrasted with the conservation easements (described in Section 2.5, Tracy Hills Conservation Zoning District) in that the Community / Open Space Park will be design for active and passive recreation, accessible to the public; and the conservation easements will not be accessible to the public.~~

2.6.2 School Sites

Three public school sites are shown on **Figure 1-3, Land Use Concept,** and **Figure 2-4, Public Facilities Plan**. Final locations, numbers, size and configurations of school sites will be determined in consultation with the appropriate School District. In the event the School District does not use, purchase and/or develop a school site, these sites may be developed consistent with zoning development standards.

2.6.3 Public Infrastructure

Public infrastructure includes such items as water tanks, pump stations, drainage basins, and/or dry utility facilities, both interim and permanent. Final locations, numbers, size and configurations of these facilities will be constructed pursuant to the master infrastructure plans. Refer to **Figure 2-4, Public Facilities Plan** for conceptual locations and to Chapter 4, Infrastructure and Services, for more detailed discussion.

2.7 OTHER STANDARDS

2.7.1 Noise

Residential land uses may be sited where noise from I-580 falls within the Conditionally Acceptable range, identified in Figure 9-3 of the City of Tracy General Plan. Such determination shall be made by the City at the time of Tentative Map (or other discretionary application) approval. In making such determination, the City shall take into account the effect of feasible noise reduction measures on the anticipated noise levels at the proposed residential uses, as well as the project's conformance with other General Plan goals, objectives, and policies.

2.8 AIRPORT LAND USE COMPATIBILITY

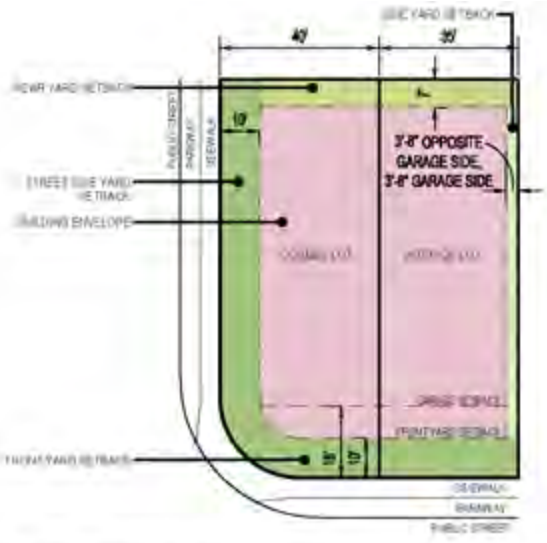
The Tracy Municipal Airport is located to the east of the Specific Plan area. A portion of the Specific Plan area is located within the Tracy Municipal Airport's Area of Influence (AIA). Land uses within certain zones in the vicinity of the airport are regulated by the San Joaquin County Airport Land Use Commission (ALUC). The San Joaquin Council of Governments serves as the ALUC and has adopted the San Joaquin County Airport Land Use Commission Plan (ALUCP) in 2009. The area of the Specific Plan located along Corral Hollow Road directly south of the Delta-Mendota Canal is designated as Light Industrial (M-1) and lies in the Inner Approach/Departure Zone and Inner Turning Zone as specified in the 2009 ALUCP for the Tracy Municipal Airport (Refer to Figure 2-5, Tracy Municipal Airport Land Use Compatibility Zones). Land uses in these zones are regulated by the ALUC and shall comply with the adopted ALUCP.

~~2.9 MEDIUM DENSITY RESIDENTIAL OVERLAY ZONE~~

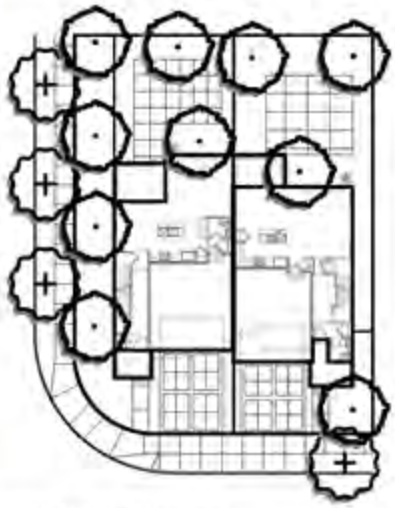
~~The Medium Density Residential Overlay Zone allows the subject property to develop in accordance with the permitted uses and development standards of either the underlying zoning district or the Medium Density Residential Zoning District.~~

FIGURE 2-6

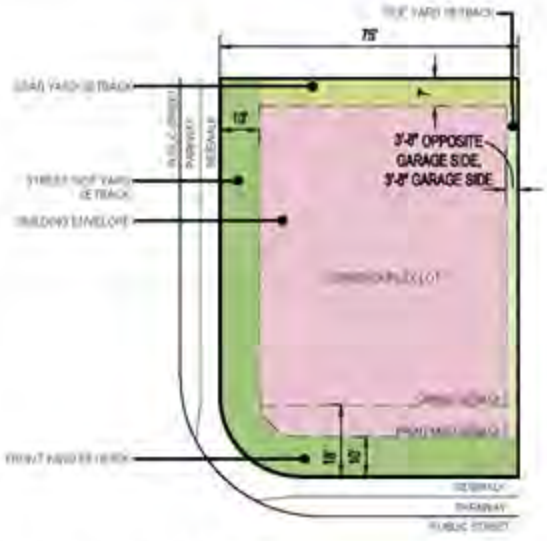
MEDIUM DENSITY RESIDENTIAL SETBACK EXHIBITS



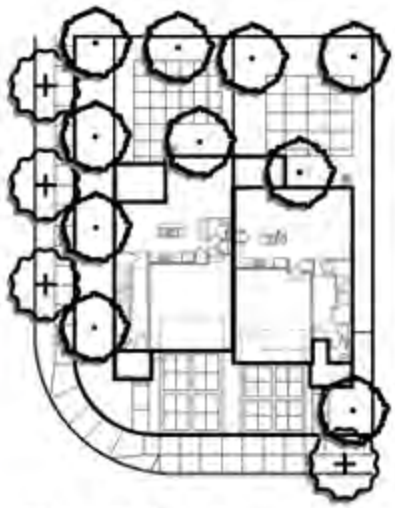
MEDIUM DENSITY RESIDENTIAL
DUET LOTS EXAMPLE (Attached units on separate lots)
PLAN OF SETBACKS & ZONES



MEDIUM DENSITY RESIDENTIAL
DUET LOTS EXAMPLE (Attached units on separate lots)
ILLUSTRATIVE PLAN



MEDIUM DENSITY RESIDENTIAL
DUPLEX LOT EXAMPLE (Attached units on one lot)
PLAN OF SETBACKS & ZONES



MEDIUM DENSITY RESIDENTIAL
DUPLEX LOT EXAMPLE (Attached units on one lot)
ILLUSTRATIVE PLAN

3.4.6 Streetscape and Trails

Several streetscapes applications are proposed within the Tracy Hills development, as shown within this section, Streetscape and Trails. As illustrated in the ~~following~~ exhibits, a hierarchy of streetscapes is provided and distinctive landscape treatments are planned for each type of roadway. Landscape and hardscape treatments include ~~elements~~ a multitude of varying applications, such as landscaped medians, sidewalks, enhanced ~~paving (painted crossings and stamped asphalt) at~~ pedestrian crossings ~~and primary/secondary entries,~~ bike trails, native soil trails and decomposed granite trails where applicable providing a myriad of visitor experiences. Trailhead markers and mile markers will be strategically placed at trailheads and along the hardscape and native soil trails to enhance walking and hiking activities. ~~and p~~Parkway trees with evergreen backdrops are designed to enhance roadways. Enhanced paving ~~used~~ mentioned herein is defined as any paving other than natural gray concrete or asphaltic concrete. The use of enhanced paving is strongly encouraged. The ~~main Spine Road~~ major arterials will feature such landscape elements as monumentation, street furniture, and a predominant plant palette consisting of Oak Tree focal elements, Sycamore trees and vertical tree backdrops. Streetscapes and Trails are provided as shown in the following pages (Figures 3-6 to 3-14.) These street sections are depicting landscape applications for each section. Refer to Section 4 for engineered street sections.



Conceptual Image for Multi-use/Bike Trail



Conceptual Spine Road Streetscape Image



Conceptual Image for Class I Bike Trail

Note: Renderings assume full growth vegetation to illustrate design intent.



Conceptual Image for 5' Sidewalk


Conceptual Image for Native Soil Trail


Conceptual Image for Decomposed Granite Trail


Conceptual Image for Enhanced Pedestrian Crosswalk


Conceptual Image for Basin Trail



Conceptual Image for Enhanced Pedestrian Crosswalk

Lighting at Trails

Lighting and barriers are critical to keep trail users safe and provide clear delineation between trails and adjacent properties. Lighting shall be placed at trail entrances and along trail segments where significant early morning and late evening use is expected. Safety lighting should be:

- Oriented to Trail Users. Create an evenly lit environment that is inviting and reinforces the human scale.
- Focused. Illuminate the trail while avoiding overspill into ecologically sensitive areas or into adjacent properties where light could be considered a nuisance.
- Sustainable. Minimize energy use.
- Identity-Creating. Contribute to the unique identity of the trail system and trail.

3.4.10 Furniture

Site furnishings shall include, but is not limited to, lighting, tables, benches, dog bag dispensers, and trash receptacles. Site furnishings shall be located throughout the community in the public parks, right-of-way, HOA/ private areas, open space, and commercial areas.



Lighting Family shown as conceptual design intent. Available through Associated Lighting Reps., Inc. (510) 638-3800, South Coast Lighting (714) 931-4597, or equivalent

3.4.16 Landscape Design Guidelines Checklist

This checklist is intended to be used as quick reference of the Landscape Design Guidelines for designers, developers, builders, and City Staff.

COMMUNITY IDENTITY/MONUMENTATION	
Monument Signage	• Community Gateway Icon visible from the freeway. • Major Community Monumentation. • Primary Neighborhood Monumentation - secondary to Community Monumentation, this identifies the individual neighborhoods. • Park Monumentation - park identification. • Trail head marker - sign denotes trail access points.
Materials	• Ledgestone dry - stacked in a Gabion wall fashion. • Corten steel look/finish signage. • Rebar cage structure. • Refer to the Landscape Master Tree Plan and Plant Matrix.
STREETSCAPE AND TRAILS	
Trails/Roads	• 16.5’ wide pipeline easement/passive trail • 10’ wide multi-use pedestrian trails on each side of the main Spine Road. • Class 1 bikeway along Corral Hollow Road into the community. • Residential streets with parkways, sidewalk, and landscape lot planting adjacent to perimeter walls.
Materials	• Decomposed granite passive trail. • Concrete and/or asphalt multi-use trails and Class 1 bikeway. • Neighborhood concrete walks. • Permeable concrete or pavers where feasible. • Refer to the Landscape Master Tree Plan and Plant Matrix.
EDGE CONDITIONS	
Easement Areas	• Easement Areas: Interstate 580 and California Aqueduct.
Wall and Fences	• Intermittent 8’ sound wall coupled with ~~5’~~ 4’-7” easement fence along Interstate 580. • 6’ CMU block wall coupled with a ~~5’~~ 4’-7” easement fence along the California Aqueduct.
Materials	• CMU split face block sound wall and perimeter wall. • Galvanized steel pipe and a ‘No Climb’ metal mesh fence. • Existing grasses to be protected-in-place. • Refer to the Edge Conditions section herein

4.2.3 Planned Streets – Specific Plan Circulation

Streets are designed in accordance with the Transportation Master Plan. A variety of street widths and designs are contained within the Specific Plan area to accommodate the range of anticipated traffic volumes (see **Figure 4-1, Roadway Plan**).

Graphic sections of each typical street design are provided. With the exception of street extensions, street names have not been designated. All public street cross-sections are included in **Figure 4-2, ~~Four Lane Parkway;~~through Figure 4-~~3, Two Lane Collector; Figure 4-4, Two Lane Major Collector; Figure 4-5, Spine Road / Lammers Extension; Figure 4-6, Four Lane Major Arterial with Median;~~** and **~~Figure 4-7, Residential Streets~~11.** The locations and designs of intersections shall meet the standards of the City of Tracy at the time they are designed and submitted for approval by the City.

Consistent with the Transportation Master Plan, the Specific Plan provides for one north/south expressway, one north/south arterial street, and one east/west arterial, all of which are an important part of the City's overall vehicular transit system. The two north/south roads are Lammers Road and Corral Hollow Road. ~~The east/west arterial is parallel to Interstate 580 between Lammers Road and Corral Hollow Road.~~ Lammers Road extends south from I-205 through the City's western area and eventually connects to Corral Hollow Road. The Lammers Road extension will be a four-lane ~~arterial~~parkway and south of I-580, will transition to a two lane divided arterial through the plan area.. Lammers Road is aligned between the Delta-Mendota Canal and Corral Hollow Road, through a portion of the Specific Plan area. The segment of Lammers Road between I-580 and Corral Hollow Road ~~is called South Tracy Hills Road~~ will provide direct access to major community facilities as well as provide a central community interchange and access to Interstate 580.

The City of Tracy Transportation Master Plan envisions Lammers Road as an expressway which will extend from I-580 north to I-205, connecting the Tracy Hills and Ellis Projects with the job-generating centers of Cordes Ranch and Gateway and providing direct access onto I-580.

Corral Hollow Road will be expanded into a four-lane arterial. This road will be the access point for the initial development of Tracy Hills.

Typical residential streets will have paved sections as shown on **Figure 4-~~7~~8, Residential Streets**. Residential streets may be constructed with sidewalks on only one side when fronted with homes on only one side.

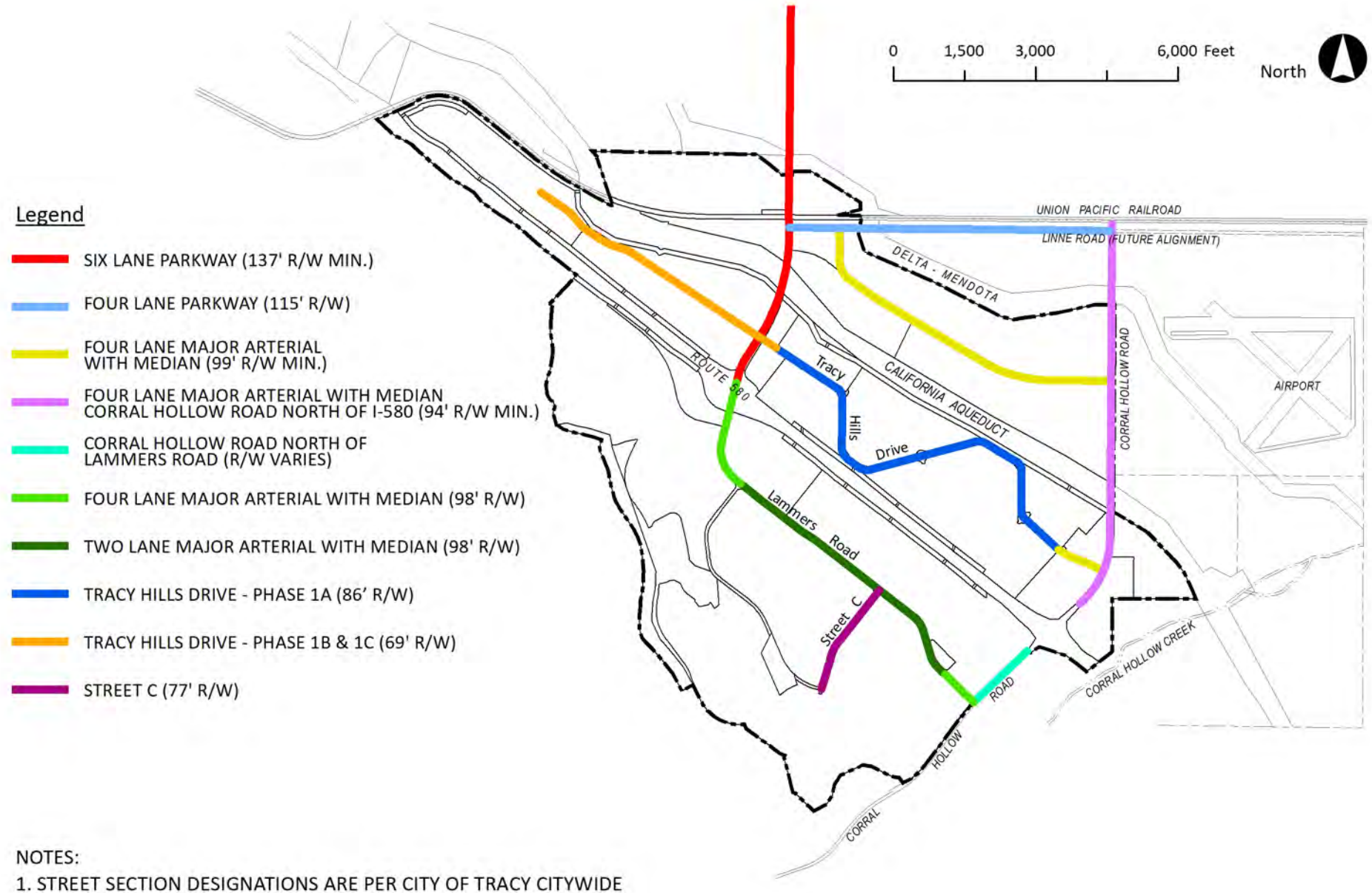
The residential collector and minor arterials system intersects Lammers Road at designated locations. The residential collector and minor arterials system shall provide direct access to schools and parks, wherever possible. Residential driveways predominantly face onto local streets. No residential driveways are proposed to face onto or directly access Lammers Road, Corral Hollow Road, or other arterial roads.

An additional system of internal streets will also serve the Mixed Use Business Park and Light Industrial areas. All office and industrial parcels will have defined entries from these streets and will be landscaped according to Chapter 3, Design Guidelines.

The four-lane arterial parallel to and north of the California Aqueduct will be a designated truck route to facilitate efficient movement with minimum impacts (refer to **Figure 4-1, Roadway Plan)**. Truck routes will insulate residential areas from excessive truck traffic to the extent possible except for local deliveries.

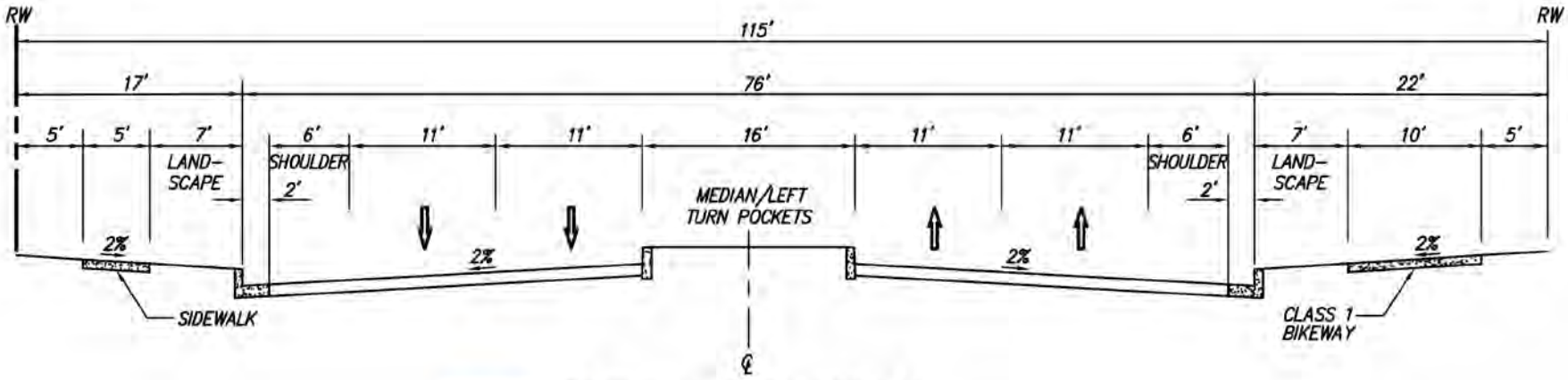
Private streets may be considered within Tracy Hills. Private streets may be constructed with sidewalks on one side when fronted with homes on only one side, as proposed by the developer. Private street sections shall be designed in accordance with City Standards or as prescribed by the City Engineer.

Streets shall maintain an unobstructed width of no less than 20 feet as a minimum requirement for fire access to comply with the California Fire Code.



NOTES:
1. STREET SECTION DESIGNATIONS ARE PER CITY OF TRACY CITYWIDE TRANSPORTATION MASTER PLAN (TMP) AND AS MODIFIED HEREIN.
2. INTERNAL NEIGHBORHOOD STREETS TO BE "RESIDENTIAL STREETS" (55' & 57' R/W PER TMP) UNLESS NOTED OTHERWISE HEREIN.

Figure 4-1
Roadway Plan

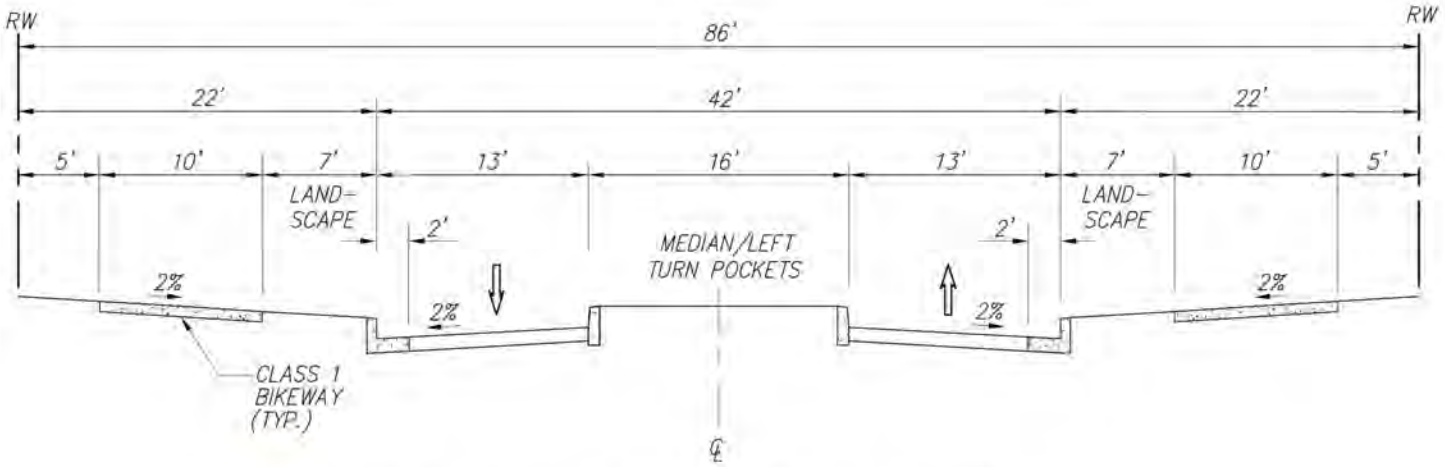


FOUR LANE PARKWAY

(EXPRESSWAY)

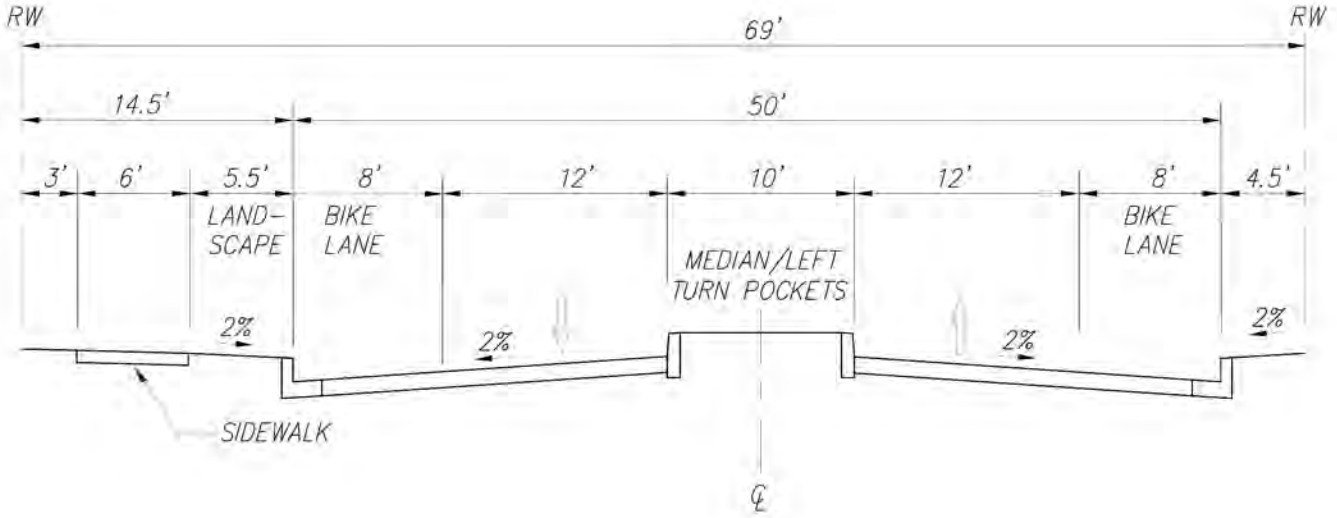
N.T.S.

NOTE:
SECTION TAKEN FROM FIGURE 4.15a OF
CITY OF TRACY TRANSPORTATION MASTER PLAN



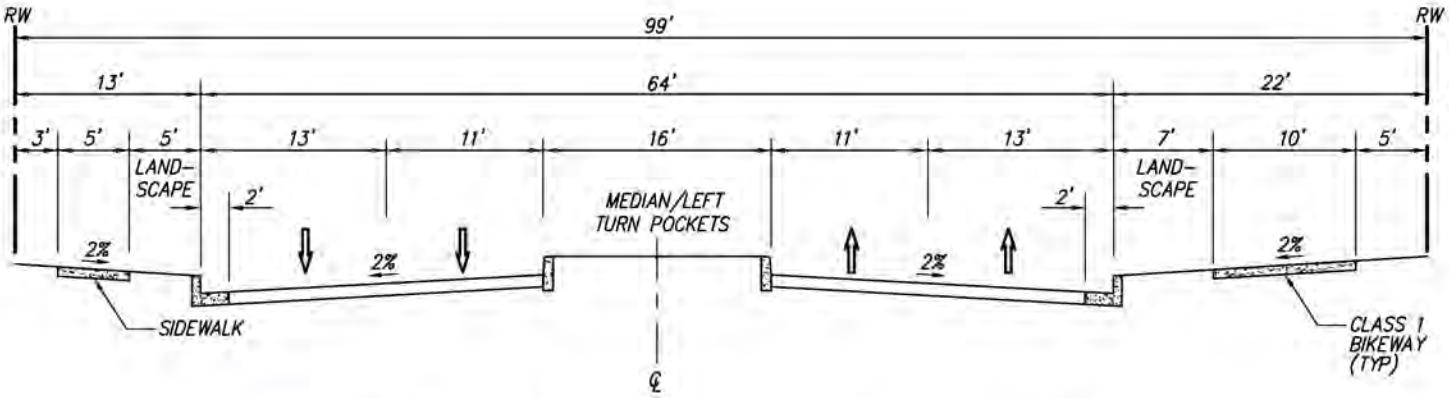
TRACY HILLS DRIVE - PHASE 1A

NO SCALE



TRACY HILLS DRIVE - PHASE 1B & 1C

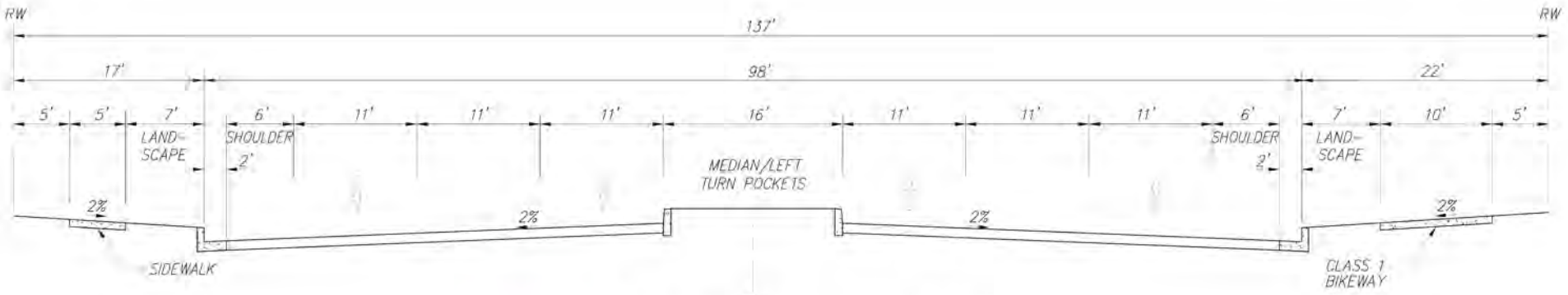
(NO SCALE)



FOUR LANE MAJOR ARTERIAL WITH MEDIAN

(NO SCALE)

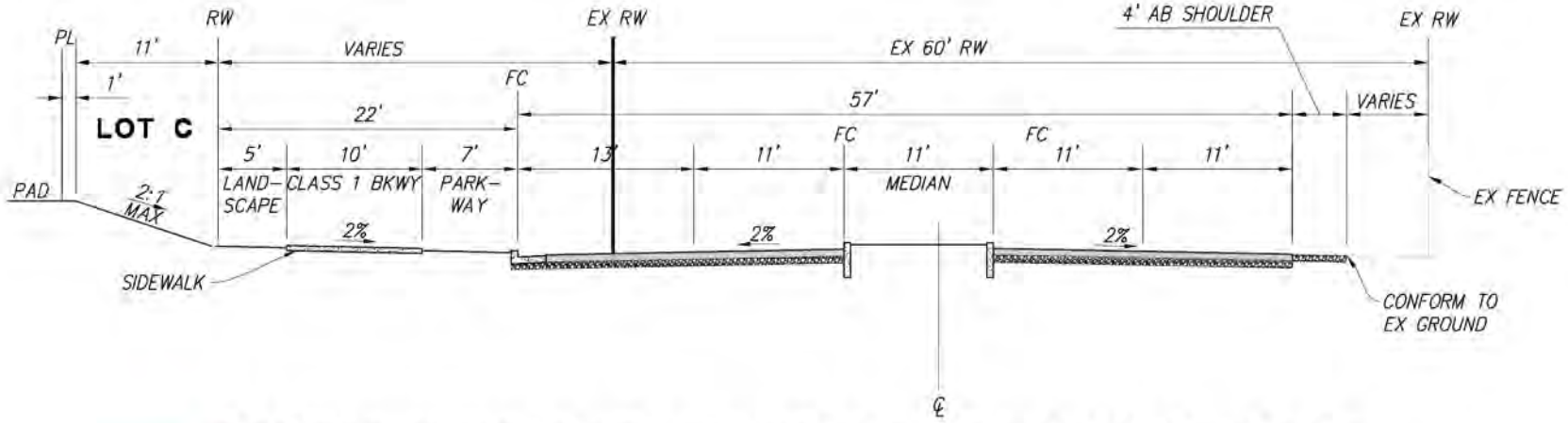
NOTE:
SECTION TAKEN FROM FIGURE 4.15b OF
CITY OF TRACY TRANSPORTATION MASTER PLAN



SIX LANE PARKWAY

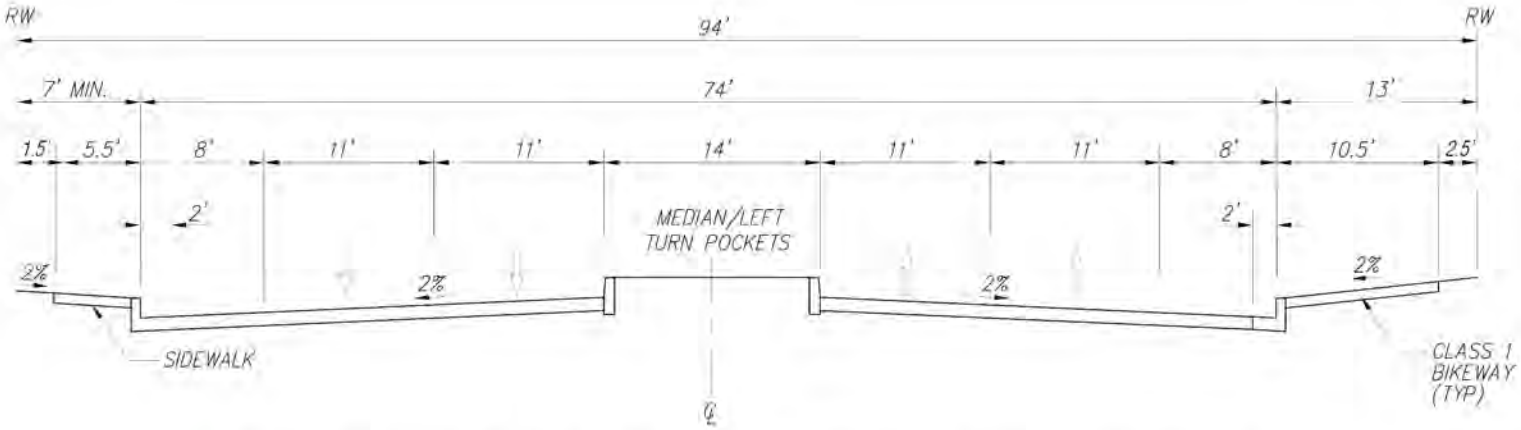
NO SCALE

SECTION TAKEN FROM FIGURE 4.15a OF CITY OF TRACY TRANSPORTATION MASTER PLAN



CORRAL HOLLOW ROAD NORTH OF LAMMERS ROAD

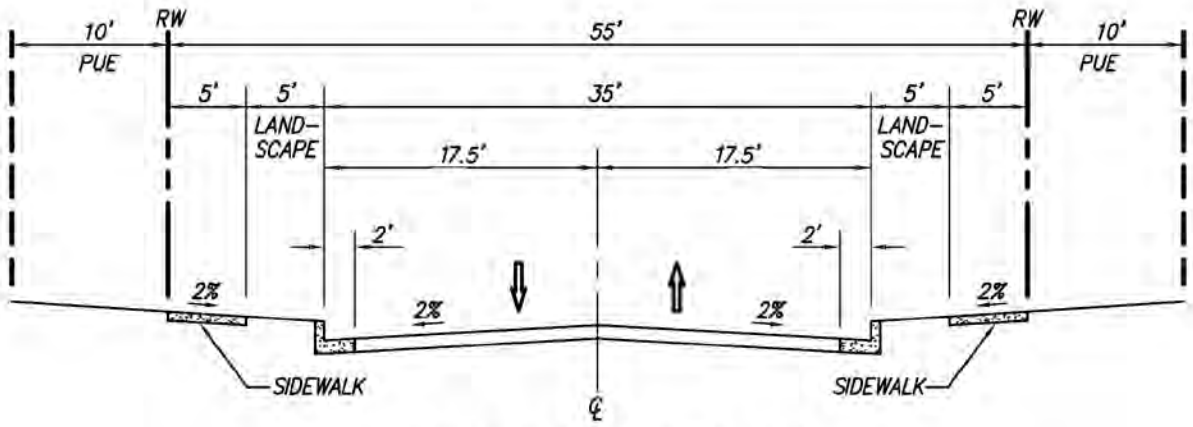
NO SCALE



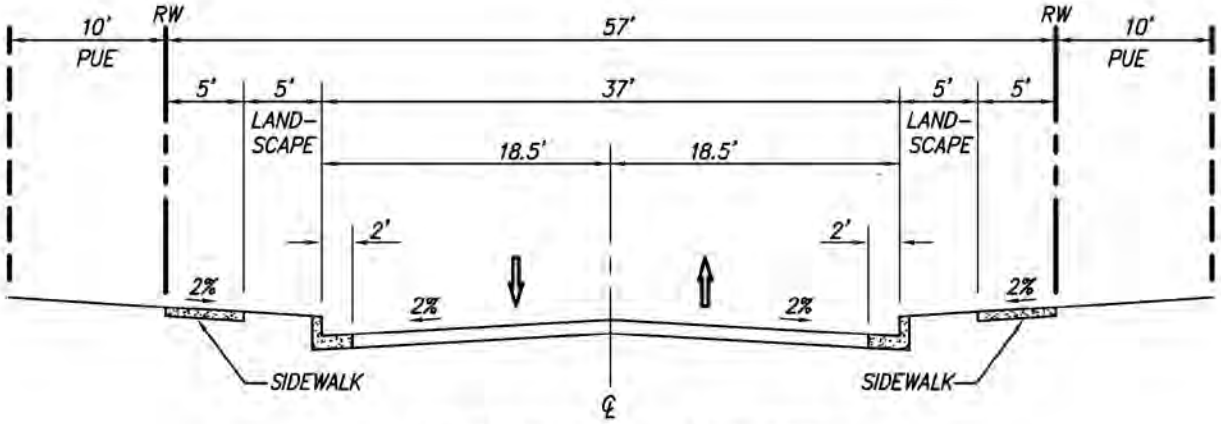
FOUR LANE MAJOR ARTERIAL WITH MEDIAN - CORRAL HOLLOW ROAD NORTH OF I-580

NO SCALE

NOTE:
SECTION TAKEN FROM FROM APPROVED CORRAL HOLLOW ROAD PLAN LANE STUDY (NOVEMBER 7, 2016)

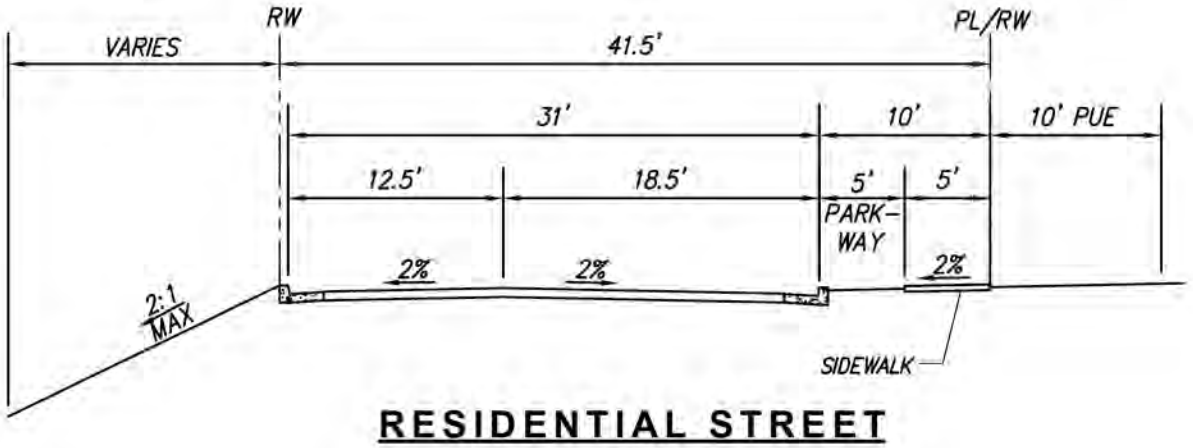


RESIDENTIAL STREET
MAXIMUM BLOCK LENGTH OF 500 FEET
NO SCALE

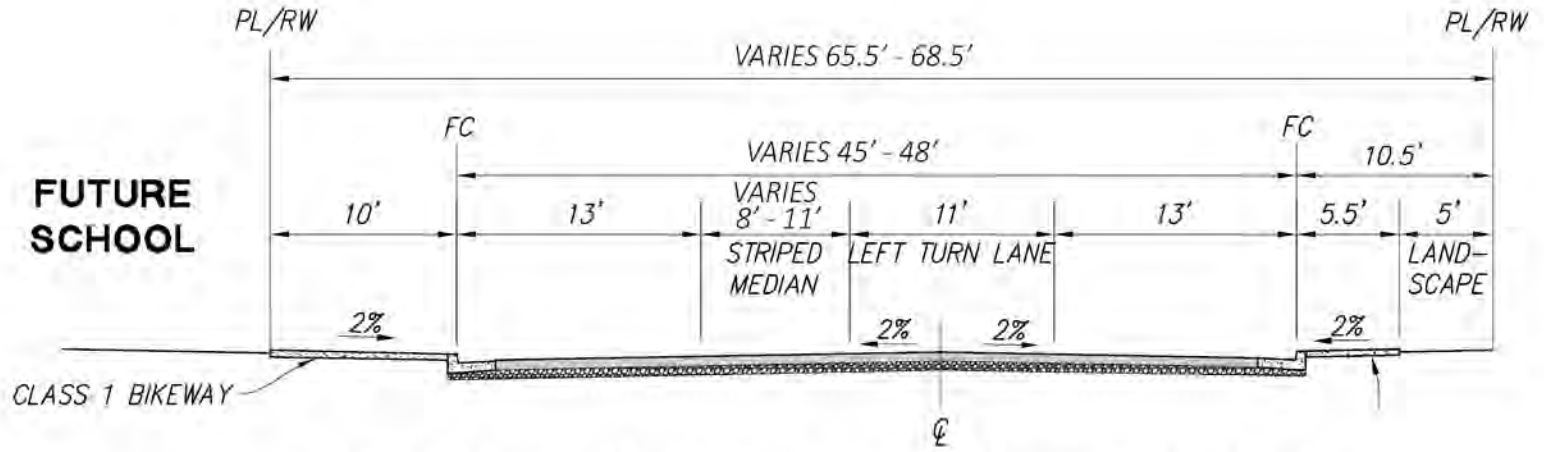


RESIDENTIAL STREET
NO SCALE

NOTE:
SECTIONS TAKEN FROM FIGURE 4.15e OF
CITY OF TRACY TRANSPORTATION MASTER PLAN

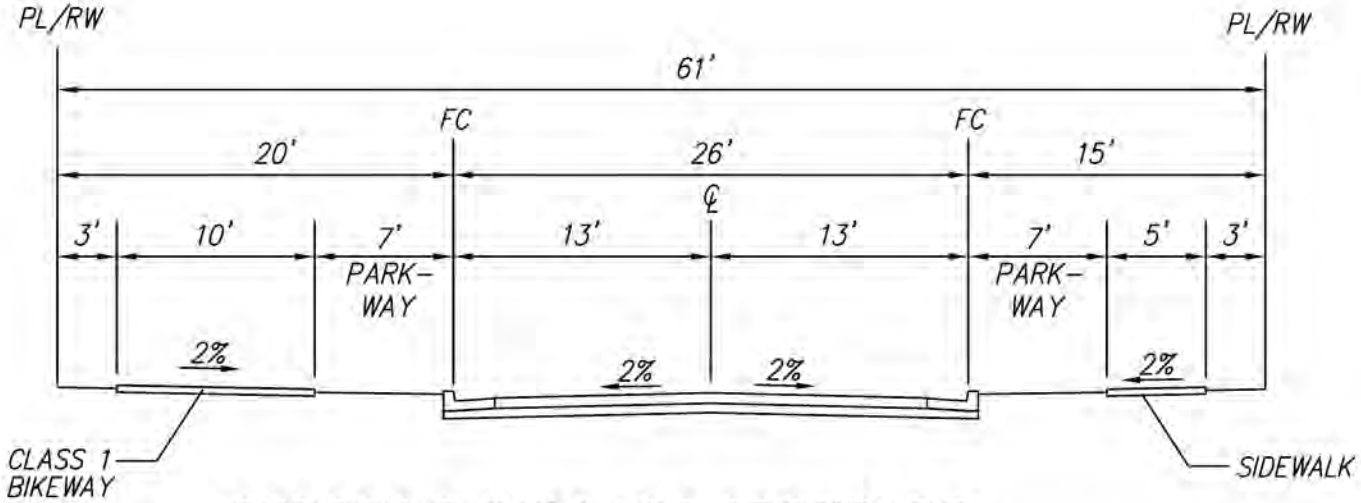


RESIDENTIAL STREET
NO SCALE



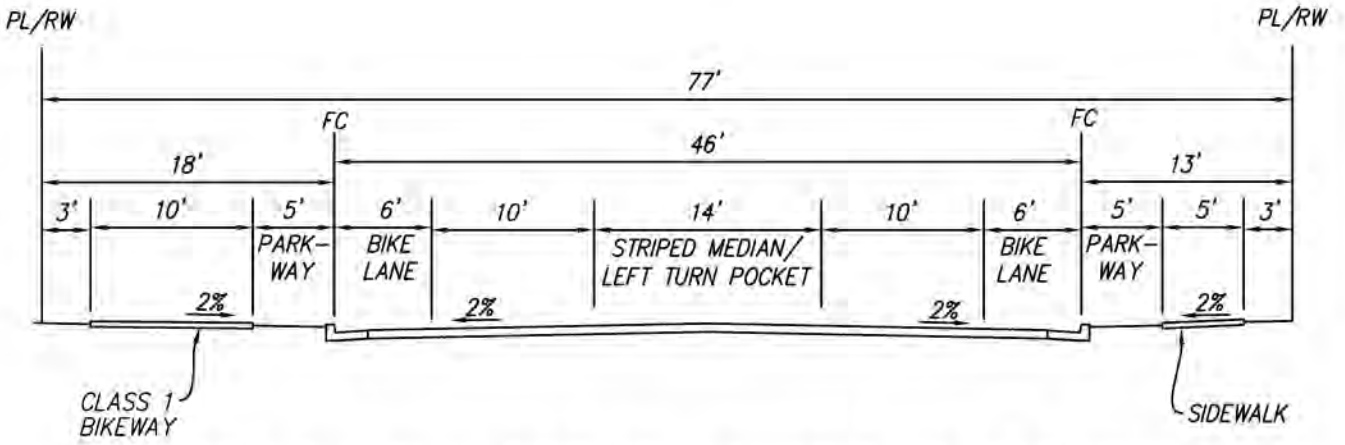
STREET B (SCHOOL FRONTAGE - PHASE 2)

NO SCALE



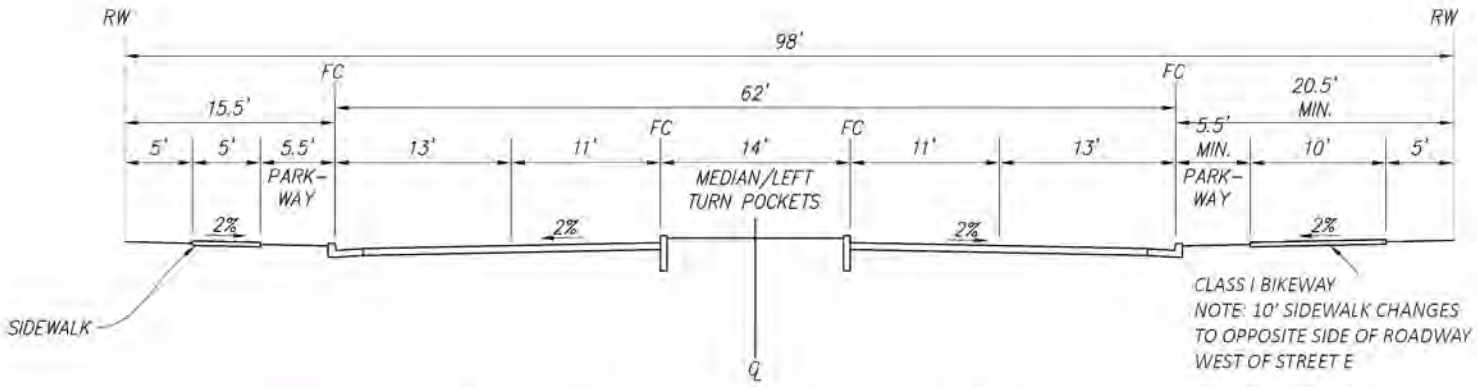
STREET B (VILLAGE FRONTAGE)

NO SCALE



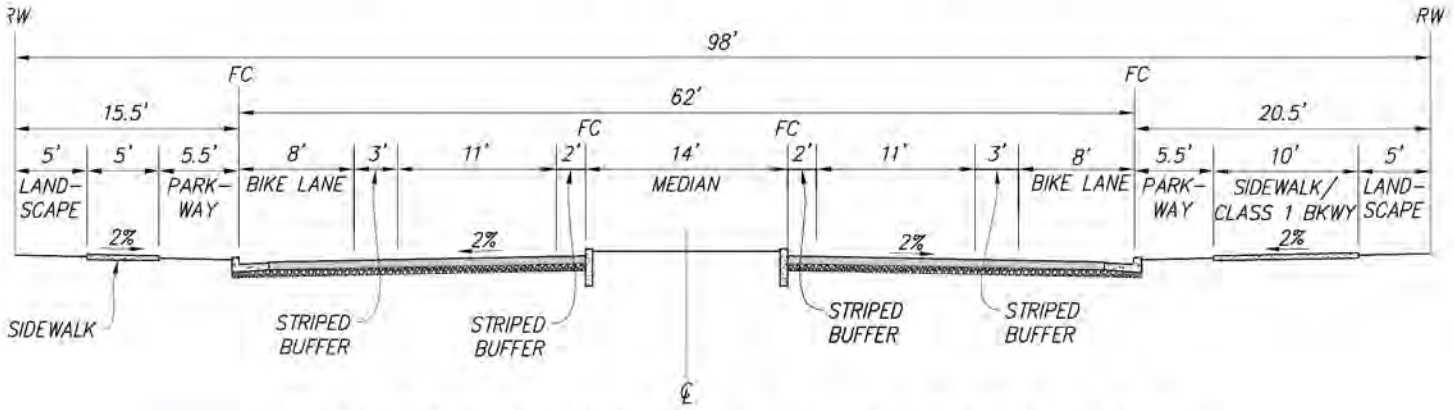
STREET C (VILLAGES 13, 14, 15 & 18 FRONTAGES)

NO SCALE



LAMMERS ROAD (PHASES 2 & 3)

NO SCALE



LAMMERS ROAD 2-LANE (PHASES 2 & 3)

NO SCALE

4.2.7 Vehicle Trip Reduction and Travel Demand Management

Tracy Hills will include opportunities to promote and implement trip reduction and travel demand management measures consistent with key goals of City of Tracy Sustainability Plan (SAP), the San Joaquin Council of Governments (SJCOG) Travel Demand Management Plan, and the San Joaquin Valley Unified Air Pollution Control District (SJVAPCD) Rule 9410. The following site design features, programs and measures designed to reduce vehicle trips, congestion and vehicle miles traveled (VMT) will be implemented in Tracy Hills:

1. Dedication of land for a park and ride lot(s) and/or construction of park and ride improvements near the Corral Hollow Road/I-580 Interchange and/or the future Lammers Road Interchange. ~~Concurrent with any tentative subdivision map or development review application for~~ Prior to the issuance of a building permit for the 500th dwelling unit in Phase 2, the location of a park and ride lot shall be identified and dedicated and/or constructed. Design and location of a ¼ to ½ acre ~~of the~~ park and ride lot(s) shall be approved by the City.
2. Class I and/or II bicycle paths are included on all backbone streets and within 1/2 mile of all land uses within Tracy Hills so that destinations can be reached conveniently by alternatives to motor vehicle trips.
3. All streets include sidewalks on both sides to promote pedestrian access and connectivity between uses except on some of the hillside residential development.
4. The street cross sections in Tracy Hills are consistent with the Tracy Transportation Master Plan by implementing principles of Complete Streets through the development of a circulation system that will address multiple transportation needs including public transit, cycling, pedestrian, and vehicle movement.
5. Tracy Hills will provide an integrated street and trail system that will provide linkages between residential, commercial, and business park uses, parks, schools and open space to promote shorter travel distances and encourage pedestrian and bicycle connectivity.
6. It is anticipated that the City of Tracy will take a phased approach to providing public transportation to Tracy Hills. The City will explore public transportation needs based on construction phasing and will evaluate appropriate routes. As development occurs in Tracy Hills, the City will modify and expand public transportation routes as necessary to efficiently accommodate demand.
7. As part of the application process for individual, specific development projects located along existing and planned transit routes, coordination shall occur with the City of Tracy (TRACER), San Joaquin Regional Transit District and/or other agencies to ensure that bus pads and shelters are incorporated, as necessary.
8. As part of the application process for individual, specific development projects that generate 100 or more employees, employers shall implement an Employer Trip Reduction Implementation Plan (ETRIP) in conformance with the SJVAPCD Rule 9410. As part of the application process for individual, specific development projects, preferential parking space locations shall be provided for electric vehicles and compressed natural gas vehicles in all parking structures and lots. The location of these reserved parking spaces shall be identified on the site plan and submitted to the Director of Development Services for approval.
9. The Developer and business shall work with the SJCOG Commute Connection program to implement employer based transportation demand management strategies to include but not limited to, ridesharing, transit, bicycling/walking, telecommuting, trip planning preferred parking for carpools and event planning.

10. Bicycle parking will be required to be located in easily accessible locations with lighting near building entrances to promote cyclist safety, security, and convenience. Employers should provide facilities that encourage bicycle commuting, including, e.g. locked bicycle storage and/or covered or indoor bicycle parking.

4.3 WATER SUPPLY SYSTEM

4.3.1 Water Demand

Water usage in the City of Tracy has been projected in the Citywide Water System Master Plan. The forecast of water use within the Tracy Hills Specific Plan area is based on water use factors used in the Citywide Water System Master Plan.

Annual water use factors are used in the computation of the total water use, and these include both potable and non-potable water uses. It is assumed that non-potable water (i.e., recycled water) will be used to irrigate schools, parks, professionally maintained landscape in the light industrial and commercial areas, and open space when available.

4.3.2 Sources of Supply

The potable water supply for Tracy Hills will come from a combination of sources including Byron Bethany Irrigation District pre-1914 and Central Valley Project water as well as other City sources.

4.3.3 Distribution and Storage

Distribution facilities will consist of a combination of transmission and distribution facilities constructed during the various phases of the project. The transmission facilities will consist of mains which will connect the City of Tracy Water Treatment Plant with the ~~two~~three or more storage reservoirs located on the project. The transmission mains will supply water to the distribution system, with water from the treatment plant or the storage reservoirs, depending upon the amount and location of the demand. A schematic diagram of the reservoir and pump station locations is shown in **Figure 4-~~8~~12, Water Distribution System.** Conceptual water tank screening methods are described in Chapter 3, Tracy Hills Design Guidelines. The Citywide Water System Master Plan provides storage and distribution requirements for the Tracy Hills Specific Plan area at buildout. Separate Water Study Technical Memorandums will be prepared in accordance with project phasing to ensure the water system infrastructure is designed to accommodate both interim and buildout conditions.

The distribution system will be designed in accordance with the City of Tracy Design Standards. All public utility mains will be installed in public rights-of-way, unless specifically approved by the City Engineer.

Potable water from the City's distribution system will be pumped uphill into a series of service zones determined by elevation. Pressure zones are delineated so that minimum static residual pressures never fall below ~~30~~ 40 pounds per square inch (psi). Maximum system pressures are about 100 psi. Pressure reducing valves are required to be installed on services with pressure greater than 80 psi.

Preliminary storage tank sizes per service zone are included in the Citywide Water System Master Plan. Depending upon phasing, zone storage may be concentrated at a single tank or split into two or more locations. The details of this decision will be determined by project phasing, tank size, site constraints, and the final transmission and distribution main configuration. Storage reservoirs will be designed to contain fire flow plus operational and emergency storage in accordance with City standards. See the Citywide Water System Master Plan for detailed system requirements.

As with storage tanks, zone pumping may be divided to reduce the size of individual pump stations, provide system redundancy, and accommodate phasing in an efficient manner. Each pump station will have one pump in reserve and be equipped with standby power.

Multiple pressure zones may be served from the same tank, with pressure reducing valves used to reduce system pressure where necessary. Pressure zone boundary delineation will depend upon street layout and the availability of utility easements and may change during later stages of planning. Connections between zones through pressure reducing valves can provide a measure of system reliability should it become necessary to feed lower zones from above in the event of a fire or other emergency.

4.3.4 Level of Service and Timing Standard

The City's target for level of service for the water supply system is to provide water in sufficient quantity and at a pressure consistent with the Citywide Water System Master Plan. Forty psi will be maintained for peak hour and ~~30~~ 20 psi for maximum day plus fire flow demands. Interim facility pressures may not be allowed to fall below this minimum.

4.3.5 Water Supply System Phasing

Water facility needs for the ultimate buildout of the project include an expansion and upgrade of the City of Tracy storage and pumping facilities, transmission, and distribution facilities, and use of Byron Bethany Irrigation District (BBID) water conveyed via the Delta-Mendota Canal.

Water storage and distribution facilities will be constructed in phases as required to meet the water demand of the project. The first phase of the project will involve construction of new transmission/distribution facilities. First phase development will occur at the northwest quadrant of Corral Hollow Road and Interstate 580. First phase water improvements will include construction of the conveyance pipes from the City Water Treatment Plant in addition to an on-site, at grade, water tank and pump station. Future development, south of I-580, will include elevated storage tanks. To facilitate future phases, some components may be oversized. Additional transmission/distribution and storage facilities will be constructed as needed.

4.3.6 Trench Requirements

Changes to existing City standards pertaining to hillside development resulting from different geotechnical and site condition requirements will be addressed as applicable to update existing City standards. Any associated costs will be paid for by the developer requesting the update. Use of native material for bedding or backfill will be based on geotechnical recommendations.

4.4 RECYCLED WATER SYSTEM

4.4.1 Recycled Water

In accordance with the Tracy Municipal Code Chapter 11.30, Recycled and Non-Potable Water, the Tracy Hills project will participate in the City's recycled water system as defined in the Citywide Water System Master Plan including the onsite distribution network. Facilities for the water reclamation system would include system wide storage, pumping, and conveyance. The recycled water distribution system is shown on **Figure 4-~~9~~13, Recycled Water Distribution System**.

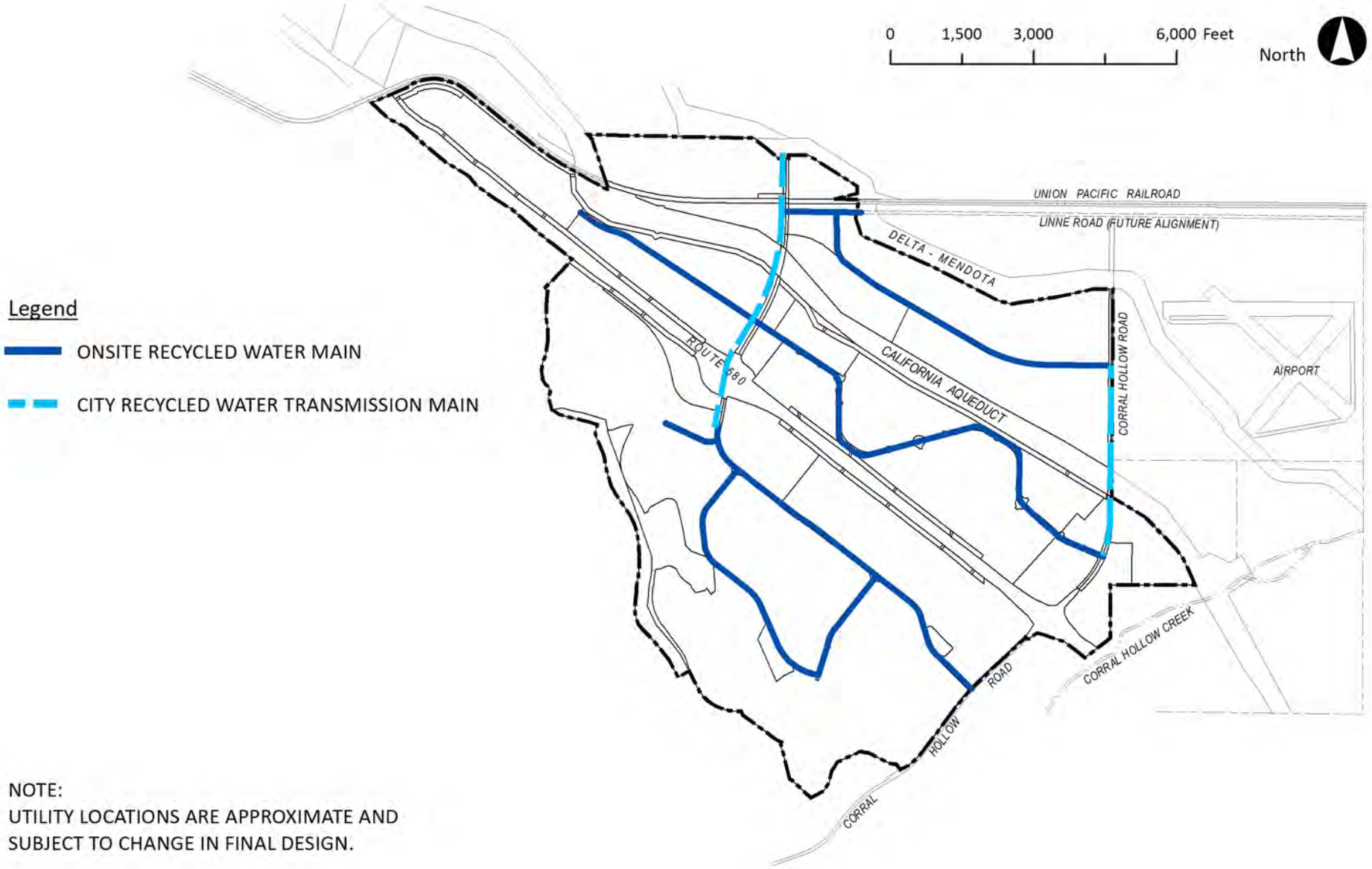


Figure 4-13
Recycled Water Distribution System

4.5 WASTEWATER COLLECTION AND TREATMENT

Wastewater will be collected in a community-wide sewer system with treatment and disposal as described in the City of Tracy Wastewater Master Plan. In general, on-site wastewater will be conveyed to a City pump station to be built within the first phase of development. This facility will pump wastewater up Corral Hollow Road to a point after which gravity will convey the project wastewater to the City treatment plant for treatment and disposal.

4.5.1 Wastewater Collection System and Treatment

Using the Tracy Hills **Land Use Concept**, **Figure 1-3,** and aerial topography, an initial delineation of sanitary sewer flow shed areas has been determined. Using these shed areas, the sewer main paths and primary collection locations were established. These collection locations, when evaluated in context with existing topography, dictated the route of the sewer mains towards the proposed sewer pump station.

All public utility mains will be installed in public rights-of-way or easements, unless specifically approved by the City Engineer. Sanitary sewer service laterals may be located under residential driveways.

Layout of the sewer collection facilities is premised upon design of a complete gravity flow system west of I-580. Numerous constraints (I-580, California Aqueduct and Delta-Mendota Canal) exist that complicate gravity service. It will be necessary to provide one pump station between I-580 and the California Aqueduct and the potential for additional lift stations between the Aqueduct and the Delta-Mendota Canal and east of Corral Hollow Road depending on final site design. **Figure 4-~~10~~14, Wastewater Collection System**, provides the probable layout of the collection facilities and the required pump ~~station~~stations.

Average daily wastewater flows are estimated using the land use summary approved herein and unit generation factors from the City of Tracy Wastewater Master Plan. Refer to the approved Tracy Hills Phase 1A and Phase 1B sewer study dated October 6, 2014 and subsequent updates, for additional information.

4.5.2 Wastewater Treatment

Sewer generated from the Tracy Hills development will be treated at the Wastewater Treatment plant per the City of Tracy Wastewater Master Plan.

The main sewer conveyance pipelines will be installed from approximately W. Schulte Road, south in Corral Hollow Road to the project. The entire project will gravity flow to a proposed sewer pump station within the first phase of development. The pump station will convey wastewater via force main north in Corral Hollow Road to past the California Aqueduct where it will gravity flow north.

4.5.3 Trench Requirements

Changes to existing City standards pertaining to hillside development resulting from different geotechnical and site condition requirements will be addressed to update applicable existing City standards. Any associated costs will be paid for by the developer requesting the update. Use of native material for bedding or backfill will be based on geotechnical recommendations.

4.7.6 Schools

Tracy Hills is within two school districts. Elementary school facilities are under the Jefferson School District and high school facilities are within the Tracy Unified School District.

The need for school facilities is determined by population trends, residential densities, proximity, and size of existing school facilities, class size standards, and projected enrollment. Phasing of educational facilities will partially depend on where development occurs first. The Tracy Hills Specific Plan is anticipated to include three potential elementary school (K-8) sites located within the Specific Plan area but the final number and locations of elementary schools will be determined in accordance with the Jefferson School District Facilities Master Plan as the Specific Plan is built out. The Tracy Unified School District's Facilities Master Plan will determine high school facilities.

4.8 PROJECT PHASING

Full development of the Tracy Hills Specific Plan area may take up to 20 years or more to complete, depending on market conditions. Conceptually, it will be phased generally from east to west or from the Corral Hollow Road end of the site to the western portions of the site (see **Figure 4-~~12, Phasing Plan~~).16, Phasing Plan**). The phases described below and indicated on the Phasing Plan may be divided into sub-phases or projects without a Specific Plan Amendment.

4.8.1 Phase 1A

Phase 1A will include the development of the residential neighborhood with three neighborhood parks, open space easements, and an elementary school between I-580 and the California Aqueduct, between Corral Hollow Road and Lammers Road. Also planned for development is the Mixed Use Business Park adjacent to Corral Hollow Road.

4.8.2 KT Development

KT Development is located east of Corral Hollow Road and provides commercial uses along Corral Hollow Road and small lot single family homes to the east.

~~4.8.2~~4.8.3 Phase 1B

Phase 1B is a continuation of residential development in the areas between I-580 and the California Aqueduct. Mixed Use Business Park development along the I-580 corridor is planned along with commercial development along Lammers Road. ~~Parks,~~A neighborhood park and open space corridor improvements will also be constructed.

~~4.8.3 Future Phases~~

4.8.4 ~~Future~~Phase 1C

Phase 1C is a continuation of low and medium density residential development ~~phases will include residential, mixed use business park, and general highway commercial development~~in the areas between I-580 and the California Aqueduct.

4.8.5 Phase 2

Phase 2 is located southwest of I-580 and ~~west~~north of Corral Hollow Road, and primarily contains low density residential development. A portion of a community park is proposed, along with a visitor and recreation center, neighborhood parks, and an elementary school. Open space corridors and conservation easements adjacent to I-580 are provided.

4.8.6 Phase 3

Phase 3 is located north of Phase 2 and primarily contains low density residential development. A portion of a community park is proposed, along with neighborhood parks, and an elementary school. Open space corridors and conservation easements adjacent to I-580 and the adjacent open space to the southwest are provided.

4.8.7 Phase 4

Phase 4 is located north of Phase 3 and southwest of I-580 and primarily contains low density residential development. A neighborhood park along with a retention basin are proposed along with open space corridors and conservation easements adjacent to I-580 and the adjacent open space to the southwest.

4.8.8 Phase 5

Phase 5 will include industrial park and residential development north of the California Aqueduct, as individual ~~land owners~~landowners submit development applications.

4.9 INFRASTRUCTURE FUNDING

This section provides a generalized overview of financing measures which may be appropriate to finance the development and construction of public infrastructure and capital facilities necessary to support the build-out of the Tracy Hills Specific Plan area. Public infrastructure and capital facilities will include both on-site and off-site improvements:

- Water treatment and distribution
- Wastewater treatment and conveyance
- Recycled water distribution
- On-site storm water conveyance and retention
- Dry utilities (electric, gas, phone and cable TV)
- Off-site transportation improvements
- On-site roads, sidewalks, and trails
- Parks and open space
- Schools
- Public landscaping and lighting
- Public safety facilities and services
- Public buildings
- Right-of-way acquisition

4.9.1 Funding Sources

The development and construction of on-site and off-site infrastructure improvements, the timing at which these improvements are to occur, and the ability to finance improvements are related to a number of factors including development phasing and project absorption. It is estimated that the Tracy Hills Specific Plan area will develop in multiple phases, and public infrastructure needed to serve Tracy Hills will be constructed through a combination of funding sources including, but not limited to, the following:

- Development impact fees
- Community Facilities Districts
- Bond proceeds
- Private capital
- Regional, state and /or federal funding and grants
- Lighting and Landscape Districts or Landscape Maintenance Districts
- Utility connection charges and user fees
- Credits and reimbursements related to oversizing infrastructure, pursuant to Chapter 13.08 of the Tracy Municipal Code.
- Quimby Act fees (Parks)
- Tracy Unified School District/Jefferson School District fees

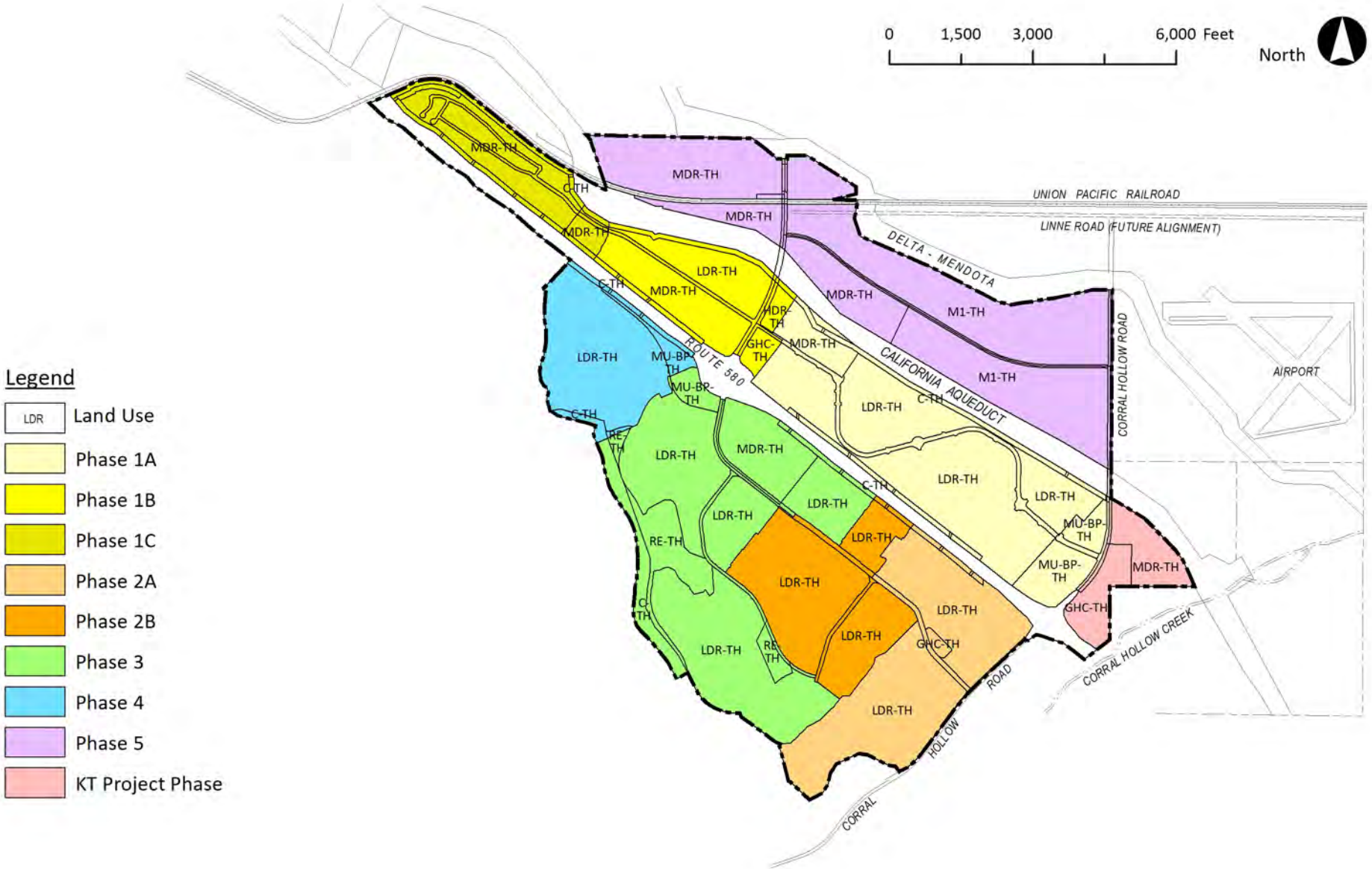


Figure 4-16
Phasing Plan

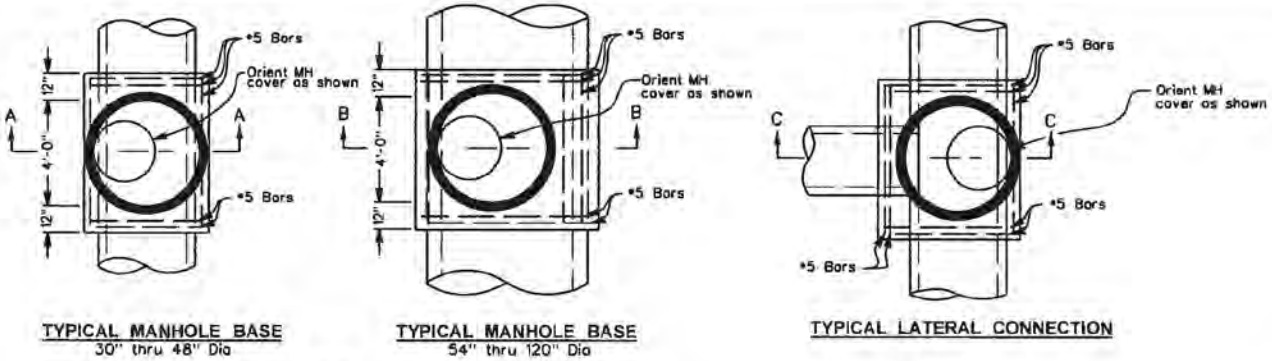
4.11 ENGINEERING DESIGN GUIDELINES

The Tracy Hills project present many engineering design challenges. The complex utility infrastructure and hillside terrain are unique compared to the typical "flatland" development throughout much of the City. Therefore, there are several engineering design conditions where the City Standard Plans for Streets and Utilities cannot be applied or Standard Plans do not exist to address specific design elements.

In addition, the current City Standard Plans for Streets and Utilities have not yet been updated to address the recently adopted City Master Plans. One example of this is the City Standard Plans for curb inlets, which were based on sidewalk being immediately adjacent to the curb and gutter. The current City Transportation Master Plan (and the Tracy Hills Specific Plan) both require separated sidewalks.

In order to take advantage of Standard Plans available within the engineering industry (vs developing unique and untested designs), this Specific Plan includes multiple Standard Plans taken from Caltrans and other Northern California agencies. These Standard Plans have been included in the Tracy Hills Specific Plan as "Engineering Design Guidelines". Current, applicable Standard Plans are included (refer to Figure 4-~~14~~17, Standard Rip Rap Energy Dissipator; Figure 4-~~15~~18, Type "G" Inlet; Figure 4-~~16~~19, Type "J" Inlet; Figure 4-~~17~~20, Type I Manhole; Figure 4-~~18~~21, Type II Manhole Base; Figure 4-~~19~~22, Type III Manhole Base; Figure 4-~~20~~23, Type IV Manhole Base for CIP; Figure 4-~~21~~24, Type 5 Manhole Base; Figure 4-~~22~~25, Inlet/MH General Notes & Details; Figure 4-~~23~~26, Type "M" Headwall; Figure ~~24~~4-27, Pipe Culvert Headwalls Straight and "L"; Figure ~~25~~4-28 Pipe Culvert Headwalls Endwalls and Wingwalls Types A, B and C; and Figure ~~26~~4-29, Inlet Trash Rack 33" Pipe or Larger)

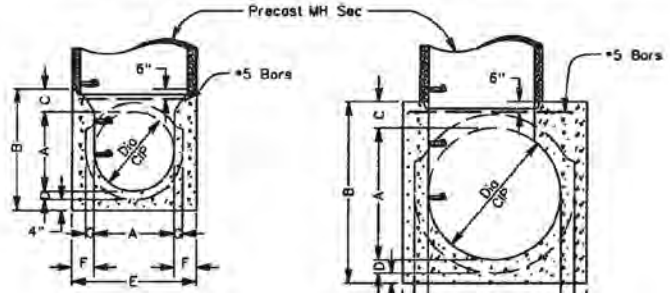
It should be noted that as design progresses in subsequent phases, additional Standard Plans may be needed. Any Standard Plans to be used that are not included herein will be included as sheets of the appropriate construction documents and approved as part of the City's plan approval process.



TYPICAL MANHOLE BASE
30" thru 48" Dia

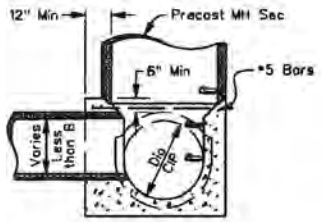
TYPICAL MANHOLE BASE
54" thru 120" Dia

TYPICAL LATERAL CONNECTION



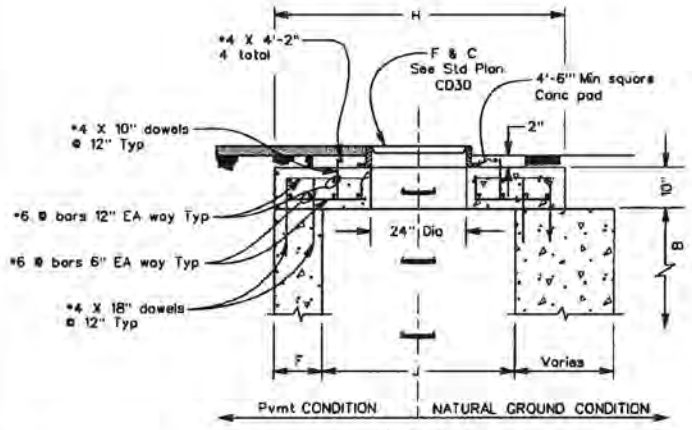
SECTION A-A

SECTION B-B



SECTION C-C

DIMENSION TABLE (in)								
A, Dia	B	C	D	E	F	G	H	J
30	46	9	3	56	13	3	56	30
36	53	9½	3½	56	10	3½	56	36
42	60	10	4	60	9	4	60	42
48	67	11	5⅛	66	9	5	60	48
54	75	11½	5½	75	10½	5½	69	48
60	82	12	6	82	11	6	70	48
66	89	12½	6½	89	11½	6½	71	48
72	96	13	7	96	12	7	72	48
84	110	14	8	110	13	8	74	48
96	124	15	9	124	14	9	76	48
120	154	18	12	154	17	12	82	48
USE OF AN "A" > 154" REQUIRES A SPECIAL DESIGN								



TOP SLAB

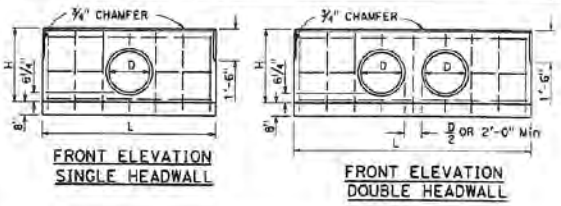
USE OF TOP SLAB:

1. When there is insufficient depth between the top of the manhole base and finish grade for a pre-cast eccentric cone manhole section.
2. Dimension "B" may be increased beyond that specified in order to conform to finish grade. Use of a larger "B" will require modifying the corresponding manhole base dimensions in accordance with the dimension table.
3. When placing a Type G or a Type J inlet on a Type IV manhole base, the opening in the top slab shall conform to the inside dimension of the inlet being placed.

NOTES:

1. For General Manhole Notes and Details, see Standard Plan CD35.
2. Clearance shall be 2" for all steel, unless otherwise noted.
3. The Type IV manhole base, shall be used only on straight runs of CIP of the same diameter.
4. For precast manhole details, see Standard Plan CD30.

Figure 4-23
Type IV Manhole Base for CIP

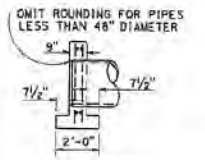


FRONT ELEVATION
SINGLE HEADWALL

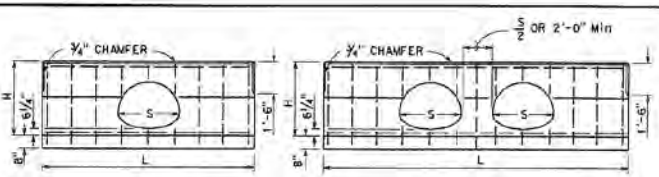
FRONT ELEVATION
DOUBLE HEADWALL

D	H	SINGLE			DOUBLE		
		L	STEEL LB	Conc CY	L	STEEL LB	Conc CY
12"	2'-8"	5'-0"	35	0.60	9'-0"	50	0.94
15"	2'-11"	6'-0"	40	0.75	9'-6"	60	1.17
18"	3'-2"	7'-0"	50	0.91	10'-6"	75	1.35
21"	3'-5"	7'-6"	60	1.02	11'-6"	90	1.52
24"	3'-8"	8'-6"	75	1.20	12'-6"	100	1.72
27"	3'-11"	9'-6"	85	1.39	14'-0"	115	2.00
30"	4'-2"	10'-0"	90	1.52	15'-0"	126	2.21
33"	4'-5"	11'-0"	100	1.73	16'-0"	130	2.42
36"	4'-8"	12'-0"	105	1.95	17'-0"	145	2.65
39"	4'-11"	12'-6"	130	2.09	18'-0"	170	2.88
42"	5'-2"	13'-6"	140	2.34	19'-0"	185	3.13
45"	5'-5"	14'-6"	150	2.60	20'-0"	195	3.38
48"	5'-8"	15'-0"	160	2.75	21'-0"	200	3.64
51"	5'-11"	16'-0"	180	3.03	22'-6"	225	4.02
54"	6'-2"	17'-0"	190	3.31	23'-6"	240	4.30

STRAIGHT HEADWALLS



SECTION, SINGLE
AND DOUBLE HEADWALLS



FRONT ELEVATION
SINGLE HEADWALL

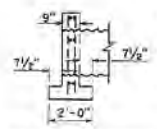
FRONT ELEVATION
DOUBLE HEADWALL

NOTES:

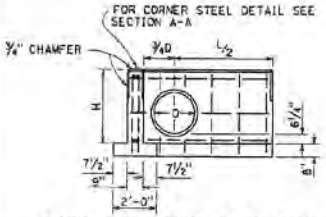
1. No deduction made in quantities for thickness of pipe walls.
2. All reinforcing steel #4 bars. All vertical and horizontal tie bars 1'-6" maximum spacing.
3. Length of wall "W" may be varied to suit conditions encountered in the field, and straight line interpolation may be used to calculate quantities.
4. Quantities are for design purposes only.
5. Cable railing to be installed on top of headwall when shown on Project Plans. See Standard Plan B11-47 for cable railing details.

CMP ARCH SIZE	H	L	SINGLE STEEL LB	SINGLE Conc CY	L	DOUBLE STEEL LB	DOUBLE Conc CY
21" x 15"	2'-11"	6'-6"	45	0.80	10'-0"	60	1.22
24" x 18"	3'-2"	7'-6"	50	0.96	11'-6"	70	1.45
28" x 20"	3'-4"	8'-6"	60	1.12	13'-6"	90	1.76
35" x 24"	3'-8"	10'-6"	85	1.47	15'-6"	120	2.16
42" x 29"	4'-1"	12'-6"	110	1.76	18'-0"	145	2.57
49" x 33"	4'-6"	14'-6"	130	2.26	21'-0"	170	3.13
57" x 38"	4'-10"	17'-0"	155	2.81	24'-6"	210	3.86
64" x 43"	5'-3"	19'-0"	175	3.31	27'-0"	230	4.42
71" x 47"	5'-7"	21'-0"	195	3.81	30'-0"	255	5.09

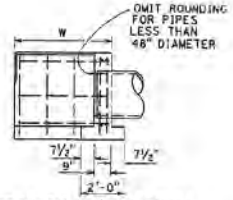
STRAIGHT HEADWALLS



SECTION, SINGLE
AND DOUBLE HEADWALLS



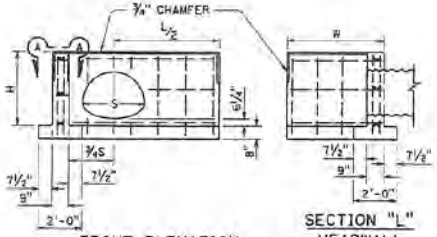
FRONT ELEVATION "L" HEADWALL



SECTION "L" HEADWALL



SECTION A-A



FRONT ELEVATION
"L" HEADWALL

SECTION "L"
HEADWALL

D	H	L/2	LENGTH OF W 3'-4" STEEL LB	3'-4" Conc CY	4'-10" STEEL LB	4'-10" Conc CY	6'-4" STEEL LB	6'-4" Conc CY	7'-10" STEEL LB	7'-10" Conc CY	9'-4" STEEL LB	9'-4" Conc CY
12"	2'-8"	2'-6"	50	0.79	60	0.98	—	—	—	—	—	—
15"	2'-11"	3'-0"	55	0.91	65	1.11	—	—	—	—	—	—
18"	3'-2"	3'-6"	65	1.04	75	1.25	—	—	—	—	—	—
21"	3'-5"	3'-9"	75	1.15	90	1.36	—	—	—	—	—	—
24"	3'-8"	4'-3"	85	1.29	100	1.51	110	1.74	—	—	—	—
27"	3'-11"	4'-9"	90	1.44	105	1.67	115	1.91	—	—	—	—
30"	4'-2"	5'-0"	95	1.55	110	1.80	120	2.05	135	2.29	—	—
33"	4'-5"	5'-6"	105	1.71	120	1.97	135	2.23	150	2.48	—	—
36"	4'-8"	6'-0"	110	1.88	125	2.15	140	2.41	155	2.68	170	2.95
39"	4'-11"	6'-3"	—	—	150	2.28	170	2.56	185	2.84	200	3.12
42"	5'-2"	6'-9"	—	—	155	2.42	175	2.76	190	3.05	210	3.34
45"	5'-5"	7'-3"	—	—	—	—	180	2.97	200	3.27	215	3.57
48"	5'-8"	7'-6"	—	—	—	—	190	3.13	215	3.44	230	3.75
51"	5'-11"	8'-0"	—	—	—	—	—	—	220	3.67	235	3.99
54"	6'-2"	8'-6"	—	—	—	—	—	—	235	3.91	250	4.24

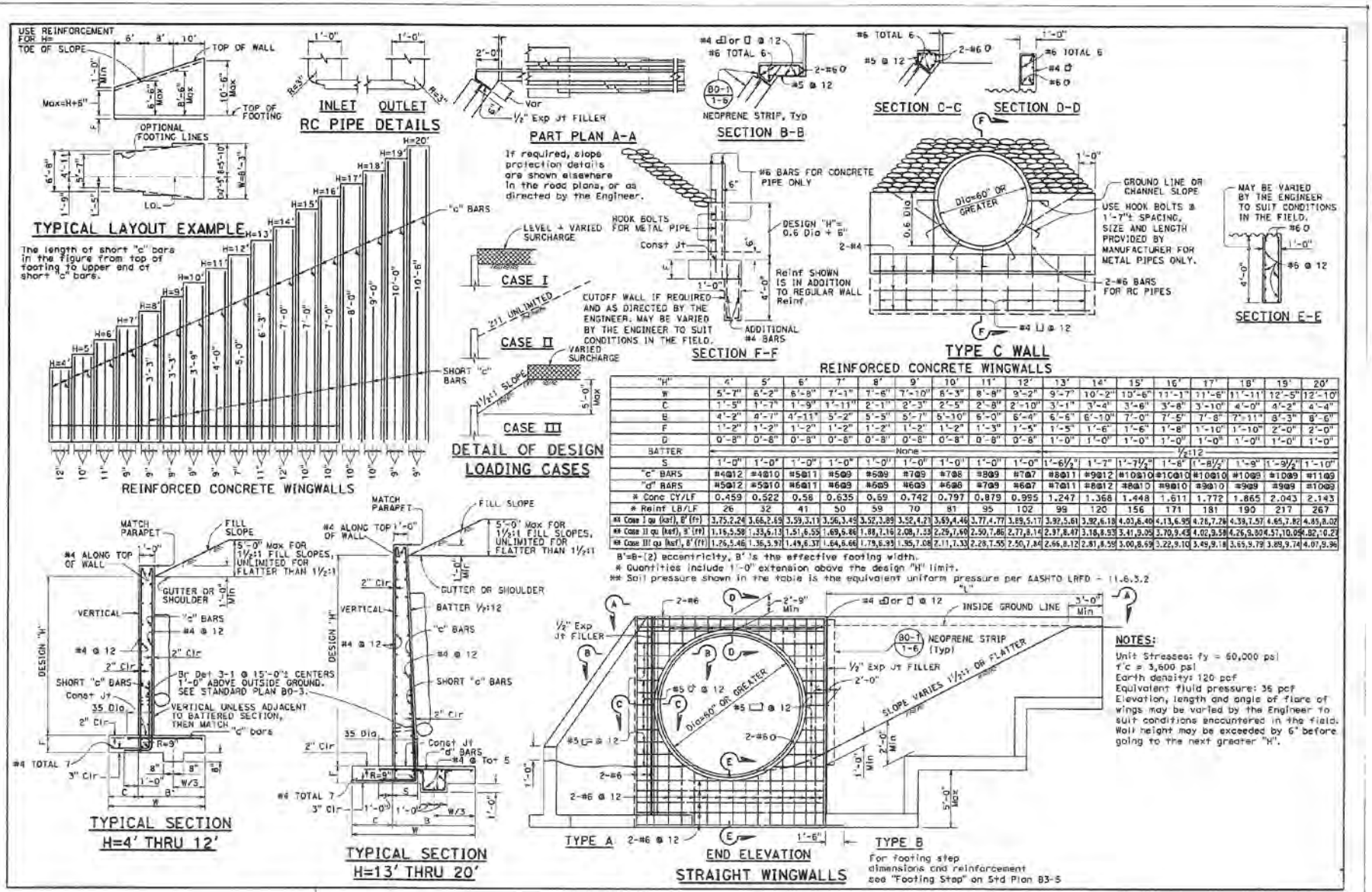
"L" HEADWALLS

CIRCULAR PIPE CULVERT HEADWALLS

CMP ARCH SIZE	H	L/2	LENGTH OF W 3'-4" STEEL LB	3'-4" Conc CY	4'-10" STEEL LB	4'-10" Conc CY	6'-4" STEEL LB	6'-4" Conc CY	7'-10" STEEL LB	7'-10" Conc CY	9'-4" STEEL LB	9'-4" Conc CY
21" x 15"	2'-11"	3'-3"	60	1.00	65	1.18	75	1.38	90	1.58	100	1.77
24" x 18"	3'-2"	3'-9"	60	1.07	70	1.32	80	1.53	95	1.74	110	1.98
28" x 20"	3'-4"	4'-3"	70	1.26	80	1.47	90	1.68	100	1.90	115	2.11
35" x 24"	3'-8"	5'-3"	100	1.51	110	1.74	120	1.97	140	2.20	155	2.42
42" x 29"	4'-1"	6'-3"	115	1.82	130	2.06	140	2.31	155	2.55	170	2.83
49" x 33"	4'-5"	7'-3"	130	2.12	145	2.37	155	2.64	170	2.90	185	3.15
57" x 38"	4'-10"	9'-6"	145	2.52	160	2.79	175	3.07	190	3.35	205	3.61
64" x 43"	5'-3"	9'-6"	185	2.89	200	3.11	215	3.48	235	3.77	250	4.06
71" x 47"	5'-7"	10'-6"	200	3.25	215	3.56	235	3.86	250	4.17	270	4.48

"L" HEADWALLS

CORRUGATED METAL PIPE ARCH CULVERT HEADWALLS

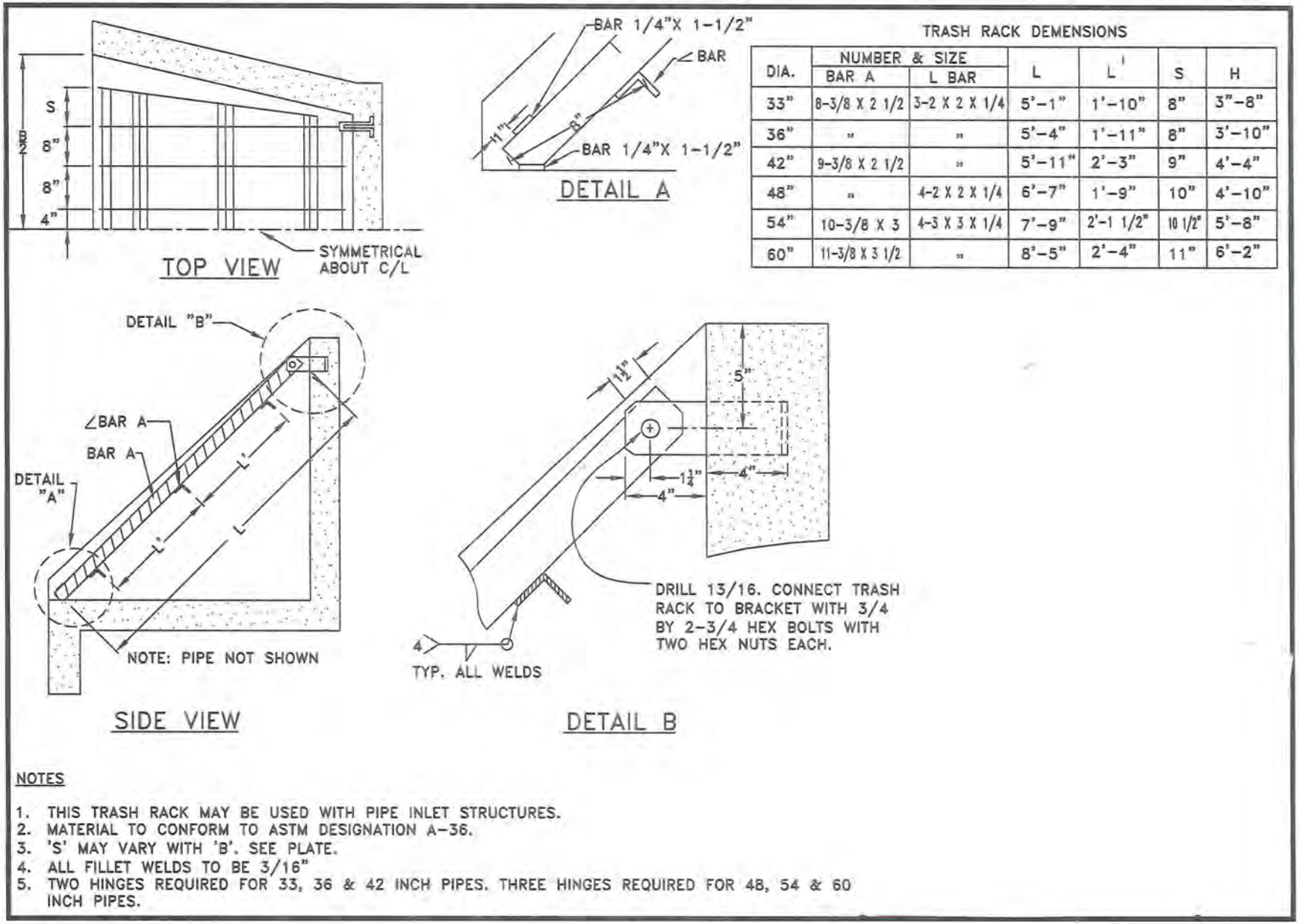


"H"	4'	5'	6'	7'	8'	9'	10'	11'	12'	13'	14'	15'	16'	17'	18'	19'	20'
W	5'-7"	6'-2"	6'-8"	7'-1"	7'-6"	7'-10"	8'-3"	8'-8"	9'-2"	9'-7"	10'-2"	10'-6"	11'-1"	11'-6"	11'-11"	12'-5"	12'-10"
C	1'-5"	1'-7"	1'-9"	1'-11"	2'-1"	2'-3"	2'-5"	2'-8"	2'-10"	3'-1"	3'-4"	3'-6"	3'-8"	3'-10"	4'-0"	4'-2"	4'-4"
B	4'-2"	4'-7"	4'-11"	5'-2"	5'-5"	5'-7"	5'-10"	6'-0"	6'-4"	6'-6"	6'-10"	7'-0"	7'-5"	7'-8"	7'-11"	8'-3"	8'-6"
F	1'-2"	1'-2"	1'-2"	1'-2"	1'-2"	1'-2"	1'-2"	1'-3"	1'-5"	1'-5"	1'-6"	1'-6"	1'-8"	1'-10"	1'-10"	2'-0"	2'-0"
D	0'-8"	0'-8"	0'-8"	0'-8"	0'-8"	0'-8"	0'-8"	0'-8"	0'-8"	1'-0"	1'-0"	1'-0"	1'-0"	1'-0"	1'-0"	1'-0"	1'-0"
BATTER	None									1/2:12							
S	1'-0"	1'-0"	1'-0"	1'-0"	1'-0"	1'-0"	1'-0"	1'-0"	1'-0"	1'-6½"	1'-7"	1'-7½"	1'-8"	1'-8½"	1'-9"	1'-9½"	1'-10"
"c" BARS	#4@12	#4@10	#5@11	#5@9	#5@8	#7@9	#7@8	#8@9	#7@7	#8@11	#9@12	#10@10	#10@10	#10@10	#10@8	#10@9	#11@9
"d" BARS	#5@12	#5@10	#6@11	#6@9	#6@8	#6@9	#6@8	#7@9	#6@7	#7@11	#8@12	#8@10	#9@10	#9@10	#9@8	#9@9	#10@9
* Conc CY/LF	0.459	0.522	0.58	0.635	0.69	0.742	0.797	0.879	0.995	1.247	1.368	1.448	1.611	1.772	1.865	2.043	2.143
* Reinf LB/LF	26	32	41	50	59	70	81	95	102	99	120	156	171	181	190	217	267
** Case I qu (ksf), B' (ft)	3.75,2.24	3.66,2.69	3.59,3.11	3.56,3.45	3.52,3.89	3.52,4.23	3.69,4.46	3.77,4.77	3.89,5.17	3.92,5.61	3.92,6.18	4.03,6.40	4.13,6.95	4.28,7.26	4.39,7.57	4.65,7.82	4.85,8.02
** Case II qu (ksf), B' (ft)	1.16,5.58	1.33,5.13	1.51,6.55	1.69,5.86	1.88,7.16	2.08,7.33	2.29,7.69	2.50,7.86	2.71,8.14	2.97,8.47	3.16,8.93	3.41,9.05	3.70,9.43	4.02,9.58	4.26,9.80	4.57,10.05	4.82,10.23
** Case III qu (ksf), B' (ft)	1.26,5.46	1.36,5.97	1.49,6.37	1.64,6.66	1.79,6.95	1.95,7.08	2.11,7.33	2.28,7.55	2.50,7.84	2.66,8.12	2.81,8.55	3.00,8.69	3.22,9.10	3.45,9.18	3.65,9.79	3.89,9.74	4.07,9.96

B'=B-(2) eccentricity, B' is the effective footing width.
* Quantities include 1'-0" extension above the design "H" limit.
** Soil pressure shown in the table is the equivalent uniform pressure per AASHTO LRFD - 11.6.3.2

Figure 4-28

Pipe Culvert Headwalls, Endwalls and Wingwalls Types A, B, and C



NOTES

1. THIS TRASH RACK MAY BE USED WITH PIPE INLET STRUCTURES.
2. MATERIAL TO CONFORM TO ASTM DESIGNATION A-36.
3. 'S' MAY VARY WITH 'B'. SEE PLATE.
4. ALL FILLET WELDS TO BE 3/16"
5. TWO HINGES REQUIRED FOR 33, 36 & 42 INCH PIPES. THREE HINGES REQUIRED FOR 48, 54 & 60 INCH PIPES.

Figure Number	Figure Name	Page Number
D-1	Phase 2 Conceptual Illustrative	D-2
D-2	Phase 2 Community Identity Signage/Monumentation Key Map	D-3
D-3	Phase 2 Primary Community Monumentation	D-4
D-4	Phase 2 Secondary Community Monumentation	D-5
D-5	Phase 2 Primary Neighborhood Monumentation	D-6
D-6	Phase 2 Park Monumentation	D-7
D-7	Phase 2 Trailhead Marker	D-8
D-8	Phase 2 Streetscape, Trails and Edge Condition Key Map	D-9
D-9	Phase 2 Section 1 - Lammers Road	D-10
D-10	Phase 2 Section 2 - Street C	D-11
D-11	Phase 2 Section 3 - Street D-2	D-12
D-12	Phase 2 Section 4 - Residential Street (57’ R/W)	D-13
D-13	Phase 2 Section 5 - Edge Condition	D-14
D-14	Phase 2 Master Wall and Fence Plan	D-15
D-15	Phase 2 6’-0” Block Wall or 8’-0” Sound Wall	D-16
D-16	Phase 2 4’-0” to 6’-0” Black Vinyl-Coated Chain Link Fence	D-17
D-17	Phase 2 4’-7” Easement Fence	D-18
D-18	Phase 2 Split Rail Fence Detail	D-19
D-19	Phase 2 Tube Steel Fence Detail	D-20
D-20	Phase 2 Conceptual Overall Street Tree Plan	D-21
D-21	Phase 2 Community Park	D-22
D-22	Phase 2 Linear Park	D-23
D-23	Phase 2 Neighborhood Park 1	D-24
D-24	Phase 2 Neighborhood Park 2	D-25
D-25	Phase 2 Neighborhood Park 3	D-26
D-26	Phase 2 Neighborhood Park 4	D-27
D-27	Phase 2 Trails	D-28
D-28	Phase 2 Trail Sections	D-29
D-29	Phase 2 Landscape Plant Matrix - Phase 2 / Fuel Modification Acceptable	D-30

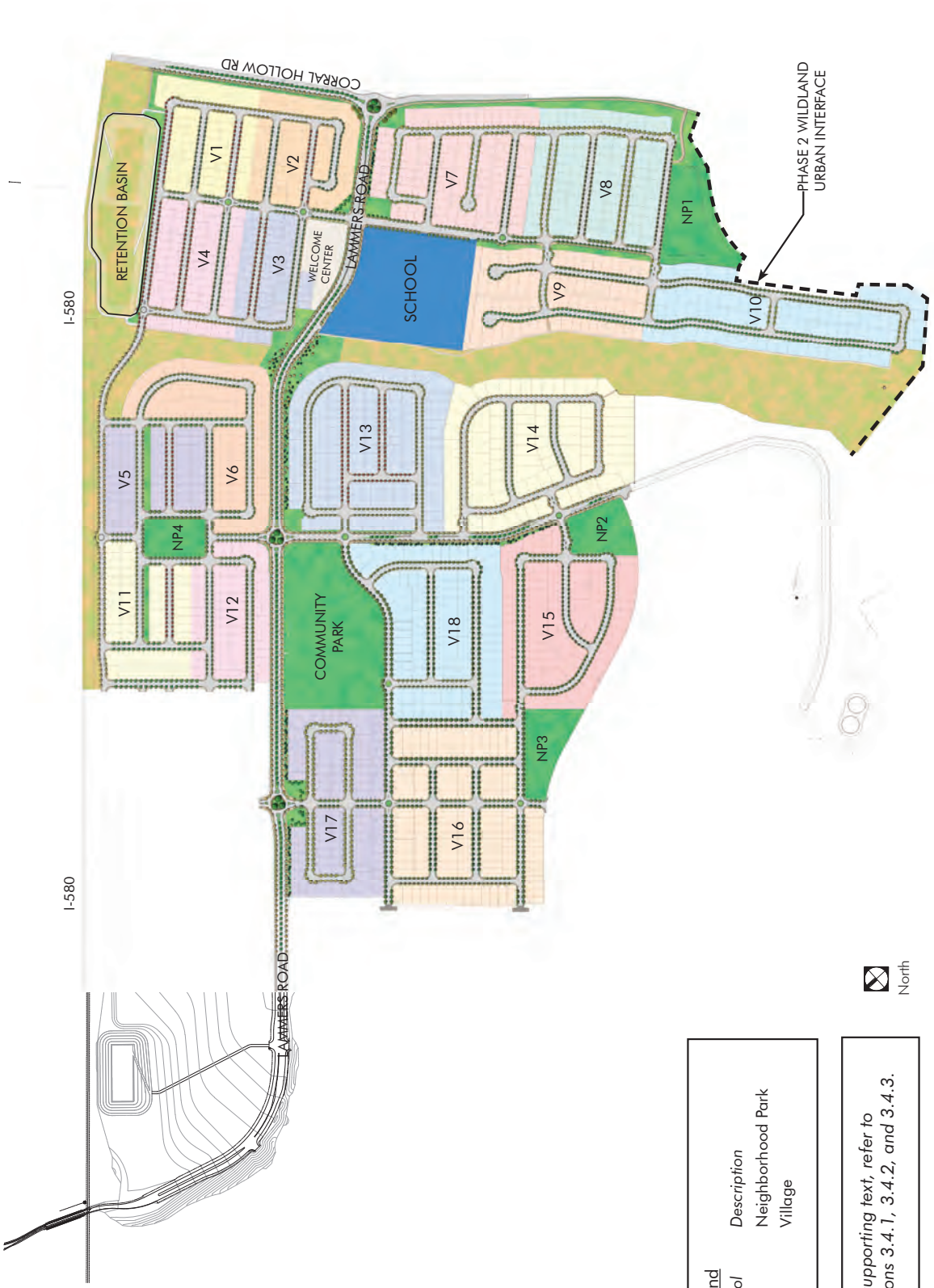
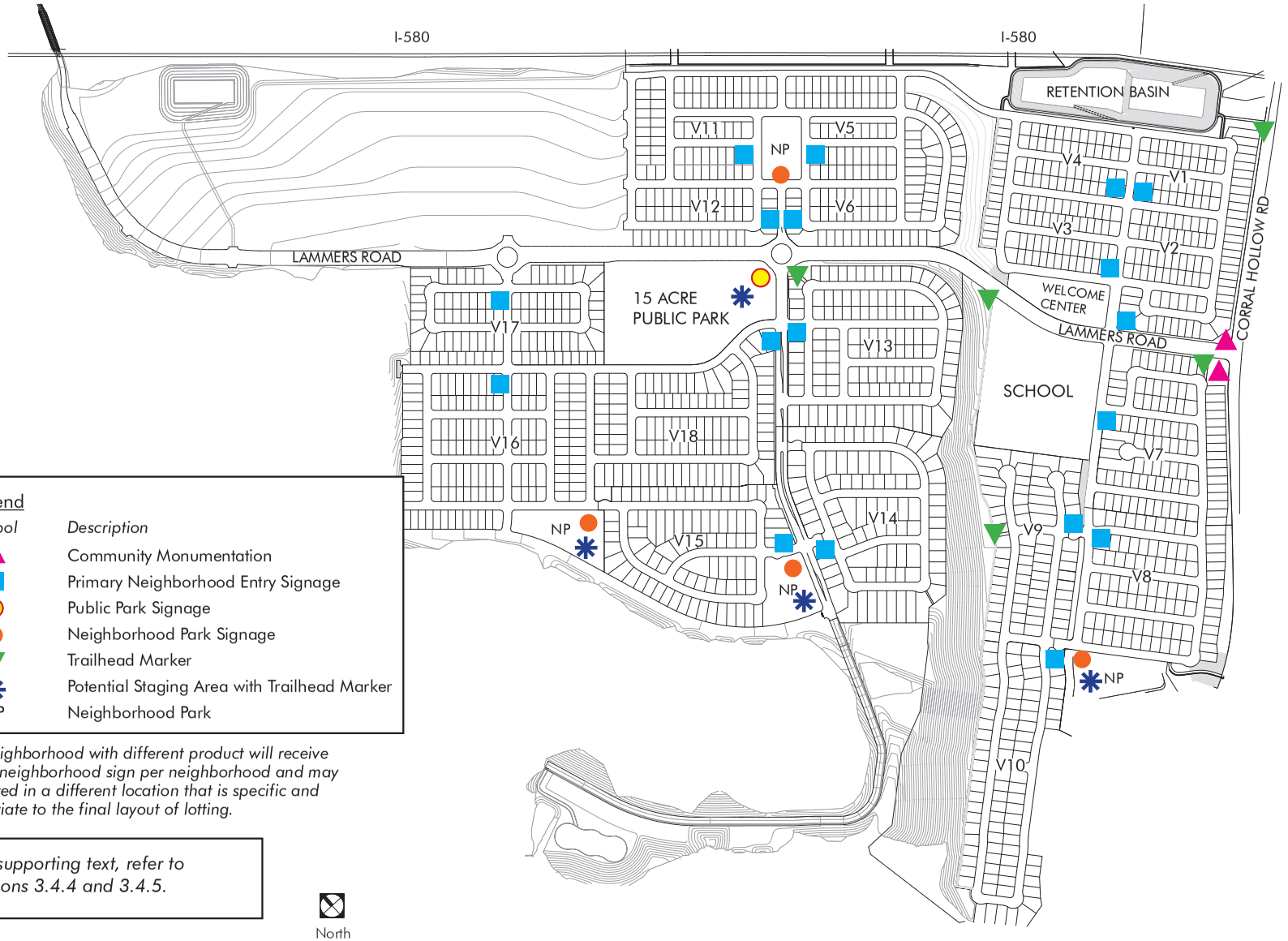


Figure D-1
Phase 2 Conceptual Illustrative
September 2021

TRACY HILLS
Specific Plan



Legend

Symbol	Description
▲	Community Monumentation
■	Primary Neighborhood Entry Signage
◉	Public Park Signage
●	Neighborhood Park Signage
▼	Trailhead Marker
✱	Potential Staging Area with Trailhead Marker
NP	Neighborhood Park

Each neighborhood with different product will receive one (1) neighborhood sign per neighborhood and may be located in a different location that is specific and appropriate to the final layout of lotting.

For supporting text, refer to sections 3.4.4 and 3.4.5.

North

Figure D-2
Phase 2 Community Identity Signage/Monumentation Key Map

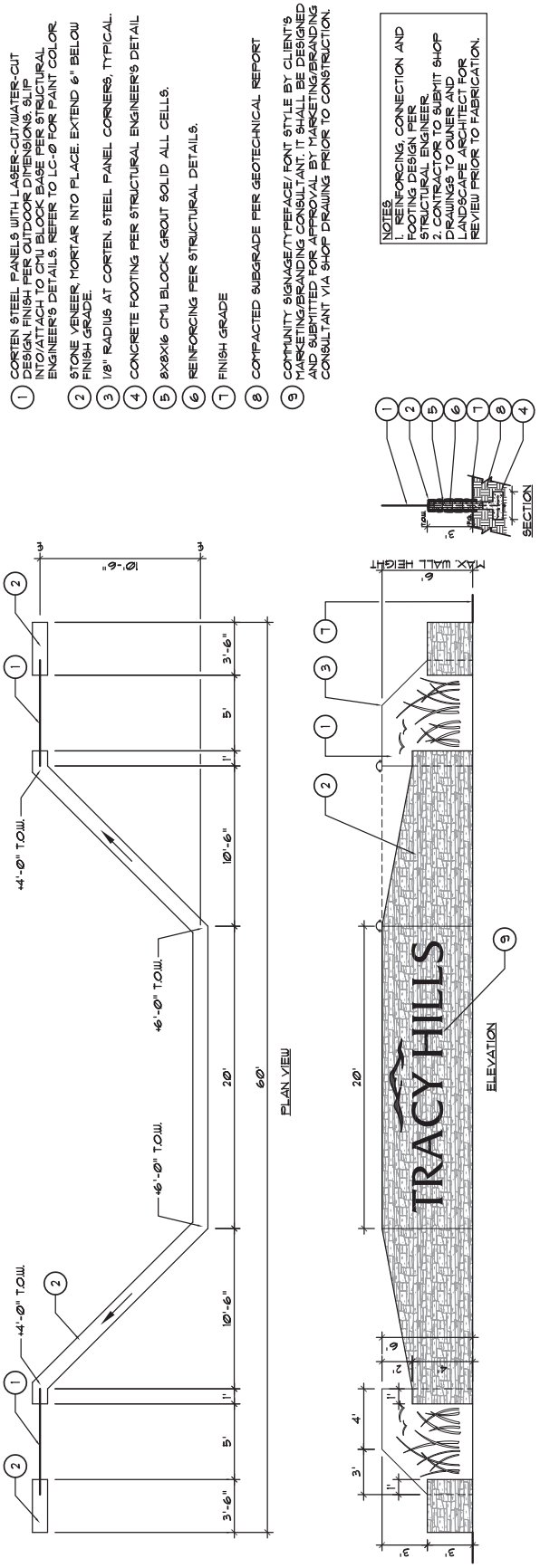


Figure D-3 Primary Community Monumentation

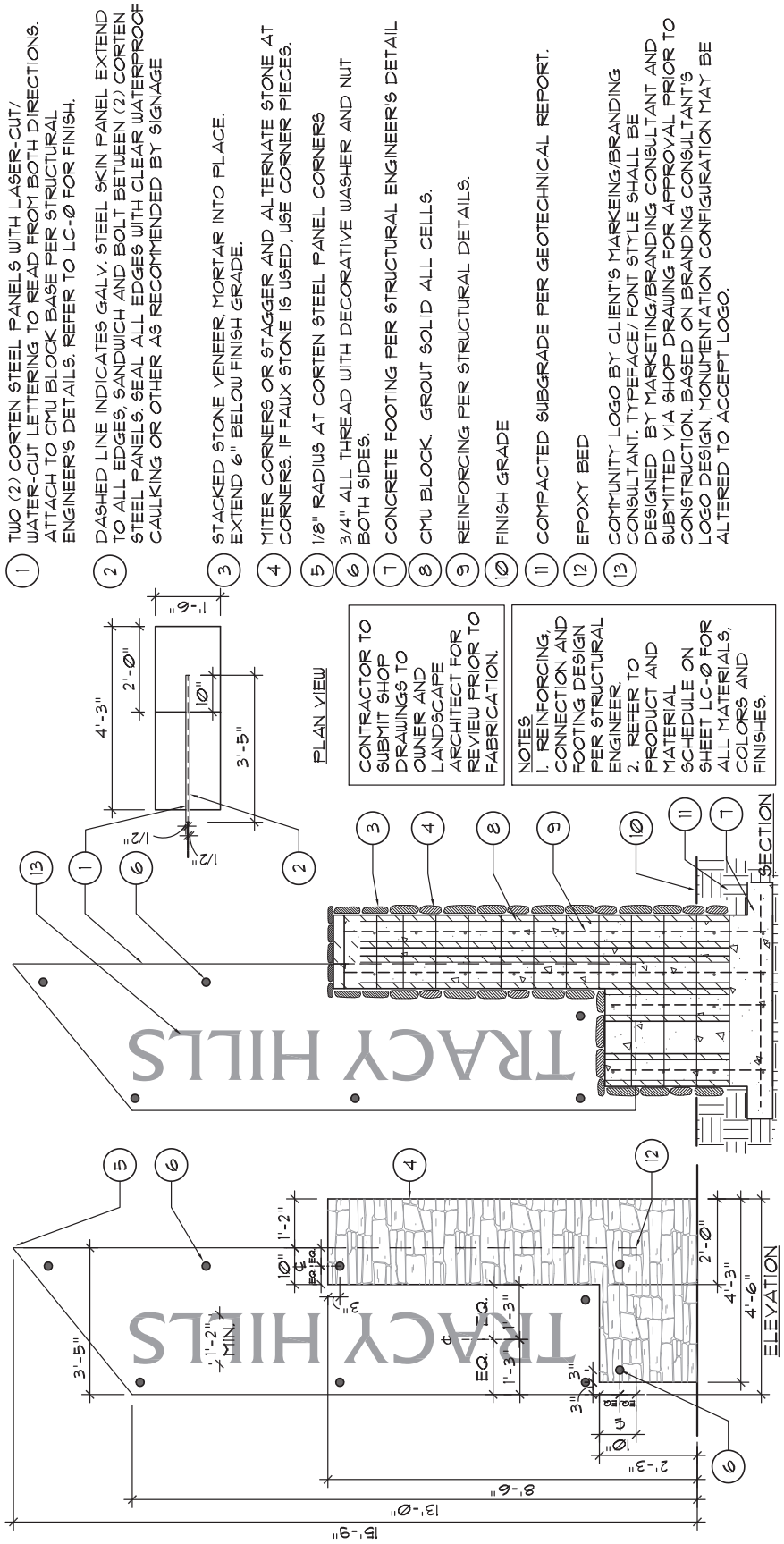
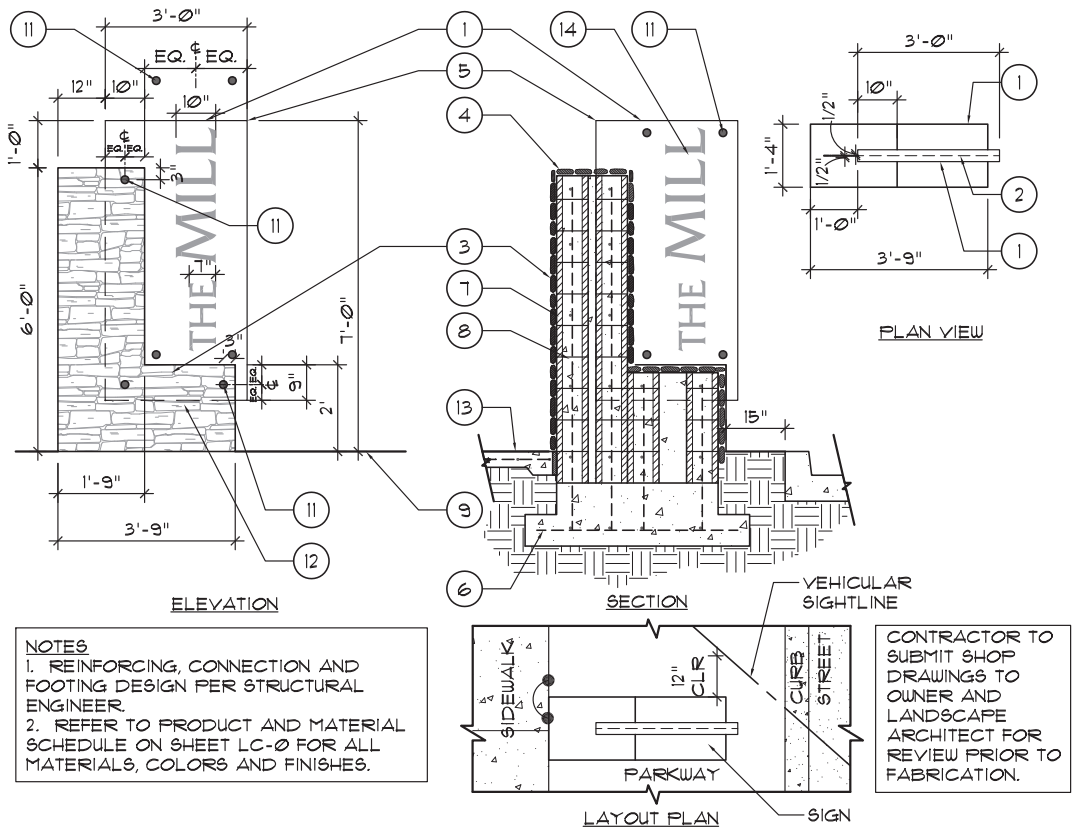


Figure D-4 Secondary Community Monumentation

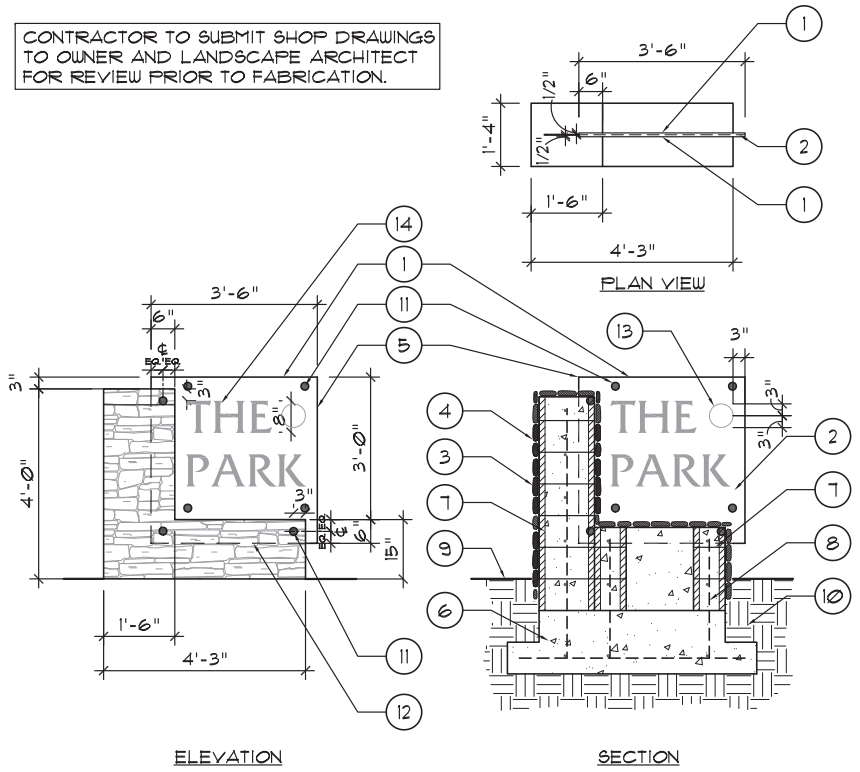
NOTE: CONSTRUCTION SPECIFICATIONS/ DETAILING HEREIN ARE SUBJECT TO CHANGE BASED ON STRUCTURAL CALCULATIONS.



1. TWO (2) CORTEN STEEL PANELS WITH LASER-CUT/ WATER-CUT LETTERING TO READ FROM BOTH DIRECTIONS. ATTACH TO CMU BLOCK BASE PER STRUCTURAL ENGINEER'S DETAILS. REFER TO LC-0 FOR FINISH.
2. DASHED LINE INDICATES GALV. STEEL SKIN PANEL EXTEND TO ALL EDGES, SANDWICH AND BOLT BETWEEN (2) CORTEN STEEL PANELS. SEAL ALL EDGES WITH CLEAR WATERPROOF CAULKING OR OTHER AS RECOMMENDED BY SIGNAGE CONTRACTOR. REFER TO SHEET LC-0 FOR PAINT COLOR.
3. STACKED STONE VENEER, MORTAR INTO PLACE. EXTEND 6" BELOW FINISH GRADE - NO GROUT.
4. MITER CORNERS OR STAGGER AND ALTERNATE STONE AT CORNERS. IF FAUX STONE IS USED, USE CORNER PIECES.
5. 1/8" RADIUS AT CORTEN STEEL PANEL CORNERS
6. CONCRETE FOOTING PER STRUCTURAL ENGINEER'S DETAIL
7. CMU BLOCK. GROUT SOLID ALL CELLS.
8. REINFORCING PER STRUCTURAL DETAILS.
9. FINISH GRADE
10. COMPACTED SUBGRADE PER GEOTECHNICAL REPORT.
11. 3/4" ALL THREAD WITH DECORATIVE WASHER AND NUT BOTH SIDES.
12. EPOXY BED
13. ADJACENT CONCRETE PAVING,
14. VILLAGE TYPEFACE/ FONT STYLE SHALL BE DESIGNED BY MARKETING/BRANDING CONSULTANT AND SUBMITTED VIA SHOP DRAWING FOR APPROVAL PRIOR TO CONSTRUCTION.

Figure D-5 Primary Neighborhood Monumentation

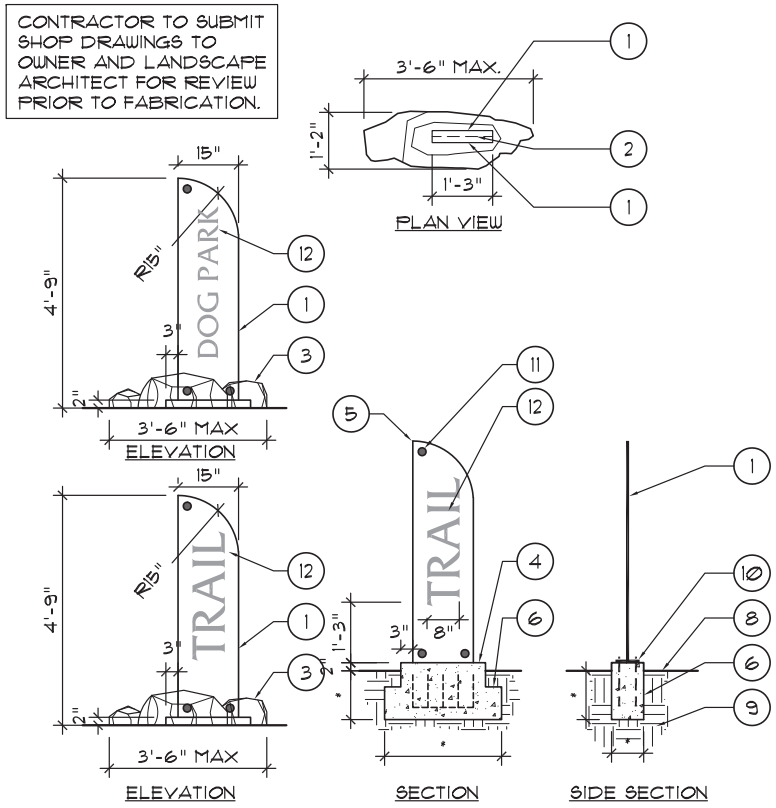
NOTE: CONSTRUCTION SPECIFICATIONS/ DETAILING HEREIN ARE SUBJECT TO CHANGE BASED ON STRUCTURAL CALCULATIONS.



1. TWO (2) CORETEN STEEL PANELS WITH LASER-CUT/ WATER-CUT LETTERING TO READ FROM BOTH DIRECTIONS. ATTACH TO CMU BLOCK BASE PER STRUCTURAL ENGINEER'S DETAILS. REFER TO LC-0 FOR FINISH.
2. DASHED LINE INDICATES GALV. STEEL SKIN PANEL EXTEND TO ALL EDGES, SANDWICH AND BOLT BETWEEN (2) CORTEN STEEL PANELS. SEAL ALL EDGES WITH CLEAR WATERPROOF CAULKING OR OTHER AS RECOMMENDED BY SIGNAGE CONTRACTOR. REFER TO SHEET LC-0 FOR PAINT COLOR.
3. STACKED STONE VENEER, MORTAR INTO PLACE. EXTEND 6" BELOW FINISH GRADE - NO GROUT.
4. MITER CORNERS OR STAGGER AND ALTERNATE STONE AT CORNERS. IF FAUX STONE IS USED, USE CORNER PIECES.
5. 1/8" RADIUS AT CORTEN STEEL PANEL CORNERS AND OUTSIDE CORNERS.
6. CONCRETE FOOTING PER STRUCTURAL ENGINEER'S DETAIL
7. CMU BLOCK. GROUT SOLID ALL CELLS.
8. REINFORCING PER STRUCTURAL DETAILS.
9. FINISH GRADE
10. COMPACTED SUBGRADE PER GEOTECHNICAL REPORT.
11. 3/4" ALL THREAD BOLT WITH DECORATIVE WASHER AND NUT BOTH SIDES.
12. EPOXY BED
13. COMMUNITY BRANDING LOGO ON HOA PARK, CITY LOGO ON CITY PARK. BASED ON BRANDING CONSULTANT'S LOGO FOR HOA PARK, MONUMENTATION CONFIGURATION MAY BE ALTERED TO ACCEPT LOGO.
14. VILLAGE TYPEFACE/ FONT STYLE SHALL BE DESIGNED BY MARKETING/BRANDING CONSULTANT AND SUBMITTED VIA SHOP DRAWING FOR APPROVAL PRIOR TO CONSTRUCTION.

Figure D-6 Park Monumentation

NOTE: CONSTRUCTION SPECIFICATIONS/ DETAILING HEREIN ARE SUBJECT TO CHANGE BASED ON STRUCTURAL CALCULATIONS.



1. TWO (2) CORTEN STEEL PANELS WITH LASER-CUT/ WATER-CUT LETTERING TO READ FROM BOTH DIRECTIONS. ATTACH TO CMU BLOCK BASE PER STRUCTURAL ENGINEER'S DETAILS. REFER TO LC-0 FOR FINISH.
2. DASHED LINE INDICATES GALV. STEEL SKIN PANEL EXTEND TO ALL EDGES, SANDWICH AND BOLT BETWEEN (2) CORTEN STEEL PANELS. SEAL ALL EDGES WITH CLEAR WATERPROOF CAULKING OR OTHER AS RECOMMENDED BY SIGNAGE CONTRACTOR. REFER TO SHEET LC-0 FOR PAINT COLOR.
3. BOULDER GROUPING AT BASE OF SIGN. PLACE BOULDERS ON ALL SIDES TO COVER BASE.
4. POURED-IN-PLACE CONCRETE CURB WITH 1/2" RADIUS EASED EDGES.
5. 1/8" RADIUS AT CORTEN STEEL PANEL CORNERS AND OUTSIDE EDGES.
6. CONCRETE FOOTING PER STRUCTURAL ENGINEER'S DETAIL
7. REINFORCING PER STRUCTURAL DETAILS.
8. FINISH GRADE
9. COMPACTED SUBGRADE PER GEOTECHNICAL REPORT.
10. CORTEN STEEL MOUNTING PLATE TO MATCH SIGN PANEL. WELD TO SIGN PANEL. MOUNT TO CONCRETE CURB PER STRUCTURAL ENGINEER'S DETAILS.
11. 3/4" ALL THREAD BOLT WITH DECORATIVE WASHER AND NUT BOTH SIDES.
12. TYPEFACE/ FONT STYLE SHALL BE DESIGNED BY MARKETING/BRANDING CONSULTANT AND SUBMITTED VIA SHOP DRAWING FOR APPROVAL PRIOR TO CONSTRUCTION.

Figure D-7 Trailhead Marker

NOTE: CONSTRUCTION SPECIFICATIONS/ DETAILING HEREIN ARE SUBJECT TO CHANGE BASED ON STRUCTURAL CALCULATIONS.

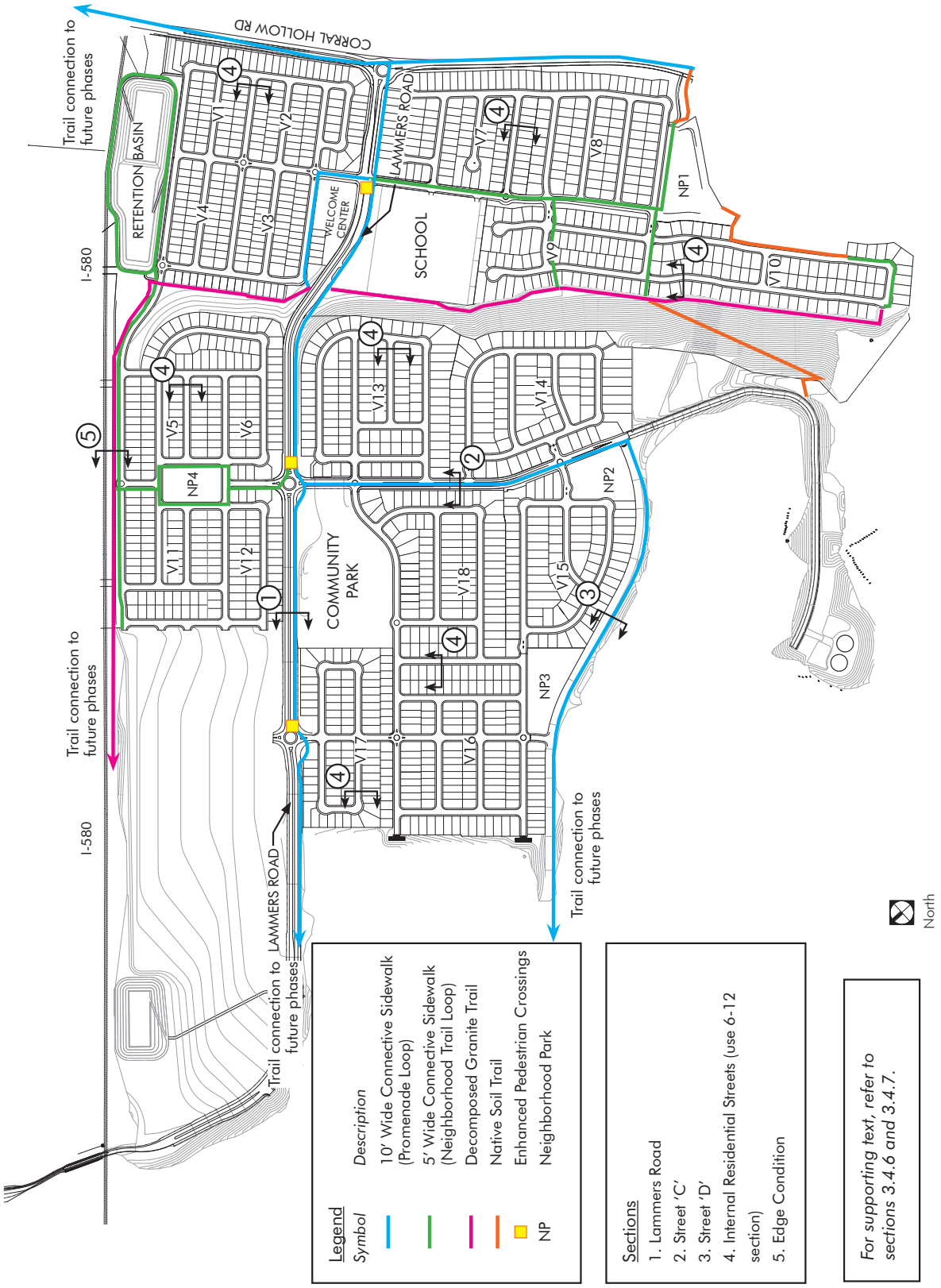


Figure D-8
Phase 2 Streetscape, Trails and Edge Condition Key Map

TRACY HILLS

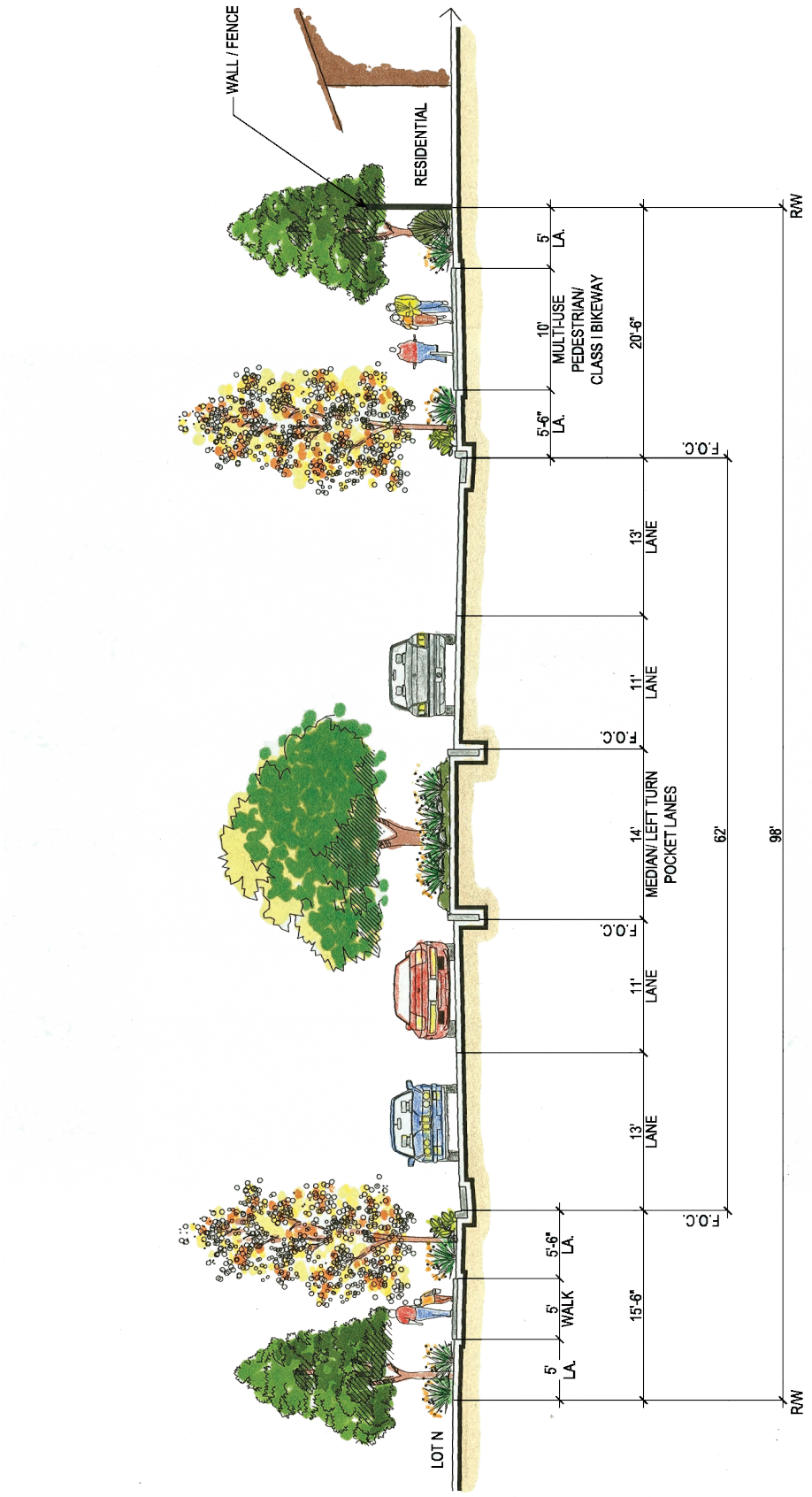


Figure D-9 Section 1 - Lammers Road

** Tree species in narrow parkways will be carefully specified, allowing for proper root growth and details for mulch circles will be specified to allow for mowing.*

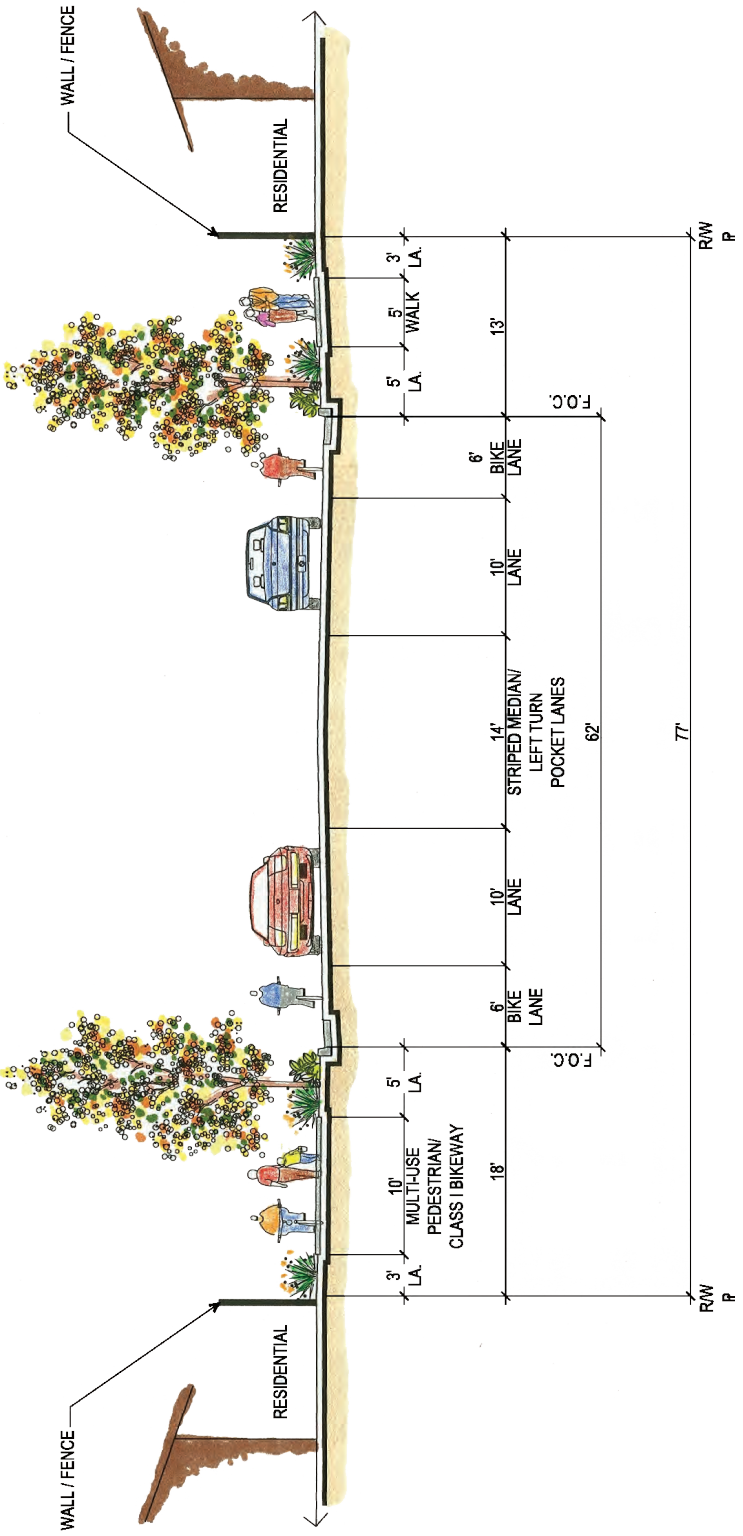


Figure D-10 Section 2 - Street C

** Tree species in narrow parkways will be carefully specified, allowing for proper root growth and details for mulch circles will be specified to allow for mowing.*

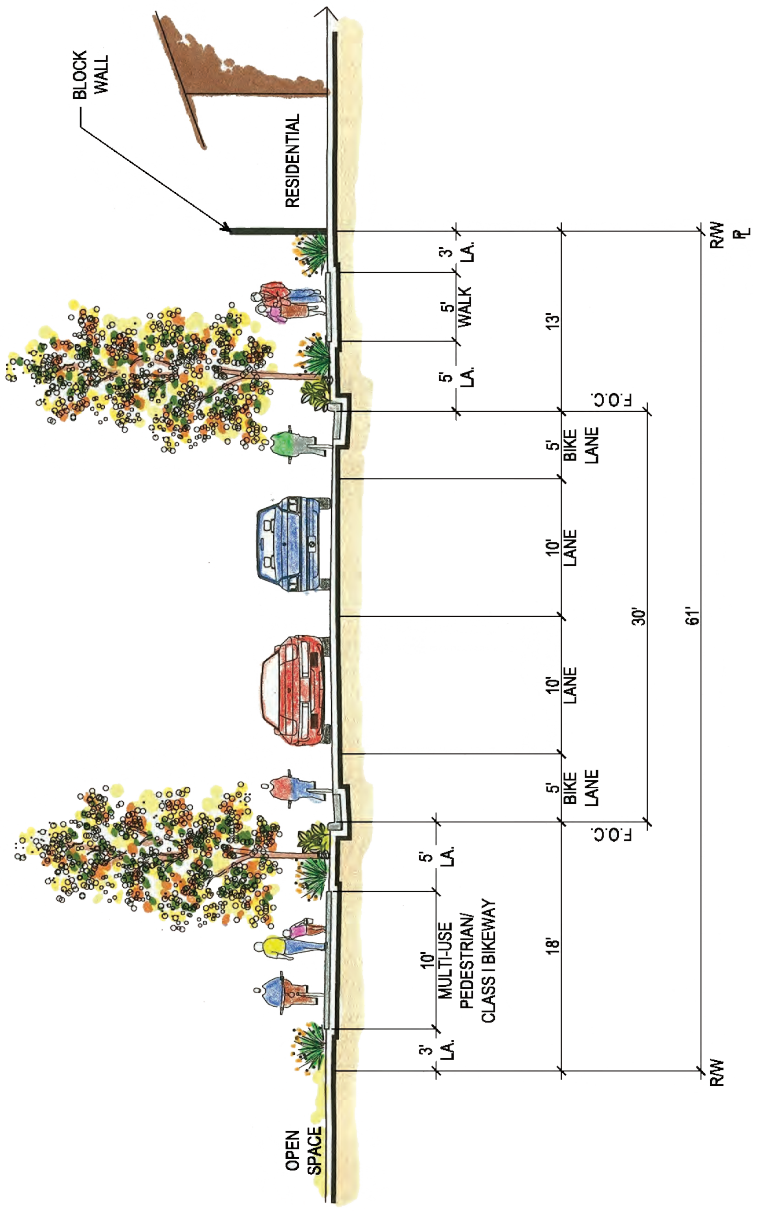


Figure D-11 Section 3 - Street D-2

** Tree species in narrow parkways will be carefully specified, allowing for proper root growth and details for mulch circles will be specified to allow for mowing.*

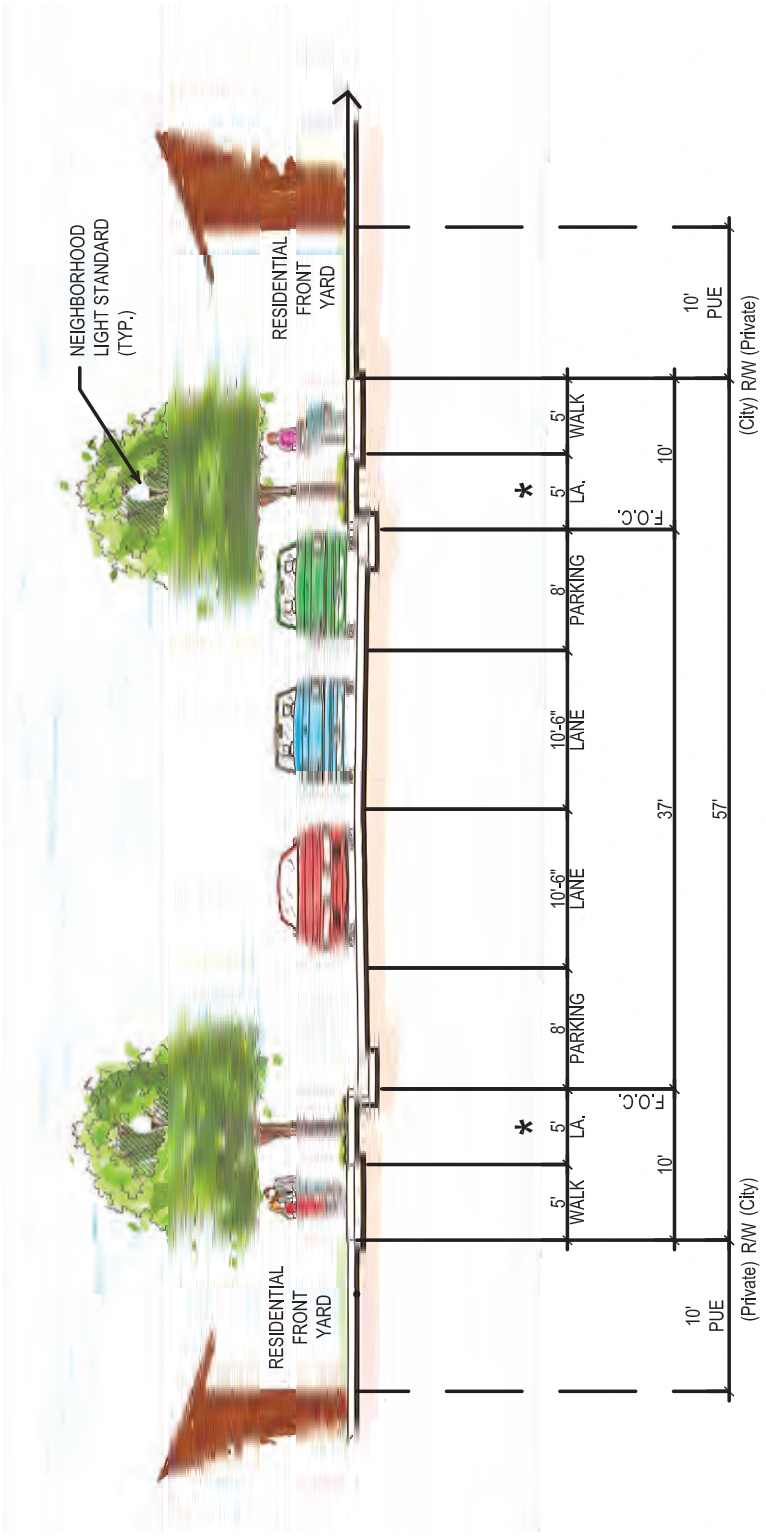


Figure D-12 Section 4 - Residential Street (57' R/W)

** Tree species in narrow parkways will be carefully specified, allowing for proper root growth and details for mulch circles will be specified to allow for mowing.*

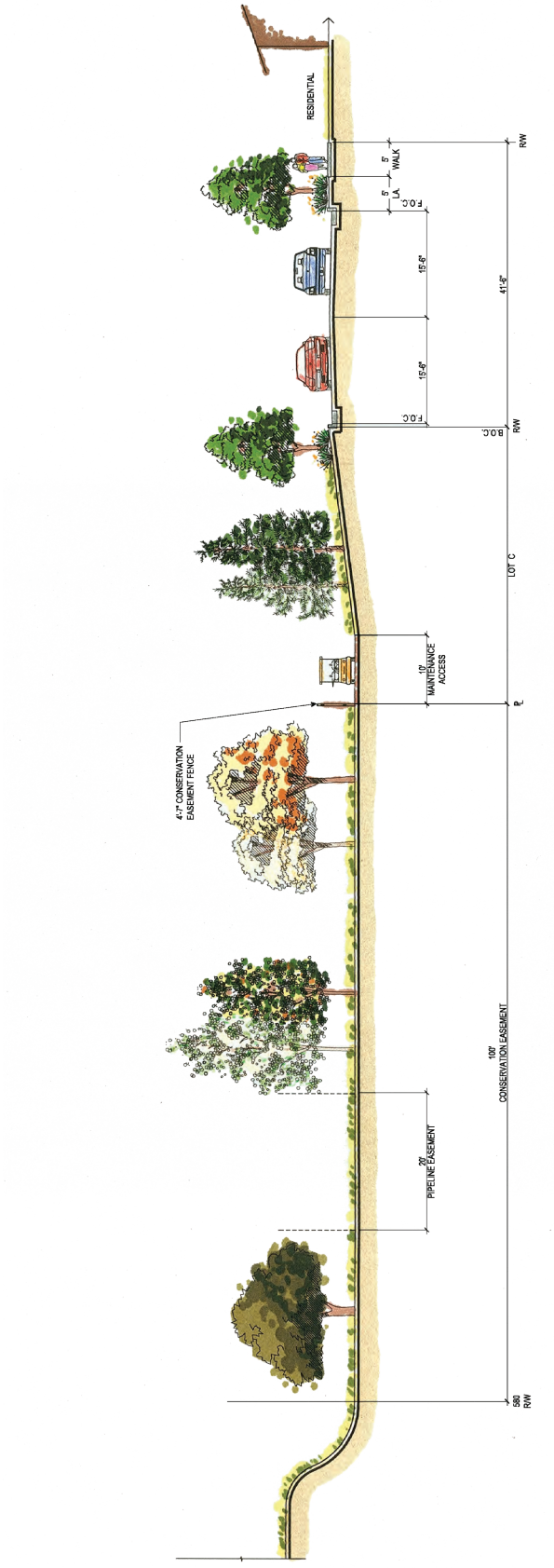


Figure D-13 Section 5 - Edge Condition

** Tree species in narrow parkways will be carefully specified, allowing for proper root growth and details for mulch circles will be specified to allow for mowing.*

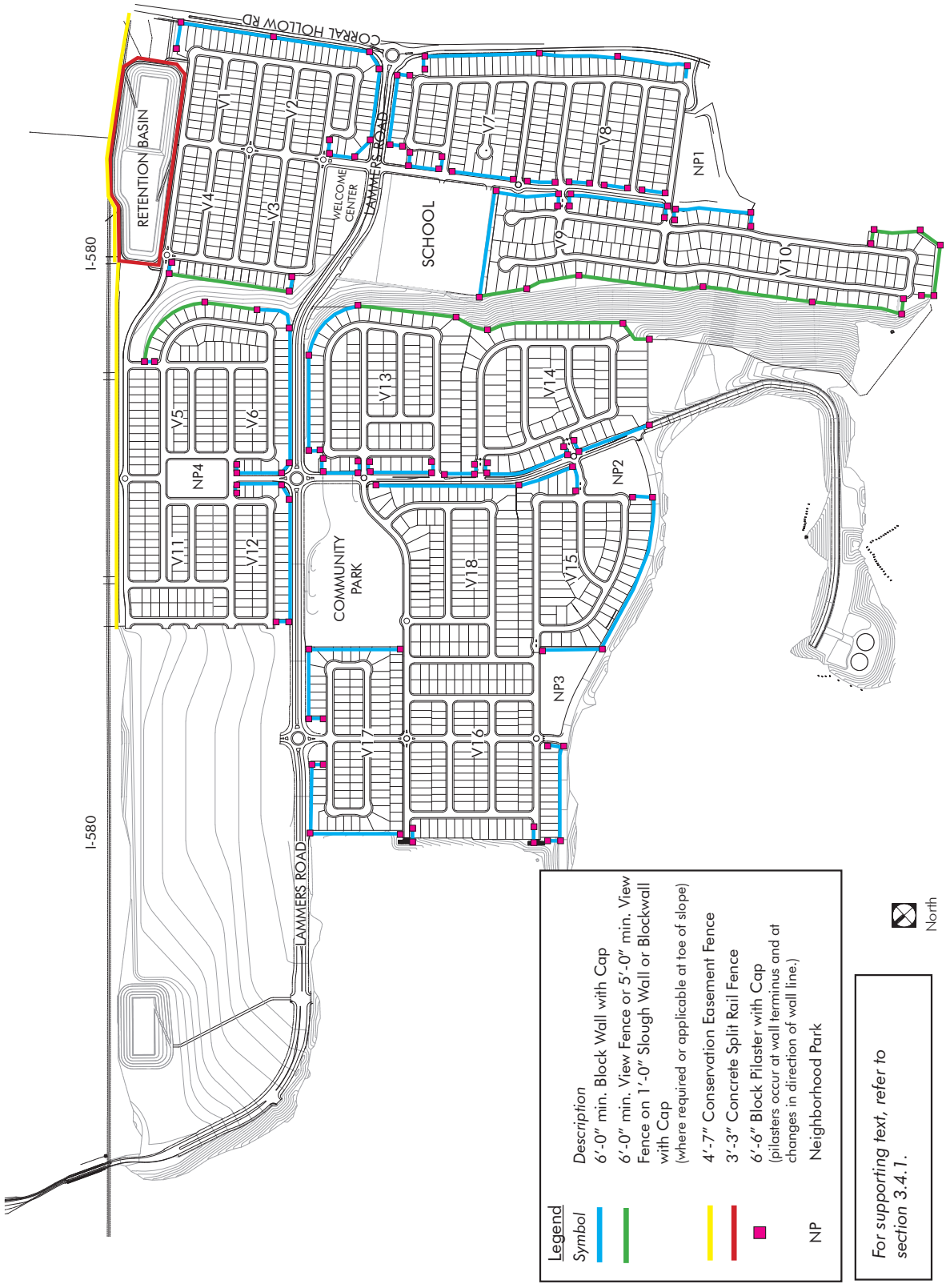


Figure D-14
Phase 2 Master Wall and Fence Plan
September 2021

TRACY HILLS
Specific Plan

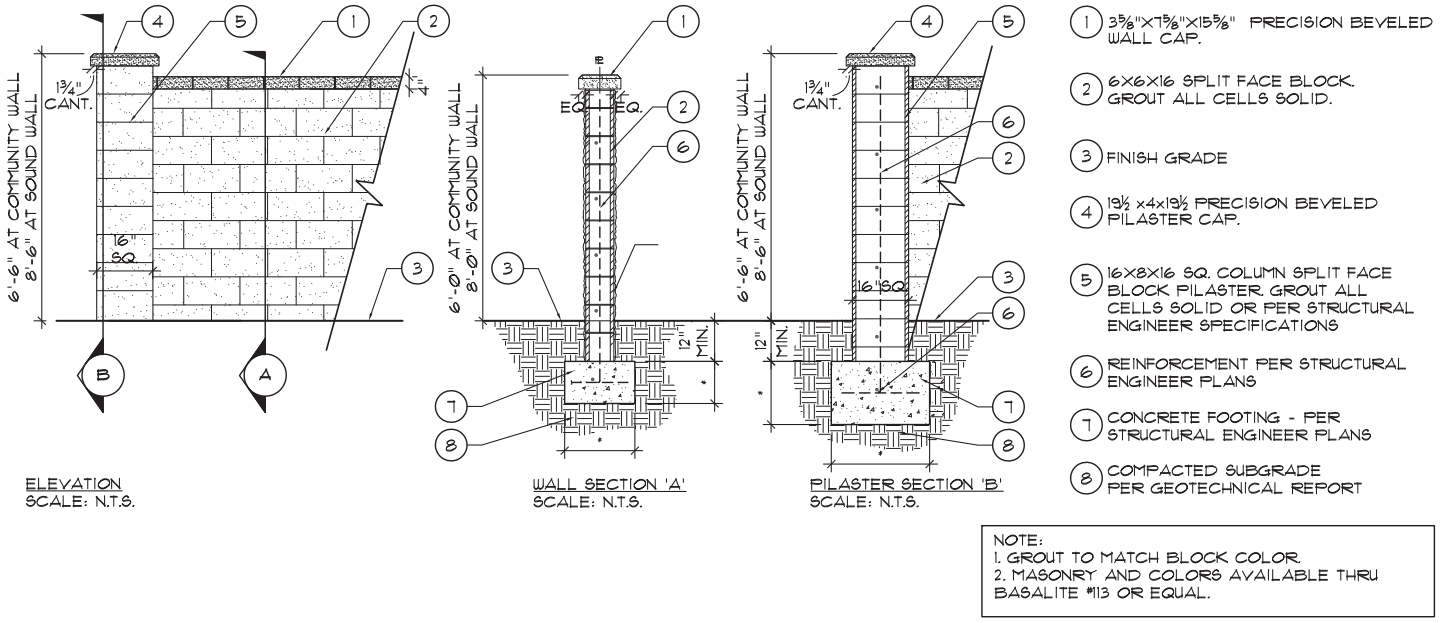


Fig. D-15 6'-0" Block Wall or 8'-0" Sound Wall

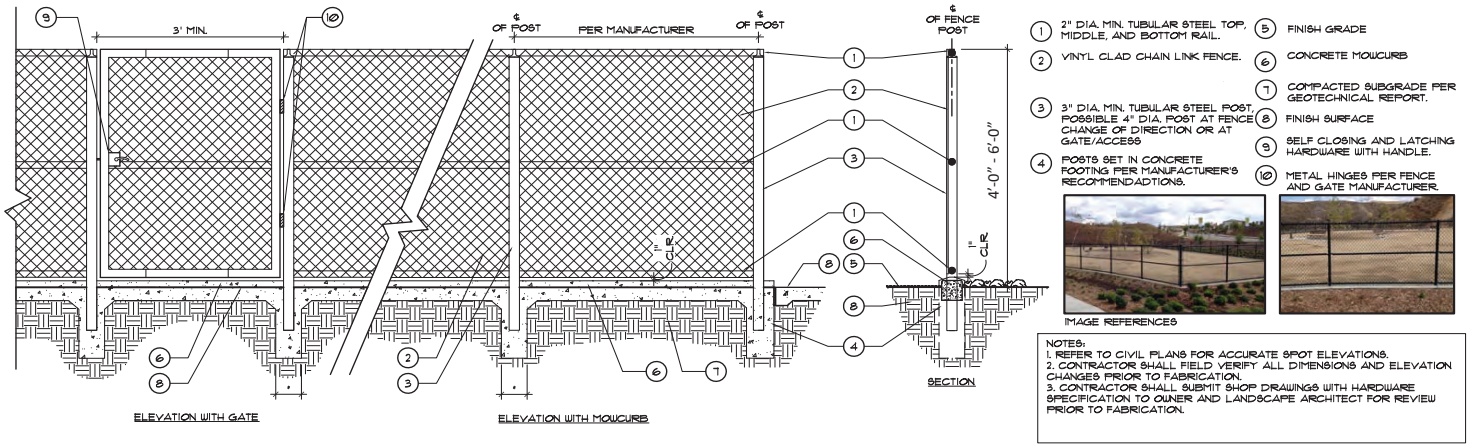
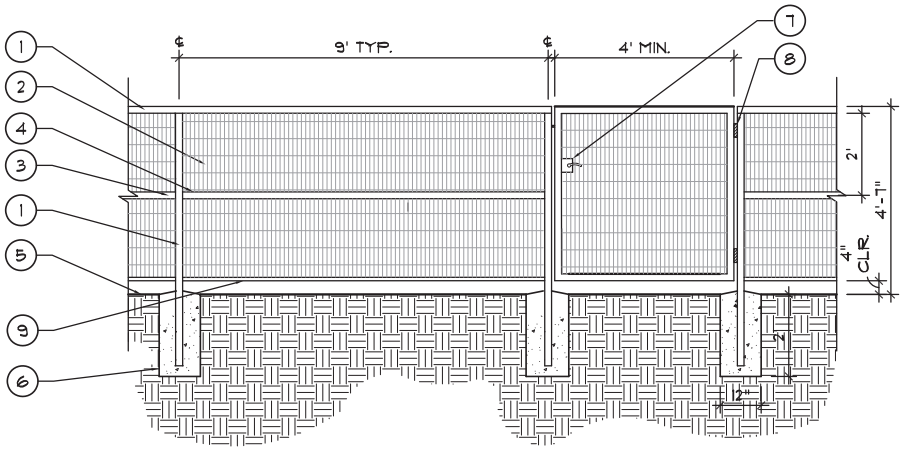


Fig. D-16 4'-0" to 6'-0" Black Vinyl-Coated Chain Link Fence



ELEVATION

1. 2" DIAMETER USED OIL FIELD PIPE
2. 2"X4" NO CLIMB FENCE
3. 2" DIAMETER USED OIL FIELD PIPE MID RAIL
4. SECURE NO CLIMB FENCE PER MANUFACTURER'S SPECIFICATION
5. FINISH GRADE
6. CONCRETE FOOTING PER FENCE CONTRACTOR. (HAMMER FENCE)
7. SELF-LATCHING AND LOCKING HARDWARE WITH HANDLE. CONTRACTOR TO SUBMIT SPECIFICATIONS FOR OWNER APPROVAL.
8. TWO (2) HEAVY DUTY, SELF-CLOSING METAL HINGES EQUALLY SPACED.
9. 1" SOLID STEEL BAR

FINISH NOTE: THIS IS AN AGRICULTURAL FENCE USING MATERIALS TYPICALLY USED FOR AGRICULTURAL FENCING. THE USED OIL FIELD PIPE FOR THIS FENCE IS INTENDED TO NATURALLY RUST AND, AS A RESULT, WILL NEED TO BE REPAIRED AND REPLACED OVER TIME. THE RUST IS AN INTENTIONAL AESTHETIC AND NOT A DEFECT IN FENCE QUALITY.

Fig. D-17 4'-7" Easement Fence

1. FINISH GRADE- REFER TO CIVIL ENGINEERS GRADING PLAN
2. PREFAB CONCRETE RAIL. SEE LC-0 FOR MATERIALS SCHEDULE.
3. PREFAB CONCRETE POST WITH 1" CHAMFER AT TOP. SEE LC-0 FOR MATERIALS SCHEDULE.
4. CONCRETE FOOTING AND REINFORCING - PER MANUFACTURER'S SPECIFICATION
5. NOT USED
6. COMPACTED SUBGRADE - PER GEOTECHNICAL REPORT AND RECOMMENDATION.

MANUFACTURER'S SPECIFICATIONS AND NOTES

1. ALL CONSTRUCTION TO CONFORM TO LOCAL BUILDING DEPARTMENT CODES.
2. ALL CONCRETE FOOTINGS SHALL ATTAIN A MINIMUM COMPRESSIVE STRENGTH OF 2000 PSI @ 28 DAYS. USE TYPE II CEMENT.
3. ALL REINFORCING STEEL SHALL CONFORM TO A.S.T.M. A 615, GRADE 40.
4. ALL PIER FOUNDATIONS ARE TO BE LOCATED IN UNDISTURBED SOIL OR 90% COMPACTED FILL.
5. FENCE WALL STANDARD DESIGN FOR A WIND LOAD OF 70 M.P.H. IF WIND LOAD EXCEEDS 70 MPH CONTRACTOR TO MEET WITH LANDSCAPE ARCHITECT & FENCE MANUFACTURER TO DETERMINE BEST SOLUTION TO SITUATION.
6. APPROVAL OF THE ENGINEER IS REQUIRED WHEN THE WALL IS TO BE USED UNDER A CONDITION WHERE THE SPECS. ARE DIFFERENT THAN SHOWN.
7. THE CONTRACTOR SHALL VERIFY ALL CONDITIONS AT THE JOB SITE.
8. PANELS, POSTS AND CAPS ARE MADE OF CONCRETE ATTAINING A MIN. COMPRESSIVE STRENGTH OF 4000 PSI @ 28 DAYS AND ARE MANUFACTURED BY A CERTIFIED MANUFACTURER.
9. A FULLY DIMENSIONED PLOT PLAN IS REQUIRED FOR A BUILDING PERMIT
10. LOCATION AND FENCE HEIGHT SHALL COMPLY WITH LOCAL AND COUNTY FENCING CODE CURRENT CONDITION
11. ALL WORK SHALL COMPLY WITH GRADING ORDINANCES

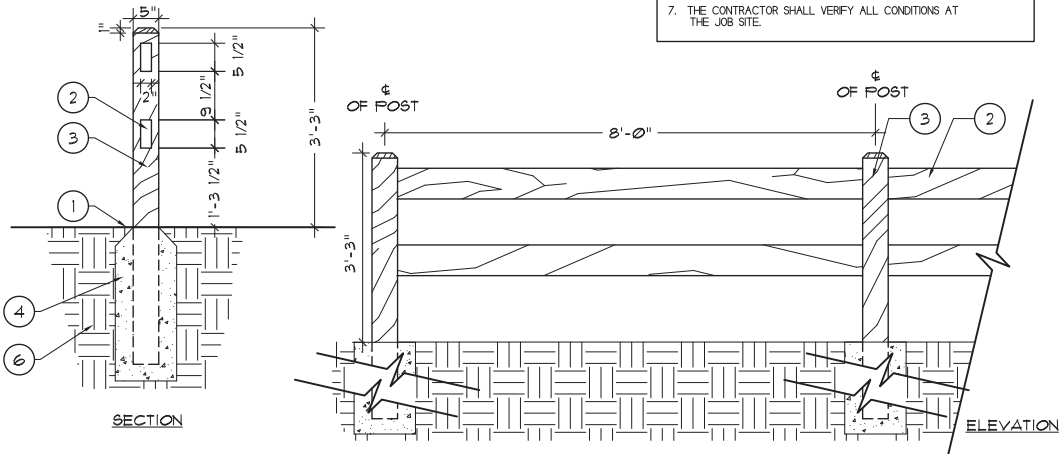
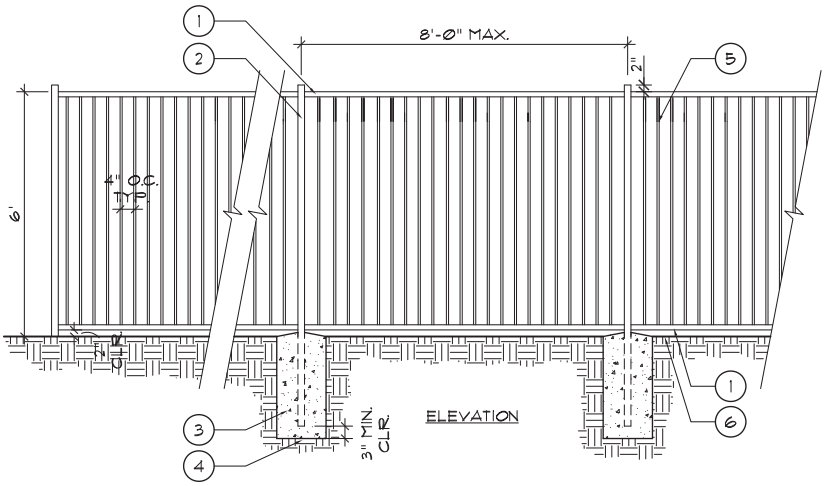


Fig. D-18 Split Rail Fence Detail



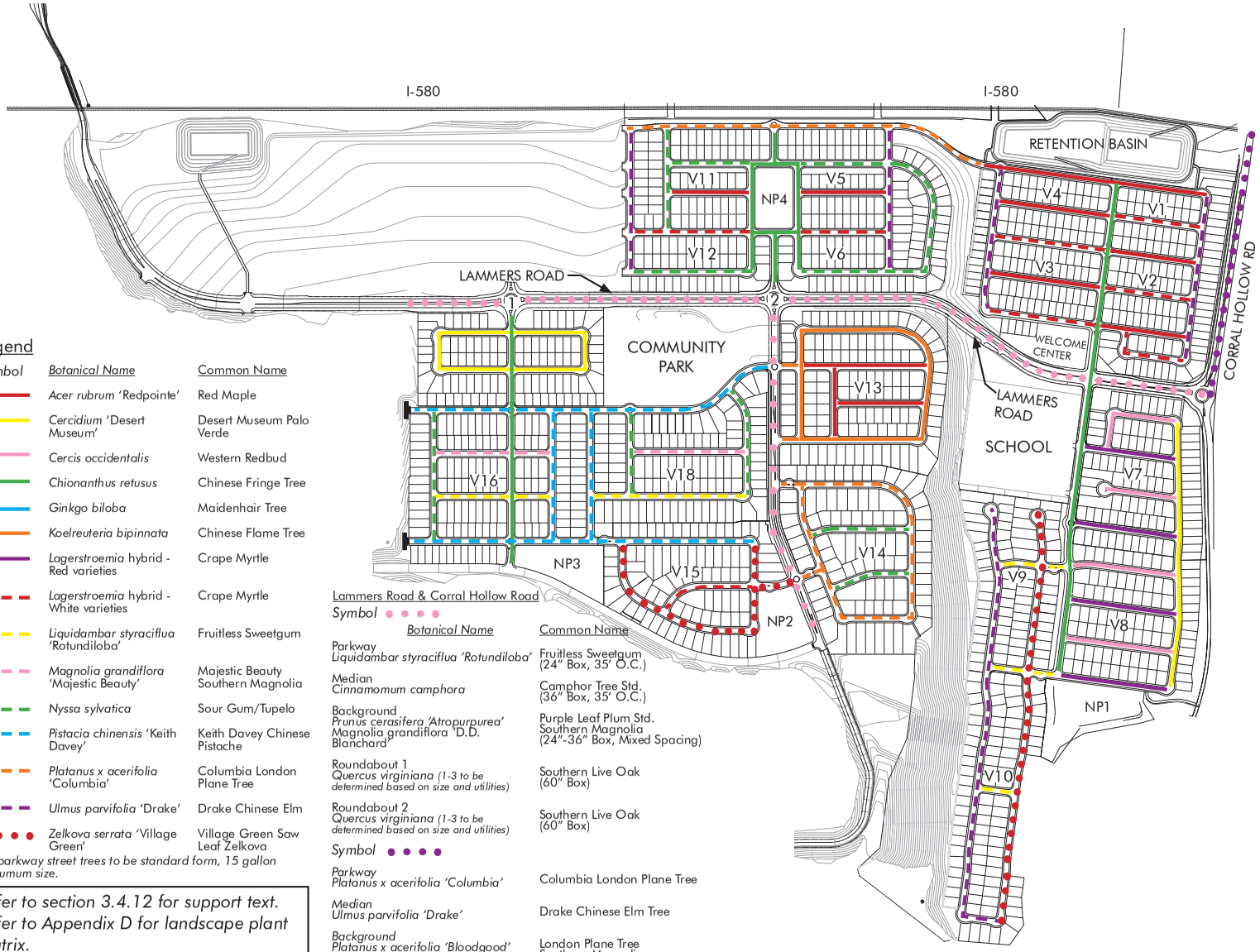
NOTES:

1. CONTRACTOR SHALL FIELD VERIFY AND VERIFY WITH STRUCTURAL ENGINEER ALL DIMENSIONS PRIOR TO FABRICATION.
2. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS WITH HARDWARE SPECIFICATION TO OWNER AND LANDSCAPE ARCHITECT FOR REVIEW PRIOR TO FABRICATION.
3. 1/8" FILLET WELDS ALL AROUND AT ALL JOINTS AND CONNECTIONS. GRIND SMOOTH 360°.
4. ALL STEEL SHALL BE POWDER COATED. CONTRACTOR SHALL SUBMIT ONE (1) 3' x FULL HEIGHT SECTION OF FENCE OR ONE (1) FULL SIZE SAMPLE OF DECORATIVE PANEL TO LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL PRIOR TO FABRICATION AND INSTALLATION.
5. REFER TO STRUCTURAL PLANS FOR FOOTING DESIGN AND REINFORCING.
6. MANUFACTURER/CONTRACTOR TO SUBMIT SHOP DRAWINGS FOR REVIEW BY LANDSCAPE ARCHITECT.

1. 1 1/2" DIAMETER TUBULAR STEEL TOP AND BOTTOM RAILS, WELDED TO POST.
2. 2" DIAMETER TUBULAR STEEL POST WITH FLAT CAP LOCATED @ 8'-0" O.C. MAX. AND AT ALL CHANGES OF DIRECTION
3. CONCRETE FOOTING. SIZE AND REINFORCING PER STRUCTURAL PLANS.
4. COMPACTED SUBGRADE PER GEOTECHNICAL REPORT
5. 5/8" DIAMETER TUBULAR STEEL FENCE PICKETS @ 4" O.C. MAX.
6. FINISH GRADE

NOTE:
VIEW FENCE SHALL BE 5'-0" HIGH TUBULAR STEEL ON 1'-0" HIGH SLOUGH WALL WHERE REQUIRED OR APPLICABLE AT TOE OF SLOPE.

Fig. E.5-19 Tube Steel Fence Detail



Legend

Symbol	Botanical Name	Common Name
	Acer rubrum 'Redpointe'	Red Maple
	Cercidium 'Desert Museum'	Desert Museum Palo Verde
	Cercis occidentalis	Western Redbud
	Chionanthus retusus	Chinese Fringe Tree
	Ginkgo biloba	Maidenhair Tree
	Koelreuteria bipinnata	Chinese Flame Tree
	Lagerstroemia hybrid - Red varieties	Crape Myrtle
	Lagerstroemia hybrid - White varieties	Crape Myrtle
	Liquidambar styraciflua 'Rotundiloba'	Fruitless Sweetgum
	Magnolia grandiflora 'Majestic Beauty'	Majestic Beauty Southern Magnolia
	Nyssa sylvatica	Sour Gum/Tupelo
	Pistacia chinensis 'Keith Davey'	Keith Davey Chinese Pistache
	Platanus x acerifolia 'Columbia'	Columbia London Plane Tree
	Ulmus parvifolia 'Drake'	Drake Chinese Elm
	Zelkova serrata 'Village Green'	Village Green Saw Leaf Zelkova

All parkway street trees to be standard form, 15 gallon minumum size.

Refer to section 3.4.12 for support text. Refer to Appendix D for landscape plant matrix.

Lammers Road & Corral Hollow Road

Symbol	Botanical Name	Common Name
	Parkway *Liquidambar styraciflua 'Rotundiloba'*	Fruitless Sweetgum (24" Box, 35' O.C.)
	Median *Cinnamomum camphora*	Camphor Tree Std. (36" Box, 35' O.C.)
	Background *Prunus cerasifera 'Atropurpurea'* *Magnolia grandiflora 'D.D. Blanchard'*	Purple Leaf Plum Std. Southern Magnolia (24"-36" Box, Mixed Spacing)
	Roundabout 1 *Quercus virginiana (1-3 to be determined based on size and utilities)*	Southern Live Oak (60" Box)
	Roundabout 2 *Quercus virginiana (1-3 to be determined based on size and utilities)*	Southern Live Oak (60" Box)

Symbol		
	Parkway *Platanus x acerifolia 'Columbia'*	Columbia London Plane Tree
	Median *Ulmus parvifolia 'Drake'*	Drake Chinese Elm Tree
	Background *Platanus x acerifolia 'Bloodgood'* *Magnolia grandiflora 'D.D. Blanchard'*	London Plane Tree Southern Magnolia (36" Box, 35' O.C.)

TRACY HILLS

North

Figure D-20

Phase 2 Conceptual Overall Street Tree Plan

Specific Plan

September 2021











LEGEND

1. YOGA LAWN
2. PARK PATH
3. PLANTER AREA
4. COVERED PICNIC AREA + BBQS
5. DISCOVERY POINT
6. OUTDOOR CLASSROOM
7. WIFFLE CRICKET
8. CRICKET FIELD
9. DISK GOLF
10. RESTROOM
11. SKATE PARK
12. DOG PARK
13. STAGE
14. NATURAL AMPHITHEATER
15. CHILDREN'S PLAYGROUND
16. BIKE RACKS + REPAIR
17. FIRE PITS + SEATING AREA













Note: All graphics and images shown related to park development are conceptual in nature. All park designs will be subject to review and approval by the City and the Tracy Parks and Community Services Commission.

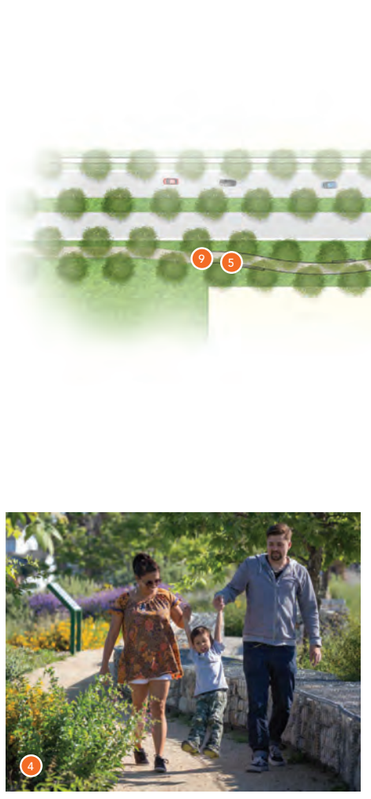
Figure D-21
Phase 2 Community Park
September 2021


1


1

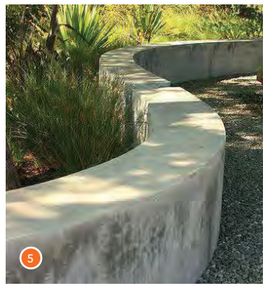

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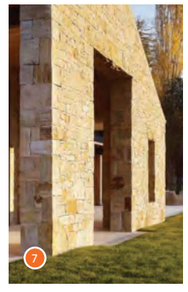

4

LEGEND

1. MEANDERING PATH
2. TREE LINED STREET
3. RAISED PEDESTRIAN CROSSING
4. PLANTED PARKWAY
5. SEAT WALLS OR BENCHES
6. DOUBLE LINED TREES ALONG PATH
7. STONE ARCHED PROMENADE
8. ROUNDABOUT
9. CONNECTION TO COMMUNITY PARKS


5


6


7


8

Note: All graphics and images shown related to park development are conceptual in nature. All park designs will be subject to review and approval by the City and the Tracy Parks and Community Services Commission.

Figure D-22
Community Park Greenway Connection











LEGEND

1. PLAY LAWN
2. PARK PATH
3. PLANTER AREA
4. COVERED PICNIC AREA + BBQS
5. PARK BENCH
6. BIKE PARKING
7. TRAIL ACCESS
8. DOG PARK
9. SPORT COURTS
10. FITNESS LAWN
11. BLEACHERS
12. BUTTERFLY GARDEN







Note: All graphics and images shown related to park development are conceptual in nature. All park designs will be subject to review and approval by the City and the Tracy Parks and Community Services Commission.

Figure D-23
Phase 2 Neighborhood Park 1









LEGEND

1. PLAY LAWN
2. PARK PATH
3. PLANTER AREA
4. COVERED PICNIC AREA + BUILT-IN BBQS
5. PARK BENCH
6. PICNIC TABLES
7. CLIMBING PLAY HILL WITH SLIDE
8. ROLLING PLAY HILLS
9. CHILDREN'S PLAYGROUND
10. BOCCE BALL
11. FLEXIBLE D.G. SPACE
12. TIERED GRASS HILL
13. PLANTED BERM - WIND MITIGATION















Note: All graphics and images shown related to park development are conceptual in nature. All park designs will be subject to review and approval by the City and the Tracy Parks and Community Services Commission.

Figure D-24
Phase 2 Neighborhood Park 2











LEGEND

1. PLAY LAWN
2. PARK PATH
3. PLANTER AREA
4. COVERED PICNIC AREA + BBQS
5. PARK BENCH
6. BIKE PARKING
7. TRAIL ACCESS
8. SWINGS
9. NATURE PLAYGROUND
10. CLIMBING HILL WITH SLIDE
11. SLOPED PLAY HILLS
12. GROUP OVERHEAD SHADE STRUCTURE
13. SHADE SAIL
14. BUILT-IN LOUNGE SEATING ON SLOPED TURF
15. NATIVE PLANT GARDEN











Note: All graphics and images shown related to park development are conceptual in nature. All park designs will be subject to review and approval by the City and the Tracy Parks and Community Services Commission.

Figure D-25
Phase 2 Neighborhood Park 3













LEGEND

1. PLAY LAWN
2. PARK PATH
3. PLANTER AREA
4. COVERED PICNIC AREA
5. PARK BENCH
6. BIKE PARKING
7. PARK ENTRY/ MONUMENT
8. SPORT COURT
9. CHILDREN'S PLAYGROUND
10. SHADE SAILS
11. PLANTED BERM - FREEWAY SOUND MITIGATION
12. PLANTED BERM - WIND MITIGATION
13. HERITAGE OAK TREE
14. DRY STREAMBED WITH BRIDGE CROSSINGS











Note: All graphics and images shown related to park development are conceptual in nature. All park designs will be subject to review and approval by the City and the Tracy Parks and Community Services Commission.

Figure D-26
Phase 2 Neighborhood Park 4



NATIVE SOIL TRAIL



TRAIL REST AREA - SHADED PICNIC TABLE



FITNESS STATION



10' DG TRAIL





TRAIL ENTRANCE



ART SCULPTURE



LOOKOUT POINT



INFORMATIONAL SIGNAGE

Note: All graphics and images shown related to park development are conceptual in nature. All park designs will be subject to review and approval by the City and the Tracy Parks and Community Services Commission.

Figure D-27
Phase 2 Trails
September 2021



NATIVE SOIL TRAIL



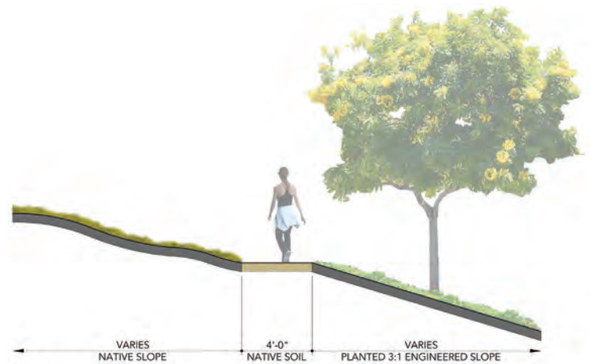
TRAIL REST AREA - SHADED PICNIC TABLE



FITNESS STATION



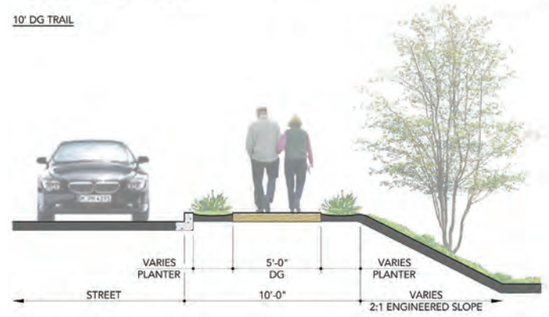
10' DG TRAIL



NATIVE SOIL TRAIL



10' DG TRAIL



DG TRAIL ALONG I-580



TRAIL ENTRANCE



ART SCULPTURE



LOOKOUT POINT



INFORMATIONAL SIGNAGE

Note: All graphics and images shown related to park development are conceptual in nature. All park designs will be subject to review and approval by the City and the Tracy Parks and Community Services Commission.

Figure D-28
Phase 2 Trail Sections

Figure D-29 Landscape Plant Matrix- Phase 2 / Fuel Modification Acceptable


Arbutus unedo


Cercis occidentalis


Chilopsis linearis

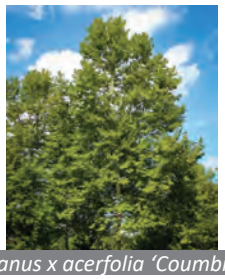

Ginkgo biloba 'Autumn Gold'

Botanical Name	**Common Name**	Entries	Main Road Streetscape	Residential Streetscape/ Front Yards	Neighborhood Parks	School	Mixed Used Business Park	100' Conservation Easement
TREES								
Acer buergeranum	Trident Maple		●	●	●		●	
Acer rubrum 'Redpointe'	Redpointe Red Maple			●	●	●	●	
Aesculus californica	California Buckeye			●	●	●	●	
Alnus cordata	Italian Alder		●		●	●	●	
Alnus rhombifolia	White Alder		●		●	●	●	
*Arbutus 'Marina'**	NCN	●	●	●	●	●	●	
*Arbutus unedo**	Strawberry Tree	●	●	●	●	●	●	
*Arctostaphylos manzanita cvs**	Common Manzanita cultivars				●	●	●	
Callistemon citrinus	Lemon Bottlebrush				●		●	
Callistemon viminalis	Weeping Bottlebrush				●		●	
Carpinus betulus 'Fastigiata'	European Hornbeam			●	●	●	●	
Catalpa speciosa	Western Catalpa				●	●	●	
Celtis reticulata	Western Hackberry				●		●	
Celtis sinensis	Chinese Hackberry	●	●	●	●			
*Cercidium 'Desert Museum'**	Desert Museum Palo Verde	●	●	●	●	●	●	
*Cercidium floridum**	Blue Palo Verde	●	●	●	●	●	●	
*Cercidium microphyllum**	Littleleaf Palo Verde	●	●	●	●	●	●	
Cercis mexicana	Mexican Redbud	●	●	●	●	●	●	
*Cercis occidentalis**	Western Redbud	●	●	●	●	●	●	
*Chilopsis linearis**	Desert Willow	●	●	●	●	●	●	
Chionanthus retusus	Chinese Fringe Tree	●	●	●	●			
*x Chitalpa tashkentensis**	Chitalpa	●	●	●	●	●	●	
Cinnamomum camphora	Camphor Tree	●	●	●	●	●	●	
Citrus spp.	Citrus	●	●	●	●	●	●	
Cotinus coggygria	Smoke Tree				●	●	●	
*Erioelaeagnus angustifolia**	Russian Olive			●	●	●	●	
Elaeocarpus decipiens	Japanese Blueberry	●	●	●	●	●	●	
Eriobotrya deflexa	Bronze Loquat	●	●	●	●	●	●	
*Eriobotrya japonica**	Loquat	●	●	●	●	●	●	
Feijoa sellowiana	Pineapple Guava				●	●	●	
Fraxinus americana 'Autumn Purple'	Autumn Purple White Ash	●	●	●	●	●	●	
Fraxinus holotricha 'Moraine'	Moraine Ash	●	●	●	●	●	●	

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Magnolia grandiflora

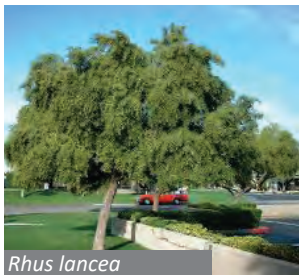

Liriodendron tulipifera


Platanus x acerfolia 'Coumbia'


Pistacia chinensis

Botanical Name	**Common Name**	Entries	Main Road Streetscape	Residential Streetscape/ Front Yards	Neighborhood Parks	School	Mixed Used Business Park	100'Conservation Easement
Fraxinus pennsylvanica 'Urbanite'	Urbanite Ash	●	●	●	●	●	●	
Fraxinus sp. 'Leprechaun'	Leprechaun Ash	●	●	●	●	●	●	
Fraxinus sp. 'Centerpointe'	Centerpointe Ash	●	●	●	●	●	●	
Ginkgo biloba 'Autumn Gold'	Autumn Gold Maidenhair Tree	●	●	●	●	●	●	
Ginkgo biloba 'Princeton Sentry'	Princeton Sentry Maidenhair Tree	●	●	●	●	●	●	
*Gleditsia triancanthos**	Honey Locust	●	●	●	●	●	●	
*Grevillea robusta**	Silk Oak	●	●	●	●	●	●	
Koelreuteria bipinnata	Chinese Flame Tree	●	●	●	●	●	●	
Koelreuteria paniculata	Goldenrain Tree	●	●	●	●	●	●	
*Lagerstroemia spp.**	Crape Myrtle	●	●	●	●	●	●	
*Laurus nobilis**	Sweet Bay				●	●	●	
Liquidambar styraciflua 'Rotundiloba'	Rotundiloba Sweet Gum	●	●	●	●	●	●	
Liriodendron tulipifera	Tulip Tree	●	●	●	●	●	●	
Magnolia spp.	Magnolia	●	●	●	●	●	●	
*Melaleuca linariifolia**	Flaxleaf Paperbark	●	●	●	●	●	●	
*Melaeuca quinquenervia**	Cajeput Tree	●	●	●	●	●	●	
Nyssa sylvatica	Sour Gum			●	●	●	●	
*Olea europaea 'Swan Hill'**	Swan Hill Olive	●	●	●	●	●	●	
*Olea europaea 'Wilsoni'**	Wilson Fruitless Olive	●	●	●	●	●	●	
*Parkinsonia aculeata**	Mexican Palo Verde	●	●	●	●	●	●	
*Pistacia chinensis 'Keith Davey'**	Chinese Pistache	●	●	●	●	●	●	
Platanus x acerifolia	London Plane Tree	●	●	●	●	●	●	
Platanus x acerifolia 'Bloodgood'	Bloodgood London Plane Tree	●	●	●	●	●	●	
Platanus x acerifolia 'Columbia'	Columbia London Plane Tree	●	●	●	●	●	●	
Platanus x acerifolia 'Yarwood'	Yarwood Plane Tree	●	●	●	●	●	●	
Platanus racemosa	California Sycamore	●	●	●	●	●	●	
Podocarpus gracilior	Fern Pine	●	●	●	●	●	●	
Podocarpus henkelii	Long-leafed Yellowwood	●	●	●	●	●	●	
Podocarpus macrophyllus	Yew Pine	●	●	●	●	●	●	
Populus fremontii	Fremont or Western Cottonwood	●	●		●			
Populus nigra 'Italica'	Lombardy Poplar	●	●		●			
*Prunus caroliniana**	Carolina Laurel Cherry	●	●	●	●	●	●	
Prunus cerasifera 'Atropurpurea'	Purple Leaf Plum	●	●	●	●	●	●	

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Rhus lancea


Ulmus parvifolia


Zelkova serrata


Chamaerops humilis

Botanical Name	**Common Name**	Entries	Main Road Streetscape	Residential Streetscape/ Front Yards	Neighborhood Parks	School	Mixed Used Business Park	100'Conservation Easement
*Prunus ilicifolia lyonii**	Catalina Cherry	●	●	●	●	●	●	
*Punica granatum**	Pomegranate	●	●	●	●	●	●	
Pyrus calleryana 'Aristocrat'	Aristocrat Flowering Pear	●	●	●	●	●	●	
Pyrus calleryana 'Chanticleer'	Chanticleer Flowering Pear	●	●	●	●	●	●	
Pyrus calleryana 'Redspire'	Redspire Flowering Pear	●	●	●	●	●	●	
Pyrus kawakamii	Evergreen Pear	●	●	●	●	●	●	
*Quercus agrifolia**	Coast Live Oak	●	●	●	●	●	●	●
Quercus coccinea	Scarlet Oak			●	●	●	●	
*Quercus douglasii**	Blue Oak				●	●	●	
*Quercus engelmanii**	Engelman Oak				●	●	●	
*Quercus ilex**	Holly Oak	●	●	●	●	●	●	
*Quercus lobata**	Valley Oak	●	●	●	●	●	●	●
Quercus palustris	Pin Oak		●	●	●	●	●	
Quercus rubra	Red Oak	●	●	●	●	●	●	
*Quercus suber**	Cork Oak	●	●	●	●	●	●	
Quercus virginiana	Southern Live Oak	●	●	●	●	●		
*Quercus wislizenii**	Interior Live Oak	●	●	●	●	●		
*Rhus lancea**	African Sumac	●	●	●	●	●	●	
Sapium sebiferum	Chinese Tallow Tree			●	●	●	●	
Sequoia sempervirens	Coast Redwood	●			●			
Ulmus parvifolia var.	Chinese or Evergreen Elm	●	●	●	●	●	●	
Ulmus sp. 'Frontier'	Frontier Elm	●	●	●	●	●	●	
Ulmus sp. 'Homestead'	Homestead Elm	●	●	●	●	●	●	
Ulmus sp. 'Liberty'	Liberty Elm	●	●	●	●	●	●	
*Ulmus sp.'Prospector'**	Prospector Elm	●	●	●	●	●	●	
Umbellularia californica	California Bay	●	●	●	●	●	●	
Zelkova serrata	Sawleaf Zelkova	●	●	●	●	●	●	
Zelkova serrata 'Green Vase'	Green Vase Zelokova	●	●	●	●	●	●	
Zelkova serrata 'Village Green'	Village Green Zelkova	●	●	●	●	●	●	

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Abelia x grandifolia


Acanthus mollis


Buddleja davidii


Dendromecon harfordii

Botanical Name	**Common Name**	Entries	Main Road Streetscape	Residential Streetscape/ Front Yards	Neighborhood Parks	School	Mixed Used Business Park	100' Conservation Easement
PALMS (not allowed on any city or city maintained property)								
*Butia capitata**	Pindo Palm			●	●	●	●	
*Chamaerops humilis**	Mediterranean Fan Palm			●	●	●	●	
Cycas revoluta	Sago Palm			●	●	●	●	
*Phoenix canariensis**	Canary Island Date Palm				●	●	●	
*Phoenix dactylifera**	Edible Date Palm				●	●	●	
SHRUBS								
Abelia x grandiflora	Glossy Abelia	●	●	●	●	●	●	
Acanthus mollis	Bear's Breech	●		●	●	●	●	
Agapanthus spp.	Lily of the Nile	●	●	●	●	●	●	
*Arctostaphylos spp.***	Manzanita	●	●	●	●	●	●	
Aucuba japonica	Japanese Aucuba	●	●	●	●	●	●	
*Azalea spp.****	Azalea	●	●	●	●	●	●	
*Baccharis 'Centennial'**	Centennial Coyote Brush	●	●	●	●	●	●	
Berberis thunbergii var.	Japanese Barberry	●	●	●	●	●	●	
Buddleia davidii	Butterfly Bush	●	●	●	●	●	●	
Buxus microphylla japonica	Boxwood	●	●	●	●	●	●	
*Callistemon 'Little John'**	NCN	●	●	●	●	●	●	
Camellia spp.	Camellia	●	●	●	●	●	●	
*Ceanothus spp.***	Lilac	●	●	●	●	●	●	
*Cistus spp.**	Rockrose	●	●	●	●	●	●	
Coleonema pulchellum var.	Breath of Heaven	●	●	●	●	●	●	
*Convolvulus cneorum**	Bush Morning Glory	●	●	●	●	●	●	
*Coprosma x 'kirkii'**	Creeping Coprosma	●	●	●	●	●	●	
Cordyline australis var.	Australian Dracaena	●	●	●	●	●	●	
*Cotinus coggygria**	Smoke Tree	●	●	●	●	●	●	
*Dendromecon harfordii**	Island Bush Poppy	●	●	●	●	●	●	
Dianella species	NCN	●	●	●	●	●	●	
*Dietes bicolor**	Fortnight Lily	●	●	●	●	●	●	
*Dietes vegeta**	African Iris	●	●	●	●	●	●	
*Dodonaea viscosa 'Purpurea'**	Purple Hopseed Bush	●	●	●	●	●	●	
*Eleagnus pungens**	Silverberry	●	●	●	●	●	●	
*Epilobium canum**	California Fuschia	●	●	●	●	●	●	

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Dodonaea viscosa 'Purpurea'


Hydrangea macrophylla


Lantana camara


Lobelia laxiflora

Botanical Name	**Common Name**	Entries	Main Road Streetscape	Residential Streetscape/ Front Yards	Neighborhood Parks	School	Mixed Used Business Park	100' Conservation Easement
*Erigeron karvinskianus**	Santa Barbara Daisy	●	●	●	●	●	●	
*Euonymus japonicus var.**	Euonymus	●	●	●	●	●	●	
x Fatshedera lizei	Botanical Wonder	●	●	●	●	●	●	
Fatsia japonica	Japanese Aralia	●	●	●	●	●	●	
*Feijoa sellowiana**	Pineapple Guava, Feijoa	●	●	●	●	●	●	
Gaura lindheimeri	Gaura	●	●	●	●	●	●	
Grevillea spp., ***	Grevillea	●	●	●	●	●	●	
Grewia occidentalis	Lavender Starflower	●	●	●	●	●	●	
*Hemerocallis spp.***	Daylily	●	●	●	●	●	●	
*Heteromeles arbutifolia**	Toyon	●	●	●	●	●	●	
Heuchera sanguinea	Coral Bells	●	●	●	●	●	●	
Hydrangea spp.	Hydrangea	●	●	●	●	●	●	
Hypericum calycinum	Creeping St. Johnswort, Goldflower	●	●	●	●	●	●	
Ilex spp.	Holly	●	●	●	●		●	
*Lantana spp.***	Lantana	●	●	●	●	●	●	
*Lavandula spp.**	Lavender	●	●	●	●	●	●	
Lavatera maritima	Tree Mallow	●	●	●	●	●	●	
Ligustrum japonicum 'Texanum'	Waxleaf Ligustrum	●	●	●	●	●	●	
Liriope muscari	Big Blue Lily Turf	●	●	●	●	●	●	
*Lobelia laxiflora**	Red Mexican Lobelia	●	●	●	●	●		
Mahonia 'Golden Abundance'	Golden Abundance Mahonia	●	●	●	●	●	●	
Mahonia aquifolium	Oregon Grape	●	●	●	●	●	●	
*Mimulus aurantiacus**	Sticky Monkey Flower	●	●	●	●			
Myoporum laetum	Myoporum	●	●	●	●	●	●	
*Myrsine africana**	African Boxwood	●	●	●	●	●	●	
*Myrtus communis var.**	Myrtle	●	●	●	●	●	●	
Nandina domestica var.	Nandina, Heavenly Bamboo	●	●	●	●	●	●	
Osmanthus fragrans	Sweet Olive	●	●	●	●	●	●	
*Pelargonium x hortorum**	Garden Geranium	●	●	●	●	●	●	
*Penstemon spp.****	Penstemon	●	●	●	●			
*Phormium spp.***	Flax	●	●	●	●	●	●	
Photinia x fraseri	Fraser's Photinia	●	●	●	●	●	●	
*Phyllostachys viridis 'Robert Young'**	Robert Young Bamboo	●		●	●	●	●	

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Penstemon spectabilis


Pyracantha coccinea


Romneya coulteri


Salvia leucantha

Botanical Name	**Common Name**	Entries	Main Road Streetscape	Residential Streetscape/ Front Yards	Neighborhood Parks	School	Mixed Used Business Park	100'Conservation Easement
*Pittosporum spp.****	Pittosporum	●	●	●	●	●	●	
*Pyracantha coccinea var.**	Pyracantha	●	●	●	●	●	●	
*Rhamnus californica var.**	California Coffeeberry			●	●	●		
Rhaphiolepis spp.	Indian Hawthorne	●	●	●	●	●	●	
*Rhus ovata**	Sugar Bush	●	●	●	●	●	●	
*Romneya coulteri**	Matilija Poppy	●	●	●	●			
Rosa spp.	Rose	●	●	●	●	●	●	
*Sambucus mexicana **	Mexican Elderberry							●
*Santolina chamaecyparissus**	Lavender Cotton			●	●	●	●	
*Sisyrinchium bellum**	Blue-eyed Grass	●	●	●	●	●	●	●
Spiraea spp.		●	●	●	●	●	●	
Viburnum spp.	Viburnum	●	●	●	●	●	●	
*Westringia spp.**	Coast Rosemary	●	●	●	●	●	●	
*Xylosma congestum**	Xylosma, Glossy Xylosma	●	●	●	●	●	●	
*Yucca spp.***	Yucca	●	●	●	●		●	
SUCCULENTS (not allowed on any city or city maintained property)								
*Agave parryi**	Artichoke Agave	●	●	●	●	●	●	
*Aloe spp.***	Aloe	●	●	●	●	●	●	
*Bulbine frutescens**	Yellow Stalked Bulbine	●	●	●	●	●	●	
*Bulbine frutescens 'Hallmark'**	Orange Hallmark Bulbine	●	●	●	●	●	●	
*Bulbine frutescens 'Yellow'**	Yellow Bulbine	●	●	●	●	●	●	
*Cephalophyllum 'Red Spike'**	Red Spike Iceplant	●	●	●	●	●	●	
*Echeveria spp.**	Hen and Chicks	●	●	●	●	●	●	
*Euphorbia rigida**	Blue Euphorbia	●	●	●	●	●	●	
*Ferocactus wislizenii**	Fish Hook Barrel Cactus	●	●	●	●	●	●	
*Hesperaloe parviflora var.**	Hesperaloe	●	●	●	●	●	●	
Opuntia spp., ***	Prickly Pear	●	●	●	●		●	
*Portulacaria afra**	Elephant's Food, Elephant Bush	●	●	●	●	●	●	
*Sedum spp.**	Sedum	●	●	●	●	●	●	
Yucca spp.	Yucca	●	●	●	●		●	

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Echeveria x imbricata


Sedum rubrotinctum


Achellia millefolium


Ceanothus 'Centennial'

Botanical Name	**Common Name**	Entries	Main Road Streetscape	Residential Streetscape/ Front Yards	Neighborhood Parks	School	Mixed Used Business Park	100' Conservation Easement
GROUNDCOVER								
*Achillea spp.***	Yarrow	●	●	●	●	●	●	
Armeria maritima	Sea Pink	●	●	●	●	●	●	
Bergenia cordifolia	Heartleaf Bergenia	●	●	●	●	●	●	
Campanula muralis	Dalmatian Bellflower	●	●	●	●	●	●	
Campanula poscharskyana	Serbian Bellflower	●	●	●	●	●	●	
*Ceanothus griseus var.**	Carmel Creeper	●	●	●	●	●	●	
Cerastium tomentosum	Snow-in-Summer	●	●	●	●	●	●	
*Convolvulus mauritanicus**	Ground Morning Glory	●	●	●	●	●	●	
*Coprosma petrei**	Creeping Mirror Plant	●	●	●	●	●	●	
Festuca californica 'Serpentine Blue'	California Fescue selection	●	●	●	●	●	●	
*Festuca glauca**	Blue Fescue	●	●	●	●	●	●	
Fragaria chiloensis	Ornamental Strawberry	●	●	●	●	●	●	
Fragaria 'Pink Panda'	Pink Panda Ornamental Strawberry	●	●	●	●	●	●	
Gazania hybrids	Hybrid Gazanias	●	●	●	●	●	●	
*Heuchera spp.***	Coral Bells	●	●	●	●	●	●	
Hypericum calycinum	Creeping St. John's Wort	●	●	●	●	●	●	
Lonicera japonica 'Halliana'	Hall's Honeysuckle	●	●	●	●	●	●	
*Myoporum parvifolium**	Ground Cover Myoporum	●	●	●	●	●	●	
Ophiopogon spp.	Mondo Grass	●	●	●	●	●	●	
*Osteospermum spp.**	Freeway Daisy	●	●	●	●	●	●	
Pelargonium peltatum	Ivy Geranium	●	●	●	●	●	●	
Rosa Ground Cover varieties	Ground Cover Rose	●	●	●	●	●	●	
*Stachys byzantina**	Lamb's Ears	●	●	●	●	●	●	
Thymus spp.	Thyme	●	●	●	●	●	●	
Trachelospermum asiaticum	Yellow Star Jasmine	●	●	●	●	●	●	
Trachelospermum jasminoides	Star Jasmine	●	●	●	●	●	●	
*Verbena spp.***	Verbena	●	●	●	●	●	●	
*Vinca minor**	Dwarf Periwinkle	●	●	●	●	●	●	
*Zoysia tenuifolia**	Korean Grass	●	●	●	●	●	●	

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Clytostoma callistegiodes


Gelsemium sempervirens


Jasminum polyanthum


Aristida purpurea

Botanical Name	**Common Name**	Entries	Main Road Streetscape	Residential Streetscape/ Front Yards	Neighborhood Parks	School	Mixed Used Business Park	100' Conservation Easement
VINES								
Cissus antarctica	Kangaroo Vine	●	●	●	●	●	●	
Clematis armandii	Evergreen Clematis	●	●	●	●	●	●	
Clematis cultivars	Clematis	●	●	●	●	●	●	
Clytostoma callistegioides	Violet Trumpet Vine	●	●	●	●	●	●	
Distictus buccinatoria	Scarlet Trumpet Vine	●	●	●	●	●	●	
*Gelsemium sempervirens**	Carolina Jessamine	●	●	●	●	●	●	
Hardenbergia violacea	Lilac Vine, Coral Pea	●	●	●	●	●	●	
Hardenbergia violacea 'Rosea'	Pink Lilac Vine	●	●	●	●	●	●	
Jasminum polyanthum	Pink Jasmine	●	●	●	●	●	●	
Parthenocissus quinquefolia	Virginia Creeper	●	●	●	●	●	●	
Parthenocissus tricuspidata	Boston Ivy	●	●	●	●	●	●	
Passiflora spp.	Passion Vine	●	●	●	●	●	●	
*Rosa 'Cecile Brunner'**	Cecile Brunner Rose (polyantha)	●	●	●	●	●	●	
*Rosa banksiae 'Alba Plena'**	Dbl. White Lady Banks' Rose	●	●	●	●	●	●	
*Rosa banksiae 'Lutea'**	Yellow Lady Banks' Rose	●	●	●	●	●	●	
Solanum jasminoides	Potato Vine	●	●	●	●	●	●	
Trachelospermum jasminoides	Star Jasmine	●	●	●	●	●	●	
GRASSES								
*Aristida purpurea**	Purple Three Awn Grass	●	●	●	●	●	●	
*Bouteloua curtipendula**	Sideoats Grama Grass	●	●	●	●	●	●	
*Bouteloua gracilis**	Blue Grama Grass	●	●	●	●	●	●	
*Calamagrotis x acutifolia**	Feather Reed Grass	●	●	●	●	●	●	
Calamagrotis foliosus	Mendecino Reed Grass	●	●	●	●	●	●	
Calamagrotis nutkaensis	Pacific Reed Grass	●	●	●	●	●	●	
*Carex elata 'Aurea'**	Golden Variegated Sedge	●	●	●	●	●	●	
Carex flagellifera	Weeping Brown Sedge	●	●	●	●	●	●	
*Carex oshimensis 'Evergold'**	Variegated Japanese Sedge	●	●	●	●	●	●	
Carex pansa	California Meadow Sedge	●	●	●	●	●	●	
Carex praegracilis	Clustered Field Sedge	●	●	●	●	●	●	
Carex stricta	Tussock Sedge	●	●	●	●	●	●	
Carex testacea	Brown Sedge	●	●	●	●	●	●	
Festuca californica 'Serpentine Blue'	California Fescue selection	●	●	●	●	●	●	

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Carex pansa


Miscanthus sinensis


Muhlenbergia rigens


Zoysia 'DeAnza'

Botanical Name	**Common Name**	Entries	Main Road Streetscape	Residential Streetscape/ Front Yards	Neighborhood Parks	School	Mixed Used Business Park	100'Conservation Easement
*Festuca glauca**	Blue Fescue	●	●	●	●	●	●	
*Festuca idahoensis 'Siskyou Blue'**	Siskyou Blue Fescue	●	●	●	●	●	●	
*Festuca mairei**	Atlas Fescue	●	●	●	●	●	●	
Festuca rubra	Red Fescue	●	●	●	●	●	●	
*Helictotrichon sempervirens**	Blue Oat Grass	●	●	●	●	●	●	
lactucalacurticacus effusus pacificus 'Quartz Creek'	Quartz Creek Soft Rush	●	●	●	●	●	●	
Leymus arenaris	Blue Lyme Grass	●	●	●	●	●	●	
*Leymus condensatus**	Wild Rye	●	●	●	●	●	●	
*Leymus condensatus 'Canyon Prince'**	Canyon Prince Wild Rye	●	●	●	●	●	●	
*Leymus triticoides**	Creeping Wild Rye	●	●	●	●	●	●	
Muhlenbergia spp.	Muhlenbergia	●	●	●	●	●	●	
*Nolina bigelovii**	Desert Bigelov Nolina	●	●	●	●	●	●	
*Zoysia 'De Anza'**	Turf Zoysia De Anza	●	●	●	●	●	●	
Existing Grasses Protect in Place								●

General Notes:

1. Landscape Designer/Architect to take into consideration plant culture requirements (sun/shade, soil, etc.) when designing a final landscape plan for individual neighborhoods
2. Plants used on school site shall be reviewed and approved by the Tracy/Jefferson Unified School District during construction document phase.

*Indicates drought-tolerant species
**Indicates that designer must select a low water or drought-tolerant variety only
***Indicates that designer must select a zone-appropriate species

APPENDIX 'A'

Prohibited Plants and Trees
For Fuel Modification Zones in Moderate, High & Very High Hazard Areas

The following plant species are highly flammable and are more susceptible to burning, due to rough or peeling bark, production of large amounts of litter, vegetation that contains oils, resin, wax, or pitch, large amounts of dead material in the plant, or plantings with a high dead to live fuel ratio.

Botanical Name	Common Name	Plant Form
Acacia species	Acacia	Shrub/Tree
Adenostema fasciculatum	Chamise	Shrub
Adenostema sparsifolium	Red Shank	Shrub/Tree
Arborvitae	Thuja	Shrub/Tree
Artemisia californica	California Sagebrush	Shrub
Anthemis cotula	Mayweed	Weed
Arundo donax	Giant reed	Grass/weed
Bambusa species	Bamboo	Shrub
Brassica nigra	Black Mustard	Weed
Brassica ropa	Yellow Mustard	Weed
Cedrus species	Cedar	Tree
Cirsim vugare	Wild Artichoke	Weed
Conyza canadensis	Horseweed	Weed
Cortaderia selloana	Pampas Grass	Tall Grass
Cupressus species	Cypress	Tree
Cytisus species	Broom	Shrub
Eriogonum fasciculatum	Common Buckwheat	Shrub
Eucalyptus species	Eucalyptus	Shrub/Tree
Gensita species	Broom	Shrub
Hedera canariensis	Algerian Ivy	Ground Cover
Heterotheca grandiflora	Telegraph plant	Weed/shrub
Juniperus species	Junipers	Shrub
Lactuca serriola	Prickly lettuce	Weed
Miscanthus sinensis	Maiden Grass	Tall Grass
Nicotiana bigelevil	Indian tobacco	Shrub
Nicotiana glauca	Tree tobacco	Shrub
Palmae species	Palms	Tree
Pennisetum species	Fountain Grass	Ground cover
Picea species	Spruce	Tree
Pinus species	Pines	Tree
Rosmarinus species	Rosemary	Shrub
Retama monosperma	Broom	Shrub
Salvia species *	Sage	Shrub
Silybum marianum	Milk thistle	Weed
Spartium junceum	Spanish Broom	Shrub
Ulex europea	Gorse	Shrub
Urtica urens	Burning nettle	Weed
Botanical Name	**Common Name**	**Plant Form**
Washingtonia species	Palms	Tree

* Except -Salvia columbariae (chia), Salvia sonomensis (Creeping Sage)

APPENDIX 'A'

Prohibited Plants and Trees
For Fuel Modification Zones in Moderate, High & Very High Hazard Areas

Notes:

A. Certain natives are suitable to use in Fuel Modification Zone 2, where noted, if maintained. See comments in Comment column.

B. Plants that freeze should not be planted.

C. Not all plants could be listed. Here are the characteristics of more fire prone species:

- Dry and dead leaves or twigs
- Dry, leathery leaves
- Abundant, dense foliage
- High oil or resin content including gums or terpenes.
- Shaggy, rough, or peeling bark
- Abundant number of dead leaves underneath the plant (litter)
- Needle-like or very fine leaves
- Foliage with low moisture

Information:

1. Some plants on this list that are considered invasive. There are many other plants considered invasive that should not be planted in a fuel modification zone and they can be found on The California Invasive Plant Council's Website www.cal-ipc.org/ip/inventory/index.php. Other plants not considered invasive at this time may be determined to be invasive after further study.
2. For the purpose of using this list as a guide in selecting plant material, it is stipulated that all plant material will burn under various conditions.
3. The absence of a particular plant, shrub, groundcover, or tree from this list does not necessarily mean it is fire resistive and does not imply that a particular plant, shrub, groundcover, or tree will be approved by the fire code official or H.O.A. for landscaping in a Wildland Urban Interface Fire Area.
4. Landscape architects may submit proposals for use of certain vegetation on a project specific basis. They shall also submit justifications as to the fire resistivity of the proposed vegetation.
5. Tracy is located USDA Climate Zone 9b or Climate Zones 9b as defined in Sunset Western Garden Book. Plants, shrubs, groundcover, or trees recommended for this climate zone can be submitted for approval for landscaping purposes unless the plant is listed in this prohibited list.
6. Native, drought tolerant plants are encouraged unless they are on this list or otherwise known as flammable or invasive. Note that invasive species tend to require more maintenance are therefore discouraged.
7. Notwithstanding the type of plant not included on this list, spacing and configuration of plantings in relationship to structures is critical to stopping fire spread. Spacing and configuration shall be approved by the H.O.A.
8. This list was created by **Firewise 2000, LLC**. It is based on a review of several public agencies, non-profits and firesafe councils lists utilized in central and northern California.

BASIS OF BEARING:

THE LINE BETWEEN TWO FOUND MONUMENTS AS SHOWN ON THE RECORD OF SURVEY FILED JUNE 26, 2007, IN BOOK 36 OF SURVEYS AT PAGE 118, OFFICIAL RECORDS OF SAN JOAQUIN, TAKEN AS N44°38'35"W, IS THE BASIS OF BEARING FOR THIS MAP.

BENCHMARK:

BASIS OF ELEVATIONS:
PER GEOLOGIC CONTROL NETWORK RECORD OF SURVEY FOR CITY OF TRACY. RECORDED BOOK 36 PAGE 118 ELEVATION SHOWN ARE IN TERMS OF NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). BASED LOCALLY UPON ELEVATION FOR THE FOLLOWING BENCHMARKS AS PUBLISHED BY THE NATIONAL GEOLOGIC SURVEY: PT. 3022 "L1259 1974" ELEV. 250.25'

VESTING TENTATIVE MAP - TRACT 4057

TRACY HILLS - PHASE 2

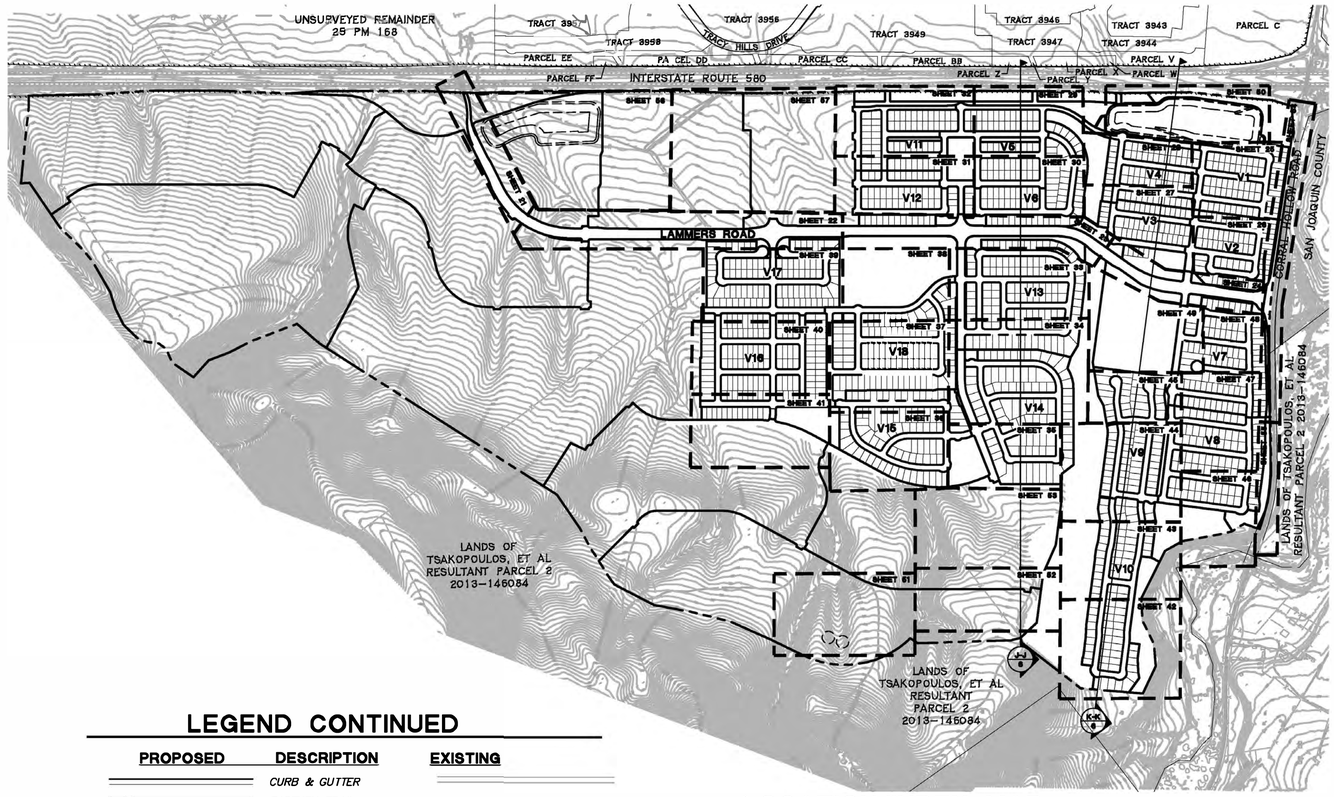
CITY OF TRACY, COUNTY OF SAN JOAQUIN, CALIFORNIA

SHEET INDEX

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	EXISTING CONDITION PLAN
3	STREET SECTIONS
4	STREET SECTIONS
5	SECTIONS AND DETAILS
6	SECTIONS
7	RESIDENTIAL LOT AREA SUMMARY – VILLAGES 1–5
8	RESIDENTIAL LOT SUMMARY – VILLAGES 6–10
9	RESIDENTIAL LOT SUMMARY – VILLAGES 11–15
10	RESIDENTIAL LOT SUMMARY – VILLAGES 16–18
11	STORM DRAIN DETAILS
12	OWNERSHIP EXHIBIT
13	OWNERSHIP EXHIBIT
14	OWNERSHIP EXHIBIT
15	OWNERSHIP EXHIBIT
16	OWNERSHIP EXHIBIT
17	OWNERSHIP EXHIBIT
18	OVERALL SANITARY SEWER PLAN
19	OVERALL STORM DRAIN PLAN
20	OVERALL WATER SYSTEM PLAN
21	LAMMERS ROAD (STA 12+90 TO STA 27+00)
22	LAMMERS ROAD (STA 27+00 TO STA 58+40)
23	LAMMERS ROAD (STA 58+40 TO STA 84+50)
24	LAMMERS ROAD (STA 84+60 TO END)
25	VILLAGE 1
26	VILLAGE 2
27	VILLAGE 3 & LOT D
28	VILLAGE 4
29	VILLAGES 5 & 6
30	VILLAGES 5 & 6
31	VILLAGE 12
32	VILLAGE 11
33	VILLAGE 13
34	VILLAGES 13 & 14
35	VILLAGE 14
36	VILLAGE 15
37	VILLAGES 15 & 18
38	VILLAGE 18 & LOT N
39	VILLAGE 17
40	VILLAGE 16
41	VILLAGE 16
42	VILLAGE 10
43	VILLAGE 10
44	VILLAGES 8, 9 & 10
45	VILLAGES 8 & 9
46	VILLAGE 8 & PARCEL
47	VILLAGES 7 & 8
48	VILLAGE 7
49	VILLAGE 7 & SCHOOL
50	STORMWATER BASIN
51	WATER TANKS
52	WATER TANKS
53	WATER TANKS
54	CORRAL HOLLOW ROAD (STA 00+00 TO STA 30+50)
55	CORRAL HOLLOW ROAD (STA 30+50 TO END)
56	PHASE 3 SUPERPAD
57	PHASE 3 SUPERPAD

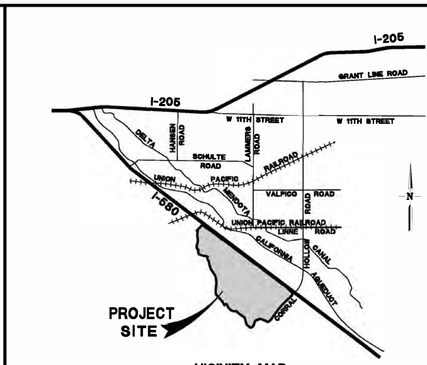
LEGEND

PROPOSED	DESCRIPTION	EXISTING
	TRACT BOUNDARY	
	EASEMENT LINE	
	LOT LINE	
	RIGHT OF WAY	
	CENTER LINE	
	FLOW LINE	
12"SD	STORM DRAIN	EX 12"SD
8"SS	SANITARY SEWER	EX 8"SS
8"W	WATER	EX 8"W
8"RCW	RECLAIMED WATER	
	RETAINING WALL	
	SOUND WALL	



LOCATION/INDEX MAP

NOT TO SCALE



VICINITY MAP
NOT TO SCALE

LEGEND CONTINUED

PROPOSED	DESCRIPTION	EXISTING
	CURB & GUTTER	
	EARTHEN TRAIL	
	SIDEWALK	
	STORM WATER INLET	
	FIELD INLET	
	MANHOLE	
	FIRE HYDRANT	
	BLOWOFF RISER	
	GATE VALVE	
x x	FENCE	x x
	SLOPE	
130	CONTOUR ELEVATIONS	130
x 525.2	SPOT ELEVATION	×525.2
	2:1 REBUILT SLOPE AREA	

ABBREVIATIONS

(#)	DENOTES SHEET NOTE NUMBER	GB	GRADE BREAK
AB	AGGREGATE BASE	GE	GARAGE ELEVATION
AC	ASPHALT CONCRETE	HOA	HOMEOWNERS ASSOCIATION
BC	BEGINNING OF CURVE	HP	HIGH POINT
BLDG	BUILDING	JUT	JOINT UTILITY TRENCH
BVC	BEGINNING OF VERTICAL CURVE	LP	LOW POINT
BW	BOTTOM OF WALL	P	PAD ELEVATION
CE	CONSERVATION EASEMENT	PAE	PRIVATE ACCESS EASEMENT
C & G	CURB & GUTTER	PAV	PAVEMENT
CMP	CORRUGATED METAL PIPE	PCC	POINT OF COMPOUND CURVATURE
DE	DRAINAGE EASEMENT	PRC	POINT OF REVERSE CURVATURE
DG	DECOMPOSED GRANITE	PSDE	PRIVATE STORM DRAIN EASEMENT
DRN	DRAINAGE OPEN SPACE	PUE	PUBLIC UTILITY EASEMENT
EC	END OF CURVE	R	RADIUS
EVC	END OF VERTICAL CURVE	RCW	RECLAIMED WATER
EX	EXISTING	RET	RETURN
FC	FACE OF CURB	RS	REBUILT SLOPE
FF	FINISHED FLOOR	RW	RIGHT OF WAY
FSW	FRONT OF SIDEWALK	SD	STORM DRAIN
SDE	STORM DRAIN EASEMENT		
SS	SANITARY SEWER		
SSE	SANITARY SEWER EASEMENT		
SW	STORM WATER INLET		
TC	TOP OF CURB		
TG	TOP OF GRATE ELEVATION		
TW	TOP OF WALL		
W	WATER		

GENERAL NOTES:

1. OWNER/DEVELOPER: TRACY PHASE 2, LLC
   24 W. 10TH STREET
   TRACY, CA 95376
   CONTACT: JOHN PALMER
2. CIVIL ENGINEER: RUGGERI-JENSEN-AZAR
   4690 CHABOT DRIVE, SUITE 200
   PLEASANTON, CA 94588
   (925) 227-9100
   CONTACT: ALEX AZAR, RCE 87006
3. GEOTECHNICAL ENGINEER: ENGEO INCORPORATED
   17278 GOLDEN VALLEY PARKWAY
   LATHROP, CA 95330
   (209) 835-0610
   CONTACT: STEVE HARRIS, GE
4. ASSESSOR'S PARCEL NUMBERS: 251-060-08, 251-060-09, 251-060-10
   251-060-11, 251-060-12, 251-060-13
5. LEGAL DESCRIPTION: REAL PROPERTY SITUATE IN THE CITY OF TRACY, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, AND BEING ALL OF PARCEL 1, 2, AND 3 AS SHOWN ON THAT CERTAIN PARCEL MAP FILED FOR RECORD MARCH 24,2017 IN BOOK 26 OF PARCEL MAPS PAGE 77, SAN JOAQUIN COUNTY RECORDS
6. CURRENT USE: AGRICULTURAL/GRAZING
7. ZONING: TRACY HILLS SPECIFIC PLAN
8. GENERAL PLAN LAND USE DESIGNATION: RESIDENTIAL LOW (LDR-TH)
   RESIDENTIAL MEDIUM (MDR-TH)
   COMMERCIAL (GHC-TH)
9. GROSS AREA: 1,143± ACRES
10. TOTAL PROPOSED RESIDENTIAL LOTS: 1,470 LOTS
11. UTILITIES:
    WATER: CITY OF TRACY
    GAS & ELECTRIC: PACIFIC GAS & ELECTRIC
    SANITARY SEWER: CITY OF TRACY
    STORM DRAIN: CITY OF TRACY
    FIRE: SOUTH SAN JOAQUIN COUNTY FIRE AUTHORITY
    TELEPHONE: AT&T
    CABLE TV: COMCAST
12. TOPOGRAPHY SHOWN IS BASED ON AN AERIAL TOPOGRAPHIC MAP PREPARED BY TETRATECH IN JANUARY 2013.
13. THE PROPERTY LIES WITHIN NO SPECIAL FLOOD HAZARD AREA PER FLOOD INSURANCE RATE MAP NUMBER 06077 C0730F (06077CIND0B), EFFECTIVE DATE, OCTOBER 20, 2016.
14. THE DEVELOPER MAY FILE MULTIPLE FINAL MAPS AFTER TENTATIVE MAP APPROVAL.
15. EXISTING CONSERVATION EASEMENT "GAPS" ALONG I-580 WILL BE REALIGNED TO MATCH I-580 STORM DRAIN OUTLETS.
16. IMPROVEMENTS SHOWN ON THIS VTM ARE SUBJECT TO REVISION IN FINAL DESIGN.

CITY ENGINEER'S STATEMENT

I HEREBY CERTIFY THAT THIS MAP HAS BEEN REVIEWED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE TRACY MUNICIPAL CODE AND THE SUBDIVISION MAP ACT AS TO FORM AND CONTENT.

CITY ENGINEER _____ DATE _____

PLANNING COMMISSION FILING CERTIFICATE

TENTATIVE MAP FILED THIS ___ DAY OF ___ 20__ IN THE OFFICE OF THE TRACY PLANNING COMMISSION, TRACY, CALIFORNIA. ACCOMPANIED WITH APPROPRIATE FILING FEES. THIS CERTIFICATE DOES NOT DEEM THIS APPLICATION COMPLETE.

CITY COUNCIL CERTIFICATE

I HEREBY CERTIFY THAT THE CITY COUNCIL OF TRACY HAS CONDITIONALLY APPROVED THIS TENTATIVE MAP _____ BY RESOLUTION NO. _____.

CITY CLERK _____ DATE _____

ENGINEER'S STATEMENT

THIS MAP WAS PREPARED BY RUGGERI-JENSEN-AZAR UNDER MY DIRECTION

ALEXANDER J. AZAR, RCE 87006 _____ DATE _____

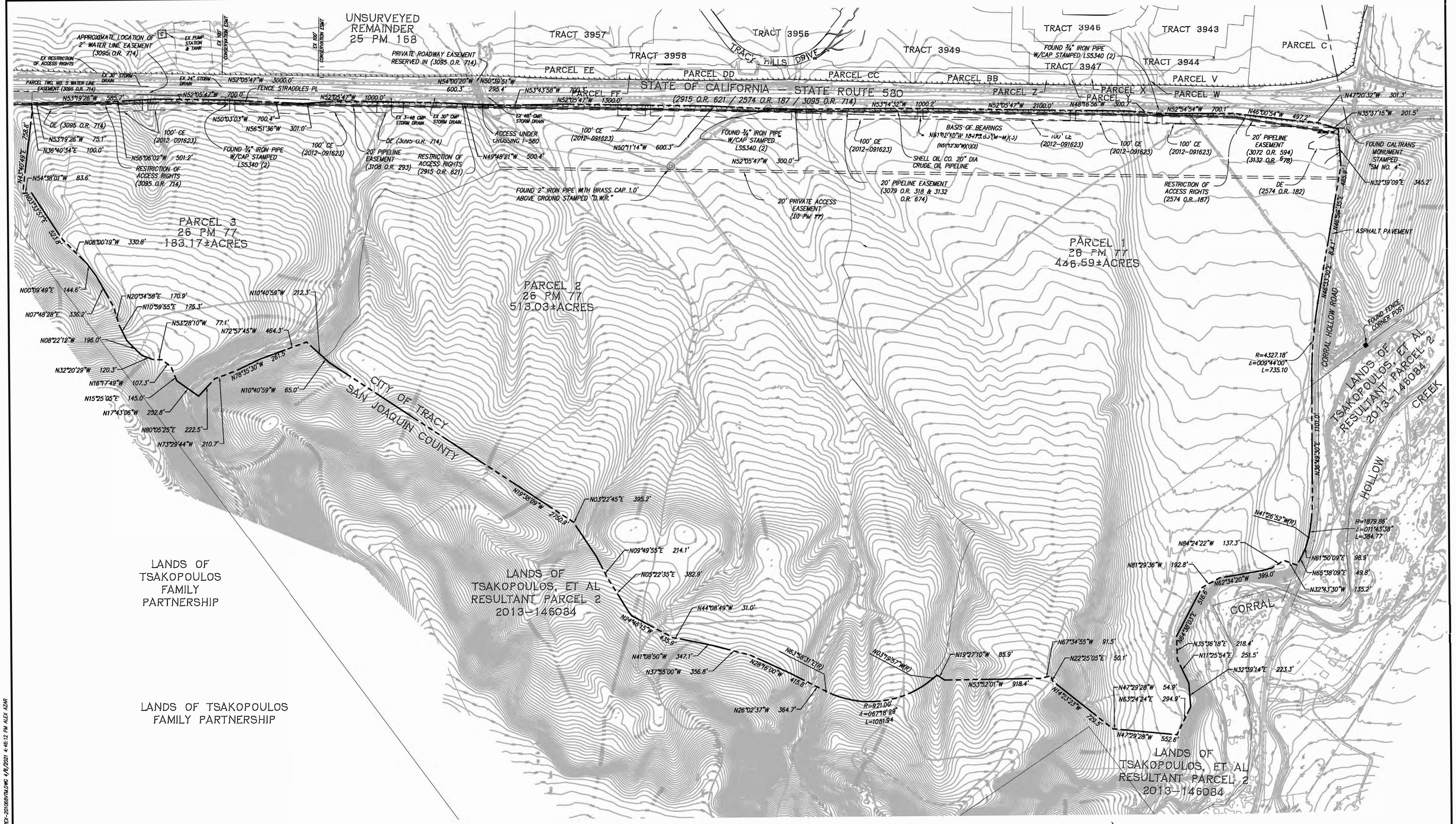
REGISTERED PROFESSIONAL ENGINEER ALEXANDER J. AZAR No. 87006 CIVIL STATE OF CALIFORNIA

OWNER/DEVELOPER

JOHN STANEK, TRACY PHASE 1B, LLC _____ DATE _____

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

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VESTING TENTATIVE MAP - TRACT 4057

EXISTING CONDITION PLAN

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

FOR: INTEGRAL COMMUNITIES

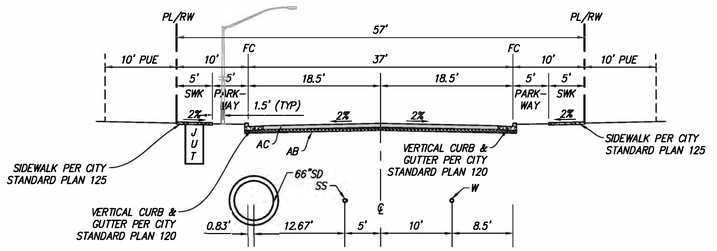
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1 inch = 400 ft.

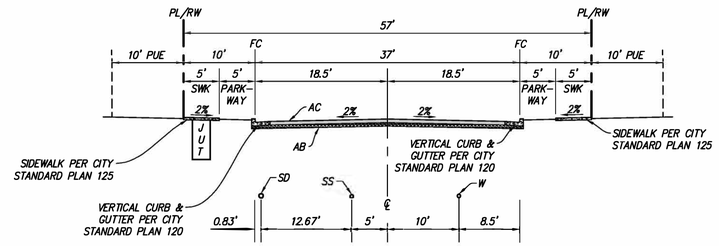
RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

DATE: SEPTEMBER 28, 2021 JOB NO.: 201068VTM SHEET 2 OF 57

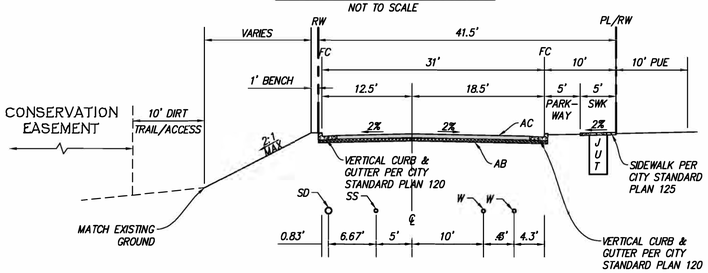
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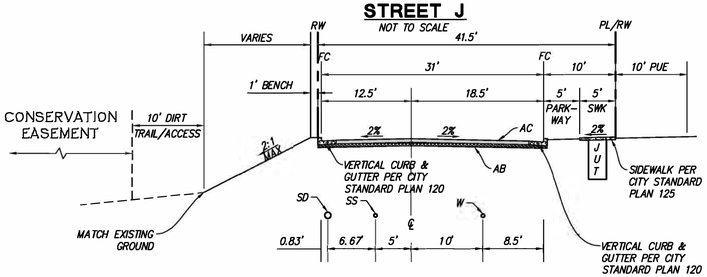
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NOT TO SCALE



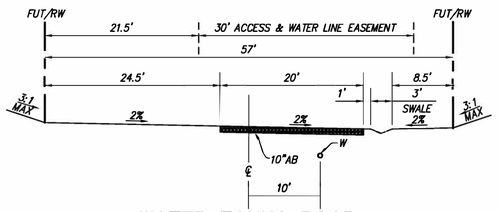
RESIDENTIAL STREET
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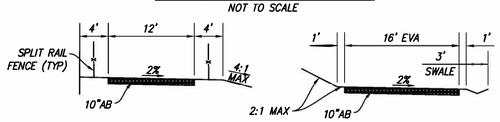
STREET J
NOT TO SCALE



STREET J
NOT TO SCALE

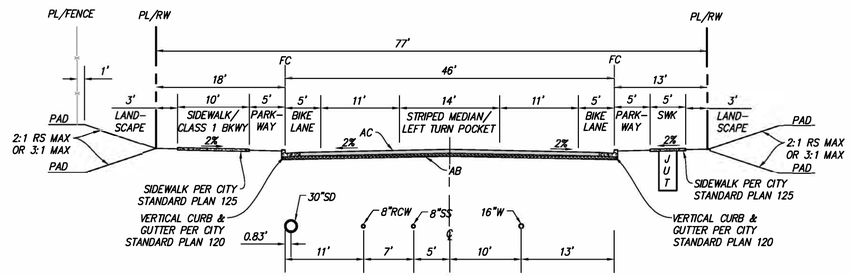


WATER TANKS ROAD
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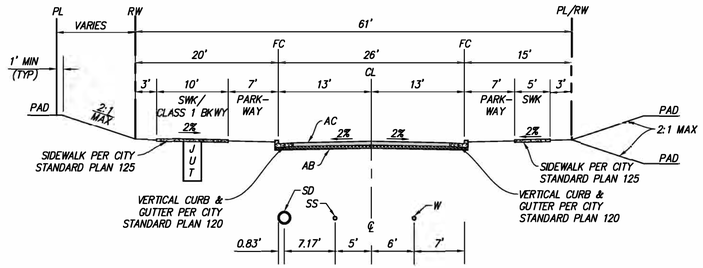


BASIN ACCESS ROAD
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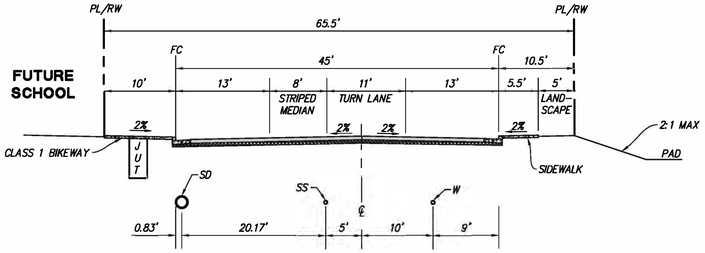
EVA IN LOT EE
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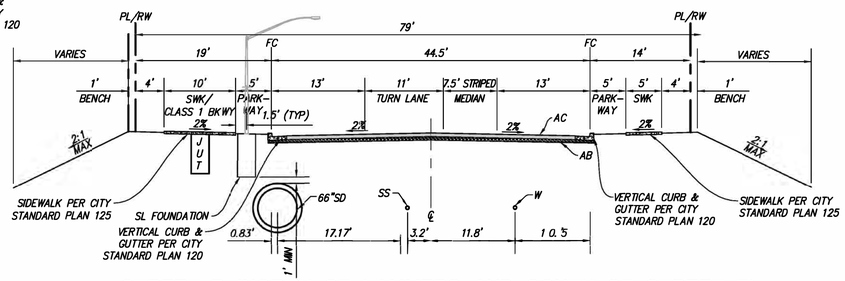
STREET C (VILLAGES 13, 14 15 & 18 FRONTAGES)
NOT TO SCALE



STREET B (VILLAGE 8 FRONTAGE)
NOT TO SCALE

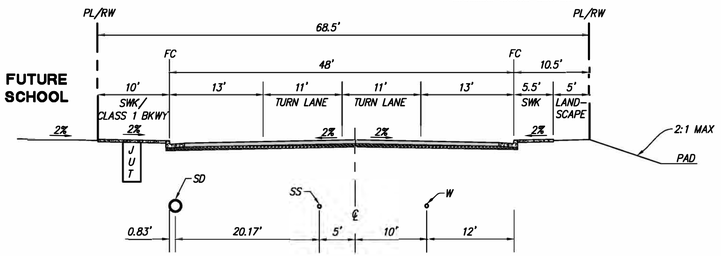


STREET B (SCHOOL FRONTAGE)
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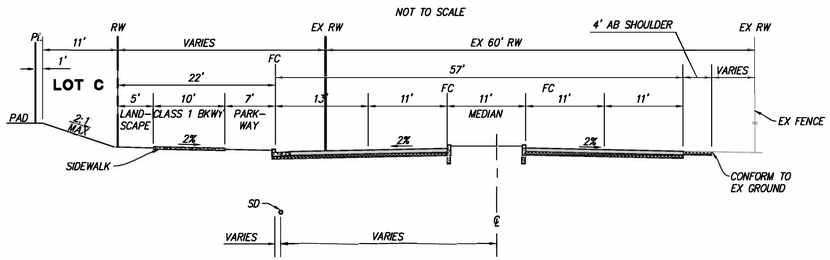


STREET B (NORTH OF LAMMERS AND SOUTH OF STREET F)
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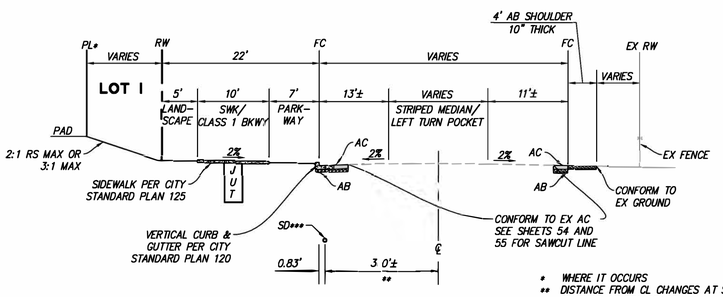
NOTES:
(1) SEE TRACY HILLS SPECIFIC PLAN/DESIGN GUIDELINES FOR NEW STORM DRAIN INLETS.
(2) STREET LIGHT PER APPROVED TRACY HILLS SPECIFIC PLAN/DESIGN GUIDELINES.
(3) FENCE PER TRACY HILLS SPECIFIC PLAN/DESIGN GUIDELINES.
(4) RUNNING SLOPE OF DG TRAIL SHALL NOT BE STEEPER THAN 1:20 (5%) PER CBC.
(5) ALL WALKS SHALL BE CONSTRUCTED WITH 2% MAXIMUM CROSS-SLOPES.



STREET B (SCHOOL FRONTAGE AT LAMMERS ROAD INTERSECTION)
NOT TO SCALE

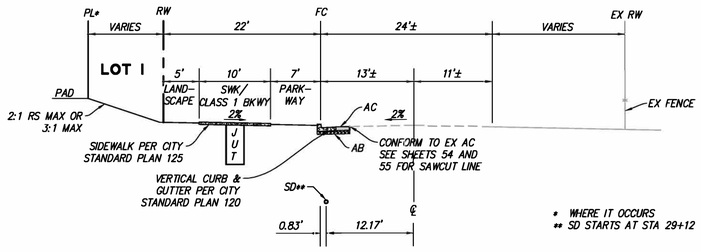


CORRAL HOLLOW ROAD (NORTH OF LAMMERS)
NOT TO SCALE



* WHERE IT OCCURS
** DISTANCE FROM CL CHANGES AT STA 20+92
*** SD ENDS AT STA 25+97

CORRAL HOLLOW ROAD (SOUTH OF LAMMERS - STA 18+96 TO STA 30+39)
NOT TO SCALE



* WHERE IT OCCURS
** SD STARTS AT STA 29+12

CORRAL HOLLOW ROAD (SOUTH OF LAMMERS - STA 30+39 TO STA 40+08)
NOT TO SCALE

VESTING TENTATIVE MAP - TRACT 4057

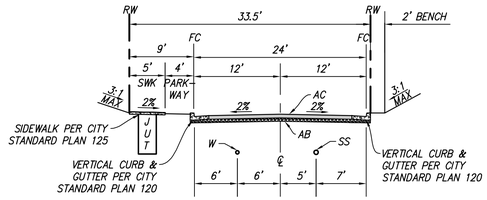
STREET SECTIONS

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

STREETS WITHIN POTENTIAL GATED VILLAGES WILL BE PRIVATE

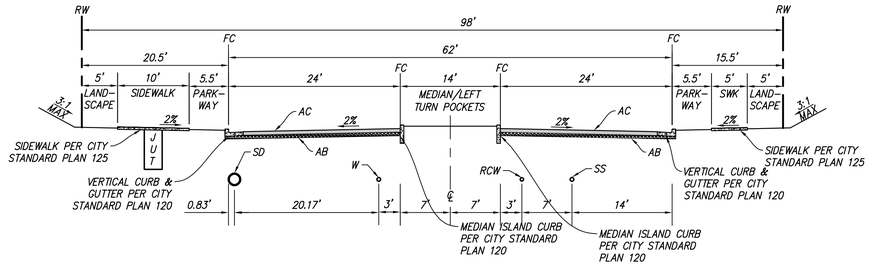
RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

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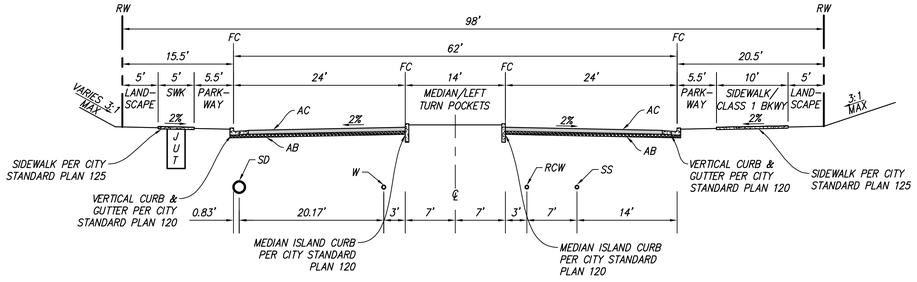
LAMMERS ROAD (STA 12+90 TO STA 14+99)

NOT TO SCALE



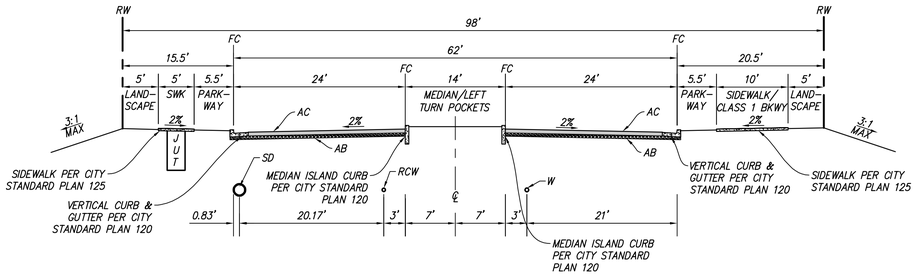
LAMMERS ROAD (STA 20+26 TO STA 25+68)

NOT TO SCALE



LAMMERS ROAD (STA 26+34 TO STA 31+29)

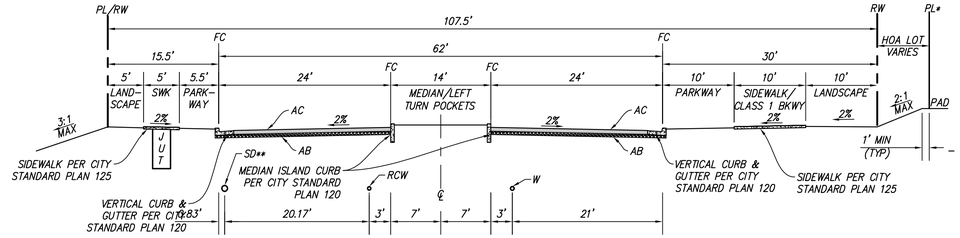
NOT TO SCALE



LAMMERS ROAD (STA 35+03 TO STA 44+12)

NOT TO SCALE

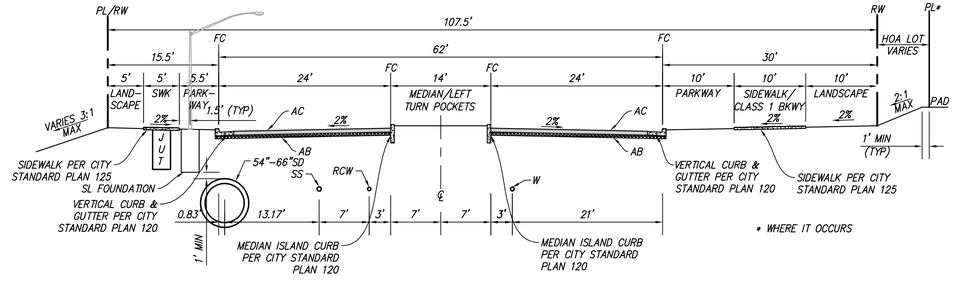
NOTES:
(1) SEE TRACY HILLS SPECIFIC PLAN/DESIGN GUIDELINES FOR NEW STORM DRAIN INLETS.
(2) STREET LIGHT PER APPROVED TRACY HILLS SPECIFIC PLAN/DESIGN GUIDELINES.
(3) FENCE PER TRACY HILLS SPECIFIC PLAN/DESIGN GUIDELINES.
(4) RUNNING SLOPE OF DG TRAIL SHALL NOT BE STEEPER THAN 1:20 (5%) PER CBC.
(5) ALL WALKS SHALL BE CONSTRUCTED WITH 2% MAXIMUM CROSS-SLOPES.
(6) LAMMERS ROAD POSTED 25 MPH (35 MPH DESIGN SPEED)



* WHERE IT OCCURS
** SD ENDS AT STA 45+93

LAMMERS ROAD (STA 44+99 TO STA 49+88)

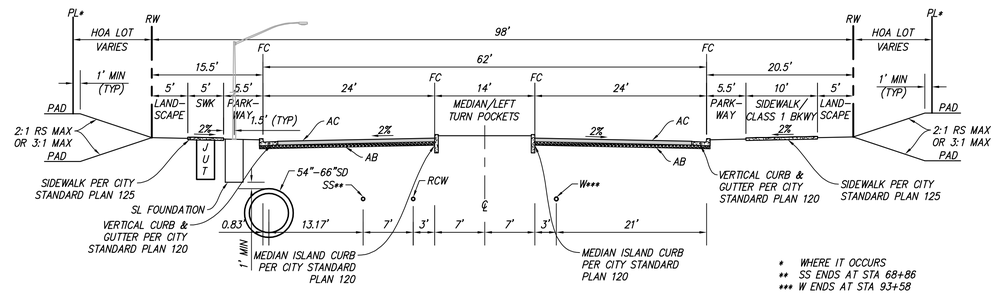
NOT TO SCALE



* WHERE IT OCCURS

LAMMERS ROAD (STA 53+73 TO STA 58+17)

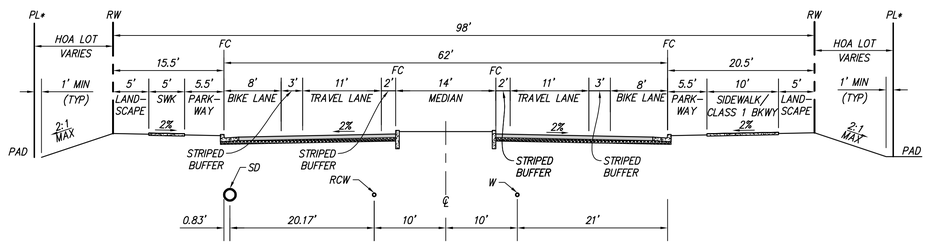
NOT TO SCALE



* WHERE IT OCCURS
** SS ENDS AT STA 68+86
*** W ENDS AT STA 93+58

LAMMERS ROAD (STA 59+04 TO END)

NOT TO SCALE



LAMMERS ROAD 2-LANE

NOT TO SCALE

STREETS WITHIN POTENTIAL GATED VILLAGES WILL BE PRIVATE

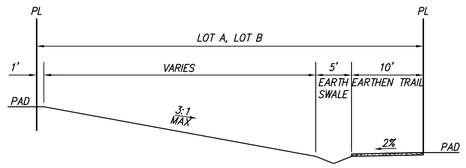
VESTING TENTATIVE MAP - TRACT 4057

STREET SECTIONS

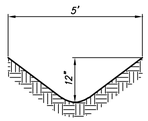
CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

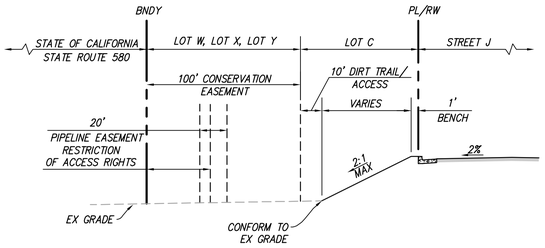
© \\2820201\201068VM\CAD FILES\02-PLANNING\TENT-MAP\04ST-201068VTM.DWG 9/15/2021 9:55:33 AM ALEX AZAR



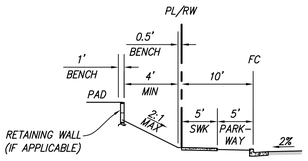
SECTION A-A
NOT TO SCALE



EARTH SWALE DETAIL
NOT TO SCALE

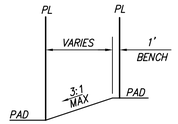


SECTION B-B
NOT TO SCALE

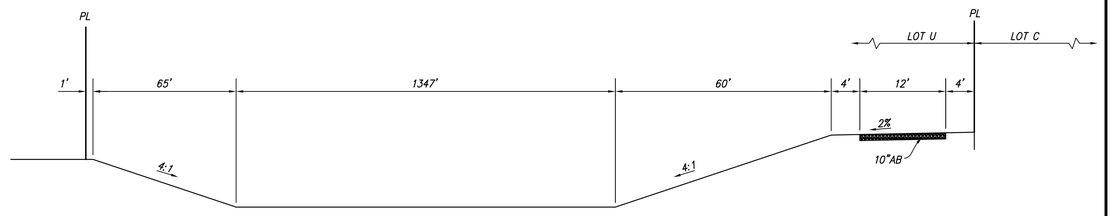


TYPICAL CORNER LOT SIDEYARD W/PAD HIGHER THAN SIDEWALK

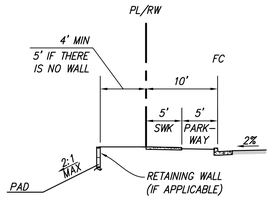
SECTION C-C
NOT TO SCALE



SECTION F-F
NOT TO SCALE

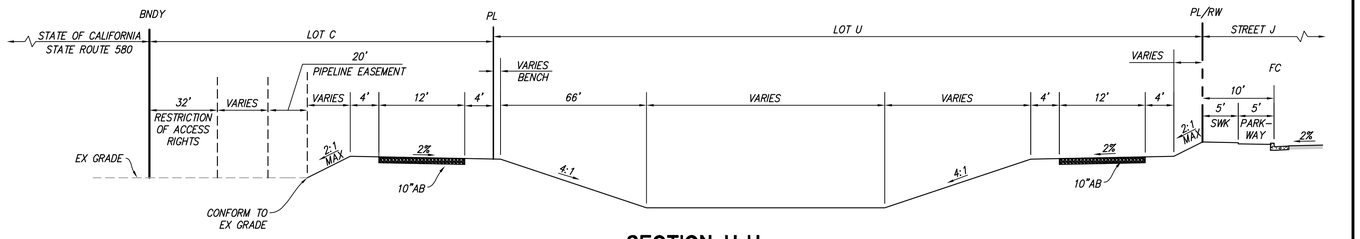


SECTION G-G
NOT TO SCALE

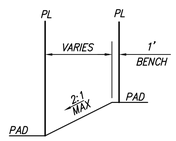


TYPICAL CORNER LOT SIDEYARD W/PAD LOWER THAN SIDEWALK

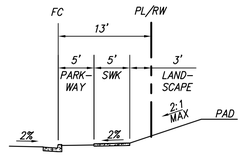
SECTION D-D
NOT TO SCALE



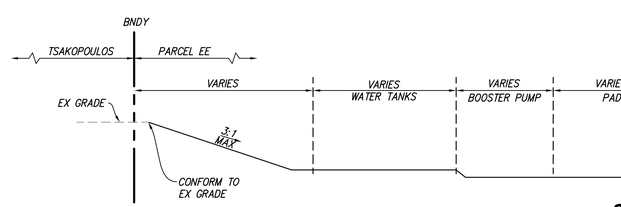
SECTION H-H
NOT TO SCALE



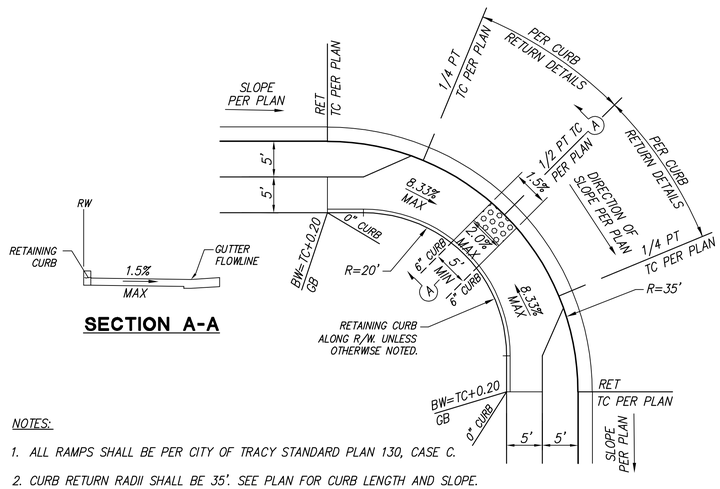
SECTION E-E
NOT TO SCALE



SECTION N-N
NOT TO SCALE



SECTION I-I
NOT TO SCALE

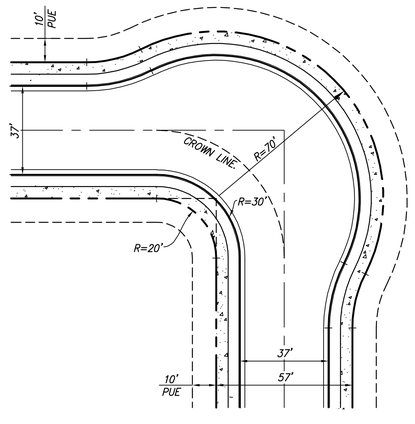


SECTION A-A

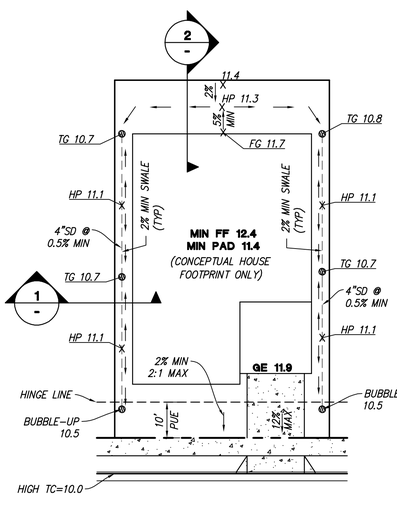
NOTES:

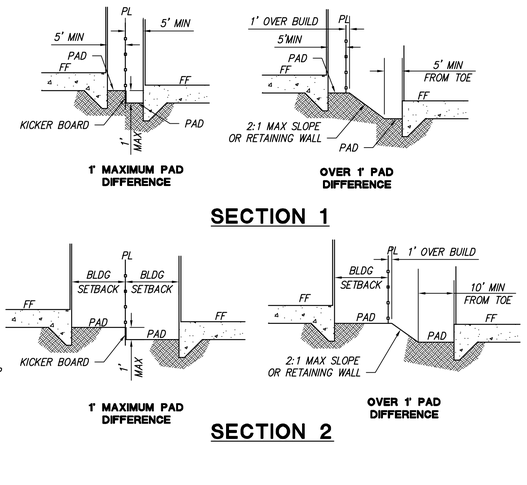
1. ALL RAMPS SHALL BE PER CITY OF TRACY STANDARD PLAN 130, CASE C.
2. CURB RETURN RADII SHALL BE 35'. SEE PLAN FOR CURB LENGTH AND SLOPE.
3. SEE LANDSCAPE PLANS FOR IRRIGATION SLEEVE LOCATIONS..
4. MAX SLOPES SHOWN ARE ALONG GUTTER FLOWLINE AND ALLOW FOR 1.5% LANDING AT BOTTOM OF RAMP. (SEE CURB RETURN DETAILS ON IMPROVEMENT PLAN SHEETS.) CONTRACTOR TO PROVIDE 1.5% LANDING AT BOTTOM OF RAMP.

TYPICAL CURB RAMP AND CURB RETURN DETAIL
NO SCALE



KNUCKLE DETAIL
SCALE: 1"=30'





TYPICAL LOT GRADING DETAIL
NOT TO SCALE

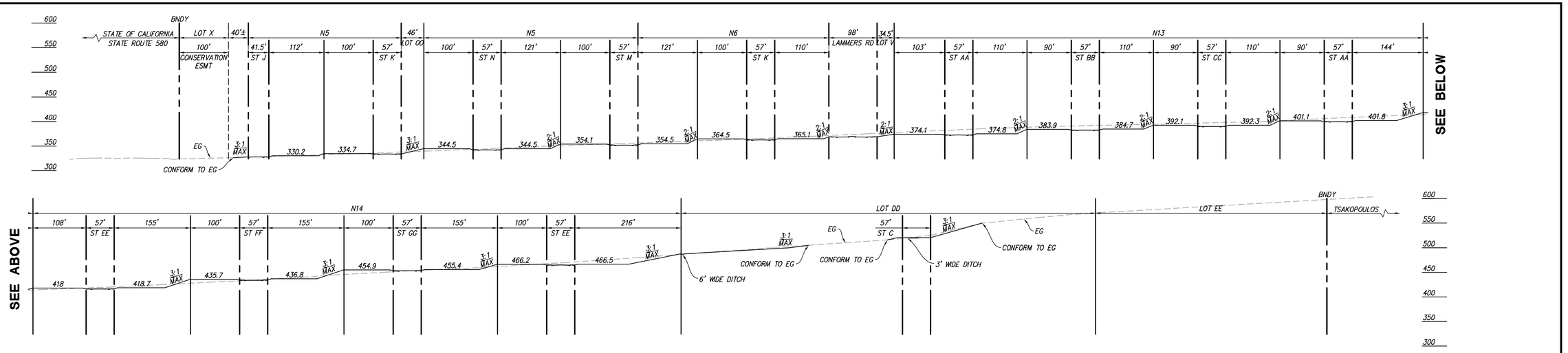
VESTING TENTATIVE MAP - TRACT 4057

SECTIONS AND DETAILS

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

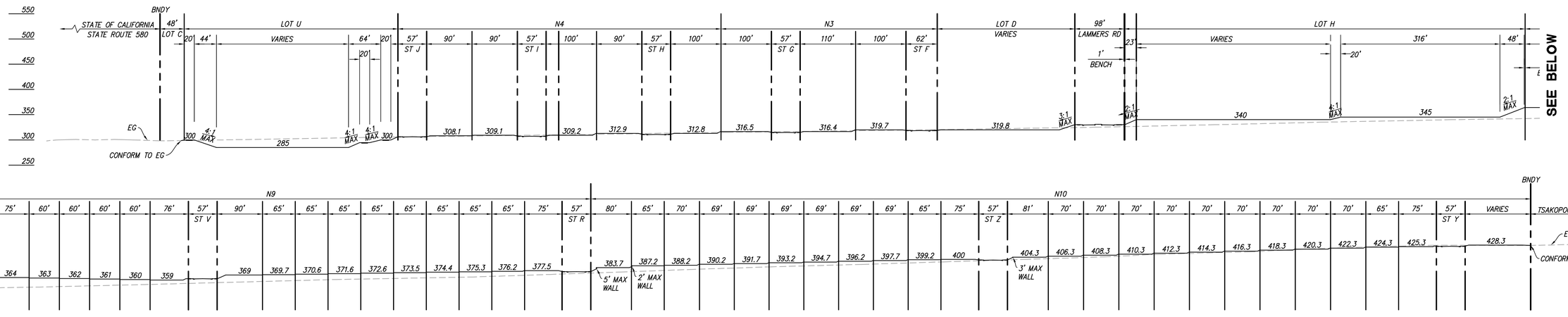
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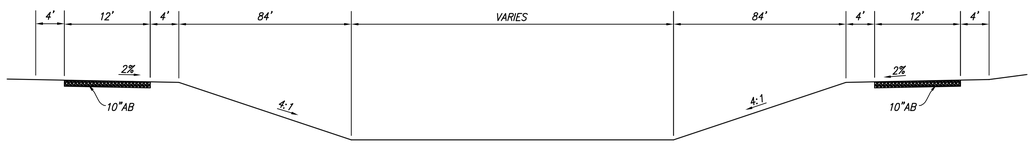
SECTION J-J

HORIZONTAL SCALE: 1"=100'
VERTICAL SCALE: 1"=100'



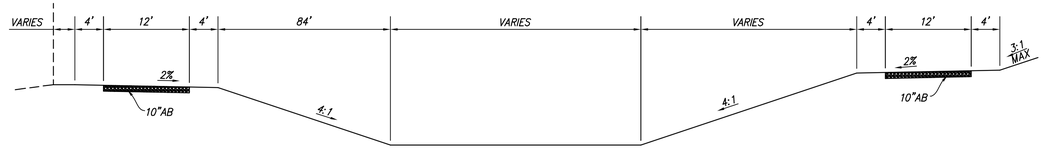
SECTION K-K

HORIZONTAL SCALE: 1"=100'
VERTICAL SCALE: 1"=100'



SECTION L-L

NOT TO SCALE



SECTION M-M

NOT TO SCALE

VESTING TENTATIVE MAP - TRACT 4057

SECTIONS

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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VILLAGE 1

55' X 90'

LOT #	AREA (SF)
1	6,484
2	4,950
3	4,950
4	4,950
5	4,950
6	4,950
7	4,950
8	4,950
9	4,950
10	6,280
11	6,280
12	4,950
13	4,950
14	4,950
15	4,950
16	4,950
17	4,950
18	4,950
19	4,950
20	6,484
21	7,214
22	5,500
23	5,500
24	5,500
25	5,500
26	5,500
27	5,500
28	5,500
29	5,500
30	6,987
31	6,280
32	4,950
33	4,950
34	4,950
35	4,950
36	4,950
37	4,950
38	4,950
39	4,950
40	6,484
41	7,787
42	5,500
43	5,500
44	5,500
45	5,500
46	5,500
47	5,500
48	5,500
49	5,500
50	6,414
51	7,220
52	7,287
53	7,354
54	7,421
55	7,489
56	7,556
57	7,623
58	7,690
59	7,757
60	7,727
61	7,303
62	9,015
63	12,781

VILLAGE 2

50' X 100'

LOT #	AREA (SF)
1	7,287
2	5,000
3	5,000
4	5,000
5	5,000
6	5,000
7	5,000
8	5,000
9	5,000
10	5,000
11	5,914
12	7,474
13	5,500
14	5,500
15	5,500
16	5,500
17	5,500
18	5,500
19	5,500
20	5,500
21	5,500
22	7,064
23	7,014
24	5,000
25	5,000
26	5,000
27	5,000
28	5,000
29	5,000
30	5,000
31	5,000
32	5,000
33	6,187
34	7,528
35	6,600
36	6,600
37	6,600
38	6,600
39	7,528
40	8,275
41	7,285
42	12,089
43	10,856
44	5,612
45	5,857
46	5,857
47	5,857
48	5,857
49	5,857
50	5,724
51	10,238
52	12,775
53	5,490
54	5,993
55	6,058
56	6,729
57	6,177
58	6,233
59	6,289
60	6,343
61	6,396
62	6,450
63	6,505

VILLAGE 3

50' X 100'

LOT #	AREA (SF)
1	7,414
2	5,000
3	5,000
4	5,000
5	5,000
6	5,000
7	5,000
8	5,000
9	5,000
10	5,000
11	5,000
12	5,000
13	5,000
14	7,814
15	10,248
16	5,500
17	5,500
18	5,500
19	5,500
20	5,500
21	5,500
22	5,500
23	5,500
24	5,500
25	5,500
26	5,500
27	5,500
28	6,514
29	6,804
30	5,000
31	5,000
32	5,000
33	5,000
34	5,000
35	5,000
36	5,000
37	5,000
38	5,000
39	5,000
40	5,000
41	5,000
42	7,474
43	5,036
44	5,000
45	5,000
46	5,000
47	5,000
48	5,000
49	5,000
50	5,000
51	5,000
52	5,000

VILLAGE 4

55' X 90'

LOT #	AREA (SF)
1	6,213
2	4,950
3	4,950
4	4,950
5	4,950
6	4,950
7	4,950
8	4,950
9	4,950
10	4,950
11	4,950
12	7,214
13	5,500
14	5,500
15	5,500
16	5,500
17	5,500
18	5,500
19	5,500
20	5,500
21	5,500
22	5,500
23	5,500
24	7,514
25	6,517
26	4,950
27	4,950
28	4,950
29	4,950
30	4,950
31	4,950
32	4,950
33	4,950
34	4,950
35	4,950
36	4,950
37	6,722
38	7,478
39	5,500
40	5,500
41	5,500
42	5,500
43	5,500
44	5,500
45	5,500
46	5,500
47	5,500
48	5,500
49	5,500
50	7,250
51	6,517
52	4,950
53	4,950
54	4,950
55	4,950
56	4,950
57	4,950
58	4,950
59	4,950
60	4,950
61	4,950
62	4,950
63	6,722
64	6,722
65	4,952
66	4,950
67	4,950
68	4,950

LOT #	AREA (SF)
69	4,950
70	4,950
71	4,950
72	4,950
73	4,950
74	4,950
75	4,950
76	6,517

VILLAGE 5

55' X 100'

LOT #	AREA (SF)
1	6,914
2	5,500
3	5,500
4	5,500
5	5,500
6	5,500
7	5,500
8	5,000
9	5,500
10	6,914
11	8,384
12	6,655
13	6,655
14	6,655
15	6,655
16	6,655
17	6,655
18	6,655
19	6,655
20	8,384
21	10,048
22	8,030
23	8,030
24	8,030
25	8,030
26	8,030
27	8,030
28	8,030
29	8,030
30	10,048
31	6,764
32	5,500
33	5,500
34	5,500
35	5,500
36	5,500
37	5,500
38	5,500
39	5,500
40	5,500
41	5,500
42	5,500
43	6,764
44	7,449
45	6,050
46	6,050
47	6,050
48	6,050
49	6,050
50	6,050
51	6,050
52	6,050
53	6,050
54	6,050
55	6,050
56	7,449

VESTING TENTATIVE MAP - TRACT 4057

RESIDENTIAL LOT AREA SUMMARY - VILLAGES 1-5

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

FOR: INTEGRAL COMMUNITIES

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VILLAGE 6

55' X 100'

LOT #	AREA (SF)
1	6,914
2	5,500
3	5,500
4	5,500
5	5,500
6	5,500
7	5,500
8	5,500
9	5,500
10	6,914
11	8,384
12	6,655
13	6,655
14	6,655
15	6,655
16	6,655
17	6,655
18	6,655
19	6,655
20	8,384
21	6,653
22	5,775
23	6,498
24	12,347
25	6,160
26	6,160
27	6,160
28	6,160
29	6,160
30	6,160
31	6,160
32	6,160
33	6,160
34	6,160
35	6,160
36	6,160
37	6,298
38	9,121
39	11,274
40	8,048
41	5,800
42	6,000
43	6,000
44	6,000
45	6,000
46	6,000
47	6,775
48	6,992
49	6,992
50	6,992
51	6,992
52	6,992
53	6,992
54	6,992
55	9,065
56	13,251
57	9,528
58	6,694
59	6,236
60	6,000
61	6,000
62	6,000
63	6,000
64	7,256
65	6,366
66	6,781
67	7,261
68	7,741

LOT #	AREA (SF)
69	8,220
70	8,552
71	8,563
72	7,815
73	6,655
74	6,655
75	10,149

VILLAGE 7

55' X 100'

LOT #	AREA (SF)
1	7,661
2	6,628
3	6,603
4	6,038
5	6,196
6	6,393
7	6,655
8	6,655
9	6,655
10	6,655
11	6,655
12	6,430
13	6,150
14	6,975
15	7,191
16	7,223
17	7,256
18	7,288
19	7,320
20	7,352
21	7,385
22	7,420
23	7,469
24	7,518
25	7,568
26	7,569
27	7,523
28	7,549
29	7,536
30	7,494
31	8,940
32	6,215
33	6,215
34	6,215
35	6,215
36	6,215
37	6,215
38	6,215
39	6,215
40	6,215
41	6,215
42	8,416
43	6,741
44	5,500
45	5,500
46	5,500
47	5,500
48	5,500
49	5,500
50	5,500
51	5,500
52	5,500
53	5,500
54	6,941
55	8,685
56	6,322
57	6,322
58	6,322
59	6,322
60	6,322
61	7,409
62	19,158
63	8,077
64	8,359
65	14,404
66	8,111
67	5,500
68	5,500

LOT #	AREA (SF)
69	5,500
70	5,500
71	5,500
72	7,435
73	8,216
74	6,050
75	6,050
76	6,050
77	6,050
78	6,050
79	6,050
80	6,050
81	6,050
82	6,050
83	6,954
84	6,414
85	5,500
86	5,500
87	5,500
88	5,500
89	5,500
90	8,823
91	8,046
92	6,050
93	6,050
94	6,050
95	6,050
96	6,050
97	7,064

VILLAGE 8

60' X 90'

LOT #	AREA (SF)
1	9,738
2	6,795
3	6,700
4	6,700
5	6,700
6	6,700
7	6,700
8	6,700
9	6,700
10	8,231
11	8,633
12	7,835
13	7,754
14	7,673
15	7,474
16	7,157
17	6,840
18	7,609
19	6,684
20	6,705
21	6,681
22	6,613
23	6,545
24	6,942
25	6,809
26	7,589
27	6,500
28	6,500
29	6,500
30	6,500
31	6,500
32	6,500
33	6,500
34	6,500
35	6,500
36	7,089
37	7,735
38	7,085
39	7,085
40	7,085
41	7,085
42	7,085
43	7,085
44	7,085
45	7,085
46	7,085
47	8,280
48	7,752
49	6,500
50	6,500
51	6,500
52	6,500
53	6,500
54	6,500
55	6,500
56	6,500
57	6,500
58	6,927
59	7,628
60	7,150
61	7,150
62	7,150
63	7,150
64	7,150
65	7,150
66	7,150
67	7,150
68	7,150

LOT #	AREA (SF)
69	8,437
70	8,452
71	6,800
72	6,800
73	6,800
74	6,800
75	6,800
76	6,800
77	6,800
78	6,800
79	8,155
80	11,213
81	7,095
82	7,095
83	7,095
84	7,095
85	7,095
86	7,095
87	7,095
88	7,095
89	8,266

VILLAGE 9

60' X 100'

LOT #	AREA (SF)
1	8,175
2	7,056
3	7,458
4	7,458
5	7,458
6	7,458
7	7,458
8	7,343
9	7,624
10	9,554
11	8,803
12	7,047
13	8,096
14	6,449
15	6,664
16	9,823
17	12,438
18	8,200
19	10,705
20	12,568
21	13,290
22	13,457
23	8,786
24	7,260
25	7,260
26	7,260
27	7,260
28	7,260
29	7,260
30	7,260
31	7,260
32	7,260
33	8,929
34	7,364
35	6,500
36	6,500
37	6,500
38	6,500
39	6,500
40	6,500
41	6,500
42	6,599
43	9,420
44	7,618
45	6,298
46	7,452
47	6,003
48	6,000
49	6,329
50	9,566
51	16,123
52	12,092
53	9,993
54	9,750
55	9,351
56	6,015
57	6,000
58	6,000
59	7,920
60	7,523
61	6,000
62	6,000
63	6,000
64	6,000
65	6,000
66	6,000
67	6,700
68	6,600

LOT #	AREA (SF)
69	6,600

VILLAGE 10

65' X 100'

LOT #	AREA (SF)
1	6,503
2	7,000
3	7,000
4	7,000
5	8,524
6	7,006
7	11,424
8	9,335
9	9,663
10	8,598
11	9,814
12	8,470
13	8,470
14	8,470
15	8,593
16	8,422
17	7,561
18	8,614
19	9,252
20	8,120
21	8,120
22	8,120
23	8,120
24	7,800
25	7,846
26	8,078
27	8,120
28	8,120
29	7,540
30	8,614
31	7,414
32	6,500
33	7,000
34	7,000
35	7,035
36	7,252
37	7,320
38	7,000
39	7,000
40	7,000
41	7,000
42	7,964
43	7,414
44	6,500
45	7,016
46	7,300
47	7,074
48	6,900
49	6,900
50	8,595
51	7,016
52	8,102
53	7,964
54	7,251
55	8,527
56	7,382
57	8,145
58	7,175
59	7,755
60	7,253
61	7,490
62	6,920
63	6,900
64	6,940
65	7,240
66	7,000
67	7,000
68	7,000

VESTING TENTATIVE MAP - TRACT 4057

RESIDENTIAL LOT SUMMARY - VILLAGES 6-10

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

FOR: INTEGRAL COMMUNITIES

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

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VILLAGE 11
55' X 100'

LOT #	AREA (SF)
1	8,614
2	6,600
3	6,600
4	6,600
5	6,600
6	6,600
7	6,600
8	6,600
9	8614
10	8,684
11	6,160
12	6,160
13	6,160
14	6,160
15	6,160
16	6,160
17	6,160
18	7,385
19	6,859
20	5,500
21	5,500
22	5,500
23	5,500
24	5,500
25	5,500
26	5,500
27	5,500
28	5,500
29	5,500
30	7,169
31	8,021
32	6,062
33	6,050
34	6,050
35	6,050
36	6,050
37	6,050
38	6,050
39	6,050
40	6,050
41	6,050
42	7,554
43	8,432
44	6,250
45	6,250
46	6,250
47	6,250
48	6,250
49	6,250
50	6,250
51	6,500
52	6,500
53	6,250
54	6,250
55	6,250
56	6,250
57	6,250
58	6,250
59	6,250
60	7,614

VILLAGE 12
55' X 100'

LOT #	AREA (SF)
1	7,088
2	6,258
3	6,363
4	11,564
5	6,325
6	6,325
7	6,325
8	6,325
9	6,325
10	6,325
11	6,325
12	6,325
13	6,325
14	6,325
15	6,325
16	6,325
17	6,325
18	6,914
19	5,880
20	5,880
21	5,880
22	5,880
23	5,880
24	5,880
25	5,880
26	5,880
27	5,880
28	5,880
29	5,900
30	6,914
31	8,384
32	7,139
33	7,115
34	7,115
35	7,115
36	7,115
37	7,115
38	7,115
39	7,115
40	7,115
41	7,115
42	7,115
43	8,384
44	7,414
45	6,000
46	6,414
47	7,164
48	5,500
49	5,500
50	5,500
51	5,500
52	5,500
53	5,500
54	5,500
55	7,164

VILLAGE 13
60' X 90'

LOT #	AREA (SF)
1	11,362
2	9,144
3	9,144
4	9,144
5	9,144
6	9,144
7	9,144
8	9,144
9	9,144
10	9,144
11	9,148
12	9,690
13	10,611
14	11,531
15	11,713
16	20,506
17	10,709
18	6,706
19	7,390
20	7,650
21	7,650
22	7,650
23	7,650
24	7,540
25	7,791
26	7,848
27	7,898
28	7,913
29	7,964
30	7,337
31	7,223
32	6,180
33	6,180
34	6,180
35	6,180
36	6,180
37	6,180
38	6,180
39	6,180
40	6,180
41	5,690
42	6,244
43	6,324
44	6,338
45	7,126
46	9,329
47	7,220
48	7,519
49	7,622
50	7,622
51	7,567
52	6,304
53	7,020
54	6,930
55	6,930
56	6,840
57	6,934
58	6,934
59	6,840
60	6,930
61	6,930
62	7,020
63	6,304
64	6,745
65	6,075
66	6,075
67	6,075
68	6,075

LOT #	AREA (SF)
69	6,075
70	6,075
71	7,161
72	8,505
73	6,600
74	6,600
75	6,600
76	6,600
77	6,600
78	6,600
79	6,600
80	8,313
81	7,204
82	5,400
83	5,400
84	5,400
85	5,400
86	5,400
87	5,400
88	5,400
89	8,094
90	11,163
91	6,600
92	6,600
93	6,600
94	6,600
95	6,600
96	6,600
97	6,600
98	8,824
99	6,952
100	5,400
101	5,400
102	5,400
103	5,400
104	5,400
105	5,400
106	5,400
107	5,400
108	5,400
109	5,400
110	5,400
111	8,829
112	5,318
113	6,600
114	6,600
115	6,600
116	6,600
117	6,600
118	6,600
119	6,600
120	6,600
121	6,600
122	8,516

VILLAGE 14
65' X 100'

LOT #	AREA (SF)
1	13,944
2	14,040
3	14,040
4	14,040
5	14,040
6	13,998
7	18,412
8	12,188
9	8,265
10	8,475
11	8,475
12	8,475
13	8,475
14	8,475
15	8,475
16	8,475
17	8,556
18	10,175
19	10,070
20	16,196
21	13,138
22	9,981
23	10,601
24	7,020
25	7,020
26	7,020
27	7,020
28	7,020
29	7,020
30	7,020
31	7,018
32	11,221
33	9,842
34	11,013
35	9,711
36	9,188
37	9,188
38	10,980
39	10,609
40	8,575
41	9,065
42	7,838
43	17,473
44	19,032
45	10,214
46	6,500
47	6,500
48	6,500
49	6,500
50	10,147
51	14,534
52	10,075
53	10,074
54	9,788
55	21,507
56	7,100
57	7,712
58	7,892
59	6,602
60	7,100
61	8,914
62	12,469
63	10,850
64	10,850
65	10,850
66	11,771
67	13,676
68	18,023

LOT #	AREA (SF)
69	8,400
70	9,130
71	9,034
72	8,458
73	8,059
74	7,301
75	7,300
76	7,400
77	7,400
78	7,400
79	7,400
80	7,400
81	8,983
82	20,356
83	11,304
84	11,315
85	11,315
86	11,315
87	11,315
88	11,614
89	13,940

VILLAGE 15
60' X 100'

LOT #	AREA (SF)
1	12,149
2	11,578
3	9,929
4	7,798
5	11,053
6	6,532
7	6,335
8	6,390
9	6,000
10	6,000
11	6,000
12	6,000
13	6,000
14	6,000
15	6,000
16	6,000
17	6,000
18	6,000
19	6,000
20	6,000
21	6,000
22	6,011
23	7,614
24	6,800
25	6,862
26	9,572
27	13,358
28	11,742
29	9,276
30	7,800
31	7,800
32	7,800
33	7,524
34	7,897
35	8,161
36	8,481
37	8,855
38	9,284
39	9,769
40	9,650
41	9,648
42	9,541
43	9,044
44	6,984
45	6,060
46	7,254
47	6,900
48	6,902
49	6,902
50	6,901
51	7,786
52	17,807
53	8,720
54	9,131
55	9,239
56	9,240
57	11,233
58	6,914
59	6,500
60	6,500
61	6,500
62	6,500
63	7,299
64	9,056
65	9,884
66	12,879
67	7,372
68	7,406

LOT #	AREA (SF)
69	11,185
70	10,896
71	9,541
72	7,909
73	6,780
74	13,148
75	13,952
76	12,092
77	10,231
78	9,300
79	9,300
80	9,300
81	9,300
82	9,300
83	9,300
84	9,300
85	10,880

VESTING TENTATIVE MAP - TRACT 4057
RESIDENTIAL LOT SUMMARY - VILLAGES 11-15

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

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VILLAGE 16

50' X 100'

LOT #	AREA (SF)
1	7,614
2	6,600
3	6,600
4	6,600
5	6,600
6	6,600
7	6,600
8	6,600
9	6,600
10	6,600
11	6,600
12	6,600
13	6,600
14	7,504
15	6,814
16	6,000
17	6,000
18	6,000
19	6,000
20	6,000
21	6,000
22	6,000
23	6,000
24	6,000
25	6,000
26	6,000
27	6,000
28	6,914
29	8,828
30	7,400
31	7,400
32	10,240
33	6,314
34	5,000
35	5,000
36	6,514
37	9,286
38	7,100
39	7,100
40	9,002
41	6,314
42	5,000
43	5,000
44	6,514
45	10,330
46	7,750
47	7,750
48	9,648
49	6,891
50	5,000
51	5,000
52	5,937
53	8,831
54	6,464
55	6,416
56	6,415
57	6,415
58	6,415
59	6,415
60	6,415
61	6,415
62	6,415
63	6,415
64	6,415
65	6,415
66	9,919
67	8,700
68	8,700

LOT #	AREA (SF)
69	8,700
70	8,700
71	8,700
72	8,612
73	8,100
74	8,100
75	8,100
76	8,100
77	8,100
78	8,100
79	9,364
80	9,090
81	7,400
82	7,400
83	7,408
84	7,400
85	7,400
86	7,400
87	7,400
88	10,267
89	6,514
90	5,000
91	5,000
92	5,000
93	5,000
94	5,000
95	5,000
96	5,000
97	6,514
98	9,286
99	7,100
100	7,100
101	7,100
102	7,100
103	7,100
104	7,100
105	7,100
106	9,286
107	6,514
108	5,000
109	5,000
110	5,000
111	5,000
112	5,000
113	5,000
114	5,000
115	6,514
116	10,144
117	7,750
118	7,750
119	7,750
120	7,750
121	7,750
122	7,750
123	7,750
124	10,144
125	6,891
126	5,000
127	5,000
128	5,000
129	5,000
130	5,000
131	5,000
132	5,000
133	6,137

VILLAGE 17

55' X 90'

LOT #	AREA (SF)
1	5,760
2	5,760
3	5,760
4	5,310
5	5,310
6	5,310
7	5,310
8	5,310
9	5,310
10	6,574
11	8,027
12	7,315
13	7,315
14	7,315
15	7,315
16	7,315
17	7,315
18	7,117
19	9,777
20	13,472
21	6,995
22	6,067
23	5,665
24	5,449
25	5,606
26	7,970
27	12,357
28	6,267
29	6,330
30	6,330
31	6,330
32	6,330
33	6,939
34	6,133
35	6,133
36	6,133
37	6,133
38	6,133
39	6,133
40	7,385
41	6,145
42	5,115
43	5,115
44	5,115
45	5,115
46	5,115
47	5,115
48	5,773
49	5,587
50	5,115
51	5,115
52	5,115
53	5,115
54	5,115
55	5,115
56	6,284
57	7,552
58	6,133
59	6,133
60	6,133
61	6,133
62	6,133
63	6,133
64	6,716
65	7,028
66	7,028
67	7,028
68	7,028

LOT #	AREA (SF)
69	7,027
70	6,721
71	14,007
72	9,684
73	5,935
74	6,386
75	6,295
76	6,699
77	13,902
78	9,817
79	7,111
80	7,315
81	7,315
82	7,315
83	7,315
84	7,315
85	7,315
86	8,027
87	6,194
88	4,950
89	4,950
90	4,950
91	4,950
92	4,950
93	4,950
94	4,950
95	4,950
96	4,950
97	4,950

VILLAGE 18

55' X 100'

LOT #	AREA (SF)
1	13,467
2	11,132
3	9,092
4	12,446
5	7,727
6	7,102
7	7,056
8	7,056
9	7,056
10	7,056
11	7,056
12	7,056
13	6,345
14	6,384
15	15,919
16	11,980
17	8,595
18	8,525
19	8,525
20	8,525
21	8,525
22	8,525
23	8,525
24	8,525
25	8,525
26	8,525
27	8,525
28	8,525
29	8,525
30	9,300
31	9,300
32	9,300
33	9,300
34	10,764
35	12,215
36	6,914
37	6,783
38	6,783
39	6,783
40	6,783
41	6,783
42	6,785
43	6,914
44	8,314
45	8,142
46	8,140
47	8,140
48	8,140
49	8,140
50	8,140
51	8,314
52	7,539
53	5,500
54	5,500
55	5,500
56	5,500
57	5,500
58	5,500
59	5,500
60	5,500
61	5,500
62	5,500
63	5,500
64	7,539
65	11,733
66	8,525
67	8,525
68	8,525

LOT #	AREA (SF)
69	8,525
70	8,525
71	8,525
72	8,525
73	8,525
74	8,525
75	8,525
76	8,525
77	11,733
78	7,664
79	5,700
80	5,700
81	5,700
82	5,700
83	5,700
84	5,700
85	5,700
86	5,700
87	5,700
88	5,700
89	7,064
90	6,600
91	6,819
92	10,473
93	9,278
94	15,360
95	13,595
96	10,055
97	7,433
98	7,425
99	7,425
100	7,425
101	7,425
102	7,425
103	9,333

VESTING TENTATIVE MAP - TRACT 4057

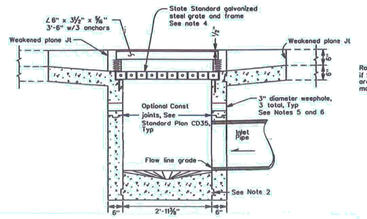
RESIDENTIAL LOT SUMMARY - VILLAGES 16-18

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

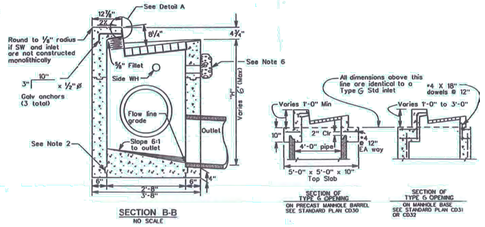
FOR: INTEGRAL COMMUNITIES

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

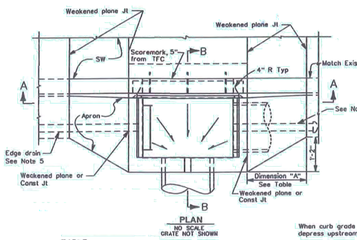
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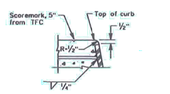
SECTION A-A
NO SCALE



SECTION B-B
NO SCALE



PLAN
NO SCALE
GRATE NOT SHOWN

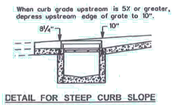


DETAIL A
NO SCALE

TABLE

LONGITUDINAL CURB GRADE "A"	UPSTREAM "A"	DOWNSTREAM
2% and less	24	24
3%	48	24
4%	48	24
5%	60	24
6%	72	24
7%	84	12
8%	96	12
9%	108	12
10% and greater	120	12

See "DETAIL FOR STEEP CURB SLOPE"



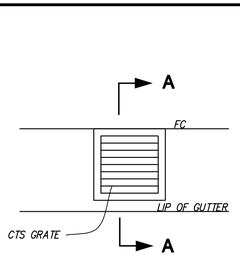
DETAIL FOR STEEP CURB SLOPE

NOTES:

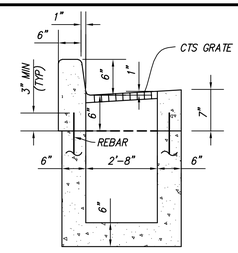
1. For Inlet General Notes and Details, see Standard Plan CD35.
2. Construction joints are optional where shown, other locations are subject to the approval of the Public Works Department. Key dimensions-¾" x 3".
3. When dimension "H" exceeds 6'-0", use a manhole base with type "G" inlet top.
4. See Caltrans Standard Plan D77A for inlet frame and Caltrans Standard Plan D77B for type 24-10S inlet grate.
5. If edge drains are specified by Public Works Department or shown on the plans.
6. See Standard Plan CD35s for weephole drainage details unless edge drain is shown on plans or as specified by Public Works Department.

CD 27 - TYPE "G" INLET

NO SCALE



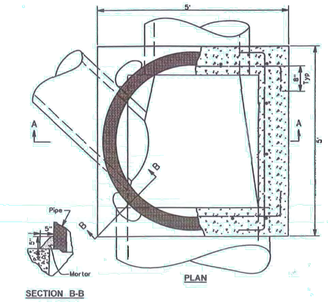
PLAN



SECTION A-A

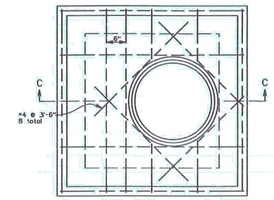
MODIFIED INLET WITH CTS GRATE

NO SCALE



SECTION B-B

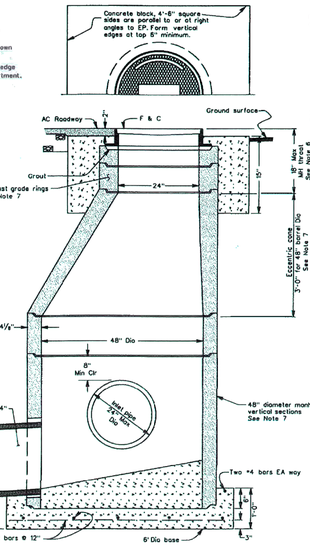
PLAN



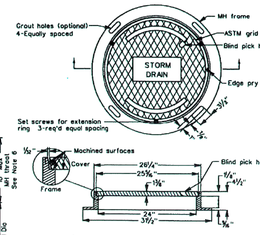
PLAN

NOTES:

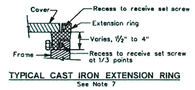
1. For Manhole General Notes and Details, see Standard Plan CD35.
2. Construction joints are optional where shown. Other locations are subject to approval by the Public Works Department. Key dimensions are ½" x 3".
3. Inlet and outlet pipes shall not intercept a manhole base through a corner. If skew angle is too great to permit the opening to be made in a single wall use a Type III manhole base. (See Std Pln CD32).
4. For details of manhole frame and cover, See Standard Plan CD30.



PRECAST MANHOLE WITH TYPE I BASE



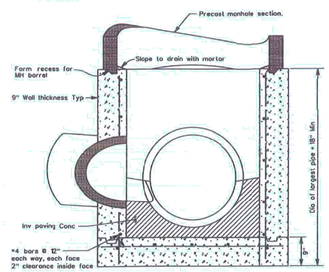
TYPICAL FRAME AND COVER DETAIL

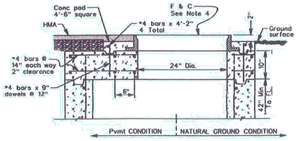


TYPICAL CAST IRON EXTENSION RING
See Note 7

NOTES:

1. For General Manhole Notes and Details, see Standard Plan CD35.
2. All concrete joints shall be cleaned wetted, and mortared prior to setting next section. Joints shall then be patched, troweled, and brushed smooth.
3. Frame and extension rings must be secured by concrete block, unless approved otherwise by the Public Works Department.
4. Manhole cover frame shall be adjusted to conform to grade and cross slope of pavement.
5. Manhole frame and cover shall be Phoenix Iron (Oakland) Model P-1090 or South Bay Foundry No. 1900 CPH or approved equivalent.
6. Use of precast grade rings are limited by 18" maximum manhole throat length. Cast iron extension rings are allowed for conforms to pavement overlays only.
7. The precast components shall conform to the Central Precast (U.S. Concrete Precast Group, Northern California) Drawing Nos. 20-48C, 20-48V and 20-48 EC, or equivalent.





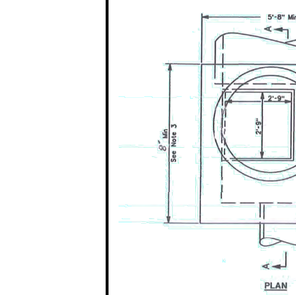
SECTION C-C
TOP SLAB

USE TOP SLAB:

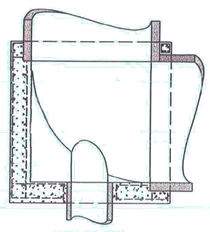
1. When there is insufficient depth between the top of the manhole base and finish grade for precast manhole eccentric cone section per Standard Plan CD30.
2. When placing a Type G Inlet opening on a Type II manhole base. The opening in the slab shall conform to the inside dimensions of the inlet to be used.

CD 31 - TYPE II MANHOLE BASE

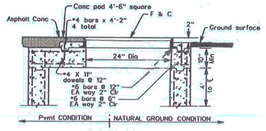
NO SCALE



PLAN



PLAN SECTION



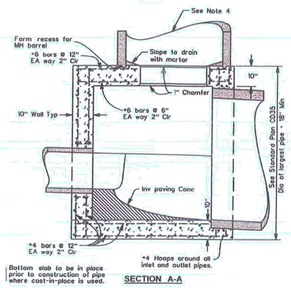
TOP SLAB

USE TOP SLAB:

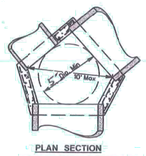
1. When there is insufficient clearance between the top of the manhole base and finish grade for a precast eccentric cone section.
2. When placing a Type G Inlet opening on a Type III manhole base. The opening in the top slab shall conform to the inside dimensions of the inlet to be used.

NOTES:

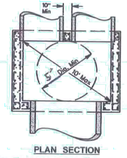
1. For General Manhole Notes and Details, see Standard Plan CD35.
2. Construction joints are optional where shown. Other locations are subject to approval by the Public Works Department. Key dimensions are ½" x 3".
3. Inlet and outlet pipes shall not intercept a manhole base through a corner. If skew angle is too great to permit the opening to be made in a single wall maybe lengthened or relocated as explained in "SPECIAL APPLICATIONS OF TYPE III MANHOLE BASES" on this plan.
4. For details of precast manhole, See Standard Plan CD30.
5. For details of manhole frame and cover, See Standard Plan CD30.



SECTION A-A



PLAN SECTION



PLAN SECTION

SPECIAL APPLICATIONS OF TYPE "III" MANHOLE BASES

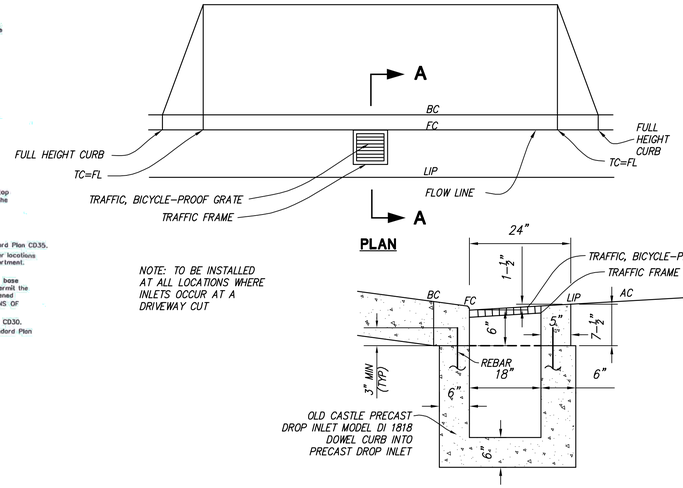
When circumstances, such as excessive skew or parallel pipes prevent the use of a standard Type III manhole base detailed elsewhere on this plan. The walls may be lengthened or relocated to accomodate the pipes provided the following criteria are met:

1. The inside dimensions or the base shall be such that a 60 inch diameter circle will lay flat on the manhole base floor as shown.
2. The maximum distance between any two inside corners shall be 10 feet, as shown.
3. Reinforcement and floor, wall and top thickness shall remain the same as for a normal Type III manhole base.
4. No pipe shall exceed 60 inches (inside diameter).

If any one of these criteria cannot be met, a special design will be required.

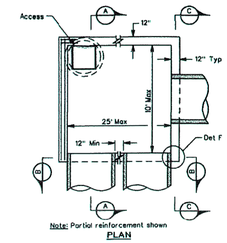
CD 32 - TYPE III MANHOLE BASE

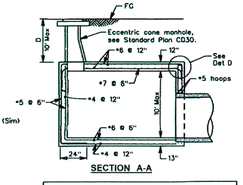
NO SCALE



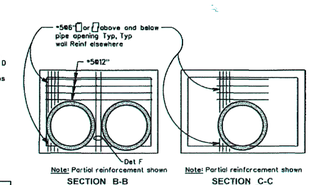
INLET AT DRIVEWAYS

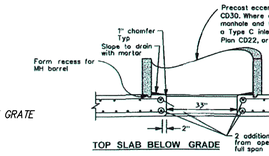
NO SCALE

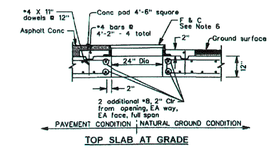


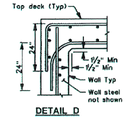


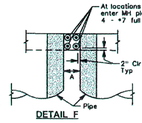
NOTE: Section A-A steel is structurally designed and limited to a 10' internal span.











A - 8" Min
When A>12" use Std wall Reinf between vertical #7's

NOTES:

1. For Manhole General Notes and Details, see Standard Plan CD35
2. Soil parameters used for design are limited to the following:
   Active equivalent fluid pressure of 45 lbs./ft² up to a saturated condition of 62 lbs./ft².
   Passive equivalent fluid pressure of 300 lbs./ft².
   Structures to be constructed in soils not exhibiting these characteristics shall be designed by a licensed professional engineer under consultation with a licensed geotechnical engineer.
3. Minimum Strength: Steel: f_y=60000 psi; PCC: f_c=3000 psi
4. Reinforcing steel placement shall be as directed in American Concrete Institute, Building Code and Commentary 318-11.
5. Inlet and outlet pipes shall not intercept a manhole base through a corner. If skew angle is too great to permit the opening to be made through a single wall a special design will be required.
6. For details of manhole frame and cover, see Standard Plan CD30.

CD 34 - TYPE V MANHOLE BASE

NO SCALE

VESTING TENTATIVE MAP - TRACT 4057

STORM DRAIN DETAILS

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

FOR REFERENCE ONLY-
SEE TRACY HILLS DESIGN GUIDELINES

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

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LOT SUMMARY		
LOT	OWNER	ACRES
A	HOA	6.43
B	HOA	32.66
C	HOA	8.37
D	HOA	2.90
E	HOA	0.40
F	HOA	0.40
G	CITY	2.59
H	DEVELOPER *	15.86
I	HOA	1.62
J	HOA	0.29
K	HOA	0.60
L	HOA	4.21
M	CITY	5.76
N	CITY	16.25
O	HOA	0.28
P	CITY	3.34
Q	CITY	3.71
R	HOA	0.36
S	HOA	0.51
T	DEVELOPER	31.17
U (BASIN)	CITY	13.98
V	HOA	1.75
W	HOA	0.69
X	HOA	3.19
Y	HOA	1.77
Z	HOA	0.63
AA	HOA	0.20
BB	HOA	0.53
CC	HOA	2.58
DD	DEVELOPER	56.23
EE	DEVELOPER	75.32
FF	DEVELOPER	58.56
GG	DEVELOPER	28.11
HH	DEVELOPER	44.74
II	DEVELOPER	131.29
JJ	DEVELOPER	48.78
KK	DEVELOPER	94.59
LL	DEVELOPER	66.85
MM	DEVELOPER	8.14
NN	DEVELOPER	3.71
OO	HOA	0.61
PP	HOA	0.42
QQ	HOA	0.06
RR	HOA	0.10
SS	HOA	0.19
TT	HOA	0.26
LAMMERS ROAD	CITY	21.94
CORRAL HOLLOW ROAD	CITY	1.83
TOTAL		804.76

* FUTURE SCHOOL SITE TO BE TRANSFERRED BY DEVELOPER TO JEFFERSON SCHOOL DISTRICT AT A LATER DATE

PARK SUMMARY		
LOT	OWNER	ACRES
D (HOA REC CENTER)	HOA	2.90
G (PARK)	CITY	2.60
M (PARK)	CITY	5.76
N (COMMUNITY PARK)	CITY	16.25
P (PARK)	CITY	3.34
Q (PARK)	CITY	3.71
TOTAL		34.56

PHASE 2			
VILLAGE	ACRES	LOT COUNT	TYPICAL LOT SIZE
1	12.78	63	55' X 90'
2	13.08	63	50' X 100'
3	8.98	52	50' X 100'
4	13.25	76	55' X 90'
5	15.68	56	55' X 100'
6	14.89	75	55' X 100'
7	21.37	97	55' X 100'
8	21.02	89	60' X 90'
9	16.87	69	60' X 100'
10	20.55	86	65 X 100'
11	12.75	60	55' X 100'
12	11.45	55	55' X 100'
13	29.29	122	60' X 90'
14	29.54	89	65' X 100'
15	21.76	85	60' X 100'
16	27.94	133	50' X 100'
17	20.41	97	55' X 90'
18	26.19	103	55' X 100'
TOTAL	337.80	1470	–

* LOTS SHALL NOT BE FINAL MAPPED UNTIL ANNEXATION IS COMPLETE (TYP)

0 200 400 600

1 inch = 200 ft.

VESTING TENTATIVE MAP - TRACT 4057
OWNERSHIP EXHIBIT

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

PUBLIC PARK (CITY OWNED & MAINTAINED)

CONSERVATION EASEMENT (HOA OWNED & MAINTAINED)

OPEN SPACE (HOA OWNED & MAINTAINED)

RETENTION BASIN (CITY OWNED & MAINTAINED)

7 VILLAGE NUMBER

* PRELIMINARY LOCATION OF FUTURE BUS SHELTER TO BE DETERMINED AT A FUTURE DATE.

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

DATE: SEPTEMBER 28, 2021 JOB NO.: 201068VTM SHEET 12 OF 57

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SEE SHEET 16

SEE SHEET 12

SEE SHEET 15

SEE SHEET 12

SEE SHEET 14

PUBLIC PARK (CITY OWNED & MAINTAINED)

EXISTING CONSERVATION EASEMENT (HOA OWNED & MAINTAINED)

OPEN SPACE (HOA OWNED & MAINTAINED)

RETENTION BASIN (CITY OWNED & MAINTAINED)

7 VILLAGE NUMBER

LOTS SHALL NOT BE FINAL MAPPED UNTIL ANNEXATION IS COMPLETE (TYP)

0 200 400 600

1 inch = 200 ft.

HH

T

12
55' x 100' LOT

6
55' x 100' LOT

F

E

A

LAMMERS ROAD

3
50' x 100' LOT

D

R

S

17
55' x 90' LOT

N

V

20' SDE

QQ

13
60' x 90' LOT

RR

H
SCHOOL

B

II

16
50' x 100' LOT

18
55' x 100' LOT

TT

O

20' PAE (TYP)

Q

15
60' x 100' LOT

SS

14
65' x 100' LOT

P

10' PSDE

9
60' x 100' LOT

K

FF

M

10
65' x 100' LOT

EE

DD

16' WATER LINE & ACCESS ESMT

VESTING TENTATIVE MAP - TRACT 4057

OWNERSHIP EXHIBIT

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
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VESTING TENTATIVE MAP - TRACT 4057

OWNERSHIP EXHIBIT

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
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VESTING TENTATIVE MAP - TRACT 4057

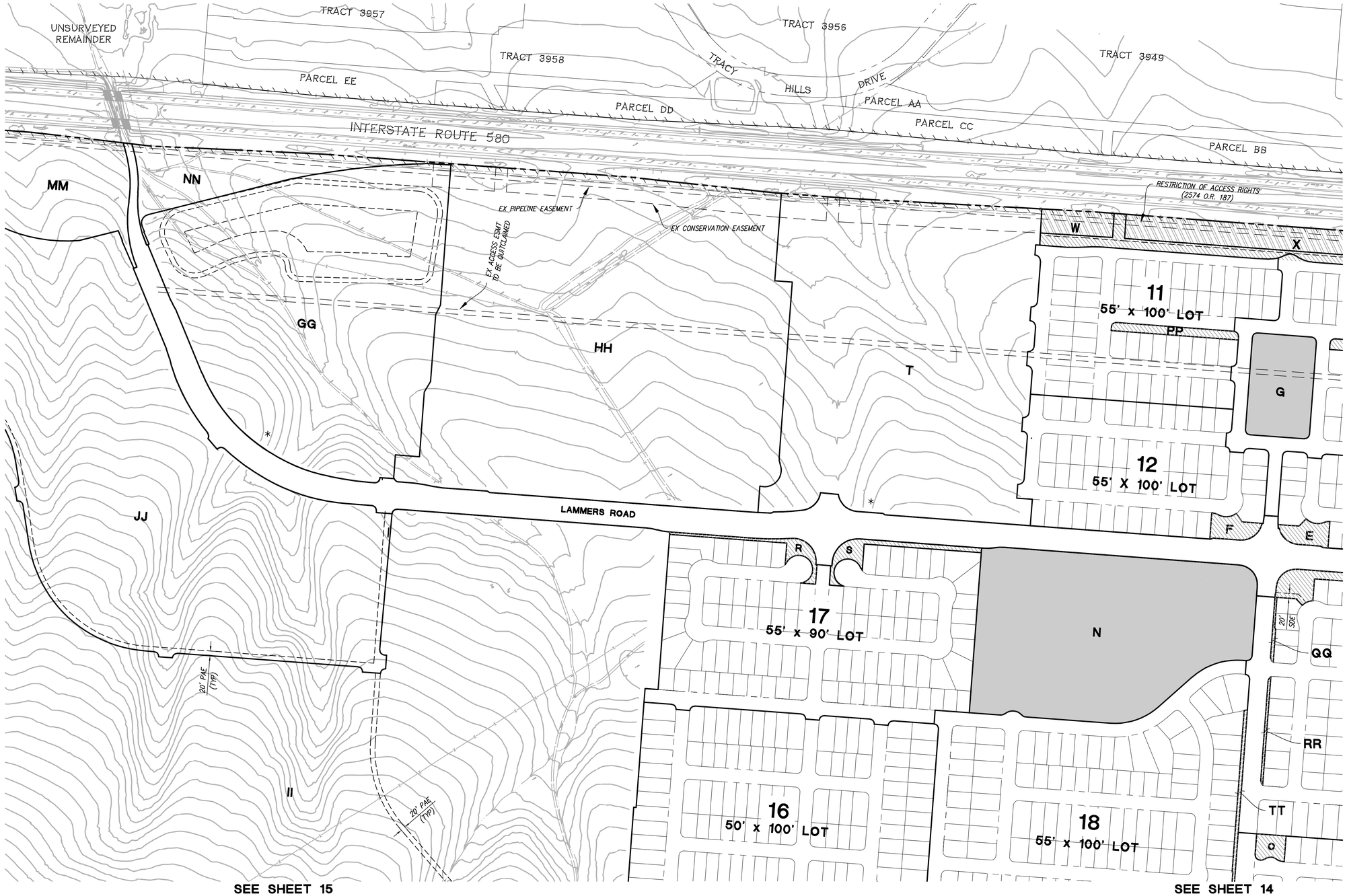
OWNERSHIP EXHIBIT

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
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DATE: SEPTEMBER 28, 2021 JOB NO.: 201068VTM SHEET 15 OF 57

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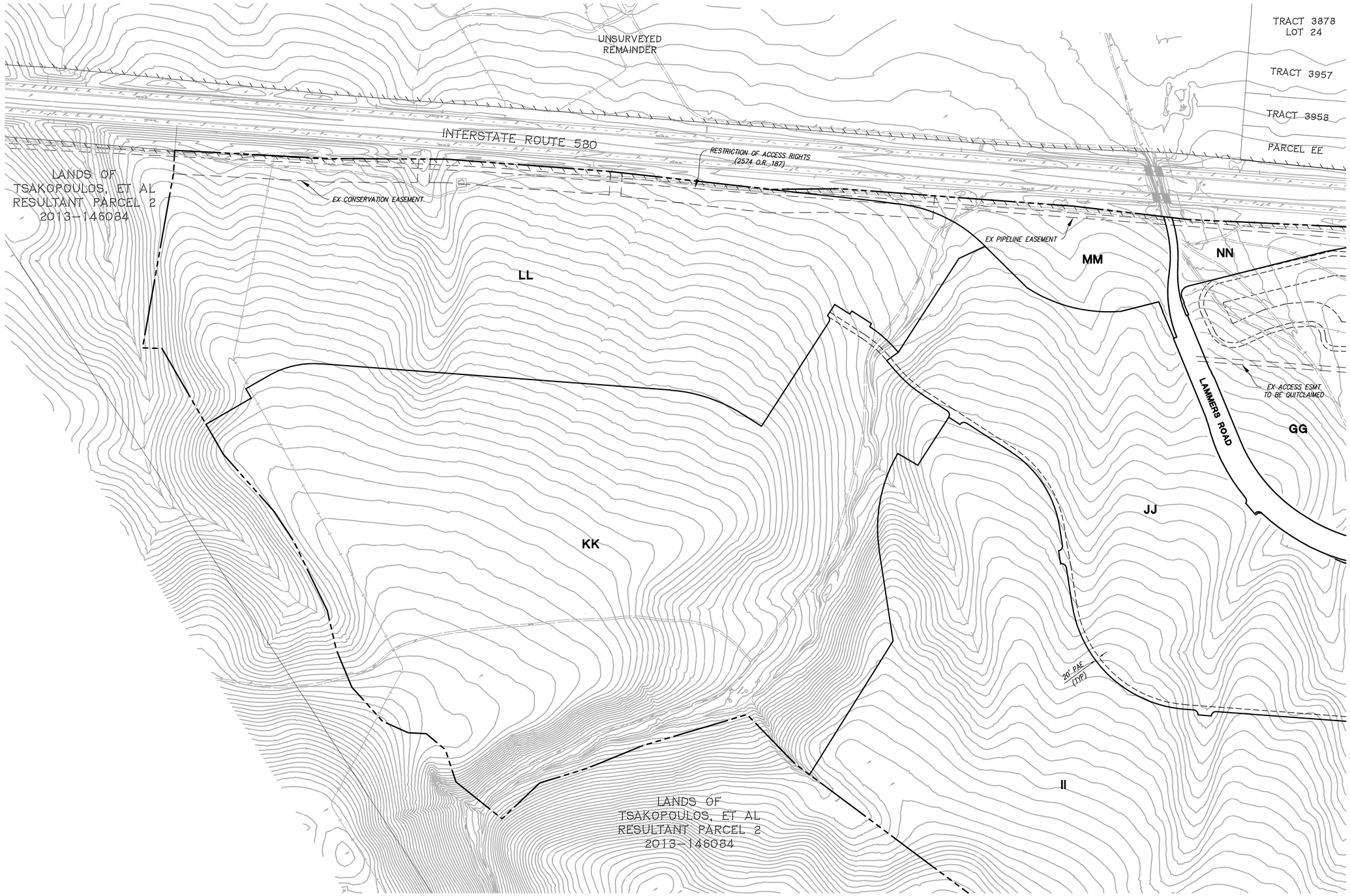
VESTING TENTATIVE MAP - TRACT 4057

OWNERSHIP EXHIBIT

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FOR: INTEGRAL COMMUNITIES

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VESTING TENTATIVE MAP - TRACT 4057

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NOTES:
1. SANITARY SEWER SYSTEM LAYOUT SHOWN IN INDIVIDUAL VILLAGES IS SCHEMATIC. ULTIMATE DESIGN/LAYOUT TO BE APPROVED BY THE CITY AS PART OF IMPROVEMENT PLANS.

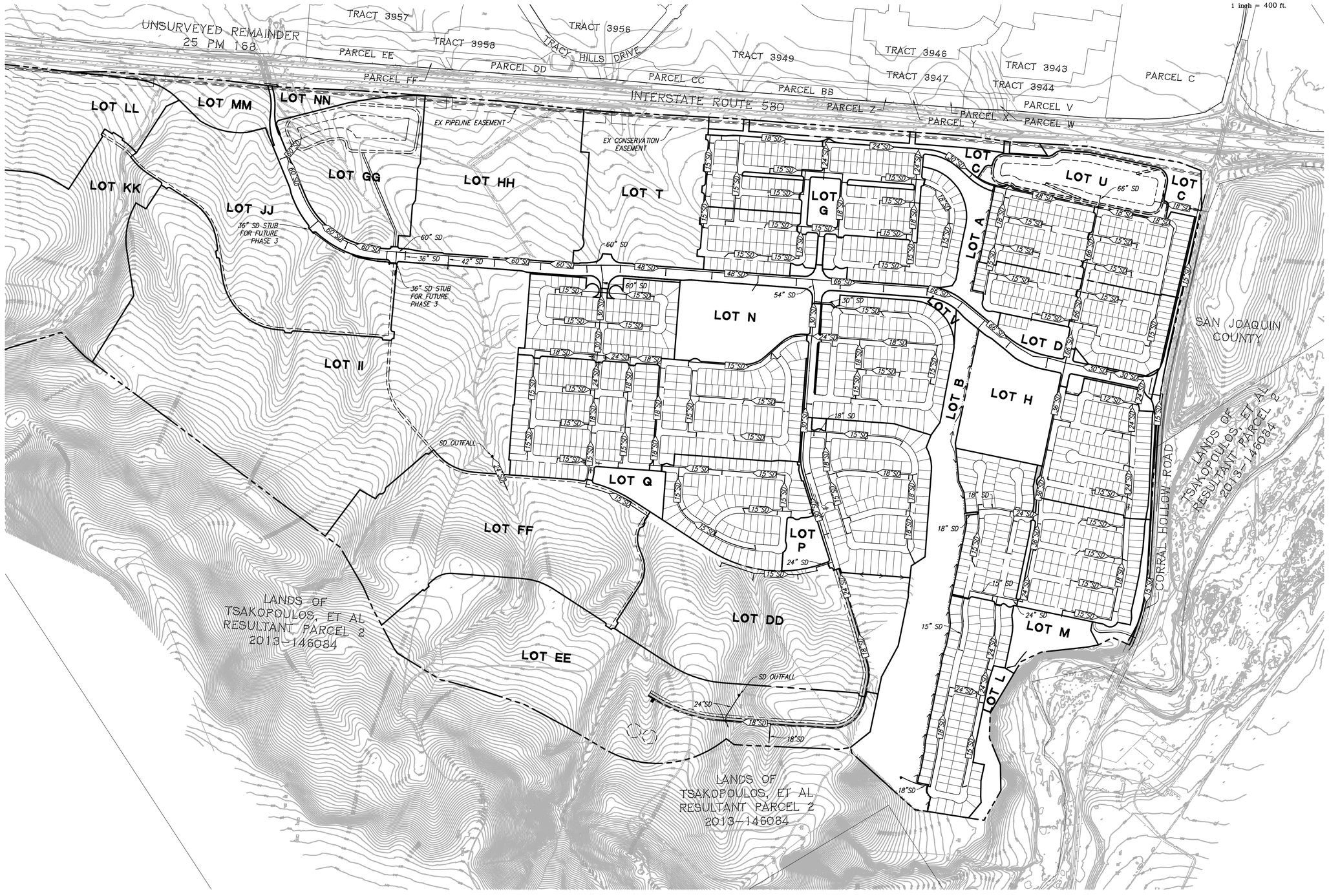
VESTING TENTATIVE MAP - TRACT 4057

OVERALL SANITARY SEWER PLAN

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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G:\JOBS2020\201068\PM\CAD FILES\02-PLANNING\TENT-MAP\18SS-201068VTMLDWG 9/28/2021 1:28:12 PM ALEX AZAR



NOTES:
1. STORM DRAIN SYSTEM LAYOUT SHOWN IN INDIVIDUAL VILLAGES IS SCHEMATIC. ULTIMATE DESIGN/LAYOUT TO BE APPROVED BY THE CITY AS PART OF IMPROVEMENT PLANS.

VESTING TENTATIVE MAP - TRACT 4057

OVERALL STORM DRAIN PLAN

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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NOTES:

1. 3-WAY OR 4-WAY VALVES WILL BE INSTALLED ON WATER MAINS AT TEE OR CROSS INTERSECTIONS, RESPECTIVELY.
2. RECLAIMED WATER SIZE BASED ON CITY OF TRACY CITYWIDE WATER SYSTEM MASTER PLAN.
3. WATER SYSTEM LAYOUT SHOWN IN INDIVIDUAL VILLAGES IS SCHEMATIC. ULTIMATE DESIGN/LAYOUT TO BE APPROVED BY THE CITY AS PART OF IMPROVEMENT PLANS.

VESTING TENTATIVE MAP - TRACT 4057

OVERALL WATER SYSTEM PLAN

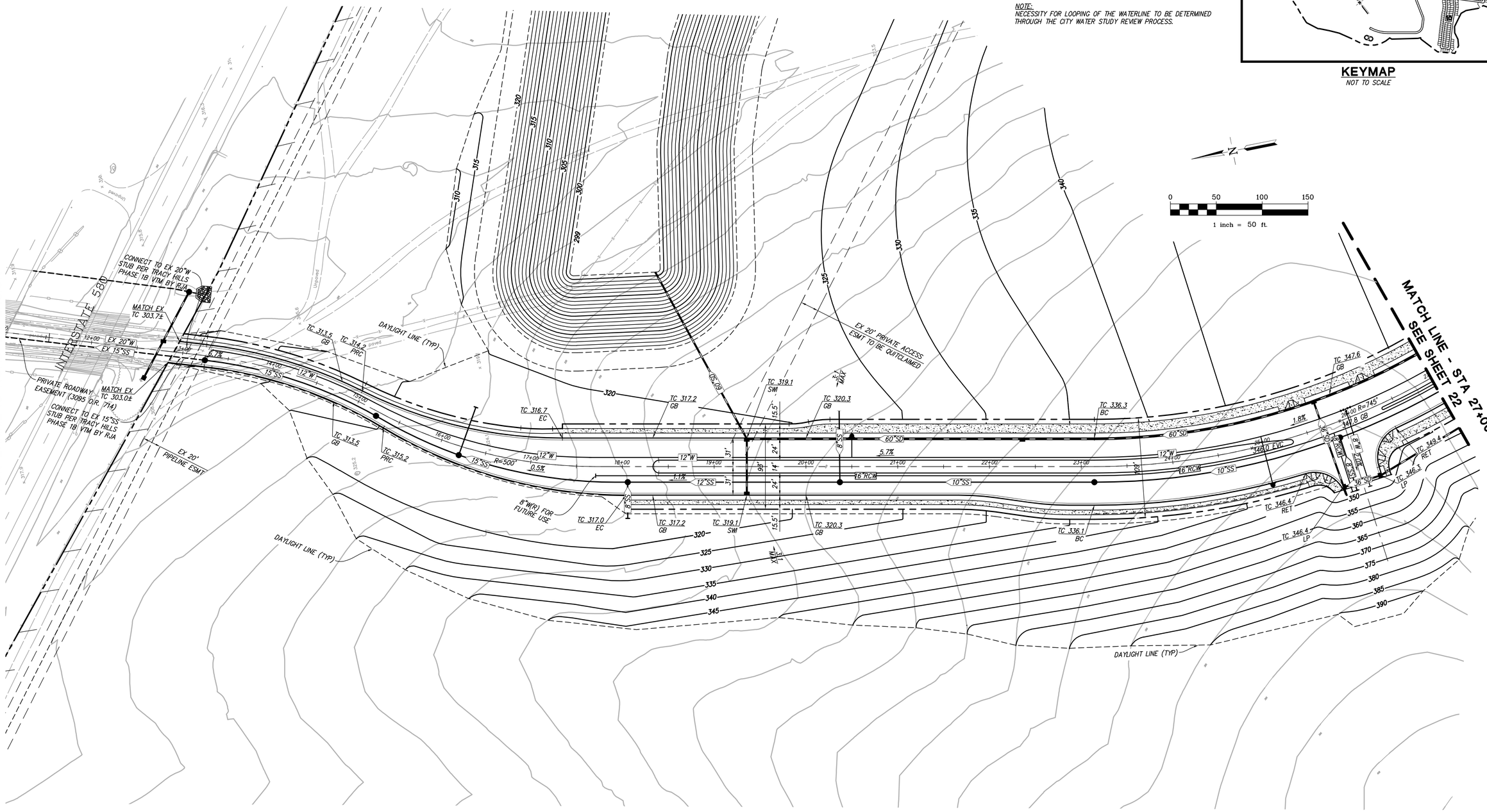
CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

FOR: INTEGRAL COMMUNITIES

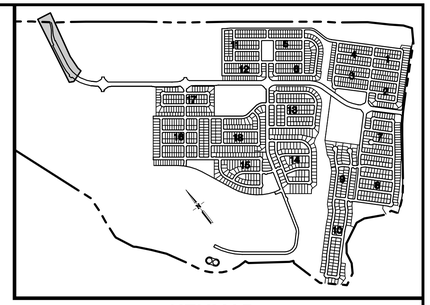
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SEE VESTING TENTATIVE MAP
TRACT 4004 - TRACY HILLS PHASE 1B
FOR LAMMERS ROAD EXTENSION



NOTE:
NECESSITY FOR LOOPING OF THE WATERLINE TO BE DETERMINED THROUGH THE CITY WATER STUDY REVIEW PROCESS.



KEYMAP
NOT TO SCALE

N

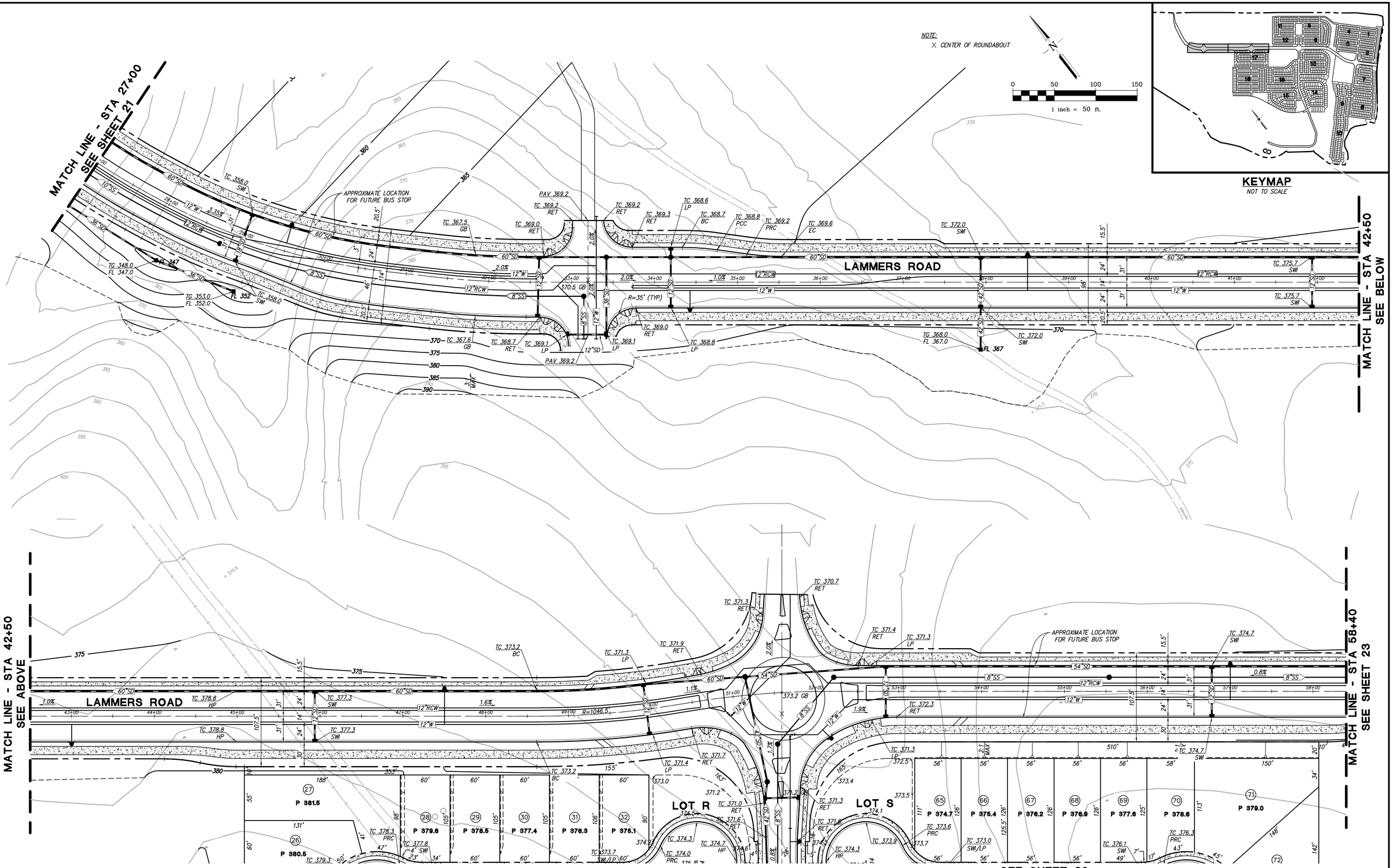
0 50 100 150
1 inch = 50 ft.

VESTING TENTATIVE MAP - TRACT 4057
LAMMERS ROAD (STA 12+90 TO STA 27+00)

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
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VESTING TENTATIVE MAP - TRACT 4057

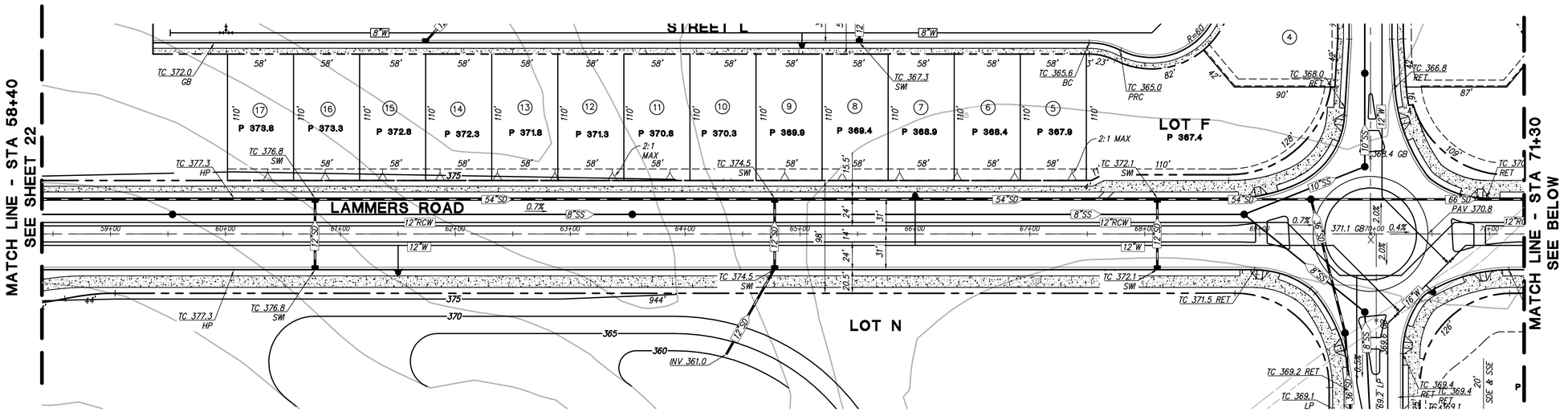
LAMMERS ROAD (STA 27+00 TO STA 58+40)

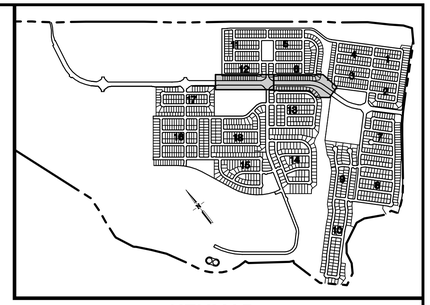
CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

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KEYMAP
NOT TO SCALE

NOTE:
X CENTER OF ROUNDABOUT



1 inch = 50 ft.

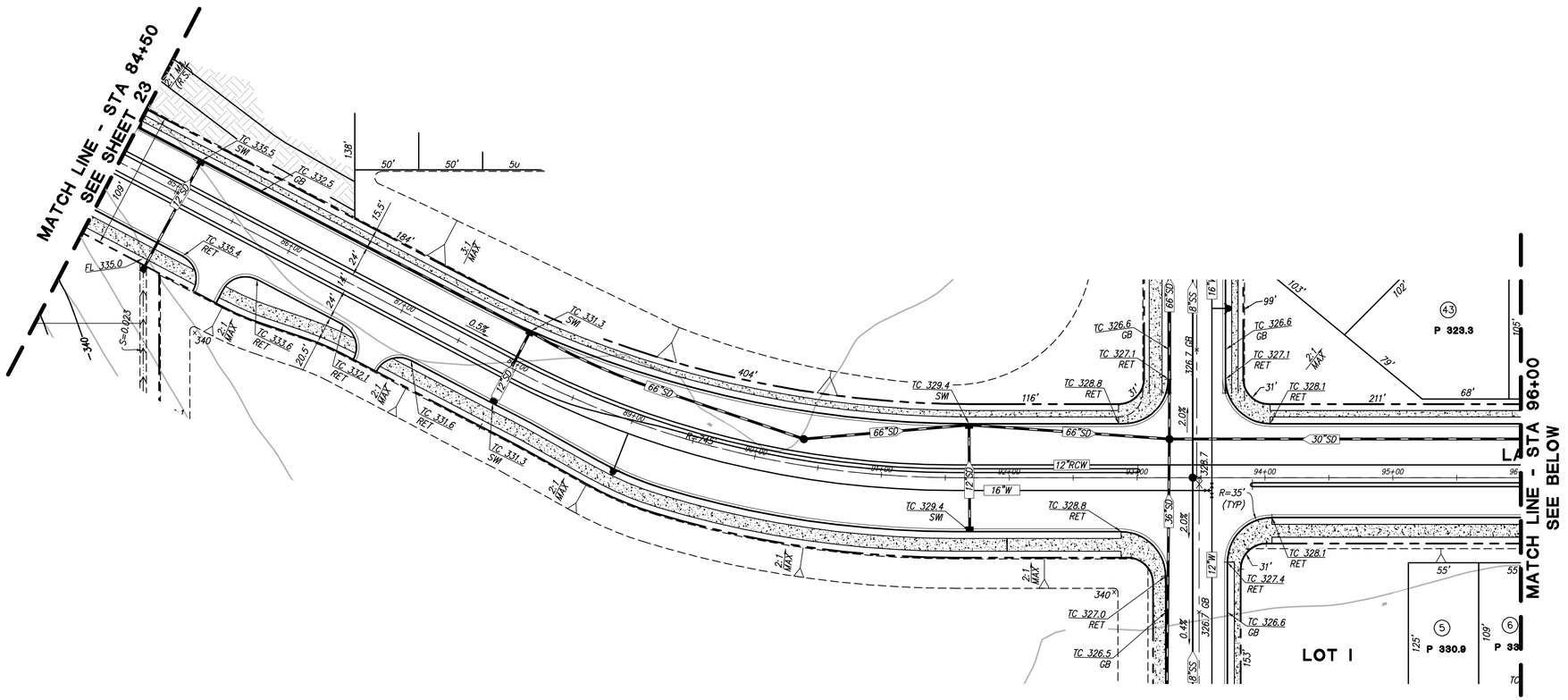
VESTING TENTATIVE MAP - TRACT 4057

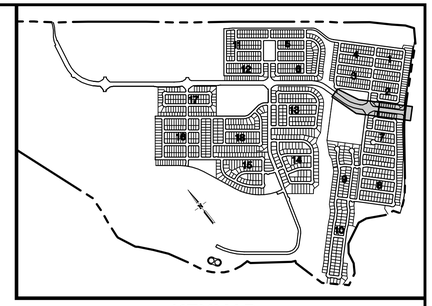
LAMMERS ROAD (STA 58+40 TO STA 84+50)

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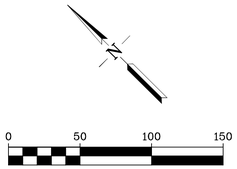
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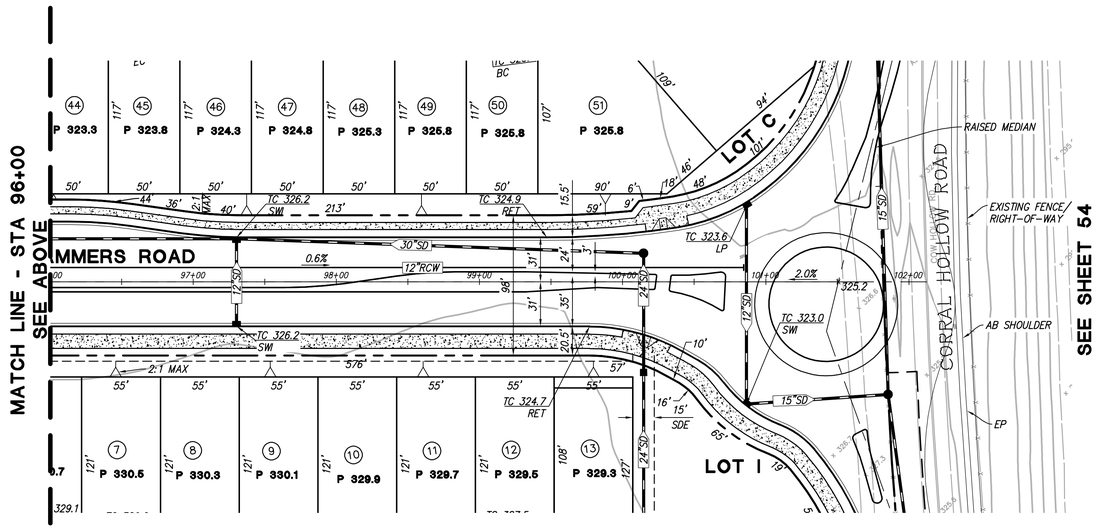


KEYMAP
NOT TO SCALE

NOTE:
X CENTER OF ROUNDABOUT



1 inch = 50 ft.



VESTING TENTATIVE MAP - TRACT 4057
LAMMERS ROAD (STA 84+60 TO END)

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
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SEE SHEET 50

SEE SHEET 28

SEE SHEET 54

SEE SHEET 26

STREET J

STREET I

STREET H

STREET G

STREET B

LOT C

CORRAL HOLLOW ROAD

SAN JOAQUIN COUNTY

ELEV=300.0

SWK ACCESS RAMP

EX 20' ACCESS ESMT TO BE QUITCLAIMED

EXISTING EDGE OF PAVEMENT

RAISED MEDIAN

PROP RW

EX RW

C-C 5

D-D 5

E-E 5

KEYMAP

NOT TO SCALE

0 50 100 150

1 inch = 50 ft.

VESTING TENTATIVE MAP - TRACT 4057

VILLAGE 1

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

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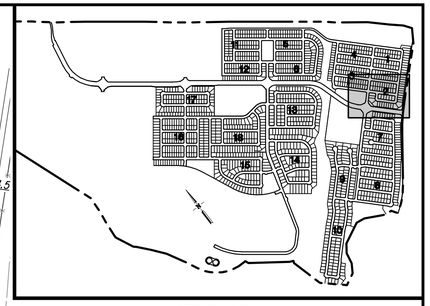
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SEE SHEET 25

SEE SHEET 27

SEE SHEET 54

SEE SHEET 48



KEYMAP
NOT TO SCALE

0 50 100 150
1 inch = 50 ft.

VESTING TENTATIVE MAP - TRACT 4057

VILLAGE 2

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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SEE SHEET 28

SEE SHEET 30

SEE SHEET 26

SEE SHEET 33

SEE SHEET 49

SEE SHEET 48

STREET H

STREET F

STREET G

STREET B

LOT A

LOT B

LOT D
P 319.8

10' EARTHEN TRAIL

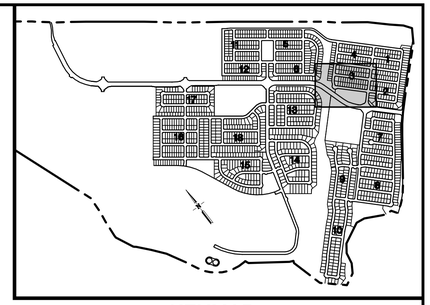
10' SIDEWALK/ CLASS 1 BIKEWAY

A-A

C-C
5

D-D
5

E-E
5



KEYMAP
NOT TO SCALE

0 50 100 150

1 inch = 50 ft.

VESTING TENTATIVE MAP - TRACT 4057

VILLAGE 3 & LOT D

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
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SEE SHEET 50

SEE SHEET 29

SEE SHEET 30

SEE SHEET 25

SEE SHEET 27

STREET J

STREET I

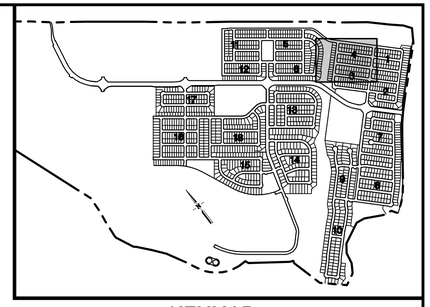
STREET H

STREET G

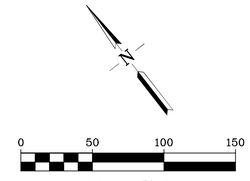
STREET F

STREET B

LOT A



KEYMAP
NOT TO SCALE



VESTING TENTATIVE MAP - TRACT 4057

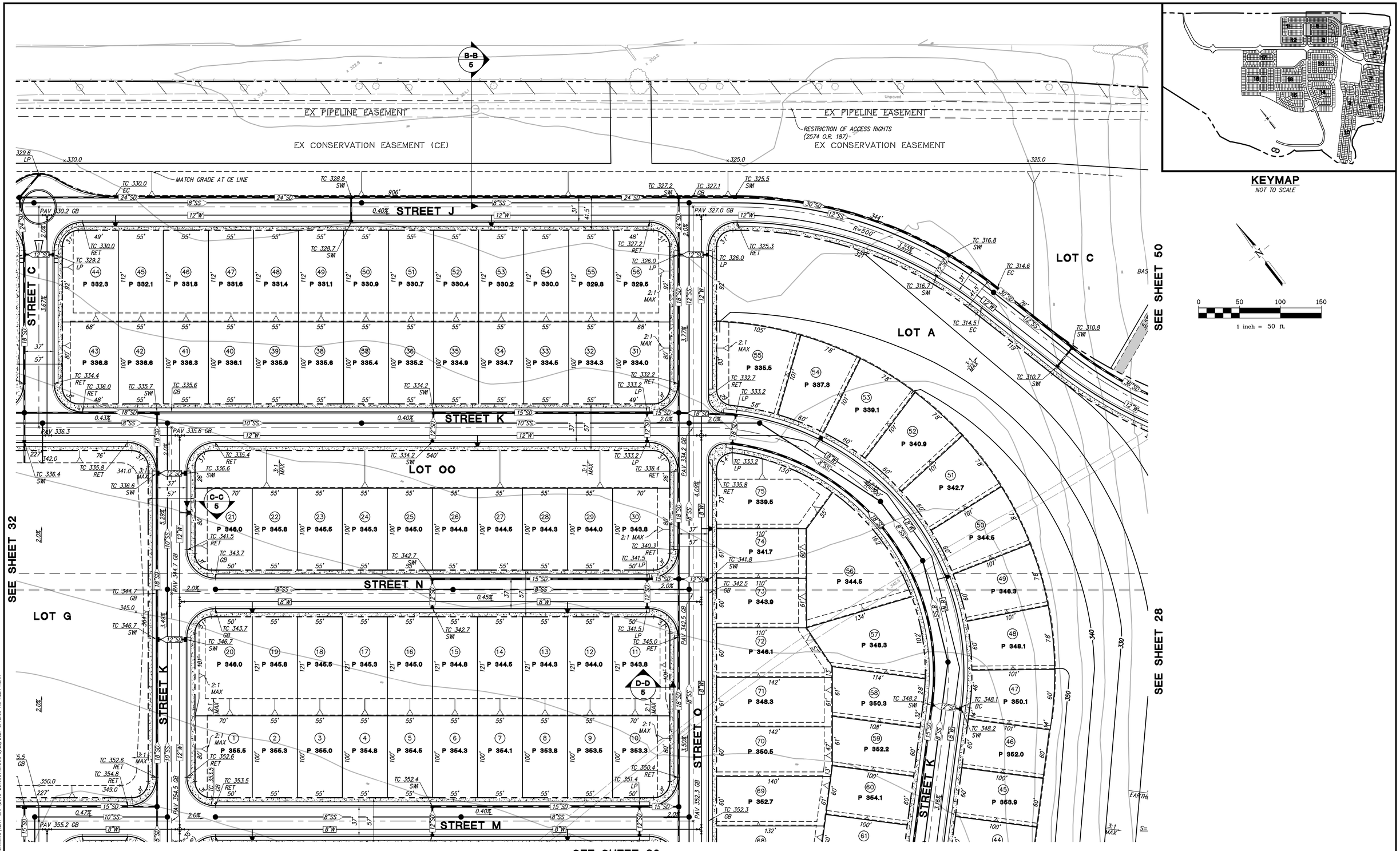
VILLAGE 4

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
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KEYMAP
NOT TO SCALE

0 50 100 150
1 inch = 50 ft.

VESTING TENTATIVE MAP - TRACT 4057

VILLAGES 5 & 6

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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SEE SHEET 29

STREET N

STREET K

STREET M

STREET C

STREET Q

LOT G

LOT E
P 365.8

LOT V
P 372.0

LOT A

LAMMERS ROAD

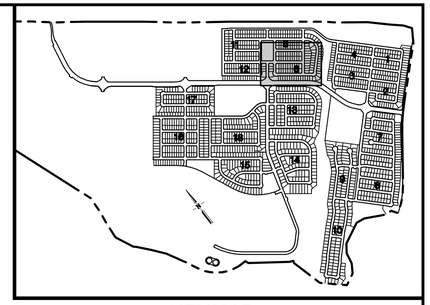
EX 20' ACCESS EASEMENT TO BE QUITCLAIMED

APPROXIMATE LOCATION FOR FUTURE BUS STOP

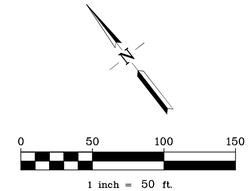
SEE SHEET 31

SEE SHEET 27

SEE SHEET 31



KEYMAP
NOT TO SCALE



VESTING TENTATIVE MAP - TRACT 4057

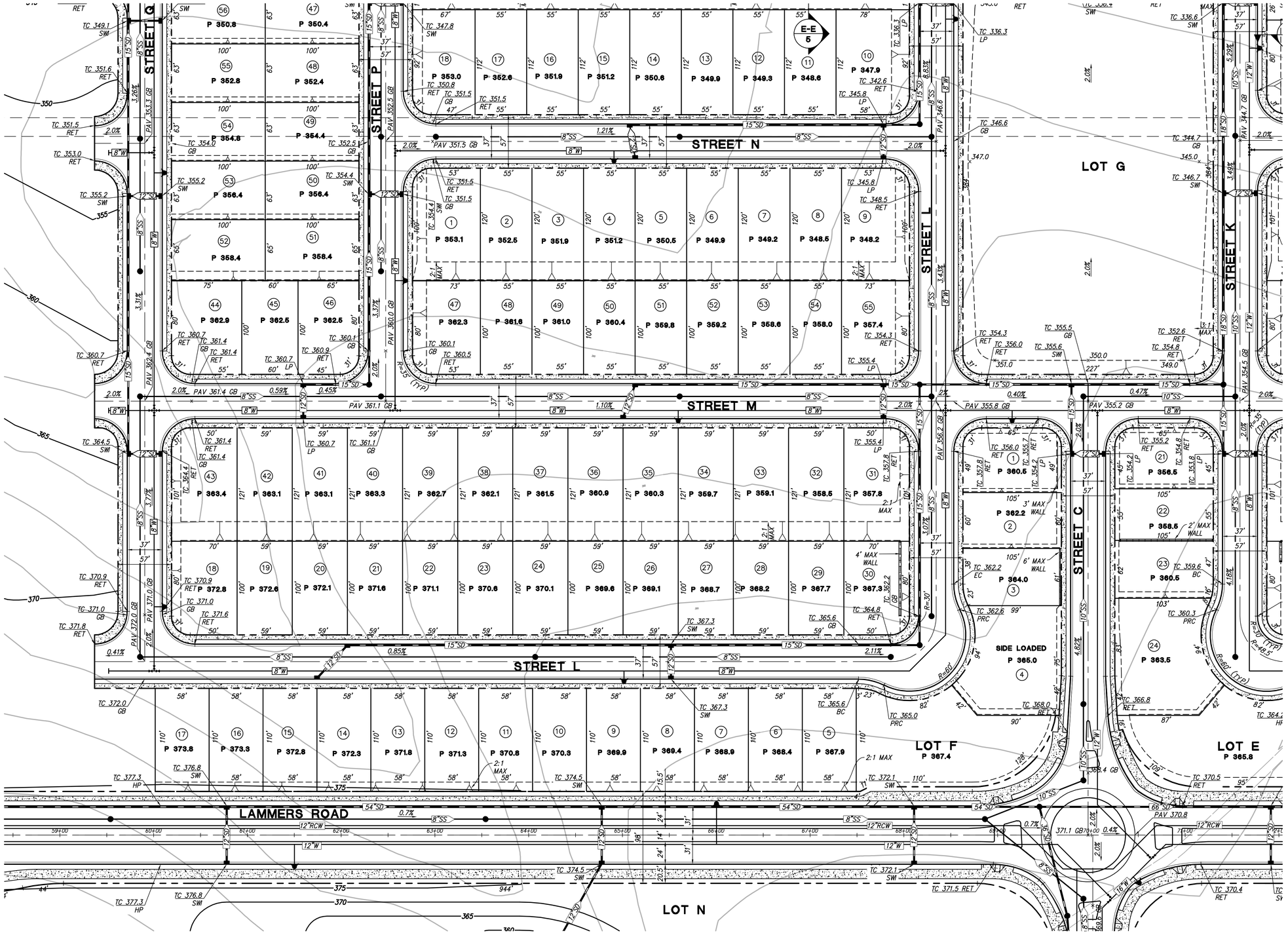
VILLAGES 5 & 6

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FOR: INTEGRAL COMMUNITIES

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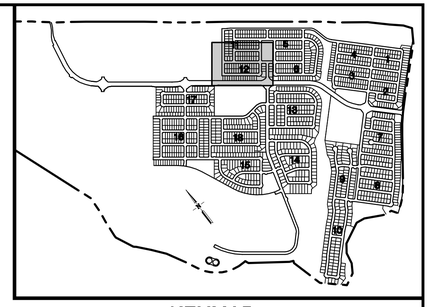
G:\J0B2020\201068\DTM\CAD FILES\02-PLANNING\TENT-MAP\201I6-201068VTMUNIC 9/28/2021 8:41:28 AM ALEX AZAR

SEE SHEET 32



SEE SHEET 38

SEE SHEET 30



KEYMAP
NOT TO SCALE

0 50 100 150
1 inch = 50 ft.

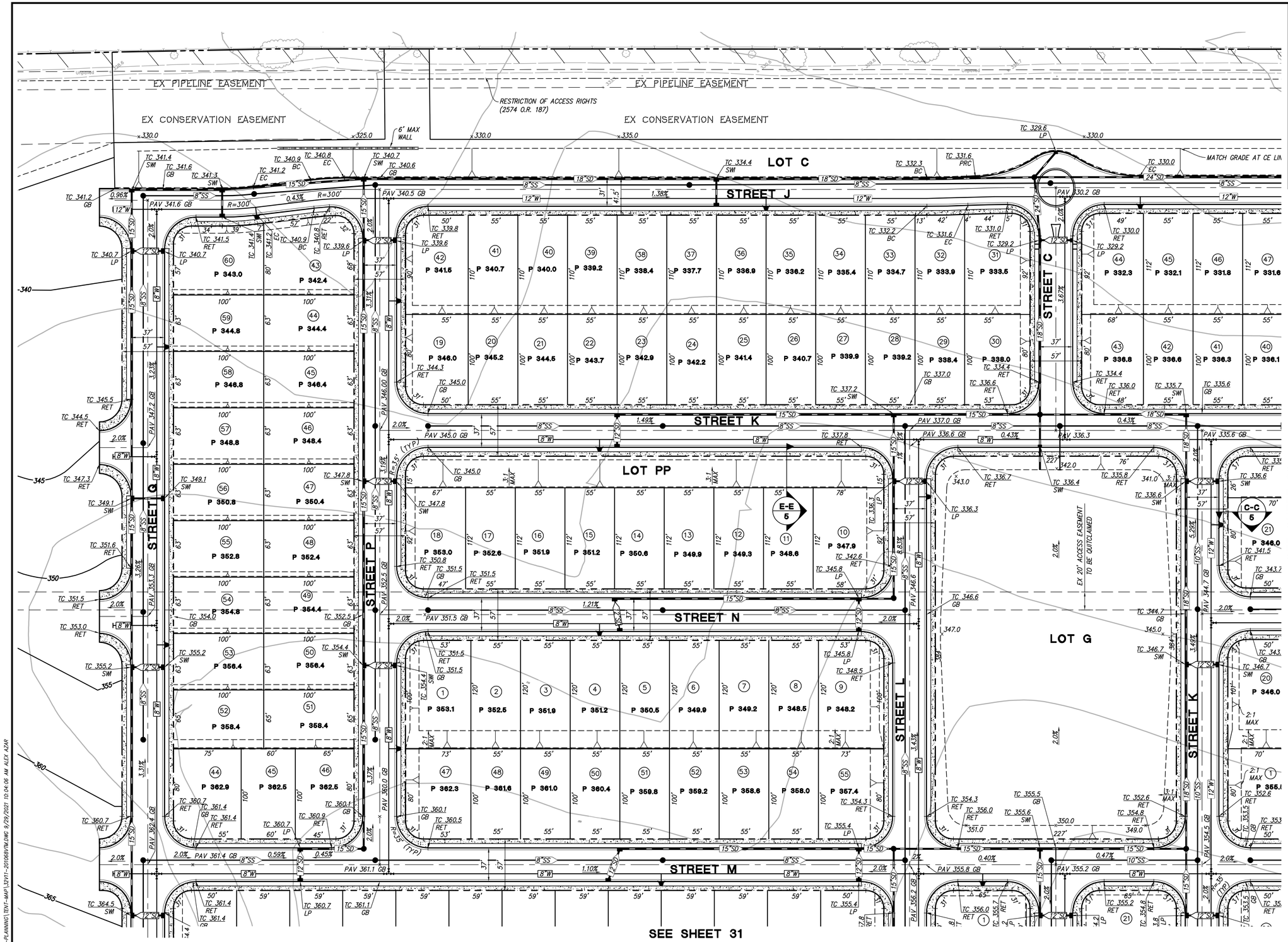
VESTING TENTATIVE MAP - TRACT 4057

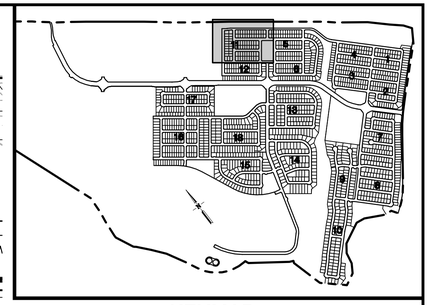
VILLAGE 12

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

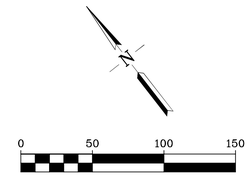
RJA
RUGGERI-JENSEN-AZAR
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KEYMAP
NOT TO SCALE



VESTING TENTATIVE MAP - TRACT 4057

VILLAGE 11

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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SEE SHEET 31

SEE SHEET 23

SEE SHEET 24

SEE SHEET 38

SEE SHEET 49

LAMMERS ROAD

STREET AA

STREET BB

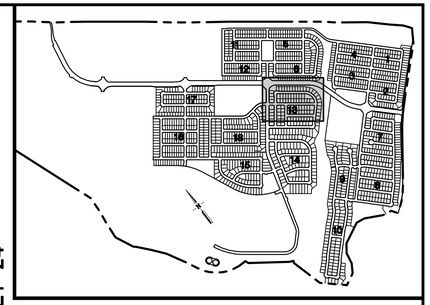
STREET CC

STREET DD

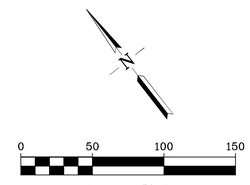
LOT V

LOT QQ

LOT RR



KEYMAP
NOT TO SCALE



SEE SHEET 34

VESTING TENTATIVE MAP - TRACT 4057

VILLAGE 13

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

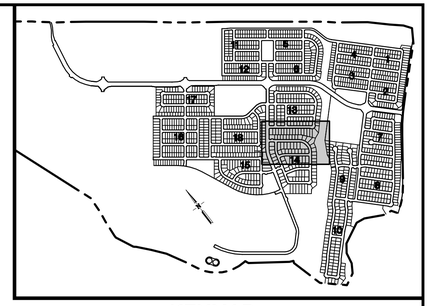
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SEE SHEET 33

SEE SHEET 37

SEE SHEET 45

SEE SHEET 35



KEYMAP
NOT TO SCALE

0 50 100 150
1 inch = 50 ft.

VESTING TENTATIVE MAP - TRACT 4057

VILLAGES 13 & 14

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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SEE SHEET 34

SEE SHEET 36

SEE SHEET 45

SEE SHEET 44

SEE SHEET 53

STREET FF

STREET GG

STREET EE

STREET C

LOT SS

LOT P

LOT B

KEYMAP
NOT TO SCALE

1 inch = 50 ft.

PHASE 2 BOUNDARY

VESTING TENTATIVE MAP - TRACT 4057

VILLAGE 14

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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SEE SHEET 37

STREET II

STREET HH

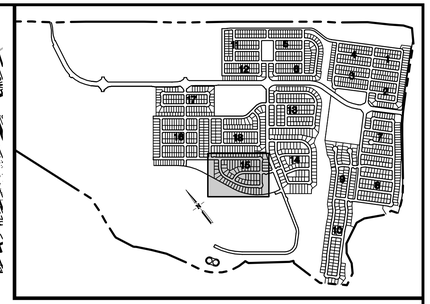
STREET E

LOT Q

LOT P

SEE SHEET 41

SEE SHEET 35



KEYMAP
NOT TO SCALE

1 inch = 50 ft.

SEE SHEET 53

VESTING TENTATIVE MAP - TRACT 4057

VILLAGE 15

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FOR: INTEGRAL COMMUNITIES

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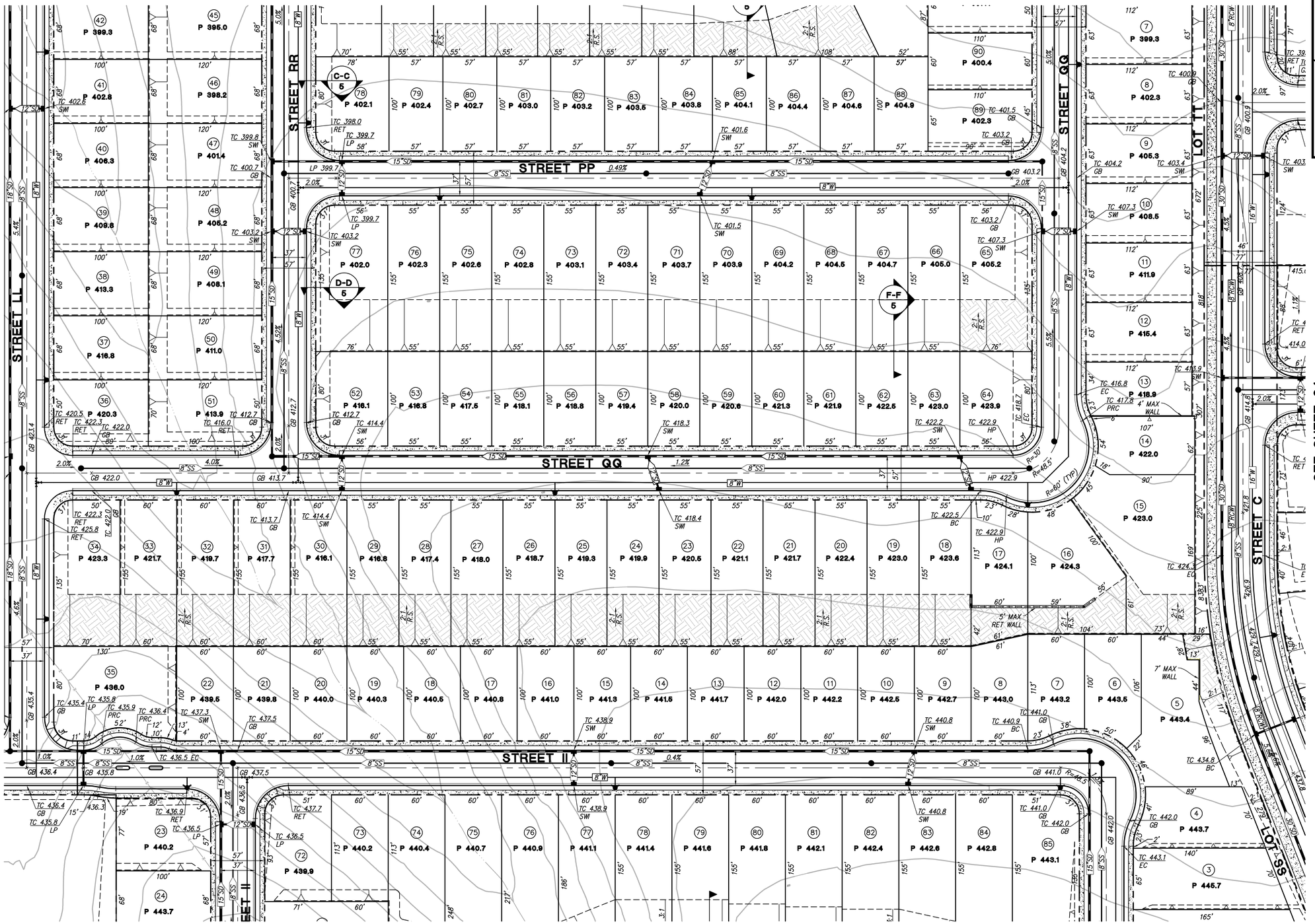
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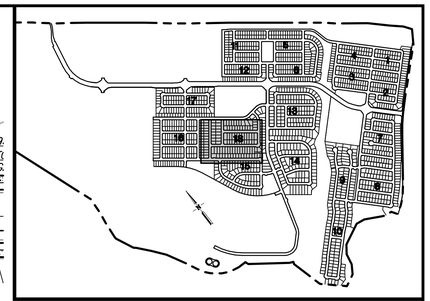
SEE SHEET 38

SEE SHEET 40

SEE SHEET 34

SEE SHEET 36





KEYMAP
NOT TO SCALE

0 50 100 150
1 inch = 50 ft.

VESTING TENTATIVE MAP - TRACT 4057

VILLAGES 15 & 18

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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SEE SHEET 31

SEE SHEET 39

SEE SHEET 33

SEE SHEET 37

LOT N

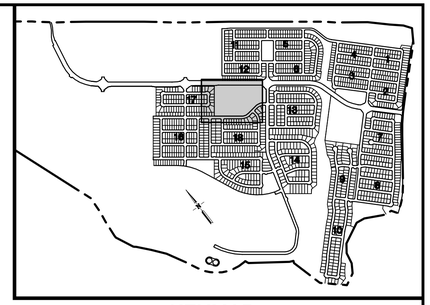
STREET BB

STREET C

LOT QQ

LOT RR

LOT BB



KEYMAP
NOT TO SCALE

0 50 100 150
1 inch = 50 ft.

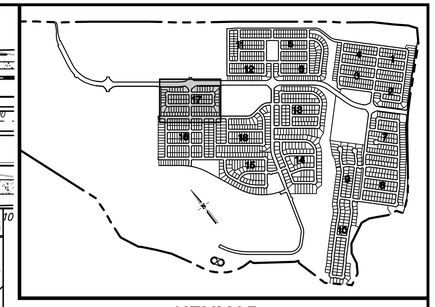
VESTING TENTATIVE MAP - TRACT 4057

VILLAGE 18 & LOT N

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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KEYMAP
NOT TO SCALE

R2 48' NO PARKING CUL DE SAC
NO SCALE

LOT N

1 inch = 50 ft.

FUTURE PHASE 3 VESTING TENTATIVE MAP

SEE SHEET 38

SEE SHEET 40 FOR TURNAROUND GRADING

SEE SHEET 40

VESTING TENTATIVE MAP - TRACT 4057

VILLAGE 17

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
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SEE SHEET 39

SEE SHEET 41

SEE SHEET 37

KEYMAP

NOT TO SCALE

0 50 100 150

1 inch = 50 ft.

VESTING TENTATIVE MAP - TRACT 4057

VILLAGE 16

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

FOR: INTEGRAL COMMUNITIES

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SEE SHEET 40

SEE SHEET 36

SEE BELOW

SEE ABOVE

SEE ABOVE

STREET D

STREET II

STREET E

LOT Q

TEMPORARY BARRICADE

TEMPORARY 10" AB TURNAROUND

TEMPORARY 10" AB TURNAROUND

KEYMAP

NOT TO SCALE

0 50 100 150

1 inch = 50 ft.

FUTURE PHASE 3 VESTING TENTATIVE MAP

FUTURE PHASE 3 VESTING TENTATIVE MAP

VESTING TENTATIVE MAP - TRACT 4057

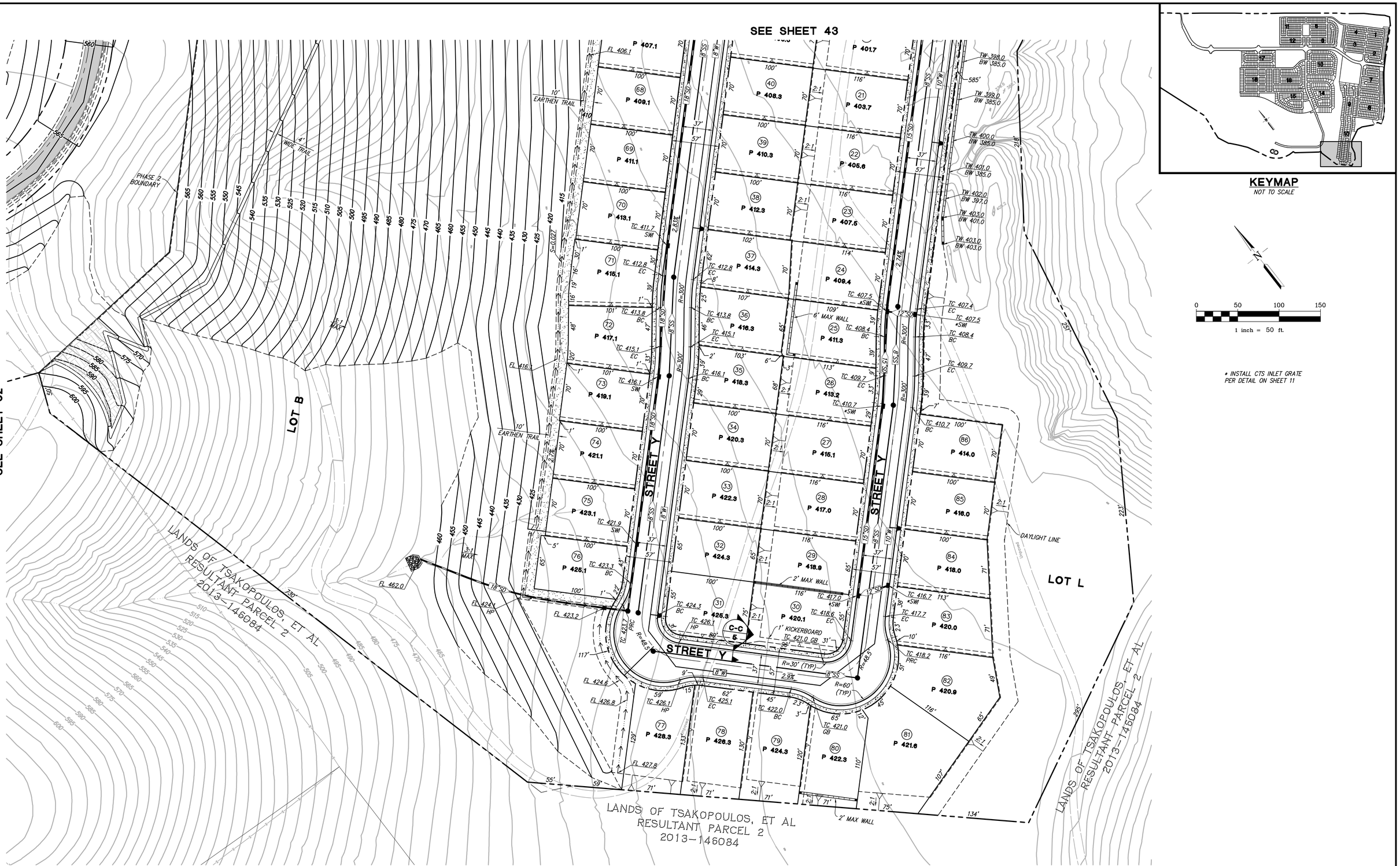
VILLAGE 16

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

FOR: INTEGRAL COMMUNITIES

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KEYMAP
NOT TO SCALE

0 50 100 150
1 inch = 50 ft.

VESTING TENTATIVE MAP - TRACT 4057

VILLAGE 10

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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SEE SHEET 44

SEE SHEET 53

SEE SHEET 46

SEE SHEET 42

LOT B

LOT M

LOT L

STREET Y

STREET Z

EARTHEN TRAIL

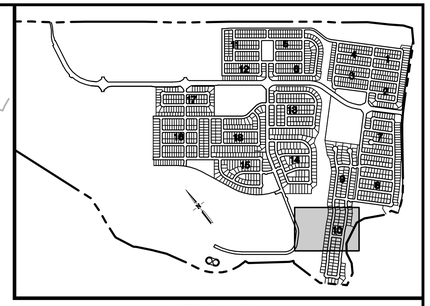
4' WIDE TRAIL

PHASE 2 BOUNDARY

A-A 4

E-E 5

LANDS OF TSAKOPOULOS ET AL RESULTANT PARCEL 2 2013-146084



KEYMAP
NOT TO SCALE

0 50 100 150
1 inch = 50 ft.

* INSTALL CTS INLET GRATE PER DETAIL ON SHEET 11

VESTING TENTATIVE MAP - TRACT 4057

VILLAGE 10

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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VESTING TENTATIVE MAP - TRACT 4057

VILLAGES 8, 9 & 10

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
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SEE SHEET 49

SEE SHEET 34

SEE SHEET 35

SEE SHEET 47

SEE SHEET 44

LOT H

LOT J

LOT K

STREET U

STREET V

STREET W

STREET Y

E-E 5

C-C 5

KEYMAP
NOT TO SCALE

0 50 100 150
1 inch = 50 ft.

VESTING TENTATIVE MAP - TRACT 4057

VILLAGES 8 & 9

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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SEE SHEET 47

SEE SHEET 44

SEE SHEET 43

SEE SHEET 55

STREET X

STREET R

STREET Y

LOT K

LOT M

LOT I

EVA

D-D 6

REMOVABLE BOLLARDS

5' MAX WALL

4' WIDE TRAIL

10"AB

CORRAL HOLLOW ROAD

LANDS OF TSAKOPOULOS, ET AL RESULTANT PARCEL 2 2013-149843

EX PAV 316

EX PAV 313.5±

SAWCUT LINE (TYP)

EXISTING FENCE, RIGHT-OF-WAY

EX PAV 310.0±

EX PAV 307.8±

MATCH EX PAV 303.9±

END TC 303.9 *SW

EX RW

TIE TO FL OF EXISTING DITCH

* INSTALL CTS INLET GRATE PER DETAIL ON SHEET 11

KEYMAP
NOT TO SCALE

1 inch = 50 ft.

VESTING TENTATIVE MAP - TRACT 4057

VILLAGE 8 & PARCEL

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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SEE SHEET 48

SEE SHEET 45

SEE SHEET 54

SEE SHEET 55

SEE SHEET 46

STREET U

STREET V

STREET W

STREET X

STREET Y

LOT J

LOT K

STREET B

LANDS OF TSAKOPOULOS, ET AL
CONSULTANT PARCEL 2 2013-146084

KEYMAP
NOT TO SCALE

0 50 100 150
1 inch = 50 ft.

* INSTALL CTS INLET GRATE PER DETAIL ON SHEET 11

VESTING TENTATIVE MAP - TRACT 4057

VILLAGES 7 & 8

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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SEE SHEET 26

SEE SHEET 49

SEE SHEET 54

SEE SHEET 47

LAMMERS ROAD

STREET R

STREET S

STREET T

STREET B

LOT H

LOT I

LOT I

RAISED MEDIAN

EXISTING FENCE/ RIGHT-OF-WAY

AB SHOULDER

EP

STRIPED MEDIAN

EXISTING EDGE OF PAVEMENT

SAWCUT LINE (TYP)

EX RW

PROP RW

CORRAL HOLLOW ROAD

EXISTING EDGE OF PAVEMENT

LANDS OF TSAKOPOULOS RESULTANT PARCEL

KEYMAP
NOT TO SCALE

0 50 100 150
1 inch = 50 ft.

VESTING TENTATIVE MAP - TRACT 4057

VILLAGE 7

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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SEE SHEET 27

SEE SHEET 33

SEE SHEET 48

SEE SHEET 45

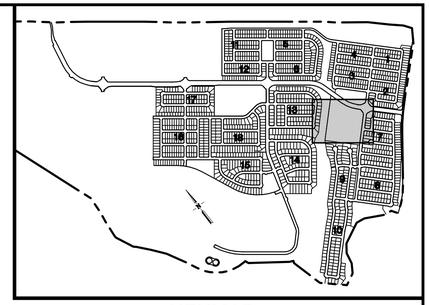
LOT B

LOT H

LOT I

STREET AA

STREET B



KEYMAP
NOT TO SCALE

0 50 100 150

1 inch = 50 ft.

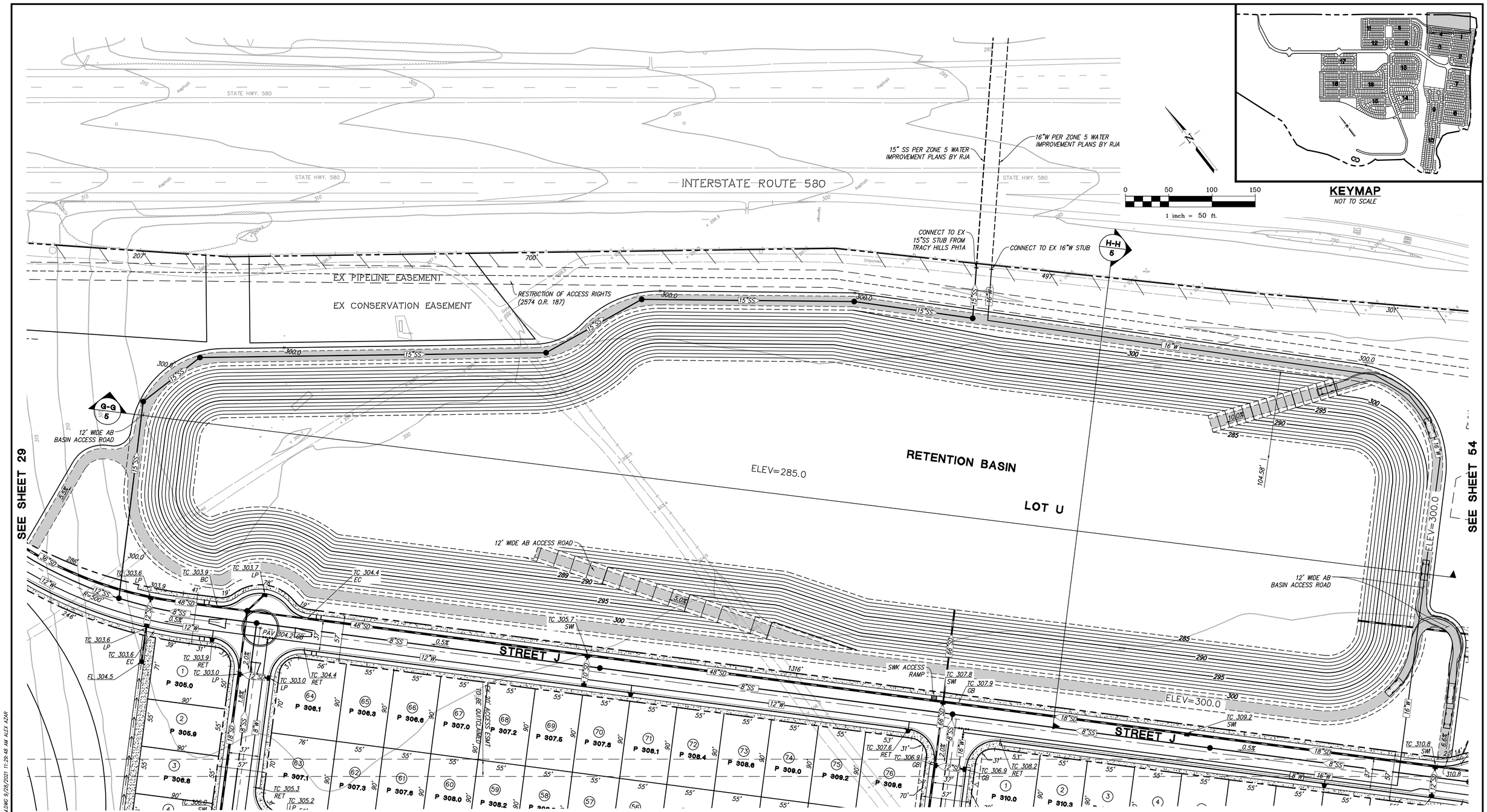
VESTING TENTATIVE MAP - TRACT 4057

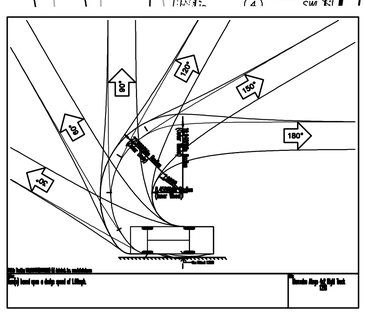
VILLAGE 7 & SCHOOL

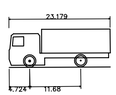
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Mercedes Atego 4x2 Rigid Truck 1218

Overall Length	23.179ft
Overall Width	7.615ft
Overall Body Height	8.694ft
Min Body Ground Clearance	0.518ft
Track Width	7.615ft
Lock-to-lock time	5.00s
Wall to Wall Turning Radius	22.966ft

VESTING TENTATIVE MAP - TRACT 4057

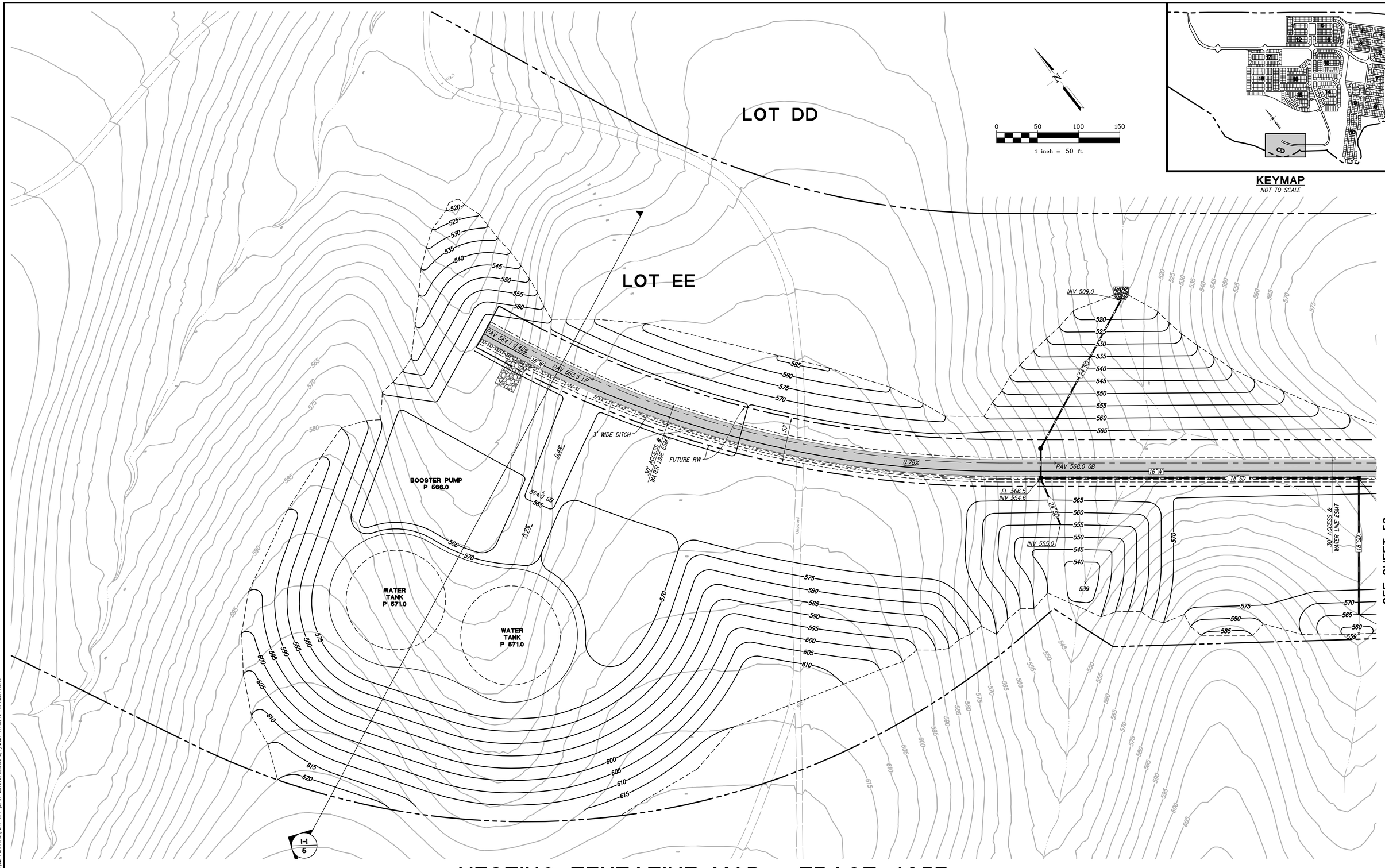
STORMWATER BASIN

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

FOR: INTEGRAL COMMUNITIES

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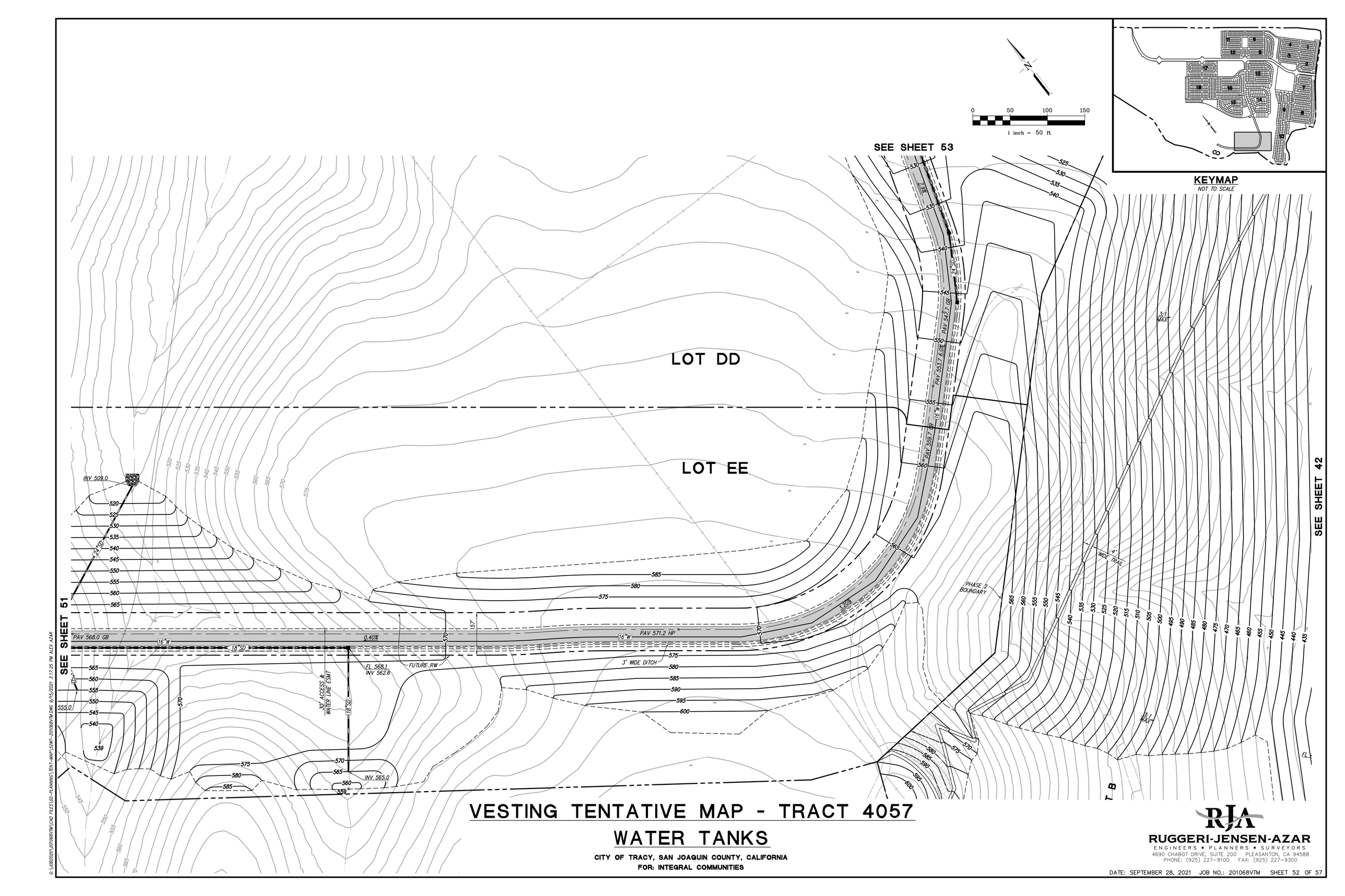
VESTING TENTATIVE MAP - TRACT 4057

WATER TANKS

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

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VESTING TENTATIVE MAP - TRACT 4057

WATER TANKS

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA

FOR: INTEGRAL COMMUNITIES

RJA

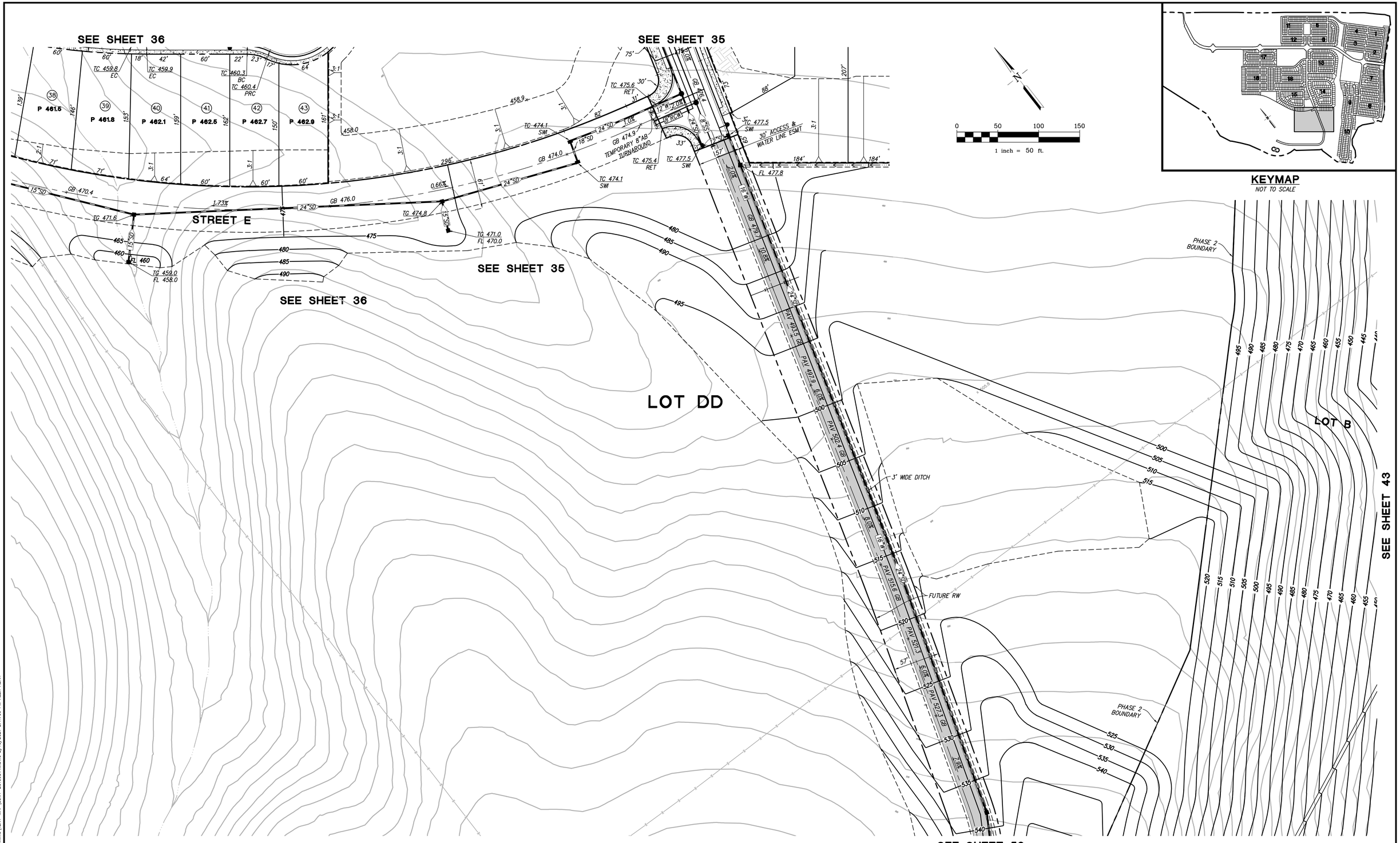
RUGGERI-JENSEN-AZAR

ENGINEERS ▪ PLANNERS ▪ SURVEYORS

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VESTING TENTATIVE MAP - TRACT 4057

WATER TANKS

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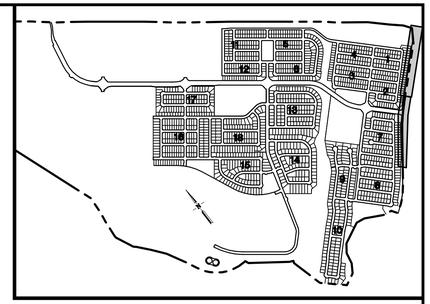
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LEGEND

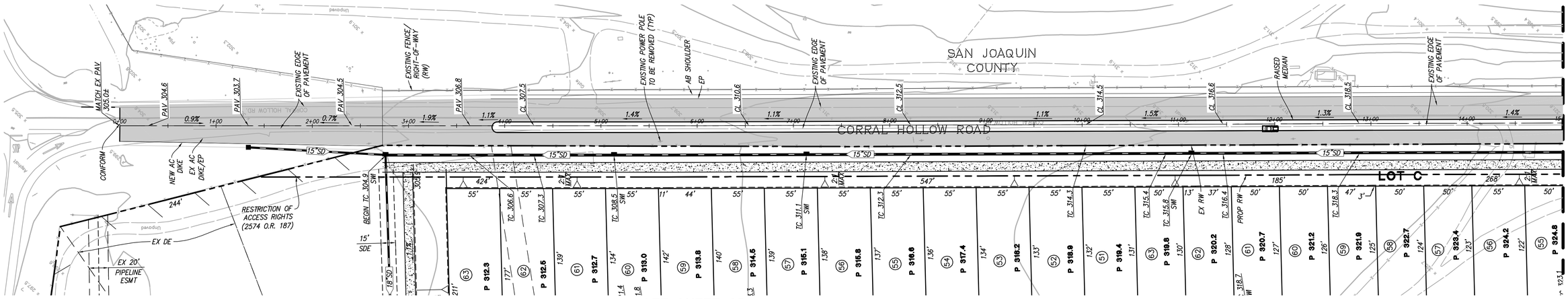
NEW PAVEMENT

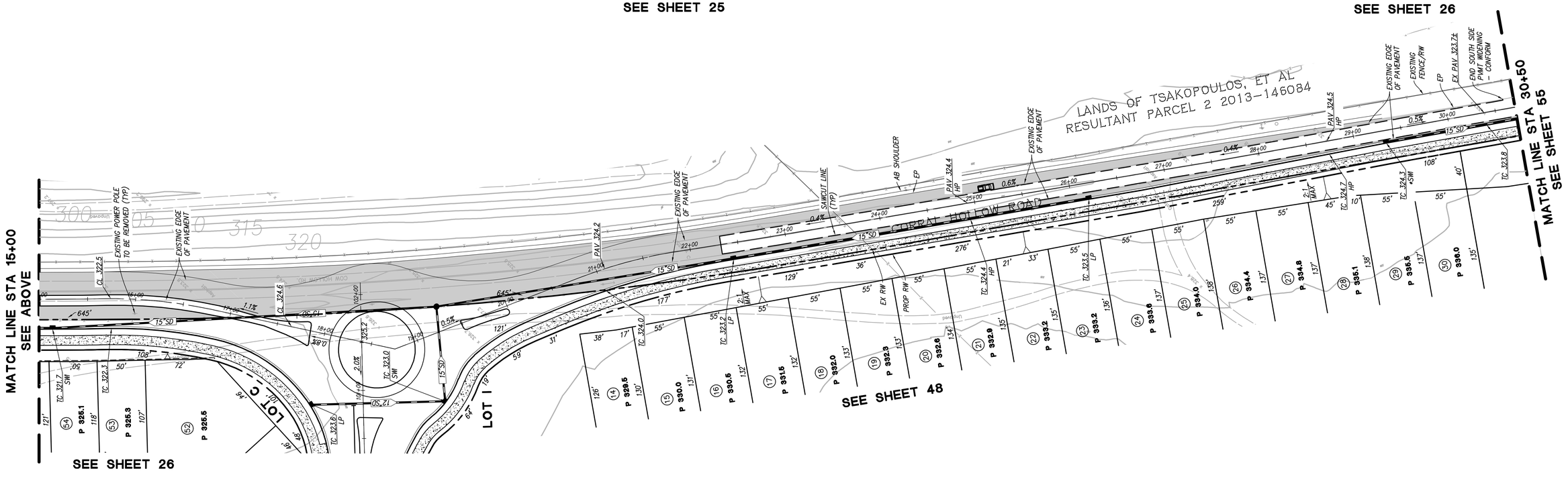
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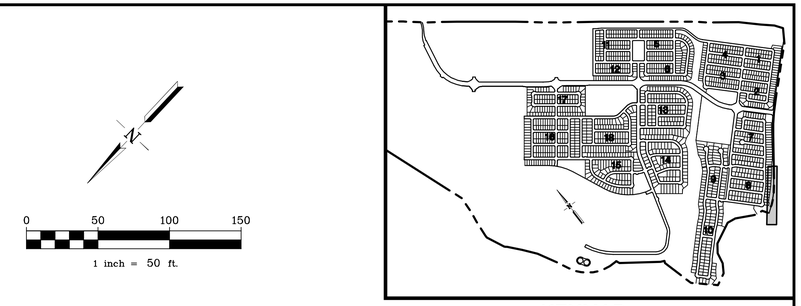
VESTING TENTATIVE MAP - TRACT 4057

CORRAL HOLLOW ROAD (STA 00+00 TO STA 30+50)

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

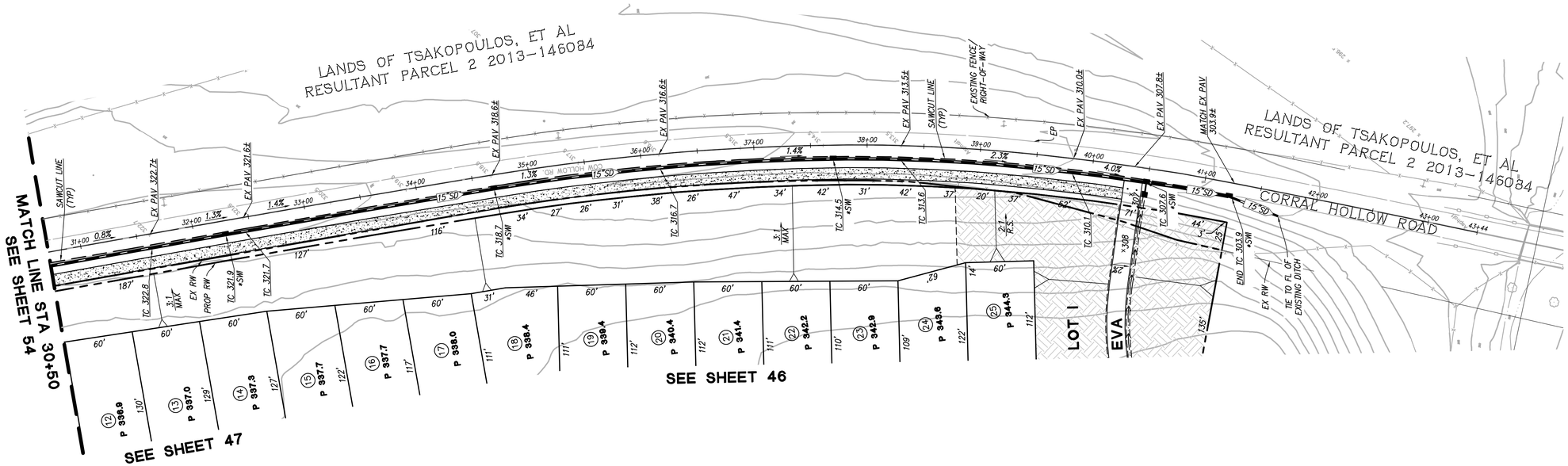
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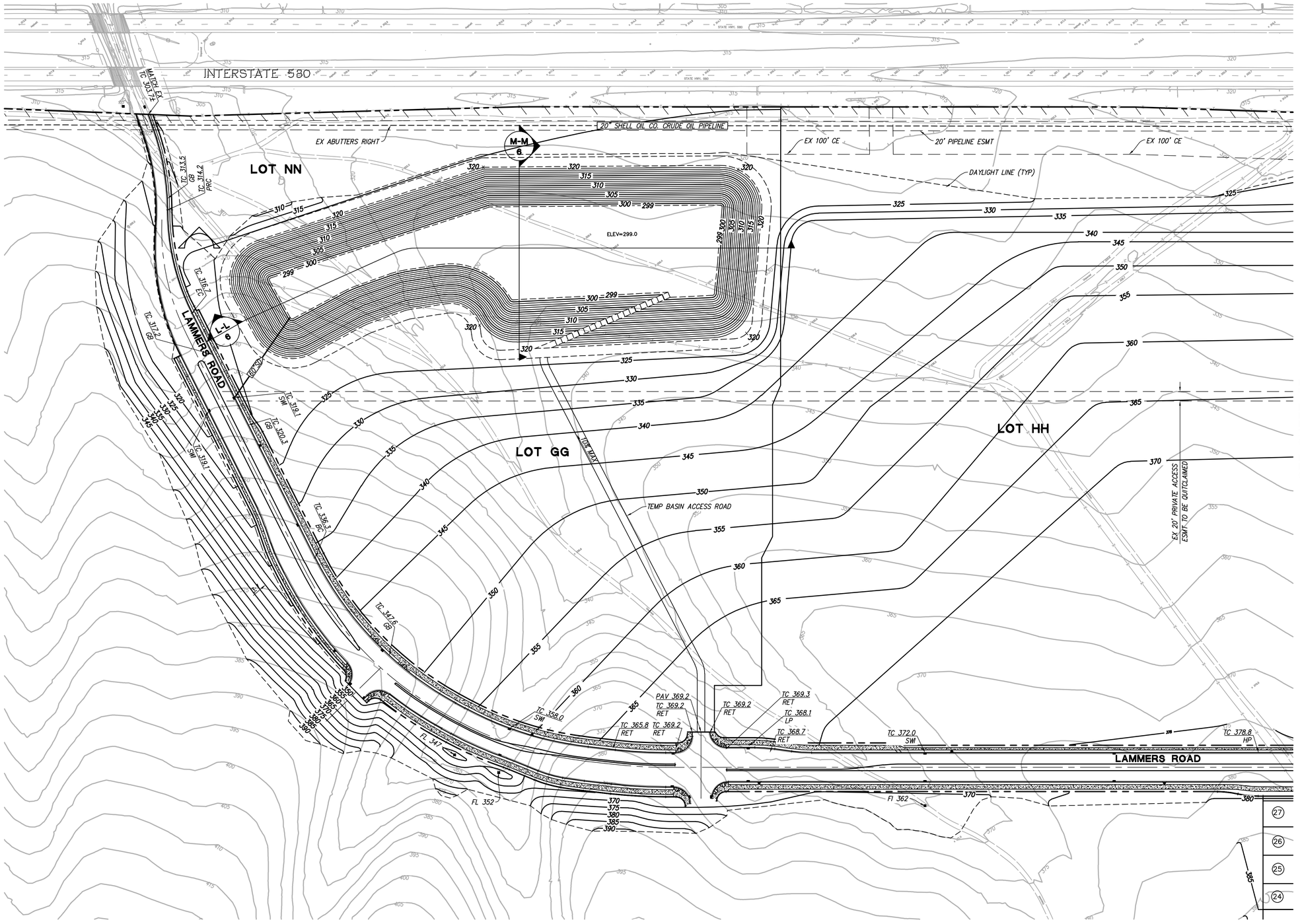


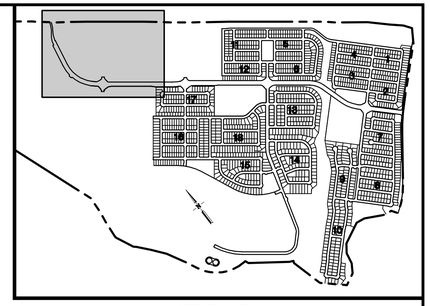
VESTING TENTATIVE MAP - TRACT 4057
CORRAL HOLLOW ROAD (STA 30+50 TO END)

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
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RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

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SEE SHEET 57

FOR LAMMERS ROAD
SEE SHEETS 21-24

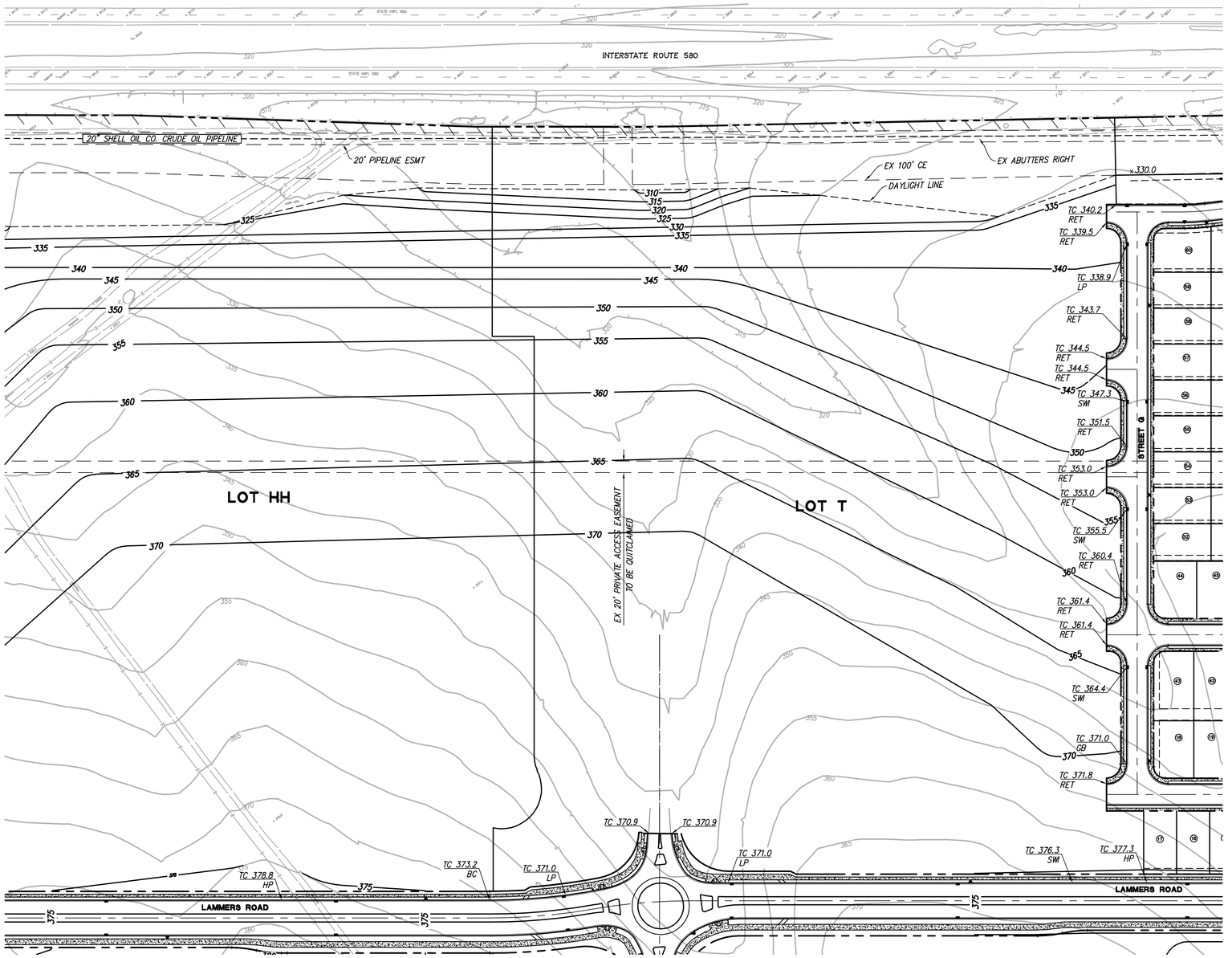
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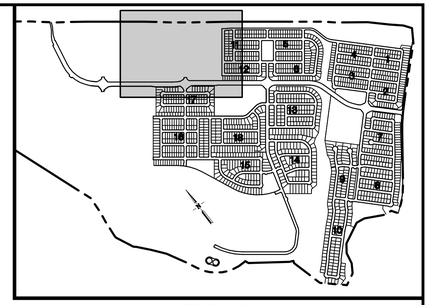
PHASE 3 SUPERPAD

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FOR: INTEGRAL COMMUNITIES

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

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KEYMAP
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1 inch = 100 ft.

FOR LAMMERS ROAD SEE SHEETS 21-24

VESTING TENTATIVE MAP - TRACT 4057

PHASE 3 SUPERPAD

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA
FOR: INTEGRAL COMMUNITIES

RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

DATE: SEPTEMBER 28, 2021 JOB NO.: 201068VTM SHEET 57 OF 57

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Attachment D

ADDENDUM TO THE TRACY HILLS SPECIFIC PLAN SUBSEQUENT ENVIRONMENTAL IMPACT REPORT SCH NO. 2013102053

October 2021

Proposed Amendment to the Tracy Hills Specific Plan for the Phase 2 Project

Prepared For:

City of Tracy
Department of Development Services
333 Civic Center Plaza
Tracy, CA 95376

Prepared By:

Kimley-Horn and Associates, Inc.
10 South Almaden Boulevard, Suite 1250
San Jose, CA 95113

TABLE OF CONTENTS

Introduction 1
California Environmental Quality Act 1
Previous Environmental Analysis of the Project Site 3
Purpose of Addendum 3
Project Location 3
Specific Plan Amendment 4
General Plan Amendment 8
THSP Environmental Impact Analysis Summary 9
Environmental Evaluation 17
I. Aesthetics 18
II. Agricultural and Forestry Resources 22
III. Air Quality 25
V. Biological Resources 33
VI. Cultural Resources 47
VII. Geology and Soils 52
VIII. Greenhouse Gas Emissions 56
IX. Hazards and Hazardous Materials 59
X. Hydrology and Water Quality 69
XI. Land Use and Planning 78
XII. Mineral Resources 81
XIII. Noise 83
XIV. Population and Housing 90
XV. Public Services, Recreation, and Utilities 93
XVI. Transportation/Traffic 104
XIX. Mandatory Findings of Significance 109
Determination of Appropriate CEQA Documentation 110
Section 15162 – Subsequent EIRs and Negative Declarations 110
Section 15164 – Addendum to an EIR or Negative Declaration 111
Conclusion 112

LIST OF FIGURES

Figure 1: Regional Location Map 13
Figure 2: Project Vicinity Map 14
Figure 3: Existing and Proposed THSP Zoning Concept 15
Figure 4: Existing and Proposed General Plan Land Use Designations 16

LIST OF TABLES

Table 1: Land Use Plan Buildout (2035) 6
Table 2: THSP SEIR Potentially Significant Environmental Impacts Table 9
Table 3: Comparison of Employee Projections 91
Table 4: Potable Water Demand Comparison 101

ATTACHMENTS

Appendix A: Traffic Memorandum

INTRODUCTION

This document provides an analysis of a proposed Amendment to the Tracy Hills Specific Plan (THSP) (application number SPA21-0003), a proposed Amendment to the City of Tracy General Plan (General Plan) (application number GPA21-0001), and a vesting tentative subdivision map (application number TSM20-0003) (proposed Project). The proposed Project would change both the Tracy Hills Specific Plan (THSP) zoning designations and the General Plan land use designations for properties within the current boundaries of the approved THSP (Project site) shown in Figure 2: Project Vicinity Map. The proposed Project would change the existing zoning and land use designations, as shown in Figure 3: Existing and Proposed THSP Zoning Concept, Figure 4: Existing and Proposed General Plan Land Use Designations, and Table 1: Land Use Plan Buildout (2035) resulting in less commercial land use development and more dwelling units (DUs) within the THSP Area than were included in the previously approved THSP.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

This Addendum has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] §§ 21000 et seq.); the State CEQA Guidelines (Title 14, California Code of Regulations [CCR] §§ 15000 et seq.); and the rules, regulations, and procedures for implementing CEQA as set forth by the City of Tracy (City).

Section 15164(a) of the State CEQA Guidelines states that "the lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Pursuant to Section 15162(a) of the State CEQA Guidelines, a subsequent EIR or Negative Declaration is only required when:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

    (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

    (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The following describes the requirements of an addendum, as defined by CEQA Guidelines Section 15164:

(a) The lead agency or responsible agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent EIR have occurred.

(b) An Addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

(c) An Addendum need not be circulated for public review but can be included in or attached to the Final EIR.

(d) The decision-making body shall consider the Addendum with the Final EIR prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a Subsequent EIR pursuant to Section 15162 should be included in an Addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

As set forth in Section 15164(a), if none of the circumstances or conditions described in Section 15162 are present, and only minor technical changes or additions are necessary to update the previously certified EIR, an addendum may be prepared, consistent with CEQA Guidelines Section 15164.

Based on the analysis and evaluation provided in this Addendum, no new significant impacts would occur because of the proposed Project, nor would there be any substantial increase in the severity of any previously identified significant environmental impact. In addition, no new information of substantial importance shows that mitigation measures or alternatives that were previously found not to be feasible or that are considerably different from those analyzed in the THSP Final Environmental Impact Report would substantially reduce one or more significant effects on the environment. Therefore, no conditions described in Section 15162 of the CEQA Guidelines have occurred. For this reason, an Addendum is the appropriate document to comply with CEQA requirements for the proposed Project.

PREVIOUS ENVIRONMENTAL ANALYSIS OF THE PROJECT SITE

The Tracy City Council approved the THSP Project and certified the corresponding Subsequent Environmental Impact Report (SEIR) (Tracy Hills Specific Plan SEIR [SCH# 2013102053]) on April 5, 2016. This analysis incorporates by reference, where relevant and appropriate, discussion and analysis contained in the previously certified THSP SEIR, as amended (the "THSP SEIR"). The THSP SEIR evaluates the potential environmental impacts resulting from the approval and implementation of the THSP. The THSP involves the development of approximately 2,767 acres of land with residential, commercial, open space, mixed-use business park, and industrial uses. The THSP SEIR evaluated several actions associated with implementation of the THSP including approval of the THSP and a General Plan Amendment; approval of a Zoning Map and Text Amendment; approval of a development agreement; approval of a new Storm Drainage Master Plan; tentative and final map approvals; and development permits and building permits. The THSP was prepared to set forth a comprehensive planning framework, as well as to identify development regulations and design guidelines relating to land uses, development standards, architecture, landscaping, park/recreational and open space facilities, circulation, signage, sustainability features, as well as all other necessary on- and off-site infrastructure improvements required to implement the THSP.

PURPOSE OF ADDENDUM

The purpose of this checklist is to analyze any potential differences between the impacts identified in the THSP SEIR and those that would be associated with the proposed Project. All proposed Project actions, specifically the THSP Amendment, General Plan Amendment, and vesting tentative subdivision map, are analyzed herein.

Pursuant to provisions of CEQA and the State CEQA Guidelines, the City of Tracy is the Lead Agency charged with the responsibility of determining whether to approve the proposed Project. As part of its decision-making process, the City is required to review and consider whether the proposed Project would create new significant impacts or significant impacts that would be substantially more severe than those disclosed in the THSP SEIR. The decision-making body must consider the whole of the data presented in the THSP SEIR as augmented by this Addendum and the previously adopted Mitigation Monitoring and Reporting Program. Additional CEQA review beyond this Addendum would only be triggered if one or more of the circumstances or conditions described in Section 15162(a) of the CEQA Guidelines was determined to be present or to have occurred.

PROJECT LOCATION

The Project site is located within the THSP Area in the southern portion of the City of Tracy in San Joaquin County, California as shown in Figure 1: Regional Location Map. The THSP Area consists of approximately 2,767 acres and surrounds the existing interchange at Corral Hollow Road and the proposed Lammers Road interchange on Interstate 580 (I-580). See Figure 2: Project Vicinity Map.

SPECIFIC PLAN AMENDMENT

An application for an Amendment to the previously approved THSP has been submitted to the City of Tracy for consideration. The Amendment would change the zoning designations for properties within the current boundaries of the THSP Area. See Figure 2: Project Vicinity Map and Figure 3: Existing and Proposed THSP Zoning Concept. The Project proposes to re-designate and shift zoning within the Project site as follows:

- Residential Estates: decrease of 8.2 acres. A portion of existing Residential Estates would be converted to Low Density Residential.
- Low Density Residential: decrease of 6.3 acres. A portion of existing Low Density Residential would be converted to Medium Density Residential. Portions of existing Medium Density Residential, Residential Estate, General Highway Commercial, and Conservation Easements would be converted to Low Density Residential.
- Medium Density Residential: increase of 36.4 acres. A portion of existing Medium Density Residential would be converted to Low Density Residential. Portions of existing Low Density Residential, Interstate 580 Right of Way and Interchange, and Conservation Easements would be converted to Medium Density Residential.
- Mixed Use Business Park: decrease of 4.8 acres. A portion of existing Mixed Use Business Park would be converted to Interstate 580 Right of Way and Interchange.
- General Highway Commercial: increase of 1.1 acres. A portion of existing General Highway Commercial would be converted to Low Density Residential.
- Conservation Easements: decrease of 24 acres. Conservation Easements mapped to identify correct boundaries and locations as granted
- Interstate 580 Right of Way and Interchange: increase of 5.4 acres. Interstate 580 Right of Way and Interchange mapped to correctly represent current alignment.

As shown in Table 1: Land Use Plan Buildout (2035), the proposed Project would result in fewer gross acres but more developable acres and dwelling units (DUs) as compared to what was previously included in the THSP. Gross acreage would decrease as a result of acres being removed from the THSP Area along Corral Hollow Road and the THSP Area boundary to reflect more precise mapping and boundary information. Though developable acres would increase as a result of the proposed Project, this increase would be a result of refinements to road alignment, the California Aqueduct Right of Way (ROW) boundary, and the Union Pacific Railroad boundary within the Project site. Additionally, the increase in dwelling units proposed by the Project would be a result of the conversion of land within the Project site to the Low and Medium Density Residential designations. No additional land beyond the previously approved THSP Area would be developed and no new land uses would be introduced as a result of the proposed Project. The land use intensities proposed by the Project would be within the target ranges

included in the previously approved THSP and THSP SEIR, thus, similar to the intensities included in the previously approved THSP and analyzed in the THSP SEIR.

Table 1: Land Use Plan Buildout (2035)[1]

Zoning District or Land Use Designation	Target Density Range or F.A.R. (DU's/ac.)	THSP[2]				Proposed Project				Difference Between THSP and Proposed Project			Proposed Project Within Target Density Range or F.A.R.?
		Gross Acres	Developable Acres	Dwelling Units (DU)/ Square Feet (SF)	Density/ F.A.R.	Gross Acres	Developable Acres[3]	Dwelling Units (DU)/ Square Feet (SF)	Density/ F.A.R.	Gross Acres	Developable Acres	Dwelling Units (DU)/ Square Feet (SF)	
Residential Estate	0.5-2.0	63.9	54.3	76	1.19	55.7	47.3	54	0.97	-8.2	-7	-22	Yes
Low Density Residential	2.1-5.8	1,353	1,150	3,604	2.66	1,346.7	1144.7	4,112	3.05	-6.3	-5.3	+508	Yes
Medium Density Residential	5.9-12.0	423.3	359.8	2,672	6.31	459.7	390.7	2,974	6.47	+36.4	+3/0.9	+302	Yes
High Density Residential	12.1-25.0	9.3	7.9	125	13.44	9.3	7.9	125	13.44	No change	No change	No change	Yes
Mixed-use Business Park	0.2 F.A.R.	79	67.2	585,446	0.17	74.2	63.1	549,727	0.17	-4.8	-4.1	-35,719	Yes
General Highway Commercial	0.2 F.A.R.	51.9	45	406,945	0.18	53	45	406,945	0.18	+1.1	No change	No change	Yes
Light Industrial	0.25 F.A.R.	336.7	286.2	3,116,663	0.21	336.7	286.2	3,116,663	0.21	No change	No change	No change	Yes
Conservation Easements	N/A	157.4	0.0	N/A	N/A	133.3	0.0	N/A	N/A	-24	No change	N/A	N/A

[1]All Acreages, dwelling units, and square footage examples shown herein are approximate.

[2]35 Acre Annexation is reflected in background conditions.

[3] Adjusted Developable Acres - Residential, Mixed Use Business Park, General Highway Commercial, and Light Industrial acreages have been adjusted to show that an estimated 15% of the land area is used for infrastructure such as roads and utilities, and/or public facilities such as neighborhood parks/amenities, schools, and/or public facilities such as retention basins as noted in the General Plan. Actual numbers will vary depending on site specific characteristics.

Zoning District or Land Use Designation	Target Density Range or F.A.R. (DU's/ac.)	THSP[2]				Proposed Project				Difference Between THSP and Proposed Project			Proposed Project Within Target Density Range or F.A.R.?
		Gross Acres	Developable Acres	Dwelling Units (DU)/ Square Feet (SF)	Density/ F.A.R.	Gross Acres	Developable Acres[3]	Dwelling Units (DU)/ Square Feet (SF)	Density/ F.A.R.	Gross Acres	Developable Acres	Dwelling Units (DU)/ Square Feet (SF)	
Interstate 580 Interchange and ROW	N/A	137.5	0.0	N/A	N/A	142.9	0.0	N/A	N/A	+5.4	No change	N/A	N/A
California Aqueduct ROW	N/A	143	0.0	N/A	N/A	143	0.0	N/A	N/A	No change	0.0	N/A	N/A
Union Pacific Rail Road	N/A	12.2	0.0	N/A	N/A	12.2	0.0	N/A	N/A	No change	0.0	N/A	N/A
Totals		**2,767.3**	**1,970.4**	**6,477 DUs; 4.1 million SF**		**2,761.3**	**1,984.9**	**7,265 DUs; 4,073,335 SF**		**-0.5**	**+14.5**	**+788 DUs; -35,719 SF**	**Yes**

Source: Application For Tracy Hill Specific Plan Amendment For the Phase 2 Project, September 2021.

GENERAL PLAN AMENDMENT

The application for the Specific Plan Amendment triggers corresponding amendments to the City of Tracy General Plan. Specifically, the Land Use Designation Map, Figure 2-2, would be amended to account for the Project site land use designation changes within the THSP Area. The Project proposes to re-designate and shift land use designations within the Project site as follows, and as shown on Figure 4: Existing and Proposed General Plan Land Use Designations:

- Residential Very Low: net decrease of 8 acres. Eight acres of land designated Residential Very Low would be converted to Residential Low.
- Residential Low: net decrease of 18 acres. Forty-two (42) acres of land would be redesignated from Residential Medium to Residential Low. Eight acres of land would be redesignated from Residential Very Low to Residential Low. Three acres of land designated Commercial would be redesignated to Residential Low. Seventy-one (71) acres of land would be redesignated from Residential Low to Residential Medium.
- Residential Medium: net increase of 39 acres. Forty-two (42) acres of land would be redesignated from Residential Medium to Residential Low. Seventy-one (71) acres of land would be redesignated from Residential Low to Residential Medium. Ten (10) acres of land would be redesignated from Commercial to Residential Medium.
- Commercial: net decrease of 13 acres. Three acres of land designated Commercial would be redesignated to Residential Low. Ten (10) acres of land would be redesignated from Commercial to Residential Medium.

Within Phase 2, the land use re-designations are required to allow for the vesting tentative subdivision map as proposed by the Project. Within Tracy Hills Phase 1B area, the land use designation changes allow for the lots designated Residential Medium within the Project site to develop in accordance with the minimum setback standards for the land use designation (consistent with the approved small-lot development). Finally, within the Tracy Hills KT Project area, the General Plan Amendment would remove any potential uncertainty regarding allowed uses for areas designated residential versus commercial.

THSP ENVIRONMENTAL IMPACT ANALYSIS SUMMARY

The 2016 THSP SEIR certified in January 2016, found the potentially significant environmental effects of the THSP to be as shown in Table 2: THSP SEIR Potentially Significant Environmental Impacts Table.

Table 2: THSP SEIR Potentially Significant Environmental Impacts Table

	Significant and Unavoidable Impacts	Less Than Significant with Mitigation Incorporated
Aesthetics	• Visual aspect of and views in the Specific Plan Area (Project and Cumulative Impact) • Adverse effects on a state-designated scenic highway • Adverse change in the character of the site	• New sources of light and glare
Agriculture	• Conversion of Prime Farmland and other Important Farmland (Project and Cumulative)	• Incompatible with adjacent agricultural activity
Air Quality	• Inconsistency with adopted Air Quality Management Plan • Cumulative construction emissions (ROG, and NO_x) (Buildout) • Cumulative operational emissions (ROG, NO_x, CO, PM_{10}, $PM_{2.5}$) (Phase I and Buildout) • Emission of ozone precursors and particulate matter	• Exposure of sensitive receptors to substantial pollutant concentrations
Biological Resources	N/A	• Adverse impact on wildlife movement • Impact on special-status animal species • Impact on federally protected wetlands as defined by Section 404 of the Clean Water Act • Construction during bird nesting season

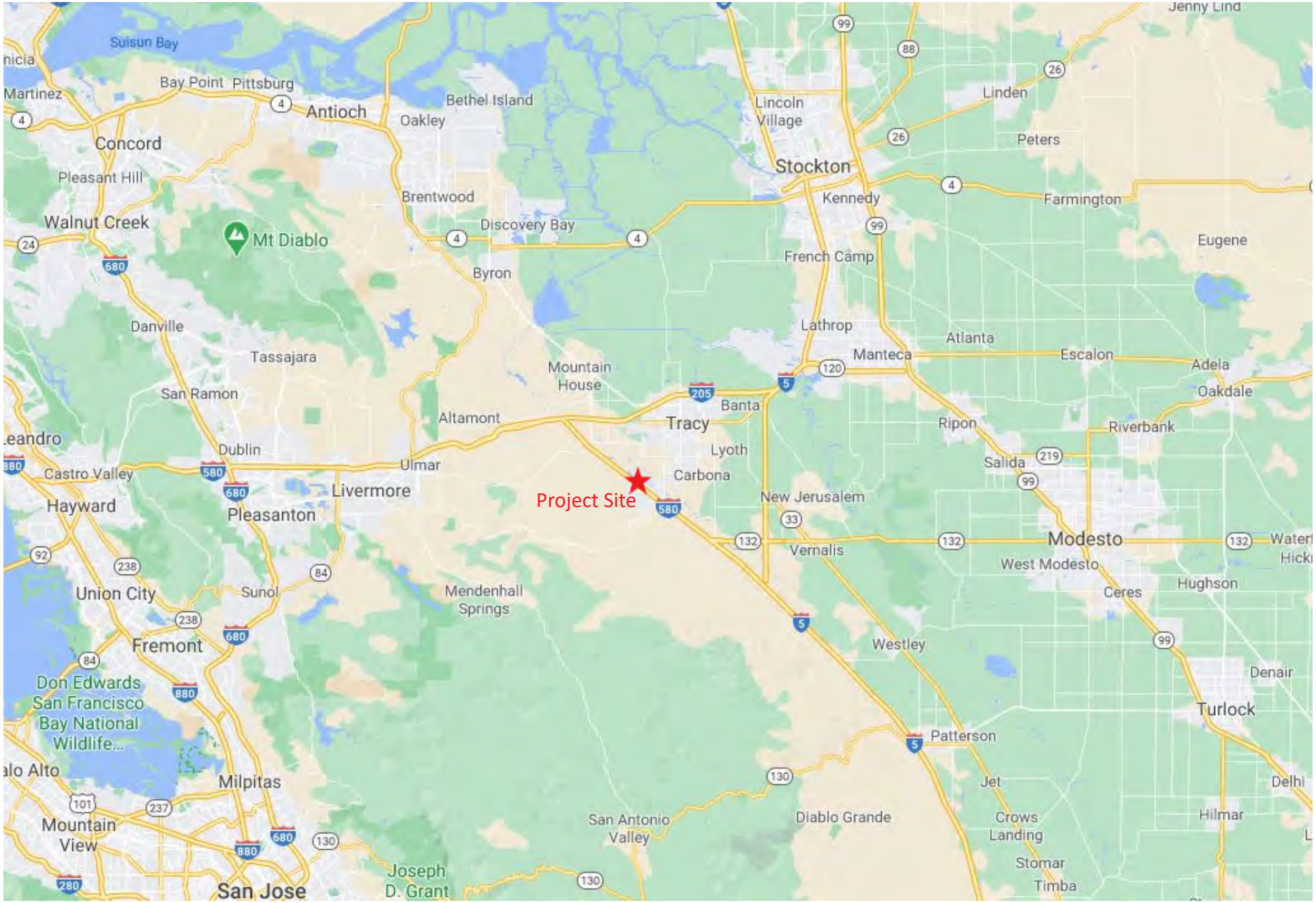
	Significant and Unavoidable Impacts	Less Than Significant with Mitigation Incorporated
		• Conflict with tree preservation policy or ordinance • Conflict with Habitat Conservation Plan/Natural Community Conservation Plan
Cultural Resources	N/A	• Damage to cultural resources (buried archeological deposits) • Damage to paleontological resources • Human remains encountered during construction
Greenhouse Gas Emissions	• Generation of GHG emissions during construction and operation (Project and Cumulative)	• Conflict with greenhouse gas reduction plan, policy, or regulation
Geology and Soils	N/A	• Expansive soil
Hazards and Hazardous Materials	N/A	• Routine use, transport, and disposal of hazardous materials • Release from nearby crude oil, natural gas, and petroleum pipelines • Breach or rupture of the California aqueduct • Attract wildlife that is hazardous to aircraft associated with Tracy Municipal Airport • Conflict with adopted emergency response plan and emergency evacuation plan • Exposure structures adjacent to undeveloped areas to risk of wildland fires
Hydrology and Water Quality	N/A	• Storm water discharge requirements and water quality

	Significant and Unavoidable Impacts	Less Than Significant with Mitigation Incorporated
		• Soil erosion and sedimentation • Storm water runoff volumes • Pollutants (associated with non-residential storm water runoff) • 100-Year Flood Hazard Areas
Land Use	N/A	• Conflict with 2009 San Joaquin Airport Land Use Compatibility Plan
Noise	• Exposure of persons to noise levels in excess of established standards • Traffic noise level increases (Project and Cumulative)	• Expose persons or generate excessive groundborne vibration
Public Services and Utilities	N/A	• Need for new or physically altered fire protection facilities • Need for new or physically altered law enforcement facilities • Need for yet to be constructed City Water System Master Plan (WSMP) facilities • Need for wastewater treatment capacity
Traffic	• Impact to bicycle and pedestrian modes • Freeway segments during construction (Phase 1) • Impact to the existing roadway, intersections and freeway network (Buildout) • Impact to the existing roadway, Caltrans intersections (Buildout) • Level of service at intersections during construction (Phase 1)	• Impact to Phase 1a roadway network and operation and safety of pedestrians, cyclists, and vehicles on adjacent roadway facilities • Impact to roadway network and safety and operations on adjacent roadway facilities from temporary offsite school for 450 students • Impact to Phase 1a roadway network and roadway facilities from temporary on-site school

	Significant and Unavoidable Impacts	Less Than Significant with Mitigation Incorporated
	• Impact to the 2035 roadway and freeway network (Phase 1 and Cumulative) • Impact to the 2035 roadway and freeway network (Buildout) • Impact to Altamont Pass, Corral Hollow Road, Patterson Pass, roadways in Alameda County (Phase 1) • Impact on existing Phase 1a street network and streets surrounding the school site (Phase 1) • Impact to bicycle and pedestrian connection from Spine Road along Corral Hollow Road	

It was determined in the THSP SEIR that implementation of mitigation measures identified in the THSP SEIR would reduce the severity of several of the aforementioned impacts to a level of less than significant. Where the THSP SEIR identified significant and unavoidable impacts, even after the consideration of mitigation measures, such impacts are identified herein as significant and unavoidable. Where applicable, mitigation measures stemming from the previously certified THSP SEIR and adopted as conditions of THSP approval would be incorporated into the proposed Project.

For impacts not identified in Table 2: THSP SEIR Potentially Significant Environmental Impacts Table, the THSP SEIR found that buildout of the THSP would have a less than significant impact or no impact to topical areas evaluated pursuant to the *CEQA Guidelines*.



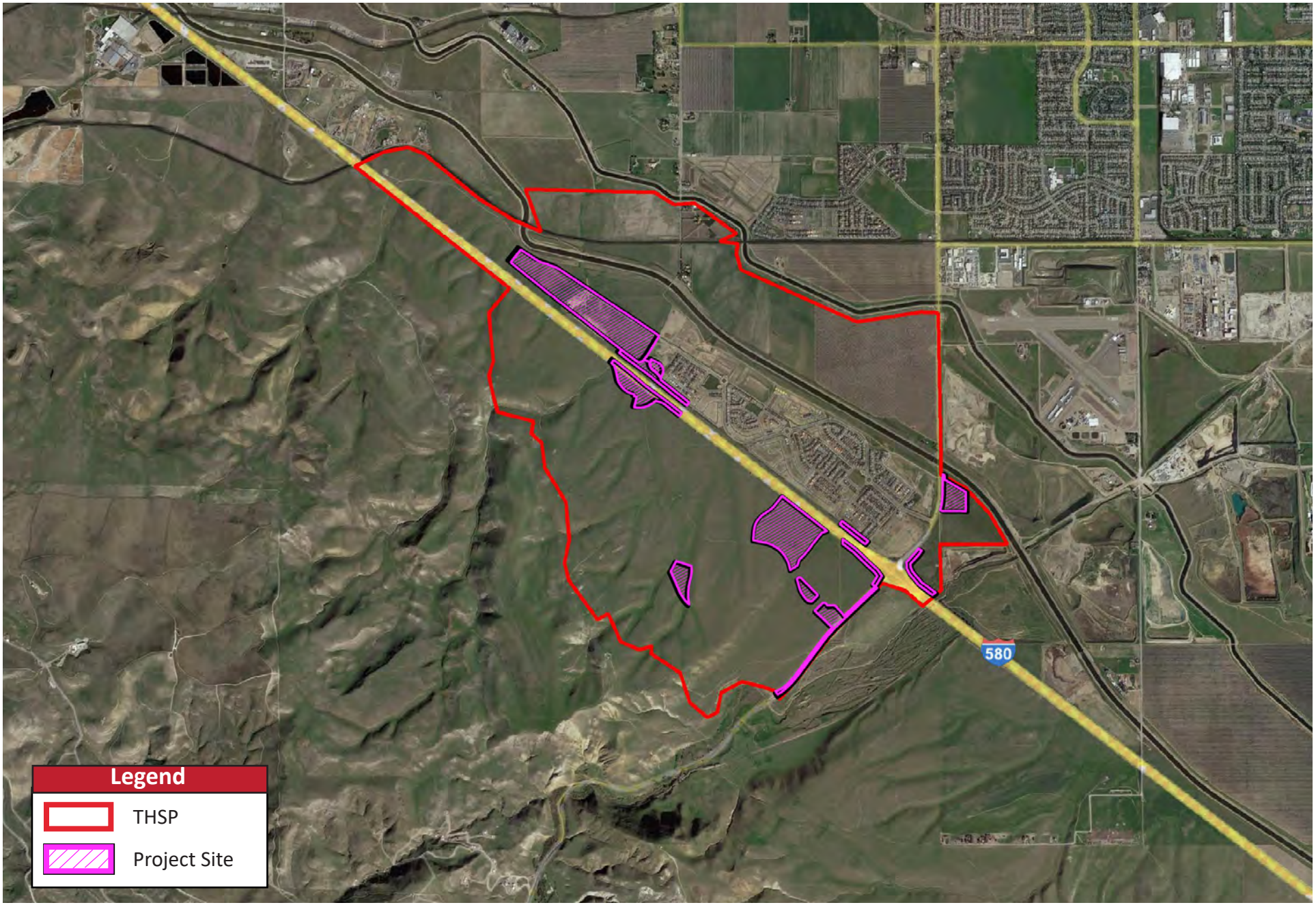
Source: Google Maps, 2021

Figure 1: Regional Location Map

Tracy Hills Specific Plan Phase2
Addendum

Not to scale

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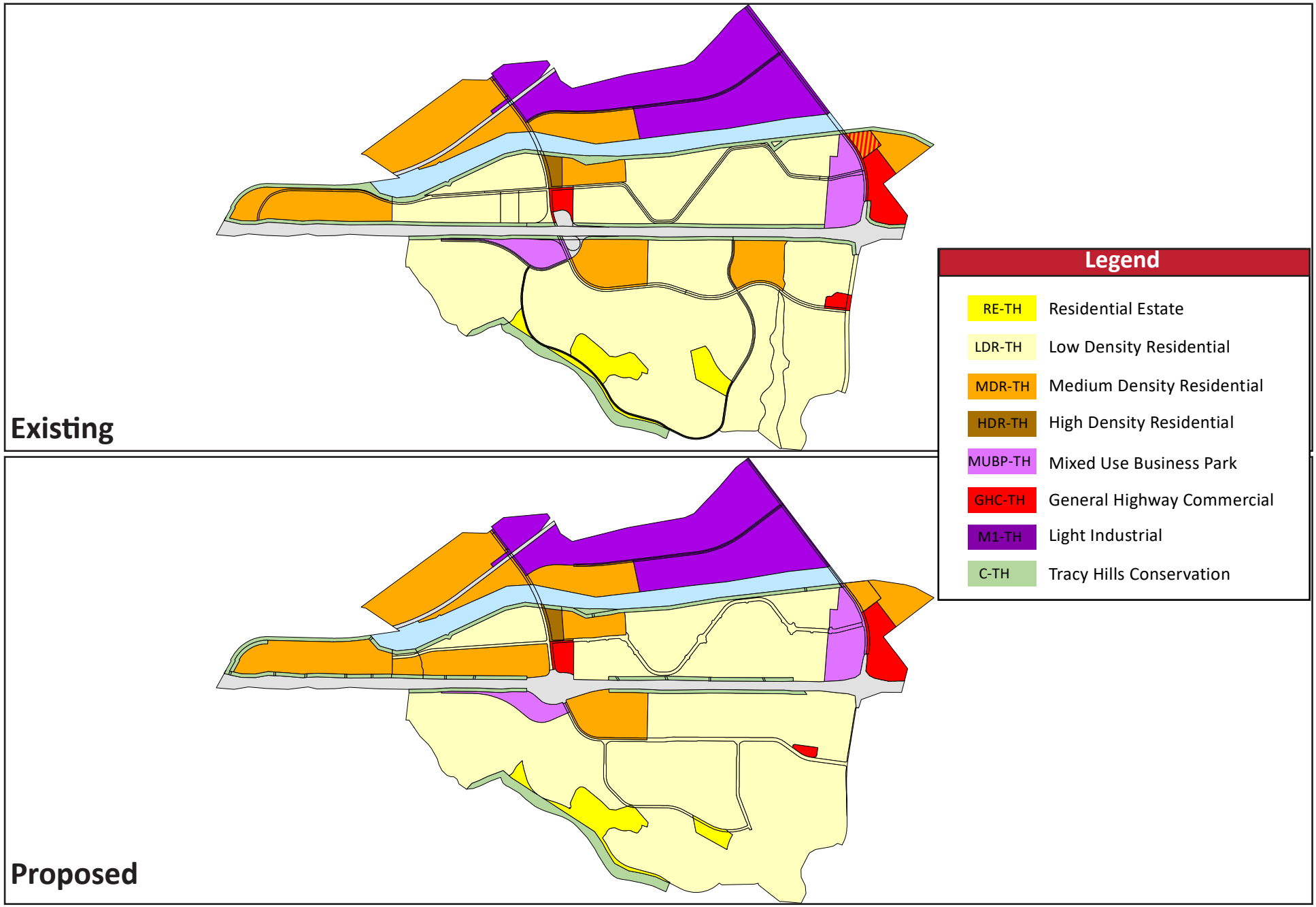
Source: Google Earth, 2021

Figure 2: Project Vicinity

Tracy Hills Specific Plan Phase 2
Addendum

Not to scale

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Source: KH, 2021

Figure 3: Existing and Proposed Zoning Concept

Tracy Hills Specific Plan Phase 2
Addendum

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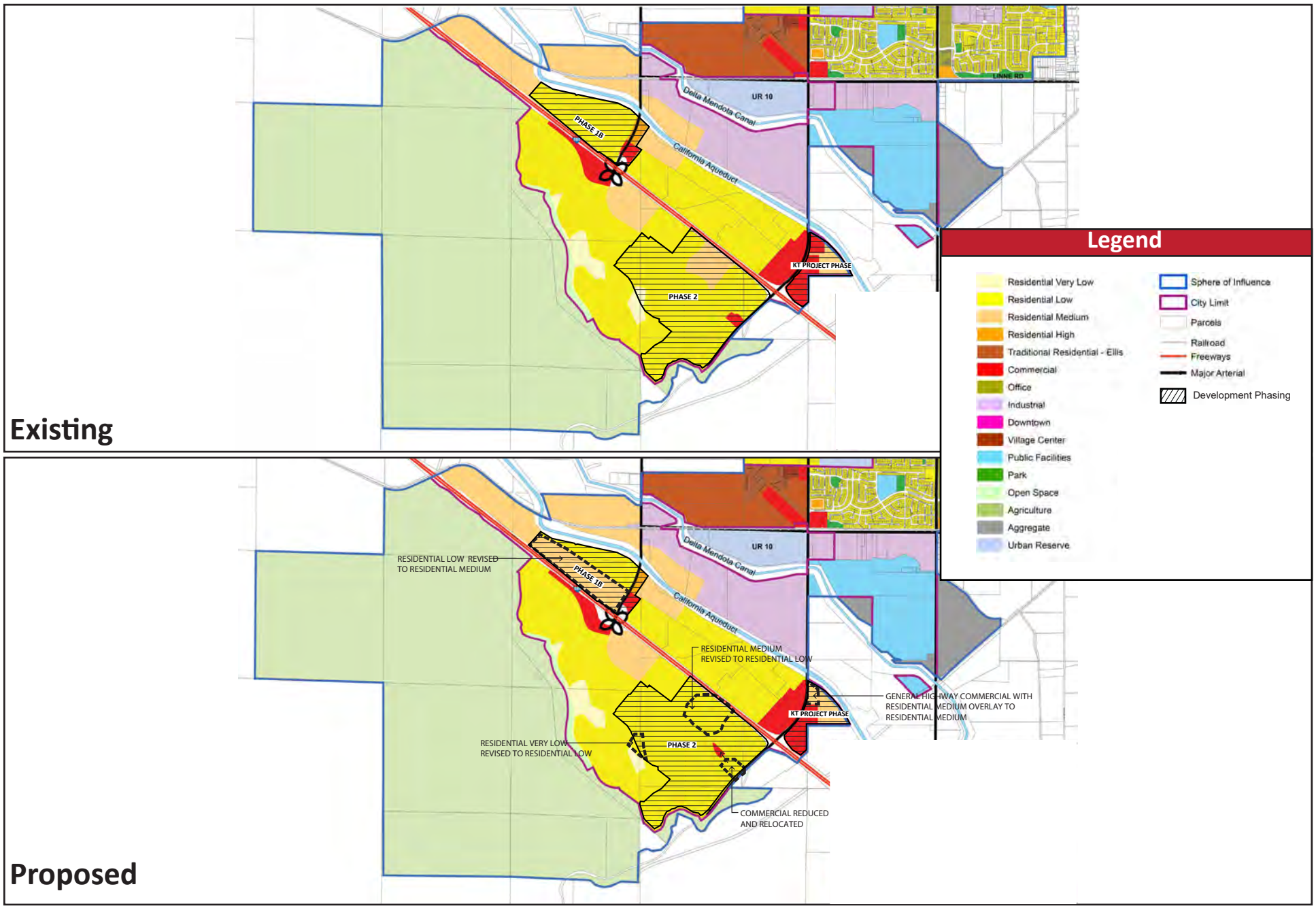


Figure 4: Existing and Proposed General Plan Land Use Designations

ENVIRONMENTAL EVALUATION

This section evaluates the potential environmental effects of the proposed Project, as compared to the THSP SEIR, using the environmental checklist from the State *CEQA Guidelines* as amended. The definitions of the response column headings include:

A. "Potentially Significant Impact" indicates that an effect of the proposed Project may be significant and warrants additional analysis within a Subsequent or Supplemental EIR.

B. "Less than Significant With Mitigation Incorporated" indicates that an effect of the proposed Project can be reduced from "Potentially Significant Impact" to "Less Than Significant" by incorporating a new mitigation measure that was not identified in the THSP SEIR.

C. "Less Than Significant Impact" indicates that the effect of the proposed Project would be Less than Significant with implementation of the mitigation measures described in the THSP SEIR. The applicable THSP SEIR mitigation measures are cross-referenced when applicable.

D. "No Impact" indicates that the proposed Project would not create an environmental effect in that category.

E. "Reviewed Under Previous Document" indicates that an effect of the proposed Project would be the substantially the same as the effect that was analyzed in the THSP SEIR for the corresponding threshold. In some cases, this applies to effects that were anticipated to be significant and unavoidable in the THSP SEIR, even after implementing specified mitigation measures. In other cases, it applies to effects that were anticipated to be less than significant after implementing specified mitigation measures. In all cases, the applicable THSP SEIR mitigation measures are cross-referenced.

I. AESTHETICS

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☐	☒
b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic building along a State-designated scenic highway?	☐	☐	☐	☐	☒
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☐	☒
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the Project have a substantial adverse effect on a scenic vista?

As identified in the THSP SEIR, impacts related to scenic vistas were considered significant and unavoidable. Impacts to scenic vistas were found to be significant and unavoidable because implementation of the THSP would change the visual character and views to and from the THSP Area. The THSP SEIR concluded that with implementation of Mitigation Measure AES 4.1-1 in the THSP SEIR, impacts to scenic vistas would still remain significant and unavoidable.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure AES 4.1-1****: The THSP contains design guidelines and landscaping standards (Tracy Hills Specific Plan, pages 3-1 through 3-96) which have been implemented in the Phase 1a Vesting Tentative Map (Figure 3-12, Phase 1a Vesting Tentative Map), and which would be required on individual, site-specific developments within the THSP. These measures would ensure that development within the Project Area is aesthetically pleasing and is compatible with current development in the City of Tracy. Beyond these measures, there is no feasible mitigation. [This is Mitigation Measure 4.1-1 in the THSP SEIR]*

The proposed Project would not result in the development of additional land compared to the previously approved THSP. Similar to the previously approved THSP, the proposed Project would still allow for development in a previously undisturbed area. Therefore, since the proposed Project would change undeveloped land to urbanized development, the proposed Project would have the potential to create a substantial adverse impact on a scenic vista. With implementation of the above mitigation measure, the proposed Project's impact on a scenic vista would remain significant and unavoidable. This would not be

a new specific impact, nor would it increase the severity of the impact previously identified in the THSP SEIR and would, therefore, be consistent with the impacts of implementation of the THSP.

Threshold (b) Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

As noted in the THSP SEIR, the THSP Area is bisected by Interstate 580, a State designated scenic highway, and borders Corral Hollow Road, a scenic road designated in the 1978 San Joaquin County General Plan. Views from I-580 to the THSP Area would be directly impacted due to the adjacent development. As identified in the THSP SEIR, impacts related to scenic resources were considered significant and unavoidable. The THSP SEIR concluded that even with implementation of Mitigation Measure AES 4.1-2 identified in the THSP SEIR, impacts to scenic vistas would remain significant and unavoidable.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure AES 4.1-2****: The THSP contains design guidelines and landscaping standards (Tracy Hills Specific Plan, pages 3-1 through 3-96) which have been implemented in the Phase 1a Vesting Tentative Map (Figure 3-12, Phase 1a Vesting Tentative Map), and which would be required on individual, site specific development within the THSP. These measures would ensure that development within the THSP Project Area is aesthetically pleasing and is compatible with current development in the City of Tracy. Beyond these measures, there is no feasible mitigation*. [This is Mitigation Measure 4.1-2 in the THSP SEIR]

Since the Project site is within the viewsheds of I-580 and Corral Hollow Road, which are considered scenic routes, Project development would have the potential to significantly impact scenic views. Similar to the previously approved THSP, the proposed Project's impact would remain significant and unavoidable even with implementation of the above mitigation measure. The Project site is within the THSP Area and would neither introduce any new land uses nor allow development outside the previously analyzed THSP Area. Therefore, the impact of the proposed Project would be consistent with the impact of the implementation of the THSP and no further analysis is required.

Threshold (c) Would the project substantially degrade the existing visual character or quality of the site and its surroundings?

As identified in the THSP SEIR, impacts related to degradation of the existing visual character or quality of the site and its surroundings were considered significant and unavoidable. Development of the THSP Area would transition the THSP Area from primarily undeveloped rural agricultural land to a range of urban development including residential, office, and commercial, and industrial uses. Implementation of the THSP's development standards and design guidelines, and adherence to the Tracy General Plan goals, objectives, and policies, would reduce impacts associated with development within the THSP Area. However, due to the size and scope of the THSP Area, impacts to the visual character or quality of the THSP Area would remain significant and unavoidable even with implementation of Mitigation Measure AES 4.1-3 identified in the THSP SEIR.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure AES 4.1-3:*** *The THSP contains design guidelines and landscaping standards (Tracy Hills Specific Plan, pages 3-1 through 3-96) which would be required on individual, site specific development within the THSP. These measures would ensure that development within the THSP Project Area is aesthetically pleasing and is compatible with current development in the City of Tracy. Beyond these measures, there is no feasible mitigation. [This is Mitigation Measure 4.1-3 in the THSP SEIR]*

Similar to the previously approved THSP, the proposed Project would have the potential to degrade the existing visual character or quality of the Project site. Though the proposed Project would not result in the development of land beyond the THSP Area, the Project would still change the character of the Project site from undeveloped to developed. With implementation of the above mitigation measure, the proposed Project's impact on the existing visual character or quality of the Project site would remain significant and unavoidable. This would not be a new specific impact nor would it increase the severity of the impact previously identified in the THSP SEIR and would, therefore, be consistent with the impacts of implementation of the THSP.

Threshold (d) Would the project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

As identified in the THSP SEIR, impacts related to light and glare, which would adversely affect day or nighttime views in the area, were considered significant and unavoidable. Light and glare from the THSP Area would come primarily from vehicle headlights and windshields traveling along I-580 and Corral Hollow Road. Other sources of light and glare within the THSP Area would come from single-family homes along Lammers Road and Corral Hollow Road. Development of the THSP Area would also introduce new sources of light and glare coming from new commercial, business park and residential uses. Thus, impacts with respect to light and glare were determined to be significant and unavoidable with implementation of Mitigation Measure AES 4.1-4 in the THSP SEIR.

The following mitigation measure incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> **Mitigation Measure AES 4.1-4:** *To decrease light spillage and glare to the maximum extent practicable, all individual developments under the THSP shall be required to:*
>
> - *Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light on to public rights-of-way or adjacent residential property, consistent with City standards.* [This is Mitigation Measure 4.1-4 in the THSP SEIR]

Project implementation would neither result in new land use within the Project site nor allow development outside of the THSP Area. Sources of light from residential uses and commercial uses would

not be considered new light sources within the Project site compared to the assumptions in the THSP SEIR. Similar to the approved THSP, compared to existing conditions the proposed Project would have the potential to create a new source or light or glare which would adversely affect day or nighttime views in the area. With implementation of the above mitigation measure, the proposed Project's impact on light and glare would remain significant and unavoidable. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the impacts of the implementation of the THSP.

Cumulative Impacts

The potential aesthetic impacts related to views, aesthetics, and light and glare are site specific. While impacts are minimized with implementation of mitigation measures, impacts related to aesthetics across the THSP Area were considered cumulatively significant and unavoidable in the THSP SEIR. As identified in the THSP SEIR, the THSP would change the visual aspect of and views from, to, and across the THSP Area, add new development to viewsheds, and bring urban development to a rural and agricultural area resulting in cumulatively considerable contributions to significant impacts on scenic vistas, scenic resources within a State scenic highway, and visual character. The THSP SEIR concluded that with Mitigation Measure AES 4.1-5, impacts would remain significant and unavoidable.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> **Mitigation Measure AES 4.1-5:** *The THSP contains design guidelines and landscaping standards (Tracy Hills Specific Plan, pages 3-1 through 3-96) which would be required on individual, site specific development within the THSP. These measures would ensure that development within the THSP Project Area is aesthetically pleasing and is compatible with current development in the City of Tracy. Beyond these measures, there is no feasible mitigation. [*This is Mitigation Measure 4.1-5 in the THSP SEIR]

As discussed above, the proposed Project would neither cause a new aesthetic impact to occur, nor an increase in the severity of an aesthetic impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

II. AGRICULTURAL AND FORESTRY RESOURCES

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	*Reviewed Under Previous Document*
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:					
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

As noted in the THSP SEIR, the California Department of Conservation Farmland Mapping and Monitoring Program shows that the THSP Area contains approximately 25 acres of Prime Farmland as well as 2,700 acres of other farmland.[4] The 25 acres of Prime Farmland is located along Lammers Road, just south of the Delta-Mendota Canal and is made up of an existing vineyard. Impacts related to agricultural resources within the THSP Area were previously considered in the impact analysis in the Tracy General Plan EIR,

[4] THSP SEIR, Figure 4.2-1

however, no mitigation measures were identified to reduce this impact, and the Tracy City Council adopted a statement of overriding considerations with respect to the anticipated loss of farmland.[5]

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure AG 4.2-1:*** *As part of the development process for individual site-specific development projects, the agricultural mitigation fee adopted by the City shall be paid for each acre of Prime Farmland to be developed. The fees shall be collected by the City at the time building permits are issued for such site-specific development projects, or as otherwise required by the City. [This is Mitigation Measure 4.2-1 in the THSP SEIR]*

The City currently uses the Agricultural Mitigation Fee Ordinance to collect in-lieu fees for impacts from development on agricultural land. Impacts related to the conversion of prime farmland were considered significant and unavoidable in the THSP SEIR. Since the Project site does not contain the Prime Farmland identified in the THSP SEIR, only Farmland of Local Importance and Grazing Land, the specified mitigation measure above would be not required for the Project. Since neither the Prime Farmland within the THSP Area nor additional land beyond the THSP Area would be developed by the Project, the impact of the proposed Project would be the same impact of the previously approved THSP identified in the THSP SEIR. Therefore, the Project would not result in a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would, therefore, be consistent with the impacts of implementation of the THSP. As such, no further analysis is required.

Threshold (b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

A Williamson Act contract is formed between local governments and private landowners for the purpose of restricting certain parcels of land to agricultural or related open space use. The Project site is not the subject of a Williamson Act contract and does not contain any lands zoned for agricultural uses. Therefore, no conflict exists in regard to the current zoning of the Project site. As such, the proposed Project would not include properties zoned for agricultural use nor under a Williamson Act Contract. Therefore, no impact would occur. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would be consistent with the impacts of implementation of the THSP. As such, no further analysis is required.

Threshold (c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

As discussed in the THSP SEIR, full buildout of the THSP would result in conversion of the THSP Area to urban uses. The proposed land uses in the THSP Area would be incompatible with adjacent land uses without appropriate buffer activities from development of the THSP. Impacts related to other changes in

[5] THSP SEIR, page 4.2-9

the existing environment due to the conversion of farmland to non-agricultural use were considered significant and unavoidable in the THSP SEIR even with implementation of Mitigation Measure AG 4.2-2.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure AG 4.2-2:*** As construction occurs along the Project Area boundary, buffers such as roadways, conservation easements, building setbacks, and parking areas, shall be required prior to occupancy of those structures, in compliance with General Plan Policy OSC-2.2 *[This is Mitigation Measure 4.2-2 in the THSP SEIR]*

Similar to the previously approved THSP, since the Project site does contain farmland and borders farmland, the specified mitigation measure above would be required for the Project. With the implementation of the above mitigation measure, the impact of the proposed Project would be the same impact of the THSP identified in the THSP SEIR. Therefore, the Project would not result in a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would, therefore, be consistent with the impacts of implementation of the THSP. As such, no further analysis is required.

Cumulative Impacts

As discussed above, with the implementation of the included mitigation measures, the proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. Project-related impacts are consistent with the environmental effects previously identified in the certified THSP SEIR. The proposed Project would not cause a new agricultural impact to occur, nor an increase in the severity of an agricultural impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

III. AIR QUALITY

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☐	☒
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☐	☒
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☐	☒
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☐	☒
e. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

The proposed Project lies within the central portion of the San Joaquin Valley Air Basin (SJVAB). The San Joaquin Valley Air Pollution Control District (SJVAPCD) has jurisdiction over most air quality matters in the Basin and is tasked with implementing programs and regulations required by the federal and State Clean Air Acts. If a project is found to interfere with the region's ability to comply with federal and State air quality standards, local governments then need to consider project modifications or provide mitigation measures to eliminate the inconsistency of the project plans. In order for a project to be considered "consistent" with the latest Air Quality Plan (AQP), the project must be consistent with the goals, objectives, and assumptions in the respective plan to achieve Federal and State air quality standards. Additionally, both construction related and long-term emissions are required to be quantified and compared to the SJVAPCD significance thresholds.

Emissions from the construction and operational phase of the proposed Project were included as part of the emissions estimate for buildout conditions of the THSP Area as evaluated in the previously certified THSP SEIR. The THSP SEIR found that buildout would generate a substantial increase in criteria air

pollutants that would exceed the SJVACPD's significance thresholds during both construction and operation of the THSP project. As discussed in the THSP SEIR, buildout of the THSP would result in exceedances of the SJVAPCD thresholds for criteria pollutants including inconsistencies with the 2013 Ozone Plan and the 2012 $PM_{2.5}$ Plan in this regard.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure AQ 4.3-1a****: Prior to the issuance of any grading permit the City Engineer and the Chief Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that, in compliance with SJVAPCD Regulation VIII, excessive fugitive dust emissions shall be controlled by regular watering or other dust prevention measures. Implementation of the following measures would reduce short-term fugitive dust impacts on nearby sensitive receptors:*
>
> - *All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover;*
> - *All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant;*
> - *All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking;*
> - *When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained;*
> - *All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.);*
> - *Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant;*
> - *Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday;*
> - *Any site with 150 or more vehicle trips per day shall prevent carryout and trackout;*
> - *Limit traffic speeds on unpaved roads to 15 mph;*

- *Install sandbags or other erosion control measures to prevent silt run-off to public roadways from sites with a slope greater than one percent;*

- *Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the THSP Project Area; and*

- *Fugitive dust emanating from the Project site shall not exceed 20 percent opacity, per SJVAPCD Regulation VIII.*

- *Applicant shall consult with the County Public Health Services Department or California Department of Public Health to develop a Valley Fever Dust Management Plan that addresses Valley Fever exposure. The Plan shall be provided to the City and shall include a program to evaluate the potential for exposure to Valley Fever from construction activities and to identify appropriate dust management and safety procedures that shall be implemented, as needed, to minimize personnel and public exposure to potential Valley Fever- containing dust. [This is Mitigation Measure 4.3-1a in the THSP SEIR]*

Mitigation Measure AQ 4.3-1b: *The following measures shall be implemented during construction to reduce NO_X related emissions. They shall be included in the Grading Plan, Building Plans, and contract specifications. Contract specification language shall be reviewed by the City prior to issuance of a grading permit.*

- *Use of construction equipment rated by the United States Environmental Protection Agency (EPA) as having Tier 3 or higher exhaust emission limits for equipment over 50 horsepower that are onsite for more than 5 days, if available and feasible. Tier 3 engines between 50 and 750 horsepower are available for 2006 to 2008 model years. After January 1, 2015, encourage the use of equipment over 50 horsepower that are on-site for more than 5 days to meet the Tier 4 standards, if available and feasible. A list of construction equipment by type and model year shall be maintained by the construction contractor onsite, which shall be available for City review upon request.*

- *Use of alternative-fueled or catalyst-equipped diesel construction equipment, if available and feasible; and*

- *Clearly posted signs that require operators of trucks and construction equipment to minimize idling time (e.g., 5-minute maximum).*

- *Properly and routinely maintain all construction equipment, as recommended by manufacturer's manuals, to control exhaust emissions.*

- *Use electric equipment for construction whenever possible in lieu of fossil fuel-fired equipment. [This is Mitigation Measure 4.3-1b in the THSP SEIR]*

Mitigation Measure AQ 4.3-1c: *Prior to the issuance of any grading permit, the City shall confirm that the Project complies with the SJVAPCD Rule 9510, Indirect Source (ISR). If feasible measures*

are not available to meet the emissions reductions targets outlined in Rule 9510, then Project applicants shall pay an in-lieu mitigation fee to the SJVAPCD to offset the Project's emissions-related impacts, or coordinate with the SJVAPCD to implement a Voluntary Emission Reduction Agreement (VERA). If in-lieu fees are required, Project applicants shall coordinate with the SJVAPCD to calculate the amount of the fees required to offset the Project's impacts. The applicant shall document, to the City's reasonable satisfaction, its compliance with this mitigation measure. [This is Mitigation Measure 4.3-1c in the THSP SEIR]

Mitigation Measure AQ 4.3-2: *Prior to issuance of building permits, each applicant for individual site-specific developments under the THSP shall demonstrate compliance with SJVAPCD Rule 9510, Indirect Source Review (ISR) or implementation of a Voluntary Emission Reduction Agreement (VERA). Project applicants shall coordinate with the SJVAPCD to ensure that the Project meets the requirements of SJVAPCD Rule 9510 or implements a VERA. If feasible reduction measures are not available to meet the emissions reductions targets as established by the SJVAPCD, then Project applicants shall pay an in-lieu mitigation fee to the SJVAPCD to offset the Project's emissions-related impacts. If in-lieu fees are required, Project applicants shall coordinate with the SJVAPCD to calculate the amount of the fees required to offset the Project's impacts. [This is Mitigation Measure 4.3-2 in the THSP SEIR]*

Mitigation Measure AQ 4.3-4b: *New sensitive land uses including residential, hospital, medical offices, and day care facilities shall not be located closer than 1,000 feet from any existing or proposed distribution center/warehouse facility which generates a minimum of 100 truck trips per day, or 40 truck trips with transport refrigeration units (TRUs) per day, or TRU operations exceeding 300 hours per week, pursuant to the recommendations set forth in the CARB Air Quality and Land Use Handbook. If new sensitive land uses cannot meet this setback, they shall be designed and conditioned to include mechanical ventilation systems with fresh air filtration. For operable windows or other sources of ambient air filtration, installation of a central heating, ventilation, and air conditioning (HVAC) system that includes high efficiency filters for particulates (Minimum Efficiency Reporting Value [MERV] 13 or higher) or other similarly effective systems shall be required. [This is Mitigation Measure 4.3-4b in the THSP SEIR]*

Therefore, buildout of the THSP Area would be inconsistent with the SJVAPCD's air quality plans and impacts were considered significant and unavoidable within the THSP SEIR. Mitigation Measures AQ 4.3-1a through 4.3-1c, 4.3-2 and 4.3-4b from the certified THSP SEIR are applicable to the proposed Project and would be expected to reduce the severity of the significant and unavoidable impact. However, even with mitigation incorporated, impacts would remain significant and unavoidable similar to the previously certified THSP SEIR.

While the Project would result in more residential dwelling units (DUs) as compared to the previously approved THSP, it would also result in less commercial uses. As discussed in Section XVI. Transportation/Traffic, this would result in an overall decrease in AM and PM trips generated by the THSP as compared to the THSP SEIR. Given that the total number of trips generated by the Project would be less than what was previously considered, the impact relative to an applicable air quality plan would be

similar to what was identified in the THSP SEIR and no new impact or increase in the severity of a previously identified impact would occur.

Threshold (b) Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Construction

Construction emissions for buildout of the THSP were estimated in the previously certified THSP SEIR using the California Emissions Estimator Model (CalEEMod). Based on the THSP SEIR, buildout of the THSP would result in construction emissions that would exceed SJVAPCD's 10 tons per year threshold for reactive organic gases (ROG) and nitrogen oxides (NO_x). The THSP SEIR found impacts from construction emissions would be significant and unavoidable after implementation of Mitigation Measures AQ 4.3-1a through 4.3-1c, in the THSP SEIR.

Given that no change in net development is proposed by the Project, construction impacts from the proposed Project would be the same as those identified in the THSP SEIR, which is significant and unavoidable. Additionally, the Project would not increase the number of impervious surfaces through construction of buildings, parking areas, roadways, and other improvements compared to the THSP SEIR. Therefore, construction equipment used and phasing for the proposed Project would be roughly similar to the THSP SEIR. The proposed Project's impact relative to construction air emissions would be similar to those identified in the THSP SEIR. No new impact or increase in the severity of a previously identified impact would occur. Mitigation from the certified THSP SEIR is applicable to the proposed Project that would reduce the severity of the significant and unavoidable impact. However, even with mitigation incorporated, impacts would remain significant and unavoidable but would not be greater than the impact analyzed in THSP SEIR.

Operations

Long-term operational emissions would be generated from the day-to-day operations of the buildout of the THSP. Operational emissions for land use development projects are typically distinguished as mobile, energy, and area sources of emissions. Operational emissions for buildout of the THSP were estimated using CalEEMod and analyzed in the THSP SEIR. According to the THSP SEIR, buildout of the THSP Area would result in operational emissions that exceed SJVAPCD thresholds for ROG, NO_X, carbon monoxide (CO), and particulate matter with a diameter smaller than 10 microns (PM_{10}) and smaller than 2.5 microns ($PM_{2.5}$).

The proposed Project would result in a decrease to vehicular trip generation and would have similar development intensity. Therefore, no new impact or increase in the severity of a previously identified impact would occur. Although the previously identified significant and unavoidable impact would remain, implementation of Mitigation Measure 4.3-2 (in the THSP SEIR) would reduce the severity of this impact to the maximum extent feasible. However, impacts would remain significant and unavoidable, similar to the THSP SEIR, and would not be greater than the impact analyzed in THSP SEIR.

Threshold (c) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The region of the proposed Project area is classified as nonattainment for ozone, PM_{10}, and $PM_{2.5}$. Buildout of the THSP Area would generate emissions of ROG, PM_{10}, and NO_X during construction and operation that would be above the SJVACPD's regional thresholds of significance. According to the findings in the THSP SEIR, the impact relative to ROG, CO, $PM_{2.5}$, PM_{10} and NO_x is considered potentially significant. This was identified as a significant and unavoidable impact within the THSP SEIR.

Similar to the previously approved THSP, the proposed Project would contribute to these overall emissions. However, as discussed in Threshold (a) and (b) above construction and operational air quality impacts would be consistent with those identified in the THSP SEIR. Mitigation Measures AQ 4.3-1a through 4.3-1c, 4.3-2 and 4.3-4b from the THSP SEIR would be applicable to the proposed Project and would reduce the severity of the impact. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (d) Would the project expose sensitive receptors to substantial pollutant concentrations?

The *CEQA Guidelines* indicate that a potentially significant impact could occur if the proposed Project would expose sensitive receptors to substantial pollutant concentrations. Exposure of toxic air contaminants was assessed in the previously certified THSP SEIR by evaluating diesel particulate matter (DPM) emissions on nearby sensitive receptors. A Health Risk Assessment (HRA) and addendum were prepared for the previously certified THSP SEIR. The HRA addressed the potential contribution of public exposure to DPM by locating sensitive receptors within 500 feet of I-580 (a generator of toxic air contaminants). The HRA determined that proposed Project operations would not exceed the 10 cases per million that is considered significant by the SJVAPCD and CARB. The proposed Project site is located approximately 1000 feet from I-580 and outside of CARB's 500-foot buffer. Therefore, the Project would not increase risk hazards from freeway exposure. Under the same combined scenario, cancer risk at sensitive receptors adjacent to the THSP Area would have risk up to 4.61 new cases per million persons (in nine-year exposure) and would not exceed the SJVAPCD significance threshold. The HRA determined that the 30- and 70-year exposure periods would exceed SJVAPCD significance thresholds for cancer risk. However, with Project design features including Minimum Efficiency Reporting Value (MERV) 13 (or equivalent air filtration system), all three exposure periods would not exceed the significance threshold. Impacts associated with the THSP related to criteria pollutant emissions during construction were identified as significant and unavoidable within the THSP SEIR.

The proposed Project would not result in an increase in development intensity or vehicle trips generated. Thus, the impact relative to exposure of toxic air contaminants would be similar to that identified in the THSP SEIR. Consistent with the THSP SEIR, with mitigation incorporated (Mitigation Measure AQ 4.3-4b), the resulting impact from the proposed Project would be less than significant. No new impact or increase in the severity of a previously identified impact in the certified THSP SEIR would occur as a result of the proposed Project.

The primary mobile-source pollutant of localized concern is carbon monoxide (CO). Localized CO concentrations near roadway intersections are a function of traffic volumes, speed, and delay. Under specific metrological conditions, CO concentrations near roadways and/or intersections may reach unhealthy levels with respect to sensitive receptors, often referred to as a "CO hotspot". CO hotspots are high, localized CO concentrations and are generally caused by congested intersections with a large volume of traffic.

CO hot spot modeling was performed for the THSP SEIR. As shown in Table 4.3-10 in the THSP SEIR, the nine highest volume intersections in the THSP Area under full buildout would be well below the established standard for CO. As discussed above, the proposed trips generated by the Project would be less than those considered in the THSP SEIR. Therefore, the proposed Project impacts related to ambient air quality CO concentrations would be less than significant. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP and no further analysis is required.

Threshold (e) Would the project create objectionable odors affecting a substantial number of people?

The THSP SEIR found impacts associated with odors to be considered less than significant. SJVAPCD has identified a list of common types of facilities that have been known to produce odors in the Basin along with a reasonable distance from the source within which, the degree of odors could be significant. These land uses include the following: wastewater treatment facilities, sanitary landfills, transfer stations, composting facilities, petroleum refinery, asphalt batch plant, chemical manufacturing, fiberglass manufacturing, painting/coating operations, food processing facilities, feed lot/dairies and rendering plants. The proposed Project would include the development of residential uses and does not propose to include any odor inducing uses on the site. The proposed Project would not be a source of objectionable odors; therefore, no impact would occur. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP and no further analysis is required.

Cumulative Impacts

A project that has a significant impact on air quality with regard to emissions of PM_{10}, $PM_{2.5}$, NO_X and/or ROGs as determined above would have a significant cumulative effect. In the event direct impacts from a project are less than significant, a project may still have a cumulatively considerable impact on air quality if the emissions from the project, in combination with the emissions from other proposed, or reasonably foreseeable future projects are in excess of screening levels identified above, and the project's contribution accounts for more than an insignificant proportion of the cumulative total emissions. With regard to past and present projects, the background ambient air quality, as measured at the monitoring stations maintained and operated by the SJVAPCD, measures the concentrations of pollutants from existing sources. Past and present project impacts are therefore included in the background ambient air quality data.

The proposed Project would contribute to cumulative impacts from construction and operational emissions since regional thresholds are exceeded for buildout of the THSP Area. The THSP SEIR found full

buildout of the Project would exceed SJVAPCD threshold for ROG, NO_x, CO, PM_{10}, and $PM_{2.5}$. The proposed Project would not contribute to cumulative health risk effects since background excess cancer risks are below the threshold of 10 in a million. Cumulative impacts to health risks were identified in the previously certified THSP SEIR.

As discussed above, the proposed Project would not cause a new air quality impact to occur, nor an increase in the severity of an air quality impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, air quality impacts would not be greater than those previously analyzed. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

V. BIOLOGICAL RESOURCES

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☐	☒
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☐	☒
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☐	☒
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☐	☒
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☐	☒
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Special Status Species (Plant species, Animal Species, Nesting Birds)

Plants

As determined in the THSP SEIR, no suitable habitat was found in the THSP Area that would support any candidate, sensitive, or special status plant species. Therefore, implementation of the THSP would result in a less than significant impact on sensitive plant species. Nonetheless, implementation of Mitigation Measure BIO 4.4-1b in the THSP SEIR was recommended to ensure impacts related to special status plant species remain less than significant.

Wildlife Species

The California Red Legged Frog (CRLF) was documented outside of the THSP Area in the Corral Hollow Creek area located in the adjacent 3,500 acre preserve area that has been designated as critical habitat for the CRLF by the United States Fish and Wildlife Service (USFWS). It was determined that all areas of the that could potentially support the CRLF in the Project vicinity are outside the THSP Area. The THSP SEIR also determined that the THSP Area could potentially support Burrowing Owl, Swainson's Hawk, Northern Harrier, Loggerhead Shrike, American Badger, San Joaquin Whipsnake, Prairie falcon, and Coast Horned Lizard. Though some of these species have been spotted within the THSP Area in limited numbers, the lack of quality habitat within the THSP Area for these species resulted in a finding of less than significant impact. No other listed, sensitive, or special status wildlife species are known to occur in the THSP Area and no suitable habitat was found within the THSP Area to support other listed, sensitive or special status wildlife species. To ensure that the THSP's impacts on wildlife species remain less than significant, Mitigation Measures BIO 4.4-1a, 4.4-1b, 4.4-1c, 4.4-1d, 4.4-1e, 4.4-1f, 4.4-1g, 4.4-1h, 4.4-1i, 4.4-1j, 4.4-1k, 4.4-1l, 4.4-1m, 4.4-1n, and 4.4-1o in the THSP SEIR and avoidance measures were recommended.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure BIO 4.4-1a:*** *Construction operations will be overseen by an appropriately credentialed biologist (biological monitor), and the Project will implement a worker environmental awareness training program to reduce the Project's potential adverse effects to special status species. This measure is specific to Areas A, B and C of the Project. [This is Mitigation Measure 4.4-1a in the THSP SEIR]*
>
> ***Mitigation Measure BIO 4.4-1b****: Prior to commencement of ground disturbing activities in any areas of potentially suitable habitat to support special status plant species, pre-activity clearance surveys shall be initiated by a qualified botanist. This measure is specific to Area A, B and C.*
>
> - *Surveys shall be floristic in nature and timed during appropriate blooming periods.*
> - *Surveys shall target those locales within the Project Site of direct and indirect effects. The results of these surveys shall be submitted to CDFW and USFWS for review.*

- *In the event special-status plant species are detected within portions of the Project Site proposed for development, individual plant(s) or populations shall plant be avoided whenever possible by delineation and observing a no disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species.*

- *If buffers cannot be maintained, then consultation with CDFW and USFWS is warranted to determine appropriate minimization measures for impacts to special-status plant species. [This is Mitigation Measure 4.4-1b in the THSP SEIR]*

Mitigation Measure BIO 4.4-1c: *Prior to commencement of ground disturbing activities in any areas of potentially suitable habitat to support San Joaquin Kit Fox, no less than sixty (60) days prior to any ground disturbing activities or grading, pre-construction clearance surveys shall be initialed by a qualified biologist to reinforce negative findings (the continued absence of SJKF) on the Project Site with substantial evidence. A second SJKF survey shall be conducted no more than thirty (30) days prior to the onset of construction or ground disturbing activities. If SJKF are detected within portions of the Project Site proposed for development, the developer shall immediately contact the USFWS telephonically and in writing, and following consultation with the USFWS, avoidance and minimization measures specific to SJKF will be incorporated into the Project as described in the USFWS "Standard Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbing Activities (1999)" and the USFWS "San Joaquin Kit Fox Habitat Evaluation Forms (2001)" to reduce impacts to this species to a less than significant level. These SJKF avoidance and minimization measures shall include the following:*

1. *No later than forty five (45) days prior to any ground disturbing activities or grading, the developer shall contact a qualified biologist holding proper permits and provide approval to that biologist to relocate known SJKF located on site to the 3,500 acre open space preserve or another relocation preserve approved by the USFWS or covered by the SJMSCP.*

2. *No later than fourteen (14) days prior to any ground disturbing activities or grading, all known dens shall be monitored for at least three (3) consecutive days to ensure that SJKF dens, to the extent they exist on the Project Site, are unoccupied prior to den excavation.*

3. *The relocation of SJKF would require an ITP per Section 2081 of the Fish and Game Code. If SJKF individuals or dens are discovered, all work within Area C in the vicinity of the discovery shall halt and not continue until CDFW has been consulted and appropriate authorization obtained. [This is Mitigation Measure 4.4-1c in the THSP SEIR]*

Mitigation Measure BIO 4.4-1d: *During construction, temporary disturbances and Project-related vehicle traffic will be restricted to established roads, construction areas, and other designated lands. Also, during construction:*

1. *Project-related construction vehicles will observe a daytime speed limit of 20-mph, except on County roads and State and Federal highways.*

2. *Night-time construction will be minimized to the greatest extent feasible. However, if it does occur, then the speed limit will be reduced to 10-mph.*

3. *Project-related, non-ranch operations off-road traffic outside of designated Project areas that are undergoing construction will be prohibited.*

4. *To prevent inadvertent entrapment of small mammals, including SJKF, during construction, excavated, steep-walled holes or trenches more than 2-feet deep will be covered at the close of each working day by plywood or similar materials. Each excavation shall contain at least one ramp, with long trenches at least one ramp shall be placed every .25 mile. Slope of ramps shall be now steeper than 1:1. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks will be installed. Before such holes or trenches are filled, they will be thoroughly inspected for trapped wildlife. If at any time a trapped or injured SJKF is discovered, the USFWS and the CDFW will be contacted immediately to attempt to relocate and/or collar the SJKF. Escape ramps shall also be installed immediately to allow trapped animals to escape.*

5. *Construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored within Project limits for one or more overnight periods will be thoroughly inspected for any SJKF before the pipe is subsequently buried, capped, or otherwise used or moved. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the USFWS and CDFW has been consulted. If necessary, and under the direct supervision of a biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.*

6. *All food, garbage in plastic shall be disposed of in closed containers and regularly removed from the site to minimize attracting SJKF and other sensitive species to the site.*

7. *Use of rodenticides and herbicides within Project limits will be restricted. Uses of such compounds will observe label and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional project-related restrictions deemed necessary by the USFWS and CDFW. If rodent control must be conducted, zinc phosphide or an equivalent material will be used because of a lower adverse health risk to kit fox.*

8. *No dogs, cats or other animals shall be permitted on the Project Site.*

9. *Developer shall provide a sensitive species identification and avoidance education program for all construction employees that consists of a consultation in which persons knowledgeable in kit fox biology and legislative protection to explain endangered species protocols, habitat needs and the measures and conditions of approval being taken to reduce impacts to the species during project construction and implementation. A fact sheet conveying this information shall be prepared for distribution to all contractors, their*

employees, and any and all other personnel who are working on the construction site. [This is Mitigation Measure 4.4-1d in the THSP SEIR]

Mitigation Measure BIO 4.4-1e: *Prior to commencement of ground disturbing activities in all areas of potentially suitable habitat to support Swainson's hawk, pre-activity clearance surveys shall be initialed by a qualified biologist to reinforce positive or negative findings with substantial evidence. If Swainson's hawk is detected within portions of the Project Site proposed for development, then avoidance and minimization measures specific to Swainson's hawk will be incorporated into the Project as described in the CDFW "Staff Report on Mitigation for Impacts to Swainson's Hawk (2012)" to reduce impacts to Swainson's hawk to less-than significant. This measure is applicable to Areas A, B and C of the Project.*

1. *If an active nest site is found, the Project will allow sufficient foraging and fledging area to maintain the nest.*

2. *The Project will not remove historic or known Swainson's hawk nest trees unless avoidance measures are determined to be infeasible. Removal of such trees should occur only during the timeframe of October 1 and the last day in February. [This is Mitigation Measure 4.4-1e in the THSP SEIR]*

Mitigation Measure BIO 4.4-1f: *Prior to commencement of ground disturbing activities in all areas of potentially suitable habitat to support California Tiger Salamander (CTS), pre-activity clearance surveys shall be initialed by a qualified biologist in accordance with published guidelines and protocols. Survey methods shall be derived from published protocols, and to reinforce positive or negative findings with substantial evidence. If CTS individuals or eggs are discovered, all work within the vicinity of the discovery shall halt and not continue until CDFW has been consulted and appropriate authorization obtained. This measure is specific to Areas A, B and C of the Project.*

1. *Temporary construction disturbances to CTS habitat will be minimized to the extent practicable. All Project-related vehicle traffic will be restricted to established roads, and construction areas.*

2. *A qualified biologist will be on site during all activities that may result in the take of CTS. The biologist will be given the authority to stop any work that may result in the take of this listed species.*

3. *The biologist will be responsible for ensuring that the exclusion fence installed around occupied CTS habitat inspected before the start of each day and remains intact until project construction is complete.*

4. *Plastic monofilament netting (erosion control matting) or similar material will not be used for erosion control or other purposes around occupied CTS habitat because CTS may become entangled or trapped in it. Acceptable substitutes include coconut coir matting or tackified hydroseeding.*

5. *The project proponent or its contractor will implement BMPs to prevent sediment from entering suitable CTS habitat through the use of silt fencing and sterile hay bales.*

6. *A worker training program that includes the CTS will be conducted for construction personnel before groundbreaking at individual redevelopment project sites.*

7. *A speed limit of 20 (mph) will be observed within construction areas, particularly on rainy nights when CTS are most likely to be moving between their breeding ponds and upland habitat. To the extent possible, nighttime construction will be minimized. Off-road traffic outside designated construction areas will be prohibited.*

8. *To prevent entrapment of CTS during construction, any trenches, holes, or other excavations into which CTS could fall and become trapped will be covered. The opening will be completely covered at the end of each workday. [This is Mitigation Measure 4.4-1f in the THSP SEIR]*

Mitigation Measure BIO 4.4-1g: *Prior to commencement of ground disturbing activities in all areas of potentially suitable habitat to support California red-legged frog (CRLF), pre-activity clearance surveys shall be initialed by a qualified biologist to reinforce positive or negative findings with substantial evidence. This measure is specific to Areas B and C of the Project.*

1. *Survey will occur during the wet season (generally October 15 to April 15), no more than 48 hours before new ground disturbance.*

2. *A worker training program that includes the CRLF will be conducted for construction personnel before groundbreaking at individual redevelopment project sites.*

3. *If a CRLF is found, the construction supervisor shall halt work immediately within a buffer area of 50 feet of any discovered CRLF. The construction supervisor will also contact the project biologist and will suspend all construction activities in the immediate construction zone (50-foot radius) until the animal leaves the site voluntarily or is removed by the biologist to a release site using USFWS-approved transportation techniques.*

4. *To prevent entrapment of CRLF during construction, any trenches, holes, or other excavations into which CRLF could fall and become trapped will be covered. The opening will be completely covered at the end of each workday. [This is Mitigation Measure 4.4-1g in the THSP SEIR]*

Mitigation Measure BIO 4.4-1h: *All applicants who conduct Projects within Areas A and B of the Project Site shall adhere to the terms of the SJMSCP. Participation in the SJMSCP includes compliance with all incidental take measures as required in the SJMSCP, including but not limited to preconstruction surveys to determine presence for special status flora and fauna. Notwithstanding this biological resource section's less than significant impact conclusions, if required by applicable law, projects being implemented within Area C shall voluntarily secure Section 7 and/or Section 10 permits in consultation with the appropriate wildlife agencies. [This is Mitigation Measure 4.4-1h in the THSP SEIR]*

Mitigation Measure BIO 4.4-1i: *Pre-construction surveys shall include a survey for burrowing owl and raptor nests, which will be conducted prior to grading. Pre-construction surveys for burrowing owl will be conducted weekly, beginning no later than thirty (30) days and ending no earlier than three (3) days prior to the commencement of disturbance. If burrowing owls are found during the pre-construction survey, then replacement burrows and habitat shall be provided prior to the commencement of construction within the 3,500 acre preserve area. The Project applicant shall provide artificial replacement burrows in the event that owls are detected, either as wintering or breeding within Project boundaries.*

Construction activities associated with project features that occur within portions of the Project Site containing occupied or suitable habitat for the burrowing owl and raptor nests shall be restricted to periods outside the breeding season for this species. The breeding season for burrowing owl runs from February 15 through August 31.

If construction or operation activities occur during the breeding season for burrowing owls, surveys are required prior to such construction to determine the presence or absence of this species within the impact area. Focused surveys shall be conducted under CDFW and Burrowing Owl Consortium protocol by a qualified biologist from February 15 to August 31. If this species is determined to occupy any portion of the Project Site, consultation with the CDFW and USFWS is required and no construction activity shall take place within 500 feet of an active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. No disturbance to active burrows shall occur without appropriate permitting through the SJMSCP or CDFW.

If active burrows are detected outside the breeding season, passive and/or active relocation may be approved following consultation with the CDFW and USFWS. The installation of one-way doors may be installed as part of a passive relocation program. Wintering individuals may be evicted with the use of exclusion devices followed by a period of seven days to ensure that animals have left their burrows. Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied, and backfilled to ensure that animals do not reenter. [This is Mitigation Measure 4.4-1i in the THSP SEIR]

Mitigation Measure BIO 4.4-1j: *To avoid the potential for disturbance of nesting birds on or near the Project Site, schedule the initiation of any vegetation removal and grading for the period of September 1 through February 15. If construction work cannot be scheduled during this period, a qualified biologist shall conduct pre-construction surveys for nesting birds according to the following guidelines:*

1. *The preconstruction surveys shall be conducted by the qualified biologist no later than 14 days prior to the start of vegetation removal or initiating project grading.*

2. *If birds protected under the Migratory Bird Treaty Act are found nesting, then appropriate construction buffers shall be established to avoid disturbance of the nests until such time that the young have fledged. The size of the nest buffer shall be determined by the biologist*

in consultation with CDFW, and shall be based on the nesting species, its sensitivity to disturbance, and expected types of disturbance. Typically, these buffers range from 75 to 250 feet from the nest location.

3. *Nesting activities shall be monitored periodically by a qualified biologist to determine when construction activities in the buffer area can resume.*

4. *Once the qualified biologist has determined that young birds have successfully fledged, a monitoring report shall be prepared and submitted to the City of Tracy Development Services for review and approval prior to initiating construction activities within the buffer area. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds. Construction within the designated buffer area shall not proceed until the written authorization is received by the applicant from the Development Services Director. The above provisions are in addition to the preconstruction surveys to confirm presence or absence of nesting Swainson's hawk, burrowing owl, and other special-status species as required under the Incidental Take Minimization Measures of the SJMSCP. [This is Mitigation Measure 4.4-1j in the THSP SEIR]*

Mitigation Measure BIO 4.4-1k: *In order to comply with Section 10 of the Migratory Bird Treaty Act and relevant sections of the California Fish and Game Code, any vegetation clearing within the Project Site shall take place outside of the typical avian nesting season (e.g., February 1st until September 1st) to the maximum extent practical. If work needs to take place between February 1st and September 1st, a pre-construction survey for nesting birds should be completed prior to the onset of Project activities. If a lapse in Project activity occurs for 7 days or more during the bird nesting season than initial avian clearance surveys shall be repeated. A buffer zone from occupied nests should be maintained during physical ground disturbing activities. Once nesting has ended, the buffer may be removed. [This is Mitigation Measure 4.4-1k in the THSP SEIR]*

Mitigation Measure BIO 4.4-1l: *Prior to construction, the Project applicant will stake, flag, fence or otherwise conspicuously delineate all environmentally sensitive areas that are to be protected in place and remain undisturbed during construction. Environmentally sensitive areas would include wetland, riparian habitat, aquatic habitat, raptor nesting locations, etc. The construction materials used to delineate environmentally sensitive areas would be removed no later than 30 days following physical completion of construction. [This is Mitigation Measure 4.4-1l in the THSP SEIR]*

Mitigation Measure BIO 4.4-1m: *The discovery of any previously unidentified protected species that are not covered by the SJMSCP, including those protected under the MBTA and the Fish and Game Code, shall be avoided and evaluated by a qualified biologist during surveys. The USFWS and CDFG shall be notified of the presence of any previously unreported protected species. Any unanticipated take of protected wildlife shall be reported immediately to the USFWS and CDFG. [This is Mitigation Measure 4.4-1m in the THSP SEIR]*

Mitigation Measure BIO 4.4-1n: *Prior to commencement of ground disturbing activities in areas of potentially suitable habitat to support Western spadefoot toad, pre-activity clearance surveys shall be initialed by a qualified biologist to reinforce positive or negative findings with substantial* evidence.

1. *For work conducted within suitable habitat and during the western spadefoot toad migration and breeding season (November 1 to May 31), a qualified biologist will survey the active work areas (including access roads) in mornings following measurable precipitation events. Construction may commence once the biologist has confirmed that no spadefoot toads are in the work area.*

2. *If western spadefoot toad is found within the construction footprint, it will be allowed to move out of harm's way of its own volition or a qualified biologist will relocate the organism to the nearest burrow that is outside of the construction impact area. [This is Mitigation Measure 4.4-1n in the THSP SEIR]*

Mitigation Measure BIO 4.4-1o: *Prior to commencement of ground disturbing activities in areas of potentially suitable habitat to support American Badger, pre-activity clearance surveys shall be initialed by a qualified biologist to reinforce positive or negative findings with substantial evidence. If American badger is located within the Project Site, potential loss of individual animals must be mitigated through one of the following: (1) an on-site passive relocation program, through which badgers are excluded from occupied burrows by installation of a one-way door in burrow entrances, monitoring of the burrow for one week to confirm badger usage has been discontinued, and hand excavation and collapse of the burrow to prevent reoccupation; or (2) active trapping and relocation of badgers to suitable off-site habitat by a qualified biologist. [This is Mitigation Measure 4.4-1o in the THSP SEIR]*

Mitigation Measure BIO 4.4-1p*: The Project applicant shall execute a management and funding agreement for the managing and monitoring of one hundred percent of the approximately 3,500 acre open space preserve subject to the three conversation easements discussed in this Section, which shall occur before the commencement of any ground disturbing activities in Area C. (Note Areas A and B are already subject to a management and funding agreement and therefore this Measure applies to Area C.) [This is Mitigation Measure 4.4-1p in the THSP SEIR]*

Project implementation would result in the conversion of undeveloped land to urban uses, eliminating potential suitable habitat for special status species. The Project site was included in the original THSP development footprint analyzed by the THSP SEIR. Similar to the existing THSP Area, the Project site has a low likelihood of special status species habitat and no State or federally-listed, proposed, or candidate plant or animal species have been detected on site.

The Project site could potentially support Burrowing Owl, Swainson's Hawk, Northern Harrier, Loggerhead Shrike, American Badger, San Joaquin Whipsnake, Prairie falcon, and Coast Horned Lizard (see Appendix A of the Biological Technical Report). Though none of these species are federally or State listed nor are candidates to be listed, they are considered by the State of California to be wildlife "species of special

concern." Given the extent of anthropogenic disturbance (i.e., lack of appropriate cover to forage, breed and elude predators, coupled with disked fields, and livestock grazing) and low quality habitat present within the Project site, the likelihood of any of special status species utilizing the site as functional habitat is limited and potential impacts would be less than significant.

While the THSP SEIR determined that THSP implementation would have a less than significant impact on wildlife species, the THSP SEIR imposes mitigation measures that require standard pre-construction surveys and avoidance measures to ensure that impacts on wildlife species remain less than significant. Therefore, the proposed Project would similarly be required to implement the mitigation measures identified above to ensure that the proposed Project's impact on special-status species would remain less than significant.

Accordingly, with the incorporation of the mitigation measures recommended in the THSP SEIR, Project implementation would not result in any new biological impacts. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

As determined in the THSP SEIR, the only potential riparian habitat near the THSP Area is the Corral Hollow Creek area. However, the THSP was designed to ensure that this area is not impacted by the development of the THSP.

The Project site is located within the THSP Area. Thus, the proposed Project would not have an impact on any riparian habitat or other sensitive natural community beyond what was previously analyzed in the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (c) Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

As identified in the THSP SEIR, the THSP Area contains 5.01 acres of Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW) jurisdictional wetlands. These wetlands and waters would continue to be regulated by the RWQCB and CDFW as state jurisdictional waters. No federal waters under the jurisdiction of the United States Army Corp of Engineers (USACE) were identified in the THSP Area. As determined in the THSP SEIR, buildout of the THSP would be designed to avoid impacts to jurisdictional waters. Mitigation Measures BIO 4.4-3a to 4.4-3d in the THSP SEIR would ensure that the THSP's impacts on jurisdictional waters/wetlands of the U.S. or State remain less than significant.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

Mitigation Measure BIO 4.4-3a: *The project area includes numerous small episodic drainage features. If adverse effects to them cannot be avoided, then the Project shall notify the appropriate regulatory agency (i.e., USACE, CDFW and RWQCB) prior to impacting the feature, to comply with the requisite permitting requirements.*

1. *Section 401 of the CWA requires a water quality certification for discharges and/or adverse impacts to regulated waterways and aquatic environments. The RWQCB is empowered to enforce this regulation through the Water Quality Certification Program. For this Project, activities may require a CWA Section 401 Water Quality Certification (WQC).*

2. *Section 1600 of the California Fish and Game Code (CFGC) regulates substantial alteration of waters and their adjacent riparian lands within the State. For this Project, activities may require Lake and Streambed Alteration Notification.*

3. *If impacts to special aquatic resource areas are ultimately unavoidable within the Project Site, then the applicant should develop an informal plan to offset or compensate for adverse effects to these resources to ensure rapid and favorable action during any warranted permitting processes. With regard to Waters of the State, the Project has voluntarily elected to offset locales associated with permanent losses, at a mitigation to impact ratio of 3:1, and 1:1 for temporary disturbances to regulated waters, riparian habitats or other sensitive natural communities in all areas where Project related activities would be expected to adversely affect watercourses, streams, drainages, and their tributaries. The offset associated with permanent losses would occur by purchasing conservation credits from an approved mitigation bank, in-lieu fee program, or equivalent resource agency-approved process.*

4. *Avoidance measures being utilized by the Project include but are not be limited to the following: 1) complete avoidance of wetlands and other water features; 2) construction of structures to maintain natural floodplains; 3) installation of open channel drainages, swales or bottomless culvert systems to maintain the integrity of natural water features; 4) installation of culverts for wildlife crossings in sensitive and unique habitats to allow connectivity among water features or natural lands; 5) use natural/biological materials in armoring of structures (i.e. bridges, culverts, etc.) to the greatest extent practical; 6) when feasible, install exclusionary fencing to guide wildlife away from roadways and into water features or sensitive habitats; and 7) consult with regulatory agencies to determine the most environmentally sound methods and alternatives prior to Project implementation. [This is Mitigation Measure 4.4-3a in the THSP SEIR]*

Mitigation Measure BIO 4.4-3b: *Prior to any ground disturbing activities, a wetland delineation shall be prepared by a qualified biologist to document isolated conditions and lack of Federal*

jurisdictional authority regarding the activities. [This is Mitigation Measure 4.4-3b in the THSP SEIR]

***Mitigation Measure BIO 4.4-3c**: A RWQCB Report of Waste Discharge (ROWD) pursuant to the California Water Code Section 13260 would need to be acquired for impacts to "waters of the State" under the jurisdictional authority of the RWQCB. [This is Mitigation Measure 4.4-3c in the THSP SEIR]*

***Mitigation Measure BIO 4.4-3d**: A CDFW Streambed Alteration Agreement shall also be obtained, where necessary under applicable laws and regulations, for any proposed Project activities that would affect State waters regulated by the CDFW within the Project Site. [This is Mitigation Measure 4.4-3d in the THSP SEIR]*

The proposed Project is located entirely within the THSP Area. Consistent with the previously approved THSP, implementation of the proposed Project would be designed to avoid impacts to jurisdictional waters. Therefore, the proposed Project would not impact jurisdictional wetlands beyond what was analyzed by the THSP SEIR. With implementation of the above mitigation measures, the proposed Project's impact on jurisdictional wetlands would remain less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approvedTHSP.

Threshold (d) Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

As determined in the THSP SEIR, the portion of the THSP Area that would be developed is not likely to support any State or federally- listed flora or fauna and is comprised of non-native vegetation and low-grade habitat for any native wildlife species. Buildout of the THSP would be designed to avoid impacts to the movement of resident or migratory wildlife. Impacts on wildlife movement opportunities were considered less than significant. Opportunities for terrestrial wildlife movement within the THSP Area are currently limited by the California Aqueduct and Delta-Mendota Canal. Mitigation Measure BIO 4.4-4a in the THSP SEIR would ensure that a 100-foot setback from the California Aqueduct be required to allow wildlife movement to persist throughout the THSP Area without any significant barriers or blockades.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

***Mitigation Measure BIO 4.4-4a:** A 100-foot setback from the California Aqueduct shall be required to allow wildlife movement to persist throughout the Project Site without any significant barriers or blockades. Prior to development of properties adjacent to I-580 or the south side of the California Aqueduct that do not have a 100-foot wide conservation easement placed adjacent to these facilities, a 100-foot wide conservation easement shall be recorded along the I-580 and the Aqueduct. These measure ensures that known wildlife movement corridors remain intact, and*

allow for an appropriate number and size of permeable wildlife passages through Project boundaries, ensuring connectively to areas that already are subject to conservation easements, such as the 3,500 acre preserve located adjacent to Area C. [This is Mitigation Measure 4.4-4a in the THSP SEIR]

Implementation of the proposed Project would result in the conversion of undeveloped land to urban uses, eliminating non-native vegetation and low-grade habitat for any native wildlife species. With implementation of the above mitigation measure, the proposed Project's impact on the movement of any native, resident, or migratory fish or wildlife species would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (e) Would the project conflict with any local policies or ordinances related to protecting biological resources, such as a tree preservation policy or ordinance?

The THSP SEIR concluded that the THSP adheres to all federal, State, and local regulations regarding sensitive species. As discussed above and in the THSP SEIR, the portion of the THSP Area that would be developed is not expected to support any federally or State listed species and pre-construction surveys and other preventative measures required by Mitigation Measures BIO 4.4-1a through 4.4-1o in the THSP SEIR would ensure that in the unlikely event these species are found in the THSP Area, impacts to those species would be avoided. Mitigation Measures BIO 4.4-1a through 4.4-1p would also ensure that any impacts on California species of special concern that may occur in the THSP Area would be less than significant.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

See Mitigation Measures BIO 4.4-1a through 4.4-1p above.

Project implementation would result in urbanized development within the Project site consistent with the types of development that were analyzed in the THSP SEIR. With implementation of the above mitigation measures, the proposed Project's impact on all federal, State, and local regulations regarding sensitive species would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would an impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

As set forth in Mitigation Measure BIO 4.4-1h of the THSP SEIR, applicants for individual development sites would have the option to participate in the San Joaquin Multi Species Conservation Plan (SJMSCP) to address potential impacts on special-status species associated with the conversion of existing habitat to

urban uses. By participating in the SJMSCP, applicants would be required to comply with all relevant conditions of the use agreement, including the Incidental Take Minimization Measures defined in Section 5.2 of the SJMSCP. As a result, no impacts relative to conservation plans would occur as a result of the THSP.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

See Mitigation Measures BIO 4.4-1h, 4.4-1j, 4.4-1m, and 4.4-4a above.

The Project site is located in all three areas (A,B, and C) identified in the THSP SEIR. Therefore, the proposed Project is located both within the limits of the SJMSCP in areas A and B and outside of the limits of the SJMSCP but within its sphere of influence in Area C. For the portions of the Project site located within areas A and B, the Project would be covered by the SJMSCP. As such, the proposed Project's potential impacts would be less than significant and not different than those included in the THSP SEIR for the previously approved THSP.

For the portions of the Project site located within Area C, as set forth in Mitigation Measure BIO 4.4-1h of the THSP SEIR, applicants for individual development sites would have the option to participate in the SJMSCP to address potential impacts on special-status species associated with the conversion of existing habitat to urban uses. By participating in the SJMSCP, applicants would be required to comply with all relevant conditions of the use agreement, including the Incidental Take Minimization Measures defined in Section 5.2 of the SJMSCP. Development of Area C was analyzed at a programmatic level within the THSP SEIR. Accordingly, with implementation of the above mitigation measures, the proposed Project's impact on a habitat conservation plan would be less than significant. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new biological impact to occur, nor an increase in the severity of a biological impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

VI. CULTURAL RESOURCES

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	☐	☐	☐	☐	☒
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☐	☐	☒
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☐	☒
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Since certification of the THSP SEIR, the topic Tribal Cultural Resources was added to the Appendix G checklist of CEQA thresholds. On September 25, 2014, Governor Brown signed Assembly Bill (AB) 52 into law, which requires tribal cultural resources to be considered during the CEQA process. AB 52 is applicable to projects for which a Notice of Preparation (NOP) is filed on or after July 2015. Because the THSP SEIR filed a NOP in 2014, tribal cultural resources are not required to be analyzed under the Section 15164 standards because it was not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent. However, mitigation measures related to potential impacts to historic and archeological resources in the THSP Area are described in this section.

Threshold (a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5

The THSP Area contains one historic resource (P-39-000090 California Aqueduct) that is listed on the National Register or California Register and is considered a historical resource for the purposes of CEQA. While the historic resource crosses through the THSP Area, it was determined in the THSP SEIR that implementation of the THSP would have no direct impacts to the aqueduct. The THSP SEIR determined a potential indirect impact could occur due to visual effects on the resource, but the THSP SEIR found that the visual effects would not detract from the significance and National Register or California Register eligibility of the resource. The site-specific field assessments of the THSP Area found six previously unrecorded archaeological resources. One of these is a prehistoric isolate and five are historic archaeological resources. Impacts to cultural or historical resources were determined to be less than significant with implementation of Mitigation Measures CUL 4.5-1a and 4.5-1b in the THSP SEIR.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure CUL 4.5-1b: Construction Personnel Training:*** *Construction supervisory personnel shall be notified of the existence of cultural resources and required to keep personnel and equipment away from these areas. A qualified archeologist (see definition under MM 4.5-1a) shall be notified prior to initiation of construction activities. During construction and operations, personnel and equipment shall be restricted to the project work site. [This is Mitigation Measure 4.5-1b in the THSP SEIR]*

As shown in Figure 2: Project Vicinity Map, the California Aqueduct runs through a portion of the Project site. Given the proximity of the aqueduct, the proposed Project could have the potential to indirectly impact the resource as a result of visual effects from development within the THSP Area. However, no new land uses beyond those analyzed in the THSP SEIR would be included in Project. Therefore, the proposed Project would not create visual effects that might indirectly impact the resources to a degree greater than previously analyzed in the THSP SEIR. With implementation of the above mitigation measures, the proposed Project's impact on a historical resource would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Although no archaeological resources were reported within the THSP Area, the City of Tracy likely contains undiscovered archaeological resources, especially in undeveloped areas. As such, build-out of the THSP has the potential to impact unknown archaeological resources because of its grading and construction activities. However, construction of the THSP would be required to comply with federal and State regulations and the existing Tracy General Plan policies, which would reduce any potential impacts to archaeological resources if any archaeological resources were discovered during the implementation. The THSP SEIR concluded that implementation of the THSP with mitigation measures would have a less than significant impact on archaeological resources. The procedures and provisions of Mitigation Measure CUL 4.5-2a would ensure that impacts to unanticipated archaeological discoveries are reduced to less than significant levels.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure CUL 4.5-2a: Training and Reporting:*** *Prior to the initiation of disturbing activities associated with the Project area, all construction personnel shall be alerted to the potential for encountering buried or unanticipated cultural and paleontological remains, including prehistoric and/or historical resources. Construction personnel shall be instructed that upon discovery of buried cultural materials, all work within a 30-meter vicinity of the find will be halted immediately, and the lead agency will be notified. Once the find has been identified by a qualified archaeologist, the lead agency shall make the necessary plans for treatment of the find(s) and for*

the evaluation and mitigation of impacts if the find is found to be an historical resource per State CEQA Guidelines as discussed in Section 4.5.4.2. [This is Mitigation Measure 4.5-2a in the THSP SEIR]

Since the Project site is located within the THSP Area, Project implementation has the potential to impact unknown archaeological resources as a result of grading and construction activities. Impacts to unknown archaeological resources during ground disturbance activities would be similar to what was previously analyzed in the THSP SEIR since the Project site is located entirely within the THSP Area. With implementation of the above mitigation measure, the proposed Project's impact on archaeological resources would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result nor would the impact previously identified be any more severe because of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The records search and field survey conducted for the THSP SEIR did not identify any paleontological resources within or adjacent to the THSP Area. Additionally, the surface sediments in most of the THSP Area have a low sensitivity for paleontological resources. However, this sensitivity increases with depth (below 3-5 feet).[6] As such, build-out of the THSP Area has the potential to impact unknown paleontological resources because of its grading and construction activities. The THSP SEIR concluded that implementation of the THSP with mitigation measures would have a less than significant impact on paleontological resources. Mitigation Measure CUL 4.5-3a would require paleontological monitoring by a trained paleontologist and would reduce the potential impacts to paleontological resources or resource sites, or unique geological feature from implementation of the Project to a less than significant level.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

Mitigation Measure CUL 4.5-3a: Paleontological Monitoring: *Paleontological spot check monitoring by a trained paleontologist (a trained paleontologist should have a Bachelor of Arts/Bachelor of Science in anthropology or related field with an emphasis in paleontology OR adequate training and experience in paleontological field methods, and work under the direct supervision of a qualified paleontologist) of excavations deeper than five feet in depth within the Project area, and spot check monitoring of any excavation in valleys in the eastern portion of the Project area against the hills in several of the washes (all areas of the Oro Loma Formation as mapped on the USGS Geology Map (Dibble 2006)) shall be performed by a trained paleontologist. [This is Mitigation Measure 4.5-3a in the THSP SEIR]*

The Project site is located entirely within the THSP Area. As discussed above, no paleontological resources have been identified within or adjacent to the THSP Area. However, sediments within the THSP Area have

[6] THSP Draft EIR, page 4.5-25

the potential to contain unknown paleontological resources, especially at depths greater than 3-5 feet. Therefore, similar to the previously approved THSP, Project implementation has the potential to impact unknown paleontological resources during grading and construction activities. Although there is the potential to disturb previously undiscovered paleontological resources, this potential was previously disclosed and mitigated for in the THSP SEIR. With implementation of above mitigation measure, the proposed Project would not impact paleontological resources beyond what was already analyzed in the THSP SEIR. This would not be a new specific impact nor would it increase the severity of the impact previously identified in the THSP SEIR and would, therefore, be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (d) Would the project disturb any human remains, including those interred outside of formal cemeteries?

As discussed in Threshold (b), no archaeological resources were reported within the THSP Area. However, the City of Tracy likely contains undiscovered archaeological resources, especially in undeveloped areas. As such, build-out of the THSP Area has the potential to disturb human remains not previously discovered because of its grading and construction activities. However, construction of the THSP would be required to comply with federal and State regulations and the existing Tracy General Plan policies which would reduce any potential impacts to undiscovered human remains. The THSP SEIR concluded that implementation of the THSP with Mitigation Measure CUL 4.5-2b would have a less than significant impact on human remains. Mitigation Measure CUL 4.5-2b would ensure that impacts to unanticipated human remains are reduced to less than significant levels.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure CUL 4.5-2b: Human Remains:*** *If human remains are encountered during ground disturbing activities, all work within a 30-meter vicinity of the find will be halted immediately, and the City of Tracy and the San Joaquin County Coroner shall be notified. If the remains are determined to be Native American, the Native American Heritage Commission shall be notified within 24 hours as required by Public Resources Code §5097.94 and §5097.98. The Native American Heritage Commission shall notify the designated Most Likely Descendant(s), who will in turn provide recommendations for the treatment of the remains within 48 hours of being granted access to the find. [This is Mitigation Measure 4.5-2b in the THSP SEIR]*

As discussed in the THSP SEIR, there is the potential for the inadvertent discovery of human remains outside of the boundaries of an established cemetery within the THSP Area. Since the Project site is located within the THSP Area, build-out of the proposed Project has the potential to impact unknown human remains during grading and construction activities. With implementation of the above mitigation measure, the proposed Project's impact on human remains would be less than significant. This is consistent with the impact conclusions of the THSP SEIR for the previously approved THSP. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the

proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new cultural resources impact to occur, nor an increase in the severity of a cultural resources impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

VII. GEOLOGY AND SOILS

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
Would the project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☐	☒
ii. Strong seismic ground shaking?	☐	☐	☐	☐	☒
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☐	☒
iv. Landslides?	☐	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☐	☒
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☐	☒
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☐	☒
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒	☐

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii. Strong seismic ground shaking?

iii. Seismic-related ground failure, including liquefaction?

iv. Landslides?

The THSP SEIR determined that the THSP Area is not considered susceptible to the risk of loss, injury, or death due to fault rupture and the associated impacts. As discussed in the THSP SEIR, no known active faults cross the THSP Area and the THSP Area is not located within an Alquist-Priolo Earthquake Fault Zone. The nearest mapped active fault (Carmergie/Corral Hollow) is located approximately eight miles southwest of the THSP Area. The THSP SEIR identified that the impact of groundshaking on people or property caused by seismic activity on nearby faults would be increased as a result of site development. The THSP SEIR concluded that implementation of the requirements of the California Building Code (CBC) and the Tracy General Plan would ensure that impacts on humans associated with seismic hazards would be less than significant.

The Project site is located within the THSP Area and the proposed Project would be consistent with the type of development analyzed in the THSP SEIR. Given that the Project site is located entirely within the THSP Area, the proposed Project would not be located near any sources of seismic hazard not analyzed by the THSP SEIR. Impacts on humans associated with seismic hazards and landslides would not be any greater than previously analyzed in the THSP SEIR. Further, with implementation of the requirements of the CBC, the General Plan, and the Project SWPPP, Project implementation would not expose persons or structures to seismic hazards. Therefore, impacts associated with the proposed Project would be less than significant. The proposed Project would not result in a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would, therefore, be consistent with the impacts of the implementation of the previously approved THSP. No further analysis is required.

Threshold (b) Result in substantial soil erosion or the loss of topsoil?

The THSP SEIR concluded that implementation of the THSP would have a less than significant impact related to erosion or loss of topsoil. As construction of the THSP occurs, ground surfaces exposed through the removal of vegetation could be susceptible to erosion from wind and water. However, the THSP SEIR found that the use of Best Management Practices (BMPs) during construction as required by the THSP Stormwater Pollution Prevention Plan (SWPPP) would reduce impacts to a less than significant level.

In addition to exposing existing topsoil to the risk of erosion as a result of ground clearing, the construction of new buildings and structures as a result of the proposed Project would create new impervious areas, such as walkways, driveways, parking lots, and rooftops. An increase in impervious areas often results in increased stormwater runoff which can exacerbate soil erosion. However, the development as a result of the Project would be consistent with the types of development analyzed in the THSP SEIR. With implementation of BMPs during construction as required by the Project SWPPP, the proposed Project's impact on soil erosion would be less than significant, similar to the impacts previously analyzed in the THSP SEIR. This would not be a new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the previously approved THSP and no further analysis is required.

Threshold (c) Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Typically, subsidence occurs in areas underlain by soils that are highly compressible, such as soft clays or silts and unconsolidated sand or fill material. As discussed above, the THSP SEIR determined that landslide and liquefaction potential for the THSP Area is considered low due to existing soil types and vegetative cover. Potential impacts would be further reduced through compliance with Objective SA-1.1 Policy 1 of the City's General Plan which requires that geotechnical engineering studies be undertaken for any development in areas where potentially serious geologic risks exist. Therefore ,the THSP SEIR concluded that implementation of the THSP would have a less than significant impact related to landslide, lateral spreading, subsidence, liquefaction and/or collapse.

Since the Project site is located within the THSP Area, the proposed Project would have the potential to be located on a geologic unit or soil that would become unstable and potentially result in on- or off-site impacts related to landslide, lateral spreading, subsidence, liquefaction and/or collapse due to steep slopes and proximity to a known earthquake fault. However, the proposed Project would be required to comply with Objective SA-1.1, Policy 1 of the City's General Plan as required by the THSP SEIR. With the implementation of this policy, impacts from the Project would be less than significant, similar to the impacts for the previously approved THSP. This would not be a new specific impact nor an increase in the severity of an impact that was identified in the THSP SEIR and would, therefore, be consistent with the impacts of the implementation of the previously approved THSP and no further analysis is required.

Threshold (d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

As discussed in the THSP SEIR, the THSP Area contains soils that are highly expansive and subject to significant volume changes due to moisture fluctuations. The THSP SEIR concluded that, with compliance with CBC requirements and implementation of Mitigation Measure GEO 4.6-4 and geotechnical recommendations, implementation of the THSP would have a less than significant impact related to expansive soils.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure GEO 4.6-4:*** *During excavation activities and prior to the placement of fill on the site, a certified geotechnical engineer shall be retained by the Project applicant/future Project applicants to evaluate subgrade soils for the extent of their expansive potential. For areas found to contain soft, potentially expansive clays, the soil shall be removed (i.e., over excavated) and/or stabilized prior to the placement and compaction of fill. Stabilization techniques include, but are not limited to, the placement of 18 inches of ½-inch to ¾-inch crushed rock over stabilization fabric (such as Mirafi 500X or equivalent), placement of larger, angular stabilization rock (1-inch to 3-inch, clean) and use of chemical treatments such as lime to reduce the soil's expansive potential. In addition, building construction alternatives, such as the use of alternative foundation types (i.e.,*

post-tension, piles, etc.) versus end-bearing foundations, shall be considered and implemented where appropriate. Final techniques shall be (a) developed by a certified geotechnical engineer or engineering geologist and (b) reviewed and approved by the City prior to issuance of a grading permit. [This is Mitigation Measure 4.6-4 in the THSP SEIR]

Since the Project site is located within the THSP Area, the proposed Project would have the potential to be located in highly expansive soils. However, with implementation of above mitigation measure, the proposed Project's impact as a result of expansive soils would be less than significant. This would not be a new specific impact nor an increase in the severity of an impact that was identified in the THSP SEIR and would, therefore, be consistent with the impacts of the implementation of the previously approved THSP. No further analysis is required.

Threshold (e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No septic tanks would be used as part of the proposed Project. As a result, no impacts associated with the use of septic tanks would occur as part of the proposed Project's implementation. Thus, no further analysis is required.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new geologic impact to occur, nor an increase in the severity of a geologic impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would cause neither a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

VIII. GREENHOUSE GAS EMISSIONS

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	☐	☒
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

The THSP SEIR found that GHG emissions generated by the proposed Specific Plan (both construction and operational-related) would exceed the applicable threshold set forth in SJVAPCD's guidance because the proposed Project's GHG emissions cannot feasibly be reduced to a less than significant level despite the incorporation of numerous sustainability measures. The impact was identified as significant and unavoidable. Mitigation Measure GHG 4.7-1 in the THSP SEIR would reduce but would not eliminate the significant impact.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure GHG 4.7-1:*** *The Project shall include, but not be limited to, the following list of design features. These features shall be incorporated into the design of the Project to ensure consistency with adopted statewide plans and programs to the extent feasible. Project applicants shall demonstrate the incorporation of design features of the Project prior to the issuance of building or occupancy permits, as noted below.*
>
> *Transportation*
>
> - *Provide pedestrian connections to the off-site circulation network (building permit triggers).*
> - *For commercial uses, implement a trip reduction program, for which all employees shall be eligible to participate (occupancy permit).*
> - *Provide a ride sharing program, for which all employees shall be eligible to participate (occupancy permit).*
> - *Provide amenities for non-motorized transportation (i.e., secure bicycle storage, changing rooms, and showers) (building permit).*

- *Provide transit shelters for all transit stops within the Project (building permit triggers and coordination with TRACER.).*
- *Include traffic calming measures at Project intersections and on roadways where feasible (tentative map).*
- *Employers shall provide parking cash-out programs for employees (100 percent of employees eligible).*

Energy Efficiency

- *Design buildings to be energy efficient and meet or exceed Title 24 requirements (per Measure E-1 of the City's Sustainability Action Plan (building permit).*
- *Install "cool" roofs and cool pavements, and strategically placed trees as applicable.*
- *Install high efficiency lighting, and energy efficient heating and cooling systems (building permit).*
- *Install high energy efficient appliances (clothes washers, dishwashers, fan, and refrigerators) (occupancy permit).*
- *Install programmable thermostats (building permit).*
- *Design buildings to reduce energy use through solar orientation and take advantage of landscaping and sun screens (building permit).*
- *Reduce unnecessary outdoor lighting (building permit).*

Water Conservation and Efficiency

- *Install water-efficient irrigation systems (building permit).*
- *Landscaping shall consist of drought tolerant native species with water-efficient characteristics (building permit).*
- *Comply with Municipal Code Section 21.20.050, Efficient Landscape Standards (building permit).*
- *Install water-efficient fixtures (e.g., faucets, toilets, showers) (building permit).*
- *Install infrastructure for recycled water per the City's Infrastructure Master Plan (building permits).*

Solid Waste

- *Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard) (building permit).*
- *Provide interior and exterior storage areas for recyclables and adequate recycling containers located in public areas (occupancy permit). [This is Mitigation Measure 4.7-1 in the THSP SEIR]*

The proposed Project would not change the overall type of development, nor result in a substantial change in the development intensity. As such, despite the implementation of the above mitigation measure, the impact would be the same as identified in the THSP SEIR, which is significant and unavoidable. This finding is supported by the THSP SEIR because the proposed Project is consistent with the overall land uses and intensity allowed by the THSP. Thus, the proposed Project would not result in a

new specific impact or an increase in the severity of an impact that was identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

According to the THSP SEIR, full buildout of the Project would potentially conflict with or otherwise interfere with achievement of CARB's Scoping Plan, the City's Sustainability Action Plan, the California Attorney General's Office, or the California Air Pollution Control Officer's Association (CAPCOA) applicable measures. However, THSP SEIR Mitigation Measure AQ 4.7-1 would lessen the impact to less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

See Mitigation Measure GHG 4.7-1 above.

The proposed Project would not result in a potentially significant conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. With implementation of the mitigation from the THSP SEIR, the proposed Project would be consistent with local and regional plans designed to reduce GHG emissions. Therefore, the proposed Project would not conflict or interfere with the achievement of an applicable GHG emissions reduction plan. With implementation of the above mitigation measure, impacts would not be altered any greater than what was previously analyzed and remain less than significant.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new greenhouse gas impact to occur, nor an increase in the severity of a greenhouse gas impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

IX. HAZARDS AND HAZARDOUS MATERIALS

WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact	*Reviewed Under Previous Document*
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☐	☒
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☐	☒
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☐	☒
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☐	☒
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☐	☒
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

As identified in the THSP SEIR, implementation of the THSP would have a less than significant impact on the public with respect to hazardous materials with mitigation incorporated. The types of uses and facilities allowed in the THSP Area may generate, store, use, distribute, or dispose of hazardous materials such as industrial waste, oils, solvents, paints, diesel fuel, hydraulic fluid, and corrosives. With implementation of Mitigation Measure HAZ 4.8-1, implementation of the THSP would have a less than significant impact.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure HAZ 4.8-1:*** *Facilities that store, handle or use regulated substances as defined in the California Health and Safety Code 25532 (g) in excess of threshold quantities shall prepare and implement, as necessary, risk management plans (RMP) for determination of risks to the community. The RMP will be reviewed and approved by the San Joaquin County Environmental Health Department (EHD) through the Certified Unified Program Agencies (CUPA) process. [This is Mitigation Measure 4.8-1 in the THSP SEIR]*

The proposed Project would not introduce new land uses within the THSP Area beyond those analyzed in the THSP SEIR. Upon development of the Project site, hazardous materials on-site would be limited to those associated with common household fertilizers, pesticides, paint, solvent, and petroleum products. Because these materials would be used in very limited quantities, they are not considered a significant hazard to the public. With implementation of the above mitigation measure, the proposed Project's impact on the public or the environment as a result of the routine transport, use, or disposal of hazardous materials would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result nor would any impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?

As identified in the THSP SEIR, implementation of the THSP would have a less than significant impact related to the release of hazardous materials into the environment. A review of regulatory databases maintained by County, State, and federal agencies found no documentation of hazardous materials violations or discharges within the THSP Area. Based on the Phase I and II ESAs completed for the THSP, the THSP SEIR identified three underground crude oil pipelines, adjacent former sanitary landfills, and former gasoline service stations that may have the potential to impact the THSP Area. The THSP SEIR concluded that with implementation of Mitigation Measure HAZ 4.8-2a and 4.8-2b, implementation of the THSP would have a less than significant impact.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure HAZ 4.8-2a:*** *Prior to issuance of grading permits, a Phase II ESA focused on soil sampling and soil vapor sampling shall be conducted near the location of the underground crude oil pipelines, as determined by a qualified Phase II/Site Characterization specialist. Upon completion of site characterization activities, the Site Characterization specialist shall recommend remedial activities, if necessary, subject to approval of the City of Tracy Engineering Division. [This is Mitigation Measure 4.8-2a in the THSP SEIR]*
>
> ***Mitigation Measure HAZ 4.8-2b:*** *Prior to issuance of grading permits, the Project Applicant shall work with Conoco Phillips and Shell to implement and observe a site damage-prevention plan to the satisfaction of the City of Tracy Engineering Division. This may potentially include the following:*
>
> - *Designing a site development plan incorporating permanent land use over the pipeline right-of-way that minimizes the potential for damage to the lines (as discussed above, this is already an integrated plan design feature, but is listed here because it is an important component of a damage prevention plan);*
> - *Prominently marking the line locations prior to site development, maintaining markings throughout the development process, and final marking after work is complete;*
> - *Communicate plans for significant excavation or land contouring work;*
> - *Identify changes in land contour that could significantly reduce the soil cover over the pipelines;*
> - *Evaluate the effects of heavy construction vehicles crossing the lines, designate areas for heavy construction vehicles to cross the lines, and provide temporary fill or other temporary protection over the lines where necessary;*
> - *Minimize installations of new buried utilities and services across the existing pipelines;*
> - *Evaluate whether the existing lines should be lowered to increase vertical separation between the pipelines and new surface features; and*
> - *Develop other damage-prevention measures as may be necessary.*
>
> *In addition to the damage prevention measures listed above, the Project Applicant and the pipeline operators should consider other measures for reducing risk suggested in the Pipelines and Informed Planning Alliance (PIPA) recommended practices on informed land use. PIPA recommended practices are not "mandated", but they are best management practices intended to reduce risk and enhance pipeline safety. [This is Mitigation Measure 4.8-2b in the THSP SEIR]*

As identified in Figure 4.8-4 in the THSP SEIR, several pipelines traverse the THSP Area. Since the Project site does partially contain two of the pipelines located within the THSP Area (Conoco Philips 66 and Shell

pipelines), the proposed Project would have the potential to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. However, with implementation of the above mitigation measures, the proposed Project's impact on release of hazardous materials into the environment would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would occur, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

As identified in the THSP SEIR, three active crude oil pipelines (Chevron 18-inch pipeline, Conoco Phillips 66 (PPL) 16-inch pipeline, Shell 20-inch pipeline) and two natural gas pipelines (26-inch natural gas pipeline and 36-inch natural gas pipeline) traverse the THSP Area. The proposed school site that was evaluated in the THSP SEIR is located in close proximity to the PPL pipeline and the Shell pipeline as shown in Figure 4.8-3 of the THSP SEIR. The PPL pipeline is located approximately 680-700 feet southwest of the proposed school site boundary and the Shell pipeline is located approximately 2,250 feet southwest of the proposed school site. The THSP SEIR concluded that the main risk from the pipelines is the surface flow of crude oil as a result of pipeline failure that could enter existing drainage culverts. The THSP determined that, in the buildout condition, these drainage culverts would be connected to the development surface drainage (streets) or underground drainage (subdrains). With implementation of Mitigation Measure HAZ 4.8-3, potential impacts associated with flash fire and pool fire heat risk to the proposed school as a result of crude oil in these drainage culverts would be reduced to less than significant levels.

The THSP SEIR analyzed the risk analysis for all five pipelines in the THSP Area. The calculated risk for each pipeline was determined to be less than significant and the total cumulative risk for all pipelines within the corridor was also determined to be less than significant. With implementation of setback mitigation, Mitigation Measure HAZ 4.8-4, pipeline risk to proposed development within the THSP Area would be reduced to less than significant levels.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure HAZ 4.8-3:*** *The proposed underground storm drain system, roadways, graded slopes, and final surface topography shall be designed and constructed in accordance with the recommendations outlined in the Liquid Petroleum Pipeline Risk and California Aqueduct Flood Risk for the Proposed Tracy Hills School Site, Jefferson School District, City of Tracy, San Joaquin County, California prepared by Wilson Geosciences, Inc. dated May 2013 and to the satisfaction of the City of Tracy Engineering Division. [This is Mitigation Measure 4.8-3 in the THSP SEIR]*

Mitigation Measure HAZ 4.8-4: *In accordance with the Pipeline Safety Hazard Assessment, Tracy Hills Specific Plan prepared by PlaceWorks dated September 2014, proposed development adjacent to the natural gas and/or crude oil pipelines shall implement the following measures:*

1. *Incorporate a minimum 13-foot setback distance from the centerline of the Phillips 66 pipeline to the nearest buildings/structures in the proposed development.*

2. *Incorporate a minimum setback distance of 25 feet from the centerline of any pipeline within the two natural gas pipelines and the Chevron crude oil pipeline. This would result in an additional 15 feet on the northeast side of the PG&E easement and an additional 20 feet on the southwest side of the easement to be dedicated as open space or public space or used for landscaping.*

3. *Incorporate designated land uses over the pipeline easements, such as public space, open space, or green space, to minimize the potential for third party damage.*

4. *Mark the pipeline locations prior to THSP development, maintaining the markings throughout the development process, and installing final markings after the work is complete.*

5. *Coordinate with the pipeline operators when development calls for excavation or utility trenching near the pipelines.*

6. *All contractors must initially pothole or hand dig to the proposed depth of the utility trench or excavation if working within 25 feet of the pipeline easements.*

7. *Consult with the pipeline operators on whether heavy construction vehicles with axle loads greater than 15,000 pounds would create stress on the pipelines at their current burial depths when crossing the lines and/or easements. Establish temporary fill or other protective measures as needed and establish permanent crossing areas for vehicles in excess of 15,000 pounds.*

8. *Avoid placing new utilities and services within the pipeline easements and minimize utility crossings over the pipeline easements to the extent feasible.*

9. *Select landscaping vegetation with shallow root structures within the setback zone to avoid root structures that damage pipeline coatings.*

10. *Avoid planting trees that prevent direct observation of the pipelines by aerial patrol.*

11. *Use non-flammable fencing along the pipeline easement.*

12. *Manage storm water runoff to prevent erosion of the pipeline bedding.*

13. *Maintain access to the pipelines by pipeline personnel and first responders in the event of an emergency.*

14. *Project applicants or sales representatives shall disclose to potential occupants regarding the proximity of the natural gas and crude oil pipelines, as required in accordance with Assembly Bill 1511 – Real Property: Disclosures: Transmission Pipeline.*

15. *Home Owners Associations (HOA) shall maintain an emergency contact list with phone numbers of the local police, fire department, and pipeline operators (PG&E, Chevron, Phillips 66, and Shell).*

16. *Coordinate with the pipeline companies so that the property occupants are notified if excavation or maintenance activities for the pipelines are planned along the pipeline easements.*

17. *Report any roadwork or underground utility work that involves digging in or near the pipelines to the pipeline companies.*

18. *Report immediately any odors or leakage from the pipelines to the pipeline operator and local emergency response personnel (i.e., the Tracy Fire Department).*

19. *HOAs shall maintain at an appropriate on-site location an emergency response plan that outlines emergency procedures to be followed in the event of a pipeline release.*

For additional detail refer to the September 2014 Pipeline Safety Hazard Assessment, Tracy Hills Specific Plan. [This is Mitigation Measure 4.8-4 in the THSP SEIR]

The Project site is located within the THSP Area and does contain portions of the Shell pipeline previously identified in the THSP SEIR. In the event that a full pipeline rupture from either pipeline was to occur, the THSP SEIR considered hypothetical flow paths that could result in "pools" of crude oil. However, similar to the THSP, with the implementation of the mitigation measures included above, the Project would have a less than significant impact. The Project would not introduce a new land use to the THSP Area and, therefore, would not involve a significant transport, use, storage, or risk of upset of hazardous materials within one-quarter mile of any schools beyond what was analyzed in the THSP SEIR. With implementation of the mitigation measures described above, the proposed Project's impact in regard to emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of a proposed school would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (d) Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment?

As identified in the THSP SEIR, the THSP Area is not included on a hazardous sites list compiled pursuant to California Government Code Section 65962.5. The Project site is located entirely within the THSP Area previously analyzed in the THSP SEIR. Therefore, the proposed Project would not be located on a site that

is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and there would be no impact and no further analysis is required.

Threshold (e) Would the project be located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area?

A portion of the THSP Area is located within the Tracy Municipal Airport, Traffic Pattern Zone 7 in the 2009 San Joaquin Airport Land Use Compatibility Plan (ALUCP) as shown in Figure 4.10-2 of the THSP SEIR. As identified in the THSP SEIR, the San Joaquin ALUCP specifies sensitive land uses and structure heights which are restricted within these zones. Given the conflict of allowable land uses within the M-1 Light Industrial designation, the Inner Approach/Departure Zone 2 and the Inner Turning Zone 3, the THSP SEIR concluded there would be a potentially significant impact with implementation of the THSP. With implementation of Mitigation Measure LU 4.10-1, potential impacts regarding compatibility with the existing land use plans and policies would be reduced to a less- than- significant level by ensuring that tentative and final maps comply with 2009 ALUCP. With implementation of Mitigation Measure HAZ 4.8-6, potential impacts regarding retention basins attracting wildlife that could be hazardous to aircrafts associated with the Tracy Municipal Airport would be less-than-significant.

The following mitigation measures incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure HAZ 4.8-6:*** *The proposed retention basins have been designed and constructed in accordance with the recommendations outlined in the Federal Aviation Administration Advisory Circular No. 150/5200-33B to control hazardous wildlife. In the event that the basins do not have a drawdown time of 48 hours following a storm event, the Project applicant shall fund and the City shall use physical barriers, such as bird balls, wires, grids, pillows or netting, to prevent access of hazardous wildlife to open water and minimize aircraft-wildlife interactions which shall be approved and inspected by the City. In addition, all vegetation in or around the basins that provide food or cover for hazardous wildlife should be eliminated. [This is Mitigation Measure 4.8-6 in the THSP SEIR]*
>
> *Refer to* ***Mitigation Measure LU 4.10-1*** *in Section X, Land Use.*

The Project site is located within the Tracy Municipal Airport Traffic Pattern Zone 7 and Airport Influence Area Zone 8 as identified in Figure 4.10-2 of the THSP SEIR. The proposed Project does not introduce any new land uses to the THSP Area and future development within the Project site would comply with all of the conditions for these zones as identified in Section 4.10.3 of the THSP SEIR to ensure compliance with the San Joaquin ALUCP. In addition, any future development including retention basins associated with the proposed Project would be required by Mitigation Measure HAZ 4.8-6 to be designed and constructed in accordance with the recommendations outlined in the Federal Aviation Administration Advisory Circular No. 150/5200-33B to control against wildlife that could be hazardous to aircrafts associated with the Tracy Municipal Airport. With implementation of the above mitigation measures, the proposed Project's impact on the San Joaquin ALUCP would be less than significant. This is consistent with the

impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (f) Would the project be located within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area?

The proposed Project area is not located within 2 miles of a private airstrip. Based on the nature of the proposed Project, and given that the THSP Area is not located within two miles of a private airstrip, no impact would occur. The proposed Project would not cause a new impact to occur and no further analysis is required.

Threshold (g) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The City's General Plan Safety Element includes policies that require the City to provide the fire and emergency response facilities and personnel necessary to meet residential and employment growth in the City. Mitigation Measures PSR 4.12-1, 4.12-2, and 4.12-3 in the Public Services Section of the THSP SEIR require future project applicants within the THSP to pay the applicable impact fees, which ensures payment of a proportionate share toward the planned facilities. With the individual project's compliance with the General Plan and the provision of adequate emergency planned facilities within and near the THSP Area, implementation of the THSP would result in a less than significant impact with respect to interference with an adopted emergency response plan or emergency evacuation plan.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> *Refer to **Mitigation Measures PSR 4.12-1, 4.12-2, and 4.12-3** in Section XII, Public Services and Utilities.*

As discussed in the THSP SEIR, the Project applicant would be required to pay applicable impact fees to ensure payment of a proportionate share toward the planned facilities. With implementation of the above mitigation measures, the proposed Project's impact on interference with an adopted emergency response plan or emergency evacuation plan would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (h) Would the project expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas?

The THSP Area is zoned "Moderate" (the lowest fire severity rating) in the Local Responsibility Area (LRA) and "Un-zoned" in the State Responsibility Area (SRA). Although the THSP Area is within a low fire severity zone, the THSP Area is adjacent to conservation easements that are covered primarily with grass and brush which are flammable materials. The City requires brush management of any land that is covered

with flammable material such as grass, brush, or forest covered land and adjacent to structures. With implementation of Mitigation Measures HAZ 4.8-8a, 4.8-8b and 4.8-8c in the THSP SEIR, grasses and brush within 100 feet of structures would be required to be mowed to a height of no more than 4 inches or disced in order to minimize the amount of fuel to sustain or allow the spread of fire, reducing potential impacts to a less than significant level.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

To mitigate the fire protection hazards associated with wildland fires, the Applicant shall:

> ***Mitigation Measure HAZ 4.8-8a:*** *Provide a 100-foot firebreak between developed areas and any land that is covered with flammable material such as grass, brush, or forest covered land, including conservation easements (including but not limited to CE 1, CE 2, and CE 3), but excluding conservation corridors. Grasses or weeds including the conservation corridor, that can be expected to burn shall be cattle grazed, disked or mowed to a height of no more than 4 inches pursuant to the terms of the adopted Preserve Management Plan (dated October 2011), and in accordance with City of Tracy Municipal Code in order to minimize the amount of fuel to sustain or allow the spread of fire. [This is Mitigation Measure 4.8-8a in the THSP SEIR]*
>
> ***Mitigation Measure HAZ 4.8-8b:*** *Provide fire department access to all easement corridors and conservation easements (including but not limited CE 1, CE 2, and CE 3) for the purpose of suppressing wildland fires outside of firebreaks. [This is Mitigation Measure 4.8-8b in the THSP SEIR]*
>
> ***Mitigation Measure HAZ 4.8-8c:*** *All new buildings that are located on the south side of I-580 and immediately adjacent to conservation easements (including but not limited to portions of CE 1, Southern CE 2, and CE 3) shall include measures that increase the likelihood that a structure would withstand intrusion by fire. This shall be accomplished by constructing those buildings on the edge of development to the standards of the California Building Code, Chapter 7A, Building and Construction Methods for Exterior Wildfire Exposure. [This is Mitigation Measure 4.8-8c in the THSP SEIR]*

The Project site is located within the THSP Area and is zoned "Moderate" in the LRA and "Un-zoned" in the SRA. The proposed Project would not introduce any new land uses within the THSP Area beyond what was analyzed in the THSP SEIR. Additionally, as identified in the THSP SEIR, there is only a limited fire threat to the THSP Area. With the implementation of the above mitigation measures, the proposed Project's impact in regards to exposing people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new hazardous materials impact to occur, nor an increase in the severity of a hazardous material impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

X. HYDROLOGY AND WATER QUALITY

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☐	☒
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☐	☒
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☐	☒
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☐	☒
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☐	☒
f. Otherwise substantially degrade water quality?	☐	☐	☐	☐	☒
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☐	☒
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☐	☒
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☐	☒
j. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project violate any water quality standards or waste discharge requirements?

As determined in the THSP SEIR, the buildout of the THSP would have a less than significant impact in respect to violation of water quality with the implementation of the terminal retention/percolation basins or other facilities. Construction activities for the buildout of the THSP Area, which would include site development, infrastructure, and the storm drain system, would require a National Pollutant Discharge Elimination System (NPDES) permit. As determined in the THSP SEIR, future development of the THSP Area would be responsible for obtaining and complying with NPDES permit requirements. Implementation of BMPs during construction, would minimize water quality impacts to a less- than- significant level.

After construction, stormwater from the buildout of the THSP Area could have the potential to degrade water quality within the open space along I-580, the California Aqueduct, and/or the Delta Mendota Canal. Retention basins would provide attenuation storage and opportunities for pollutants to settle and be retained within the basin and provide opportunities for recharge. As determined in the THSP SEIR, retention basins would be utilized to satisfy the requirements set forth in the City's Storm Water Quality Control Manual (SWQC) and NPDES for new development areas. In addition, proposed open channels and existing drainage swales would be used for storm runoff from some of the upslope offsite sub-basins to downstream terminal retention/percolation basins or other facilities. Thus, impacts to water quality would be less- than- significant with the implementation of the terminal retention/percolation basins, open channels and drainage swales as determined in the THSP SEIR.

The proposed Project would not introduce a new land use within the THSP Area compared to what was previously analyzed in the THSP SEIR. Potential water quality impacts associated with the proposed Project would include short-term construction-related erosion/sedimentation and long-term operational stormwater discharge. If not managed properly, grading and construction activities could cause soils and other pollutants to enter the storm drain system. During heavy rains, this may degrade stormwater quality at downstream locations. To minimize water quality impacts associated with the proposed Project, construction activities would be required to comply with a SWPPP, consistent with the NPDES. Additionally, the proposed Project would also implement stormwater control measures such as Low Impact Development (LID) and BMPs per the City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment, as analyzed in the THSP SEIR.

After construction, stormwater from the Project site would be directed to the on-site retention basins. Development of the proposed Project would not result in a significant change in the amount of impervious surface area anticipated to be added to the THSP Area through construction of buildings, parking areas, roadways, and other improvements by the THSP SEIR because the proposed Project would not allow for new types of development beyond what was analyzed in the THSP SEIR. Additionally, the proposed Project would be required to incorporate, to the extent feasible, LID features including directing drainage from impervious surfaces to bioswales for infiltration as part of BMPs per the City's Manual of Stormwater Quality Control Standards. As required in the THSP, development projects greater than 100,000 square

feet are required to implement specific controls, as identified in the City's SWQC Manual, and to submit a Storm Water Quality Control Plan (SWQCP) that demonstrates that the proposed Project would conform to all requirements of the City standards. Compliance with NPDES permit requirements and implementation of BMPs during construction would ensure the proposed Project's impact on water quality standards or waste discharge requirements would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (b) Would the project substantially deplete groundwater supplies or interfere with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level?

As identified in the THSP SEIR, implementation of the THSP would not have an adverse impact on groundwater recharge. The Water Supply Assessment prepared for the THSP SEIR concluded that the City's existing and additional planned future water supplies are sufficient to meet the City's existing and projected future water demands, including those future water demands associated with the THSP to the year 2035 under all hydrologic conditions.

The proposed Project would not introduce new land uses to the THSP Area beyond what was analyzed in the THSP SEIR and would, therefore, not change the demand on water supplies anticipated in the THSP SEIR. Further, development of the proposed Project would result in an amount of impervious surfaces through construction of buildings, parking areas, roadways, and other improvements that was previously analyzed in the THSP SEIR. However, as identified in the THSP SEIR, on-site bioswales would still be included to facilitate groundwater recharge as part of buildout of the THSP Area in accordance with BMPs set forth in the City's Manual of Stormwater Quality Control Standards. Therefore, similar to the approved THSP, implementation of the proposed Project would neither deplete groundwater supplies nor interfere with groundwater recharge beyond what was analyzed in the THSP SEIR. This impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

As identified in the THSP SEIR, with mitigation, implementation of the THSP would have a less than significant impact with respect to substantial erosion or siltation on- or off-site. The Tracy Hills Storm Drainage Master Plan (SDMP) was prepared as a guidance document to identify the primary framework of storm drainage facilities needed to serve future land development under the buildout condition for the THSP Project Area. Individual development projects within the THSP would be required to provide site-specific or project-specific storm drainage solutions that would be consistent with the overall infrastructure approach within the Tracy SDMP. The THSP SEIR determined that buildout of the THSP

would increase erosion and sedimentation through the removal of vegetation during construction of THSP infrastructure. Implementation of the THSP would result in an increase in flow rates and volumes of runoff with an increase in the amount of impervious surface such as buildings, streets and parking areas. However, with implementation of Mitigation Measure HYDRL 4.9-1a and 4.9-2 in the THSP SEIR, potential impacts on erosion and sedimentation would be less than significant.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure HYDRL 4.9-1a:*** *Prior to issuance of a grading or building permit, whichever occurs first, all Project applicants shall demonstrate to the City of Tracy compliance with NPDES General Construction Activities Storm Water Permit Requirements established by the Clean Water Act (CWA), including the preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP shall identify specific types and sources of stormwater pollutants, determine the location and nature of potential impacts, and specify appropriate control measures to eliminate any potentially significant impacts on receiving water quality from stormwater runoff. The SWPPP shall comply with the most current standards established by the Central Valley RWQCB. Best Management Practices shall be selected from a menu according to site requirements and shall be subject to approval by the City Engineer and Central Valley RWQCB. [This is Mitigation Measure 4.9-1a in the THSP SEIR]*
>
> ***Mitigation Measure HYDRL 4.9-2:*** *All Project applicants shall submit and obtain City approval of a drainage plan to the City of Tracy for on-site post-construction BMP drainage improvements consistent with the Tracy Hills Storm Drain Master Plan. Once City approval is received, all Project applicants shall construct the drainage improvements as necessary and in accordance with the timing described in the Tracy Hills Storm Drain Master Plan. [This is Mitigation Measure 4.9-2 in the THSP SEIR]*

Development of the Project site would have the potential to alter drainage patterns as compared to existing conditions. Alteration would occur as a result of increased erosion and sedimentation resulting from the removal of vegetation during construction activities. Development of the proposed Project would result in an amount of impervious surfaces through construction of buildings, parking areas, roadways, and other improvements that was previously analyzed in the THSP SEIR. With implementation of the above mitigation measures, the proposed Project's impact on the existing drainage pattern of the Project site would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of implementation of the previously approved THSP.

Threshold (d) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding?

As identified in the THSP SEIR, the majority of the THSP Area is not located within the 100-year and 500-year floodplains. Development of the THSP Area would convert a primarily undeveloped site to a developed one, which would increase flow rates, frequency, and volumes of runoff by introducing streets, buildings, parking areas, and other impervious surfaces within the THSP Area. Flows from the off-site, upstream drainages tributary to the THSP would be intercepted and conveyed through a combination of open channels and underground storm drain system and discharge to the proposed retention basins. The retention basins would capture increases in peak flow as result of development and would substantially reduce or eliminate downstream flow. With implementation of the drainage improvements described in the SDMP, it is unlikely that the THSP Area would result in or be affected by flooding. Therefore, implementation of the THSP would have a less than significant impact on the rate or amount of surface runoff resulting in flooding.

Development of the Project site would have the potential to alter the drainage pattern through the introduction of streets, buildings, parking areas, and other impervious surfaces as a result of buildout. Project implementation would not introduce any new land uses compared to what was analyzed in the THSP SEIR. As a result, the proposed Project would result in an amount of impervious surfaces through construction of buildings, parking areas, roadways, and other improvements that was previously analyzed in the THSP SEIR. With implementation of the drainage improvements as described in the SDMP and THSP SEIR, the proposed Project's impact on surface runoff would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (e) Would the project create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

As identified in the THSP SEIR, with mitigation, implementation of the THSP would have a less than significant impact in respect to runoff water that exceeds the capacity of existing or planned storm water drainage systems. As discussed in Section 4.8, Hazards and Hazardous Materials of the THSP SEIR, the types of uses and facilities allowed in the THSP Area may generate, store, use, distribute or dispose of hazardous materials such as industrial waste, oils, solvents, paints, diesel fuel, hydraulic fluid and corrosives. With implementation of Mitigation Measures HYDRL 4.9-1a, 4.9-1b, 4.9-2, and 4.9-3, potential impacts from polluted runoff would be less than significant.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

See Mitigation Measures HYDRL 4.9-1a and 4.9-2 above.

Mitigation Measure HYDRL 4.9-1b: *Prior to issuance of a grading or building permit, whichever occurs first, all Project applicants shall submit to the City Engineer for review a draft copy of the Notice of Intent (NOI) and SWPPP. After approval by the City, the NOI and SWPPP shall be sent to the State Water Resources Control Board for approval. [This is Mitigation Measure 4.9-1b in the THSP SEIR]*

Mitigation Measure HYDRL 4.9-3: *All Project applicants shall implement the following measures:*

1. *Shall implement sound Integrated Pest Management (IPM) principles and practices in an effort to minimize the use of pesticides in common landscaped areas, open space areas, or park areas. These programs shall include setting acceptable thresholds of infestations and a process for determining the best prevention or treatment method for a given pest. Pest problems in common landscaped areas, open space areas, or park maintenance shall be managed through prevention and treatment using physical, mechanical and biological controls. The use of toxic pesticides will be implemented only after other non-toxic approaches or products have been determined infeasible. Fertilizers shall be applied sparingly, and shall be derived from natural sources, such as fish emulsion or manure.*

2. *Shall cooperate with the City to create a public education program for future business owners to increase their understanding of water quality protection, which should include but not be limited to:*

    - *Hazardous material use controls;*
    - *Hazardous materials exposure controls;*
    - *Hazardous material disposal and recycling.*

3. *Encourage the use of alternative methods to avoid hazardous materials to the extent feasible, and prohibit the dumping of hazardous materials in open space areas or the storm drain system. [This is Mitigation Measure 4.9-3 in the THSP SEIR]*

As discussed in the THSP SEIR, the THSP would be designed to include storm drainage solutions as part of its land plan to accommodate the THSP's drainage as well as drainage from certain other existing surrounding uses and adhere to the City's Storm Drainage Master Plan, which has plans for improvements that accommodate development proposed under the THSP.

Project implementation would have the potential to increase local runoff volumes, frequency, and flow rates compared to existing conditions. The proposed Project would have the potential to contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. Development of the proposed Project would result in an amount of impervious surfaces through construction of buildings, parking areas, roadways, and other improvements that was previously analyzed in the THSP SEIR. With implementation of the above mitigation measures, the proposed Project's impact on increased runoff water would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would

result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (f) Would the project otherwise substantially degrade water quality?

As identified in the THSP SEIR, with mitigation, the implementation of the THSP would have a less than significant impact on degradation of water quality. As discussed above in Threshold (e), with implementation of Mitigation Measures HYDRL 4.9-1a, 4.9-1b, 4.9-2, and 4.9-3, implementation of the THSP would not substantially degrade water quality.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

See Mitigation Measures HYDRL 4.9-1a, 4.9-1b, 4.9-2 and 4.9-3 above.

The proposed Project would have the potential to degrade water quality through erosion or siltation from construction and operation activities. Development of the proposed Project would result in an amount of impervious surfaces through construction of buildings, parking areas, roadways, and other improvements that was previously analyzed in the THSP SEIR. With implementation of the above mitigation measures, the proposed Project's impact on water quality would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (g) Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

The THSP SEIR disclosed that a small portion of the THSP Area is located within 100-year and 500-year floodplains associated with Corral Hollow Creek (FEMA Flood Insurance Rate Map (FIRM) Panel No. 06077C0740F for San Joaquin County, California and Incorporated Areas dated October 16, 2009). However, as identified in the THSP SEIR, there are no residential uses proposed within the 100-year and 500-year floodplains. Thus, the THSP SEIR identified that no impact would occur.

While Figure 4.9-3A and Figure 4.9-3B of the THSP SEIR mapped the eastern boundary of the THSP Area as being partially within the 100-year and 500-year floodplain areas, FEMA has since issued a Letter of Map Amendment clarifying that the THSP Area is not located in an area "inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year"[7]. The Project site is located entirely within the TSHP Area. As such, the Project site is not located within the 100-year floodplain and there would be no impact associated with placing housing within a 100-year flood hazard area. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the

[7] Letter of Map Amendment. Case No 20-09-0208A. January 10, 2020.

proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (h) Would the project place structures within a 100-year flood hazard area, which would impede or redirect flood flows?

As identified in the THSP SEIR, the majority of the development within the THSP Area would be located outside of the 100-year floodplain and therefore, the floodplain would not impact development. However, as described above, a small portion of the THSP was mapped in the THSP SEIR as being located in 100-year and 500-year floodplains for Corral Hollow Creek. The easternmost edge of the THSP Area where General Highway Commercial land uses encroach into approximately 2.2 acres of the 500-year flood elevation and 0.1 acres of the 100-year flood elevation. Depending on the ground at the proposed building locations, development within this area may need to elevate building finished floors a minimum of 1 foot above the 100-year flood elevation for Corral Hollow Creek, and possibly, meet the requirements to withstand a 200-year flood per the Urban Level of Flood Protection (ULOP) Criteria. Senate Bill 5 establishes a requirement that "urban areas" and "urbanizing areas" apply a 200-year return period storm level of protection standard to new development in locations meeting certain criteria no later than 36 months after the Central Valley Flood Protection Plan is adopted by the State. Additionally, the City's Storm Drain Management Plan has been designated to accommodate the 100-year flood event in accordance with City design standards. With implementation of Mitigation Measure HYDRL 4.9-4 in the THSP SEIR, potential impacts associated with placing structures within the 100-year floodplain were found to be less than significant.

While Figure 4.9-3A and Figure 4.9-3B of the THSP SEIR mapped the eastern boundary of the THSP Area as being partially within the 100-year and 500-year floodplain areas, FEMA has since issued a Letter of Map Amendment clarifying that the THSP Area is located in an area "inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year"[8]. The Project site is located entirely within the TSHP Area. As such, the Project site is not located within the 100-year floodplain and there would be no impact associated with placing structures within a 100-year flood hazard area. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (i) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

As identified in the THSP SEIR, the THSP Area is not located within the dam inundation risk areas. As a result, no impacts would occur as a result of the failure of a levee or dam. Since the Project site is located entirely within the THSP Area, no impact would occur and no further analysis is required.

[8] Letter of Map Amendment. Case No 20-09-0208A. January 10, 2020.

Threshold (j) Would the project result in inundation by seiche, tsunami or mudflow?

As identified in the THSP SEIR, the THSP is located inland across several mountain ranges from the Pacific Ocean and is not downstream of any significant body of water. Therefore, there is no risk of exposure to inundation by seiche or tsunami and no impact would occur. Since the Project site is located within the THSP Area the proposed Project would not result in inundation by seiche, tsunami or mudflow. Similar to the previously approved THSP, there would be no impact and no further analysis is required.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new hydrological impact to occur, nor an increase in the severity of a hydrological impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would cause neither a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

XI. LAND USE AND PLANNING

WOULD THE PROJECT:

Issues	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
Would the project:					
a. Physically divide an established community?	☐	☐	☐	☐	☒
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☐	☒
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project physically divide an established community?

As identified in the THSP SEIR, implementation of the THSP would not have the potential to divide an established community. While new development, improvements, and intensification of the THSP Area would occur under the THSP, implementation of the THSP would not physically divide an established community and impacts would be less than significant.

The Project site is located adjacent to residential development constructed as a result of the commencement of the build out of the previously approved THSP. However, the proposed Project would not physically divide this existing community. The proposed Project would allow the development of the previously approved THSP that includes this community to continue. Thus, impacts would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the previously approved THSP.

Threshold (b) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

As identified in the previously certified EIR for the THSP, implementation of the THSP Area would not conflict with land use plans, policies, or regulations. Implementation of the previously approved THSP required a General Plan Amendment to amend the General Plan Land Use Map to reflect the proposed

land use changes identified in Figure 3-3 of the THSP SEIR. As determined in the THSP SEIR, impacts related to the consistency with General Plan policies relating to environmental issues were found to be less than significant. As determined in the THSP SEIR, zoning districts identified in the THSP Area were determined to be consistent with the City's zoning. As a result, impacts associated with zoning policies relating to environmental issues would be less than significant. As discussed in Section VIII, Hazards and Hazardous Materials of the THSP SEIR, a portion of the northeast corner of the THSP Area is located within the Tracy Municipal Airport sphere of influence in the 2009 San Joaquin ALUCP as shown in Figure 4.10-2 of the THSP SEIR. With implementation of Mitigation Measure LU-4.10-1, potential impacts regarding compatibility with the existing land use plans and policies would be reduced to a less- than- significant level by ensuring that tentative and final maps comply with 2009 ALUCP.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure LU 4.10-1:*** *All tentative and final maps within the THSP shall conform to the provisions of the 2009 ALUCP (or the ALUCP in effect at the time of Project applicant submissions), including but not limited to:*
>
> - *Land use restrictions of the ALUCP;*
> - *All proposed school sites within a 2-mile radius of the airport runway must obtain approval by the State Department of Transportation Division of Aeronautics. [This is Mitigation Measure 4.10-1 in the THSP SEIR]*

The THSP is consistent with the Tracy General Plan designation of the THSP Area such that the mix of proposed land uses are consistent with the statistical profile evaluated in the General Plan. Overall, the proposed Project is consistent with the underlying land use and zoning designations that have been included in local and regional planning efforts. As shown in Table 1: Land Use Plan Buildout (2035), the proposed Project would not allow different types of development beyond what was analyzed in the THSP SEIR. The proposed Project would not increase development intensity nor conflict with any policies outlined in the San Joaquin ALUCP. With implementation of the above mitigation measure, the proposed Project's impact on land use plans, policies, or regulations would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (c) Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

As discussed in Section IV Biological Resources, the Project site is located within areas A, B, and C of the THSP which falls within the SJMSCP and within the Sphere of Influence of the SJMSCP. The portions of the Project site located within areas A and B would be covered by the SJMSCP. Pursuant to THSP SEIR Mitigation Measure 4.4-1h, projects being implemented within Area C shall voluntarily secure Section 7 and/or Section 10 permits in consultation with the appropriate wildlife agencies. As such, with

implementation of Mitigation Measure BIO 4.4-1h, 4.4-1j, 4.4-1m, and 4.4-4, no impact relative to inconsistency with habitat conservation plans would occur.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Refer to Mitigation Measure BIO 4.4-1h, 4.4-1j, 4.4-1m, and 4.4-4a in Section IV, Biological Resources.***

With implementation of the above mitigation measures, the proposed Project's impact concerning applicable conservation plans would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new land use impact to occur, nor an increase in the severity of a land use impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

XII. MINERAL RESOURCES

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☐	☒
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

The main mineral resources found in San Joaquin County and Tracy are sand and gravel (aggregate), which are primarily used for construction materials like asphalt and concrete. The City of Tracy has an adopted Aggregate Mining Overlay zone, which has been approved by the State Division of Mines and Geology (Resolution 2000-12 of State Division of Mines and Geology). In order to protect aggregate land and mitigate conflicts between mining activities and urban uses, the 2011 Tracy General Plan designates lands with production quality mineral reserves as "Aggregate" in the southern portion of Tracy. Of the area classified by the State Division of Mines and Geology as having potentially significant mineral deposits, the City has designated the bulk of this area as "Aggregate" in the 2011 General Plan. Some additional areas identified as having potentially significant aggregate deposits are designated as Industrial in the General Plan. The City and State have agreed to protect identified areas south of Linne Road for aggregate uses and allow for urban development north of Linne Road (much of which has already occurred).

There is a small aggregate area south of the California Aqueduct, along Corral Hollow Road that is within the THSP Area. Impacts to mineral resources within the THSP Area were determined to be less than significant in the 2011 General Plan EIR.

The small aggregate area identified in the THSP SEIR is located within the Project site; however, the Project would not introduce new land uses beyond what was considered in the THSP SEIR. Thus, the proposed Project would not have the potential for new impacts to mineral resources. Impacts in regards to the loss of availability of a known mineral resource would be considered less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the previously approved THSP.

Threshold (b) Would the project result in the loss of availability of a locally- important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

The THSP Area has not been used for mineral resource recovery and is not delineated as a mineral resource recovery site on any land use plans. As the Project site is not currently used or planned for use as a mineral resource recovery site, no impacts to mineral resources would occur. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result and no further analysis is required.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new mineral impact to occur, nor an increase in the severity of a mineral impact previously disclosed in the THSP SEIR. Therefore, the proposed Project would cause neither a new cumulative impact to occur nor an increase in the severity of a cumulative impact previously disclosed.

XIII. NOISE

WOULD THE PROJECT:

Issues	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☐	☒
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☐	☒
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☐	☒
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

A noise impact analysis was performed for the previously certified THSP SEIR to evaluate the potential for noise and vibration impacts resulting from Specific Plan implementation. The results and findings as they apply to the proposed Project are summarized herein.

Noise sources in the THSP Area consist of vehicular traffic on nearby roadways, including I-580, Lammers Road, Corral Hollow Road, Linne Road, Tracy Boulevard, and Eleventh Street. According to the THSP SEIR, on-site noise levels were measured on March 30, 2013 to document noise levels at the existing land uses. Noise levels were based on readings at two Long-Term Locations and four Short Term Locations, which included four locations on roadways near the Phase 1a area. The noise environment of the proposed Annexation Area is dominated by traffic along Interstate 580 and Corral Hollow Road.

The land uses included in the proposed Project are consistent with those analyzed in the THSP SEIR. Therefore, noise sources generated by the proposed Project would also be similar and include sources such as, vehicle traffic, emergency generators, trash compactors, and rooftop mechanical equipment.

Threshold (a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

According to the THSP SEIR, future mobile traffic noise levels generated along heavily-traveled roadways may result in potentially significant impacts for existing sensitive receptors and future buildings in the THSP Area; [9] refer to Section XII (c) below. THSP SEIR Mitigation Measures NOI 4.11-1; 4.11-3a; 4.11-3b; 4.11-3c; 4.11-3d; and 4.11-3e and adherence to Municipal Code requirements would lessen stationary noise impacts to less than significant.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure NOI 4.11-1:*** *Prior to the issuance of demolition permits or ground disturbing activities (whichever occurs first), the Contractor shall demonstrate to the satisfaction of the City of Tracy Engineering and Building Divisions that the Project complies with the following:*
>
> - *Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.*
>
> - *Property occupants located adjacent to the Project boundary shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the construction schedule of the Project. A sign, legible at a distance of 50 feet shall also be posted at the Project construction site. All notices and signs shall be reviewed and approved by the City of Tracy Planning Division prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints.*
>
> - *The Contractor shall provide evidence that a construction staff member would be designated as a Noise Disturbance Coordinator and would be present on-site during construction activities. The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall notify the City within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Planning Division. All notices that are sent to residential units immediately surrounding the construction site and all signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator.*
>
> - *During construction, stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.*

[9] THSP Draft EIR, page 4.11-22.

- *Construction activities shall occur between the hours of 7:00 AM and 10:00 PM daily pursuant to Section 9.12.030 and Section 4.12.820 of the Tracy Municipal Code. [This is Mitigation Measure 4.11-1 in the THSP SEIR]*

Mitigation Measure NOI 4.11-3a*: Prior to issuance of any Building Permit, the Project applicant shall demonstrate, to the satisfaction of the City of Tracy, compliance with the following:*

- *To the extent possible, all mechanical equipment shall be oriented away from the nearest noise sensitive receptors; and*

- *All mechanical equipment shall be screened and enclosed to minimize noise or the equipment shall be factory rated at a noise level that would comply with the noise limits set forth in the City's Municipal Code. [This is Mitigation Measure 4.11-3a in the THSP SEIR]*

Mitigation Measure NOI 4.11-3b: *Where a commercial zone abuts a residential zone or residential use, all deliveries of goods and supplies; trash pick-up (including the use of parking lot trash sweepers); and the operation of machinery or mechanical equipment which emits noise levels in excess of 65 dBA, as measured from the closest property line to the equipment, shall only be allowed between the hours of 7:00 AM and 10:00 PM, unless otherwise specified in an approved conditional use permit or other discretionary approval. [This is Mitigation Measure 4.11-3b in the THSP SEIR]*

Mitigation Measure NOI 4.11-3c: *All feasible sound attenuation shall be incorporated into the parking areas (i.e., landscaping and brushed driving surfaces), such that noise from parking area has been minimized to the greatest extent practicable such that parking lot noise would not exceed the standards indicated in Tracy Municipal Code Section 4.12.750 (General Sound Level Limits). [This is Mitigation Measure 4.11-3c in the THSP SEIR]*

Mitigation Measure NOI 4.11-3d: *Prior to the issuance of Building Permits, any residential development within 2,040 feet of the I-580 centerline shall be designed in compliance with the California Building Code (CBC) and an Acoustical Noise Analysis shall be prepared to ensure that the City of Tracy's exterior and interior noise level standards defined in General Plan Figure 9-3, Land Use Compatibility for Community Noise Environment, are met at all residential, commercial, and recreational land uses. The analysis shall verify that residences are adequately shielded and/or located at an adequate distance from mobile noise sources. Residential buildings or structures shall be designed to ensure interior noise levels do not exceed 45 dBA. In addition, individual developments shall, to the extent feasible, implement site-planning techniques such as the following:*

- *Increasing the distance between the noise source and the receiver;*

- *Using non-noise sensitive structures such as garages to shield noise-sensitive areas;*

- *Orienting buildings to shield outdoor spaces from a noise source;*

- *Incorporating architectural design strategies, which reduce the exposure of noise-sensitive spaces to stationary noise sources (i.e., placing bedrooms or balconies on the side of the house facing away from noise sources). These design strategies shall be implemented as required by the City to comply with City noise standards;*

- *Incorporating noise barriers, walls, or other sound attenuation techniques, as required by the City to comply with City noise standards; and*

- *Modifying elements of building construction (i.e., walls, roof, ceiling, windows, and other penetrations), as necessary to provide sound attenuation. This may include sealing windows, installing thicker or double-glazed windows, locating doors on the opposite side of a building from the noise source, or installing solid-core doors equipped with appropriate acoustical gaskets. [This is Mitigation Measure 4.11-3d in the THSP SEIR]*

Mitigation Measure NOI 4.11-3e: *Prior to the issuance of Grading Permits, any residential development associated with the THSP Buildout (i.e., development other than Phase 1a) located within 260 feet of the Union Pacific Railroad corridor shall have an Acoustical Analysis prepared to fully analyze acoustical impacts and develop measures, if required, to ensure that the City's exterior standards of 70 dBA would be achieved for the proposed land uses that are subject to noise from train pass-bys. The analysis shall conduct detailed train noise modeling to verify that residences are adequately shielded and/or located at an adequate distance from the rail corridor to comply with the City's exterior standards. The analysis shall also ensure that interior noise levels do not exceed 45 dBA. [This is Mitigation Measure 4.11-3e in the THSP SEIR]*

Given that the Project has land uses consistent with the development previously analyzed in the THSP SEIR, stationary noise impacts would be consistent with stationary noise impacts analyzed in the THSP SEIR. Additionally, the Project would result in fewer overall AM and PM vehicle trips generated than the THSP SEIR considered; and therefore, the mobile source noise would be less than the THSP SEIR considered. With implementation of the above mitigation measures, impacts to noise levels would not be altered any greater than what was previously analyzed and remain less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

According to the THSP SEIR, neither the City of Tracy nor the County of San Joaquin establishes thresholds for excessive vibration. Therefore, the United States Department of Transportation (Federal Transit Administration [FTA]) criteria of 2.0 inch-per-second PPV for the evaluation of potential human annoyance and potential for structural damage to result from vibration is used.

Construction of the proposed buildings has the potential to produce short-term construction vibration effects and operational vibration as a result of the proposed Project's traffic and mechanical equipment

operations. Construction of the proposed Project would generate short-term construction vibration during site preparation and construction of the buildings, paving and related activities. Vibration from construction activities rarely reaches the levels that can damage structures, but groundborne vibration and noise can reach perceptible and audible levels in buildings that are very close to the construction site. Even with vibration reduction measures, such as use of vibration attenuating construction equipment (static rollers) and discretionary scheduling of the noisiest construction activities, groundborne vibration from construction within the THSP Area when in close proximity to sensitive receptors would be a potentially significant impact relative to perception and annoyance.

With respect to the proposed Project, short-term construction vibration impacts could result at adjacent sensitive receptors (residential uses) in the THSP Area. Vibration effects would be reduced by a combination of appropriate equipment and process selection, as well as implementation of proper administrative controls (refer to Mitigation Measure NOI 4.11-1 above). Even with these vibration reduction approaches, it is still possible that individual, site-specific developments could exceed either the annoyance threshold and/or the architectural damage threshold. This potential situation would be exacerbated with the use of standard pile driving techniques. As such, groundborne vibration from construction could result in a potentially significant impact with respect to perception or architectural damage. The proposed Project would also implement best practices for construction activities (as specified in Mitigation Measure NOI 4.11-1), which would reduce groundborne noise and vibration from construction.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

See Mitigation Measure NOI 4.11-1 above.

With implementation of the above mitigation measure, construction vibration levels as a result of construction for the proposed Project construction would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (c) Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

As discussed in the previously certified THSP SEIR, Specific Plan implementation would cause a substantial noise increase to most nearby roadways within and in close proximity to the Specific Plan limits during Long Range Plus THSP Buildout Conditions.[10] The Specific Plan impact was identified as significant and unavoidable. According to the THSP SEIR, impacts would occur on off-site roadways where it is infeasible to implement mitigation measures and, therefore, impacts to off-site uses from traffic noise remain significant and unavoidable with implementation of the previously approved THSP.

[10] THSP Draft EIR, page 4.11-22.

The proposed Project would include the same types of land uses as to those analyzed in the THSP SEIR, and would result in fewer overall vehicle trips generated. Similar to the previously approved THSP, mitigation measures would not be feasible to apply to off-site roadways and the proposed Project would also result in a significant and unavoidable impact related to future mobile traffic noise. This would not be a new specific impact, nor would it increase the severity of the impact previously identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

The previously approved THSP SEIR evaluated stationary source noise impacts such as mechanical equipment, slow moving delivery/supply trucks, activities at the loading docks, parking lots, landscape maintenance, and outdoor pools. As the THSP Area is primarily vacant, the previously approved THSP SEIR found new noise sources would be introduced as a result of the THSP buildout. However, THSP SEIR mitigation measures 4.11-3a; 4.11-3b; 4.11-3c; 4.11-3d; 4.11-3e and adherence to Municipal Code requirements would lessen impacts. Given that off-site effects cannot be mitigated, this impact would remain significant and unavoidable overall. This would not be a new specific impact, nor would it increase the severity of the impact previously identified in the THSP SEIR and would therefore be consistent with the effects of implementation of the THSP.

Threshold (d) Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Noise emissions from construction of the proposed Project would be localized and occur intermittently for varying periods of time. The highest construction noise levels associated with construction would be generated during grading, excavation, and foundation work, with lower noise levels occurring during building construction and finishing. According to the THSP SEIR, potentially significant impacts from construction noise could occur with THSP implementation. Construction of the proposed Project would include similar construction equipment and schedule as was previously analyzed in the THSP SEIR. Therefore, notable temporary sound level increases would not be greater than previously evaluated.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

See Mitigation Measure NOI 4.11-1 above.

With implementation of the above mitigation measure, the proposed Project would reduce the potential for a substantial temporary or periodic increase in ambient noise levels to occur by demonstrating compliance with construction-related policies to the satisfaction of the City of Tracy Engineering and Building Division. With mitigation, the impact is less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Threshold (e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

According to the THSP SEIR, the THSP Area is located approximately 0.22 miles west of the Tracy Municipal Airport. The Annexation Area is located approximately 2.0 miles southwest of the Tracy Municipal Airport. According to the San Joaquin County Airport Land Use Compatibility Plan Update (ALUCP) the airport has approximately 59,701 operations, primarily performed by single engine piston aircrafts involved in flight training. The Annexation Area is not located within any CNEL Airport Noise Contours. Therefore, the proposed Project would not expose persons residing or working in the proposed Project area to excessive airport related noise levels and no impact would occur. No further analysis is required.

Threshold (f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

According to the THSP SEIR, the THSP Area is not located within two miles of a private airstrip. Therefore, the proposed Project is not located within a distance of two miles from a private airstrip. Due to the distance separation, the proposed Project would not expose persons to excessive airport-related noise levels. Similar to the THSP, there would be no impact and no further analysis is required.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new noise impact to occur, nor an increase in the severity of a noise impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

XIV. POPULATION AND HOUSING

WOULD THE PROJECT:

Issues	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☐	☒
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☐	☒
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

As identified in the previously certified EIR prepared for the THSP, the THSP would include construction of new residential areas and infrastructure. The THSP SEIR found that buildout of the THSP would not exceed the maximum DUs or non-residential square footage already anticipated in the certified 2011 General Plan EIR for the THSP Area. The General Plan EIR did not find any significant impacts related to population, employment, or housing; thus implementation of the THSP would not induce population growth that has not already been anticipated in the 2011 General Plan EIR. The THSP SEIR determined that displacement of the five existing houses in the THSP Area would not substantiate the need for construction of replacement housing. As a result, the THSP SEIR found impacts related to population and housing would be less-than-significant.

As shown in Table 1: Land Use Plan Buildout (2035), buildout of the previously approved THSP projected 6,477 DUs for the buildout of THSP for residential use. Using a multiplier of 3.27 persons per household (pph), approximately 21,180 residents were projected to occupy the THSP Area at buildout of the previously approved THSP[11]. As shown in Table 4.13-18 Project Buildout (Post 2035) Trip Generation of the THSP SEIR, approximately 7,820 employees were projected for the buildout of the previously approved THSP from retail, office, and other commercial land uses.

[11] The THSP SEIR had determined the THSP does not exceed the maximum dwelling units or non-residential square footage already anticipated in the certified 2011 General Plan EIR for the THSP Area. The City of Tracy 2011 General Plan EIR used a multiplier of 3.27 pph based on the 2008 Department of Finance estimate to determine total buildout of the City. Thus, for the purposes of this analysis, a multiplier of 3.27 pph is used to determine buildout of the THSP.

The proposed Project would not result in different land uses in the THSP Area beyond those analyzed by the THSP SEIR (See Table 1: Land Use Plan Buildout (2035)). The proposed Project would decrease the number of gross acres and amount of commercial square footage by 0.5 acres and 35,719 square feet respectively while the number of developable acres and DUs would increase by 14.5 acres and 788 DUs respectively (see Table 1: Land Use Plan Buildout (2035)*)*. As a result of the proposed Project, the THSP Area would have a total of 7,265 DUs at buildout, as compared to 6,477 DUs included in the previously approved THSP. This would be an increase of 12 percent. Consistent with the THSP SEIR assumptions of 3.27 persons per household (pph), implementation of the proposed Project would result in an increase of 2,577[12] new residents in the THSP Area from what was anticipated for the previously approved THSP. This would be a total of 23,757 residents compared to the 21,180 residents assumed for the previously approved THSP.

Implementation of the proposed Project would result in a decrease in commercial land use within the THSP Area. The decrease of 35,719 square feet of commercial space as a result of the proposed Project would be equivalent to a decrease of 82 employees in the THSP Area from what was previously considered in the THSP SEIR as shown in Table 3: Comparison of Employee Projections. This would result in a total of 9,409 employees from commercial uses at buildout of the THSP as compared to the 9,491 employees from commercial uses assumed in the THSP SEIR. Implementation of the proposed Project would increase the number of residents on the Project site, but decrease the number of jobs projected for buildout of the THSP due to the decrease in commercial land use, a land use that typically provides job growth. As a result, the job- housing ratio would reflect more housing and less jobs than previously identified in the THSP SEIR.

Table 3: Comparison of Employee Projections

Land Use	Employees per SF	THSP		Proposed Project		Difference Between THSP and Proposed Project	
		SF	# of Employees	SF	# of Employees	SF	# of Employees
Commercial	0.00231	4,109,054	9,491	4,073,335	9,409	-35,719	-82

The 2011 General Plan EIR determined total buildout of the General Plan would result in approximately 151,500 people and 46,800 housing units[13]. The City has a Growth Management Ordinance (GMO) that limits residential permits to an average of 600 units per year, a maximum of 750 units in any single year. This is intended to meet the goals and policies of the General Plan, including concentrated growth, and infill development. The City's GMO would help to reduce the potential impacts from future development by managing growth in a manner that is commensurate with available services and utilities. Residential growth under the General Plan was determined to be limited by the GMO in the 2011 General Plan EIR.

Since the proposed Project would not allow for development within the THSP Area beyond what was analyzed in the THSP SEIR and the THSP SEIR found the buildout of the THSP to be consistent with the

[12] The City of Tracy 2011 General Plan EIR (page 3-41) used a multiplier of 3.27 persons per household (pph) based on the 2008 Department of Finance estimate to determine total buildout. The project number of new residents was determined by multiplying the difference in dwelling units (788 DUs) by the 3.27 persons per household. 788DUs*3.27persons/household =2,577

[13] City of Tracy 2011 General Plan EIR, page 4.2-13

General Plan, the growth associated with the Project would not exceed the growth planned for the THSP Area in the 2011 General Plan. Additionally, the proposed Project would comply with the City's GMO. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the previously approved THSP.

Threshold (b) Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Threshold (c) Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

As determined in THSP SEIR, five single-family homes would likely be demolished and replaced with new single family and multi-family homes as a result of the buildout of the THSP. Since the THSP includes the construction of new residential areas, the displacement of the five existing houses would not substantiate the need for construction of replacement housing. Therefore, impacts related to population and housing were determined to be less than significant in the THSP SEIR.

Development of the proposed Project is consistent with the types of development analyzed in the THSP SEIR. Thus, impacts related to displacement of people and housing would be similar to the impacts from the buildout of the previously approved THSP. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the effects of implementation of the THSP.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new population and housing impact to occur, nor an increase in the severity of a population and housing impact previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would cause neither a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

XV. PUBLIC SERVICES, RECREATION, AND UTILITIES

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
i. Fire protection?	☐	☐	☐	☐	☒
ii. Police protection?	☐	☐	☐	☐	☒
iii. Schools?	☐	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☐	☒
b. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☐	☒
c. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☐	☒
d. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☐	☒
e. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☐	☒
f. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☐	☒
g. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☐	☒

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
h. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☐	☒
i. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☐	☒
j. Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?

i. Fire Protection

The THSP SEIR identified that development of the THSP would include two fire stations within the THSP Area, which would be adequately equipped to provide fire services for the buildout of the THSP once implemented.[14] As determined in the THSP SEIR, buildout of the THSP would not exceed the City's planned growth level. The additional service population as a result of the THSP build out was already accounted for in the Citywide Public Safety Master Plan and would not require additional fire protection facilities beyond what has been planned. Additionally, all project applicants of individual projects within the THSP Area would be required to pay a fair and equitable amount to the City's Public Buildings impact fee to offset the capital costs for fire protection and emergency service facilities. As a result, development within the THSP Area would neither exceed the maximum dwelling units, the non-residential square footage approved in 2016, nor the maximum dwelling units square footage contemplated by the City's General Plan. Fire protection needs would not be altered by implementation of the THSP with implementation of Mitigation Measures PSR 4.12-1 and 4.12-3. Implementation of Mitigation Measures PSR 4.12-1 and 4.12-3 would reduce potential impacts on fire protection to a less than significant level.

[14] Subsequently, the City of Tracy Fire Department determined based on their Standards of Response Coverage report, that only one fire station would be needed to serve the THSP Area. Personal communication with Fire Chief Randy Bradley on January 28, 2020.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure PSR 4.12-1:*** *As part of the application process for each individual development under the Specific Plan, the Project applicant shall be required to pay the applicable development impact fees. [This is Mitigation Measure 4.12-1 in the THSP SEIR]*
>
> ***Mitigation Measure PSR 4.12-3:*** *As determined by the Fire Chief and in accordance with adopted standards of coverage, a fire station and all related equipment shall be constructed and operational in Phase 1A to serve Tracy Hills in accordance with the Citywide Public Safety Master Plan. [This is Mitigation Measure 4.12-3 in the THSP SEIR]*

Implementation of the proposed Project would increase population growth in the THSP Area by proposing an increase of DUs compared to the THSP SEIR. Additionally, the THSP SEIR assumed the Project site would be developed with commercial uses, which would also create demand for fire services. Implementation of the proposed Project would increase the number of residents on the Project site, but decrease the number of jobs projected for buildout of the THSP due to the decrease in commercial land resulting in more housing and less jobs than previously identified in the THSP SEIR. The THSP SEIR assumed that two fire stations would be constructed within the THSP Area. The proposed Project, with implementation of the mitigation measures identified above, would not result in the need to construct additional fire stations beyond those identified in the THSP SEIR. Given that no additional fire stations would be required to serve the proposed Project, beyond those identified in the THSP, the proposed Project would not create substantial adverse physical impacts associated with construction of a new fire station. As such, this impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would occur, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the THSP.

ii. Police Protection

As identified in the THSP SEIR, development of the THSP would include construction of a new police substation located closer to the THSP than the current primary station. As determined in the THSP SEIR, buildout of the THSP would not exceed the City's planned growth level, the additional service population was already accounted for in the Citywide Public Safety Master Plan, and the THSP would not require additional law enforcement facilities beyond what has been planned. Additionally, individual development projects under the THSP would be required to pay the applicable impact fees, which ensure payment of a proportionate share towards the planned facilities. As a result, development within the THSP Area would not exceed the maximum dwelling units or non-residential square footage previously approved in 2016, or the maximum dwelling units square footage contemplated by the City's General Plan. Law enforcement needs would not be altered by implementation of the THSP with implementation

of Mitigation Measures PSR 4.12-4a and 4.12-5b. Implementation of Mitigation Measures PSR 4.12-4a and 4.12-5b would reduce potential impacts on fire protection to a less than significant level.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure PSR 4.12-4a:*** *The Project applicant of individual projects within the THSP Project Area shall consult with the Police Department during preliminary stages of site design to review safety features, determine their adequacy, and suggest design and/or physical improvements to the proposed site plan. This is achieved through the City's development review process, which currently is coordinated with various City Departments' review of new development proposals. [This is Mitigation Measure 4.12-4a in the THSP SEIR]*
>
> ***Mitigation Measure PSR 4.12-5b:*** *As part of the application process for each individual development under the Specific Plan, the Project applicant shall be required to pay the applicable development impact fees. [This is Mitigation Measure 4.12-5b in the THSP SEIR]*

Implementation of the proposed Project would increase population growth in the THSP Area by proposing an increase of 788 DUs compared to the THSP SEIR. The increase of 788 DUs would result in 2,577 new residents that were not considered in the THSP SEIR. However, the THSP SEIR assumed the Project site would be developed with commercial uses, which would also create demand on police services. Implementation of the proposed Project would increase the number of residents within the THSP Area, but decrease the number of jobs projected for buildout of the THSP due to the decrease in commercial land use. As a result, the Project would result in more housing and less jobs than previously identified in the THSP SEIR. The THSP SEIR noted that the Citywide Public Safety Master Plan proposes the construction of a new police substation located closer to the THSP Area though unassociated with the THSP. The proposed Project, with implementation of the mitigation measures identified above, would not result in the need to construct additional police stations beyond those identified in the THSP SEIR. Given that no additional police stations would be required to serve the proposed Project, the Project would not create substantial adverse physical impacts associated with construction of a new police station. As such, this impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the THSP.

iii. Schools

As identified in the THSP SEIR, implementation of the THSP could substantially increase the population of school children in the City of Tracy, requiring construction of new facilities or modification of existing facilities to accommodate the growth of the student body. Implementation of the approved THSP would generate a maximum of 6,477 DUs. The Jefferson School District uses an elementary student generation factor of 0.44 grade K-5 students per dwelling unit and 0.2 grade 6-8 students per dwelling unit to estimate

projected student population.[15] Based on these generation rates, 2,850 grade K-5 and 1,296 grade 6-8 students would be generated by the buildout of the proposed residential land uses in the THSP SEIR for a total of 4,146 new students in grades K–8. As discussed in the THSP SEIR, Jefferson School District schools are operating near or above capacity and the student enrollment generated by the THSP would exceed current school district capacity. To increase capacity, three elementary schools (K-8) were proposed throughout the THSP Area. The final number and locations of the schools will be determined in accordance with the Jefferson School District Facilities Master Plan as the THSP is built out. Additionally, each individual development application within the THSP Area would be subject to the requirement to pay applicable impact fee in accordance with SB 50 or pay applicable fee subject to school mitigation agreements with the Tracy Unified School District and Jefferson School District. Under Section 65996 of the California Government Code, the payment of such fees is deemed to fully mitigate the impacts of new development on school facilities. Therefore, THSP impacts in this regard were determined to be less than significant.

Implementation of the proposed Project would result in an increase of 788 dwelling units compared to the assumptions of the THSP SEIR. Using the generation rates from THSP SEIR, an increase of 347 grade K-5 and 158 grade 6-8 students, for a total of 505 K-8 students, would be generated by the proposed Project. As discussed in the THSP SEIR, the final number of schools and the locations of the schools within the THSP Area would be determined in accordance with the Jefferson School District Facilities Master Plan as the THSP is built out. Furthermore, each individual development application, including the proposed Project, would be subject to the requirement to pay the applicable impact fee in accordance with SB 50. Under Section 65996 of the California Government Code, the payment of such fees is deemed to fully mitigate the impacts of new development on school facilities. Given that the THSP SEIR did not identify the number or location of schools to be constructed to accommodate the THSP-associated growth, and that the proposed Project would pay the applicable impact fees, new students associated with the proposed Project could potentially be accommodated by the schools that have been planned for construction during the rest of the buildout of the approved THSP. In such a case, no new schools would need to be constructed beyond those identified in the THSP SEIR and as such no physical impacts associated with constructing additional schools would occur. Therefore, this impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the THSP.

iv-v. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks and other recreational facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

Threshold (b) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

[15] THSP Draft EIR, page 4.12-38

Threshold (c) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

As identified in the THSP SEIR, development of the THSP would include up to three acres of neighborhood park land and one acre of community park land per 1,000 population. Neighborhood and community parks would be distributed throughout the residential areas. Active play and sports parks proposed by the THSP may feature play fields, ball fields, children play areas, picnic areas, tennis courts, and open lawns. Park features may be interconnected by nature walks and bikeways within the greenways and parkways. The THSP SEIR determined that new residents in the THSP would use the new parks within the THSP more than the City's existing facilities given proximity to their neighborhoods, condition of the new facilities and the ability to walk or bicycle to many of the parks. Therefore, implementation of the THSP would result in a less than significant impact with regard to the substantial physical deterioration of existing facilities.

Implementation of the proposed Project would increase population growth in the THSP Area by proposing an increase of 788 dwelling units compared to the THSP. As discussed above, the increase of 788 dwelling units from implementation of the proposed Project would result in 2,577 new residents compared to the number considered in the THSP SEIR. The THSP stated that, "each tentative subdivision map shall either include adequate neighborhood park land to bring the total neighborhood park land within the tentative map approved portion of the Specific Plan to three acres per 1,000 population, or the developer shall demonstrate how future tentative map areas of the Specific Plan will include park land to achieve the minimum three acres per 1,000 population requirement, and otherwise comply with the Parks Master Plan."[16] The proposed Project would be required to comply with the requirements of the THSP. As such, this impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the THSP.

Threshold (d) Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

The City of Tracy provides wastewater services throughout the City and the THSP Area. Impacts to wastewater treatment requirements were analyzed in the previously certified THSP SEIR for buildout of the THSP Area. As described in the previously certified THSP SEIR, the City's Waste Water Treatment Plant releases effluent into the Old River, therefore the City is subject to NPDES permitting requirements, as implemented by the RWQCB. To accommodate future planned growth, including the buildout of the THSP Area, the City plans to implement a wastewater treatment system upgrade in accordance with the Wastewater Master Plan (WWMP) and as evaluated in the related environmental documentation.

The development as a result of the proposed Project would be consistent with that which was analyzed by the THSP SEIR. Therefore, the proposed Project would not be expected to result in an exceedance of any wastewater treatment requirements of the applicable RWQCB beyond what was previously analyzed

[16] THSP, page 2-19

in the THSP SEIR. As a result, impacts would be considered less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the THSP.

Threshold (e) Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The City of Tracy provides water and wastewater services throughout the City and the THSP Area. Impacts to existing water and wastewater treatment facilities were analyzed in the previously certified THSP SEIR for buildout of the THSP Area. Although buildout of the THSP Area would require new water facilities and would eventually require the construction of additional wastewater conveyance and wastewater treatment facilities, the environmental impacts that may result from the construction of these facilities were evaluated and mitigated through the environmental review process for the adoption of the City's Water System Master Plan (WSMP) and the WWMP. According to the THSP SEIR, because implementation of the THSP would require the construction of yet-to-be-built WSMP facilities, and may require the construction of certain interim improvements pending completion of WSMP improvements, the THSP would have potentially significant impacts. With implementation of Mitigation Measures PSR 4.12-6, 4.12-7a and 4.12-8b, impacts would be reduced to a less than significant impact.

The following mitigation measures incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure PSR 4.12-6:*** *Developers of subsequent phases of the Project (beyond Phase 1a) will be required to prepare SB 221 analysis for each subsequent phase of development. [This is Mitigation Measure 4.12-6 in the THSP SEIR]*
>
> ***Mitigation Measure PSR 4.12-7a:*** *As part of the development process for each individual site-specific development under the Specific Plan, the City shall review flow monitoring, at the applicant's cost, to determine available capacity. If the City determines, based on technical and legal constraints and other relevant data, that existing capacity is available to serve the development at issue, then no further mitigation is required. However, if the City determines, based on technical and legal constraints and other relevant data, that existing capacity is not available to serve the development at issue, then the improvements as identified in the Master Plan must be constructed that are necessary to create the additional capacity required, subject to any applicable credit and/or reimbursement provisions, as determined by the City. [This is Mitigation Measure 4.12-7a in the THSP SEIR]*
>
> ***Mitigation Measure PSR 4.12-8b:*** *As part of the development process for each individual site-specific development under the Specific Plan, the applicant shall pay its applicable development impact fees for wastewater facilities prior to issuance of first certificate of occupancy. [This is Mitigation Measure 4.12-8b in the THSP SEIR]*

The City plans to implement a wastewater treatment system upgrade as outlined in the WWMP. Since the Project site is located within the THSP Area, development as a result of the proposed Project would also be serviced by the wastewater treatment system upgrades. With implementation of the above mitigation measures, the proposed Project's impact on new water or wastewater facilities would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the THSP.

Threshold (f) Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

As discussed in Section IX (Hydrology and Water Quality) and the THSP SEIR, the construction of new stormwater drainage facilities or expansion of existing facilities would be required for buildout of the THSP Area as well as individual development projects. The storm drainage infrastructure within the THSP Area would incorporate terminal retention basins as the means of managing runoff from new development via storage and percolation. These basins are depicted in Figure 4.9-4 of the THSP SEIR. As discussed in the THSP SEIR, storm water runoff generated by buildout of the THSP would be self-contained and would not utilize any existing downstream City storm drainage facilities. The drainage improvements discussed in the THSP SEIR would accommodate projected runoff from the THSP Area. Thus, implementation of the THSP would not exceed the capacity of the proposed stormwater drainage system.

Since the Project site is located within the THSP Area, storm water runoff generated by implementation of the proposed Project would be contained on-site and would not utilize any existing downstream City storm drainage facilities beyond what was previously analyzed in the THSP SEIR. Implementation of the proposed Project would not require new stormwater drainage facilities, the construction of which would cause significant environmental effects. This would neither be a new specific impact nor an increase in the severity of an impact that was identified in the THSP SEIR and would, therefore, be consistent with the impacts of the implementation of the THSP.

Threshold (g) Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

As described in the Water Supply Assessment (WSA) conducted for THSP SEIR, the THSP Area would be served by the City from its existing and future portfolio of water supplies. The WSA concluded that the City's existing and planned water supplies would be sufficient to meet the water demand for any hydrologic conditions through the year 2035. No water supply shortages are anticipated for any hydrologic conditions based on Year 2035 water demands. Therefore, the THSP SEIR found that implementation of the THSP would result in less than significant impacts regarding water supply.

As discussed above, implementation of the proposed Project would increase the projected number of dwelling units in the THSP Area by 788 DUs more than previously analyzed in the THSP SEIR. The proposed Project would also result in a decrease of 35,719 SF of commercial uses. Overall, the proposed Project would result in a 12 percent net increase in residential potable water demand over the approved THSP,

an increase of 302,114 gpd and a decrease in commercial water demand since proposed commercial SF would decrease. However, since the development as a result of the proposed Project would be consistent with that which was analyzed by the THSP SEIR this, the water demand was analyzed by the THSP SEIR and no new impact would occur.

Table 4: Potable Water Demand Comparison

Zoning District or Land Use Designation	Gallons per day per DU[17]	THSP		Proposed Project		Difference in Gallons per Day Between THSP and Proposed Project
		Dwelling Units (DU)	Gallons per Day	Dwelling Units (DU)	Gallons per Day	
Residential Estate	429 gpd/DU	76	32,604	54	23,166	-9,438
Low Density Residential	429 gpd/DU	3,604	1,546,116	4,112	1,764,048	+217,932
Medium Density Residential	310 gpd/DU	2,672	828,320	2,974	921,940	+93,620
High Density Residential	220 gpd/DU	125	27,500	125	27,500	No change
Totals		**6,477**	**2,434,540**	**7,265**	**2,736,654**	**+302,114**

The City is currently under contract with the United States Bureau of Reclamation (USBR) for the delivery of water to the City from the Central Valley Project (CVP). The City's current contract, an Interim Renewal Contract, is effective January 1, 2014 through February 29, 2016 and includes up to 20,000 af/yr of water supplies. This contract amount includes the initial 10,000 af/yr from the City's initial contract with the USBR (entered into in 1974), 7,500 af/yr from approved assignments from Banta Carbona Irrigation District (BCID) and West Side Irrigation District (WSID), and 2,500 af/yr from an additional assignment from WSID which was exercised in December 2013.

Regarding groundwater, according to the THSP SEIR, a 2,300 acre feet per year (af/yr) increase of the average annual operational groundwater yield above the groundwater yield recommended in the 1990 Kennedy/Jenks/Chilton study (6,700 af/yr) could be provided within the estimated sustainable yield of the Tracy Sub-basin in the City, without adverse impact to groundwater resources or quality in the City over a 50-year timeframe. This expansion of groundwater usage to 9,000 af/yr would be within the City's estimated share of the aquifer's sustainable yield of 22,000 af/yr of the 28,000 acre feet/year total (which includes groundwater usage within West Side Irrigation District (WSID), Naglee-Burk Irrigation District, Plain View Water District (now part of the Byron Bethany Irrigation District), and BCID). A Groundwater Management Policy was adopted by the City in 2001 to establish a maximum annual groundwater extraction rate of 9,000 af/yr.

The proposed Project would result in an increase of net potable water demand of 338 af/yr compared to the THSP, giving a total demand of 3,065 af/yr which would be 34 percent of the allowed annual extraction

[17] THSP WSA, Table 2, p.10

rate. Therefore, the City would have sufficient water supplies to serve the proposed Project. This impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the THSP.

Threshold (h) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

As explained in Threshold (e), the City of Tracy would provide wastewater services to the THSP Area. Buildout of the THSP Area would eventually require the construction of additional wastewater conveyance and wastewater treatment facilities, but not as a result of implementation of the THSP Area solely. Environmental impacts that may result from the construction of these facilities were evaluated and mitigated through the environmental review process for the adoption of the City's WWMP.[18] To avoid impacts associated with wastewater treatment, the THSP SEIR required that the THSP pay appropriate development impact fees. Payment of these development impact fees was determined to reduce this potentially significant impact to a less than significant level.

Future development that may occur under the proposed Project would be located within THSP Area analyzed in the THSP SEIR. As discussed in the THSP SEIR, the City plans to implement a wastewater treatment system upgrade as outlined in the WWMP. Because future development that may occur under the proposed Project would be located within the THSP Area, future developments as a result of the proposed Project would also be serviced by the wastewater treatment system upgrades.

The proposed Project would pay the appropriate development impact fees and coordinate with the City to ensure that the City's future wastewater treatment capacity is adequate to service the proposed Project. Regardless of any additional demand on the City's wastewater treatment as a result of the proposed Project, payment of development impact fees would ensure this impact is less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the THSP.

Threshold (i) Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

The THSP Area would be served by the Foothill Sanitary Landfill, which has sufficient capacity to serve the City of Tracy through the year 2082. As determined in the THSP SEIR, the buildout of the THSP Area is considered a small addition to the overall tons per day the City of Tracy currently generates.[19] For these reasons, solid waste disposal needs from implementation of the THSP can be met and existing landfill and associated impacts are less than significant.

[18] THSP Draft EIR, page 4.12-44
19 THSP Draft EIR, page 4.12-47

Because future development that may occur as a result of the proposed Project would be located within the THSP Area analyzed by the THSP SEIR, solid waste generated by these future developments would be sent to the Foothill Sanitary Landfill.

Based upon the current generation factor of 7.52 pounds per person per day (the residential, commercial, industrial average), the proposed Project would result in an additional 18,973 pounds of solid waste per day, or 9.5 tons[20]. The THSP SEIR assumed that the THSP would generate approximately 54 tons of solid waste per day. Given the small addition to the overall tons the THSP and the City of Tracy currently generates, the landfill would have capacity to serve the proposed Project and this impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the THSP.

Threshold (j) Would the project comply with federal, state, and local statutes and regulations related to solid waste?

The City of Tracy has implemented 43 waste diversion programs and is currently exceeding its State residential disposal rate target by over 50 percent.[21] The THSP SEIR determined that the waste diversion programs, together with adherence to the CALGreen Code, are sufficient to ensure that implementation of the THSP would comply with applicable statutes and regulations and the impact was found to be less than significant.

Similar to the THSP, the proposed Project would comply with applicable statutes and regulations, including the City's waste diversion programs and the CALGreen Code, and the impact would be less than significant. This is consistent with the impact conclusions of the THSP SEIR. No new specific impact would result, nor would the impact previously identified be any more severe, as a result of the proposed Project. Therefore, the proposed Project would be consistent with the impacts of the implementation of the THSP.

Cumulative Impacts

As discussed above, the proposed Project would not cause a new public services, recreation, or utilities impact to occur, nor an increase in the severity of any public services, recreation, or utilities impacts previously disclosed in the THSP SEIR, with implementation of the mitigation measures discussed in this section. Therefore, the proposed Project would not cause either a new cumulative impact to occur, nor an increase in the severity of a cumulative impact previously disclosed.

20 (+2,577 residents) + (-54 employees) = +2,523 people in the THSP Area as a result of the Project. 2,523 people * 7.52 lbs. waste/person/day = 18,973 lbs. waste/day

21 THSP Draft EIR, page 4.15-45

XVI. TRANSPORTATION/TRAFFIC

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☐	☐	☒
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☐	☒
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☐	☒
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☐	☒
e. Result in inadequate emergency access?	☐	☐	☐	☐	☒
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

Threshold (a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

The traffic impact analysis prepared for THSP SEIR identified that buildout of the Project would require significant improvements to Corral Hollow Road and require the construction of Lammers Road as defined in the City's Traffic Management Plan (TMP) to accommodate the full development of the THSP. This is due to the unique location of the THSP Area, magnitude of the THSP, and access to I-580 at the Corral Hollow Road interchange and the proposed Lammers Road interchange. Both these interchanges are

included in the TMP and the City is currently collecting Transportation Impact Fees (TIFs) and seeking grant funding to implement the planned improvements. The THSP SEIR previously concluded that if, at the time interchange improvements are required to provide adequate capacity to mitigate the project impacts, the City does not have sufficient funds for implementation, the Project applicant may be required to fund the improvements upfront and enter into a reimbursement agreement with the City or receive a TIF credit.

A trigger analysis was performed to determine to what extent the THSP can be developed with TMP identified improvements at the Corral Hollow interchange for 2035 conditions. The analysis indicated that the THSP could generate up to 2,588 AM peak hour trips or build an approximately equivalent number of 2,536 single family dwelling units before the operational degradation along Corral Hollow Road would merit the construction of Lammers Road and the I-580 interchange, or result in major improvements to the Corral Hollow Road interchange. Table 4.13-21 of the THSP SEIR identified buildout of the THSP would result in increased V/C ratios to greater than 0.89 at some locations. Impacts were found to be significant and unavoidable. As identified in the THSP SEIR, implementation of Mitigation Measure 4.13-7b would reduce impacts related to overcapacity traffic conditions, but would still remain significant and unavoidable because the City cannot control the timing of the improvements as they fall outside of their immediate control.

The following mitigation measure incorporated herein from the previously certified THSP SEIR are applicable to the proposed Project:

> ***Mitigation Measure TRANS 4.13-7b****: The Applicant shall pay the applicable City TIF, County TIF, SJCOG RTF, the JPA TIF, and any other applicable transportation fees that may be in place when individual projects are processed under the THSP in accordance with applicable laws and regulations. [This is Mitigation Measure 4.13-7b in the THSP SEIR]*

A traffic memorandum was prepared by Kimley-Horn to evaluate the Project's potential for traffic impacts (See Appendix A). Under cumulative conditions, the total trips generated for the previously approved THSP SEIR is 7,831 (3,947 IN / 3,884 OUT) AM peak hour trips and 14,066 (7,050 IN / 7,016 OUT) PM peak hour trips. Under cumulative conditions, the Project is anticipated to generate 6,941 (2,958 IN / 3,983 OUT) AM peak hour trips and 12,501 (6,758 IN / 5,743 OUT) PM peak hour trips. The project would result in an overall AM peak hour trips decrease by 890 and an overall PM peak hour trips decrease by 1,565.

None of the identified intersection improvements in Table 4.13-68 of the THSP SEIR are anticipated to change nor are any new mitigation measures required as an implementation of the proposed Project. Further, the Project's trip generation was compared to the mitigation measures and any applicable trip triggers provided in Table 4.13-68 of the THSP EIR. The project does not trigger any previously identified mitigation measures. The Project applicant would still be required to pay the applicable transportation fees as identified in Mitigation Measure TRANS 4.13-7b. With implementation of Mitigation Measure TRANS 4.13-7b, impacts would not be any greater than previously analyzed in the THSP SEIR. Thus, the proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed.

Threshold (b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

As identified in the previously certified THSP SEIR, the THSP complies with the San Joaquin Congestion Management Program (CMP) and the CMP LOS standard of D or better is maintained on all the CMP routes as identified in Tables 4.13-48 and 4.13-49 in the THSP SEIR. The THSP includes a range of travel demand management (TDM) strategies that are consistent with those identified in the City's station area plans of the General Plan and the San Joaquin Council of Governments (SJCOG) TDM goals. As such, the THSP SEIR concluded that no impacts would result from implementation of the THSP.

Implementation of the proposed Project would not result in a conflict with an applicable CMP or travel demand measure as the proposed Project would generate fewer overall trips in both AM and PM peak hours compared to the previously approved THSP. Thus, the proposed changes would not result in conflict with an applicable CMP or TDM strategies any greater than previously analyzed in the THSP SEIR.

Threshold (c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

The proposed Project does not include any aviation components or structures where height would be an aviation concern. Additionally, no substantial new air traffic would be generated at the local airports in San Joaquin County as a result of the proposed Project. No associated traffic impacts would occur.

Threshold (d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

As discussed in the previously certified THSP SEIR, the City reviews each development project, and would require conformance with City standards in terms of driveway design and location, traffic controls, and other traffic engineering requirements. Since roadway and intersection designs would be required to meet the City of Tracy roadway design criteria requirements, hazard impacts are considered less than significant. The proposed Project roadway system, including facilities for vehicles (autos, trucks and buses), bicyclists and pedestrians, would also be required to be designed in conformance with the City of Tracy Transportation Master Plan, including all design guidelines contained therein, as well as in conformance with the City's standard plans. With conformance with the City standards in terms of driveway design and location, traffic controls, and other traffic engineering requirements, the proposed Project's impact on design features would be less-than-significant. This determination of less than significant impact is supported by the previously certified SEIR prepared for the THSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed.

Threshold (e) Result in inadequate emergency access?

The previously certified SEIR prepared for the THSP indicated that emergency access during buildout conditions would be significant and unavoidable as a result of future traffic congestion resulting from THSP implementation. Mitigation measures 4.12-1, 4.12-2a and 4.12-2b requires payment of applicable

impact fees, which would go toward development of planned facilities such as adequate emergency routes. The proposed Project would not require new mitigation and emergency access impacts are considered less than significant. This determination of less than significant impact is supported by the previously certified SEIR prepared for the THSP. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed. As such, no further analysis is required.

Threshold (f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

As discussed in the THSP, Project applicants are required to work cooperatively with the City to modify and expand transit routes and pedestrian facilities as necessary and when feasible to efficiently accommodate demand. Projected transit route extensions were identified at the time of THSP adoption and future bus stop locations would be determined at the time of Tentative Subdivision Map approval.

The THSP includes design guidelines and elements to promote pedestrian circulation by creating pathways, linkages, and visual connections between buildings; and by including multiple connections to public sidewalks and pathways between buildings and areas throughout the THSP Area to foster connectivity. As discussed in the THSP SEIR, implementation of the THSP Project would result in potentially significant impacts to bicycle and pedestrian modes when developed. The THSP Area would include pedestrian and bicycle facilities internal to the THSP Area and that connect to the existing pedestrian system via street frontage improvements that include sidewalks and bicycle paths. Impacts were found to be less-than-significant. As identified in the THSP SEIR, implementation of Mitigation Measure 4.13-2 would require compliance with Policy P4 and P6 under General Plan Policy CIR-3 so that the bicycle and pedestrian improvement connections would connect from the THSP to the Citywide Network. However, impacts were still found to be significant and unavoidable.

The following mitigation measure incorporated herein from the previously certified THSP SEIR is applicable to the proposed Project:

> ***Mitigation Measure TRANS 4.13-2:*** To achieve compliance with CIR-3 Policy P4 and P6, the bicycle and pedestrian improvement connections from the THSP to the Citywide Network shall be implemented when the roadway infrastructure is required as determined at approval of each final map or issuance of building permits by the City Engineer. The pedestrian and bicycle facilities are included in the City of Tracy's typical cross sections and in the City TIF. Bicycle and pedestrian facilities within the THSP Area shall be implemented with each building permit application/final map approval. Widening Corral Hollow Road and constructing and widening Lammers Road shall be in place when the project generates 2,588 AM peak hour trips. *[This is Mitigation Measure 4.13-2 in the THSP SEIR]*

Under cumulative conditions, the buildout of the proposed Project would generate fewer overall AM and PM trips compared to the previously approved THSP. The proposed Project would still be required to achieve compliance with CIR-3 Policy P4 and P6 to improve bicycle and pedestrian improvement connections from the THSP to the Citywide Network when the road infrastructure is required as

determined at approval of each final map or issuance of building permits by the City Engineer. Thus, the proposed Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities any greater than already analyzed in the THSP SEIR. Further, the Project would not exceed the 2,588 AM peak hour trips identified in Mitigation Measure TRANS 4.13-2, so the widening of Corral Hollow Road and Lammers Road would not be triggered by the Project. The proposed Project would cause neither a new impact to occur, nor an increase in the severity of an impact previously disclosed.

Cumulative Impacts

Under Cumulative Conditions the City of Tracy Transportation Master Plan (TMP) Roadway improvements are assumed to be in place. Project applicants would also pay the City of Tracy Traffic Impact Fees to fund the Cumulative Improvements identified in the City Transportation Master Plan to offset potential cumulative impacts.

Project applicants would also be required to implement the Mitigation Measures identified above from the certified THSP SEIR. Cumulative Project impacts would be considered Significant and Unavoidable since the proposed Project would contribute to the cumulative significant and unavoidable impacts previously identified in the THSP SEIR. Additional environmental review is not required since this impact was addressed and would not exacerbate the previously identified impacts in the THSP SEIR.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE

WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less than Significant Impact*	*No Impact*	*Reviewed Under Previous Document*
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☐	☒
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☐	☒
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☐	☒

RESPONSES TO CHECKLIST QUESTIONS

a – c. As described throughout the analysis above, the proposed Project would not result in any significant impacts to the environment that cannot be mitigated to a less than significant level through the application of uniformly applied development policies and/or standards that were not already anticipated in the THSP SEIR. The proposed Project is required to implement a range of standard and uniformly applied development policies and standards, as well as any previously identified mitigation measures, all of which are identified in the previously certified THSP SEIR, which would reduce the majority of potentially significant impacts to a less than significant level. The cumulative impacts associated with development of the proposed Project were considered and found not to be cumulatively considerable. Further, cumulative impacts of the proposed Project would be consistent with those analyzed and disclosed in the previously certified THSP SEIR. The proposed Project would not result in any cumulative impacts that were not contemplated in the previously certified THSP SEIR. The proposed Project would not result in any peculiar site-specific impacts, impacts to biological resources or impacts to cultural and/or historical resources that were not contemplated in the previously certified THSP SEIR. The proposed Project would not result in any of the conditions or circumstances described in Section 15162(a) of the CEQA Guidelines.

DETERMINATION OF APPROPRIATE CEQA DOCUMENTATION

Section 15162 – Subsequent EIRs and Negative Declarations

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one of more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The City of Tracy proposes to implement the Project within the context of the THSP, as described in this Addendum. As discussed herein, the proposed Project would result in changes to the project evaluated in the THSP SEIR, specifically adjustments to the land use designations for the land within the THSP Area. No new or substantially more severe significant environmental impacts beyond what was evaluated in the THSP SEIR would occur and Project implementation would not trigger any of the criteria identified in Section 15162(a) of the CEQA Guidelines. No major revisions to the Tracy Hills Specific Plan SEIR are required.

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

As documented herein, no circumstances associated with the location, type, setting, or operations of the proposed Project have substantively changed beyond what was evaluated in the THSP SEIR; and none of the proposed Project elements would result in new or substantially more severe significant environmental impacts than previously identified. No major revisions to the Tracy Hills Specific Plan SEIR are required.

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant environmental effects not discussed in the previous EIR or negative declaration;

No new significant environmental impacts beyond those addressed in the THSP SEIR were identified. Project implementation would not create significant environmental impacts or create a substantial increase in the severity of previously identified significant impacts.

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

No mitigation measures or alternatives were found infeasible in the certified THSP SEIR. Project implementation would not create significant environmental impacts or create a substantial increase in the severity of previously identified significant impacts.

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

No other mitigation measures or feasible alternatives have been identified that would substantially reduce significant impacts. Project implementation would not create significant environmental impacts or create a substantial increase in the severity of previously identified significant impacts.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subsection (a). Otherwise, the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subsection (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation, no other Responsible Agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

None of the conditions listed in subsection (a) would occur as a result of the proposed Project. No subsequent EIR is required.

Section 15164 – Addendum to an EIR or Negative Declaration

(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

As described above, none of the conditions described in the State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR have occurred.

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

None of the conditions described in Section 15162 calling for preparation of a subsequent EIR or negative declaration would occur as a result of the proposed Project. Project implementation would not create significant environmental effects or create a substantial increase in the severity of previously identified significant effects. Therefore, an Addendum to the certified Final SEIR is the appropriate CEQA document for the proposed Project.

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

This Addendum will be attached to the Final SEIR and maintained in the administrative record files at the City of Tracy.

(d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

The City of Tracy will consider this Addendum with the Final SEIR prior to making a decision on the proposed Project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

This document provides substantial evidence for City of Tracy records to support the preparation of this Addendum for the proposed Project.

CONCLUSION

This Addendum has been prepared in accordance with the provisions of the State CEQA Guidelines to document the finding that none of the conditions or circumstances that would require preparation of a subsequent EIR, pursuant to Sections 15162 and 15164 of the State *CEQA Guidelines*, exist in connection with the proposed Project. No major revisions would be required to the THSP SEIR prepared for the City of Tracy as a result of the proposed Project. No new significant environmental impacts have been identified. Since the certification of the Final EIR, there has been no new information showing that mitigation measures or alternatives once considered infeasible are now feasible or showing that there are feasible new mitigation measures or alternatives substantially different from those analyzed in the THSP SEIR that the City declined to adopt. Project implementation would not create significant environmental effects or create a substantial increase in the severity of previously identified significant effects. Therefore, preparation of a subsequent EIR is not required and the appropriate CEQA document for the proposed Project is this Addendum to the City of Tracy THSP SEIR. No additional environmental analysis or review is required for the proposed Project. This document will be maintained in the administrative record files at City of Tracy City Hall.

APPENDIX A

TRAFFIC MEMORANDUM

Kimley»Horn

MEMORANDUM

From: Frederik Venter, P.E. and Colin Ogilvie, Kimley-Horn and Associates

To: Scott Claar**,** City of Tracy

Date: September 23, 2021

Re: **Tracy Hills Specific Plan Amendment for Phase 2 – Transportation Consistency Analysis**

The purpose of this memorandum is to evaluate the consistency of the proposed Tracy Hills Specific Plan (THSP) Amendment for Phase 2 (Project) with the traffic assumptions and supporting analysis in the previously certified Tracy Hills Subsequent Environmental Impact Report (EIR), dated January 2016.

1. Introduction

It is our understanding that the Project proposes a Specific Plan Amendment to re-designate properties within the current boundaries of the Tracy Hills Specific Plan, specifically in the area referred to as Tracy Hills Phase 2. Notably, the Project proposes to re-designate and shift the land uses/designated zoning districts within the Tracy Hills Specific Plan Area as follows:

- Residential Estate (RE): Decrease of 4.2 acres
- Low Density Residential (LDR): Decrease of 10.6 acres
- Medium Density Residential (MDR): Increase of 37.6 acres
- Mixed Use Business Park (MUBP): Decrease of 4.8 acres
- General Highway Commercial (GHC): Decrease of 0.8 acres
- Conservation Easements: Decrease of 28.9 acres

The land use plan comparison between approved and proposed from the Project application is shown in **Table 1**. Values that are struck through denote the approved land use areas and/or dwelling units and values that are underlined denote the proposed land use areas and/or dwelling units.

Not all the changes denoted are within the Phase 2 tentative map boundary. Specifically, the mixed-use business park changes are wholly located outside of the Phase 2 boundary, but Kimley-Horn was notified that these changes constituted minor map revisions and clarifications.

The zoning district maps for the approved Specific Plan and the proposed Specific Plan amendment are shown in **Figure 1** and **Figure 2**, respectively. The areas with a proposed land use change are clouded in red. The land use changes observed in Phase 1A (Village 7C), KT, and Phase 1B & 1C were previously analyzed and approved.

Table 1: Summary of Approved THSP and Proposed Amendment to THSP

Zoning District or Land Use	Approximate Gross Acres[1]	Approximate Adjusted Developable Acres[1, 2, 3]	Target Density Range or F.A.R.	Projected Dwelling Units or Square Feet[1]
Residential Estate	~~59.9~~55.7	~~50.9~~47.3	(0.5~~-~~ – 2.0 DU's/ac.)	~~76~~54 DU's
Low Density Residential	~~1,351.9~~1,341.3	~~991.9~~1,140.1	(2.1-5.8 DU's/ac.)	~~3,604~~4,112 DU's
Medium Density Residential	~~422.1[4]~~459.7	~~358.8~~390.7	(5.9-12.0 DU's/ac.)	2,~~672~~974 DU's
High Density Residential	9.3	7.9	(12.1-25.0 DU's/ac.)	125 DU's
Mixed Use Business Park	~~79.0~~74.2	~~67.2~~63.1	0.20 F.A.R.	~~585,446~~549,727 s.f.
General Highway Commercial	~~53.8~~53.0	45.0	0.20 F.A.R.	406,945 s.f.
Light Industrial	336.7	286.2	0.25 F.A.R.	-3,116,663 s.f.
Conservation Easements	~~162.2~~133.3		n/a	
Subtotal:	~~2,474.5~~2,463.2	~~1,808.2~~1,980.3		
Interstate 580 Interchange and ROW	~~137.5~~142.9			
California Aqueduct ROW	143.0			
Union Pacific Rail Road	12.2			
TOTAL:	~~2,767.3~~2,761.3	~~1,808.2~~1,980.3		~~6,477~~7,265 DU's 4.1 mil s.f.

Figure 1: Tracy Hills EIR Zoning District Map

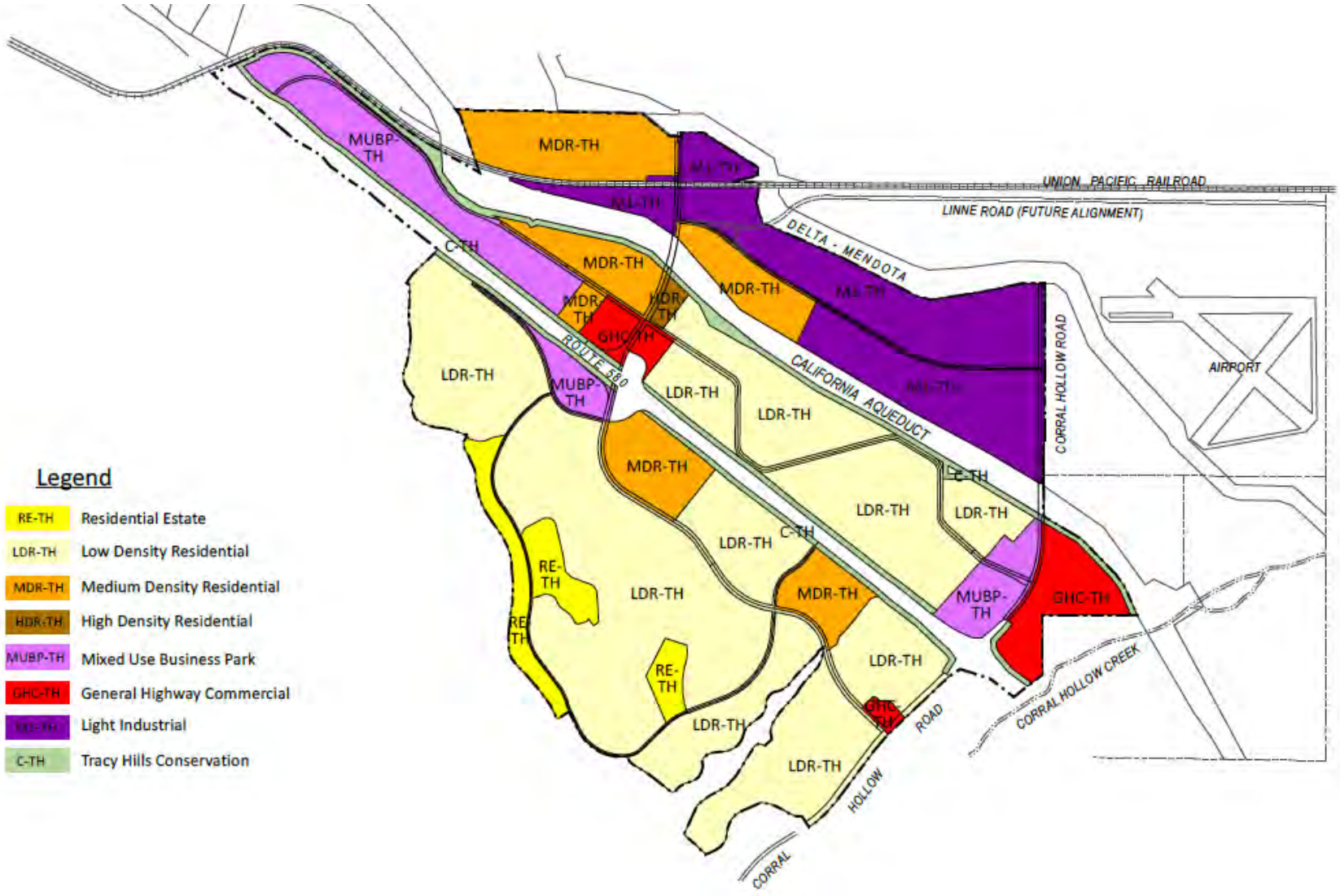
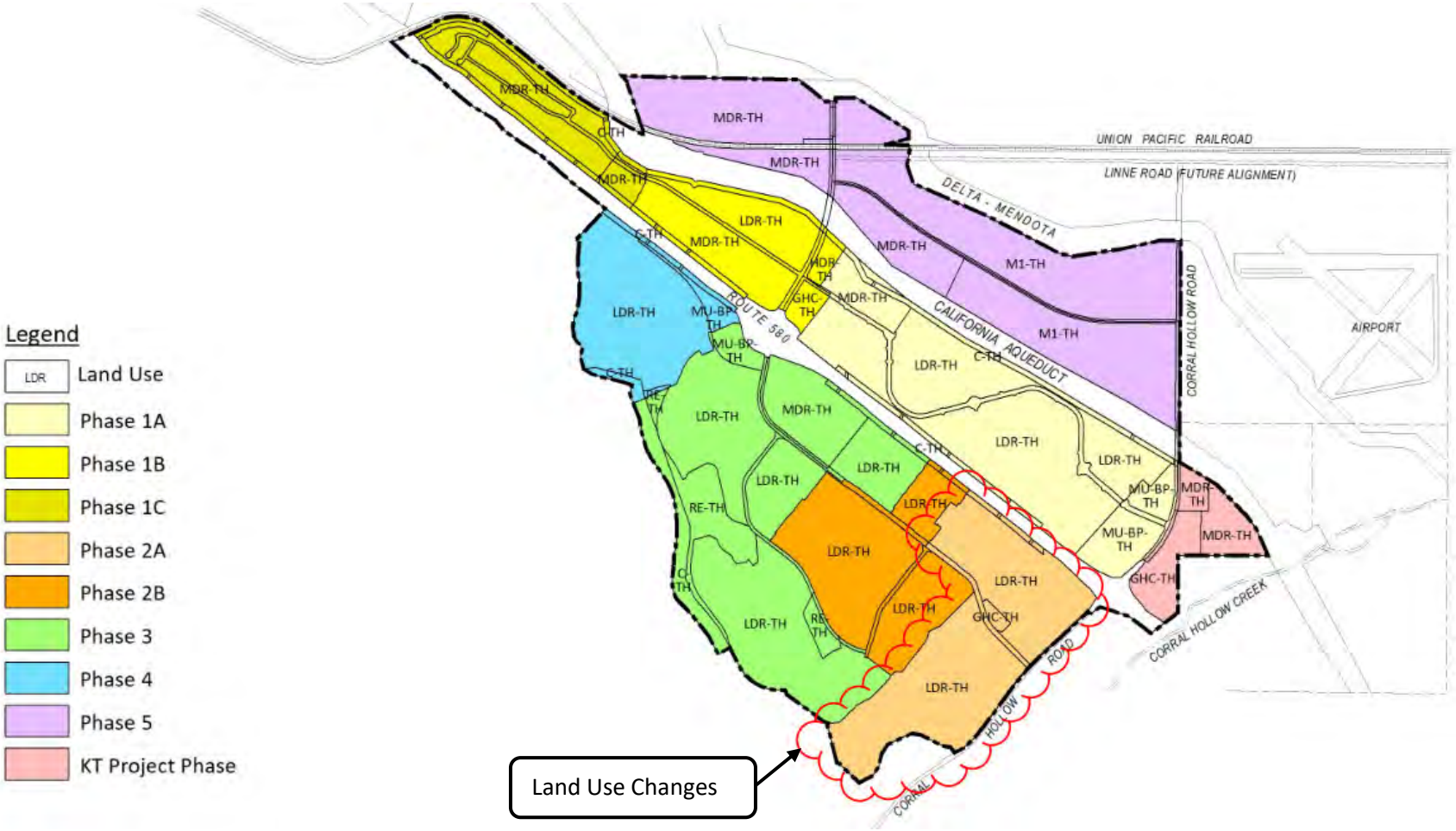


Figure 2: Proposed Amended Tracy Hills Zoning District Map



2. THSP Buildout Trip Generation Comparison

A trip generation comparison between the certified Subsequent EIR Buildout trips and the proposed THSP Amendment Buildout trips is provided below. The total trips generated for the Specific Plan EIR is 7,831 (3,947 IN / 3,884 OUT) AM peak hour trips and 14,066 (7,050 IN / 7,016 OUT) PM peak hour trips. Based on the proposed amended THSP, the Project is anticipated to generate 6,941 (2,958 IN / 3,983 OUT) AM peak hour trips and 12,501 (6,758 IN / 5,743 OUT) PM peak hour trips. The proposed amended overall AM peak hour trips decrease by 890; however, there is an increase of 99 AM out trips. The overall PM peak hour trips decrease by 1,565.

Table 2 shows the Project trip generation comparison between the Specific Plan EIR and the proposed amended Specific Plan .

Kimley»Horn

Table 2: Buildout Trip Generation

Trip Generation Rates	ITE Land Use Code/Reference	Units		Weekday AM				Weekday PM			
				Rate	IN	/	OUT	Rate	IN	/	OUT
Low/Mid Density Residential & Residential Estate	Model	No. of Dwelling Units		0.55	25%	/	75%	1.05	63%	/	37%
High Density Residential	Model	No. of Dwelling Units		0.31	20%	/	80%	0.59	65%	/	35%
Retail	Model	Employees		1.9	62%	/	38%	3.46	48%	/	52%
Office	Model	Employees		0.22	88%	/	12%	0.42	17%	/	83%
Other (Industrial/Warehousing)	Model	Employees		0.17	79%	/	21%	0.33	25%	/	75%
School[2,3]	ITE (520 & 530)	School		0.48	55%	/	45%	0.15	49%	/	51%
Specific Plan EIR											
Trip Generation Rates	Square Feet	Units		Weekday AM				Weekday PM			
				Total	IN	/	OUT	Total	IN	/	OUT
Low/Mid Density Residential & Residential Estate	-	5,374	No. of Dwelling Units	2,956	739	/	2,217	5,643	3,555	/	2,088
High Density Residential	-	125	No. of Dwelling Units	39	8	/	31	74	48	/	26
Retail	758,944	1,751	Employees	3,327	2,063	/	1,264	6,058	2,908	/	3,150
Office	1,562,933	1,872	Employees	412	363	/	49	786	134	/	652
Other (Industrial/Warehousing)	3,360,654	4,197	# of Units	713	563	/	150	1,385	346	/	1,039
School	-	800	Students	384	211	/	173	120	59	/	61
			Total Trips	**7,831**	**3,947**	**/**	**3,884**	**14,066**	**7,050**	**/**	**7,016**
Proposed Amended Specific Plan - Phase 2											
Trip Generation Rates	Square Feet	Units		Weekday AM				Weekday PM			
				Total	IN	/	OUT	Total	IN	/	OUT
Low/Mid Density Residential & Residential Estate	**-**	**7,140**	**No. of Dwelling Units**	**3,927**	**982**	**/**	**2,945**	**7,497**	**4,723**	**/**	**2,774**
High Density Residential	-	125	No. of Dwelling Units	39	8	/	31	74	48	/	26
Retail	**406,945**	**939**	**Employees**	**1,784**	**1,106**	**/**	**678**	**3,249**	**1,560**	**/**	**1,689**
Office	**549,727**	**658**	**Employees**	**145**	**128**	**/**	**17**	**277**	**47**	**/**	**230**
Other (Industrial/Warehousing)	**3,116,663**	**3,892**	**Employees**	**662**	**523**	**/**	**139**	**1,284**	**321**	**/**	**963**
School	-	800	Students	384	211	/	173	120	59	/	61
			Total Trips	**6,941**	**2,958**	**/**	**3,983**	**12,501**	**6,758**	**/**	**5,743**
			Net New Trips	**-890**	**-989**	**/**	**99**	**-1,565**	**-292**	**/**	**-1,273**

Notes

1. Trip generation rates and Specific Plan EIR Buildout trips taken from the Tracy Hills Specific Plan Recirculated Draft Subsequent Environmental Impact Report, October, 2015
2. The EIR used 0.48 for the AM peak hour school trip generation rate calculations instead of the 0.45 that was listed
3. Per the THSP SEIR, school trips have an assumed one-hundred percent internal capture rate and were not used for intersection or segment analysis.
4. The bold and underlined land uses denote proposed changes

Source: Kimley-Horn, September, 2021

3. THSP EIR Mitigation Measures

Error! Not a valid bookmark self-reference. provides the current trip generation from all approved tentative map projects (background) plus Phase 2 (Project) within the Tracy Hills Specific Plan Area. For background plus project conditions, the total number of dwelling units is 3,683 with 2,026 AM peak hour trips and 3,867 PM peak hour trips. No non-residential land uses have developed within TSHP at this time.

The current THSP trip generation was compared to the mitigation measures and any applicable trip triggers provided in Table 4.13-68 of the THSP EIR. These mitigation measures and their status are shown in **Table 5**. The project does not trigger any previously identified mitigation measures, but two previously triggered mitigation measures have not been addressed at this time. Mitigation Measure 4.13-5a identified improvements at the intersection of Corral Hollow Road and New Schulte Road with the first building permit. The mitigation responsibility is with the City of Tracy, and, according to City staff, these improvements have not started the design process. Mitigation Measure 4.13-7a identified improvements at the intersection of Linne Road and MacArthur Drive. The applicant is the responsible party for this mitigation, and, according to City staff, the design process has not begun.

Kimley»Horn

Table 3: Approved Plus Project Trip Generation

Trip Generation Rates	ITE Land Use Code/Reference	Units		Weekday AM				Weekday PM			
				Rate	IN	/	OUT	Rate	IN	/	OUT
Low/Mid Density Residential & Residential Estate	Model	No. of Dwelling Units		0.55	25%	/	75%	1.05	63%	/	37%
Approved Tentative Map Projects											
Low/Mid Density Residential & Residential Estate											
Phase 1A		1,137	DU	625	156	/	469	1,194	752	/	442
Village 6B		66	DU	36	9	/	27	69	43	/	26
KT		214	DU	118	30	/	88	225	142	/	83
Phase 1B		430	DU	237	59	/	178	452	285	/	167
Phase 1C		369	DU	203	51	/	152	387	244	/	143
Total		**2,216**	**DU**	**1,219**	**305**	**/**	**914**	**2,327**	**1,466**	**/**	**861**
High Density Residential		**0**	**DU**	**0**	**0**	**/**	**0**	**0**	**0**	**/**	**0**
Retail		**0**	**EMP**	**0**	**0**	**/**	**0**	**0**	**0**	**/**	**0**
Office		**0**	**EMP**	**0**	**0**	**/**	**0**	**0**	**0**	**/**	**0**
Other (Industrial/Warehousing)		**0**	**EMP**	**0**	**0**	**/**	**0**	**0**	**0**	**/**	**0**
Approved Tentative Map Projects Total				**1,219**	**305**	**/**	**914**	**2,327**	**1,466**	**/**	**861**
Tracy Hills Phase 2[1,2]											
Phase 2		1,467	DU	807	202	/	605	1,540	970	/	570
Approved Tentative Map Projects + Phase 2		**3,683**	**DU**	**2,026**	**507**	**/**	**1,519**	**3,867**	**2,436**	**/**	**1,431**

Notes
1. Phase 2 is classified as Low/Mid Density Residential and Residential Estate
2. Phase 2 dwelling units were provided by the applicant August 2021
Source: Kimley-Horn, September, 2021

Kimley»Horn

Table 4: THSP SEIR Mitigation Measures

Mitigation #	Mitigation[1]	Trigger	Previously Triggered/Triggered By Project/Not Triggered	Mitigation Measure Status
All Scenarios				
4.13-1a	Transit	Each tentative map approval		
4.13-1b	Transit	At issuance of each building permit		
4.13-2	Bicycle and Pedestrian	At issuance of each building permit and final map approval		
4.13-4b	TDM	TDM Action Plan: 100 Employees	Not Triggered	
		Park-and-Ride: When Lammers Interchange is constructed. Applicant may pay fund up front	Not Triggered	
Tracy - Existing Plus Project 2035				
4.13-5a	Intersection #1: Corral Hollow Road / I-580 EB Ramps	2,588 AM peak hour trips	Not Triggered	Design process started
	Intersection #2: Corral Hollow Road / I-580 WB Ramps	2,588 AM peak hour trips	Not Triggered	Design process started
	Intersection #3: Corral Hollow Road / Spine Road	First building permit	Previously Triggered	Constructed
	Intersection #4: Corral Hollow Road / Linne Road	469 AM peak hour trips	Previously Triggered	Design process started
	Intersection #5: Tracy Boulevard / Linne Road	469 PM peak hour trips	Previously Triggered	Constructed
	Intersection #7: Corral Hollow Road / Valpico Road	First building permit	Previously Triggered	Design process started
	Intersection #9: Corral Hollow Road / New Schulte Road	***First building permit***	***Previously Triggered***	***Design process not started (Mitigation responsibility is with City of Tracy)***
	Intersection #10: Lammers Road / Old Schulte Road	First building permit	Previously Triggered	Constructed
	Intersection #23: Internal Intersection on S. Tracy Hills Road	At issuance of the first building permit for VTM and development of this area of the project	Previously Triggered	Constructed
4.13-5b	Corral Hollow Road b/w S. Tracy Hills and Golden Leaf Lane and Lammers Road between I-580 and Kimball High School	2,588 AM peak hour trips	Not Triggered	
Tracy - Existing Plus Project Buildout				
4.13-6a	Intersection #1: Corral Hollow Road / I-580 EB Ramps	2,588 AM peak hour trips	Not Triggered	
	Intersection #2: Corral Hollow Road / I-580 WB Ramps	2,588 AM peak hour trips	Not Triggered	
4.13-6b	All impacted Roadways	2,588 AM peak hour trips	Not Triggered	

Table 4 (Cont.) – THSP SEIR Mitigation Measures

Mitigation #	Mitigation[1]	Trigger	Previously Triggered/Triggered By Project/Not Triggered	Mitigation Measure Status
Tracy - Cumulative Plus Project 2035				
4.13-7a	***Intersection #35: Linne Road / MacArthur Drive***	***First building permit***	***Previously Triggered***	***Design process not started***
4.13-7b	All impacted roadways	Pay all applicable fee at issuance of each building permit		
Tracy - Cumulative Plus Project Buildout				
4.13-8b	All Impacted Roadways	Pay all applicable fees at Issuance of Each Building Permit/ Final Map Approval		
4.13-8c	Caltrans Freeway	Pay all applicable fees at Issuance of Each Building Permit/ Final Map Approval		
4.13-8d	Site Specific Roadways	Pay all applicable fees at Issuance of Each Building Permit/ Final Map Approval		
Livermore - Existing Plus Project Buildout				
4.13-9a	Intersection #L1: Greenville Road / Patterson Pass Road	Pay all applicable fee at issuance of each building permit		
	Intersection #L.2: Greenville Road / Tesla Road			
	Intersection #L.3: Concannon Boulevard / Livermore Avenue			
	Intersection #L5: Isabel Avenue / Vallecitos Road			
4.13-9b	All Impacted Roadways			
4.13-9c	All Impacted Freeways			
Livermore – Cumulative 2040 Plus Project Buildout				
4.13-10a	Intersection #L1: Greenville Road / Patterson Pass Road	Pay all applicable fee at issuance of each building permit		
	Intersection #L.2: Greenville Road / Tesla Road			
	Intersection #L4: Isabel Avenue/Concannon Boulevard			
4.13-10b	All Impacted Roadways			
4.13-10c	All Impacted Freeways			
Tracy & Livermore - Existing Plus Project Phase 1A				
4.13-14a	Intersection #1: Corral Hollow Road / I-580 EB Ramps	AWSC at 196 / Signal at 832 PM peak hour trips	Previously Triggered	DEER process has been started
	Intersection #3: Corral Hollow Road / Spine Road	First occupancy permit	Previously Triggered	Constructed
	Intersection #4: Corral Hollow Road / Linne Road	396 PM peak hour trips	Previously Triggered	Design process started
	Intersection #5: Tracy Blvd / Linne Road	469 PM peak hour trips	Previously Triggered	Constructed
4.13-14b	Corral Hollow Road b/w I-580 and Linne Road	First building permit	Previously Triggered	Constructed
4.13-14d	THSP Phase 1a Roadway Surrounding School	First building permit	Previously Triggered	Constructed

Table 4 (Cont.) – THSP SEIR Mitigation Measures

Mitigation #	Mitigation[1]	Trigger	Previously Triggered/Triggered By Project/Not Triggered	Mitigation Measure Status
Existing Plus Project Phase 1A				
4.13-15a	Intersection #L.1: Greenville Road / Patterson Pass Road	Pay all applicable fee at issuance of each building permit		
	Intersection #L.2: Greenville Road / Tesla Road			
	Intersection #L5: Isabel Avenue / Vallecitos Road			
4.13-15b	All Impacted Roadways	Pay all applicable fee at issuance of each building permit		
4.13-15c	All Impacted Freeways	Pay all applicable fee at issuance of each building permit		
4.13-15e	Temporary School Off-Site (Tom Hawkins ES)	First student	Not Triggered	
4.13-15f	Temporary On-site School Building	When Phase 1a modular school opens	Not Triggered	
4.13-15g	Corral Hollow Road	2,588 AM peak hour trips	Not Triggered	

Notes:

1. Triggers and Mitigations provided in Table 4.13-68 in Section 4.13 of the THSP Final and Draft EIR
2. Impacts triggered by the Project are in ***bold italics.***

Table 5 – THSP Development Agreement Improvements

Mitigation	Trigger	Previously Triggered/Triggered By Project/Not Triggered	Mitigation Measure Status
Widen Corral Hollow Road to 4 lanes from the southern edge of the California Aqueduct to the intersection of Linne Road, as described in Tracy Hills Development Agreement	***2,600th dwelling unit***	***Triggered by Project***	***Design process started***

Notes:

1. Impacts triggered by the Project are in ***bold italics.***

RESOLUTION 2021-_____

APPROVING A GENERAL PLAN AMENDMENT FOR THE TRACY HILLS SPECIFIC PLAN AREA APPLICATION NUMBER GPA21-0001

WHEREAS, The Tracy Hills Specific Plan Area consists of approximately 2,767 acres located in the vicinity of the existing Corral Hollow Road interchange and the proposed Lammers Road interchange on Interstate 580, and

WHEREAS, On April 5, 2016, City Council certified an Environmental Impact Report and approved a General Plan Amendment and a comprehensive update to the Tracy Hills Specific Plan, and

WHEREAS, On March 2, 2021, an application was submitted for a proposed General Plan Amendment regarding the Tracy Hills Specific Plan Area, Application Number GPA21-0001, and

WHEREAS, The proposed General Plan Amendment includes changes to the General Plan Land Use Designations map, Figure 2-2, for the Tracy Hills Phase 2 area, Tracy Hills Phase 1B area, and the Tracy Hills KT Project area, and

WHEREAS, Within the Tracy Hills Phase 2 area, the proposed General Plan Amendment includes changing the General Plan land use designation on approximately 42 acres from Residential Medium to Residential Low, changing approximately 8 acres from Residential Very Low to Residential Low, and relocating and reducing the size of a Commercial area from approximately 6.8 acres to 3.7 acres with the remainder being changed to Residential Low, and

WHEREAS, Within the Tracy Hills Phase 1B area, the proposed General Plan Amendment includes changing the General Plan land use designation on approximately 71 acres, known as Villages 10 and 11, from Residential Low to Residential Medium to allow this portion of Phase 1B to develop in accordance with the Tracy Hills Specific Plan's zoning setback standards of the Medium Density Residential (MDR-TH) zone, while not changing the approved Tracy Hills Phase 1B Vesting Tentative Map, which is consistent with the density range of Residential Medium for this portion of Phase 1B, and

WHEREAS, Within the Tracy Hills KT Project Area, the proposed General Plan Amendment includes changing the General Plan land use designation on approximately 10 acres from Commercial to Residential Medium for clarification purposes and to be consistent with the approved Tracy Hills KT Project Vesting Tentative Subdivision Map, which was approved in accordance with the Tracy Hills Specific Plan's Medium Density Residential Overlay Zone, and

WHEREAS, An Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 for the Tracy Hills Specific Plan. An Addendum to the EIR has been prepared in accordance with the provisions of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 to address the proposed General Plan Amendment for the Tracy Hills Specific Plan Area. No new significant environmental impacts were identified for the project and therefore, no further environmental review is necessary, and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on October 6, 2021 and recommended that the City Council approve the proposed General Plan Amendment for the Tracy Hills Specific Plan Area, Application Number GPA21-0001, and

WHEREAS, The City Council considered this matter at a duly noticed public hearing held on October 19, 2021;

NOW, THEREFORE, BE IT RESOLVED, As follows:

Recitals. The foregoing recitals are true and correct and are incorporated herein as findings.

NOW, THEREFORE, BE IT FURTHER RESOLVED, That the City Council of the City of Tracy hereby approves the General Plan Amendment for the Tracy Hills Specific Plan Area, Application Number GPA21-0001, as shown in Attachment A of the City Council staff report dated October 19, 2021.

* *

The foregoing Resolution 2021-_____ was passed and adopted by the City Council of the City of Tracy on the 19th day of October 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY APPROVING AN AMENDMENT TO THE TRACY HILLS SPECIFIC PLAN FOR THE TRACY HILLS PHASE 2 PROJECT APPLICATION NUMBER SPA21-0003

WHEREAS, The Tracy Hills Specific Plan Area consists of approximately 2,767 acres located in the vicinity of the existing Corral Hollow Road interchange and the proposed Lammers Road interchange on Interstate 580; and

WHEREAS, On April 5, 2016, City Council certified an Environmental Impact Report and approved a General Plan Amendment and a comprehensive update to the Tracy Hills Specific Plan; and

WHEREAS, On March 2, 2021, an application was submitted for a proposed amendment to the Tracy Hills Specific Plan for the Tracy Hills Phase 2 Project, which consists of approximately 1,143 acres located south of I-580, west of Corral Hollow Road, Application Number SPA21-0003; and

WHEREAS, The proposed Tracy Hills Specific Plan Amendment (SPA) includes rezoning land within the Tracy Hills Specific Plan Area; and

WHEREAS, Within the Tracy Hills Phase 2 Area, the proposed SPA includes rezoning approximately 42 acres from Medium Density Residential (MDR-TH) to Low Density Residential (LDR-TH), rezoning approximately 8 acres from Residential Estate (RE-TH) to Low Density Residential (LDR-TH), and relocating and reducing the size of an area zoned General Highway Commercial (GHC-TH) from approximately 6.8 acres to 3.7 acres; and

WHEREAS, Within the Tracy Hills Phase 1B Area, the proposed SPA includes rezoning approximately 71 acres from Low Density Residential (LDR-TH) to Medium Density Residential (MDR-TH) to allow this portion of Phase 1B to develop in accordance with the Tracy Hills Specific Plan's zoning setback standards for the Medium Density Residential (MDR-TH) zone, while not changing the approved Tracy Hills Phase 1B Vesting Tentative Map, which is consistent with the density range of the Medium Density Residential (MDR-TH) zone for this portion of Phase 1B; and

WHEREAS, Within the Tracy Hills KT Project Area, the proposed SPA includes rezoning approximately 10 acres from General Highway Commercial (GHC-TH) zone with a Medium Density Residential Overlay to the Medium Density Residential (MDR-TH) zone for clarification purposes and to be consistent with the approved Tracy Hills KT Project Vesting Tentative Subdivision Map, which was approved in accordance with the Tracy Hills Specific Plan's Medium Density Residential (MDR-TH) Zone; and

WHEREAS, The proposed SPA also includes minor revisions to the acreages in various zone districts to reflect more precise mapping and boundary information; and

WHEREAS, Additionally, the proposed SPA includes minor clarifications and corrections throughout various portions of the document; and

WHEREAS, The proposed SPA also includes the addition of Appendix D, the Phase 2 Design Guidelines; and

WHEREAS, The proposed SPA is consistent with the General Plan, as amended; and

WHEREAS, An Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 for the Tracy Hills Specific Plan. An Addendum to the EIR has been prepared in accordance with the provisions of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 to address the proposed amendment to the Tracy Hills Specific Plan for the Tracy Hills Phase 2 Project. No new significant environmental impacts were identified for the project and therefore, no further environmental review is necessary; and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on October 6, 2021 and recommended that the City Council introduce and adopt this ordinance to approve the proposed Tracy Hills Specific Plan Amendment for the Tracy Hills Phase 2 Project, Application Number SPA21-0003; and

WHEREAS, The City Council considered this matter at a duly noticed public hearing held on October 19, 2021;

The City Council of the City of Tracy does ordain as follows:

SECTION 1. The foregoing recitals are true and correct and are incorporated herein as findings.

SECTION 2. The City Council hereby approves the Tracy Hills Specific Plan Amendment for the Tracy Hills Phase 2 Project, Application Number SPA21-0003, as attached to the October 19, 2021 City Council staff report as Attachment "B".

SECTION 3. This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 4. This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the ordinance. (Gov't. Code §36933.)

* *

This Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the 19th day of October 2021, and finally adopted on the ___ day of _____, 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

RESOLUTION 2021-_____

APPROVING A VESTING TENTATIVE SUBDIVISION MAP FOR THE TRACY HILLS PHASE 2 PROJECT TO CREATE 1,470 SINGLE-FAMILY RESIDENTIAL LOTS AND VARIOUS OTHER PARCELS ON APPROXIMATELY 1,143 ACRES LOCATED SOUTH OF I-580, WEST OF CORRAL HOLLOW ROAD, APPLICATION NUMBER TSM20-0003

WHEREAS, The Tracy Hills Specific Plan Area consists of approximately 2,767 acres located in the vicinity of the existing Corral Hollow Road interchange and the proposed Lammers Road interchange on Interstate 580, and

WHEREAS, On April 5, 2016, City Council certified an Environmental Impact Report and approved a General Plan Amendment and a comprehensive update to the Tracy Hills Specific Plan, and

WHEREAS, On November 3, 2020, an application was submitted for a Vesting Tentative Subdivision Map for the Tracy Hills Phase 2 Project to create 1,470 single-family residential lots and various other parcels on approximately 1,143 acres located south of I-580, west of Corral Hollow Road, Application Number TSM20-0003, and

WHEREAS, The proposed Vesting Tentative Subdivision Map for the Tracy Hills Phase 2 Project is consistent with the General Plan and the Tracy Hills Specific Plan, as amended, and

WHEREAS, The proposed Vesting Tentative Subdivision Map is consistent with the Tracy Municipal Code, Title 12, Subdivisions, and

WHEREAS, The site is physically suitable for the type of development and will be developed in accordance with City standards, and

WHEREAS, The site is physically suitable for the proposed density of development. The proposed density of 3.2 dwelling units per gross acre is consistent with the General Plan Residential Low designation, which provides for a density range of 2.1 to 5.8 dwelling units per gross acre. 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, 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 public facilities necessary to serve the subdivision or mitigate any impacts created by the subdivision will be constructed or assured before approval of a final map or issuance of a building or grading permit, and

WHEREAS, An Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 for the Tracy Hills Specific Plan. An Addendum to the EIR has been prepared in accordance with the provisions of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 to address the proposed Vesting Tentative Subdivision Map for the Tracy Hills Phase 2 Project. No new significant environmental impacts were identified for the project and therefore, no further environmental review is necessary, and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on October 6, 2021 and recommended that the City Council approve the Vesting Tentative Subdivision Map for the Tracy Hills Phase 2 Project, Application Number TSM20-0003, and

WHEREAS, The City Council considered this matter at a duly noticed public hearing held on October 19, 2021;

NOW, THEREFORE, BE IT RESOLVED, As follows:

Recitals. The foregoing recitals are true and correct and are incorporated herein as findings.

NOW, THEREFORE, BE IT FURTHER RESOLVED, That the City Council of the City of Tracy hereby approves the Vesting Tentative Subdivision Map for the Tracy Hills Phase 2 Project to create 1,470 single-family residential lots and various other parcels on approximately 1,143 acres located south of I-580, west of Corral Hollow Road, Application Number TSM20-0003, subject to the conditions stated in Exhibit “1” attached and made part hereof.

The foregoing Resolution 2021-_____ was passed and adopted by the City Council of the City of Tracy on the 19th day of October 2021, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Conditions of Approval for Tracy Hills Phase 2
Vesting Tentative Subdivision Map
Application Number TSM20-0003
October 19, 2021

Project: These Conditions of Approval shall apply to the Vesting Tentative Subdivision Map for Tracy Hills Phase 2, Application Number TSM20-0003, including approximately 1,470 single-family residential lots and various other parcels.

Property: The property consists of approximately 1,143 acres located in the Tracy Hills Specific Plan Area, south of I-580, west of Corral Hollow Road, Application Number TSM20-0003.

Community Facilities Districts: Certain conditions of approval herein involve the establishment of one or more Community Facilities Districts (CFDs) to implement the Project. The imposition of conditions requiring or involving the establishment of CFDs on the Property shall not limit the City from establishing additional CFDs over the Property, subject to an affirmative vote of the Property owner(s).

A. Definitions; Abbreviations.

The definitions in the City's zoning regulations (Tracy Municipal Code, Title 10, Chapter 10.08) and subdivision ordinance (Tracy Municipal Code, Title 12, Chapter 12.08) apply, and in addition:

1. "Applicant" means any person, or other legal entity, defined as a "Subdivider" by Section 12.08.010 of the City of Tracy Municipal Code.

2. "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 here. (The Development Services Director is also referred to in the Tracy Municipal Code as the Development and Engineering Services Director.)

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 Hills Specific Plan, the Tracy Municipal Code, ordinances, resolutions, written policies, written procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).

4. "Conditions of Approval" or "Conditions" means these conditions of approval.

5. "Property" means the approximately 1,143 acres located in the Tracy Hills Specific Plan Area that is the subject of the Vesting Tentative Subdivision Map for Tracy Hills Phase 2, Application Number TSM20-0003.

The following abbreviations may be used in these Conditions:

EIR	Environmental Impact Report	PI&RA	Park Improvement and Reimbursement Agreement
DIA	Deferred Improvement Agreement	PUE	Public Utility Easement
OIA	Offsite Improvement Agreement	TMC	Tracy Municipal Code

B. Planning Division Conditions of Approval

1. Compliance with laws. The Subdivider 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. City Regulations. Unless specifically modified by these Conditions of Approval, the Subdivider shall comply with all City Regulations.

3. Mitigation Measures. The Subdivider shall comply with all applicable mitigation measures in the Final Subsequent Environmental Impact Report (EIR) for the Tracy Hills Specific Plan Project (State Clearinghouse No. 2013102053), which was certified by the City Council on April 5, 2016, as it may be amended or modified pursuant to CEQA and the CEQA Guidelines.

4. Notice of protest period. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Subdivider that the 90-day approval period (in which the Subdivider 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 begin on the date of the conditional approval of this Project. If the Subdivider fails to file a protest of the Exactions complying with all of the requirements of Government Code Section 66020 within this 90-day period, the Subdivider 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.

5. Final Maps for Financing Purposes. For the purpose of these Conditions of Approval, if any Final Map or Parcel Map is filed within the boundaries of the Project solely for financing purposes only, and no permits will be requested pursuant to such map, then the requirements listed in these Conditions of Approval shall not apply to the final map or parcel map for financing purposes only.

6. Conformance with Vesting Tentative Subdivision Map. All Final Maps shall be in substantial conformance with the approved Vesting Tentative Subdivision Map (Application Number TSM20-0003), which was received by the Development Services Department on October 12, 2021, unless modified by these Conditions.

7. Streets, Streetlights and Sidewalks

Before approval of the first Final Map or issuance of any building permit for the Property (except for up to fifteen (15) model homes), Subdivider shall provide for perpetual funding of the on-going costs of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping on the Property (including all costs required by PG&E), by doing one or more of the following, subject to the approval of the City's Finance Director:

a. Community Facilities District. Subdivider 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 for a residential dwelling unit, Subdivider 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. Subdivider shall be responsible for all costs associated with the CFD proceedings.

Or

b. HOA and dormant CFD. If the HOA is the chosen funding mechanism, the Subdivider must do the following:

(1) Form a Homeowner's Association (HOA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going costs of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping on the Property (including all costs required by PG&E);

(2) Cause the HOA 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 or occupancy of the first dwelling (except for up to fifteen model homes), setting forth, among other things, the

required maintenance obligations, the standards of maintenance, and all other associated obligation(s) to ensure the long-term operation, maintenance and replacement by the HOA for the traffic signals, streetlights, and street sweeping on the Property;

(3) Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), annex into a CFD in a "dormant" capacity, to be triggered if the HOA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of operation, maintenance and replacement for the traffic signals, streetlights, and street sweeping on the Property. The dormant tax or assessment shall be disclosed to all homebuyers and non-residential property owners, even during the dormant period.

Or

c. Direct funding. Subdivider 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 for a residential dwelling unit, Subdivider 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 streets, streetlights, and sidewalks on the Property (including all costs required by 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 on the Property (including all costs required PG&E) 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.

8. Police/Public Safety & Public Works

Before approval of the first Final Map or issuance of any building permit for the Property (except for up to fifteen (15) model homes), Subdivider 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. Subdivider 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 for a residential dwelling unit, Subdivider 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. Subdivider shall be responsible for all costs associated with the CFD proceedings.

Or

b. Direct funding. Subdivider 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 for a residential dwelling unit, Subdivider 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.

9. Landscaping Maintenance

Before approval of the first Final Map or issuance of any building permit for the Property (except for up to fifteen (15) model homes), Subdivider shall provide for perpetual funding of the on-going costs of maintenance and replacement for public landscaping for the Property (but shall exclude the community park), by doing one or more of the following, subject to the approval of the City's Finance Director:

a. CFD or other funding mechanism. The Subdivider 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 Subdivider shall form a Community Facilities District (CFD) for funding the 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; (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; (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 Subdivider shall deposit an amount equal to the first year's taxes; and (6) the Subdivider shall be responsible for all costs

associated with formation of the CFD.

Or

b. HOA and dormant CFD. If the HOA is the chosen funding mechanism, the Subdivider must do the following:

(1) Form a Homeowner's Association (HOA) 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 within the entire tentative subdivision map area;

(2) Cause the HOA 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 or occupancy of the first dwelling (except for up to fifteen model homes), 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 HOA of all public landscape areas within the entire tentative subdivision map area;

(3) For each Final Map, make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas within the Final Map area;

(4) Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), annex into a CFD in a "dormant" capacity, to be triggered if the HOA 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 homebuyers and non-residential property owners, even during the dormant period.

Or

c. Direct funding. The Subdivider 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 Subdivider 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.

10. Neighborhood Parks. Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the property, which stipulates the following:

    a. Prior to the issuance of the 125th building permit that allows construction of a dwelling, not including plumbing only permits, the developer shall commence construction of the first neighborhood park. If the construction of the first neighborhood park has not commenced by the issuance of 125th building permit, no further building permits shall be issued until the first neighborhood park construction is commenced;

    b. Prior to the issuance of the 500th building permit that allows construction of a dwelling, not including plumbing only permits, the developer shall commence construction of the second neighborhood park. If the construction of the second neighborhood park has not commenced by the issuance of 500th building permit, no further building permits shall be issued until the second neighborhood park construction is commenced;

    c. Prior to the issuance of the 976th building permit that allows construction of a dwelling, not including plumbing only permits, the developer shall commence construction of the third neighborhood park. If the construction of the third neighborhood park has not commenced by the issuance of 976th building permit, no further building permits shall be issued until the third neighborhood park construction is commenced; and

    d. Prior to the issuance of the 1,226th building permit that allows construction of a dwelling, not including plumbing only permits, the developer shall commence construction of the fourth neighborhood park. If the construction of the fourth neighborhood park has not commenced by the issuance of 1,226th building permit, no further building permits shall be issued until the fourth neighborhood park construction is commenced.

C. **Engineering Division Conditions of Approval**

1. General Conditions

C.1.1 Subdivider shall comply with the applicable requirements of the approved documents, technical analyses/reports prepared for the Project listed as follows:

a) *Tracy Hills Specific Plan* approved by City Council by Resolution No. 2016-063, dated April 5, 2016, and any amendments thereto.

b) *Amendment to the Tracy Hills Specific Plan for Phase 2*, approved by the City Council by Resolution No. 2021-_____ on _____, 2021, including the *Transportation Consistency Analysis* prepared for the Amendment by Kimley-Horn and Associates, dated

September 23, 2021, and any updates or amendments thereto ("Specific Plan Amendment" or "SPA").

c) *Tracy Hills Specific Plan Final Subsequent Environmental Impact Report*, dated January 2016, certified by City Council by Resolution No. 2016-062 on April 5, 2016, and the *Addendum to the Tracy Hills Specific Plan EIR*, prepared by Kimley-Horn and Associates, dated September 2021, including all mitigation measures incorporated therein (hereinafter referred to together as "EIR").

d) *Tracy Hills Phase 2 Traffic Study,* prepared by Kimley-Horn and Associates, dated September 30, 2021, and any updates or amendments thereto ("Traffic Study").

e) *City of Tracy Citywide Roadway and Transportation Master Plan*, prepared by RBF Consulting, dated November 2012 ("TMP")

f) *Tracy Hills Phase 2 VTM Drainage Analysis* prepared by Ruggeri-Jensen-Azar, dated December 17, 2020, and the review of said analysis contained in the *Technical Memorandum* prepared by Wood Rodgers, dated April 26, 2021 (draft), and any updates or amendments to either document ("Storm Drainage Study").

g) *Tracy Hills Storm Drainage Master Plan* prepared by Ruggeri-Jensen-Azar, dated November 2013 ("*Storm Drainage Master Plan*"), as reviewed by Storm Water Consulting, Inc and Stantec Consulting Services, Inc.

h) *Tracy Hills Phase 2 Sanitary Sewer Study Technical Memorandum* prepared by Black Water Consulting Engineers, dated XXXX, 2021, and any updates or amendments thereto ("Sanitary Sewer Study").

i) *Peer Review and Hydraulic Evaluation for Tracy Hills Phase 2, 3, and 4* prepared by West Yost, dated July 13, 2021, and any updates or amendments thereto ("Water Study").

j) *Pipeline Safety Hazard Assessment, Tracy Hills Specific Plan* prepared by Place Works, dated September 2014.

k) Any *Finance Implementation Plan* ("*FIP*"), as described in Section 10.20.060(b)(3)(B) of the Tracy Municipal Code, that is approved by the City Council for the property described in the Tracy Hills Phase 2 Vesting Tentative Subdivision Map, Application No. TSM20-0003.

l) Development Agreement, executed between the City of Tracy and the developers of the Tracy Hills Project, approved by the City Council on April 5, 2016, by Ordinance No. 1213, and the First Amendment to the Development Agreement, approved by the City

Council on November 10, 2020, by Ordinance No. 1300 ("Development Agreement").

m) Settlement Agreement, executed between the City of Tracy and the developers of the Tracy Hills Project, having an effective date of December 17, 2019 ("Settlement Agreement").

n) *Agreement to Defer Payment of Development Impact Fees on New Residential Development,* executed between the City of Tracy and the developers of the Tracy Hills Project, dated November 15, 2016 ("Fee Deferral Agreement").

C.1.2 Timing of Compliance: The Applicant shall satisfy each of the following conditions prior to filing the first Final Map unless a different time for compliance is specifically stated in these Conditions of Approval. Any condition requiring an improvement that has already been designed and completed under a City-approved improvement agreement may be considered satisfied at the discretion of the City Engineer.

For the purpose of these Conditions of Approval, if any Final Map or Parcel Map is filed within the boundaries of the Project solely for financing purposes only, and no permits will be requested pursuant to such map, then the requirements listed in these Conditions of Approval shall not apply to the final map or parcel map for financing purposes only.

C.1.3 Revisions to the Vesting Tentative Subdivision Map ("VTSM"): The Subdivider shall incorporate revisions to comply with the recommendations and comments in the Traffic Study prior to signature by the City Engineer on the VTSM.

C.2 Improvement Plans

C.2.1 General

The Subdivider shall complete the Improvement Plans to comply with all applicable laws, including the City Regulations (defined above) and these Conditions of Approval. Improvement Plans shall contain the design, construction details and specifications of improvements that is/are required to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.2.1 Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

C.2.2 Site Grading

C.2.2.1 Grading and Drainage Plans

Submit a Grading and Drainage Plan prepared by a Registered Civil Engineer and accompanied by the Project's Geotechnical /Soils Engineering report. The report shall provide recommendations regarding adequacy of the site relative to the stability of soils such as soil types and classification, percolation rate, soil bearing capacity, highest observed ground water elevation, and others.

C.2.2.2 When the grade differential between the Project site and the adjacent property(s) exceeds 12 inches, a reinforced or masonry block wall, engineered slope, or engineered retaining wall is required for retaining soil. The Subdivider shall submit Retaining Wall Plans that includes the construction detail(s) and structural calculations of the retaining wall or masonry wall for City's review and approval.

C.2.2.3 If an engineered slope is used to retain soil subject to approval by the City Engineer, a slope easement will be necessary from the adjacent property. The Subdivider shall obtain a slope easement from owner(s) of the adjacent and affected property(s) and show the slope easement on the Final Map.

C.2.2.4 Erosion Control

Improvement Plans shall specify the method of erosion control to be employed and materials to be used.

C.2.2.5 If applicable, show all existing irrigation structure(s), channel(s) and pipe(s) that are to remain or relocated or to be removed, if any, after coordinating with the irrigation district or owner of the irrigation facilities. If there are irrigation facilities including tile drains, that are required to remain to serve existing adjacent agricultural uses, the Subdivider shall design, coordinate and construct required modifications to the facilities to the reasonable satisfaction of the owner of the irrigation facilities and the City.

C.2.3 Grading Permit

The City will not accept a grading permit application for the Project as complete until the Subdivider has provided all relevant documents related to the grading permit required by the City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer.

C.2.4 Storm Drainage

C.2.4.1 Site grading shall be designed such that the Project's storm drainage overland release point will be directed to a storm drainage easement or to public streets with a functional storm drainage system and that the storm drainage system within the public streets has adequate capacity to drain storm water from the Property.

C.2.4.2 All permanent underground storm drainage lines, structures and facilities to be maintained by the City shall be located within right-of-way to be dedicated to the City or within an easement. If applicable, interim facilities and storm drain lines and collection basins shall be maintained by the Subdivider.

C.2.4.3 Storm drainage plans are to be submitted with the required hydrologic and hydraulic calculations for the sizing of storm drainage pipe(s) and shall comply with the Storm Drainage Master Plan, Storm Drainage Study and City Regulations.

C.2.4.4 Prior to acceptance of maintenance of any public facilities by the City, the Subdivider shall prepare and obtain approval from the Public Works Department of a maintenance plan for all temporary and permanent storm drainage facilities to be maintained by the Subdivider or the HOA. The maintenance plan shall show the phasing of roadway construction, mass grading, drainage facilities, including collection channels, erosion control and protection of the Crimson crude oil pipeline during construction. A SWPPP may be used as the maintenance plan with approval by the City Engineer.

C.2.4.5 Storm water designs shall show facilities needed for the collection and channeling of surface water runoff and off-site flow-thru surface water runoff to underground storm drainage facilities, such as drainage collection channels, appropriately designed inlet structures and sedimentation/detention ponds. These improvements shall be shown on the Grading Plans and be approved by the City Engineer before the issuance of a Grading Permit.

C.2.4.6 Since the Project will construct terminal retention basins, it has been determined that the Project will be exempt from the Post Construction Stormwater Quality Standards. However, should new Federal or State regulations come into effect during the buildout of the Project that would require future compliance, then the Project may not be exempted from those new requirements.

SWPPP's shall be implemented during project construction. In addition, the Project may implement stormwater control measures such as disconnected roof leaders, non-contiguous street sidewalks (providing landscape strips/parkways), tree planting in parkways and use of drought tolerant landscape with drip irrigation systems and "intelligent" controllers. Similarly, public education measures regarding the damaging effects of pollutants to water quality may also be implemented.

C.2.4.7 All storm water structural and construction details that are not part of the City Standard Plans or City Design Standards shall be provided by the Subdivider and submitted to the City for approval as part of the improvement plans.

C.2.4.8 Storm drainage retention basins shall be contained within a parcel suitable for dedication to the City of Tracy. The basins shall be provided with appropriate fencing with warning signs, access roadways to and from public roadways and access roadways into the basins for maintenance purposes as approved by the City Engineer. All storm drainage inlets into the basins shall have inlet structures with design acceptable to the City Engineer.

C.2.4.9 Fixed vertical sediment depth markers shall be installed near discharge points into the Retention Basin to assist with measurements of sediment deposition over time and future assessments of the need for maintenance activities.

C.2.4.10 Prior to or concurrently with the City's approval of the first Final Map within Project, the Subdivider shall dedicate to the City utility maintenance easements necessary for all storm drainage facilities. All requirements relating to the access and maintenance by the Utilities Department and Public Works Department shall be incorporated into the improvement plans.

C.2.5 Sanitary Sewer

C.2.5.1 All sanitary sewer lines and associated improvements shall be designed and installed in accordance with the Sanitary Sewer Study and City Regulations. Before approval of Final Map(s) for the Project, Subdivider shall submit improvement plans and obtain approval of plans for all on-site and off-site sewer improvements required to serve the Project.

C.2.5.2 As indicated in the Sewer Study, based on the projected sewer demand from approved projects within the Coral Hollow sewer contributory area, the Phase 2 of the Choke Points Improvements for Corral Hollow Road Sewer as

identified in the Wastewater Master Plan (“ Phase 2 Choke Points Improvements”) will be required to serve the Project. The City has commenced the design of Phase 2 Choke Point Improvements. In the event the City does not have adequate funding for Phase 2 Choke Points Improvements the Subdivider will contribute funding as determined by the City Engineer to cover shortfall in funding, so the City can proceed with the construction of the improvement. Building permits will only be issued up to available capacity in the Corral Hollow Sewer system as determined by the City Engineer. Subdivider will be eligible for fee credits and/or reimbursements in accordance with Tracy Municipal Code.

C.2.5.3 Based on the analysis of the capacity of Wastewater Treatment Plant (WWTP) and the projected growth over the next five years, it is estimated that Phase 2C of the WWTP improvements as identified in the Wastewater Master Plan will be required to be constructed and operational in 2023. City has identified a funding shortfall of approximately $33.5 Million for the WWTP Phase 2 improvements. In order for the City to undertake design and construction of the WWTP Phase 2C improvements to provide adequate treatment capacity of the Project, City has identified the need to collect upfront fees from developments within the City.

On or prior to December 31, 2022, the Developer shall pay the City half the amount of the wastewater treatment development impact fees (estimated at approximately $6 Million) for lots within the boundary of Tracy Hills Phase 2 Tentative Map and shall provide a Letter of Credit (or other guarantee) to the satisfaction of the City Engineer for the other half of the wastewater treatment development impact fees. On or prior to December 31, 2023, the Developer shall pay to the City the remaining half the amount of the wastewater treatment development impact fees. After the second payment, the City Engineer may release the Letter of Credit (or other guarantee). For building permits issued prior to December 31, 2022, the Developer shall pay wastewater development impact fees per lot consistent with its agreement with the City and Title 13 of the Tracy Municipal Code. The City Engineer will determine the amount due on December 22, 2022 based on the available wastewater development impact fees collected and the funding shortfall for WWTP Phase 2C improvements. The Developer shall be required to pay wastewater development impact fee up to the amounts as outlined above (for all lots for which building permits have not been issued on December 31, 2022). Building permits will

only be issued up to available capacity in the WWTP, as determined by the City Engineer.

In the event City collects adequate funding from other development projects within the City by December 31, 2022, Developer will not be required to pay the upfront fees as outlined above.

C.2.5.4 The Subdivider shall extend the sanitary sewer facilities within Lammers Road that are intended to serve future phases of the Tracy Hills Project northerly under I-580 and continuing north of I-580 within the Lammers Road right-of-way to connect to the sanitary sewer main stub to be installed with the Tracy Hills Drive improvements for Tracy Hills Phase 1B. Subdivider shall obtain an encroachment permit from Caltrans for the sewer improvements to be installed within the Caltrans right-of-way.

C.2.5.5 No final inspection of any residential building will be performed or certificate of occupancy for commercial building will be issued, with the exception of Model Homes, until all improvements required per the Sanitary Sewer Study and City Regulations are completed and functional, as determined by the City Engineer.

C.2.5.6 Subdivider shall pay impact fees at the time of issuance of building permit or in accordance with the Fee Deferral Agreement.

C.2.5.7 Prior to the City's approval of the first Final Map within Project, the Subdivider shall dedicate to the City utility maintenance easements necessary for all sanitary sewer lines. All requirements relating to the access and maintenance by the Utilities Department and Public Works Department shall be incorporated into the improvement plans.

C.2.6 Water Distribution System

C.2.6.1 All potable and recycled water lines and associated improvements shall be designed and installed in accordance with the Water Study and City Regulations. Before approval of Final Map(s) for the Project, Subdivider shall submit improvement plans and obtain approval of plans for all potable and recycled water lines and associated improvements.

C.2.6.2 During the construction phases (vertical construction) of the Project, the Subdivider shall be 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 Marshall.

C.2.6.3 Prior to approval of each Final Map, the Subdivider shall submit calculations and improvement plans as required by the Fire Marshall and the City Engineer, and obtain a letter from the Fire Marshall that the fire flow parameters per Tracy Design Standards Section 6.02 are met for the phased construction of water lines to the satisfaction of the Fire Marshal.

C.2.6.4 The Subdivider shall complete design and construction of one Zone 5/6 at-grade water storage tank with a holding capacity of at least 2.57 MG and water transition mains as necessary to serve the Project and in accordance the Water Study and City Regulations. These improvements are required to be complete and operational before the final inspection of the first residential building within the Project, unless an earlier time of completion is required to comply with Condition C.2.6.2. above.

All costs related to the design and construction of the water tanks and associated improvement are the responsibility of the Subdivider. Before approval of first Final Map within the Project, the Subdivider shall execute a Deferred Improvement Agreement (DIA) to address timing, scope of work and funding responsibilities. Subdivider may request formation of Benefit District for the water tanks and associated improvements per Condition C.10.4.

C.2.6.5 Subdivider shall install 12-inch and 16-inch recycled water mains in Lammers Road as required to serve the Project and as shown on Figures 9-2 and G-D1 in the draft (2020) Water System Master Plan Update. An approximately 1,150-foot segment of 16-inch recycled water main in Lammers Road under I-580 between the portions of Lammers Road north and south of the freeway will not be constructed with the interim two-lane Lammers Road undercrossing. Timing of the future installation of the above approximately 1,150-foot segment 16-inch recycled water main is to be determined by the City Engineer.

Initially, the recycled water main will be connected to a potable water supply (with a stub in place to future recycled water) as approved by the City until the program backbone recycled water facilities are in place. Once the recycled water system network is online the recycled water distribution main in Lammers Road will be disconnected from the potable water

system and connected to the recycled water system.

C.2.6.6 Domestic and Irrigation Water Services – The HOA will be responsible for the repair and maintenance of all valves, fittings on services related to landscaping on all parcels to be owned by HOA and within HOA easements.

C.2.6.7 Where pressures at individual water services will be 80 psi or more, the Subdivider shall provide pressure reducing valves at the location approved by the City Engineer. The design operation of the individual pressure reducing valves for services shall be subject to approval by the Building Official.

C.2.6.8 Fire Service Line – The Subdivider shall design and install fire hydrants at the locations approved by the Fire Marshall. Before the approval of the Improvement Plans, the Subdivider shall obtain written approval from the Fire Marshall for the design, location and construction details of the fire service connections to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.2.7 Roadway Improvements

C.2.7.1 Subdivider is required to design and construct all applicable on-site, frontage and off-site roadway improvements to serve the Project as identified in the Traffic Study, EIR and these Conditions of Approval. All improvements shall comply with City Regulations, and Tracy Hills Design Standards and Specific Plan Amendments. Such improvements shall include, but are not limited to, roadways, water distribution system, sewer system, storm drainage systems, curb and gutter, sidewalks, street lighting system, traffic signals, ITS systems, pavement and crosswalk striping, bicycle lanes and trails, roadway signage and street signs, fire hydrants, median islands, turn lanes, landscaping, and all necessary related improvements as required by the City. Timing of completion of roadway improvements shall comply with these Conditions of Approval and as outlined in the Mitigation Measures listed in the EIR.

In the case of a discrepancy between the information shown on the Vesting Tentative Subdivision Map (“VTSM”) and/or Specific Plan Amendment and the right-of-way and street improvement requirements in the Traffic Study, the Traffic Study shall govern unless determined otherwise by the City Engineer.

C.2.7.2 Lammers Road and Other In-tract Streets – Right-of-Way

The Subdivider shall dedicate all rights-of-way that are necessary to construct Lammers Road, between Tracy Hills Drive and Corral Hollow Road, and all the in-tract streets, based on their respective cross sections shown on the VTSM and in accordance the Traffic Study, with the Final Map for the respective phase. The width of travel lanes, turn lanes, street median, landscaping strips and sidewalks shall be in accordance with the VTSM and the Traffic Study.

C.2.7.3 Lammers Road and Other In-tract Streets – Improvements

Design and construction details for Lammers Road, between Tracy Hills Drive and Corral Hollow Road, and the in-tract streets such as asphalt concrete pavement, curb, gutter, median curb, sidewalks, street lights, fire hydrants, landscaping with automatic irrigation system, storm drains, catch basin and drop inlets, sanitary sewer mains and laterals, water mains, individual water services and meters, pavement marking and striping, traffic signs, driveways, curb ramps and all other street improvements shall comply with VTSM, Traffic Study and City Regulations, and shall be shown on the Improvement Plans. Interim improvements under I-580 include 5’ wide sidewalk on east side only.

Improvements along Lammers Road and certain in-tract streets shall also include Class I bikeways or Class II bike lanes in accordance with the VTSM and Traffic Study. Interim improvements under I-580 do not include Class 1 bikeway or Class II bike lanes.

Lammers Road and Street B improvements adjacent to the school site on Lot H shall be constructed in accordance with the VTSM and Traffic Study and are subject to the review and approval of the Jefferson School District.

C.2.7.4 Corral Hollow Road - Right of Way

Per the TMP and SPA, Corral Hollow Road will be a 4-lane major arterial roadway with 11’ wide raised median, sidewalk/Class I bikeway on west side and landscaping between I-580 and Lammers Road and 2-lane arterial with sidewalk/Class I bikeway on west side and landscaping south of Lammers Road to the Project boundary. The Subdivider shall dedicate all rights-of-way along the Project frontage necessary for the widening of Corral Hollow Road per TMP and including any additional right-of-way required for the construction of roundabout improvements, turn lanes and transitions at the intersection of Corral Hollow Road and

Lammers Road in accordance with the VTSM and Traffic Study.

The width of travel lanes, turn lanes, street median, landscaping strips and sidewalks shall be in accordance with the VTSM and the Traffic Study.

The Subdivider may be eligible for fee Credits and/or reimbursements for right-of-way dedication beyond Project's frontage obligation per the TMP requirements. Temporary or interim improvements are not eligible for fee credits or reimbursements.

C.2.7.5 Corral Hollow Road - Improvements

Design and construction details for Corral Hollow Road such as asphalt concrete pavement, curb, gutter, median curb, sidewalks, street lights, fire hydrants, landscaping with automatic irrigation system, storm drains, catch basin and drop inlets, pavement marking and striping, traffic signs, curb ramps and all other street improvements shall comply with VTSM, SPA, Traffic Study and City Regulations, and shall be shown on the Improvement Plans.

Improvements along Corral Hollow Road shall also include Class I bikeway in accordance with the VTSM and Traffic Study.

C.2.7.6 Subdivider shall prepare improvement plans for Lammers Road and Corral Hollow Road Improvements and obtain approval by the City Engineer before approval of the first Final Map within the Project.

In order to guarantee completion of the Lammers Road and Corral Hollow Road Improvements, the Subdivider shall enter into an improvement agreement (SIA or OIA) and post an improvement security in the amounts and form in accordance with section 12.36.080 of the TMC and as required by these Conditions of Approval. The Subdivider shall submit the signed and notarized SIA or OIA with the necessary improvement security before approval of the first Final Map within the Project.

C.2.7.7 For any Corral Hollow Road Improvements considered frontage improvements (such as Subdivider's Frontage Obligation per the TMP and landscape improvements behind the curb) and improvements within Caltrans right-of-way at I-580/Corral Hollow Road interchange that are not constructed or security posted with OIA at the time of

approval of the first Final Map, the Subdivider shall enter into a DIA with the City.

The Subdivider shall submit the signed and notarized DIA before approval of the first Final Map within the Project. The Subdivider shall post improvement security in the amounts and form in accordance with TMC section 12.36.080 at the times specified in the DIA.

C.2.7.8 Roadway Improvement Obligations per Traffic Study

The following roadway, intersection and interchange improvements are to be constructed by the Project:

a. I-580 & CORRAL HOLLOW ROAD RAMP TERMINALS.

Subdivider shall construct the I-580/Corral Hollow Road interchange improvements in accordance with the TMP, EIR and Traffic Study. Per the Traffic Study, interchange improvements are required to be completed prior to occupancy of the first residential unit within the Project because the interchange is already operating at a deficient level of service. Subdivider shall, in collaboration with the City Engineer and Caltrans, commence with the engineering design for the interchange improvements and initiate the Caltrans review, approval and permitting process no later than ninety (90) calendar days following approval of the Vesting Tentative Subdivision Map ("VSTM") for the Project.

If the Subdivider is unable to complete construction of the interchange prior to occupancy of the first residential unit, primarily as a consequence of the Caltrans approval and permitting process, City may issue occupancy permits including and beyond the first residential unit provided that the Subdivider has, to the reasonable satisfaction of the City Engineer, diligently pursued its efforts to obtain the required Caltrans permits and complete construction of the interchange improvements and has collaborated closely with City staff in this effort.

Funding of these improvements are the primary responsibility of the developer per the Tracy Municipal Code, the EIR, and the City's TMP. However, some funding may be provided in accordance with the Settlement Agreement and Development Agreement. Funding sources may also include other regional transportation funds and/or grants that may become available, subject to eligibility and approval by the City and

other approving agencies. Developer will be eligible for fee credits in accordance with Tracy Municipal Code provisions and Development Agreement.

b. LAMMERS ROAD - BETWEEN TRACY HILLS DRIVE AND CORRAL HOLLOW ROAD.

Subdivider shall construct Lammers Road between Tracy Hills Drive and Corral Hollow Road in accordance with the TMP, Traffic Study and per Conditions C.2.7.2 and C.2.7.3.

c. CORRAL HOLLOW ROAD/LAMMERS ROAD INTERSECTION.

Concurrent with the construction of Lammers Road between Tracy Hills Drive and Corral Hollow Road as described above and in Condition C.2.7.3, the Subdivider shall construct the Corral Hollow Road and Lammers Road intersection improvements, consisting of a two-lane roundabout and all associated improvements.

d. CORRAL HOLLOW ROAD WIDENING - FROM LINNE ROAD INTERSECTION TO THE AQUEDUCT.

Subdivider shall widen Corral Hollow Road to provide two lanes in each direction, including pedestrian and bicycle facilities, from the southern terminus of bridge crossing the California Aqueduct to the Linne Road intersection, including canal crossings, in accordance with the adopted Corral Hollow Road Precise Plan, the TMP, and the Traffic Study.

Construction of the above Corral Hollow Road Widening improvements shall commence upon or prior to the final inspection of the two thousand six hundredth (2,600th) dwelling unit within the project boundary (as defined in the Development Agreement).

e. CORRAL HOLLOW ROAD - I-580 TO LAMMERS ROAD.

Subdivider shall widen Corral Hollow Road to provide two lanes in each direction, including pedestrian and bicycle facilities, between I-580 and Lammers Road in accordance with the TMP, SPA, Traffic Study and Conditions C.2.7.4 and C.2.7.5.

C.2.7.9 The Subdivider shall construct an all-whether, emergency vehicle access across Lot CC as shown on the VTSM and in

accordance with South San Joaquin County Fire Authority requirements.

C.2.7.10 Bus shelters on Lammers Road

The bus shelters (and turnouts if deemed necessary by the City) shall be constructed as part of the Lammers Road Improvements. Up to three bus shelters shall be placed on each side of Lammers Road between Corral Hollow Road and I-580 at the locations to be determined by the City Engineer. Timing of construction of bus shelters will be determined in the future based on the extension of TRACER's Fixed Route to serve the Project. In order to assure completion of construction of the bus shelters, the Subdivider may either enter into a DIA with security, or pay to the City the estimated cost for up to six bus shelters at the time of approval of the first Final Map within the Project.

C.2.7.11 Traffic Control Plan

Before starting any work within the project, the Subdivider shall submit a Traffic Control Plan for each phase of work, to show the method and type of construction signs to be used for regulating traffic at the work areas and within existing streets accessing the work areas. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

C.2.7.12 Encroachment Permit

Before starting any work to be performed and improvements to be constructed within City's right-of-way, the Subdivider shall obtain an Encroachment Permit from the City. The Subdivider or its authorized representative shall submit all documents that are required to process the Encroachment Permit including but not limited to, approved Improvement Plans, Traffic Control Plan, payment of engineering review fees, copy of the Contractor's license, Contractor's Tracy business license, and certificate of insurance naming the City of Tracy as additional insured or as a certificate holder.

C.2.7.13 Dead-End Streets

A standard barricade and guardrail with appropriate traffic sign will be required at street ends. Alternatively, turnarounds/ hammerheads meeting the requirements of Fire Marshall shall be provided at the dead-end streets.

C.2.7.14 All intersections shall be designed to accommodate fire truck movements as required by the Fire Department.

C.2.7.15 Subdivider must provide and verify sight distances, where applicable, with regard to intersections, reverse lots and fence placements as required by the City Engineer.

C.2.8 EIR Mitigation Measures

The EIR identifies Project impacts that are to be mitigated by the Subdivider. The mitigation measures are summarized in the Mitigation, Monitoring and Reporting Matrix contained in the EIR as referenced under Item C.1.1.c above. Subdivider shall comply with all applicable mitigation measures as outlined in the EIR.

C.2.9 Neighborhood and Community Parks

C.2.9.1 The Subdivider shall offer for dedication Parcels “G”, “M”, “P” and “Q” for neighborhood park purposes and Parcel “N” for community park purposes on the Final Map that corresponds to the timing of completion of respective parks as identified in the Planning Department’s Conditions of Approval.

The Subdivider shall design and construct the park improvements consistent with the Tracy Hills Specific Plan, Specific Plan Amendment, Development Agreement and City Regulations. The Subdivider shall be eligible for park fee credits in accordance with the Title 13 of the TMC and the Park Improvement and Reimbursement Agreement (“PI&RA”) and Development Agreement.

C.2.9.2 The Subdivider shall submit park improvement plans, signed and notarized PI&RA, and Improvement Security in the amount and type specified in the City Regulations at the time of approval of the Final Map that corresponds to the timing of completion of the park improvements specified in Planning Division’s Conditions of Approval or at such time as may be specified in the Deferred Improvement Agreement.

C.2.10 Public Utility Easements

C.2.10.1 Undergrounding of Overhead Utilities. Any existing overhead lines and poles within the Project boundaries shall be removed or undergrounded.

C.2.10.2 All private utility services to serve the Project such as electric, telephone and cable TV to the building must be

installed underground, within right-of-way or a dedicated Public Utility Easement (PUE) and at the location approved by the City and the respective owner(s) of the utilities.

The Subdivider shall submit improvement plans for the installation of electric, gas, telephone and TV cable lines that are to be installed under the sidewalk or within the PUE. Underground utility conduits may be installed under the sidewalks, and underground boxes and structures may be located in the landscaped parkway next to the curb. All above-ground boxes and facilities shall be behind the sidewalk and within the PUE. Pop-outs to provide additional width of PUE where required to accommodate larger above-ground structures will be permitted subject to review and approval by Public Works Director and the City Engineer. Before approval of the first Final Map, the Subdivider shall complete the necessary coordination work with the respective owner(s) of the utilities for approval.

C.2.10.3 Public Utility Easements on side yard lots shall be adjusted in final neighborhood designs based on actual joint trench design requirements.

C.2.11 Crimson (formerly Shell) Crude Oil Pipeline Easement and Facilities

C.2.11.1 A minimum of 72-hours prior to the beginning of grading operations that may impact the existing Crimson underground facilities within the Project, the Subdivider shall notify the appropriate person at Crimson of the impending work. Grading and improvements affecting Crimson facilities shall comply with applicable Crimson pipeline encroachment permit and construction specifications.

C.2.11.2 The Subdivider shall notify in writing the future buyers of lots about the existing Crimson crude oil pipeline and any requirements or restrictions relating to the existence of the pipeline as required by Crimson, State or Federal regulations .The Disclosure Statement(s) shall be made part of the Sale Deeds and recorded in compliance with the applicable law.

C.3 Final Map

The City will not approve any Final Map until the Subdivider demonstrates, to the satisfaction of the City Engineer, that all the requirements set forth in these Conditions of Approval are completed, including, but not limited to the following:

C.3.1 Subdivider has submitted one reproducible (mylar) copy of the approved tentative subdivision map for the Project after Subdivider's receipt of a notification of approval of the Tentative Subdivision Map. The signature of the owner of the Property on the Tentative Subdivision Map shall indicate the owner's consent to the preparation of the Tentative Subdivision Map and the proposed subdivision of the Property.

C.3.2 Each Final Map is prepared in accordance with the applicable requirements of the Tracy Municipal Code, these Conditions of Approval, all other applicable City Regulations, and in substantial conformance with the Tentative Subdivision Map.

C.3.3 Each Final Map includes and shows offer(s) of dedication of all right(s)-of-way and/or temporary or permanent easement(s) required by the Improvement Plans and Final Map, in accordance with City Regulations and these Conditions. If construction easement(s) is/are shown, it/they shall indicate the termination date of the construction easement(s).

C.3.4 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 Bearings" 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 separate points adjacent to or within the Property described by the Final Map.

C.3.5 Subdivider has submitted a signed and stamped Engineer's Estimate that show construction cost of subdivision improvements that are described in Conditions C.2 above plus 10% for construction contingencies.

C.3.6 Subdivision Improvement Agreement.

Before the City's approval of any Final Map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the Final Map) and post all required improvement security in accordance with City Regulations.

C.3.7 Final Map Phasing Plan

Prior to Subdivider's submittal to the City of the first Final Map for City approval, Subdivider shall submit for the City Engineer's review and reasonable approval a phasing plan for the submittal of all Final Maps to be filed for this Vesting Tentative Subdivision Map. The phasing plan may be subject to subsequent modifications based on market conditions, the rate of development, and Subdivider's disposition of the parcels created by the Final Maps.

C.3.8 Deferred Improvement Agreement

Prior to the City's approval of the first Final Map within the Project, the Subdivider shall execute a Deferred Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement) which are required by these Conditions of Approval. The Deferred Improvement Agreement shall identify timing requirements for construction of all remaining public facilities, in conformance with the phasing plan submitted by the Subdivider and approved by the City Engineer. The form and amount of Improvement Security shall be in accordance with the DIA and Section 12.36.080 of the TMC.

C.3.9 Off-Site Improvement Agreement

Prior to the City's approval of the first Final Map within the Project, or as otherwise provided for in a Deferred Improvement Agreement, the Subdivider shall execute an Off-Site Improvement Agreement, in substantial conformance with the City's standard form agreement, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with the OIA and Section 12.36.080 of the TMC.

C.3.10 Improvement Security.

The Subdivider shall provide improvement security for all public facilities as required by Subdivision Improvement Agreement, Offsite Improvement Agreement or Deferred Improvement Agreement. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with City Regulations. The amount of the improvement security shall be as follows:

C.3.10.1 Faithful Performance (100% of the estimated cost of constructing the public facilities),

C.3.10.2 Labor & Material (100% of the estimated cost of constructing the public facilities), and

C.3.10.3 Warranty (10% of the estimated cost of constructing the public facilities)

C.3.10.4 Monumentation ($750 multiplied by the total number of street centerline monuments that are shown on the Final Map)

C.3.11 Subdivider has paid engineering review fees including improvement plan checking, final map review, agreement processing, and all other fees required by these Conditions of Approval and City Regulations.

C.3.12 Subdivider has submitted technical or materials specifications, cost estimate, and technical reports related to the design of improvements that are shown on the Improvement Plans and as required by these Conditions.

C.3.13 Subdivider has submitted hydrologic and storm drainage calculations for the design and sizing of in-tract storm drainage pipes located within the Project.

C.3.14 Subdivider has submitted signed and stamped Improvement Plans as required in Condition C.2 above.

C.4 Grading and Encroachment Permits

No applications for grading and encroachment permits will be accepted by the City as complete until the Subdivider has provided all documents required by these Conditions and City Regulations, to the reasonable satisfaction of the City Engineer, including, but not limited to, the following:

C.4.1 Grading and Drainage Plans prepared on a 24” x 36” size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer.

C.4.2 Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.

C.4.3 Three sets of the Storm Water Pollution Prevention Plan (SWPPP) identical to the reports submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID). After the completion of the Project, the Subdivider 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.

C.4.4 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 Subdivider. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008 and any subsequent amendment(s), and the City Regulations.

C.4.5 Two sets of the Project’s Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity,

percolation rate, roadway section construction recommendations and elevation of the highest observed groundwater level.

C.4.6 A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) as required in Mitigation Monitoring and Reporting Program of the Tracy Hills Specific Plan Final Environmental Impact Report (TH-EIR).

C.4.7 Two sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system shall be provided with the submittal of the Improvement Plans. Partial submittal of Hydrologic and Storm Drainage Calculations may be required for Grading Plan review at the discretion of the City Engineer.

C.4.8 Reasonable written permission from irrigation district or affected owner(s), if applicable. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.

C.4.9 Written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), if applicable. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection.

C.4.10 Improvement Plans prepared on a 24” x 36” size 4-mil thick polyester film (mylar) that incorporate all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.4.11 Two sets of structural calculations for drainage structures and retaining walls within street right-of-way and retention basins signed and stamped by a Structural Engineer licensed in the State of California shall be submitted to the Building Safety Division at the time of building permit application for said structures.

C.4.12 Check payment for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the current fee rate adopted by the City Council.

C.4.13 Traffic Control Plan for each phase signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.

C.4.14 As required per Mitigation Measure 4.8-2a of the EIR, the Subdivider shall submit, prior to issuance of grading permits, a Phase II ESA focused on soil sampling conducted near the location of the underground crude oil pipelines, as determined by a qualified Phase II/Site Characterization specialist.

C.4.15 As required per Mitigation Measure 4.8-2b of the EIR, prior to issuance of grading permits, the Subdivider shall work with Crimson to implement and observe a site damage prevention plan to the satisfaction of the City of Tracy Engineering Division.

C.4.16 Grading Permit Security to guarantee completion of the grading improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Grading Permit Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC).

C.5 Building Permit

The City will not approve any building permit within the Project boundaries, (except for up to ten model homes and except for a plumbing permit issued for the purpose of perfecting a RGA) until a Final Map is approved by the City Council and it is recorded at the San Joaquin County Recorder's Office, and the Subdivider demonstrates, to the reasonable satisfaction of the City Engineer, compliance with all the required Conditions of Approval and payment of fees in accordance with the Fee Deferral Agreement including but not limited to the following:

C.5.1 Payment of the applicable current City-Wide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park Development Impact Fees as these relate to the Project and as required by these Conditions of Approval.

C.5.2 Payment of applicable Regional Transportation Impact Fees (RTIF) as required in the Mitigation, Monitoring and Reporting Program of the EIR, these Conditions of Approval, and the Settlement Agreement.

C.5.3 Payment of any applicable Agricultural Mitigation Fee as required in Chapter 13.28 of the Tracy Municipal Code and Mitigation Measure AG 4.2.1 of the EIR and these Conditions of Approval.

C.5.4 Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC.

C.6 Final Building Inspection

The City will not perform final building inspection (except for model homes) until after the Subdivider provides documentation which demonstrates, to the reasonable satisfaction of the City Engineer, that:

C.6.1 The Subdivider has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested, or a final building inspection has to be performed unless otherwise defined herein. Unless specifically provided in these Conditions, or the City Regulations, the Subdivider shall take all actions necessary to construct all public facilities required to serve the Project, and the Subdivider 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 Temporary or Final Building Certificate of Occupancy

No Final Building Inspection shall be performed or a Temporary or Final Building Certificate of Occupancy will be issued by the City (except for model homes) until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

C.7.1. The Subdivider has satisfied all the requirements set forth in these Conditions of Approval.

C.7.2 The Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested, unless otherwise defined herein. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Subdivider shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Subdivider shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.8 Acceptance of Public Improvements

Public improvements will not be considered for City Council's acceptance until after the Subdivider demonstrates to the reasonable satisfaction of the City Engineer, completion of the following:

C.8.1 All the public improvements shown on the Improvement Plans are completed and all the deficiencies listed in the deficiency report prepared by the assigned Engineering Inspector are all corrected.

C.8.2 Subdivider has completed the 90-day public landscaping maintenance period.

C.8.3 Subdivider has submitted Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider so that the Subdivider will be able

to document revisions to show the "As Built" configuration of all improvements.

C.8.4 Where applicable, signed and notarized Grant Deed(s) with legal description(s) and plat maps for the offer of dedication of right-of-way, and Grant of Easements as required per these Conditions of Approval and City Regulations, or dedications shown on the Final Map.

C.9 Release of Improvement Security

City will release Improvement Security(s) to the Subdivider after City Council's acceptance of public improvements, both on-site and off-site, in accordance with TMC section 12.36.080, upon written request and submittal of the recorded Notice of Completion.

C.10 Special Conditions

C.10.1 All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, except as otherwise specifically approved in the Tracy Hills Specific Plan.

C.10.2 When street cuts are made for installation of utilities, the Subdivider is required to install 2 inches thick asphalt concrete overlay with reinforcing fabric at least 25-feet from all sides and for the entire length of the utility trench. A 2-inch deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. If the utility trench extends beyond the median island, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street.

C.10.3 All improvement plans shall contain a note stating that the Subdivider (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Subdivider's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).

C.10.4 Benefit District

The Subdivider may make a written request to the City for the formation of a Benefit District before the approval of the final map and improvement plans for the public facility(s) considered to be oversized that benefits other property(s) or development(s). Reimbursement request(s) will be processed in accordance with TMC Chapter 12.60.

C.10.5 The CFD or HOA shall include future costs of maintenance including PG&E charges for all new streetlights to be installed by the Project.

C.10.6 Nothing contained in these Conditions shall be construed to permit any violation of City Regulations. Subject, however, to City Regulations, this Condition does not preclude the City from requiring pertinent revisions and additional requirements to the final map, improvement agreements, and improvement plans, before the City Engineer's signature on the final map and improvement plans, if the City Engineer finds it necessary due to public health and safety reasons. (Government Code section 66498.6.) The Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

October 19, 2021

AGENDA ITEM 3.B

REQUEST

AUTHORIZE STAFF TO NEGOTIATE A DEVELOPMENT AGREEMENT WITH RIDGE CAPITAL RELATED TO PROPERTY AT THE SOUTHWEST CORNER OF I-205 AND PARADISE ROAD

EXECUTIVE SUMMARY

This agenda responds to a request by Ridge Capital to negotiate a development agreement (DA) with the City for a proposed industrial development on Paradise Road at I-205 within the Northeast Industrial Area Specific Plan area. Pursuant to the City's DA procedures, City Council authorization is required in order for the City to begin negotiations.

DISCUSSION

Recent City Council discussion on the City's DA Procedures

On October 5, 2021 City Council reviewed the City's DA procedures and directed staff to make minor modifications which will be brought back to City Council at an upcoming Council meeting.

Development agreements are contracts negotiated between project proponents and public agencies that govern land uses that may be allowed on a particular project and provide vested rights to project proponents.

State law authorizes cities to use a development agreement (DA) under Government Code sections 65864-65869.5 which, in part, state that a DA is a means to "strengthen the public planning process, to encourage private participation in comprehensive long-range planning, and to reduce the economic costs of development."

Request by Ridge Capital to Negotiate a DA

Attachment A to the staff report is a letter from Ridge Capital requesting a DA and outlining the initial public benefit and rationale for a DA.

The property that is the subject of this DA request is shown in Attachment B. The site is located within the Northeast Industrial Areas Specific Plan and is adjacent to the I-205 Freeway. Accordingly, it is within the area of the City that has the I-205 Overlay zone, which places land use restrictions on the site, mainly limiting building size for structures within 500 feet of the freeway to no greater than 75,000 square feet (Attachment C to the staff report is the City's I-205 Overlay Zone). The developer is seeking to have this site exempted from the I-205 Overlay Zone, and the developer's letter outlines the rationale for the request. The site is comprised of two parcels, one of which is an old airstrip and is reportedly affected by soil contamination. Development of the two parcels under one single development effort makes for more efficient site and infrastructure planning, and represents an opportunity to have the contaminated site incorporated into the overall

development, cleaned, and organized in such a way as to present a more aesthetically appropriate entryway to the City.

The applicant has informed the City that such soil remediation is costly, and would likely render the entire project financially infeasible if the non-contaminated portion of the site (adjacent to the Freeway) must adhere to the smaller building size requirements of the I-205 Overlay Zone. Therefore, such an exemption from the I-205 Overlay Zone in order to remediate the contamination is the basis of the request for the DA. Attachment D to the staff report is a conceptual site layout with buildings configured without the overlay restrictions.

In exchange for entering into a DA, the developer has offered the following public benefit:

- Incorporation of the contaminated site into the development site plan and site remediation;
- Other, yet to be determined, community benefits.

Next Steps in the DA Process with Ridge Capital

Subject to City Council authorization, City staff would begin negotiating a DA with Ridge Capital. Once DA terms are finalized, the DA will be drafted and environmental review under the California Environmental Quality Act (CEQA) will be conducted together with the proposed amendments to the City's Overlay Zone affecting this site, and development application. The development application and the DA would then be placed on a noticed Planning Commission agenda for their consideration before returning to City Council for noticed hearings for final consideration.

STRATEGIC PLANS

This is a routine operational item, funded through the Development Services Operating budget for fiscal year 2020/2021. Should City Council authorize negotiations, the costs associated with negotiating and preparing a DA would be covered through a Cost Recovery Agreement.

FISCAL IMPACT

Negotiating a DA would be funded by the applicant in accordance with a City approved Cost Recovery Agreement.

Upon completing a draft DA, City staff will return with an expanded fiscal impact discussion, if any, of what the DA represents.

RECOMMENDATION

Staff recommends that the City Council, by motion, authorize staff to negotiate a DA with Ridge Capital.

Prepared by: Bill Dean, Interim Development Services Director

Reviewed by: Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

ATTACHMENTS

A – Letter from Ridge Capital requesting authorization to negotiate a DA
B – Location Map - Subject Property of DA request
C – City's I-205 Overlay Zone – TMC Section 10.08.2861 and following
D – Conceptual site layout with and without the I-205 Overlay restrictions

Attachment A

RIDGE CAPITAL

SACRAMENTO OFFICE
555 University Ave.
Suite 180
Sacramento, CA 95825

Michael E. Diepenbrock, Principal
916.330.1060 **direct**
michael.diepenbrock@ridgecapitalinc.com

September 23, 2021

Mayor Young, Mayor Pro Tem Vargas, and
Honorable City Councilmembers
333 Civic Center Plaza
Tracy, California 95376
Email: tracycitycouncil@cityoftracy.org

Re: Request for City Council to Authorize and Direct City Staff to Enter into Negotiations Regarding Development Agreement for Rados/Haley Project

Dear Mayor Young, Mayor Pro Tem Vargas, and Honorable City Councilmembers:

Ridge Capital, Inc. (Applicant or Ridge Capital) is one of the largest development companies currently active in the Central Valley. Ridge Capital takes particular pride in its history of working cooperatively with the communities within which its projects are located to complete high quality and mutually beneficial development projects. Established in 2010, Ridge Capital has completed and under construction projects approaching $1.0 billion in total cost. Current clients include: California State Teachers Retirement System, UC Davis Health, as well as numerous other national and regional companies.

A. Brief Background.

Ridge Capital has invested a substantial amount of time, effort and money in connection with its proposal to develop a Class A employment-generating industrial project in the City of Tracy (City) on lands referred to as the Rados Property, located within the City's Northeast Industrial (NEI) Specific Plan area.

Ridge Capital's initial development proposal was located entirely on the Rados Property. However, as a result of feedback received in connection therewith, including a recognition of the importance of this area generally to the City as a "gateway" and a critical component of the City's planned circulation system, Ridge Capital began exploring opportunities to incorporate into its development proposal the adjacent lands known as the Haley Property.[1]

[1] As the City Council is well aware, the Haley Property — which is considered an important gateway to the City and is part of the long-planned and recently approved Chrisman / Paradise Road realignment that is critical to the successful industrial development throughout NEI and the vicinity — has long been viewed as blighted, with a significant level of environmental contamination.

B. Development Challenges Presented By Incorporating The Haley Property Into The Rados Proposal.

To that end, at significant expense and with much additional effort,[2] Ridge Capital was ultimately able to enter into an arrangement by which it would have the opportunity to acquire the Haley Property for the purpose of combining it with the Rados Property for a larger Class A employment generating industrial facility (Rados/Haley Project).

However, accomplishing this objective is quite difficult because the Haley Property has a number of development challenges; of most relevance here is the unfortunate reality that this property has substantial amounts of pre-existing contamination on-site as a result of activities pre-dating Ridge Capital's involvement.

In particular, this extensive contamination is predominantly located within a portion of the Haley Property that is planned for the City's right-of-way as part of the Chrisman / Paradise Road realignment. To appropriately address this situation, based on preliminary evaluations, it would involve a substantial amount of environmental remediation coupled with significant time, effort and monies to obtain the related regulatory approvals for doing so.

C. Potential Opportunities And Community Benefits That Would Result By Including The Haley Property Into The Rados Proposal.

As the City Council can certainly understand, this is not the "typical" development situation; Ridge Capital was (and still is) prepared to proceed with its development proposal on the Rados Property only, which would be entirely consistent with the long-time industrial land use vision reflected in the NEI Specific Plan. To the extent there is a desire to "clean up" the Haley Property to ensure that it is aesthetically pleasing and can be effectively, safely and timely incorporated into the City's broader circulation system as part of the Chrisman / Paradise Road realignment, extraordinary steps must be taken by Ridge Capital to include it into its Rados development proposal.

Specifically, the level of extensive pre-existing contamination and the associated cost and risks of remediation make combining the Haley Property with the Rados development proposal economically infeasible[3] unless additional value can be "created" through a cooperative entitlement process with the City.

Accordingly, Ridge Capital is proposing to enter into a statutory development agreement with the City to accomplish the foregoing. As you know, the City is authorized to enter into a development agreement under Government Code section 65864 *et seq*. and the City's own

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[2] In an effort to collaborate in this regard and work to develop a feasible solution to address these concerns, Ridge Capital voluntarily agreed to fund the cost to evaluate, characterize and quantify the pre-existing contamination on the Haley Property. This effort — which was not triggered by the original Rados proposal — cost Ridge Capital more than $100,000 and has added more than 12 months of additional time to the entitlement process thus far.

[3] In fact, the cost of remediation well exceeds any reasonable value for the Haley Property.

local "Regulations and Requirements for Consideration of Development Agreements" (*see* City Council Resolution No. 2016-115), as may be amended from time to time. "The purpose of a development agreement is to assure the developer certain vested rights to proceed with a development over time. In exchange, the developer proposes and the City accepts certain public benefits that would not otherwise be required for the project." (Reso. 2016-115(A).)

Therefore, by this letter, we are requesting that the City Council direct the Planning Department to enter into negotiations for a development agreement with Ridge Capital that would incorporate mutually acceptable terms in accordance with applicable laws and regulations. Assuming the City Council grants this request, among other typical DA terms, we anticipate the key substantive business terms to include the following:

* Ridge Capital would be responsible for the funding and implementation of the required very expensive environmental remediation of the Haley Property so long as the 500-foot overlay zone is removed to allow the Rados/Haley Project to be developed as was originally conceived by the NEI Specific Plan and consistent with the adjacent already built-out properties. Please understand that Ridge Capital recognizes the sensitivity of removing the 500-foot overlay and therefore is committed to working voluntarily and collaboratively with the City to exceed landscape setbacks along the project site's northern boundary and include additional landscaping to soften views along the I-205 corridor of the site. In addition, the building orientations would be fully vetted with the City to minimize, to the extent feasible, views of trucks, trailers and loading docks along the project site's northern edge.

Ridge Capital strongly believes that its willingness to voluntarily take on the additional extraordinary responsibility of funding and implementing the remediation of contamination that it did not cause on land that it does not need to develop its underlying Rados development proposal, in order to aesthetically enhance this gateway and help the City implement the broader circulation system as part of the Chrisman / Paradise Road realignment, is an absolutely critical and substantial community benefit. The City's traffic impact fee program does not collect funds to pay for extraordinary site conditions such as contamination. As a result, there are no public funds available to pay for the remediation. In this case, the extraordinary burden of remediation must be privately financed, which therefore would necessarily fall upon Ridge Capital, thereby triggering the need for a cooperative and mutually beneficial solution.

That said, as part of the development agreement negotiation process, Ridge Capital is also willing to work with City staff and the City Council to explore other potential community benefits that could be incorporated into this proposal to further augment the public benefits received as a result of the proposed development without threatening its economic viability.

****

In sum, through collaborative efforts and an innovative approach, we believe that development of the Rados/Haley Project as proposed by Ridge Capital will bring multiple substantial public benefits to the City of Tracy, including a Class A job-producing industrial development, remediation of a currently underutilized site, improving upon the public's health and safety in the NEI area, visual enhancement of a critical gateway, and facilitation of vital regional

transportation improvements. This will help ensure the City's land use vision for the NEI Specific Plan area and vicinity is allowed to proceed and thrive.

Accordingly, we appreciate your consideration of our request to commence negotiations for a development agreement and look forward to ongoing collaboration in this regard.

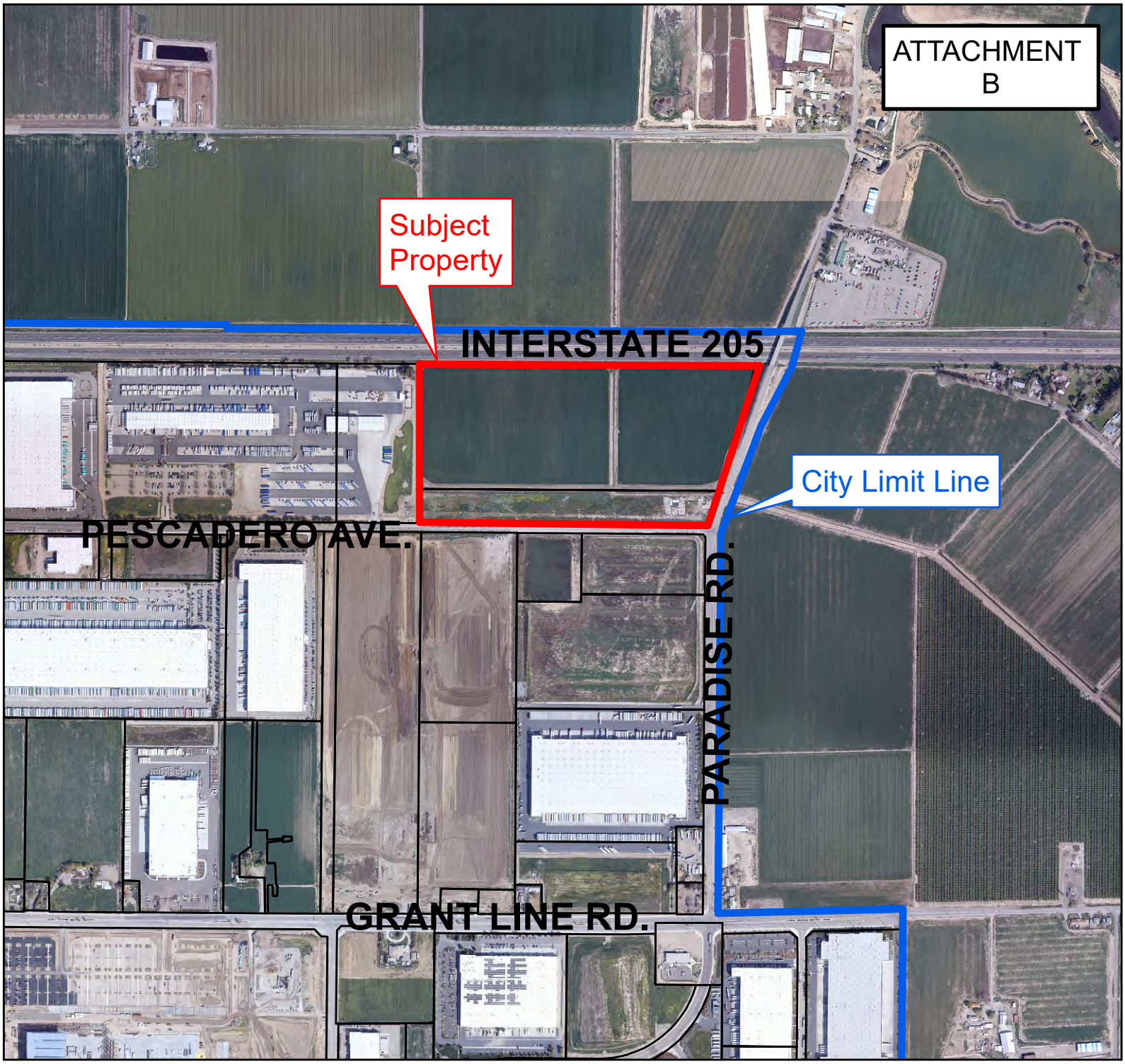
Very truly yours,

RIDGE CAPITAL

Michael E. Diepenbrock

Michael E. Diepenbrock

cc: Robert Adams, City of Tracy
Bill Dean, City of Tracy
Nadia Costa, Miller Starr Regalia



TRACY
Think Inside the Triangle™

N

0 325 650 1,300 1,950 2,600
Feet

Attachment C

Article 21.2 I-205 Overlay Zone[1]

10.08.2861 Purpose.

The purposes of this I-205 overlay zone are to maximize the aesthetic appearance of development along the I-205 corridor, maximize the economic development potential of lands along the I-205 corridor consistent with City economic development goals, and establish development application processing requirements for application submittals along the I-205 corridor.

(Ord. No. 1226, § 1(Exh. A), 10-18-2016)

10.08.2862 Applicability.

(a) Definitions. In this article:

I-205 corridor means the property on both sides of the I-205 freeway as it passes through the City.

I-205 overlay zone means the property along the I-205 corridor within 500 feet of either side of the freeway, as measured from the edge of the Caltrans right of way. This overlay zone applies new development in the following: light industrial zone (M-1), industrial designations within the planned unit development zone (PUD), I-205 Specific Plan, Northeast Industrial Specific Plan zone, and Industrial Specific Plan (ISP).

(b) This article applies to the I-205 overlay zone.

(Ord. No. 1226, § 1(Exh. A), 10-18-2016)

10.08.2863 Permitted and prohibited uses.

Any distribution, warehouse or similar use is prohibited in the I-205 overlay zone.

Existing permitted uses in each zone district apply in the I-205 overlay zone except as follows:

Use Group 52, Contract construction, in buildings over 75,000 square feet

Use Group 53, Warehousing and storage

Use Group 60, Manufacturing uses, light, in buildings over 75,000 square feet

Use Group 61, Manufacturing uses, intermediate

Use Group 63, Manufacturing uses, very heavy

Truck stop uses, including fueling, servicing and emergency repairs

Furniture and cabinet assembly in buildings over 75,000 square feet

[1]Editor's note(s)—Ord. No. 1226, § 1(Exh. A), adopted Oct. 18, 2016, amended the Code by adding provisions designated as §§ 10.08.2860—10.28.2864. Inasmuch as there were provisions already designated as § 10.08.2860, the provisions have been redesignated as §§ 10.08.2861—10.08.2865.

Parcel delivery service and vehicle storage

Truck terminals

Mini storage

Equipment storage, rental and sales, indoor or outdoor

(Ord. No. 1226, § 1(Exh. A), 10-18-2016)

10.08.2864 Development standards.

(a) Yard areas. Minimum yard setbacks in the I-205 overlay zone are the same as in the underlying zoning district except that the setback from the I-205 corridor right of way is 100 feet.

(b) Building height. The maximum building height within the I-205 overlay zone is 40 feet.

(c) Floor area ratio. The maximum floor area ratio within the I-205 overlay zone is 40%.

(d) Building Size: The maximum building size within the I-205 overlay zone is 75,000 square feet.

(Ord. No. 1226, § 1(Exh. A), 10-18-2016)

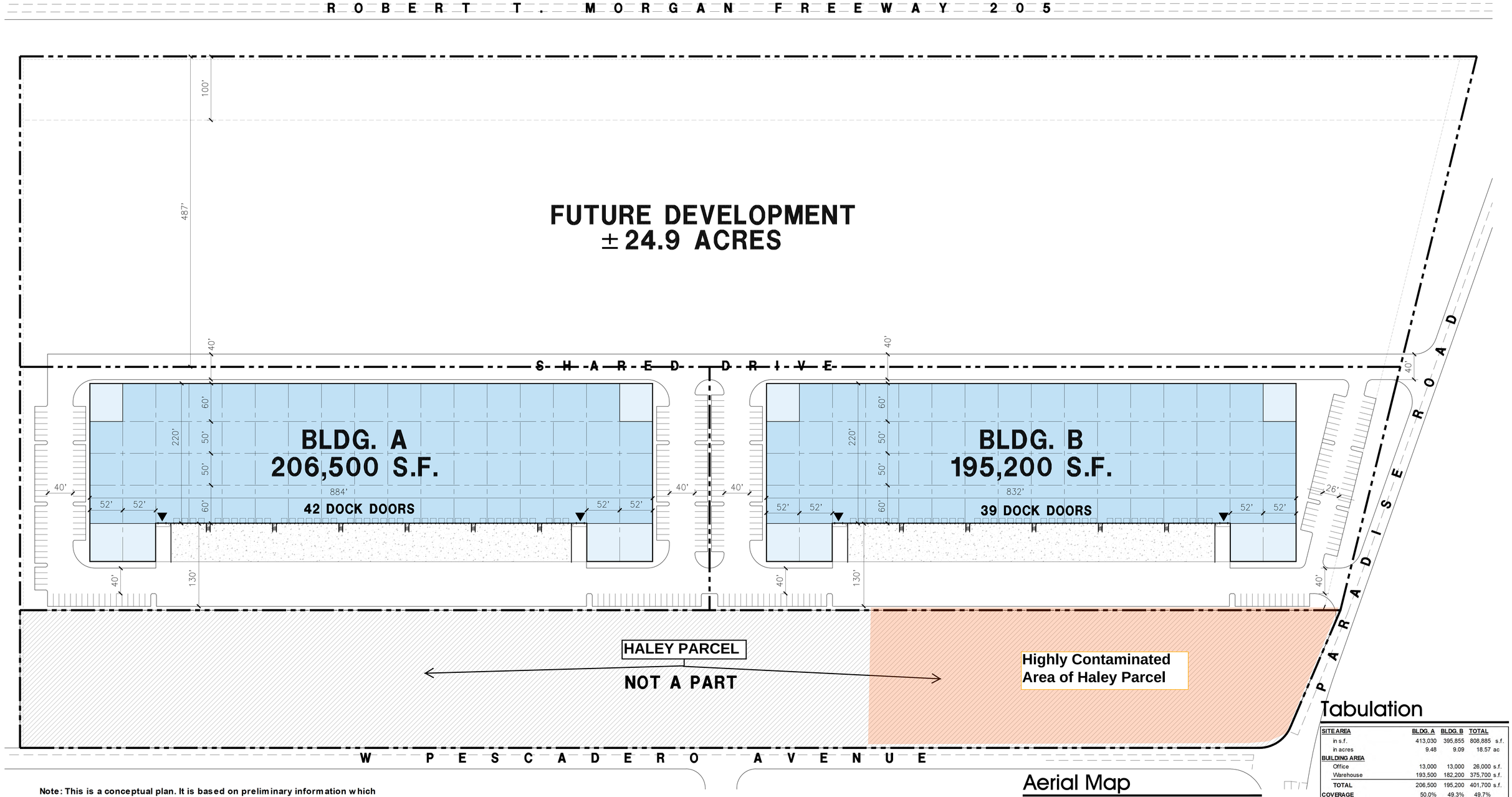
10.08.2865 Development review permit.

Before obtaining a building permit for an improvement in the I-205 overlay zone, the owner must first obtain a development review permit under article 30 (section 10.08.3920 and following). Development must conform to the Citywide Design Standards, including the I-205 overlay zone standards. A development review permit application for a parcel in the I-205 overlay zone is subject to City Council approval after Planning Commission recommendation.

(Ord. No. 1226, § 1(Exh. A), 10-18-2016)

Attachment D

CAUTION: IF THIS SHEET IS NOT 30"X42", IT IS A REDUCED PRINT



Note: This is a conceptual plan. It is based on preliminary information which is not fully verified and may be incomplete. It is meant as a comparative aid in examining alternate development strategies and any quantities indicated are subject to revision as more reliable information becomes available.

Legend

- POTENTIAL OFFICE
- WAREHOUSE
- ▼ DRIVE THRU DOOR

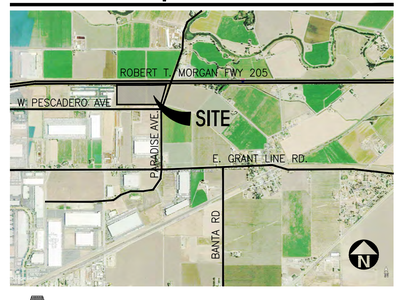
north

1" = 60'

0 60' 120' 180'

Conceptual Site Plan

Aerial Map



Tabulation

	BLDG. A	BLDG. B	TOTAL	
SITE AREA				
in s.f.	413,030	395,855	808,885	s.f.
in acres	9.48	9.09	18.57	ac
BUILDING AREA				
Office	13,000	13,000	26,000	s.f.
Warehouse	193,500	182,200	375,700	s.f.
TOTAL	206,500	195,200	401,700	s.f.
COVERAGE	50.0%	49.3%	49.7%	
AUTO PARKING REQUIRED				
Office 1/250 s.f.	52	52	104	stalls
Whse: 1st 20k @ 1/1,000 s.f.	20	20	40	stalls
2nd 20k @ 1/2,000 s.f.	10	10	20	stalls
Above 40k @ 1/4,000 s.f.	39	36	75	stalls
TOTAL	121	118	239	stalls
AUTO PARKING PROVIDED				
Standard (9' x 20')	137	130	267	stalls
MAXIMUM FLOOR AREA RATIO				
F.A.R. - 50%				
SETBACKS				
Building	Landscape			
Front - 25'	15'			
Side - 15'	5'			
Rear - 15'	5'			
ZONING ORDINANCE FOR CITY				
Zoning Designation - Northeast Industrial Specific Plan				

HPA architecture

RIDGE CAPITAL

Paradise Rd and W Pescadero Avenue

Tracy, CA

18831 Bardeen Ave. - Ste. #100
Irvine, CA 92612
(949) 863-1770
www.hparchs.com

March 5, 2019 / Job #18285

Scheme 2

Attachment D



HPA architecture
18831 BARDEEN AVE. - STE. #100 IRVINE, CA 92612
TEL: 949.863.1770 FAX: 949.863.0851 EMAIL: HPA@HPARCHS.COM

SITE PLAN INTERIM SCENARIO

18285
04.07.2021

RIDGE CAPITAL

October 19, 2021

AGENDA ITEM 3.C

REQUEST

RECEIVE A PRESENTATION AND ACCEPT THE CITY-WIDE URBAN FOREST MANAGEMENT PLAN (UFMP)

EXECUTIVE SUMMARY

The City of Tracy was awarded a Cal Fire Urban Forestry California Climate Investment Grant in June of 2017. The primary goals of this grant were to fund the planting of hundreds of trees throughout the community, and to formalize the City's commitment to its urban forest through the development of an Urban Forest Management Plan (UFMP). The purpose of the UFMP is to provide an outline for managing, enhancing, and growing Tracy's community tree resource over the next 20 years and beyond by establishing best management practices and guidelines for sustainable development of the City's urban forest.

DISCUSSION

The City of Tracy was awarded a Cal Fire Urban Forestry California Climate Investment Grant in June of 2017. This grant included funding for the development of an Urban Forest Management Plan (UFMP). The Public Works Department subsequently conducted an RFP process for a consultant to prepare the UFMP. Council approved the award of a contract to Davey Resource Group (DRG) on May 1, 2018 (Reso #: 2018-074).

During the development of the UFMP, DRG and City staff performed a full assessment of the City's Urban Forest including key areas such as the current inventory of over 35,000 City trees, an urban forest canopy cover analysis, City policies and ordinances, storm water management, and ways in which to improve species diversity within Tracy's urban forest. A community meeting and other outreach efforts such as interviews including residents and stakeholders were conducted. Participants were able to share their opinions and interests when it comes to Tracy's Urban Forest and provided input into what was included in the UFMP. During the three Arbor Day events hosted during the three-year grant period, 2017 to 2020, the City was able to further engage residents, provide educational information, and gather feedback.

On March 4, 2021, the Public Works Department presented the UFMP to the City's Parks and Community Services Commission. The Commission and the public were able to provide feedback and ask questions about the UFMP. The Commission then recommended the UFMP move forward for presentation to Council.

The UFMP helps build a vision for the City's urban forest. It provides a myriad of benefits to the community as it provides an ecological approach to the long-term health of trees in the Tracy community, and a greater understanding of the many positive effects of trees on the lives of Tracy residents, businesses and visitors. The UFMP identifies best management practices that support tree health, improve the

environmental impacts of the community's urban forest, aide in creating a sustainable urban forest, enhance property values, and increases community wellbeing and safety. The information in the UFMP provides a basis for developing community goals and urban forest policies and establishes benchmarks for measuring the success of long-term planning objectives. It is a supporting reference for other documents such as the Parks, Recreation and Trails Master Plan. The UFMP nurtures an ethic of stewardship among all members of the community and provides a valuable framework that will guide the management of the City's urban forest well into the future.

FISCAL IMPACT

This staff report action is to review and accept the report. The UFMP was funded through the Cal Fire Urban Forestry California Climate Investment Grant and does not require additional funding to accept the report. The report may contain some recommendations that the City may wish to consider that are outside of the existing level of service within the Public Works Department. During the development of such programs, Public Works would evaluate the potential costs and return for budget consideration at that time.

STRATEGIC PLAN

This agenda item supports the City Council's 2021-2023 Quality Of Life Strategic Priority, which is to provide an outstanding quality of life by enhancing the City's amenities, business mix and services, and cultivating connections to promote positive change and progress in our community.

RECOMMENDATION

Staff recommends the Council review and accept the Urban Forest Management Plan.

Prepared by: John Newman, Urban Forestry Supervisor

Reviewed by: David Murphy, Public Works Superintendent
Don Scholl, Director of Public Works
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

Attachments

Attachment A – Tracy Urban Forest Management Plan
Attachment B – Urban Forest Management Plan Presentation

Attachment A

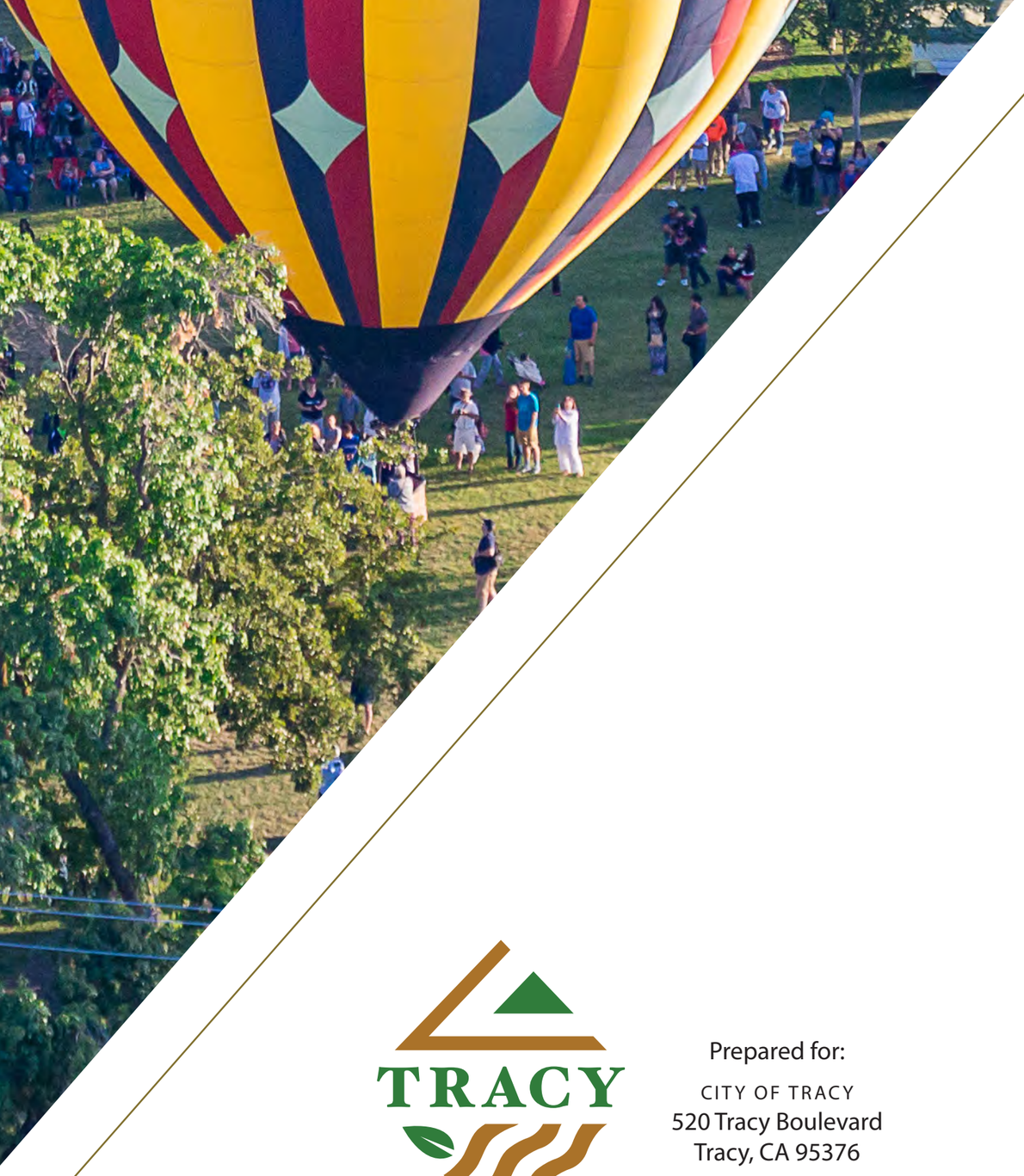
City of Tracy

Urban Forest Management Plan

TRACY

Think Inside the Triangle™





City of Tracy

Urban Forest Management Plan

2020

Think Inside the Triangle™

Prepared for:

CITY OF TRACY
520 Tracy Boulevard
Tracy, CA 95376

Prepared by:

DAVEY RESOURCE GROUP, INC.
1500 North Mantua Street,
Kent, OH 44240
www.daveyresourcegroup.com

Acknowledgements

Tracy City Council

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Development Services

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Tracy Tree Foundation

Tracy Nature Park Advocates

PG&E

CalFire

West Coast Arborists

Davey Resource Group, Inc.

Photo Credits

City of Tracy
Davey Resource Group, Inc.

Scope & Purpose

The purpose of the Urban Forest Management Plan (UFMP) is to provide a guide for managing, enhancing, and growing Tracy's community tree resource over the next 20 years. The plan also includes goals for long-range planning to promote sustainability, species diversity, and greater canopy cover.

Community trees are publicly managed trees along streets, in parks, and at City facilities. The UFMP also provides some consideration for private trees because they contribute significantly to Tracy's livability and environmental quality.

Therefore, the UFMP aims to:

- Identify best management practices that support tree health, benefits, and community safety
- Increase health and resiliency of the urban forest by improving species diversity, and by managing pests and invasive species
- Develop a cohesive organizational structure to facilitate collaboration among all urban forest managers
- Nurture an ethic of stewardship for the urban forest among City staff, community organizations, businesses, and residents
- Identify baseline metrics and clear goals for urban forest managers
- Promote community engagement and advocacy for the urban forest

The UFMP includes both long and short-term actions in support of these ends. The plan provides specific goals and actions for managing community trees, preserving and increasing canopy cover, and improving community outreach.



Table of Contents

Scope & Purpose

Executive Summary

1• WHAT DO WE HAVE?
2• WHAT DO WE WANT?
2• HOW DO WE GET THERE?
2• HOW ARE WE DOING?

Introduction

5• COMMUNITY
History
6• MISSION STATEMENT
7• TREE AND CANOPY BENEFITS
Energy Savings
Air Quality
Carbon Dioxide Reduction
Stormwater Management and Water Quality
Health Benefits
Wildlife
Calculating Tree Benefits

What do we have?

13• HISTORY OF URBAN FORESTRY IN TRACY
13• URBAN FOREST RESOURCE
Tree Canopy
Community Tree Resource
Benefits Versus Investment
24• URBAN FORESTRY OPERATIONS
Services
Funding
Partners
33• POLICY AND REGULATION
Federal and State Law
Tracy Municipal Code
Design Standards
Guiding Documents
35• CONCLUSIONS

What do we want?

37• STAKEHOLDER OUTREACH
Community Meetings
Plan Goals and Actions

How do we get there?

41• GROW, MAINTAIN, PRESERVE, AND ENHANCE A SUSTAINABLE URBAN FOREST.
49• OPTIMIZE THE ENVIRONMENTAL, SOCIAL, ECONOMIC, AND PUBLIC HEALTH BENEFITS OF TREES AND CANOPY
55• ALIGN URBAN FOREST MANAGEMENT POLICY WITH COMMUNITY EXPECTATIONS AND PROMOTE EFFICIENCY WITHIN THE DEPARTMENT OF PUBLIC WORKS

How are we doing?

59• MONITORING AND MEASURING RESULTS
Annual Review
Resource Analysis
Canopy Analysis
State of the Community Forest Report
Community Satisfaction
59• REPORTING
State of the Community Forest Report

Appendix A: Acronyms

Appendix B: References

Appendix C: Industry Standards

65• ANSI Z133 SAFETY STANDARD, 2017
65• ANSI A300
65• BEST MANAGEMENT PRACTICES (BMPS)

Appendix D: Tree Risk Decision Flow Chart

Appendix E: Soil Volume and Tree Stature

Appendix F: Alternative Planter Designs

70• TREE PROTECTION ZONE – EXAMPLE

Appendix G: Indicators of a Sustainable Urban Forest

Appendix H: Recommend City Tree List



Executive Summary

What do we have?

The review process established that Tracy has built a strong foundation for an exceptional urban forestry program. The community has made an outstanding commitment to planting, preserving, and promoting the care of trees and other natural resources.

Several factors contribute to Tracy having the tools and information necessary to make well informed and effective management choices. These factors include:

- The support of local non-profits that advocate for the urban forest and provide a volunteer base;
- An Urban Tree Canopy Assessment that includes GIS mapping of the location and extent of Tracy's entire tree canopy (public and private);
- An inventory of public trees in parks, medians, streets, and City facilities;
- A Resource Analysis that defines the composition, benefits, and benefit versus investment ratio of the public tree resource;
- Tree protection regulations that promote the preservation and protection of community trees; and
- A well-trained, dedicated urban forestry staff.

With these tools and a relatively young urban forest, in good condition, Tracy is poised to enjoy increasing environmental benefits and value from its public trees.

Tracy's Urban Forest Benchmark Values

Urban Tree Canopy Cover (Public and Private, 2016)		
Overall Canopy Cover	7.4%	
Land Use Canopy Cover (Residential & Parks)	12.8%	
Impervious Surfaces	37.9%	
Canopy Benefits (Public and Private, 2016)		
Carbon Stored to Date	10,633 tons	$159,500
Annual Canopy Benefits (Public and Private, 2016)		
Annual Carbon Benefits	1,078 tons	$36,095
Annual Air Quality Benefits	25,598 pounds	$368,567
Community Urban Forest (Public Tree Resource)		
Inventoried Trees (2018)	35,561 trees	
Community Tree Benefits		
Annual Carbon Benefits	2,967 tons	$44,502
Annual Air Quality Benefits	31,172 pounds	$469,360
Annual Energy Benefits		$947,243
Annual Stormwater Management	23.3 million gallons	$181,658
Species Diversity (Inventoried Trees, 2018)		
Total Number of Unique Species	191	
Prevalence of Top Five Species	41.6%	
Species exceeding recommended 10%	1	





What do we want?

A primary emphasis for the UFMP is to identify adequate resources to ensure that critical tree care needs can be addressed in a timely, cost-effective, and efficient manner. Trees are living organisms, constantly changing and adapting to their environment and increasing in size over time. Because of this, trees have specific needs at various life stages, including training for proper structure when they are young and increased monitoring and proactive risk management as trees age.

Deferring maintenance can have a significant effect on the overall health, structure, value, and lifespan of a tree. In addition, deferred maintenance often results in higher costs and less beneficial results, including increased risk potential. As a result, the UFMP identifies goals for optimizing urban forest programming, existing funding, staffing, and urban forest policy.

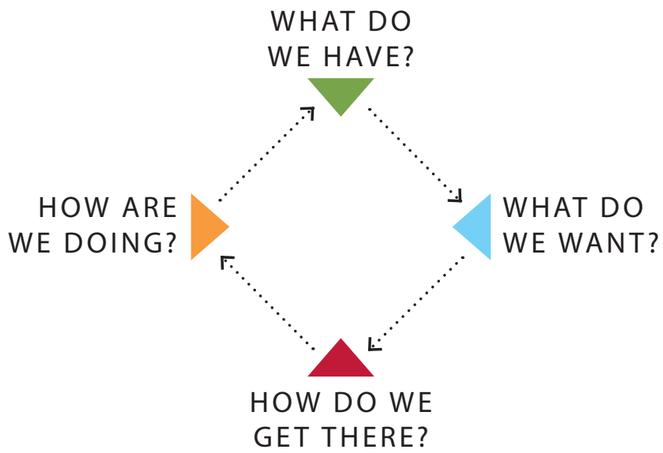
How do we get there?

The UFMP identifies three guiding principles, five goals, and eight existing policies that support preserving the health, value, services, and sustainability of Tracy's community urban forest. Each of these goals and existing policies are supported by comprehensive objectives and actions. Recognizing that community engagement is integral to success, the UFMP includes solid objectives for engaging the community and encourages partnership and collaboration.

How are we doing?

The long-term success of the UFMP will be measured through the realization of Plan goals and demonstrated through increased value and environmental services from the urban forest. The Plan identifies methods of measurement, priorities, potential partners, and estimated costs. Since the UFMP is intended to be a dynamic tool, it can and should be updated in response to available resources and opportunities. One of the greatest measures of success for the UFMP will be its level of success in meeting community expectations for the care and preservation of Tracy's urban forest.







Grow, maintain, preserve, and enhance a sustainable urban forest.

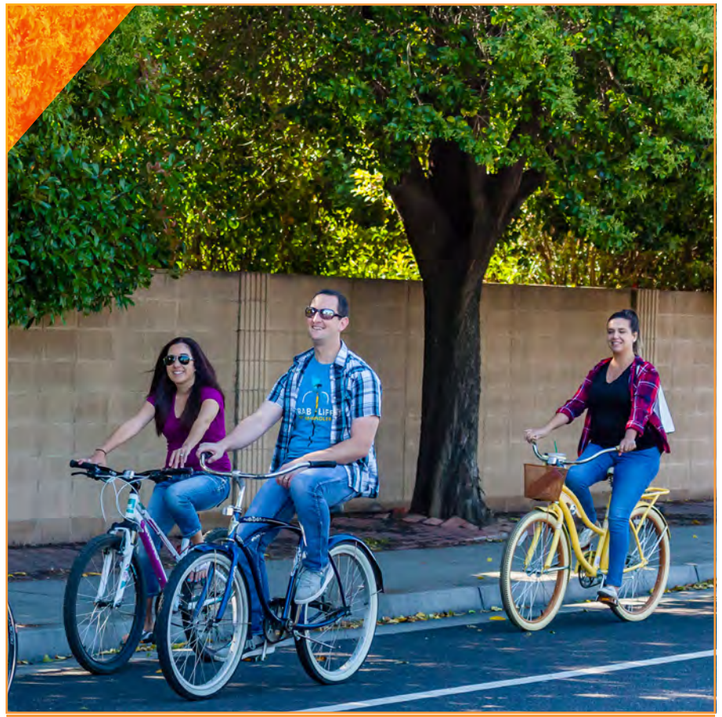
Goal 1: Preserve trees whenever possible.

Goal 2: Reach 15% canopy cover by 2040.

Existing Policy 1: Plan for trees.

Existing Policy 2: Foster current partnerships with local non-profits and continue to explore opportunities with additional non-profit groups.

Existing Policy 3: Promote the longevity of trees as a public resource.



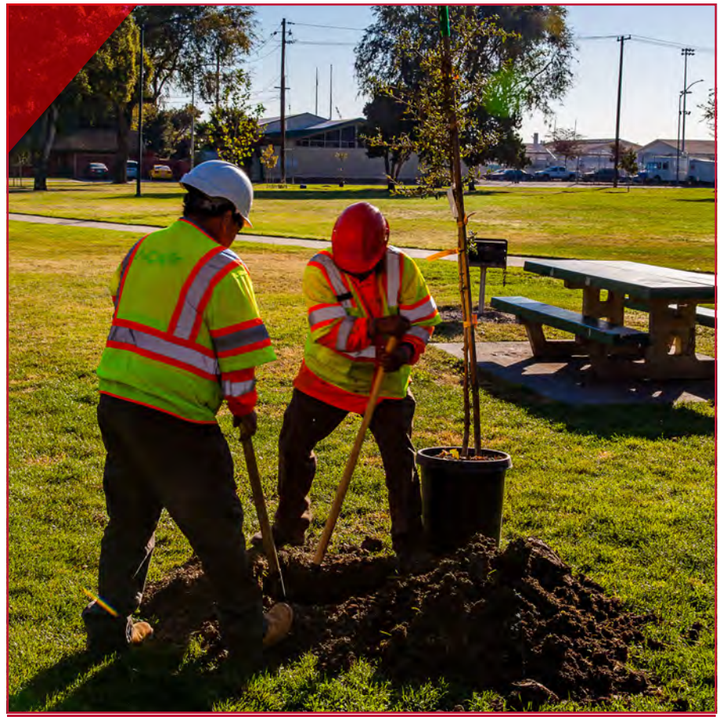
Optimize the environmental, social, economic, and public health benefits of trees and canopy.

Goal 3: Engage the community to increase support for the urban forest.

Goal 4: Encourage the planting of trees on private property.

Existing Policy 4: Manage risk.

Existing Policy 5: Expand the tree canopy through tree plantings on public property.



Align urban forest management policy with community expectations and promote efficiency within the Department of Public Works.

Goal 5: Revise Municipal Code to respond to community needs.

Existing Policy 6: Ensure policy documents communicate a shared vision.

Existing Policy 7: Provide emergency response to ensure accessibility for emergency responders and restoration of regular operations.

Existing Policy 8: Maintain a fire safe community.

Primary Objectives:

- Develop a Private Protected Tree or Heritage Tree Ordinance to protect specific species, native trees, specimen trees, or trees of historic value from damage or unpermitted removal.
- Greater preservation of trees on public property.
- Ensure all newly planted trees have the necessary resources to be maintained throughout the lifetime of the tree.
- Explore alternative designs to avoid removals during construction or renovations.
- Encourage preservation of trees on private property.
- Improve everyday care of trees, to prevent future removals.
- Greater and more equitable distribution of environmental benefits from trees.
- Invest in trees for the long-term environmental benefits they provide to the community.
- Allow for flexibility in planting considerations for new development.
- Continue to provide support for local non-profit organizations.
- Encourage new industries within the City to expand the tree canopy.
- Continue to explore partnerships with non-profit and environmental advocacy groups.
- Provide water to trees to encourage establishment of newly planted trees, as well as, prolong the life of mature trees.
- Educate the community about property owner responsibilities for the care of City trees.

Primary Objectives:

- Engage the community in urban forestry activities and educational events.
- Improve diversity of Tracy's urban forest through plantings on private property.
- Provide sustainable and adequate resources to sustain the urban forest for future generations.
- Use a variety of methods to provide tree related information to the community.
- Continue to distribute information about the urban forest to the community.
- Increase canopy cover through tree plantings on private property.
- Maintain trees throughout their lifetimes to improve structure in maturity and reduce the likelihood of structural failures in the future.
- Improve the diversity of the urban forest on public property, to create a more resilient urban forest.

Primary Objectives:

- Review and revise Municipal Code to address the challenges facing the urban forest.
- Unify guiding documents to transcend departmental changes and address inefficiencies and reduce confusion.
- Optimize interdepartmental communication and coordination.
- Restore operations and public safety as efficiently and as quickly as possible following storm or other emergency events.
- Focus fire mitigation efforts on Tracy Hills and other areas of vulnerability.



Introduction

Tracy is in San Joaquin County, within an hour of San Jose, San Francisco, and Sacramento. Although Tracy is generally considered a bedroom community, the City is currently experiencing significant growth in the industrial and commercial employment sectors. In fact, Tracy has the largest industrial park in the country (Prologis, 2019). Tracy is located inside a geographic triangle formed by Interstate 205, Interstate 5, and Interstate 580, which contributes to the City's motto of "Think Inside the Triangle". In addition to the laid back and friendly character of Tracy, the City is close to numerous recreational opportunities, such as, Lake Tahoe, Yosemite, and the San Francisco Bay.

Tracy has a semidesert climate with an average annual precipitation around 13.3 inches, which is less than other communities in the San Joaquin Valley. With the average temperature in winter hovering around 46.8°F and summers with an average temperature of 75.1 (U.S. Climate Data, 2018). The average annual wind speed for Tracy is 7.6 MPH from April to September, with average wind speeds in the summer of 9.4 MPH (Weather Spark, 2018).

Community

Tracy prides itself on being a friendly small City; the kind of place where traditional values of faith, family, education, and the arts are highly valued by all who live there. In addition to close proximity to popular California attractions, Tracy offers a vibrant entertainment scene with numerous festivals and community events throughout the year, as well as live theater, art shows, and music concerts.

History

Tracy's history follows a similar story to much of the history of the Central Valley of California, where the major drivers of the population are tied to railroads and agriculture.

1700s

The Yokuts were the first peoples to call the area that is now Tracy, home. Where the livelihood of the native peoples revolved around the water from the river and food from the acorns of the native valley oak trees (Tracy History, 2018). After the arrival of European settlers, most of the Yokuts were displaced or died from the introduction of new disease.

1800s

In the mid-nineteenth century, the building of an expansive railroad system across California, led to the foundation of Tracy, where the Southern Pacific and the Central Pacific intersected in 1878. Tracy was named for Lathrop J. Tracy, a grain merchant and railroad director from Mansfield, OH (Tracy History, 2018).

1900s

Up until the turn of the century, Tracy grew into a major railroad hub and was incorporated in 1910. The railroad industry declined in the beginning half of the 20th century and Tracy evolved into a thriving agricultural center (Tracy Magazine, 2017).

First sheep herders moved down from the hills into the valley with the seasons, then later cattle ranching, and later crops, such as barley, tomatoes, asparagus, nuts, fruit were grown, and processing plants to follow. Agriculture and the railroad were the main avenues of commerce up until the 1970s, then the growth of the Bay Area extended beyond the Altamont Pass and into Tracy.

Today, Tracy continues to attract people who are seeking an affordable lifestyle in close proximity to the Bay Area. Along with being an attractive place to live, many companies are taking note of Tracy as an optimal distribution location and are choosing to be located in the small City, including, companies like Amazon and most recently DHL.

Think Inside the Triangle



Benefits of Urban Trees

Research has linked the presence of urban trees to...

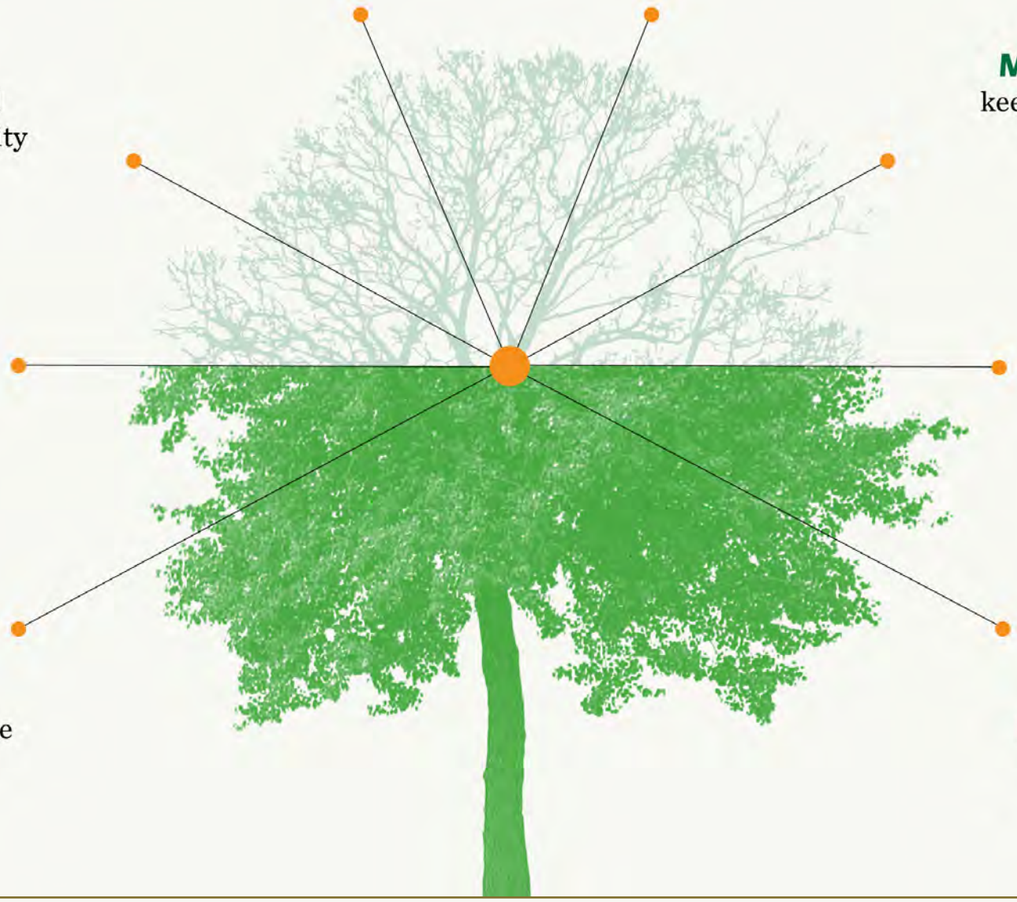
The Nature Conservancy

PROTECTING BIODIVERSITY
including habitat for migrating birds and pollinators

REDUCING OBESITY LEVELS
by increasing physical activity including walking and cycling

REDUCING RATES
of cardiac disease, strokes, and asthma due to improved air quality

MANAGING STORMWATER,
keeping pollutants out of waterways, and reducing urban flooding



COOLING city streets by 2-4° F, reducing deaths from heat and cutting energy use

INCREASING
neighborhood property values

FILTERING up to a third of fine particle pollutants within 300 yards of a tree

REDUCING STRESS by helping interrupt thought patterns that lead to anxiety and depression

Source: The Nature Conservancy

Tree and Canopy Benefits

Trees in the urban forest work continuously to mitigate the effects of urbanization and development and protect and enhance lives within the community in many ways. Healthy trees are vigorous, producing more leaf surface and canopy cover area each year. The amount and distribution of leaf surface area are the driving force behind the urban forest's ability to produce services for the community (Clark et al, 1997). Services (i.e. benefits) include:

- Energy savings
- Air quality improvements
- Carbon dioxide reductions
- Water quality improvements
- Aesthetics & socioeconomics
- Health benefits
- Wildlife

Energy Savings

Urban trees and forests modify climate and conserve energy in three principal ways:

- Producing shade for dwellings and hardscape reduces the energy needed to cool the building with air conditioning (Akbari et al, 1997)
- Tree canopies engage in evapotranspiration, which leads to the release of water vapor from tree canopies and cools the air (Lyle, 1996)
- Trees in dense arrangements may reduce mean wind speed and solar radiation below the top of the tree canopy by up to ~90% compared to open areas (Heisler and DeWalle, 1988)

An urban heat island is an urban area or metropolitan area that is significantly warmer than its surrounding rural areas due to human activities.

Trees reduce energy use in summer by cooling the surrounding areas and shading-built environments. Shade from trees reduces the amount of radiant energy absorbed and stored by hardscapes and other impervious surfaces, thereby reducing the heat island effect, a term that describes the increase in urban temperatures in relation to surrounding locations. Transpiration releases water vapor from tree canopies, which cools the surrounding area. Evapotranspiration, alone or in combination with shading, can help reduce peak summer temperatures by 2 to 9°F (1 to 5°C) (Huang et al, 1990). The energy saving potential of trees and other landscape vegetation can mitigate urban heat islands directly by shading heat-absorbing surfaces, and indirectly through evapotranspiration cooling (McPherson, 1994). Individual trees through transpiration have a cooling effect equivalent to two average household central air-conditioning units per day or 70 kWh for every 200 L of water transpired (Ellison et al, 2017). Studies on the heat island effect show that temperature differences of more than 9°F (5°C) have been observed between city centers without adequate canopy cover and more vegetated suburban areas (Akbari et al, 1997).

Trees also reduce energy use in winter by mitigating heat loss. Trees reduce wind speeds by up to 50% and influence the movement of warm air and pollutants along streets and out of urban canyons. Urban canyons are streets flanked by dense blocks of buildings, which can affect local conditions, including temperature, wind, and air quality. By reducing air movement into buildings and against conductive surfaces (e.g., glass and metal siding), trees reduce conductive heat loss from buildings, translating into potential annual heating savings of 25% (Heisler, 1986).

Three trees properly placed around the home can save $100-$250 annually in energy costs. Shade from trees significantly mitigates the urban heat island effect – tree canopies provide surface temperature reductions on wall and roof surfaces of buildings ranging from 20-45°F and temperatures inside parked cars can be reduced by 45°F. Reducing energy use has the added bonus of reducing carbon dioxide (CO_2) emissions from fossil fuel power plants.

Introduction

Air Quality

Trees improve air quality in five fundamental ways:

- Lessening particulate matter (e.g., dust and smoke)
- Absorbing gaseous pollutants
- Providing shade and transpiring
- Reducing power plant emissions by decreasing energy demand among buildings
- Increasing oxygen levels through photosynthesis

Trees protect and improve air quality by intercepting particulate matter (PM_{10}), including dust, pollen, and smoke. The particulates are filtered and held in the tree canopy until precipitation rinses the particulates harmlessly to the ground. Trees absorb harmful gaseous pollutants like ozone (O_3), nitrogen dioxide (NO_2), and sulfur dioxide (SO_2). Shade and transpiration reduce the formation of O_3, which is created at higher temperatures. Scientists are now finding that some trees may absorb more volatile organic compounds (VOCs) than previously thought (Karl, T. 2010; Science Now, 2010). VOCs are carbon-based particles emitted from automobile exhaust, lawnmowers, and other human activities.

Carbon Dioxide Reduction

As environmental awareness continues to increase, governments are paying particular attention to global warming and the effects of greenhouse gas (GHG) emissions. As energy from the sun (sunlight) strikes the Earth's surface, it is reflected into space as infrared radiation (heat). Greenhouse gases absorb some of this infrared radiation and trap this heat in the atmosphere, increasing the temperature of the Earth's surface. Many chemical compounds in the Earth's atmosphere act as GHGs, including methane (CH_4), nitrous oxide (N_2O), carbon dioxide (CO_2), water vapor, and human-made gases/aerosols. As GHGs increase, the amount of energy radiated back into space is reduced and more heat is trapped in the atmosphere. An increase in the average temperature of the earth may result in changes in weather, sea levels, and land use patterns, commonly referred to as "climate change." In the last 150-years, since large-scale industrialization began, the levels of some GHGs, including CO_2, have increased by 25% (U.S. Energy Information Administration).

California's Global Warming Solutions Act (AB 32) passed in 2006 set the 2020 GHG emissions reduction goal into law. In December 2007, the California Air Resources Board (ARB) approved the 2020 emission limit of 427 million metric tons of carbon dioxide equivalent (CO_2). As of 2007, regulations require that the largest industrial sources of GHG must report and verify their emissions. In 2011, the ARB adopted the cap-and-trade regulation. Under a cap-and-trade system, an upper limit (or cap) is placed on GHG emissions. This cap can be applied to any source, industry, region, or other jurisdictional level (e.g., state, national, or global). Regulated entities are required to either reduce emissions to required limits or purchase (trade) emission offsets to meet the cap. In 2011, the ARB approved four offset protocols for issuing carbon credits under cap-and-trade, including the Forest Offset Protocol (ARB, 2011). This Protocol recognizes the key role forests play in fighting climate change. The USDA Forest Service Urban Ecosystems and Social Dynamics Program (EUP) recently led the development of an Urban Forest Project Reporting Protocol.

The Protocol, which incorporates methods of the Kyoto Protocol and Voluntary Carbon Standard (VCS), establishes methods for calculating reductions, provides guidance for accounting and reporting, and guides urban forest managers in developing tree planting and stewardship projects that could be registered for GHG reduction credits (offsets). The Protocol can be applied to urban tree planting projects within municipalities, campuses, and utility service areas anywhere in the United States. Trees and forests reduce atmospheric carbon dioxide CO_2 in two ways:

- Directly, through growth and carbon sequestration
- Indirectly, by lowering the demand for energy

Trees and forests directly reduce CO_2 in the atmosphere through growth and sequestration of CO_2 in woody and foliar biomass. Indirectly, trees and forests reduce CO_2 by lowering the demand for energy and reducing CO_2 emissions from the consumption of natural gas and the generation of electric power.



Stormwater Management and Water Quality

Trees and forests improve and protect the quality of surface waters, such as creeks and rivers, by reducing the impacts of stormwater runoff through:

- Interception
- Increasing soil capacity and rate of infiltration
- Reducing soil erosion

Trees intercept rainfall in their canopy, which acts as a mini-reservoir (Xiao et al, 1998). During storm events, this interception reduces and slows runoff. In addition to catching stormwater, canopy interception lessens the impact of raindrops on barren soils. Root growth and decomposition increase the capacity and rate of soil infiltration by rainfall and snowmelt (McPherson et al, 2002). Each of these processes greatly reduces the flow and volume of stormwater runoff, avoiding erosion and preventing sediments and other pollutants from entering streams, rivers, and lakes. Urban stormwater runoff is a major source of pollution for surface waters and riparian areas, threatening aquatic and other wildlife as well as human populations. Requirements for stormwater management are becoming more stringent and costly. Reducing runoff and incorporating urban trees in stormwater management planning has the added benefit of reducing the cost of stormwater management, including the expense of constructing new facilities necessary to detain and control stormwater as well as the cost of treatment to remove sediment and other pollutants.

MANAGING STORMWATER,
keeping pollutants out of waterways,
and reducing urban flooding





REDUCING RATES
of cardiac disease, strokes, and
asthma due to improved air quality

Introduction

Health Benefits

Exposure to nature, including trees, has a positive impact on human health and wellness through improvements in mental and physical health, reductions in crime, and academic success.

A study of individuals living in 28 identical high-rise apartment units found residents who live near green spaces had a stronger sense of community and improved mental health, coped better with stress and hardship, and managed problems more effectively than those living away from green space (Kuo, 2001). In a greener environment, people report fewer health complaints, more often rate themselves as being in good health, and having better mental health (Sherer, 2003). Other research has revealed lower incidence of depressive symptoms in neighborhoods with greater access to green space (Jennings et al, 2016).

Tracy is susceptible to heat waves, which cause the most deaths worldwide out of any weather-related-natural disaster, with an estimated 12,000 deaths annually. Trees shade impervious surfaces and prevent the sun's rays from hitting them, thus reducing heat storage and later release, which contribute to the urban heat island effect. Tall trees that create a large shaded area are more useful than short vegetation. Trees also contribute to cooler temperatures through transpiration, increasing latent heat storage (the sun's energy goes to converting water from its liquid to vapor form), rather than increasing air temperature (sensible heat). According to a study conducted by the Nature Conservancy, it is estimated that trees have the potential to reduce summer maximum air temperatures by 0.9 to 3.6° F. Trees help to address public health concerns for both heat and air quality. Globally, an annual investment of $100 million in planting and maintenance costs would give an additional 77 million people a 1° C (1.8° F) reduction in maximum temperatures on hot days (McDonald et al, 2016).

A number of studies have examined the relationship between urban forests and crime rates. Park-like surroundings increase neighborhood safety by relieving mental fatigue and feelings of violence and aggression that can occur as an outcome of fatigue (American Planning Association, 2003). Research shows that the greener a building's surroundings are, the fewer total crimes. This is true for both property crimes and violent crimes. Landscape vegetation around buildings can mitigate irritability, inattentiveness, and decreased control over impulses, all of which are well established psychological precursors to violence.

Residents who live near outdoor greenery tend to be more familiar with nearby neighbors, socialize more with them, and express greater feelings of community and safety than residents lacking nearby green spaces (American Planning Association, 2003). Public housing residents reported 25% fewer domestic crimes when landscapes and trees were planted near their homes (Kuo, 2001). Two studies (one in New Haven, CT and the other in Baltimore City and County, MD) found a correlation between increased tree coverage and decreased crime rates, even after adjusting for a number of other variables, such as median household income, level of education, and rented versus owner-occupied housing in the neighborhoods that were studied (Gilstad-Hayden et al, 2015; Troy et al, 2012).

A 2010 study investigated the effects of exposure to green space at school on the academic success of students at 101 public high schools in southern Michigan (Matsuoka, 2010). The study found a positive correlation between exposure to nature and student success measured by standardized testing, graduation rate, percentage of students planning to go to college, and the rate of criminal behavior. This trend persisted after controlling for factors such as socioeconomic status and race or ethnicity. Conversely, views of buildings and landscapes that lacked natural features were negatively associated with student performance.

Wildlife

Trees provide important habitat for birds, insects (including bees), and other animal species. Their greatest contributions include:

- Preservation and optimization of wildlife habitat
- Natural corridors for increased movement and dispersal

Furthermore, trees and forest lands provide critical habitat (for foraging, nesting, spawning, etc.) for mammals, birds, fish, and other aquatic species. Trees can offer pollinators a valuable source of flowering plants. By including an array of flowering trees that provide pollen and nectar in the urban forest, bees are provided with additional food sources. Increasing tree species diversity and richness contributes to greater numbers of bird species among urban bird communities (Pena et al, 2017). Wooded streets potentially function as movement corridors, allowing certain species—particularly those feeding on the ground and breeding in trees or tree holes—to fare well by supporting alternative habitat for feeding and nesting (Fernandez-Juricic E. 2000). Greater tree density also contributes to bat activity in urban environments and improves outcomes for birds and bats (Threlfall et al, 2016).

Restoration of urban riparian corridors and their linkages to surrounding natural areas have facilitated the movement of wildlife and dispersal of flora (Dwyer et al, 1992). Usually habitat creation and enhancement increase biodiversity and complement many other beneficial functions of the urban forest. These findings indicate an urgent need for conservation and restoration measures to improve landscape connectivity, which will reduce extinction rates and help maintain ecosystem services (Haddad et al, 2015).

Calculating Tree Benefits

Communities can calculate the benefits of their urban forest by using a complete inventory or sample data in conjunction with the USDA Forest Service i-Tree software tools (itreetools.org). This open-source, state-of-the-art, peer-reviewed software suite considers regional environmental data and costs to quantify the ecosystem services unique to a given urban forest resource.

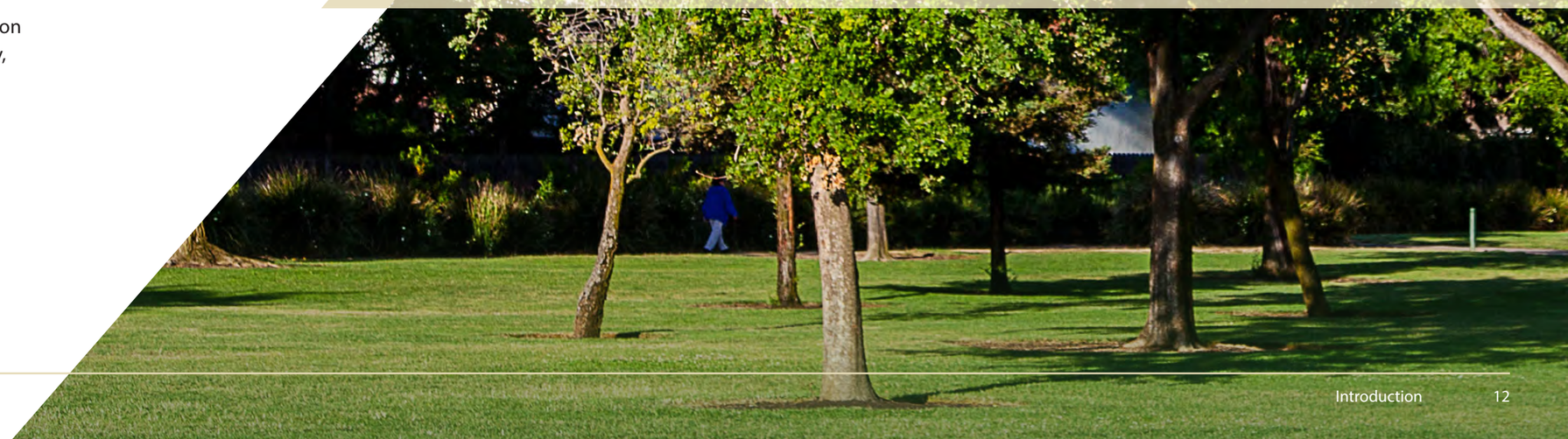
Individuals can calculate the benefits of trees to their property by using i-Tree Design (www.itreetools.org/design).

i-Tree™



If a London plane tree were planted and lived for 20 years, it would provide numerous environmental benefits including sequestering 4,023 lbs of CO_2 ($93.56), preventing 4,543 gallons of rainfall runoff ($40.59), and intercepting 20.7 lbs of air pollutants. If it were planted next to a building, it would save 1,923 kWh of electricity ($298.01).

I-TREE DESIGN





What do we have?

History of Urban Forestry in Tracy

In the late 1960's, the Public Works Department was established, which assumed responsibility for the care of street trees in Tracy. To address the cost of tree care and landscape needs for public landscaped areas throughout the City, Landscape Maintenance District (LMD) zones were established in 1985.

Storm events and periods of drought have had a noticeable impact on City trees. In 1968, nearly 324 trees were lost in a single storm, which resulted in clean-up efforts that lasted 24 hours a day for nearly a month. Tree losses also occurred during extreme wind and heavy rain events in 1997 and 2007. While Tracy continues to experience strong wind events, with improved routine maintenance and structural training of young trees, fatalities from storm events generally do not exceed 10 trees in any given storm event. Along with the increased maintenance needs for trees following strong wind events, persistent westerly winds cause a noticeable lean in many of Tracy's trees. In addition, trees have been widely used for windbreaks.

Drought has also made trees more prone to pests over the years. Most notably, Raywood ash (Fraxinus oxicarpus) have been more susceptible to Raywood Ash Canker (Botryosphaeria stevensii), which has contributed to the decline and removal of numerous City trees (Raywood Ash Canker and Decline, 2017).

Public Works is on track to plant more than 300 trees in 2019; however, tree plantings have mostly been sporadic and primarily done by request following removals. Over the years, numerous community groups have hosted tree planting events. However, Tracy did not experience consistent tree plantings until the first Arbor Day Celebration in 2015 where 15 trees were planted. In the following years, tree plantings at Arbor Day celebrations increased to well over 100 trees per year. In fact, in 2018, 156 trees were planted.

In 2016, a former council member and other community members collaborated with City staff to form the Tracy Tree Foundation (TTF). TTF aims to enhance, protect, and sponsor a healthy, beautiful, and safe urban and community forest. The importance of trees is noticeable through considerations for the inclusion of trees in the Community Character Element in the City's General Plan. In recognition of Tracy's commitment to trees, Tracy was officially recognized as a Tree City USA in 2015 and has sustained that status ever since.

Managers can regularly assess, evaluate, and indicate the current performance levels of the urban forest through a Sustainable Urban Forest Assessment Matrix. The current assessment can be found in Appendix G.

Urban Forest Resource

The development of the UFMP included an urban tree canopy (UTC) assessment. Tree canopy is the layer of leaves, branches, and stems of trees and other woody plants that cover the ground when viewed from above. Understanding the location and extent of tree canopy is critical to developing and implementing sound management strategies that will promote the smart growth and resiliency of Tracy's urban forest and the invaluable services it provides. The UTC assessment provides a bird's-eye-view of the entire urban forest and includes consideration of tree canopy along with other primary land cover, including impervious surface, bare soils, and water. This information helps managers better understand tree canopy in relation to other geospatial data, including:

- Distribution of tree canopy within the community
- Geopolitical patterns in canopy distribution
- Identification of potential planting areas

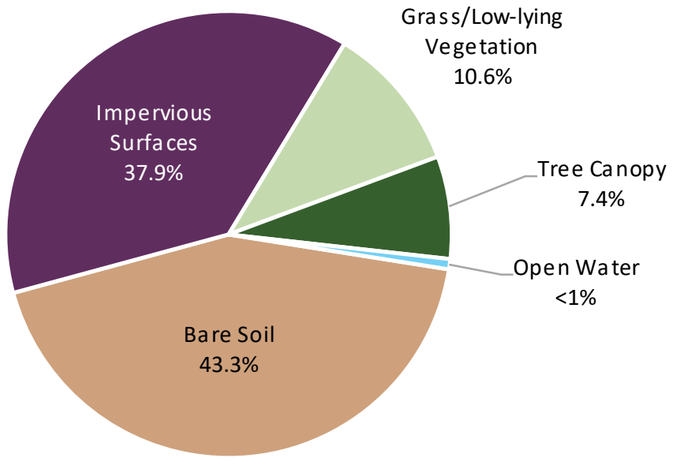
The analysis does not distinguish between trees on public and private property since the benefits of trees extend beyond property lines. The information can be used by urban forest managers to explore tree canopy in conjunction with other available metrics, including geography, land use, and community demographics. This information also establishes a baseline for assessing future change.

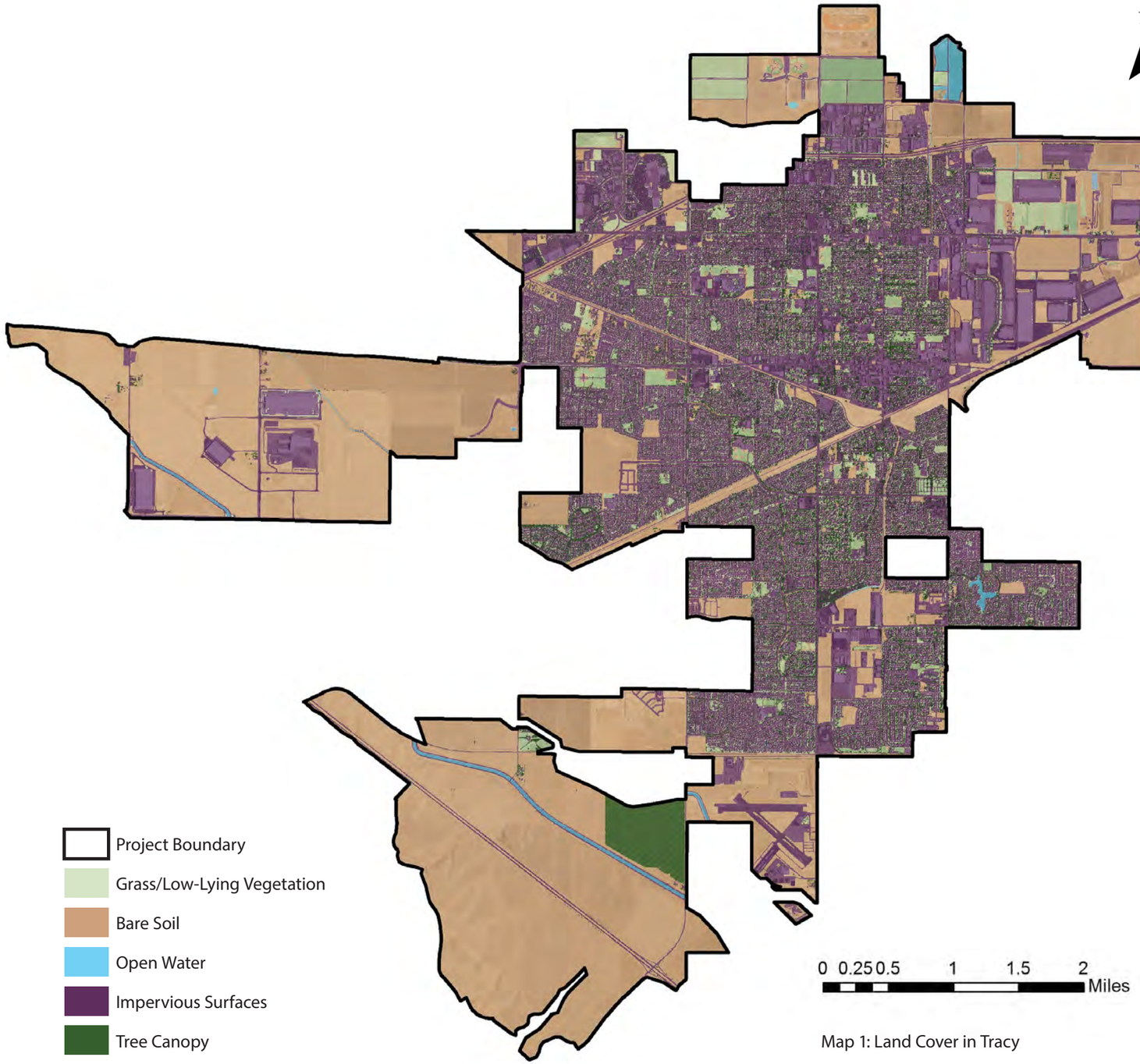
Tree Canopy

Land Cover Summary

The City encompasses approximately 26 square miles (16,615.9 acres). Excluding impervious surface (6,299.8 acres) and open water (123.2 acres), Tracy contains approximately 9.7 square miles (6,233.8 acres) which has the potential to support tree canopy. The following characterizes land cover within Tracy:

- 7.4% (1,233.1 acres) tree canopy, including trees and woody shrubs.
- 12.8% (1,123 acres) tree canopy on residential and park land use parcels.
- 37.9% (6,299.8 acres) impervious surface, including roads; parking lots, and structures.
- 79.4% of the urban forest canopy is in fair or better condition.
- A maximum potential canopy of 44.9%.
- Since 1993, canopy cover increased from 4.2% to 6.2% in 2010, or a 47.6% increase in canopy cover.



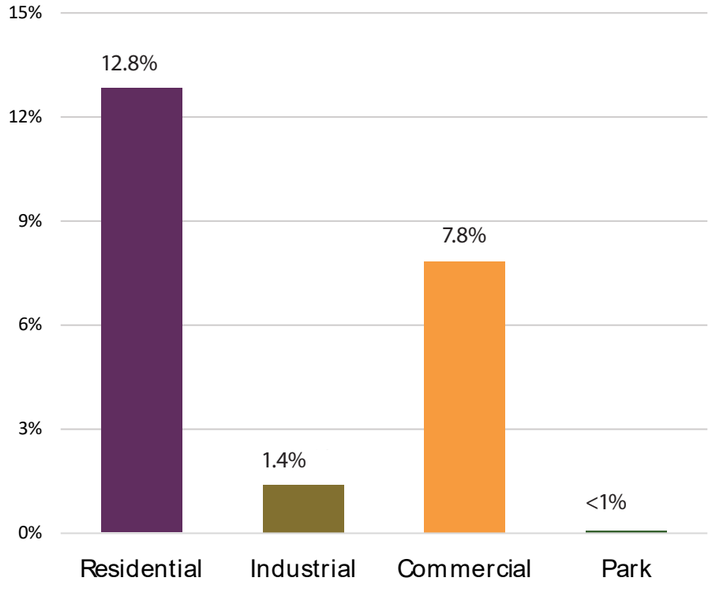


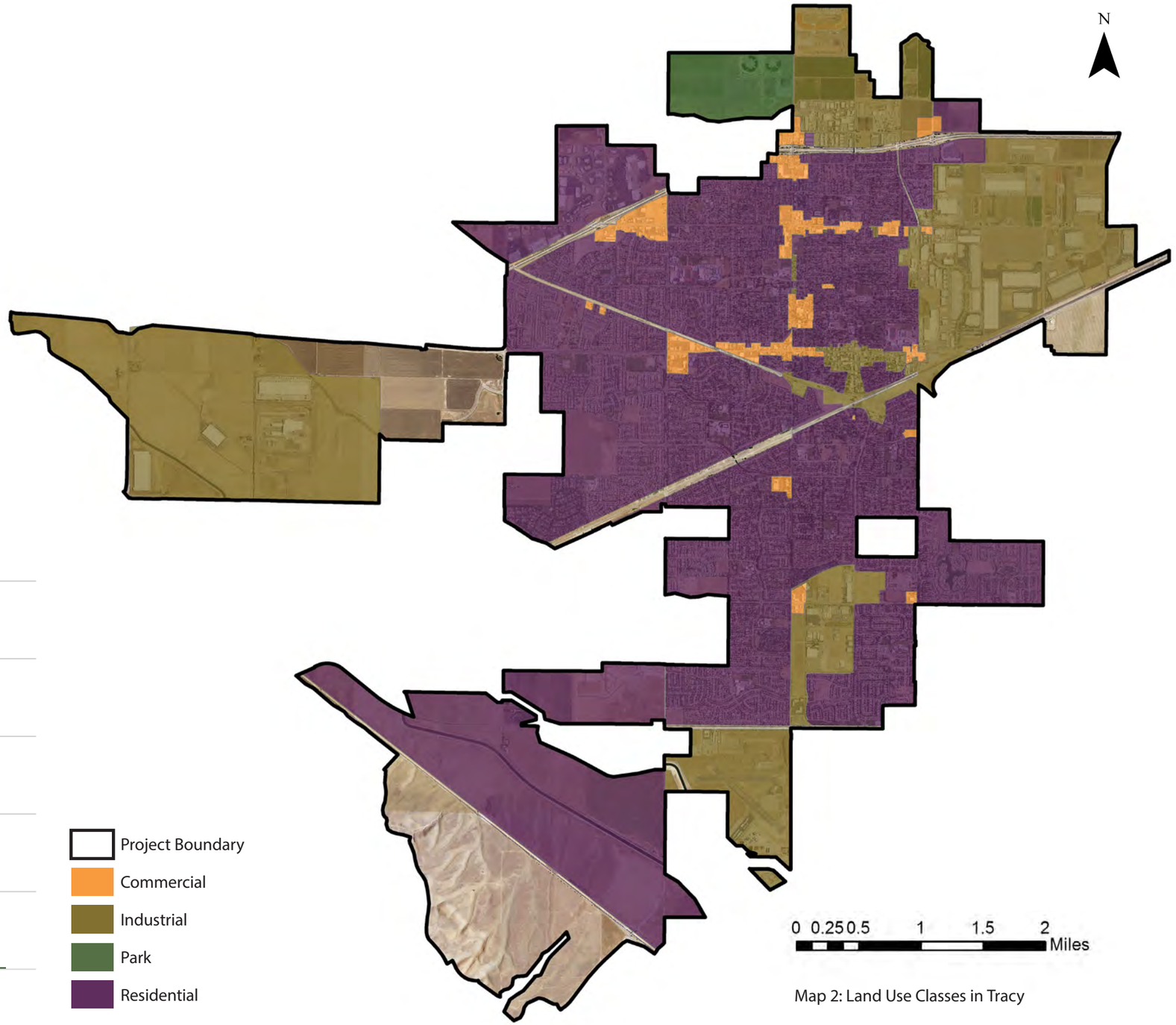
Map 1: Land Cover in Tracy

What do we have?

Tree Canopy by Land Use

The significant development of previous agricultural land and intensity of industrial and commercial properties misrepresents the percentage of tree canopy throughout the City, specifically the urban core. The urban core typically has a greater tree canopy coverage than the overall 7.4% throughout the City. The following divides the community into four land use classifications to help gauge the canopy cover in the central urban core of Tracy. If industrial and commercial areas and some select previously agricultural land is excluded, residential areas and parks combined make up nearly 9,080 acres with nearly 1,123 acres or 12.8%.





Map 2: Land Use Classes in Tracy

Tree Canopy by Parks

Tracy's 73 parks encompass over 248 acres. Among the top ten largest parks by acreage, Tracy Sports Complex and Plasensia Fields, the two largest parks, combined include 47.6 acres of land with 5.4% of tree canopy. The maximum potential UTC for both parks is lower than the next six parks, largely because Tracy Sports Complex and Plasensia Fields are primarily covered with ball fields.

The third largest park, Veterans Park; however, contrasts with the first two parks in that it encompasses 15.8 acres with 2.31 acres of tree canopy cover, or 14.6%, and a potential canopy cover of 65.8%. Ceciliani Park has the highest canopy cover among the top 10 largest parks, with 30.2% canopy cover (2.5 acres).

Overall, tree canopy covers 6.9% of parks. The assessment identified an additional 105.7 acres that could potentially support tree plantings, for a potential canopy cover of 49.4%.

Park Name	Acres	Canopy Acres	Canopy %	Potential Canopy %
Ceciliani Park	8.2	2.5	30.2	64.1
Lincoln Park	13.7	2.9	21.2	80.9
Dr. Powers Park	8.6	1.8	21.1	78.0
Gretchen Talley Park	6.7	1.3	19.8	83.4
El Pescadero Park	13.8	2.7	19.3	78.8
Veteran's Park	15.8	2.3	14.6	65.8
Clyde Bland Park	8.6	0.9	9.9	60.0
Tracy Sports Complex	26.8	1.5	5.4	5.8
Plasensia Fields	20.8	1.1	5.4	12.9
Tracy Ball Park	7.3	0.1	1.1	1.7
All other parks	118.0	23.8	20.1	73.8
All parks total	248.3	17.0	6.9	49.4



Map 3: Tree Canopy by Parks

What do we have?

Tree Canopy by Landscape Maintenance District

Tracy maintains 49 mini parks, over 220 acres in landscaping, over 28,000 trees, landscaped channel ways, and bike trails through a Landscape Maintenance District (LMD). The LMD consists of 41 zones, which are funded through an assessment that property owners pay with their property tax bill (Landscape Maintenance District, 2018).

Of these zones, Zone 36 has the highest canopy cover of 28.9%, followed by Zone 25 at 25.7%. Zone 33 is the largest with 941.4 acres and 11.0 acres of tree canopy, or 1.17%, and a potential canopy cover of 52.6%. Zone 41 encompasses 1.0 acres with nearly 0.2 acres of tree canopy, or 14.7%.





Map 4: Tree Canopy by Landscape Maintenance District

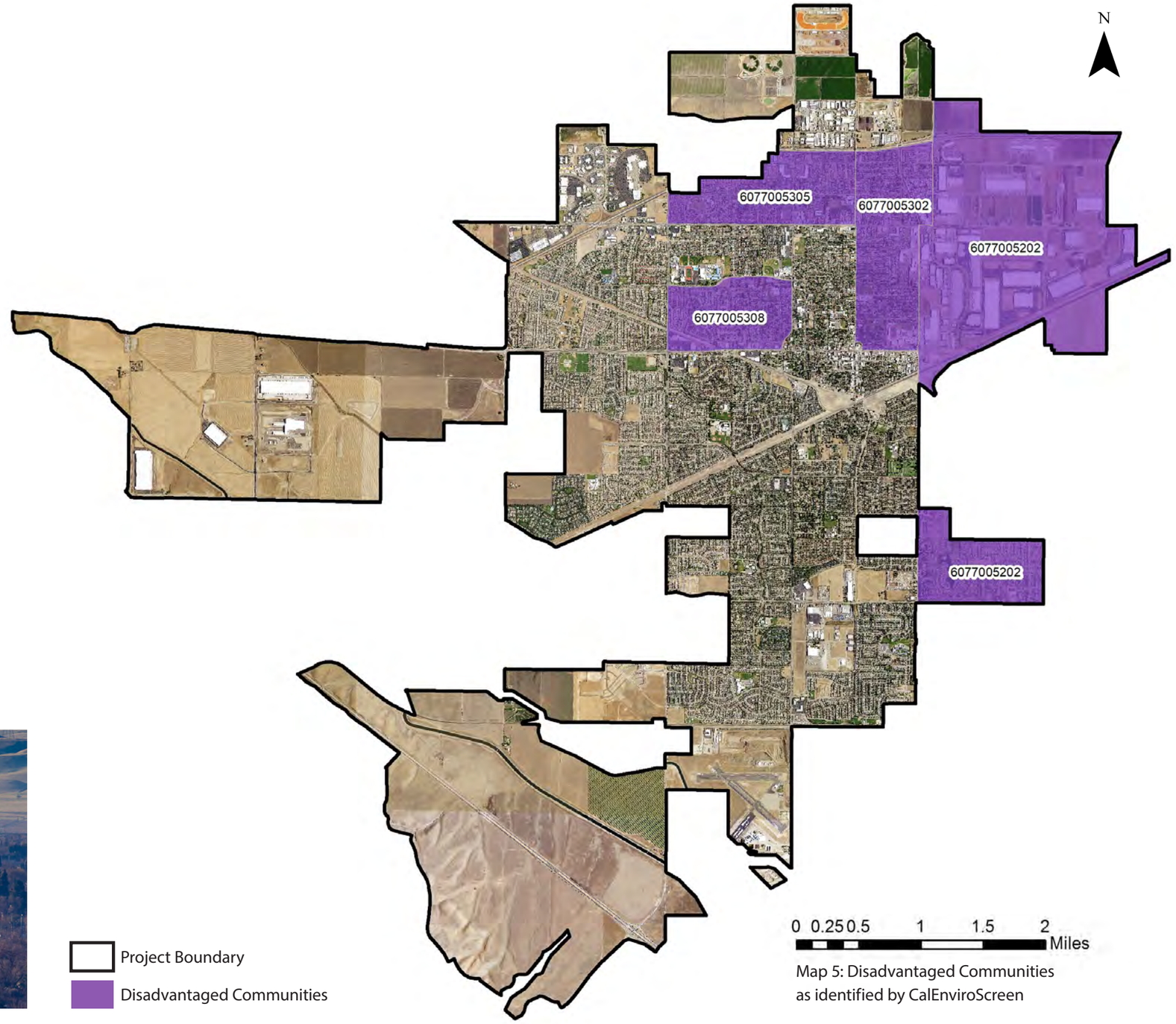
Tree Canopy by Disadvantaged Communities

California SB 535 targets disadvantaged communities for investment of proceeds from the state cap-and-trade program. Funding is aimed at improving public health, quality of life, and economic opportunity while reducing pollution that causes climate change. Disadvantaged communities are identified using the CalEnviroScreen tool (About CalEnviroScreen, 2019) to rank each of California's 8,000 census tracts with data on 20 indicators of pollution, environmental quality, and socioeconomic and public health conditions (Disadvantaged Communities, 2019). Disadvantaged communities are defined as the top 25% scoring areas from CalEnviroScreen along with other areas with high amounts of pollution and low populations (SB 535 Disadvantaged Communities, 2019).

Four census tracts in northeast Tracy have been identified as disadvantaged communities: 6077005302, 6077005305, 6077005308, and 6077005202. The UTC assessment analyzed canopy cover in conjunction with sensitive populations (health status and age) and socioeconomic factors (income) for these four census tracts. No correlation was found between those population characteristics and tree canopy cover.

Even though there were no correlations found, evidence shows that some of the pollution burdens that CalEnviroScreen considers in its analysis, like air quality, are positively impacted by trees.





Map 5: Disadvantaged Communities as identified by CalEnviroScreen

What do we have?

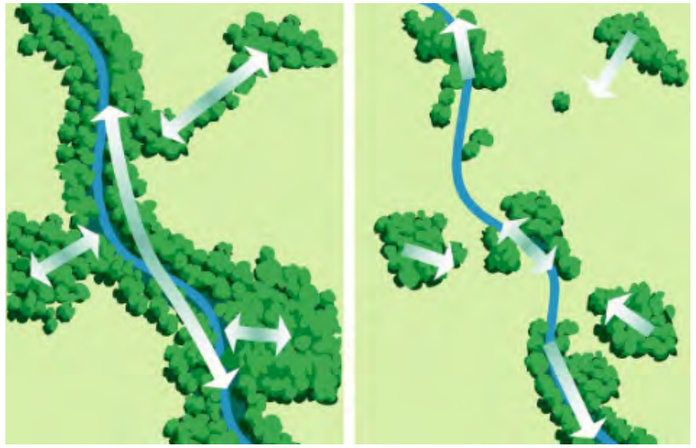


Figure 1: Canopy Fragmentation Comparison[1]

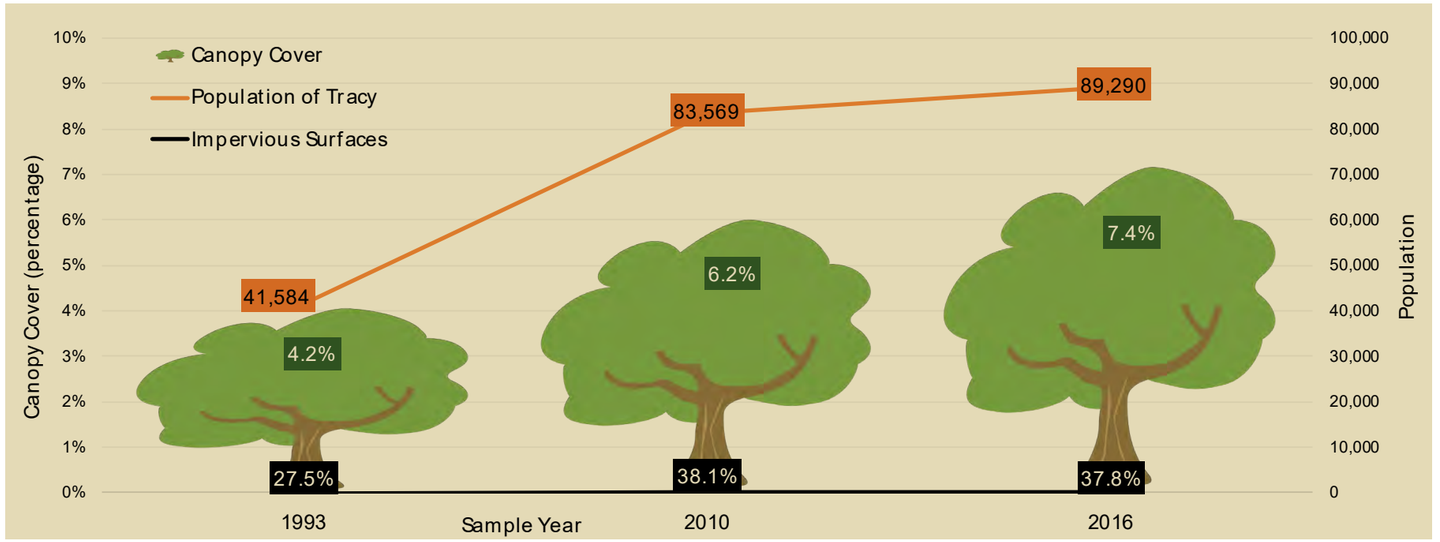


Figure 2: Historic change for tree canopy, impervious surface, and population

Forest Fragmentation

Forest fragmentation analysis can help managers understand the spatial distribution and connectivity of urban forests. Fragmented forests can significantly affect plant and wildlife populations, forest biodiversity and health (Nowak et al, 2005). Most of Tracy's urban forest is patch forest. This finding is logical because Tracy is located in the San Joaquin Valley, which originally had minimal tree presence. Like many cities in the valley, the arrival of humans and urban development led to an increase in trees.

Strategic planting near core areas can greatly benefit forest ecosystem function and increase wildlife habitat and corridors. The analysis found that Tracy's urban forest includes the following:

- 178.5 acres of Core Canopy (14.5%): Tree canopy that exists within and relatively far from the forest/non-forest boundary (i.e., forested areas surrounded by more forested areas).
- 0 acres of Perforated Canopy (0.0%): Tree canopy that defines the boundary between core forests and relatively small clearings (perforations) within the forest landscape.
- 1,039.7 acres of Patch Canopy (84.3%): Tree canopy of a small-forested area that is surrounded by non-forested land cover.
- 15.02 acres of Edge Canopy (1.2%): Tree canopy that defines the boundary between core forests and large core forests and large non-forested land cover features. When large enough, edge canopy may appear to be unassociated with core forests.

The wildlife of Tracy requires especially careful attention because the native wildlife is originally adapted to the historical prairie environment.

Historic Change

Historical change in tree canopy was assessed using a point sampling of canopy data derived from 1993 and 2010 imagery to determine change in canopy cover over 17 years. Land cover was visually inspected at each point for both years simultaneously and was identified as one of five classes: tree canopy, impervious surfaces, grass/shrub, bare soil, and open water. Tree canopy cover was analyzed using a "top-down" or "birds'-eye" approach, therefore where tree canopy visibly overlaps another land cover class, tree canopy was recorded at the point location.

From 1993 to 2010, tree canopy cover increased from 4.2% to 6.2%, which is a 47.6% increase (Figure 2). As identified in this analysis canopy cover for the overall community identified in this analysis is 7.4%. In comparison to 1993 the estimated canopy cover from the point sampling is 4.2%, this is a 76.3% increase over a 17-year period. Contributing factors to the increase in tree canopy include:

- Trees have been added to the community resource through tree plantings.
- New construction included new trees on public and private parcels.
- Community members have planted new trees on private property.
- Existing trees and new trees continue to increase in size and leaf surface.

[1]Wildlife corridors (far left) link habitats while fragmented

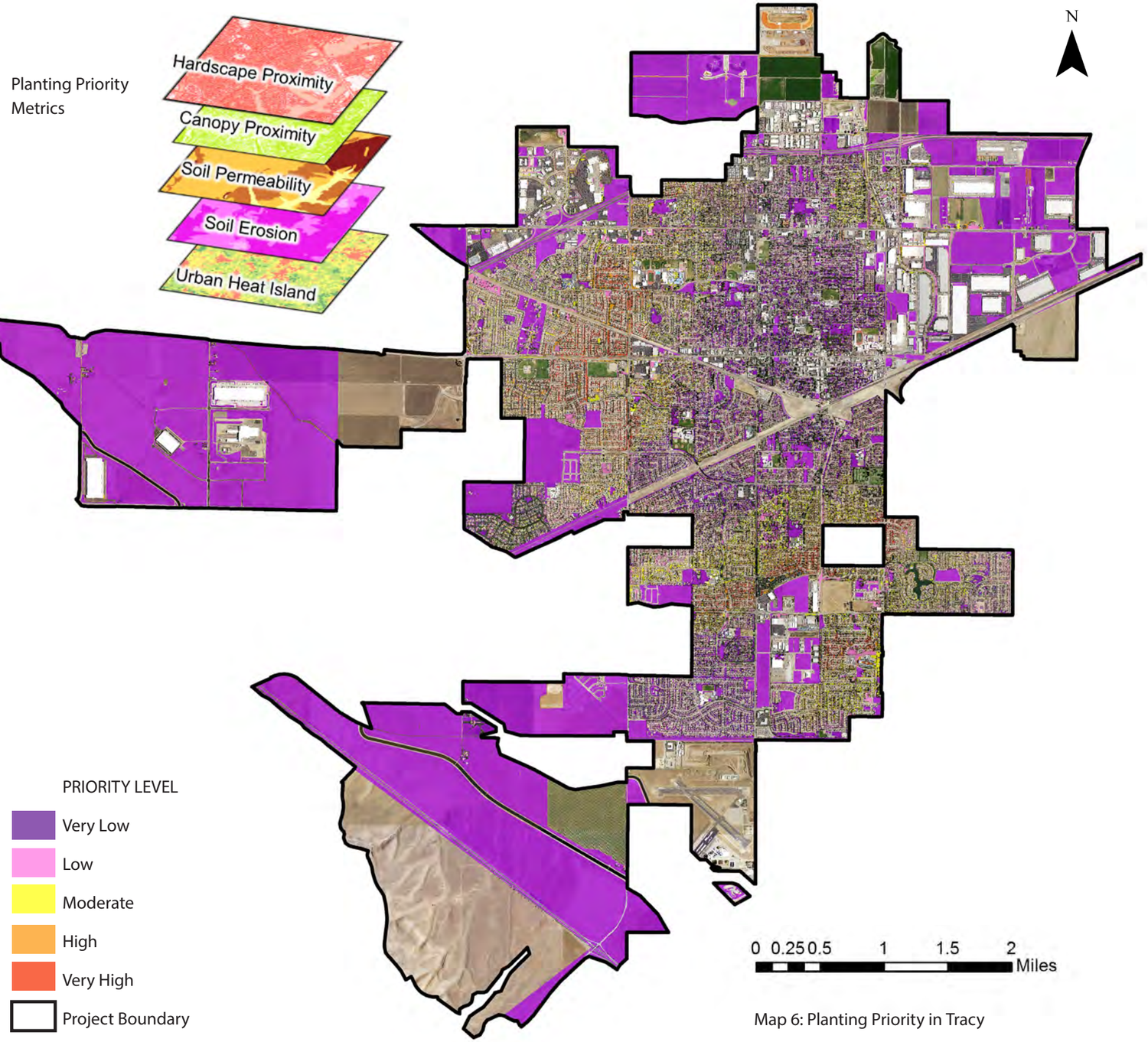
Priority Planting

To identify and prioritize planting potential, DRG assessed environmental features. It could be assumed that all pervious areas, including grass, shrubs, low-lying vegetation, and bare soil (10,728 acres) are potential tree planting locations. Realistically, not all of these areas are suitable planting sites due to intended site uses (e.g., agricultural fields, sports fields, developments) and because some of these areas are not appropriate for tree planting. Potential plantable areas can be determined by excluding pervious areas that are unsuitable for planting and including impervious areas where trees could feasibly be added, such as in parking lot islands, along sidewalks, and near road edges.

The UTC analysis considered site design and environmental factors, including proximity to hardscape, canopy fragmentation, soil permeability, slope, and soil erosion factors to prioritize planting sites on both public and private property for the greatest potential return on investment. The analysis identified 6,207 acres of potential planting areas in Tracy, where 249 of these acres are high or very high priority planting areas. This analysis provides a snapshot of current conditions, where some existing young trees may not be fully accounted for. The UTC analysis prioritized potential planting areas with GIS remote sensing. Site visits are necessary to determine suitability and the actual number and location of planting sites. The potential canopy cover for Tracy is estimated to be 44.9%, which considers potential planting area (6,207 acres) and existing canopy (1,233 acres).



Priority Planting Close-Up



Map 6: Planting Priority in Tracy

What do we have?

Community Tree Resource

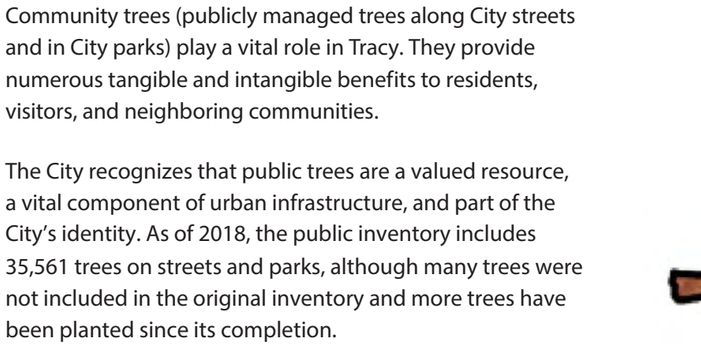
Community trees (publicly managed trees along City streets and in City parks) play a vital role in Tracy. They provide numerous tangible and intangible benefits to residents, visitors, and neighboring communities.

The City recognizes that public trees are a valued resource, a vital component of urban infrastructure, and part of the City's identity. As of 2018, the public inventory includes 35,561 trees on streets and parks, although many trees were not included in the original inventory and more trees have been planted since its completion.

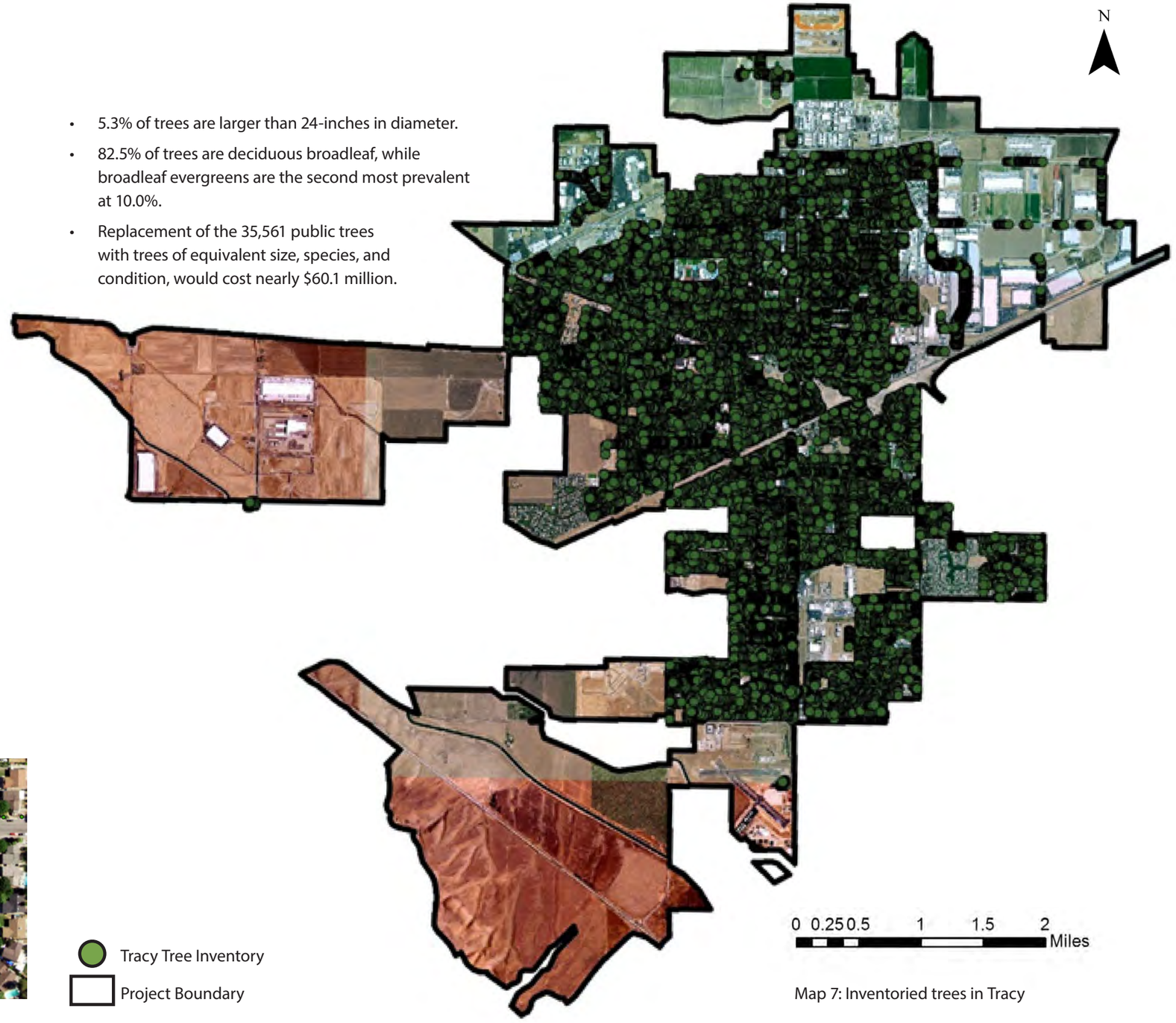
Structure

A structural analysis is the first step towards understanding the benefits provided by these trees as well as their management needs. As of 2018, Tracy's community tree resource includes 35,561 trees and 191 unique species. Considering species composition and diversity, relative age distribution (diameter at breast height, DBH[2]), canopy coverage, and replacement value, DRG determined that the following information characterizes the community tree resource:

- Among all trees, the predominant species are flowering pear (Pyrus calleryana, 10.1%), Chinese pistache (Pistacia chinensis, 9.3%), and Raywood ash (Fraxinus angustifolia, 8.1%).
- 71.0% of trees are less than 12-inches in diameter.
- 5.3% of trees are larger than 24-inches in diameter.
- 82.5% of trees are deciduous broadleaf, while broadleaf evergreens are the second most prevalent at 10.0%.
- Replacement of the 35,561 public trees with trees of equivalent size, species, and condition, would cost nearly $60.1 million.



[2] DBH: Diameter at Breast Height. DBH represents the diameter of the tree when measured at 1.4 meters (4.5 feet) above ground (U.S.A. standard).



Map 7: Inventoried trees in Tracy

Species Diversity

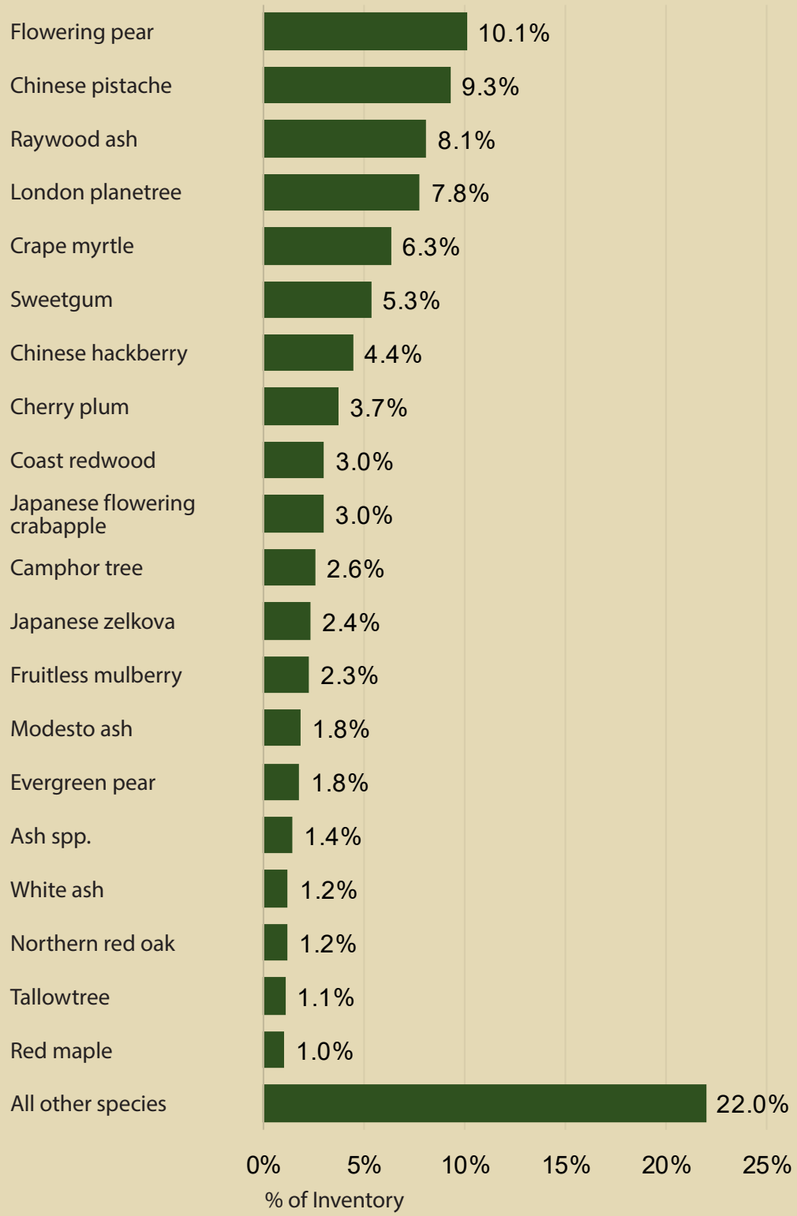
Maintaining diversity in a public tree resource is important. Dominance of any single species or genus can have detrimental consequences in the event of storms, drought, disease, pests, or other stressors that can severely affect a public tree resource and the flow of benefits and costs over time. Catastrophic pathogens, such as Dutch elm disease (Ophiostoma ulmi), emerald ash borer (Agrilus planipennis), Asian longhorned beetle (Anoplophora glabripennis), and sudden oak death (Phytophthora ramorum) are some examples of unexpected, devastating, and costly pests and pathogens that highlight the importance of diversity and the balanced distribution of species and genera. In addition to these pests there is growing concern for polyphagous shot hole borer (PSHB) (Euwallacea sp.), a new pest that has devastated urban areas in Southern California due to its wide host range, including avocado (Persea americana) and boxelder (Acer negundo) (Eskalen, 2015).

The 10-20-30 rule of thumb is a widely used standard that states that an urban tree population should consist of no more than 10% of any one species, 20% of any one genus, and 30% of any one family (Clark et al, 1997). The rule encourages greater genetic diversity, and thus, greater resilience. Considering significant pests and diseases, many cities are now opting to increase diversity to improve resilience.

The top five most prevalent species in Tracy represent more than 41.6% of the overall population, including: flowering pear (Pyrus calleryana, 10.1%), Chinese pistache (Pistacia chinensis, 9.3%), Raywood ash (Fraxinus angustifolia, 8.1%), London planetree (Platanus x acerifolia, 7.8%), and crape myrtle (Lagerstroemia indica, 6.3%). The prevalence of flowering pear exceeds the 10% genetic diversity rule.

Future plantings should focus on increasing diversity and reducing reliance on overused species. As over-predominant species are removed and replaced, new species should be introduced when possible. New species should be resistant to the known pest issues that currently pose a threat to the region.

Figure 3: Most Prevalent Species in Tracy





What do we have?

Age Distribution

Age distribution can be approximated by considering the range in diameter (DBH) of the overall inventory and of individual species. Trees with smaller diameters tend to be younger. It is important to note that palms do not increase in diameter over time, so they are not considered in this analysis. In palms, height more accurately correlates to age.

The urban forest's age distribution is a key indicator and driver of maintenance needs. With Tracy's public tree resource (excluding palms), the age distribution reveals that 38% of trees are 12 inches or less in diameter (DBH) and 5.3% of trees are larger than 24 inches DBH.

Trees greater than 24 inches DBH require more regular inspections and routine maintenance as they mature. Managers can gain a better understanding of the specific risks that individual mature trees pose with regular inspection and risk assessment.

6,881 trees (24.3%) in the inventory are young (<6 inches DBH) medium and large-stature tree species that still have a lot of growing to do before they reach maturity. Training, defined as the selective pruning of small branches to influence the future shape and structure of a young tree, is critical at this stage to prevent costly structural issues and branch failures as these young trees mature into their final size in the landscape.

61.8% in the inventory are of intermediate age with a diameter between 7 to 24 inches. Similarly, the younger trees would benefit from structural pruning.

A high proportion of young, large and medium-stature tree species is a positive indicator for future benefits from the urban forest, since large shade trees typically provide more shade, pollutant uptake, carbon sequestration, and rainfall interception than small trees.

5.3% of the inventory are mature with diameters greater than 24 inches. When trees reach mature stature, they provide the greatest benefits. However, mature trees should be regularly assessed for health and risk factors as they approach or reach the end of their natural lifespan. They may have higher maintenance needs or require removal to reduce risk and liability.

Canopy from Public Trees

The amount and distribution of leaf surface area are driving forces behind the public tree resource's ability to produce benefits for the community (Clark et al, 1997). As canopy cover increases, so do the benefits afforded by leaf area. Tracy covers an area of approximately 26 square miles (16,615.9 acres). i-Tree estimates that public trees are providing 0.7 square miles (424 acres) of canopy cover which accounts for 3.0% of total land area.

Benefits Versus Investment

Trees in Tracy's community trees (public trees) provide an estimated 424 acres of canopy, approximately 3.0%. To date, trees in the community tree resource have sequestered 1,580 tons of carbon (CO_2) is avoided through decreased energy use, valued at $23,698.

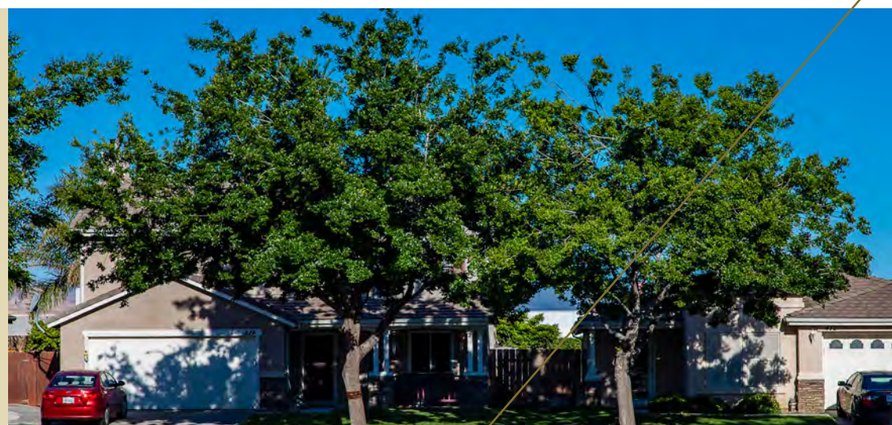
Annually, public trees provide nearly $5.4 million overall benefits to the community at an average value of $150.47 per tree. These benefits include:

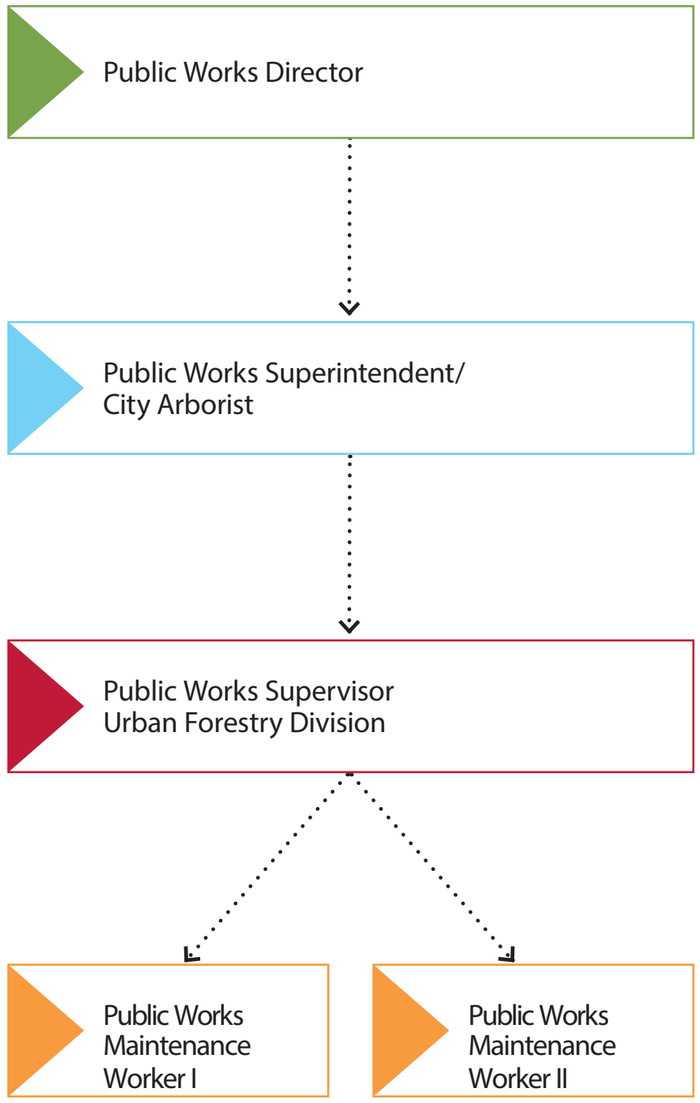
- $727,347 in energy use (reduction, electricity and natural gas) through shading and climate effect, an average per tree benefit of $20.46 per tree.
- $16,171 trees in sequestered atmospheric CO_2 (1,078 tons), an average per tree benefit of $0.45.
- $368,567 in air quality improvements, an average of $10.37 per tree.
- $140,123 in intercepted stormwater (18 million gallons), an average of $3.94 per tree.
- $4.1 million (76.2%) are related to aesthetic and socio-economic benefits, an average of $114.70 per tree.

Considering the estimated annual budget of $1.4 million currently invested to manage the community tree resource, the net annual benefit (benefits minus investment) to the community is $43.4 million. In other words, for every $1 invested in the community trees, Tracy receives $3.81 in benefits.

If a cork oak were planted and lived for 20 years, it would provide numerous environmental benefits including sequestering 1,818 lbs of CO_2 ($42.27), preventing 1,480 gallons of rainfall runoff ($13.23), and intercepting 13.6 lbs of air pollutants. If it were planted next to a building, it would save 2,160 kWh of electricity ($333.71).

I-TREE DESIGN





Urban Forestry Operations

Tracy's Urban Forestry Division operates under the direction of the Public Works Department. The Urban Forestry Division has been understaffed in recent years, which has resulted in a backlog of service requests.

Urban Forestry Division staff are responsible for the care of 35,561 trees funded by the General Fund and the Landscape Maintenance District (LMD). Services provided by the Urban Forestry Division include:

1. Tree Pruning
2. Tree Removals
3. Stump Grinding
4. Biomass Disposal and Utilization
5. Tree Planting
6. Tree Protection
7. Pest Management
8. Community Outreach and Engagement
9. Leaf Pickup (via Solid Waste and Recycling Division)
10. Emergency Response and Risk Assessment

Services

Tree maintenance involves the inspection, tree risk assessment, preservation, trimming, removal, stump grinding, and planting of trees along city streets and city property. Street tree staff estimate that nearly 70% of tree maintenance is performed by contractors.

Residents can request service for their City tree by contacting the Public Works Department by phone, in person, or through the City internet Government Outreach Program.

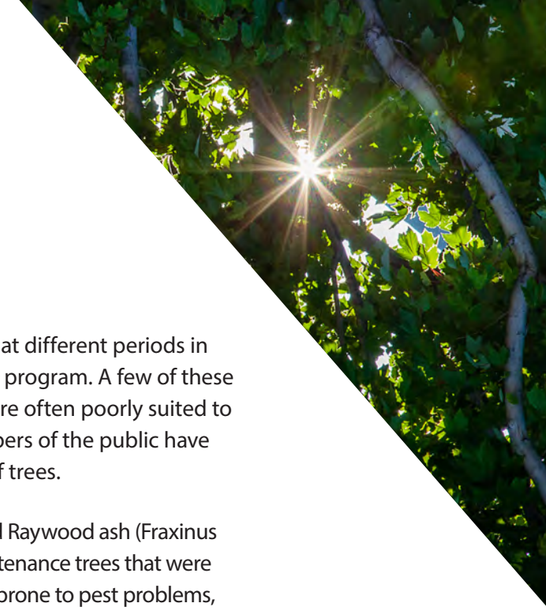
Requests are tracked through the City service management system and are addressed based on priority. Public safety concerns identified by staff or through service requests are prioritized first. Other service requests are addressed on a case-by-case basis and dependent on operational funding availability. Similarly, to street trees, park tree maintenance is prioritized by public safety concerns, service requests, and operational funding availability.

Appendix D summarizes the prioritization of tree maintenance tasks and associated courses of actions to maintain public safety as well as protect and preserve a tree whenever possible.

The City currently uses an inventory management program that is managed by City staff and operated through the City contractor. Field staff and contract crews update the inventory management program through mobile tablet devices.

Trees within the property boundaries of homeowner's associations (HOA) are cared for by the HOA. The City has no role in the care or the inspection of the work performed on trees within these areas, unless specifically identified in a separate agreement.

The Urban Forestry Division is working to expand plant health care operations to include fertilizer applications and expansion of the use of plant growth regulators to improve plant health and reduce hardscape conflicts with tree roots and canopy.



What do we have?

Tree Pruning

The City approaches tree maintenance from a public safety perspective and prioritizes clearance and visibility, followed by structural pruning. Tracy uses both contractors and a small in-house crew to maintain City trees. The Urban Forestry Division has a 60-foot boom truck with a tow behind chipper. Parks has another small chipper designated for parks use. The small tree crew primarily respond to initial service requests, small removals, hanging limbs, and sign clearance concerns. These two staff are supervised by the City Arborist.

The primary contractor has worked with the City for nine years and the work performed by the contractor is regularly inspected and reviewed by Street Tree staff to regularly communicate expectations and ensure the use of BPMs on City trees. Like the in-house forestry crew, contractors are scheduled based on priority, first addressing public safety concerns followed by preventive maintenance. In addition to regularly scheduled tree maintenance, contractors are available to support tree maintenance needs for emergency response or storm events.

Ideally, tree maintenance should be scheduled based on the City grid system. Grid pruning allows for efficient scheduling and ensures that all City trees are regularly inspected and pruned to promote tree health and prevent structural defects. Grid pruning primarily has been used for scheduling contractor pruning operations, but with revisions to grid pruning maps will provide structure for in-house crew operations, with the goal to provide tree maintenance for public trees on a five to seven-year cycle, depending on the availability of funding. To improve communication with property owners and increase the efficient use of resources, city staff are working to develop a grid pruning cycle, complete with mapping.

Tree Removals

Similarly, to pruning, tree removals are prioritized by public safety. Small removals can be managed by the in-house tree crew, but most large removals will be addressed by the City contractor.

Stump Grinding

Urban forestry has a stump grinder and performs approximately half of all stump grinding operations, with the other half conducted by the City contractor.

Biomass Disposal and Utilization

Whenever feasible, the City diverts wood chip debris from landfills by utilizing wood chips as mulch in City parks and around City facilities.

Tree Planting

Tracy's current tree planting budget is $30,000. Funds are used to plant trees on Arbor Day, as well as to replace trees upon request.

When trees are removed the City will replace the tree when funding is available. If a planting site is determined to be unsuitable for tree planting, an alternative location will be selected.

As a result of a prolonged period of drought, tree planting has been limited to new construction projects in the last seven years. Because of limited funding and staffing, only small planting projects can be coordinated through contractors and available City staff. Larger planting projects are made possible through collaboration with local nonprofits and through volunteers.

Recently, Tracy was awarded a grant, through Cal Fire, to fund the "Tracy Trees for Tomorrow" project to plant 634 trees over the next three years (CAL FIRE Urban and community Forestry CCI Grant Awards 2016/2017). As a result of the grant, the City has been working to plant 634 trees in areas designated within the City as populations that are disadvantaged.

Right Tree, Right Place

Some species were planted heavily at different periods in the history of Tracy's urban forestry program. A few of these species are costly to maintain and are often poorly suited to the local climate. Thus, some members of the public have developed a negative perception of trees.

Flowering pear (Pyrus calleryana) and Raywood ash (Fraxinus oxycarpa) are examples of high maintenance trees that were planted historically. Both species are prone to pest problems, as well as heaving sidewalks, and dropping nuisance fruit. With prolonged periods of drought, pests and storm events have exacerbated the maintenance needs for both species.

As a result of the high maintenance costs associated with these two species and their over representation in the public tree population (flowering pear, 10.1% and Raywood ash, 8.7%), the City has mostly stopped planting them. In addition to poor species selection, unsuitable planting locations have resulted in conflicts with overhead utilities, heaving sidewalks, water meters, and fire hydrants. In some cases, large stature trees were planted in spaces that prohibited canopy growth and often result in the removal of trees prematurely. Conversely, in some locations, small stature species were planted in sites that could have accommodated larger trees.

Going forward, the City has elected to plant tree species that are more appropriate for the region (i.e. drought-tolerant) and installing them in planting sites where trees are less likely to conflict with utilities and hardscape. Urban Forestry Division staff are actively seeking tree species that are well suited to the local climate. They are coordinating with the Engineering Division to review site plans and make recommendations to avoid planting trees where future conflicts with infrastructure may arise and to maximize the potential benefits of the tree through choosing the right tree species for the right planting site.

Additionally, to encourage property owners to plant appropriate tree species on private property, the Tree and Landscape Maintenance webpage through the City website includes a link to a tree species palette list. The list is periodically updated by the City Arborist to add new varieties and species of nursery stock and to discontinue the use of species susceptible to invasive pests. The list provides descriptions for species that are appropriate for Tracy's local climate and for a variety of different planting sites (streets, lawns, and utility-friendly).

Irrigation

Although irrigation is not explicitly defined as required maintenance, water is critical to tree health. Despite recent relief from a few relatively wet winters, California is still considerably dry and the central valley in particular generally experiences low average rainfall (~14 inches per year in Tracy) and extended periods without precipitation. The effects of our most recent drought will have a noticeable impact on Tracy's trees for years to come. Supplemental irrigation will continue to be a necessity if trees are to remain healthy and robust.

While state regulations restrict the irrigation of turf during watering restrictions, many residents are unaware that trees are exempt from these restrictions except under the most extreme conditions (MWELO). It is important to provide adequate water to trees during periods of drought. Turf and other small plants can be more easily replaced once drought conditions subside. However, if a tree dies and needs to be replaced, it can take 10 to 20 years before mature tree benefits are restored by a newly planted tree. Trees that do not receive adequate water are also more likely to be attacked and succumb to pests and disease. Continued outreach and education about the responsibilities of property owners for the care of neighborhood trees and irrigating under water restrictions is crucial for supporting the health of trees.

City trees along major arterials, in center medians, at City facilities, and in parks are irrigated through irrigation systems with a valve that is separate from other landscape components. The separate irrigation system allows trees to be irrigated even when there are water restrictions.

Tree Protection Zones (TPZ)

Roots are a critical part of tree anatomy. They provide access and transport for water and other nutrients that support the growth of the tree. Roots also provide anchorage and foundational support for the above ground portion of the tree. Tree roots spread out over large areas and often well beyond the dripline and most roots are concentrated in the upper 12 to 36 inches of soil. As such, roots are vulnerable to disturbance, which can have an immediate and direct impact on tree health. Tree roots are especially at risk for damage during construction.

Construction and redevelopment are inevitable, but with foresight and planning trees can be preserved through Tree Protection Zones (TPZ). The TPZ is an area where the storage of construction materials and equipment, construction activities that may result in mechanical damage, and equipment traffic are prohibited within the Critical Root Zone (CRZ). For an example of details that are typically included in a tree preservation plan, please see Appendix F. The CRZ according to Best Management Practices is defined at the area of soil extending from the tree trunk where roots required for future tree health and survival are located. Forestry staff are responsible for defining the CRZ and restricting areas to protect trees within construction zones for projects within the public right-of-way or for Capital Improvement Projects (CIP).

Pest Management

At this time, there are no major active threats to Tracy's urban forest. However, like any urban forest, Tracy has a few pest problems, which are primarily addressed and controlled on a case-by-case basis, but including:

Fire Blight

Fire blight (Erwinia amylovora) is a bacterial disease that can invade all parts of pear trees (Elkins et al, 2017). Symptoms include wilting, blackening, and death of shoots, flowers, and fruits. If infections on the plant are not removed, the disease can spread to the main branches, trunk, and roots. The bacteria can spread from rain, insects, and pruning cuts.

Street Tree staff identified fire blight as one of the most damaging pests, due to the species prevalence in the City tree inventory. Fire blight infestations are addressed on an individual tree basis and does not have a formal treatment program.

Raywood Ash Canker

Fraxinus oxycarpa 'Raywood' commonly is affected by Raywood ash canker. Although trees usually are not killed, severely affected ash are often removed because of unsightly dieback, reduced shading, and their potential limb drop hazard (Raywood Ash Canker and Decline, 2019). Raywood ash was originally believed to be drought tolerant but a canker causing fungus (Botryosphaeria stevensii) has been noticeably impactful on drought stressed trees. These trees are apparently less drought tolerant than previously believed. Watering and pruning to thin canopies and reduce transpiration demand may improve the performance of Raywood ash. The long-term management strategy for this pest is reduced plantings of the species and managing infested trees on a case-by-case basis, dependent on funding.

Mistletoe

Broadleaf mistletoe (Phoradendron macrophyllum) is an evergreen parasitic plant that grows on a number of landscape tree species in California (Perry, 2006). In Tracy, mistletoe is a common occurrence. The City does not have a specific management program for managing this pest. Management primarily is controlled through the removal of infested branches.

What do we have?

Invasive Pests and Diseases

While there currently are no major pest or disease organisms impacting trees in Tracy, there are a few emerging concerns in other areas of California and the U.S that have the potential and likelihood to affect Tracy's urban forest (public and private trees) in the future. Because many pests and disease pathogens are species specific, it is critical to promote and maintain a high degree of species diversity. This ensures that when a major pest or disease outbreak occurs, overall tree loss is minimized along with the costs associated with treatment, tree removal, and the loss of environmental benefits.

For example, polyphagous shot hole borer (PSHB) and Kuroshio shot hole borer (KSHB) are two invasive, wood-boring beetles, which together are known to affect 110 species of trees (Avocado: Polyphagous Shot Hole Borer and Kuroshio Shot Hole Borer, 2017). Currently the closest known infestation of either insect is in Ventura County, which is over 300 miles away; however, research suggests that there is potential for the pest to spread to northern California (Distribution of PSHB/FD and KSHB/FD in California, 2019). Multiple tree species in Tracy are vulnerable to these invasive pests.

Similarly, Citrus Greening (Candidatus liberibacter asiaticus), a bacterial disease that causes bitter, hard fruit production, is very concerning as it threatens the viability of California's citrus crops. While citrus species represent less than 1% of Tracy's public tree population, there are many citrus trees on private property. Due to quarantines in place to protect California's citrus crop, infected trees must be destroyed and disposed of appropriately (Grafton-Cardwell et al, 2019).

Citrus greening, PSHB, and KSHB are all confirmed to be in California, but another pest of concern that is currently not found in California is the emerald ash borer (EAB) (Agrilus planipennis). As of October 2018, EAB has been detected in 35 states and has contributed to the death of hundreds of millions of ash trees in North America (Emerald Ash Borer Information Network, 2019). The closest state with EAB is Colorado, but with a highly mobile human population, movement of infested ash trees through firewood, logs, branches, nursery stock, chips, or other ash materials this pest could be a future problem for Tracy's urban forest. Considering that more than 8% of Tracy's community tree population (public trees) are Raywood ash, with other ash species included in the inventory of trees, EAB could easily contribute to the death of more than an eighth of the public tree population.

Although, most of these invasive pests and diseases are not currently a problem for Tracy's trees, it is likely that one or all of these pests will be a problem in the future. It is important to take steps now to reduce the potential impact of an infestation. The primary focus should be to increase the diversity of the urban forest through new tree plantings; especially avoiding the use of ash species to decrease the potential effects of EAB. Secondly, many pests target trees in poor health first. Best Management Practices for reducing the impacts of pest and disease focus on optimizing tree health and prompt removal of trees that are in decline. Through regular inspections of trees, infestation can likely be detected early, which can in turn prompt a quick response to manage the pest and avoid further movement of a pest, as much as possible.

What is honeydew?

Shade is highly coveted during hot 100-degree days in Tracy and residents park their cars in the shade of trees to manage the heat. It is not uncommon for car owners to return to their vehicle and find it covered in a sticky film. This substance, commonly called honeydew, is the excrement, or frass, of aphids, soft scale, or other soft-bodied insects. These insects feed on the phloem of plants (Cranshaw, 2018). The phloem is the part of the vascular system which moves sugars and other metabolites produced in the leaves down to the roots. Because these insects are primarily consuming sugar, the waste that is produced is also mostly made up of sugars. The honeydew from these insects drips off the leaves of a tree and onto anything beneath the canopy of the tree.

Aside from the nuisance of the sticky residue, honeydew also is strongly associated with black sooty mold. When honeydew drips onto sidewalks, spores of numerous species of fungi germinate on the honeydew producing black fungal strands (mycelial threads), which give a sooty appearance to the sidewalk or any other surfaces where the honeydew encouraged colonization (Cranshaw, 2018).

Generally, aphids and sooty mold do not harm trees, and more often than not are nuisance pests. In an effort to manage the undesirable aesthetics and mess from aphids and consequently, sooty mold, the Urban Forestry division has purchased a tree injector system to reduce aphid populations in street trees through chemical applications. In addition to setting regularly application schedules, trees with higher aphid populations are being avoided for future street tree plantings.



Leaf Pickup



In the fall, typically from November through January, the Public Works Department coordinates a City-wide leaf pick up program. Residents are asked to fill totes with yard waste and place the containers on the curb on scheduled days. When yard waste exceeds the capacity of the tote, excess leaves can be swept into a pile in the street (away from the gutter to allow water flow). Tracy Disposal will pick up the piles of leaves on the regular garbage collection day.

Community Outreach and Engagement

Community outreach and education are an important component of the urban forestry program. The engagement of residents in issues relative to public trees ensures that the community has an appreciation for the value and benefits of the urban forest. Engagement of residents also increases their understanding of the program and resources that are required to support its vitality and sustainability.

The Urban Forestry Division relies primarily on door hangers to communicate with residents about tree maintenance. The city website has a page that features information specific to trees and landscape maintenance. The page explains the differences in funding and maintenance between the General Fund and LMD Tree Divisions. In addition, the webpage features several links to resources, including the approved Street Tree Species list, Municipal Codes relevant to trees, tree care information for trees at planting and maturity, and additional information about the General Fund and LMDs.

Arbor Day events and other tree related events are advertised through the city's social media platform (e.g., Facebook, Twitter, Instagram, etc.).

"The planting of a tree, especially one of the long-living hardwood trees, is a gift which you can make to posterity at almost no cost and with almost no trouble, and if the tree takes root it will far outlive the visible effect of any of your other actions, good or evil."

GEORGE ORWELL



What do we have?

Emergency Response and Risk Assessment

The Federal Emergency Management Agency (fema.gov) recommends that an emergency response plan identify the goals and objectives for emergency response, define expectations for response team members, and identify any regulations that apply (e.g. OSHA, fire code, etc.) (2014). An Emergency Response Plan should include considerations to mitigate the potential for disasters, as well as define steps for preparedness and response.

According to Title 1, Division 4, Chapter 8, Section 3100 of California Government Code states that public employees are Disaster Service Workers and are subject to such disaster service activities as may be assigned by their superiors or emergency service commanders (2016). The term "public employees" includes all persons employed by the state or any county, city, city and county, state agency or public district.

Tracy's Municipal Code, Title 7, provides considerations for emergency maintenance of utilities in the event of conditions which endanger life or property.

Storm events and other natural disasters can result in damage to trees. Tracy is prone to destructive strong winds and other storm events that result in loss and damage to trees. During such events, high winds can dislodge small branches and limbs and have toppled whole trees. All of which can interfere with emergency crews and disrupt essential services. Forestry staff has a role in assisting with clearing hazards, debris, and ensuring timely restoration of essential services. When storm events result in downed trees and limbs, Public Works staff are responsible for clearing debris from streets, sidewalks, and facilities to ensure safe passage for emergency vehicles and responders. Following storm events, forestry staff respond to other downed trees and limbs in less critical areas (e.g. parks) and visually inspect trees for damaged and/or hanging branches.

In preparation for future emergencies and natural disasters, Tracy has identified numerous funding mechanisms to support response efforts, including:

- Clearance of channel ways and utilities is funded through solid waste
- Approximately 15% of LMD and General Fund provide additional support for cleanup efforts

In readiness, Public Works staff are on a rotational, stand-by schedule for emergency response. For events that occur outside of normal operations, the person on stand-by is the lead. If events occur during normal operation, leadership defaults to normal managerial hierarchy. Stand-by or on-call personnel can call additional staff as needed. Public Works has established an after-hours crew that has been trained in the use of chainsaws, chippers, and aerial lifts. All after-hours crew members are trained on necessary equipment. During emergency events, all staff are considered mandatory reporters. In
some circumstances, communications may be down. Staff are equipped with cell phones and some city vehicles have radio systems which are more reliable and generally unaffected. Policy for catastrophic events dictates that city staff ensure their own personal safety and the safety of their family and then report to the Public Works corporation yard. The responsibility for coordination of resources during storm and emergency response falls under the assigned Superintendent. During multi-day events, supervisors work to schedule relief to improve worker safety and allow for adequate rest. While emergency response policies are generally understood, the Department would benefit from an emergency response handbook that clearly communicates protocol, responsibilities, and practices to promote compliance and provide a reference for staff.

Initial staging for storm and emergency events is conducted at the Public Works corporation yard where maintenance equipment is readily available. During events, debris is taken directly to the City waste facility or temporarily stored at other City facilities. Following emergency response, temporary storage areas are cleared as quickly as possible.

Storms are variable and impacts on the urban forest can range from minimal to severe. In most instances, in-house crews are able to manage the workload. However, in severe storm events, when very large trees are involved, or where there is significant potential for damage to property, the City uses contracted services to assist. When fallen trees and branches are in contact with overhead or downed power lines, the City notifies the affected utility and contracts with specially trained, line-clearance contractors when appropriate. Field staff prioritize safety and are responsible for determining which activities are contracted out during emergency events. Historically, approximately 60% of emergency related activities have been performed by contractors.

Residents can report non-emergency tree damage through the City's non-emergency phone line, online service request program, or call Public Works and submit a service request during normal operating hours. Forestry staff will inspect trees for risk and respond accordingly during regular operational hours.

Emergency responders (e.g., fire, police) communicate through emergency dispatchers for downed trees and limbs affecting emergency response. Main arterial roadways and emergency facilities receive the highest priority. To better facilitate future response, Public Works is coordinating with the Fire Department to prioritize critical areas and to develop corresponding community-wide maps. At times, the City's non-emergency phone line is overwhelmed with calls. Procedures to handle high-call volumes are currently under review to improve efficiency and response times.

To increase resilience in the urban forest to wind and other storm events, forestry staff address structural issues during regular maintenance cycles. Reducing weight on extended branches, removing dead wood, and correcting poor branching structure reduces the likeness of limb and tree failure in high winds and major storms.

Funding

Summary of Annual Operations and Funding

Currently, tree maintenance is funded through the General Fund and Landscape Maintenance Districts (LMDs).

Tree Operations Budget

Annual Planting	$30,000
Annual Pruning	$500,000
Tree Removals, Stump Grinding, and Disposal	$300,000
Irrigation and Establishment	$1,000
Annual Price of Repair/Mitigation of Infrastructure Damage	$30,000
Annual Price of Litter/ Storm Clean-up	$180,000
Average Annual Litigation and Settlements due to Tree-Related Claims	$2,753
Annual Expenditure for Program Administration	$200,000
Annual Expenditure for Inspections/ Answer Service Requesters	$150,000



General Fund and the Landscape Maintenance Districts

In 2019, the General Fund experienced cuts, which resulted in the loss of funds for tree maintenance. This loss of funds reduced contractor pruning operations for grid pruning, which is critical for maintaining public safety and sustaining public tree health and benefits. The General Fund is subject to increases and decreases with economic fluctuations and instances where there is a loss of funds for tree care, not all cyclical maintenance can be addressed. The General Fund is not typically used to supplement tree maintenance in the LMD.

Tracy has 42 LMD zones, which fund 49 mini parks, 220 acres of landscaping, landscaped channel ways, bike trails, and high-use arterial roads. Currently there are 25,842 trees within the LMD.

The LMD is funded through assessments, paid by property owners through property taxes and similarly to the General Fund are vulnerable to changes in the economy. In the past, some LMD zones were not established with sufficiently high assessments, resulting in disparities in funding and in the level of maintenance between neighborhoods. In addition, high maintenance trees, such as, flowering pear (Pyrus calleryana) and Raywood ash (Fraxinus oxycarpa) are more heavily planted in some zones, putting a considerable strain on the budget for those areas.

Many trees along main arterial roadways are maintained through the LMD. However, these areas are broadly used by the community and forestry managers are evaluating the feasibility of other funding mechanisms.

Landscaped channel ways are historically underfunded. As a result, tree maintenance is often deferred and many trees are overgrown or are encroaching on adjacent properties. It is important to maintain these channels to ensure they are free of debris and plant material that would hinder stormwater flows and increase the potential for flooding in the event of heavy precipitation. Dedicated funding for channel way maintenance, can help ensure that clearance and flow potential are maintained.

What do we have?

Partners

Interdepartmental

Parks Division

The Parks Division is responsible for the maintenance of turf and landscaped areas. Trees within parks are cared for by the Urban Forestry Division.

Parks and Community Services Commission

The Parks and Community Services Commission, a council-appointed membership of seven residents with Tracy city limits, communicates with the Public Works Department to address public safety concerns and other maintenance tasks for trees within City parks both in the General Fund and the LMD.

"The UFMP can help by establishing clear standards for species selection, replacement, maintenance, planting, locations both throughout the City and where on each lot/parcel"

UNKNOWN STAKEHOLDER

Development Services Department - Engineering Division

The Engineering Division in coordination with the Urban Forestry Divison, is responsible for the approval and final inspection of the installation of trees and other landscape material within the public right-of-way and for Capital Improvement Projects. Specific plans outline the specific design specification for subdivisions. Engineering also ensures compliance with the Americans with Disabilities Act and coordinating with Urban Forestry Division to address trees that are creating conflict with sidewalks.

Engineering coordinates with the City Arborist to identify tree related issues within construction projects, including identifying trees that are suitable for preservation and coordinating tree protection around those trees on construction sites. Engineering coordinates with the City Arborist to inspect design plans for the inclusion of species approved by the City Arborist as identified on the species palette list and placement of those trees according to city design standards. In instances where species are not listed on the approved species palette list, the City Arborist can use their discretion for the approval of such species. Following installation of landscape, a City landscape inspector is responsible for inspecting if landscape materials were installed according to the design plan. However, Engineering staff report that while developers may install landscape material according to design plans, homeowners frequently alter the design after purchasing a property, including removing trees in the right-of-way.

In addition to reviewing and providing recommendations for designs, the City Arborist coordinates with Engineering staff to identify and inspect TPZs for construction projects.

Planning Division

The Planning Division is primarily responsible for enforcing zoning ordinances and reviewing and inspecting projects on private property. While there is no Municipal Code that protects trees on private property, community members have prompted the protection of large trees on prominent construction projects. In such events, Planning Division staff has sought the recommendations of the City Arborist for solutions for tree protection.

Public Works Department- Street and Sidewalk Maintenance Division

Street and sidewalk repairs that involve street trees are coordinated with the City Arborist to inspect work to support tree health.

Fire Department

The Fire Operations Division's goal is to maintain a constant state of readiness to respond and protect against injury, loss of life, and/or property damage caused by fire, medical, and emergencies when needed.

The Department coordinates with the Public Works Department during storm or emergency events to manage debris from trees and to maintain accessibility for emergency response crews. In addition, the Department is prepared to respond to wildland urban interface (WUI) areas where residential development meets with open space and natural wilderness areas. Although Tracy does not currently have any neighborhoods that might be classified as WUI, the Tracy Hills development will require active management of the natural areas adjacent to homes. The Department coordinates with Public Works staff to manage ladder fuels in areas vulnerable to fire.



Community Partners

Pacific Gas and Electric

In California, all utility providers are subject to General Order 95; Rule 35 Vegetation Management (California Public Utilities Commission, revised 2012) and FAC-003-2 Transmission Vegetation Management (NERC) which outlines requirements for vegetation management in utility easements. These requirements include clearance tolerances for trees and other vegetation growing in proximity to overhead utilities.

Trees located under utility lines should be directionally pruned by trained, authorized line clearance personnel only to provide clearance and/or reduce height. Selecting small-stature tree species that are utility friendly for planting sites in utility rights-of-way can minimize the need for these maintenance activities.

The urban forest has an impact on every resident, visitor, property owner, and business in Tracy. The benefits of the community's trees extend beyond the City limits. The responsibility for their care and protection is shared by many individuals, volunteers, nonprofit organizations, City departments, and tree care professionals. The engagement and contribution of urban forest stakeholders was integral to the development of the Urban Forest Management Plan.

Non-profit Tree Advocacy

The Tracy Tree Foundation (TTF) was founded in 2016, with strong support from the City, to educate the public on the benefits of trees and coordinate tree plantings. They also encourage the preservation of trees within Tracy.

In response to community interest in hiking and biking, the Tracy Nature Park Advocates was founded by numerous community members. This group advocated and petitioned for the creation of a nature park, which would provide numerous hiking and biking trails.

Community non-profit groups, like the Tracy Tree Foundation and the Tracy Nature Park Advocates, are valuable partners for the City. Not only do community non-profit groups serve as strong advocates on the behalf of trees and green space, but they also provide a strong network of volunteers. Volunteers have been and will continue to be critical to the success of Arbor Day and other tree planting events. Furthermore, volunteer-led education and outreach activities will be critical for promoting the preservation of private trees and enhancing the urban forest. Tracy Nature Park Advocates

What do we have?

Policy and Regulation

City policies and regulations provide the foundation for the Urban Forestry Division. They outline requirements and specifications for the planting, installation, and care of Tracy's public trees. They also provide the regulatory framework for the protection and preservation of the urban forest assets as well as the enforcement of activities and issues that impact the community's trees. The development of Tracy's Urban Forest Management Plan included a comprehensive review of City policies, development and construction standards, ordinances and other regulations that apply to the urban forest. The following provides a summary of the review process and key findings.

Federal and State Law

California Urban Forestry Act

Section 4799.06-4799.12 of the California Public Resources Code defines a chapter known as the California Urban Forestry Act. The act defines trees as a "vital resource in the urban environment and as an important psychological link with nature for the urban dweller". The act also enumerates the many environmental, energy, economic, and health benefits that urban forests provide to communities.

The purpose of the Act is to promote urban forest resources and minimize the decline of urban forests in the state of California. To this end, the act facilitates the creation of permanent jobs related to urban forestry and encourages coordination with state and local agencies to reduce or eliminate tree loss and prevent the introduction and spread of pests. The act grants the authority to create agencies and mandates that urban forestry departments shall provide technical assistance to urban areas across many disciplines. The Act also authorizes and recommends numerous funding tools to achieve these goals.

Public Park Preservation Act

In addition to the protections provided by the California Urban Forestry Act, the Public Park Preservation Act of 1971 ensures that any public parkland converted to non-recreational uses is replaced to serve the same community.

Migratory Bird Treaty Act

Passed by Congress in 1918, MBTA defines that it is unlawful to pursue, hunt, take, capture, kill, possess, sell, purchase, barter, import, export, or transport any migratory bird, or any part, nest, or egg or any such bird, unless authorized under a permit issued by the Secretary of the Interior.

The act can impact forestry operations during times when birds are nesting and may delay work in order to avoid violating the MBTA.

Endangered Species Act

Signed in 1973, the Endangered Species Act provides for the conservation of species that are endangered or threatened throughout all or a significant portion of their range, and the conservation of the ecosystems on which they depend.

The listing of a species as endangered makes it illegal to "take" (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to do these things) that species. Similar prohibitions usually extend to threatened species.

Model Water Efficient Landscape Ordinance

To promote the conservation and efficient use of water and to prevent the waste of water, Model Water Efficient Landscape Ordinance (MWELO) was adopted in 2009 and later revised in 2015, requiring increases in water efficiency standards for new and retrofitted landscapes through the use of more efficient irrigation systems, greywater usage, and onsite stormwater capture, and by limiting the portion of landscapes that can be covered in turf.

California Senate Bill No. 606 and No. 1668

Approved by Governor Jerry Brown on May 31, 2018, these bills require cities and water districts to set permanent water conservation rules, even in non-drought years. Under the bills, each urban water provider will be required to set a target water use goals that must be approved by the State Water Resource Control Board by 2022, if agencies fail to meet these goals, potential fines as high as $10,000 a day may be issued. Standards are based on 55 gallons per person per day for indoor water use (later decreasing to 50 gallons by 2030) and regional based standards for outdoor use.

California Solar Shade Act

Passed in 1978, the Solar Shade Control Act supported alternative energy devices, such as solar collectors, and required specific and limited controls on trees and shrubs. Revised in 2009, the Act restricted the placement of trees or shrubs that cast a shadow greater than 10 percent of an adjacent existing solar collector's absorption area upon the solar collector surface at any one time between the hours of 10am and 2pm.

The Act exempts trees or shrubs that were planted prior to the installation of a solar collector, trees or shrubs on land dedicated to commercial agricultural crops, replacement trees or shrubs that were planted prior to the installation of a solar collector and subsequently died or were removed (for the protection of public health, safety, and the environment) after the installation of a solar collector, and trees or shrubs subject to city and county ordinance.

Tracy Municipal Code

The Tracy Municipal Code includes ten Titles that provide considerations for trees:

Title 2 Administration Provides definitions for professional or consultant services, including tree trimming.

Title 3 Public Safety Provides considerations for graffiti control as it relates to trees, as well as, removal of obstruction to traffic including by trees. Requires the reporting of damage to trees to Police following an accident.

Title 4 Public Morals, Welfare, and Conduct Prohibits the posting of handbills on trees along streets in the City.

Title 5 Sanitation and Health Provides important rules regarding leaf pickup that is provided by the City in the winter months.

Title 6 Business, Professions, and Trades Provides considerations for the Downtown Incentive Program for off-street improvements, following approval by the City, applicant agrees to make the improvement to street trees and tree wells/grates with are located in the public right-of-way fronting a property must meet City Standards.

Title 7 Public Works Establishes the Parks and Community Services Commission and authorizes provisions for violations of Title 7, but allows the City to seek additional relief, including recovering for the value of the damaged or removed tree.

Provides definitions for relevant terms for trees and tree maintenance activities and the role of the director and gives the director authority to inspect, maintain, remove, replace street trees, and require property owners to maintain privately planted trees that interfere with the growth and health of street trees, including the use of dust reducing agents that are hazardous or detrimental to the health of trees. Title 7 also defines the director's role and authority in the application process for tree removal permits.

Title 7 prohibits the mutilation or impairment, or destruction of City trees and provides that the City is not responsible for tree maintenance in areas not within the City. Prohibits the planting of trees in public areas without permission. Title 7 authorizes maintenance of trees if interfering with public utility and prior to maintenance on public utility, agencies are required to get permission from the director if a street tree may be damaged but provides exceptions for emergencies.

Title 8 Finance, Revenue, and Taxation Provides exceptions for cable providers to trim trees to prevent contact with wires, cables and other equipment on public and private property.

Title 10 Planning and Zoning Designates the type and number of trees that are approved by the director for parking areas and requires a certain number of trees with reasonable spacing per parcel. The Title refers to City of Tracy Specification Standards for planting standards. The Title establishes the vision clearance for corner lots for street trees at least eight feet above the established grade of the curb and requires the use of trees and other methods to shield visible parking areas of parking garages and around drill sites.

Title 11 Public Utilities Provides selection criteria for trees in landscape design plans and requires that where feasible, trees should be irrigated by separate valves from other landscaped areas.

Title 12 Subdivisions Requires that subdivisions should be designed to limit the removal of non-production (trees that do not produce fruit or nuts) and should be accurately denoted on development plans. Any recommendations to remove a tree due to defects or disease must be supported by a report from a licensed arborist, with additional recommendations for proposed grading within a certain number of feet within the dripline of any saved tree.

Design Standards

Revised every 5 years, Tracy's Design Standards provide landscape standards, including shade tree requirements, for sites adjacent to freeways, parking lots/areas, lighting, buildings over 50,000 square feet, outdoor spaces, and landscaped areas. The Design Standards also provide considerations for the use of trees for screening, large trees for shading, drought tolerant trees, and tree box filters for bioretention and redirection of runoff.

Guiding Documents

Tracy General Plan 2011

The General Plan provides a vision for the future and establishes a framework for how Tracy should grow and change over the next two decades. The Community Character Element within the General Plan includes language about the incorporation and inclusion of trees in the urban landscape. According to the General Plan, trees should be planted along all residential streets, along the I-205 Commercial Area, parking lots in Village Centers, areas within Corridors, on the south and west sides of new buildings or buildings being renovated, and riparian corridors.

Tracy Sustainable Action Plan 2011

Tracy's Sustainability Action Plan is a detailed, long-range strategy to achieve sustainability in the sectors of greenhouse gas (GHG) emissions, energy, transportation and land use, solid waste, water, agriculture and open space, biological resources, air quality, public health, and economic development. The Plan encourages the strategic placement of trees with the intent for cooling pavements. The municipal tree planting subsection within the Plan identifies the goal of planting 33 acres of healthy trees by 2020, with each acre consisting of 35 to 40 trees in order to encourage carbon sequestration.

Standard Specification (2008)

Title 10 refers to the City's Standard Specification for planting guidelines for the installation of parking lot trees; however, the document does not have any guidelines or standards for planting street trees.

What do we have?

Conclusions

The City currently has an inventory of 35,561 public trees, with more trees being removed or planted every day. The Resource Analysis summarizes the composition of this community resource. The urban tree canopy assessment provides a land cover layer that identifies the location and extent of existing canopy (public and private), establishes a baseline for monitoring overall tree canopy cover throughout the community, and augments the City's GIS database. Additional protections for private trees would promote the preservation and protection of some large or unique tree species. A well-trained and dedicated City Arborist and forestry staff provide leadership and expertise and promote stewardship of the urban forest. All of this provides the foundation and tools necessary to make meaningful and effective management choices and illustrates the investment that Tracy has made in its urban forest. The information provides a basis for developing community goals and urban forest policies and establishes benchmarks for measuring the success of long-term planning objectives over time.

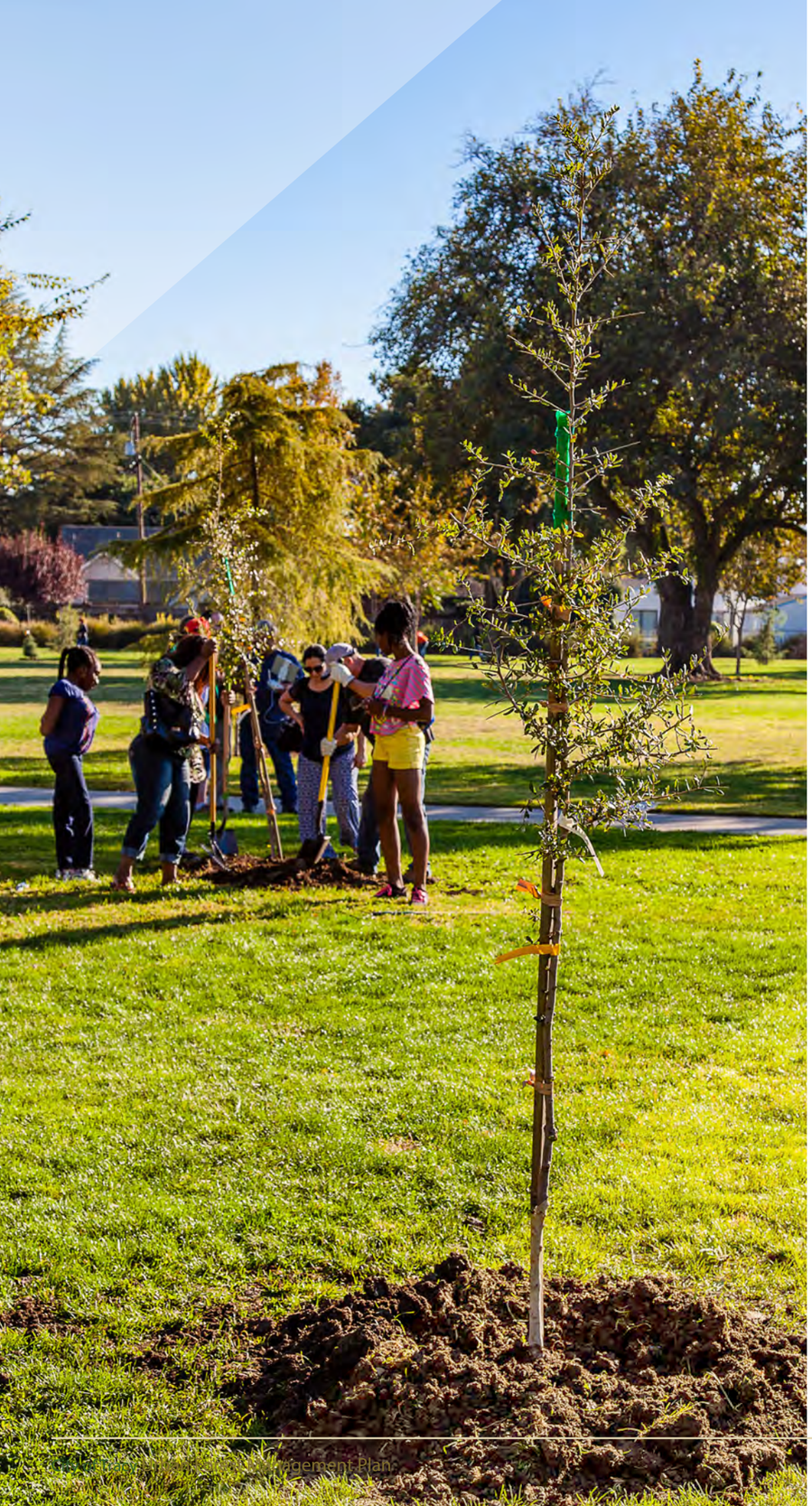
The City has ample capacity to increase the urban forest given an existing canopy cover of 12.8% and a potential for nearly 45%. Areas slated for development (residential and commercial) will eventually represent a mixture of land cover that includes both hardscape (impervious surface) and tree canopy. It is important to recognize that impervious surfaces and canopy cover can co-exist in many instances, especially with the incorporation of appropriate design standards. Canopy that extends over hardscape features, including parking lots, streets, and structures can add to the overall amount of canopy cover and reduce the ratio between canopy cover and impervious surfaces. In addition, shade provided by tree canopy can demonstrably extend the lifespan of materials used in the construction of hardscape features (McPherson, et al, 2005). Another opportunity for expanding tree canopy cover is through private property, where trees can provide direct benefits to residents.

Stakeholder interviews and a review of operations identified a number of opportunities and challenges facing Tracy's urban forestry program over the next couple of decades. Potential issues include maintaining adequate resources (staffing, funding, and equipment), increasing forest resiliency, inventory management, revisions to Municipal Code, and the partnership with the Partnerships with local nonprofits.

The City aims to provide service to public trees through five to seven-year maintenance cycles. The City Arborist ensures that contractors and Urban Forestry Division staff follow best management practices and industry standards, including standards for safety and professional training.

The Urban Forestry Division has two staff and has experienced periods of time where positions with the division were vacant. As a result, the Division has been working to fulfill high volumes of open work orders. Therefore, preventative maintenance is largely restricted based on available funds. With a small in-house tree crew and a contract tree care company, the care of public trees is currently reactive, focused on clearance pruning and response to hazardous and emergency situations. However, the program pruning cycle that began in recent years is having a positive effect. Additionally, high maintenance trees are concentrated in LMD zones, some of which have fewer resources than the General Fund, and as such require more frequent maintenance to maintain clearance and minimize risk. Urban trees are a living resource that benefit from timely maintenance to address health and safety needs and encourage strong structure. Proactive inspection and maintenance promote tree longevity, maximizes benefits, and helps manage risk potential.





Increasing interdepartmental coordination for planning and resource sharing promotes greater efficiencies for urban forestry operations. Collaboration with Engineering staff during revisions for Design Standards allows for considerations for planting sites. Greater consideration should be given to adequate soil volume, minimum dimensions, and alternative designs, all of which would improve environmental conditions for trees and support community canopy goals.

The urban forest is a living resource subject to environmental and cultural stressors, including pests, disease, extreme weather and climate change, pollution, and accidental damage. While it is impractical to protect and preserve every tree, actions and strategies that increase overall resilience can ensure that the community continues to receive a stable flow of benefits. Strategies for increasing forest resilience include increasing species diversity, planting the right tree in the right place, regular inspection and maintenance, and management of pests and disease. While the city must still contend with the planting decisions of the past, moving forward, forestry is focused on selecting species that are better suited to the local climate, drought tolerant, and more resilient to potential pest threats. It is also vital to provide sufficient funding to support the tree throughout its lifetime.

A complete inventory of public trees and a comprehensive inventory management system are vital components for urban forest management. Ideally, trees that were not included in the original inventory will be added and include the location, species, condition, and size (DBH). An updated inventory and updated data metrics for existing trees in the inventory will allow managers to track tree history, create work orders, and create grid-based pruning cycles. This will improve program efficiency and provide information to support funding requests and for programming work tasks.

In Tracy, according to Municipal Code, it is unlawful to damage or remove any tree planted or maintained by the City in right-of-way or planting easements, unless a person obtains a permit through the City. However, the fines for violations of Municipal Code are based on Street Tree Removal Criteria, which may not reflect industry's current standards for the true replacement value of a tree. Additionally, enforcement of the Municipal Code can be challenging. The urban forest webpage should continue to provide important links and fact sheets that summarize key messages for maintaining and preserving all trees.

Community support for the urban forest is critical for sustainable programming and the realization of long-term goals. Engaging community members through workshops, online resources, and volunteer projects engenders a greater sense of ownership and stewardship for the urban forest. In partnership with the Tracy Tree Foundation urban forestry staff have a great opportunity to promote the urban forest on private property through coordinated outreach activities and materials. While this partnership presents a great opportunity for facilitating community engagement and educational activities, leadership changes at TTF have led to some instability in the partnership and the City should continue to explore other opportunities with local non-profits.

Since 2015, Tracy has achieved Tree City USA status, reflecting the City's commitment to responsibly care for trees through tree care ordinances, dedicated funding, and annual observances of Arbor Day. Beyond this recognition, city staff are motivated to innovate the existing urban forestry program and ensure that the urban forest is preserved and protected for future generations. With prolonged periods of drought and an increasing risk of introduced pests and disease pathogens, park staff are acutely aware of the challenges and potential vulnerabilities that urban trees face. Because the urban forest is a dynamic, growing, and ever-changing resource, it requires sound and proactive management to fully realize its maximum potential.

What do we want?

To better understand how the community values the benefits of the urban forest resource and to provide residents and other stakeholders an opportunity to express their views, The Tracy Tree Foundation and other community and City staff stakeholders were engaged through multiple outreach efforts to gather input on content and recommendations contained in the UFMP.

Stakeholder Outreach

While it may not be their primary focus, many individuals and departments within the City share some level of responsibility for the community urban forest, including planning for, caring for, and/or affecting the policy of urban forest assets. City Partners were invited to participate in an interview and discussion about their role and perspective for the urban forest as well as their views, concerns, and ideas for the UFMP. These interviews provided important information about the current functions of the Urban Forestry Division and potential areas for improvement. Concerns, requests, and suggestions from all stakeholders were of primary interest and were provided full consideration in the development of the UFMP.

Key stakeholders were invited to provide insight into the current state of the urban forest. Participants identified challenges and opportunities for the urban forest, as well as, helped to create a consensus for the goals of the UFMP.

Stakeholders included:

- Engineering Division
- Planning Division
- Parks Commission
- Public Works Staff
- Tracy Tree Foundation (TTF)
- Tracy Nature Parks Advocates

Challenges and opportunities identified through the stakeholder interview process include the following:

1. Additional outreach and engagement is needed
2. Forestry is underfunded, resulting in reactive maintenance
3. Increasing species diversity will lead to greater resilience in the urban forest
4. Future tree planting should focus on planting the right tree in the right place for greater benefits and cost savings
5. Review and revise Municipal Code to address the challenges facing the urban forest



"Educate civic leaders and citizens about the benefits of trees and to advocate for the urban forest."

UNKNOWN STAKEHOLDER

Community Meetings

A meeting was held on May 1, 2019 from 6:00 p.m. To 7:30 p.m. at the Tracy Transit Center. The meeting was advertised through social media, city emails, and the city website. The meeting was attended by 18 community members, six of which were city staff.

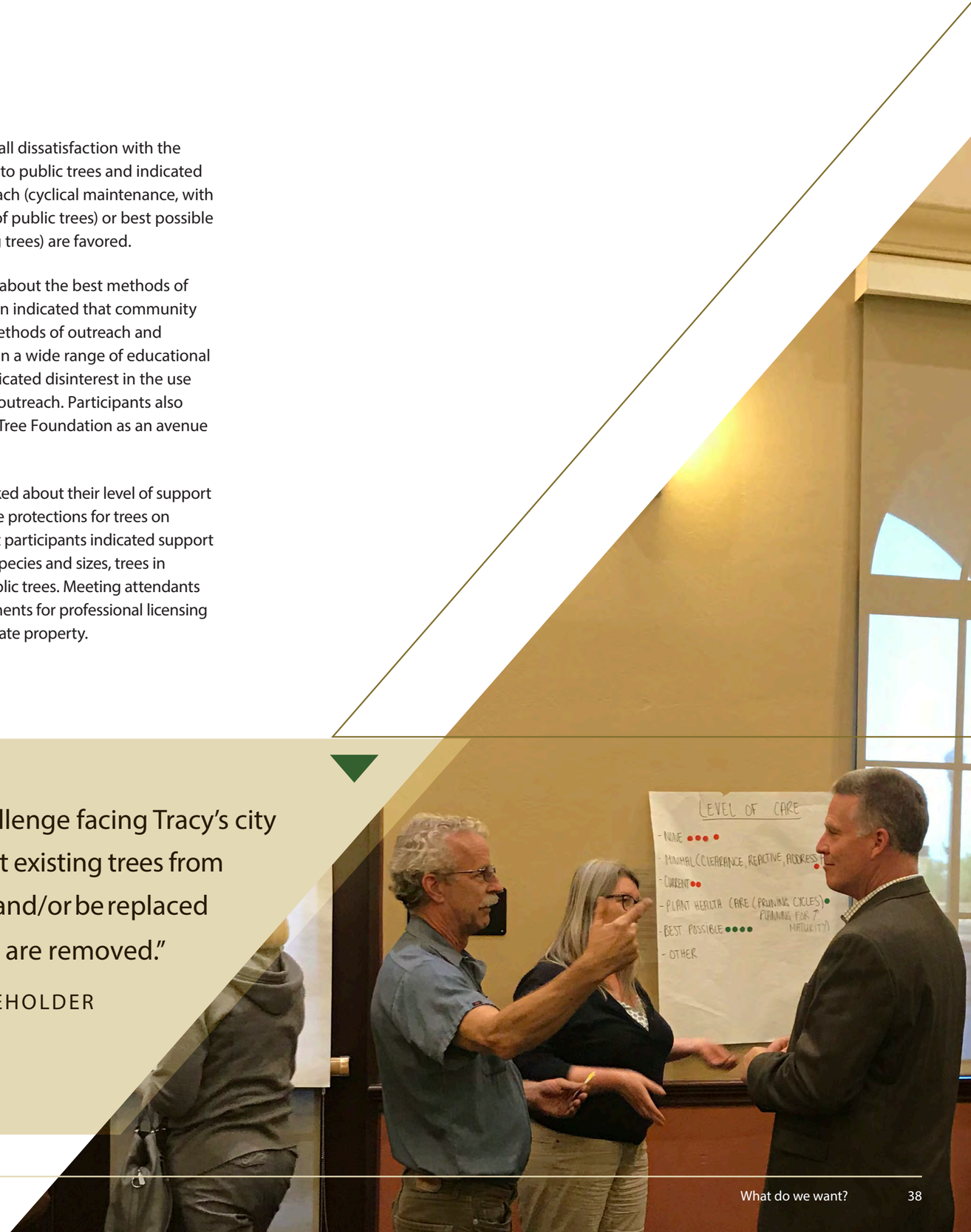
The meeting included a presentation about the community's urban forest and current program status. Following the presentation, attendees participated in a discussion and planning session to identify goals and objectives for the UFMP. Attendees were asked to provide their expectations for public tree maintenance and locations for additional tree plantings. Participants were also asked to share their opinions on the types of education and outreach, the best opportunities for providing educational materials and outreach activities, the professional licensing requirement for tree care providers within the city, protections for private trees, and collaboration opportunities.

Community meeting participants overwhelmingly expressed interest in learning more about the Sacramento Tree Foundation Greenprint Initiative to adopt a 35% canopy goal. They did not support a goal of no net loss (to maintain the current level of 12.8% canopy cover). Similarly, the majority favored additional plantings along streets and medians, parks and open space, commercial and industrial areas, but did not support opting for no additional plantings of trees.

Most participants indicated overall dissatisfaction with the current level of service provided to public trees and indicated a plant health care-based approach (cyclical maintenance, with regular inspection and pruning of public trees) or best possible care (structural training of young trees) are favored.

Questions posed to participants about the best methods of outreach and topics for education indicated that community members appreciate multiple methods of outreach and engagement and are interested in a wide range of educational topics; however, participants indicated disinterest in the use of door hangers for educational outreach. Participants also expressed support for the Tracy Tree Foundation as an avenue for outreach and education.

Community participants were asked about their level of support for ordinances that would provide protections for trees on public and private property. Most participants indicated support for protections for trees specific species and sizes, trees in parking lots, native trees, and public trees. Meeting attendants indicated opposition for requirements for professional licensing for tree care professionals on private property.



"The biggest challenge facing Tracy's city trees is to prevent existing trees from being cut down and/or be replaced when they die or are removed."

UNKNOWN STAKEHOLDER

What do we want?

Plans, Goals and Actions

Based upon a review of the current Urban Forestry program and resources, and collaborative input from the community and other stakeholders, the UFMP identifies five goals and eight existing policies that support and represent what Tracy residents, stakeholders, and staff want for the future of Tracy's urban forest. These goals, and the strategies that support them, are intended to optimize the management of the city's community forest in an efficient, cost-effective, sustainable, and safe manner. The Plan identifies three major areas of focus:

1. Grow, maintain, preserve, and enhance a sustainable urban forest
2. Optimize the environmental, social, economic, and public health benefits of trees and canopy
3. Align urban forest management policy with community expectations and cost efficiency

Grow, maintain, preserve, and enhance a sustainable urbanforest

The urban forest provides numerous benefits to the community. Although it might be tempting to plant as many trees as possible, it is important to grow and enhance the urban forest in a sustainable manner. It is important to ensure not only that trees are planted, but also that they can be maintained throughout their lifetimes.

Goal 1: Preserve trees whenever possible.

Trees take a long time to grow and the benefits that they provide increase as they mature. Therefore, tree removals should be avoided whenever possible to ensure all trees provide the maximum potential benefits. Trees that pose an unacceptable risk to public safety or the overall urban forest shall be removed and replaced with a suitable species.

Goal 2: Reach 15% canopy cover by 2040.

Tracy has the potential to support nearly a 45% canopy cover. However, with development and constraints on funding, the City should first work towards a goal of 15% canopy cover over the next 20 years.

Existing Policy 1: Plan for trees.

When proper consideration is given to planting trees, future removals can potentially be avoided. Selecting the right tree for the right place increases the ability for a tree to reach maturity and ensures that it has ample space for canopy and root growth.

Existing Policy 2: Foster current partnerships with local non-profits and continue to explore opportunities with additional non-profit groups.

Growing, maintaining, and educating the greater community about the benefits of the urban forest are greatly enhanced through the partnership with local nonprofits.

Existing Policy 3: Promote the longevity of trees as a public resource.

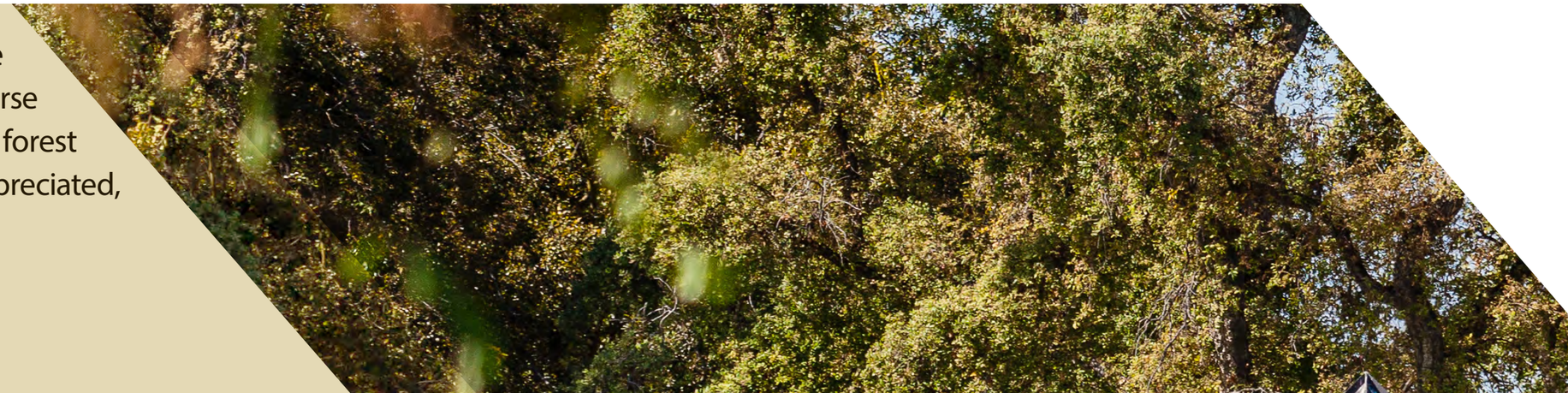
Like all living things, trees have a finite lifespan, though some are longer lived than others. Managers have an important role in reducing mortality rates through proactive tree maintenance practices.

Optimize the environmental, social, economic, and public health benefits of trees and canopy

Trees are a valuable community asset and an integral part of the infrastructure. The environmental, social, economic, and public health benefits provided by trees and canopy are directly related to the distribution of leaf surface and tree canopy. As trees mature, the benefits that are provided to the community increase.

"As a comprehensive document, the UFMP can define and illustrate the course from the present state of the urban forest toward the ultimate goal of a well-appreciated, sustainable, enviable urban forest."

T. ROCHA



Goal 3: Engage the community to increase support for the urban forest.

The urban forest is more likely to be preserved and maintained by a community that understands the benefits that the urban forest provides to the community. Community members that are strong advocates on the behalf of the urban forest also improve the long-term viability of the urban forest.

Goal 4: Encourage the planting of trees on private property.

Private trees contribute significantly to the urban forest and the benefits that it provides to the community as a whole. While trees on public property are significant contributors to community benefits, private property provides an opportunity for additional planting sites and more direct flow of benefits to community members.

Currently park trees are maintained through both the General Fund and the Landscape Maintenance Districts (LMD). Because these resources are limited, care for park trees and trees in open space is prioritized based on public safety and dependent on available funding. Alternative funding sources to support the Urban Forestry program should continue to be explored and implemented as appropriate and/or available. Examples of these are: special assessments specific to urban forestry, parks and street-scaping; grants; recycling program funds; etc.

Existing Policy 4: Manage risk.

When trees are well-maintained throughout their lifetimes, the risks trees pose to the public are reduced.

Existing Policy 5: Expand the tree canopy of Tracy through the planting of trees on public property.

Public trees are a valuable component of infrastructure. Not only do trees reduce the rate of deterioration of asphalt and concrete, but also decrease the effects of urban heat islands.

Align urban forest management policy with community expectations and promote efficiency within the Public Works Department

Increasingly, there is more scientific data on the benefits that trees provide to communities, which promotes greater appreciation for the urban forest. Optimization of urban forestry funding and programming allows for the City to meet and exceed community expectations and increase efficiency.

Goal 5: Revise Municipal Code to respond to community needs.

As a community grows, its needs can change. Municipal Code should be periodically reviewed and revised to improve the benefits that trees provide to the environment and to the overall community.

Existing Policy 6: Ensure policy documents communicate a shared vision.

Inconsistencies across city policies, documents, and departments creates confusion between departments and the community. Uniformity promotes strong and efficient policy that aligns with community expectations.

Existing Policy 7: Provide emergency response to ensure accessibility for emergency responders and restoration of regular operations.

Following storm events or other emergency situations, trees may have been damaged and create problems for emergency responders, as well as, disrupt normal city operations. Emergency response is important for ensuring access for emergency crews and restoring normalcy following such events.

Existing Policy 8: Maintain a fire safe community.

In the last decade, California has experienced catastrophic losses as a result of wildfire. With prolonged periods of drought and a changing climate, wildfire is likely to continue to be a threat to communities that neighbor the wildland urban interface. The risk of living in these areas can be reduced through numerous wildfire mitigation strategies.



How do we get there?

The goals and actions proposed by the Urban Forest Management Plan (UFMP) are organized by area of focus:

1. Align urban forest management policy with community expectations and cost efficiency
2. Optimize the environmental, social, economic, and public health benefits of trees and canopy
3. Grow, maintain, preserve, and enhance a sustainable urban forest

Each area of focus is supported by measurable goals and specific actions that are intended to guide Tracy's urban forest programming over the next 20 years, providing a foundation for annual work plans and budget forecasts. Many goals and actions support more than one focus area.

For each action, the UFMP identifies a priority, a suggested timeframe for accomplishing the action, an estimated cost range, and potential partners. Priority is identified as:

- High – An action that is critical to protecting existing community assets, reducing/managing risk, or requires minimal resources to accomplish
- Medium – An action that further aligns programming and resource improvements that have been identified as desirable by the community, partners, and/or urban forest managers, but that may require additional investment and financial resources over and above existing levels
- Low – An action that is visionary, represents an increase in current service levels, or requires significant investment

The estimated cost is categorized in the following ranges:

- $ = less than $25,000
- $$ =$25,000–$100,000
- $$$ = more than $100,000

The UFMP is intended to be a dynamic tool that can and should be adjusted in response to accomplishments, new information and changes in community expectations, and available resources. In addition to serving as a day-to-day guide for planning and policy making, the UFMP should be reviewed regularly for progress and to ensure that the actions and sub actions are integrated into the annual work plan.

With appropriate care and planning, the urban forest is an asset that has the potential to increase in value over time. As young trees mature and their leaf surface and canopy grows, so too will the overall benefits and value from the community's urban forest. The objectives and strategies of the UFMP are intended to support this process in an appropriate manner that encourages the sustainable stewardship of community trees with consideration for, safety, cost efficiency, and community values. The UFMP includes strategies for measuring the success of the Plan over time.



Grow, maintain, preserve, and enhance a sustainable urban forest.

Goal 1: Preserve trees whenever possible.

Performance Measure: Reduced number of removals.

Rationale: Trees take a long time to grow. While the needs for land use change and sometimes trees are prohibitive of a desired use, there are often solutions and compromises that can be made to allow a tree to reach maturity and provide the maximum benefits to a community.

Risk: Removals that could have been avoided through alternative design solutions and repairs.

Benefit: The potential for all trees to reach maturity and provide the optimal amount of benefits to a community.

Objective:	Cost	Priority	Timeframe
Develop a Private Protected Tree or Heritage Tree Ordinance to protect specific species, native trees, specimen trees, or trees of historic value from damage or unpermitted removal.	$	High	1–5

Action:

1. Add "Protected Tree" definition to Municipal Code.

Objective:	Cost	Priority	Timeframe
Greater preservation of trees on public property.	$	Moderate	Ongoing

Action:

1. Revisit tree violation/mitigation fees.
2. Review and inspect Tree Protection Zones during construction projects.

Objective:	Cost	Priority	Timeframe
Ensure all newly planted trees have the necessary resources to be maintained throughout the lifetime of the tree.	$	Moderate	Ongoing

Action:

1. Have a mechanism that triggers additional funding for tree maintenance when new trees are planted.

$ = less than $25,000 $$ = $25,000–$100,000 $$$ = more than $100,000

How do we get there?

Grow, maintain, preserve, and enhance a sustainable urban forest.

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Risk: Removals that could have been avoided through alternative design solutions and repairs.

Benefit: The potential for all trees to reach maturity and provide the optimal amount of benefits to a community.

Objective:	Cost	Priority	Timeframe
Explore alternative designs to preserve valuable trees in the landscape.	$	Moderate	Ongoing

Action:

1. Explore alternative sidewalk designs to allow space for trees and compliance with the Americans with Disabilities Act.
2. Explore the use of alternative sidewalks designs to avoid tree removal.
3. Continue to protect valuable trees during construction zones.

Objective:	Cost	Priority	Timeframe
Encourage preservation of trees on private property.	$	Moderate	Ongoing

Action:

1. Revisit Municipal Code to provide protection for native trees and heritage trees or trees of historical significance.
2. Revisit Municipal Code to prohibit the use of topping or other improper pruning practices for trees in parking lots.

Objective:	Cost	Priority	Timeframe
Improve everyday care of trees, to prevent future removals.	$	High	Ongoing

Action:

1. Include trees along main arterial roadways in the General Fund.

$ = less than $25,000 $$ = $25,000–$100,000 $$$ = more than $100,000

Grow, maintain, preserve, and enhance a sustainable urban forest.

Goal 2: Reach 15% canopy cover by 2040.

Performance Measure: Increased canopy cover.

Rationale: The benefits that an urban forest provides to the community are directly related to the expanse of tree canopy cover and leaf surface area. The greater the tree canopy cover, the greater distribution of benefits to the community.

Risk: No expansion or even loss of canopy cover may result in a loss or stagnation in the benefits provided to the community by the urban forest.

Benefit: Expansion of tree canopy increases the benefits provided by trees as well as equitable access to shade and other benefits across the community.

Objective:

Greater and more equitable distribution of environmental benefits from trees.

Action:

1. Continue to replace trees as they are removed.
2. Create a planting plan, which identifies specific planting priorities for different areas of the City.
    a. Consider planting priority areas in planting plans.
    b. Consider planting priorities identified by the community.
    c. Continue to plant trees in areas identified as Disadvantaged Communities.
    d. Utilize best management practices for planting and maintaining trees.
3. Conduct a Land Cover Assessment in 10 years to review progress towards meeting 15% canopy.

Cost	Priority	Timeframe
$	High	Ongoing

$ = less than $25,000 $$ = $25,000–$100,000 $$$ = more than $100,000

How do we get there?

Grow, maintain, preserve, and enhance a sustainable urban forest.

Existing Policy 1: Plan for trees.

Performance Measure: Reduction in removals that are a result of a tree being planted in an inappropriate site.

Rationale: Trees take a long time to grow and are a long-term investment. If a tree is planted in a space that is too small or too large or is not well suited for the local climate and soil conditions, the potential benefits that the tree could have provided to the community are lost.

Risk: Premature death of trees.

Benefit: Fewer tree removals and maximum community benefit.

Objective:

Invest in trees for the long-term environmental benefits they provide to the community.

Action:

1. Practice right tree, right place.
2. Maintain and regularly update a tree species list that is suitable for a variety of site conditions.
    a. Include newly available nursery stock and omit species susceptible to pests and pathogens.
    b. Publish species palette list on the city website.
3. As design standards are updated, include standards for the following:
    a. Tree well sizes.
    b. Irrigation plans with separate valves for trees.
    c. Distances from utilities (water meters, fire hydrants, etc.).
4. Explore the use of expanding tree wells.
5. Incorporate innovative solutions for tree planting in areas where available soil volume is limited; also paying particular attention to appropriate species selections in these areas.
6. Formalize planting distances from water meters, fire hydrants, or other public utilities.
7. Develop minimum soil volume requirements for parking lots.

Cost	Priority	Timeframe
$	High	Ongoing

$ = less than $25,000 $$ = $25,000–$100,000 $$$ = more than $100,000

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Risk: Premature death of trees.

Benefit: Fewer removal of trees and maximum community benefit.

Objective:	Cost	Priority	Timeframe
Allow for flexibility in planting considerations for new development.	$	Low–Moderate	1–10 Years

Action:

1. Have separate streetscape landscaping standards.
    a. Provide options for; park strips, meandering sidewalks, monolithic sidewalks.
    b. Set minimum widths for planting strips.

Objective:	Cost	Priority	Timeframe
Encourage new industries within the city to expand the tree canopy.	$	Low–Moderate	1–10 Years

Action:

1. Collaborate with companies to encourage tree planting on those properties.
2. Explore the use of tree planting funds for companies to offset their development.

$ = less than $25,000 $$ = $25,000–$100,000 $$$ = more than $100,000

How do we get there?

Grow, maintain, preserve, and enhance a sustainable urban forest.

Existing Policy 2: Foster current partnerships with local non-profits and continue to explore opportunities with additional non-profit groups.

Performance Measure: Participation in forestry programming.

Rationale: Non-profit partners can coordinate planting events, including volunteers, and provide educational materials/activities.

Risk: Without non-profit partners, Urban Forestry Division staff have less time to manage and maintain city trees.

Benefit: Non-profit partners advocate for the urban forest and increase the protection and preservation of the benefits that the urban forest provides to the community.

Objective:	Cost	Priority	Timeframe
Continue to provide support for local non-profit organizations.	$	Moderate	Ongoing

Action:

1. Continue to set clear expectations for the role of non-profits in coordinating community outreach events and promote tree planting on private property.
2. Provide clearly defined expectations for funding designated to local non-profit organizations.

Objective:	Cost	Priority	Timeframe
Continue to explore partnerships with other non-profit and environmental advocacy groups.	$	Moderate	Ongoing

Action:

1. Identify passionate community members as tree-advocacy leaders.

$ = less than $25,000 $$ = $25,000–$100,000 $$$ = more than $100,000

Grow, maintain, preserve, and enhance a sustainable urban forest.

Existing Policy 3: Promote the longevity of trees as a public resource.

Performance Measure: Reduced mortality rates.

Rationale: Trees are a valuable component of the urban infrastructure, and when trees die prematurely, the investment in that infrastructure is lost.

Risk: If efforts are not made to reduce tree mortality, the investment in the time and labor to plant and care for a tree is lost.

Benefit: Reductions in tree mortality provide the opportunity for all trees to reach maturity and offer the most community benefits.

Objective:	Cost	Priority	Timeframe
Provide water to trees to encourage establishment of newly planted trees, as well as prolong the life of mature trees.	$	Low–Moderate	Ongoing

Action:

1. Continue to irrigate trees in accordance with California Senate Bill No. 606 and No. 1668.
2. Continue to select and plant drought-tolerant species.

Objective:	Cost	Priority	Timeframe
Educate the community about property owner responsibilities for the care of City trees.	$	Moderate	Ongoing

Action:

1. Increase education around watering trees even during drought.
2. Revisit appraisal fees for replacement of trees illegally removed.

$ = less than $25,000 $$ = $25,000–$100,000 $$$ = more than $100,000

How do we get there?

Optimize the environmental, social, economic, and public health benefits of trees and canopy.

Goal 3: Engage the community to increase support for the urban forest.

Performance Measure: Participation in forestry programming.

Rationale: An educated and engaged community is more likely to support and advocate on the behalf of the urban forest.

Risk: Apathy towards the urban forest may result in loss in benefits provided by the urban forest to the community.

Benefit: A community that supports the urban forest protects the urban forest and the benefits that it provides to the city.

Objective:

Engage the community in urban forestry activities and educational events.

Cost	Priority	Timeframe
$	Low–Moderate	Ongoing

Action:

1. Continue to facilitate tree plantings with community groups on private property and in parks.
2. Develop a regular presence at various community events such as Earth Day, Arbor Day, Tracy Make a Difference Day, etc.
3. Coordinate engagement activities with local schools.
4. Offer workshops on a variety of tree care topics.
5. Continue to provide tree educational materials through the Trees and Landscape Maintenance webpage.
    a. Provide downloadable fact sheets.
    b. Regularly update responses to Frequently Asked Questions (FAQ).
    c. Provide a summary of tree ordinances.

$ = less than $25,000 $$ = $25,000–$100,000 $$$ = more than $100,000

Optimize the environmental, social, economic, and public health benefits of trees and canopy.

Goal 3: Engage the community to increase support for the urban forest.

Performance Measure: Participation in forestry programming.

Rationale: An educated and engaged community is more likely to support and advocate on the behalf of the urban forest.

Risk: Apathy towards the urban forest may result in loss in benefits provided by the urban forest to the community.

Benefit: A community that supports the urban forest protects the urban forest and the benefits that it provides to the city.

Objective:

Provide sustainable and adequate resources to sustain the urban forest for future generations.

Cost	Priority	Timeframe
$–$$	High	Ongoing

Action:

1. Incorporate innovative solutions for tree planting in areas where available soil volume is limited; also paying particular attention to appropriate species selections in these areas.
2. Audit the LMDs to analyze the number of public trees versus funding (per tree cost) and explore opportunities to equalize funding levels and increase efficiencies.
    a. Identify adequate funding level.
    b. Explore inequities.
3. Include funding for trees in Capital Improvement Projects.
4. Explore funding opportunities through public health improvement.
5. Explore the use of carbon offset credits.

$ = less than $25,000 $$ = $25,000–$100,000 $$$ = more than $100,000

How do we get there?

Optimize the environmental, social, economic, and public health benefits of trees and canopy.

Goal 4: Encourage the planting of trees on private property.

Performance Measure: Increased canopy cover on private property.

Rationale: Trees on private property not only provide direct benefits to the property owner, but also to the overall community.

Risk: Loss in benefits provided to individual households.

Benefit: Direct benefits to residents.

Objective:	Cost	Priority	Timeframe
Increase canopy cover through tree plantings on private property.	$	Low–Moderate	Ongoing

Action:

1. Explore incentive programs for planting trees on private property.
   a. Track participation in incentive programs to estimate new tree plantings.
2. Explore opportunities to modify or extend the fall/winter leaf collection program as needed

Objective:	Cost	Priority	Timeframe
Improve the diversity of Tracy's urban forest through plantings on private property.	$	Moderate–High	Ongoing

Action:

1. Continue to publish the Tree Species Palette on the city website.

$ = less than $25,000 $$ = $25,000–$100,000 $$$ = more than $100,000

Optimize the environmental, social, economic, and public health benefits of trees and canopy.

Goal 4: Encourage the planting of trees on private property.

Performance Measure: Increased canopy cover on private property.

Rationale: Trees on private property not only provide direct benefits to the property owner, but also to the overall community.

Risk: Loss in benefits provided to individual households.

Benefit: Direct benefits to residents.

Objective:	Cost	Priority	Timeframe
Use a variety of methods to provide tree related information to the community.	$	High	2 Years

Action:

1. Utilize "tree tags" on trees to educate the public on various tree care topics, including: pest management, pruning, and water.
2. Continue to provide external resources on the Trees and Landscape Maintenance webpage.
3. Develop a regular presence at various community events such as Earth Day, Arbor Day, Tracy Make a Difference Day, etc.

Objective:	Cost	Priority	Timeframe
Continue to distribute information about the urban forest to the community.	$	High	Ongoing

Action:

1. Continue to distribute information to the community through the City website.
2. Continue to use social media to engage the community.
3. Conduct a State of the Urban Forest Report (at year one), then every two to five years to communicate progress on the Plan.
4. Report progress and challenges of the UFMP via The State of the Urban Forest Report.

$ = less than $25,000 $$ = $25,000–$100,000 $$$ = more than $100,000

How do we get there?

Optimize the environmental, social, economic, and public health benefits of trees and canopy.

Existing Policy 4: Manage risk.

Performance Measure: Reduction in service requests related to public safety.

Rationale: Trees can develop structural problems that can result in concerns for public safety, but through proactive management of trees, the risks associated with trees are greatly reduced.

Risk: Damage to property and loss of life as a result of tree or branch failures or conflicts with infrastructure.

Benefit: Increased public safety and reduced liability.

Objective:

Maintain trees throughout their lifetimes to improve structure in maturity and reduce the likelihood of structural failures in the future.

Action:

1. Use current Best Management Practices for tree care.
2. Finalize pruning cycle schedule and mapping.
   a. Communicate this schedule to the community.
3. Identify and repair or remove trees that pose a threat to life and property on an ongoing basis.
4. Update tree inventory as maintenance occurs and to include trees that were previously not included.
5. Update inventory to include all trees that are the responsibility of the City.
6. Replace problematic trees as soon as funding allows.

Cost	Priority	Timeframe
$	Low–Moderate	Ongoing

$ = less than $25,000 $$ = $25,000–$100,000 $$$ = more than $100,000

Optimize the environmental, social, economic, and public health benefits of trees and canopy.

Existing Policy 5: Expand the tree canopy through tree plantings on public property.

Performance Measure: Number of plantings of trees on public property.

Rationale: Trees are a valuable part of urban infrastructure and are the only infrastructure whose value increases over time. Trees even help to extend the lifespan of the hardscape.

Risk: Depreciation of the current community resource without replacement and new planting will result in loss of tree canopy and the benefits provided by that canopy to the community.

Benefit: Additional trees and tree canopy will help provide benefits to the community.

Objective:

Improve the diversity of the urban forest on public property, to create a more resilient urban forest.

Action:

1. Provide recommendations for species and placement for projects within the public right-of-way and Capital Improvement Projects.

Cost	Priority	Timeframe
$	Moderate–High	Ongoing

$ = less than $25,000 $$ = $25,000–$100,000 $$$ = more than $100,000

How do we get there?

Align urban forest management policy with community expectations and promote efficiency within the Public Works Department.

Goal 5: Revise Municipal Code to respond to community needs.

Performance Measure: A Municipal Code that clearly defines and addresses the vision of the community.

Rationale: Communities evolve and the rules and laws that govern that group should change to better meet community expectations.

Risk: If Municipal Code does not change, then the weaknesses in outdated rules leave the urban forest vulnerable.

Benefit: Municipal Code changes can better protect, preserve, and enhance the urban forest.

Objective:

Review and revise Municipal Code to address the challenges facing the urban forest.

Action:

1. Revisit 10.08.1770 and define "Reasonable spacing" for trees in a parcel.
2. Update Municipal Code to prohibit the use of "topping" or other improper pruning practices that are inconsistent with industry standards in parking lots.
3. Include protections for private trees that include specific species, native species, heritage trees or trees of historical significance, and specimen trees.

Cost	Priority	Timeframe
$	High	2–Year

$ = less than $25,000 $$ = $25,000–$100,000 $$$ = more than $100,000

Align urban forest management policy with community expectations and promote efficiency within the Public Works Department.

Existing Policy 6: Ensure policy documents communicate a shared vision.

Performance Measure: Consistent vision, direction, and goals between plans and policy documents.

Rationale: Having a uniform policy reduces confusion between departments and community members and transcends departmental changes.

Risk: When policies have inconsistencies, setting a high standard of care is difficult.

Benefit: Uniformity promotes a strong and efficient policy that aligns with community expectations.

Objective:

Unify guiding documents to transcend departmental changes, address inefficiencies and reduce confusion.

Cost	Priority	Timeframe
$	High	Ongoing

Action:

1. Collaborate with Engineering, as City of Tracy Standard Specifications are revised.
    a. Include planting standards and minimum site and soil volume requirements.
2. Provide a link to the Street Tree Species Palette on the Engineering Division webpage.
3. Ensure that UFMP goals are considered in all overarching planning and visionary documents as revisions and updates occur.
    a. General Plan as it is revised.
    b. Sustainability Action Plan as it is revised.
    c. Parks Master Plan as it is revised.

Objective:

Optimize interdepartmental communication and coordination.

Cost	Priority	Timeframe
$	High	Ongoing

Action:

1. Share the UFMP among City departments following completion.
2. Communicate internally to develop standards that all departments are subject to.
3. Participate in cross-training activities to create understanding of other departmental roles.

$ = less than $25,000 $$ = $25,000–$100,000 $$$ = more than $100,000

How do we get there?

Align urban forest management policy with community expectations and promote efficiency within the Public Works Department.

Existing Policy 7: Prepare for emergency response to ensure accessibility for emergency responders and restoration of regular operations.

Performance Measure: Recovery following storm or emergency events.

Rationale: Storm and emergency events can impact on city trees, which can result in disruption in normal city operations and obstructed mobility for emergency response crews. However, with planning, recovery from these events can happen more efficiently and quickly.

Risk: Inability to restore regular operations and slower emergency response times.

Benefit: Improved response during emergency or storm events.

Objective:

Restore operations and public safety as efficiently and as quickly as possible following storm or other emergency events.

Cost	Priority	Timeframe
$	High	Ongoing

Action:

1. Distribute standard operating procedures for emergency response to on-call staff and contractors.
    a. Provide specific trainings to ensure preparedness.
    b. Establish clear criteria for determining need for subcontractor assistance.
2. Establish relief duty periods for staff responding to emergency or storm events.
3. Identify priority zones through GIS mapping.
4. Review process for handling emergency calls and high call volumes during emergency response and identify improvements.
    a. Establish a matrix of the number and type of calls per hour that trigger a call for additional staff and/or contractor support.

$ = less than $25,000 $$ = $25,000–$100,000 $$$ = more than $100,000

Align urban forest management policy with community expectations and promote efficiency within the Public Works Department.

Existing Policy 8: Maintain a fire safe community.

Performance Measure: Improved defensible spaces around structures and reduction in ladder fuels.

Rationale: California has had historic fires over the last decade. Many of these fires were in urban areas. Tracy has identified areas that are vulnerable to fire. To reduce the risk of living in the wildland urban interface, the City is working to mediate the potential fire hazards that exist.

Risk: Given the right conditions and lack of premeditated response to fire, fire is a risk to the community. Fire can result in devastating losses to property and life.

Benefit: Reduced vulnerability to fire.

Objective:

Focus fire mitigation efforts on Tracy Hills and other areas of vulnerability.

Action:

1. Reduce ladder fuels in proximity to structures.
2. Plant trees so as to not interfere with emergency response.

Cost	Priority	Timeframe
$	High	Ongoing

$ = less than $25,000 $$ = $25,000–$100,000 $$$ = more than $100,000

How do we get there?

Monitoring and Measuring Results

Through talking with community partners and those within the urban forestry program, a set of goals were created to meet the strong demand for protecting and enhancing the urban forest, as stated in the community vision. The success of these goals is largely dependent on creating objectives and strategies to meet the goals outlined in the UFMP, but also monitoring the progress of these action steps. Equally important to monitoring progress is finding ways to measure progress, so that success is clearly defined.

Annual Review

The UFMP is an active tool that will guide management and planning decisions over the next 20 years. The goals and actions will be reviewed annually for progress and integration into an internal work plan. The UFMP presents a long-range vision and target dates are intended to be flexible in response to emerging opportunities, available resources, and changes in community expectations. Therefore, each year specific areas of focus should be identified. This can inform budget and time requirements for Urban Forest Managers.

Resource Analysis

With the Resource Analysis, values on structure, annual benefits, replacement value, and benefit versus investment ratios Tracy has a baseline against which future progress and improvements to health (condition), species diversity, annual benefits, and overall resource value can be measured. A strategy of the UFMP is to complete this analysis every five years to illustrate progress and success towards Plan goals. A five-year Resource Analysis review is a possible way to monitor progress on efforts to increasing diversity through the creation of a diversified list of tree species appropriate for a variety of different spaces and landscapes.

Canopy Analysis

With the recent Urban Tree Canopy Assessment, Tracy has a baseline tree canopy for the entire urban forest, which allows for continued monitoring of trends in the canopy cover on private property.

State of the Community Forest Report

The purpose of the report is to provide structural and functional information about the urban forest (including the municipal forest) and recommend strategies for its proactive management, protection, and growth.

Community Satisfaction

Plan results will be measurable through increased benefits and value in the community tree resource and the preservation and eventual increase in canopy cover over time. Attainment of the objectives and strategies will support better tree health, greater longevity, and a reduction in tree failures. However, perhaps the greatest measurement of success for the UFMP will be its level of success in meeting community expectations for the care and preservation of the community tree resource. Community satisfaction can be measured through surveys and evidenced by public support for realizing the objectives of the Plan. Community satisfaction can also be gauged by the level of engagement and support for forestry programs.

Reporting

Completion of this Plan is the first step towards achieving the vision for Tracy's urban forest. Continual monitoring, analysis, and revisions will help forest managers keep stakeholders informed and engaged. By organizing data into specific components (for example; Urban Forest Reports, Community Satisfaction Surveys), it will be possible to revise specific areas of weakness and buttress areas of strength. Revisions to the Plan should occur with major events, such as newly discovered pests or diseases, or significant policy and regulation changes. A complete formal revision should occur in unison with major municipal projects, such as the comprehensive Master Plan. It is important to remember that Tracy's UFMP is a living document that should adapt to new conditions.

Appendices

Appendix A: Terms and Definitions

American National Standards Institute (ANSI)

A Federation of United States industry sectors (e.g. businesses, professional societies and trade associations, standards developers, government agencies, institutes, and consumer/ labor interest groups) that coordinates the development of the voluntary consensus standards system.

American Public Works Association (APWA)

An organization that supports professionals who operate, improve, or maintain public works infrastructure by advocating to increase awareness, and providing education, credentialing, as well as other professional development opportunities.

Arboriculture

The science, art, technology, and business of tree care.

Best Management Practices (BMP)

Management practices and processes used when conducting forestry operations, implemented to promote environmental integrity.

Capital Improvement Projects (CIP)

Infrastructure projects and equipment purchases identified by a government in order to maintain or improve public resources. Projects such as (1) constructing a facility, (2) expanding, renovating, replacing, or rehabilitating an existing facility, or (3) purchasing major equipment are identified, and then purchasing plans and development schedules are developed.

Climate Action Plan (CAP)

Government lead initiatives to decrease greenhouse gas emissions and prepare for the impacts of climate change.

Community Urban Forest

The collection of publicly owned trees within an urban area, including street trees and trees in parks and other public facilities.

Diameter Breast Height (DBH)

The diameter of the tree when measured at 1.4 meters (4.5 feet) above ground.

Drip Line Area

The area measured from the trunk of the tree outward to a point at the perimeter of the outermost branch structure of the tree.

Dutch Elm Disease (DED)

A wilt disease of elm trees caused by plant pathogenic fungi. The disease is either spread by bark beetles or tree root grafts.

Emerald Ash Borer (EAB)

The common name for Agrilus planipennis, an emerald green wood boring beetle native to northeastern Asia and invasive to North America. It feeds on all species of ash.

Greenhouse Gas (GHG)

A gas that traps heat in Earth's atmosphere.

Geographic Information System (GIS)

Computer-based tools designed to increase the organization and understanding of spatial or geographic data. Many different kinds of data can be displayed on one map for visualization and interpretation.

Integrated Pest Management (IPM)

Using pest and environmental information to determine if pest control actions are warranted. Pest control methods (e.g. biological control, habitat manipulation, cultural control, plant resistance, and chemical control) are chosen based on economic and safety considerations.

International Society of Arboriculture (ISA)

An international nonprofit organization that supports professionals in the field of arboriculture by providing professional development opportunities, disseminating applicable research findings, and promoting the profession.

i-Tree

A state-of-the-art, peer-reviewed software suite from the USDA Forest Service that provides urban and rural forestry analysis and benefits assessment tools.

Migratory Bird Treaty Act (MBTA)

A United States federal law adopted to protect migratory birds.

Natural Area

A defined area where native trees and vegetation are allowed to grow and reproduce naturally with little or no management except for control of undesirable and invasive species.

Open Space

A defined area of undeveloped land that is open to the public. The land can include native or naturalized trees and vegetation.

Plant Health Care (PHC)

A program that consists of (1) routinely monitoring landscape plant health and (2) individualized plant management recommendations in order to maintain or improve the vitality, appearance, and safety of trees and other plants.

Personal Protective Equipment (PPE)

Equipment worn to enhance workplace safety and minimize the risk to physical hazards (e.g. gloves, hard harts, bodysuits, and foot, eye, or ear protection).

Appendices

Appendix A: Terms and Definitions

Private Tree

Any tree located on private property, including residential and commercial parcels.

Public Tree

Any tree located in the public ROW, city park, and/or city facility.

Right Tree, Right Place

Careful planning for the planting of a tree. Considerations for whether a tree is the right tree and whether it is planted in the right place, include: mature height, canopy spread, deciduous/evergreen, form/shape, growth rate, soil requirements, light requirements, water requirements, fruit debris, and hardiness zone.

Street Tree

Any tree growing within the tree maintenance strip whether or not planted by the city.

Structural and Training Pruning

Pruning to develop a sound and desirable scaffold branch structure in a tree and to reduce the likelihood of branch failure.

Tree Canopy

The layer of leaves, branches, and stems of trees that cover the ground when viewed from above.

Tree City USA

A program through the Arbor Day Foundation that advocates for green urban areas through enhanced tree planting and care.

Tree Risk Assessment Qualified (TRAQ)

An International Society of Arboriculture qualification. Upon completion of this training, tree care professionals demonstrate proficiency in assessing tree risk.

Urban Forest

The collection of privately owned and publicly owned trees and woody shrubs that grow within an urban area.

Urban Forest Management Plan (UFMP)

A document that provides a comprehensive information, recommendations, and timelines to guide for the efficient and safe management of a city's tree canopy. The Plan uses adaptive management model to provide reasoned and transparent calls to action from an inventory of existing resources.

Urban Forestry

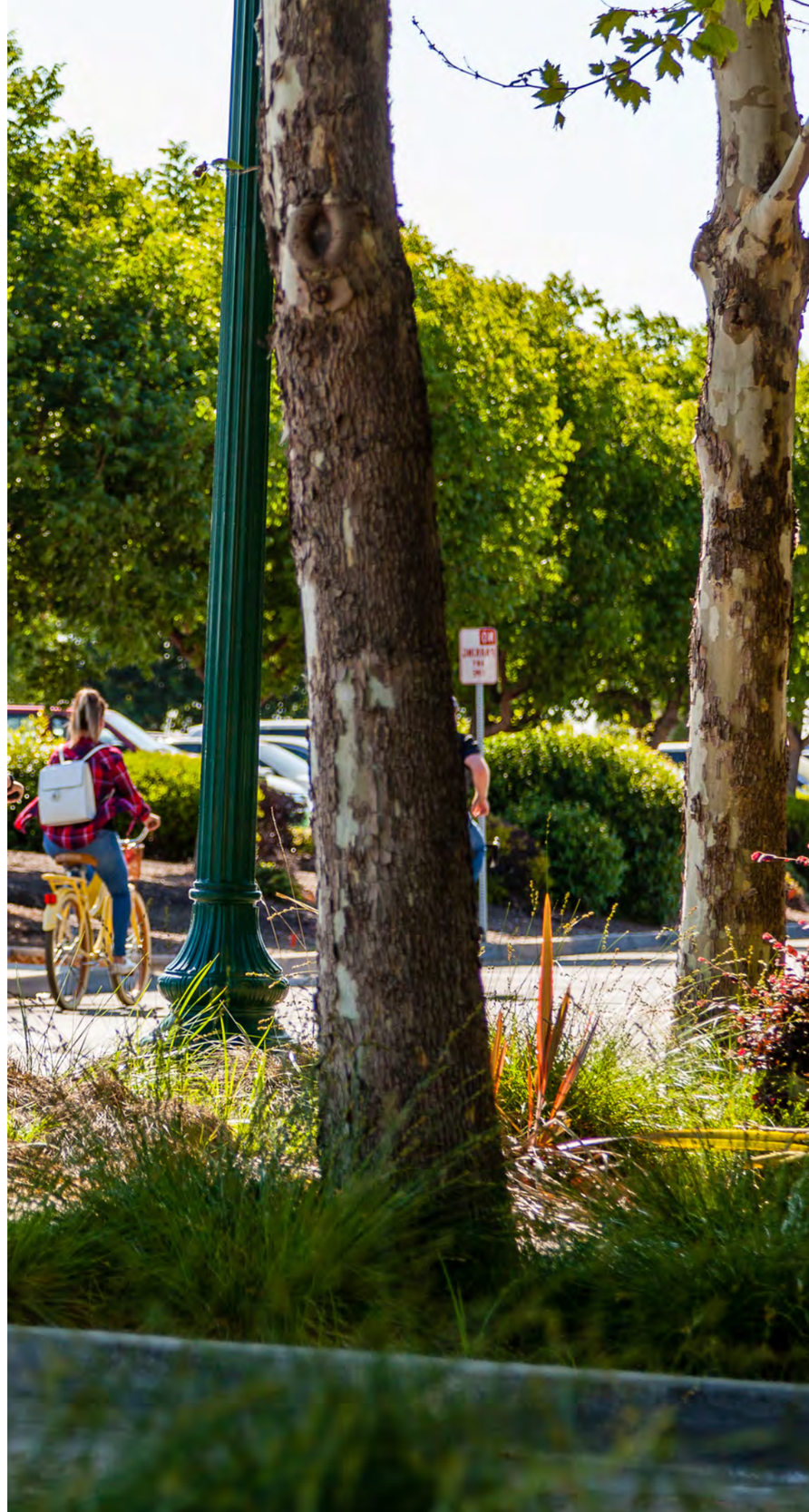
The cultivation and management of native or introduced trees and related vegetation in urban areas for their present and potential contribution to the economic, physiological, sociological, and ecological well-being of urban society.

Urban Tree Canopy Assessment (UTC)

A document based off of GIS mapping data that provides a birds-eye view of the entire urban forest and establishes a tree canopy baseline of known accuracy. The UTC helps managers understand the quantity and distribution of existing tree canopy, potential impacts of tree planting and removal, quantified annual benefits trees provide to the community, and benchmark canopy percent values.

Wildfire Urban Interface (WUI)

A transition zone where homes are located on the edge of fire prone areas, and are at an increased risk of personal injury or property damage resulting from a wildfire.



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Appendices

Appendix C: Industry Standards

ANSI Z133 Safety Standard, 2017

Reviews general safety, electrical hazards, use of vehicles and mobile equipment, portable power hand tools, hand tools and ladders, climbing, and work procedures.

ANSI A300

ANSI A300 standards represent the industry consensus on performing tree care operations. The standards can be used to prepare tree care contract specifications.

ANSI A300 Pruning Standard-Part 1, 2017

ANSI A300 Soil Management-Part 2, 2011

ANSI A300 Support Systems Standard-Part 3, 2013

ANSI A300 Construction Management Standard-Part 5, 2012

ANSI A300 Transplanting Standard-Part 6, 2012

ANSI A300 Integrated Vegetation Management Standard-Part 7, 2012

ANSI A300 Root Management Standard-Part 8, 2013

ANSI A300 Tree Risk Assessment Standard a Tree Failure-Part 9, 2017

ANSI A300 Integrated Pest Management-Part 10, 2016

Includes guidelines for implementing IPM programs, including standards for Integrated Pest Management, IPM Practices, tools and equipment, and definition.

Best Management Practices (BMPs)

Integrated Pest Management, Second Edition, P. Eric Wiseman and Michael J. Raupp, 2016

Provides a comprehensive overview of the basic definitions, concepts, and practices that pertain to landscape Integrated Pest Management (IPM). The publication provides specific information for designing, planning, and implementing an IPM program as part of a comprehensive Plant Health Care (PHC) management system, including topics such as:

- IPM concepts and definitions
- Action thresholds
- Monitoring tools and techniques
- Preventive tactics
- Control tactics
- Documentation and recordkeeping

Integrated Vegetation Management, Second Edition, Randall H. Miller, 2014

A guide to the selection and application of methods and techniques for vegetation control for electric rights-of-way projects and gas pipeline rights-of-way. Topics included: safety, site evaluations, action thresholds, evaluation and selection of control methods, implementing control methods, monitoring treatment and quality assurance, environmental protection, tree pruning and removal, and a glossary of terms.

Managing Trees During Construction, Second Edition, Kelby Fite and E. Thomas Smiley, 2016

Describes tree conservation and preservation practices that help to protect selected trees throughout the construction planning and development process so that they will continue to provide benefits for decades after site disturbance, including planning phase, design phase, pre-construction phase, construction phase, and post-construction phase.

Root Management, Larry Costello, Gary Watson, and Tom Smiley, 2017

Recommended practices for inspecting, pruning, and directing the roots of trees in urban environments to promote their longevity, while minimizing infrastructure conflicts.

Special companion publication to the ANSI A300 Part 8: Tree, Shrub, and Other Woody Plant Management–Standard Practices (root Management)

Tree Planting, Second Edition, Gary Watson, 2014

Provides processes for tree planting, including site and species selection, planting practices, post-planting pruning, and early tree care. Other topics included are time of planting, nursery stock: types, selection, and handling, preparing the planting hole, planting practices, root loss and new root growth, redevelopment of root structure, pruning, palms, after planting, final inspection, and a glossary of terms.

Tree Inventories, Second Edition, Jerry Bond, 2013

Provides considerations for managing large numbers of trees considered as individuals rather than groups and serves as a guide for making informed decisions that align with inventory goals with needs and resources, including inventory goals and objectives, benefits and costs, types, work specifications, and maintaining inventory quality.

Tree Risk Assessment, Second Edition, E. Thomas Smiley, Nelda Matheny, and Sharon Lilly, 2017

A guide for assessing tree risk as accurately and consistently as possible, to evaluate that risk, and to recommend measures that achieve an acceptable level of risk, including topics: risk assessment basics, levels and scope of tree risk assessment, assessing targets, sites, and trees, tree risk categorization, risk mitigation: preventive and remedial actions, risk reporting, tree related conflicts that can be a source of risk, loads on trees, structural defects and conditions that affect likelihood of failure, response growth, description of selected types of advanced tree risk assessments.

Tree Shrub Fertilization, Third Edition, E. Thomas Smiley, Sharon Lilly, and Patrick Kelsey, 2013

Aides in the selection and application of fertilizers for trees and shrubs, including: Essential elements, determining goals and objectives of fertilization, soil testing and plan analysis, fertilizer selection, timing, application, application area, rates, storage and handling of fertilizer, sample fertilizer contract for commercial/ municipal clients.

Soil Management, Bryant Scharenbroch, E. Thomas Smiley, and Wes Kocher, 2014

Focuses on the protection and restoration of soil quality that support trees and shrubs in the urban environment, including goals of soil management, assessment, sampling, and analysis, modifications and amendments, tillage, conservation, and a glossary of terms.

Utility Pruning of Trees, Geoffrey P. Kempter, 2004

Describes the current best practices in utility tree pruning based on scientific research and proven methodology for the safe and reliable delivery of utility services, while preventing unnecessary injury to trees. An overview of safety, tools and equipment, pruning methods and practices, and emergency restoration are included.

Appendices

Appendix D:
Tree Risk Decision Flow Chart

1. Resident or city staff recognizes a risk

    a. If tree is a city street tree, then, proceed to step 2.

    b. If tree is a private tree, then proceed to step 4.

    c. If tree is located on undeveloped property, then proceed to step 5.

2. The tree is a city tree. The City Arborist will conduct a limited visible assessment of the tree identified as a concern.

    a. City Arborist determines risk can be mitigated through pruning. City Arborist addresses concern immediately when possible or schedules safety mitigation work within fourteen (14) days. If work cannot be addressed immediately, City Arborist must take precautions to protect public safety (including signage and barriers to restrict foot traffic and parking within the target zone of the safety concern).

    b. City Arborist requires additional assessment to determine if risk can be mitigated through pruning, proceed to step 3.

    c. City Arborist determines risk cannot be mitigated through pruning, proceed to address safety risk immediately when possible or schedule safety mitigation work within fourteen (14) days. If work cannot be addressed immediately, City Arborist must take precautions to protect public safety (including signage and barriers to restrict foot traffic and parking within the target zone of the safety concern).

3. City Arborist conducts an aerial assessment.

    a. City Arborist determines risk can be mitigated through pruning. City Arborist addresses concern immediately when possible or schedules safety mitigation work within fourteen (14) days. If work cannot be addressed immediately, City Arborist must take precautions to protect public safety (including signage and barriers to restrict foot traffic and parking within the target zone of the safety concern).

    b. City Arborist determines risk cannot be mitigated through pruning, proceed to address safety risk immediately when possible or schedules safety mitigation work within fourteen (14) days. If work cannot be addressed immediately, City Arborist must take precautions to protect public safety (including signage and barriers to restrict foot traffic and parking within the target zone of the safety concern).

4. Tree is a private tree. City Arborist will conduct a limited visible assessment of the private tree identified as a concern.

    a. City Arborist determines that there is no risk to public safety and no action is required.

    b. City Arborist determines that the tree poses a risk to public safety and proceeds to notify the property owner of their violation and require mediation measures to be conducted within fourteen (14) days at the property owners' expense.

5. Tree is located on undeveloped property. City Arborist will conduct a limited visible assessment of the private tree identified as a concern.

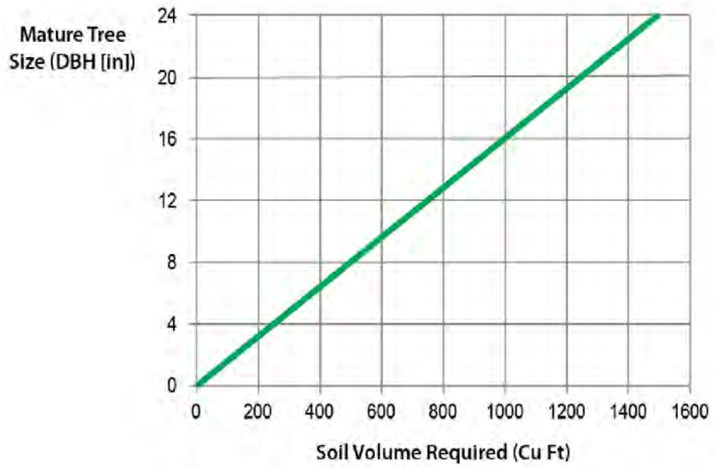
    a. City Arborist determines that there is no risk to public safety and no action is required.

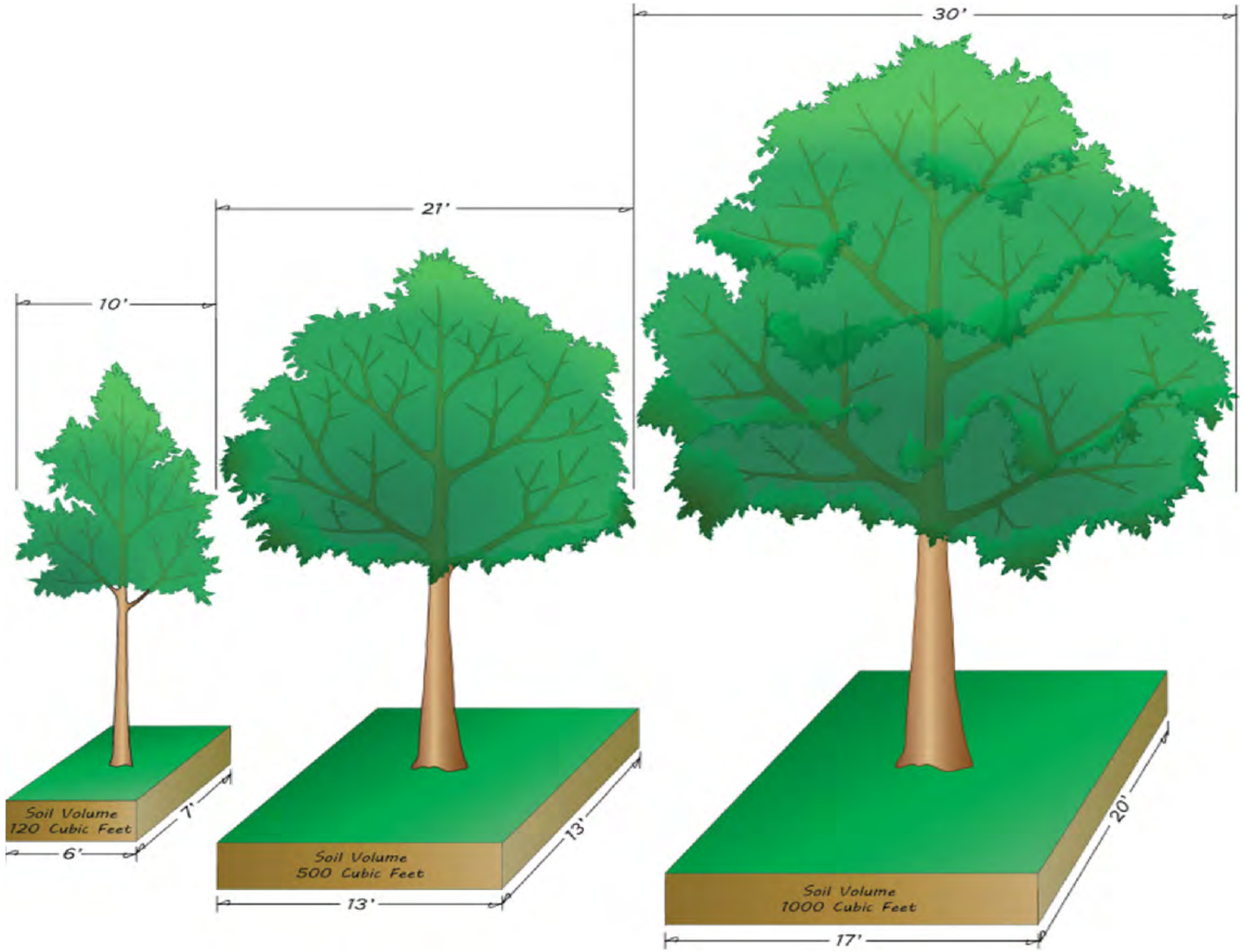
    b. City Arborist determines that there is no immediate risk to public safety but requires mediation measures as a condition for an approval for any building permit.

    c. City Arborist determines that the tree poses a risk to public safety and proceeds to notify the property owner of their violation and require mediation measures to be conducted within fourteen (14) days at the property owners' expense.

Appendix E:
Soil Volume and Tree Stature

Tree growth is limited by soil volume. Larger stature trees require larger volumes of uncompacted soil to reach mature size and canopy spread (Casey Trees, 2008).



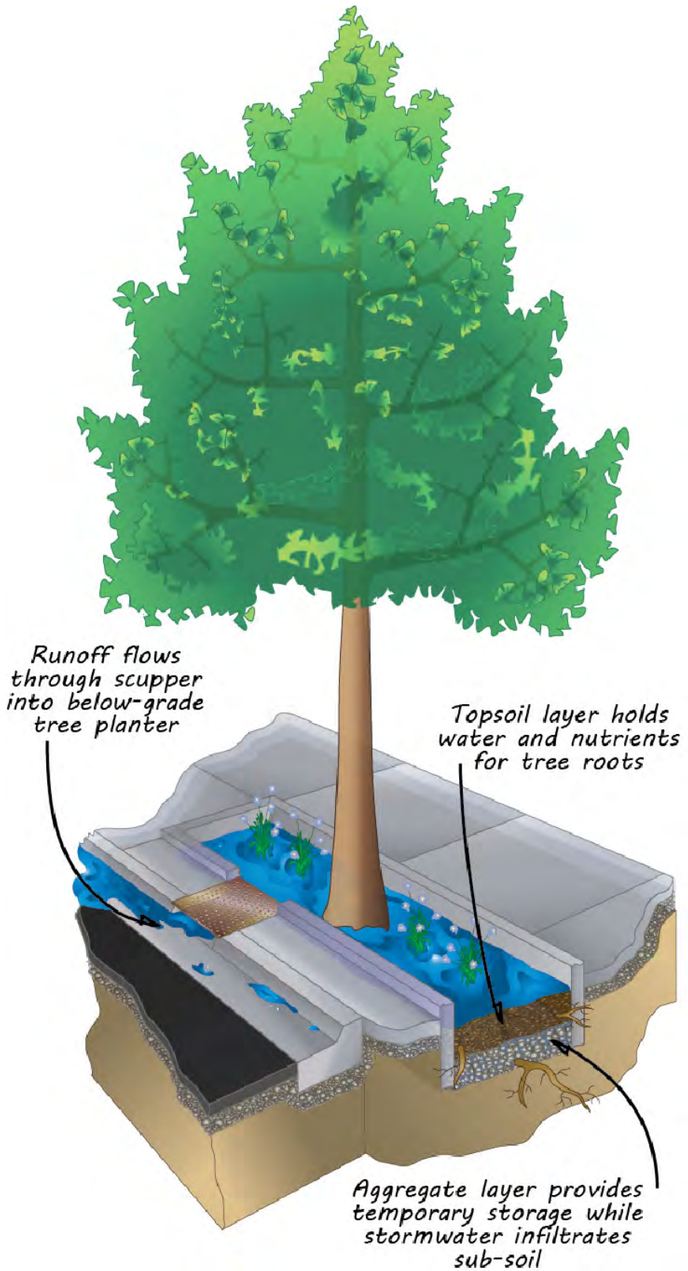


Appendices

Appendix F:
Alternative Planter Designs

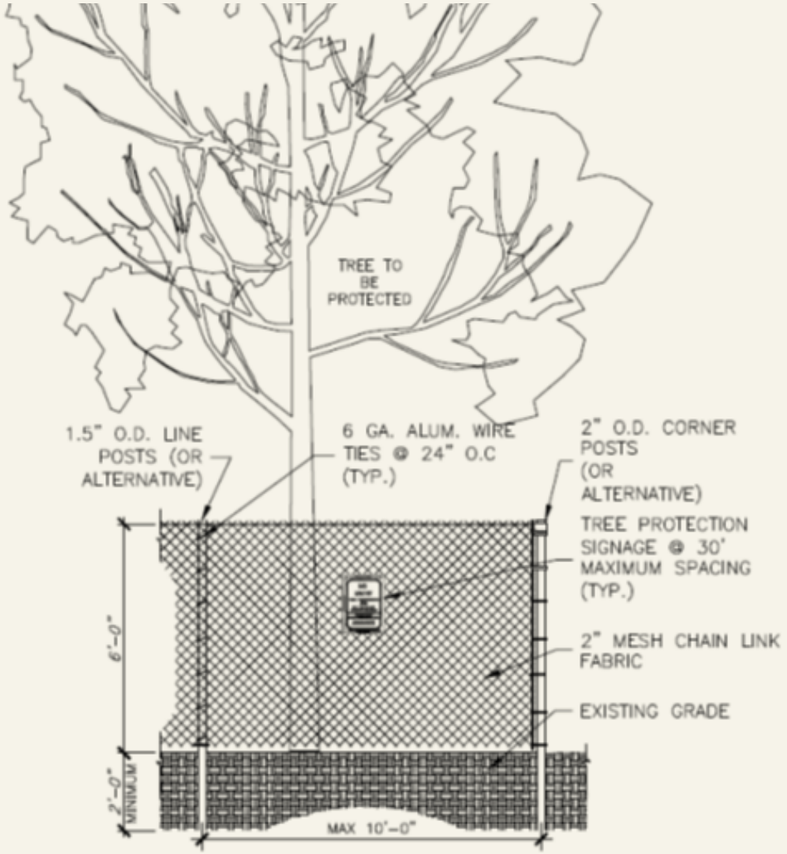
Stormwater tree pits are designed to collect runoff from streets, parking lots, and other impervious areas. Stormwater is directed into scuppers that flow into below-grade planters that then allow stormwater to infiltrate soils to supplement irrigation.

Bioswales are landscaped drainage areas with gently sloped sides designed to provide temporary storage while runoff infiltrates the soil. They reduce off-site runoff and trap pollutants and silt.



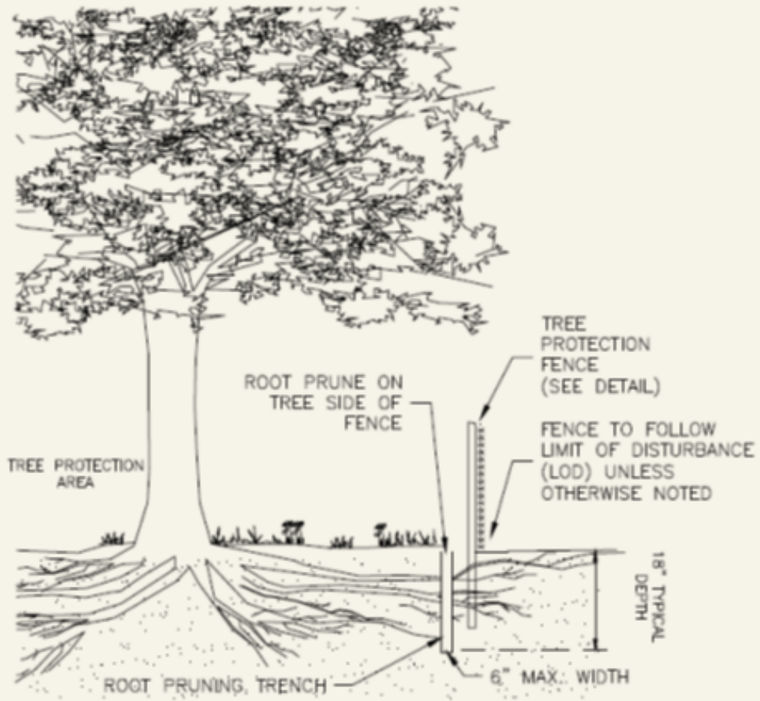
Appendix F: Alternative Planter Designs

Tree Protection Zone – Example



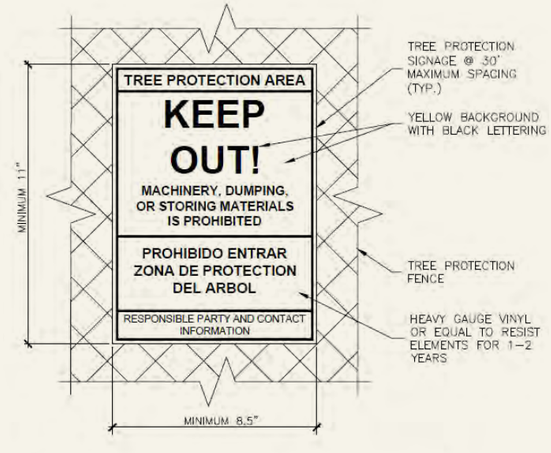
NOTES:
1. TREE PROTECTION FENCE SHALL BE INSTALLED PRIOR TO ANY SITE WORK, CLEARING OR DEMOLITION.
2. SUPER SILT FENCE MAY BE USED IN LIEU OF WELDED WIRE FOR TREE PROTECTION PROVIDED IT IS INSTALLED AND MAINTAINED AS A TREE PROTECTION MEASURE AND IS POSTED WITH TREE PROTECTION SIGNS.
3. TREE PROTECTION FENCE SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION. REMOVE FENCE ONLY WITH APPROVAL AND AFTER ALL SITE WORK HAS BEEN COMPLETED.

1 / TP1 CHAIN LINK TREE PROTECTION FENCE (TYPICAL)
SCALE: NTS



NOTES:
1. TREE PROTECTION AREA WILL BE DETERMINED AS PART OF THE PLAN REVIEW PROCESS. EXACT LOCATION, DEPTH AND METHODS OF ROOT PRUNING TO BE DETERMINED IN THE FIELD BY PROJECT ARBORIST.
2. EXACT LOCATION OF TREE PROTECTION AREAS SHALL BE STAKED OR FLAGGED PRIOR TO TRENCHING.
3. TRENCH SHOULD BE BACKFILLED IMMEDIATELY OR INCORPORATED WITH SILT FENCE INSTALLATION.
4. ROOTS SHOULD BE SEVERED BY TRENCHER, VIBRATORY PLOW OR APPROVED EQUIVALENT. ROOTS OVER 1.5" DIAMETER SHOULD BE CLEANLY CUT BY HAND. ROOT PRUNING ADJACENT TO SPECIMEN TREES MAY REQUIRE SOIL REMOVAL BY SUPERSONIC AIR TOOL TO MINIMIZE TREE AND ROOT IMPACTS.

2 / TP1 ROOT PRUNING (TYPICAL)
SCALE: NTS



NOTES:
1. SIGNS TO BE ATTACHED TO TREE PROTECTION FENCE OR POSTS AT READABLE LEVEL.
2. 30' MINIMUM SPACING AVERAGE ADJUSTED FOR MAXIMUM READABILITY.
3. MINIMUM ONE SIGN FOR SMALL TREE PROTECTION AREAS.
4. SIGNS MAY BE REMOVED FROM RESIDENTIAL LOTS UPON ISSUANCE OF USE AND OCCUPANCY.
5. SIGNS TO REMAIN ON NON RESIDENTIAL SITES FOR MAINTENANCE PERIOD.

7 / TP1 TREE PROTECTION AREA SIGN (TYPICAL)
SCALE: NTS

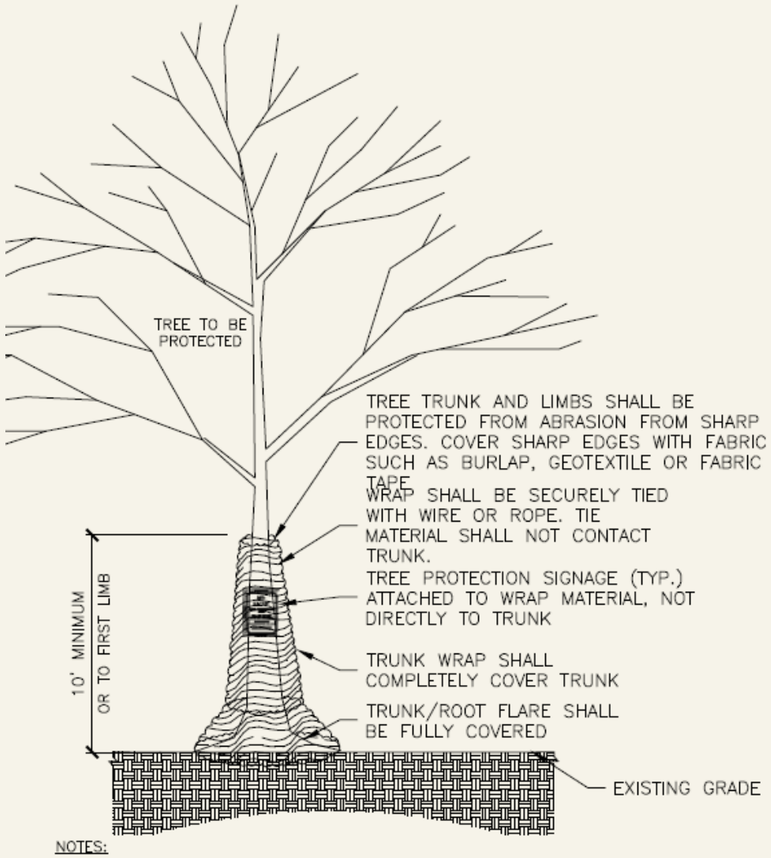
Definitions

- Certified Arborist: Credential of an individual arborist issued and administered by the International Society of Arboriculture. This credential must be current and valid to qualify to use the copyrighted designation of "Certified Arborist". Refer to www.isa-arbor.com for additional information.
- Project Arborist: Arboricultural firm contracted to provide site investigation and documentation (tree inventories, assessments, forest stand delineations, etc.) and develop tree preservation plans, methods, details and specifications in collaboration with the project design team.
- Contract Arborist: Arboricultural firm contracted to implement the approved tree preservation plans on site. All crews conducting arboricultural operations on site shall consist of at least one Certified Arborist who directly oversees all work by that crew. Arboricultural operations include, but are not limited to, pruning, tree protection device installation and maintenance (fence, matting, etc.), root pruning, air tool root excavation/exploration, soil care activities, soil testing, mulch application, tree inspections, pesticide/chemical applications and tree removal.

Appendices

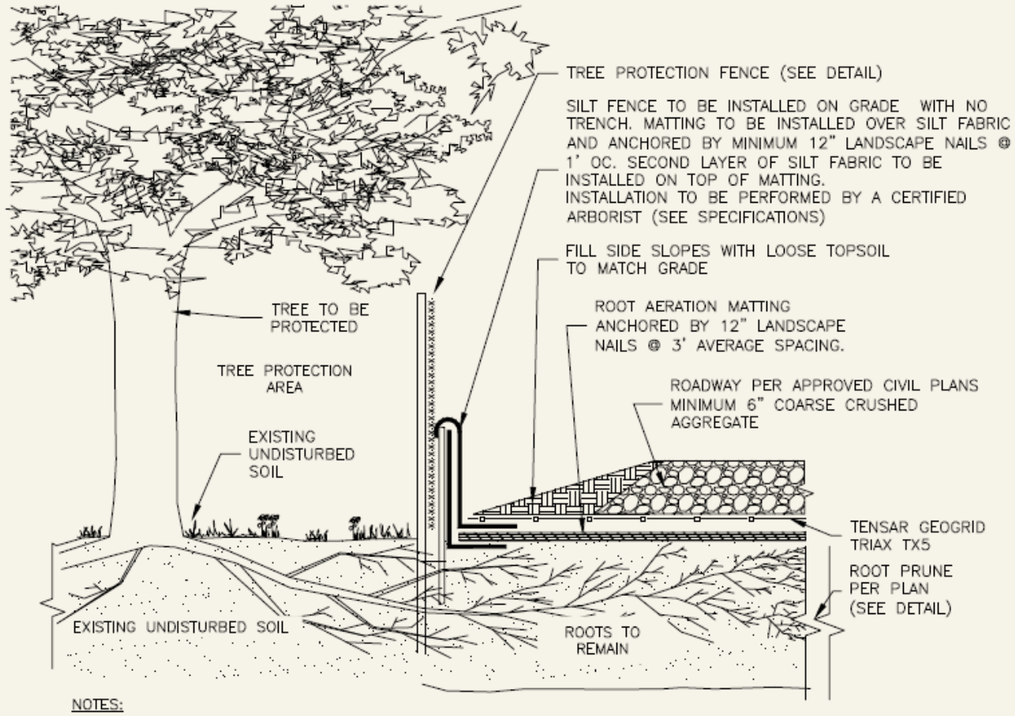
Appendix F: Alternative Planter Designs

Tree Protection Zone – Example



NOTES:
1. TRUNK WRAP MATERIAL SHALL BE DOUBLE SIDED GEOCOMPOSITE, GEONET CORE WITH NON-WOVEN COVERING (SUCH AS TENAX TENDRAIN 770/2) OR EQUIVALENT.
2. WRAP SHALL BE INSTALLED BY A CERTIFIED ARBORIST.
3. WRAP SHALL BE INSTALLED PRIOR TO ANY SITE WORK, CLEARING OR DEMOLITION.
4. WRAP SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION. REMOVE WRAP ONLY WITH APPROVAL AND AFTER ALL SITE WORK HAS BEEN COMPLETED.
5. WRAP SHALL BE REMOVED PROMPTLY AFTER CONSTRUCTION.
6. MAJOR SCAFFOLD LIMBS MAY ALSO REQUIRE THIS PROTECTION AS DIRECTED BY THE PROJECT ARBORIST.

3 / TP1 TREE TRUNK & LIMB PROTECTION WRAP (TYP)
SCALE: NTS

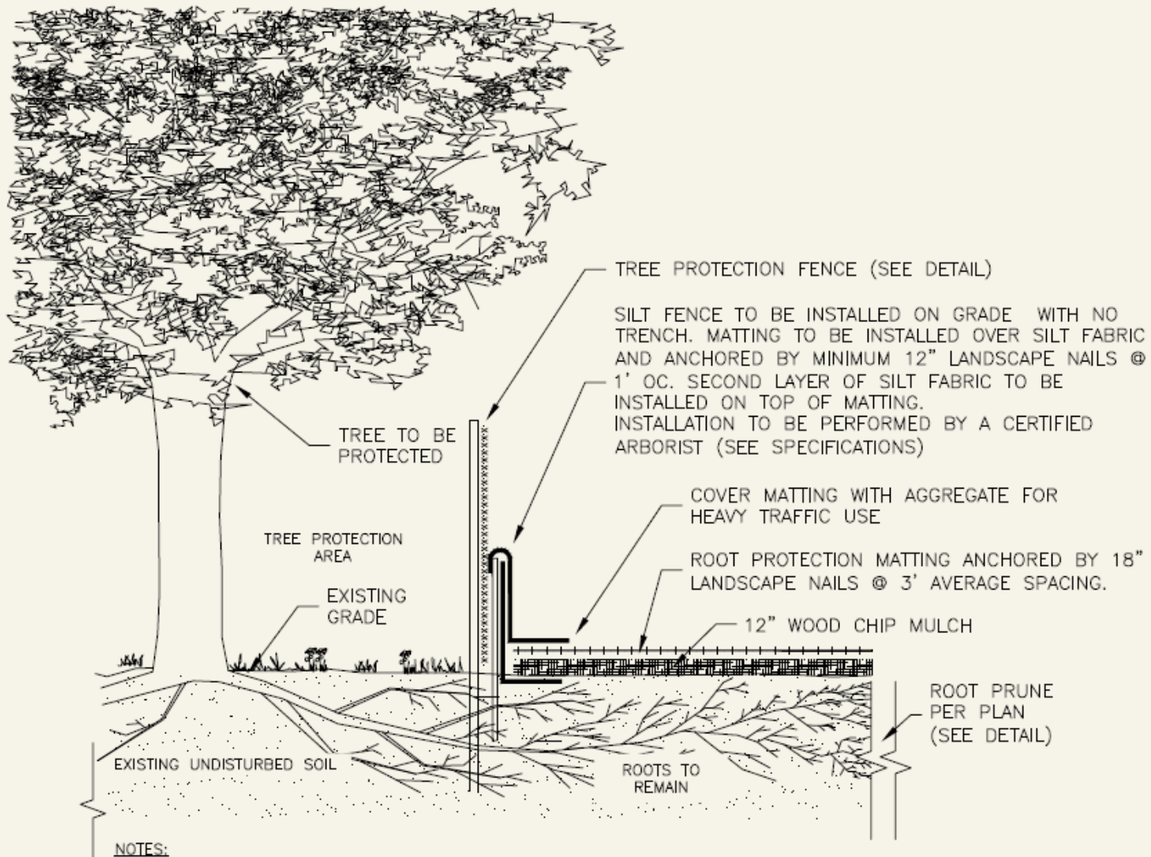


NOTES:
1. MATTING MATERIAL SHALL BE DOUBLE SIDED GEOCOMPOSITE, GEONET CORE WITH NON-WOVEN COVERING (SUCH AS TENAX TENDRAIN 770/2) OR APPROVED EQUIVALENT.
2. RAM SHALL BE ANCHORED BY 12" LANDSCAPE NAILS @ 3' AVERAGE SPACING.
3. RAM SHALL BE INSTALLED BY A CERTIFIED ARBORIST EXPERIENCED WITH THESE SYSTEMS.
4. ANY REQUIRED SITE PREPARATION/GRADING TO BE DONE USING SSAT TO MINIMIZE ROOT DAMAGE.
5. ALL ADJACENT WORK SHALL BE SUPERVISED BY CERTIFIED ARBORIST
6. GEOGRID SHALL BE TENSAR TRIAX TX5 OR APPROVED SUPERIOR.
7. AGGREGATE FILL SHALL BE TAPERED TO MATCH EXISTING GRADE WHOLLY ON RAM MATERIAL.
8. GEOGRID AND RAM PLACEMENTS SHALL BE OVERLAPPED BY 2'.
9. TOPSOIL MAY BE PLACED LOOSELY ON SIDE SLOPES AS REQUIRED TO MATCH GRADE. TOPSOIL SHALL NOT BE COMPACTED. RAM MUST EXTEND TO DAYLIGHT AND MAY BE TRIMMED AT FINAL TOE OF SLOPE.
10. SILT FENCE SHALL NOT BE TRENCHED AND MUST BE COORDINATED WITH ARBORIST FOR INSTALLATION.
11. EQUIPMENT/TRAFFIC SHALL NOT TRAVEL DIRECTLY ON RAM/GEOGRID. TRAFFIC MAY TRAVEL ON FINAL FILL ONLY.

4 / TP1 ROOT AERATION MATTING WITH GEOGRID FOR ROADWAY (TYP)
SCALE: NTS

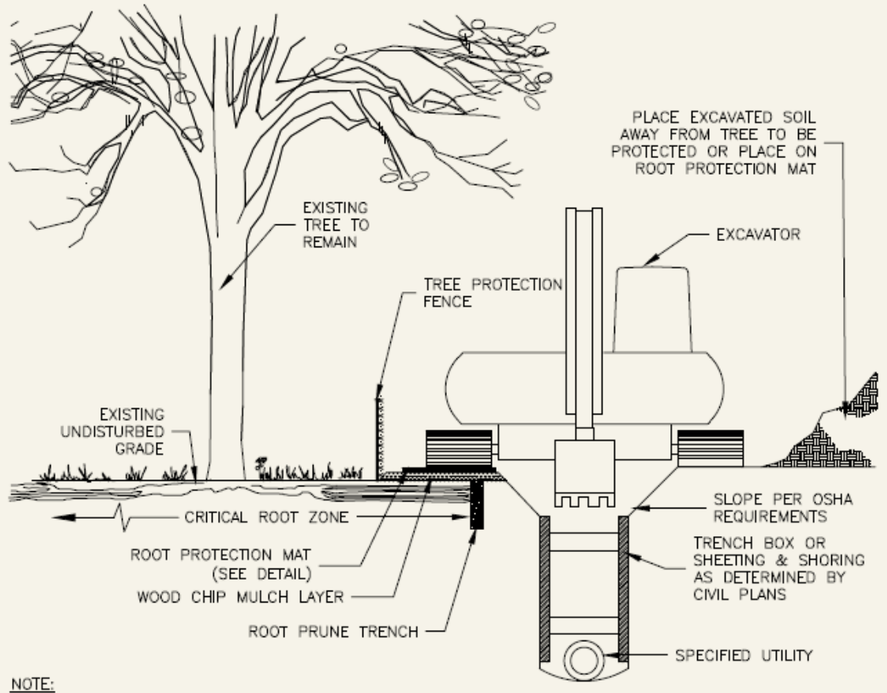
Appendix F: Alternative Planter Designs

Tree Protection Zone – Example



NOTES:
1. MATTING MATERIAL SHALL BE DOUBLE SIDED GEOCOMPOSITE, GEONET CORE WITH NON–WOVEN COVERING (SUCH AS TENAX TENDRAIN 770/2) OR APPROVED EQUIVALENT.
2. RPM SHALL BE INSTALLED BY A CERTIFIED ARBORIST.
3. TO BE USED FOR DESIGNATED TEMPORARY CONSTRUCTION ACCESS AND STOCKPILE AREAS.
4. MATTING SHALL BE PLACED ON 12" WOOD CHIP MULCH UNLESS OTHERWISE DIRECTED.
5. FOR HEAVY TRAFFIC AREAS, MATTING SHALL BE COVERED WITH 6–8" WELL GRADED CRUSHED AGGREGATE. ADDITIONAL LAYERS OF GEOTEXTILE MAY BE NEEDED.

5 / TP1 TEMPORARY ROOT PROTECTION MATTING (TYPICAL)
SCALE: NTS



NOTE:
1. EXACT RPM DIMENSIONS TO BE DETERMINED BY PROJECT ARBORIST
2. ARBORIST TO COORDINATE WITH SITE SUPERINTENDENT FOR PIPE LAYOUT, DEPTH,SIZE OF EQUIPMENT, WIDTH OF TRENCH, AND OVERDIG TO DETERMINE LOCATION AND LAYOUT OF TREE PROTECTION.
3. ARBORIST TO COORDINATE WITH SITE SUPERINTENDENT FOR OVERHEAD CLEARANCE ISSUES. MAY REQUIRE SELECT PRUNING OR TEMPORARY GUYING.
4. ARBORIST TO MONITOR BACK FILL AND RESTORATION ADJACENT TO PROTECTED TREES.

6 / TP1 TREE PROTECTION FOR UNDERGROUND UTILITY (TYP)
SCALE: NTS

Appendices

Appendix G: Indicators of a Sustainable Urban Forest

Indicators of a Sustainable Urban Forest

	Assessed Performance Level		
The Trees	**Low**	**Medium**	**High**
Urban Tree Canopy		x	
Equitable Distribution		x	
Size/Age Distribution			x
Condition of Public Trees - Streets, Parks		x	
Condition of Public Trees - Natural Areas		x	
Trees on Private Property			x
Species Diversity		x	
Climate Resilience/Suitability		x	
Space and Soil Volume	x		
The Players			
Neighborhood Action		x	
Large Private & Institutional Landholder Involvement	x		
Green Industry Involvement	x		
City Department/Agency Cooperation			x
Funder Engagement	x		
Utility Engagement		x	
Developer Engagement		x	
Public Awareness		x	
Regional Collaboration	x		
The Management Approach			
Tree Inventory			x
Canopy Assessment			x
Management Plan			x
Risk Management Program		x	
Maintenance of Publicly-Owned Trees (ROWs)			x
Planting Program			x
Tree Protection Policy		x	
City Staffing and Equipment		x	
Funding		x	
Disaster Preparedness & Response			x
Communications			x
Totals	5	14	10

A Sustainable Urban Forest Indicators: The Trees

Indicators of a Sustainable Urban Forest	Overall Objective or Industry Standard	Performance Levels		
		Low	Medium	High
Urban Tree Canopy	"Achieve the desired tree canopy cover according to goals set for the entire city and neighborhoods. Alternatively, achieve 75% of the total canopy possible for the entire city and in each neighborhood."	"Canopy is decreasing. - AND/OR - No canopy goals have been set."	Canopy is not dropping, but not on a trajectory to achieve the established goal.	Canopy goal is achieved, or well on the way to achievement.
Location of Canopy (Equitable Distribution)	Achieve low variation between tree canopy and equity factors citywide by neighborhood. Ensure that the benefits of tree canopy are available to all, especially for those most affected by these benefits.	Tree planting and public outreach and education is not determined by tree canopy cover or benefits.	Tree planting and public outreach and education is focused on neighborhoods with low tree canopy.	Tree planting and public outreach and education is focused in neighborhoods with low tree canopy and a high need for tree benefits.
Age of Trees (Size and Age Distribution)	"Establish a diverse-aged population of public trees across the entire city and for each neighborhood. Ideal standard: 0-8" DBH: 40% 9-17" DBH: 30% 18-24" DBH: 20% Over 24" DBH: 10%"	"No current information is available on size. - OR - Age distribution is not proportionally distributed across size classes at the city level."	Size classes are evenly distributed at the city level, though unevenly distributed at the neighborhood level.	Age distribution is generally aligned with the ideal standard diameter classes at the neighborhood level.
Condition of Publicly-Owned Trees (trees managed intensively)	Possess a detailed understanding of tree condition and potential risk of all intensively-managed, publicly-owned trees. This information is used to direct maintenance actions.	No current information is available on tree condition or risk.	Information from a partial or sample or inventory is used to assess tree condition and risk.	Information from a current, GIS-based, 100% complete public tree inventory is used to indicate tree condition and risk.
Condition of Publicly-Owned Natural Areas (trees managed extensively)	Possess a detailed understanding of the ecological structure and function of all publicly-owned natural areas (such as woodlands, ravines, stream corridors, etc.), as well as usage patterns.	No current information is available on tree condition or risk.	Publicly-owned natural areas are identified in a sample-based "natural areas survey" or similar data.	Information from a current, GIS-based, 100% complete natural areas survey is utilized to document ecological structure and function, as well as usage patterns.
Trees on Private Property	Possess a solid understanding of the extent, location and general condition of trees on private lands.	No data is available on private trees.	Current tree canopy assessment reflects basic information (location) of both public and private canopy combined.	Detailed information available on private trees. Ex. bottom-up sample-based assessment of trees.
Diversity	Establish a genetically diverse population of publicly-owned trees across the entire city and for each neighborhood. Tree populations should be comprised of no more than 30% of any family, 20% of any genus, or 10% of any species.	"No current information is available on species. - OR - Fewer than five species dominate the entire tree population citywide."	No species represents more than 20% of the entire tree population citywide.	No species represents more than 10% of the entire tree population citywide.
Climate Resilience/ Suitability	Establish a tree population suited to the urban environment and adapted to the overall region. Suitable species are gauged by exposure to imminent threats, considering the "Right Tree for the Right Place" concept and invasive species.	"No current information is available on species suitability. - OR - Less than 50% of trees are considered suitable for the site."	50% to 75% of trees are considered suitable for the site.	More than 75% of trees are considered suitable for the site.
Space and Soil Volume	Establish minimum street tree soil volume requirements to ensure there is adequate space and soil for street trees to thrive. Minimum soil volumes by mature size: 1000 cubic feet for large trees; 600 cubic feet for medium trees; 300 cubic feet for small trees.	Minimum street tree soil volumes have not been established.	Minimum street tree soil volume has been established based on mature size of tree.	Minimum street tree soil volumes have been established and are required to be adhered to for all new street tree planting projects.

A Sustainable Urban Forest Indicators: The Players

Indicators of a Sustainable Urban Forest	Overall Objective or Industry Standard	Performance Levels		
		Low	Medium	High
Neighborhood Action	Citizens understand, cooperate, and participate in urban forest management at the neighborhood level. Urban forestry is a neighborhood-scale issue.	Little or no citizen involvement or neighborhood action.	Some active groups are engaged in advancing urban forestry activity, but with no unified set of goals or priorities.	The majority of all neighborhoods are organized, connected, and working towards a unified set of goals and priorities.
Large Private & Institutional Landholder Involvement	Large, private, and institutional landholders embrace citywide goals and objectives through targeted resource management plans.	Large private land holders are unaware of issues and potential influence in the urban forest. No large private land management plans are currently in place.	Education materials and advice is available to large private landholders. Few large private landholders or institutions have management plans in place.	Clear and concise goals are established for large private land holders through direct education and assistance programs. Key landholders and institutions have management plans in place.
Green Industry Involvement	The green industry works together to advance citywide urban forest goals and objectives. The city and its partners capitalize on local green industry expertise and innovation.	Little or no involvement from green industry leaders to advance local urban forestry goals.	Some partnerships are in place to advance local urban forestry goals, but more often for the short-term.	Long-term committed partnerships are working to advance local urban forestry goals.
City Department and Agency Cooperation	All city departments and agencies cooperate to advance citywide urban forestry goals and objectives.	Conflicting goals and/or actions among city departments and agencies.	Informal teams among departments and agencies are communicating and implementing common goals on a project-specific basis.	Common goals and collaboration occur across all departments and agencies. City policy and actions are implemented by formal interdepartmental and interagency working teams on all city projects.
Funder Engagement	Local funders are engaged and invested in urban forestry initiatives. Funding is adequate to implement citywide urban forest management plan.	Little or no funders are engaged in urban forestry initiatives.	Funders are engaged in urban forestry initiatives at minimal levels for short-term projects.	Multiple funders are fully engaged and active in urban forestry initiatives for short-term projects and long-term goals.
Utility Engagement	All utilities are aware of and vested in the urban forest and cooperates to advance citywide urban forest goals and objectives.	Utilities and city agencies act independently of urban forestry efforts. No coordination exists.	Utilities and city agencies have engaged in dialogues about urban forestry efforts with respect to capital improvement and infrastructure projects.	Utilities, city agencies, and other stakeholders integrate and collaborate on all urban forestry efforts, including planning, site work, and outreach/education.
State Engagement	State departments/agencies are aware of and vested in the urban forest and cooperates to advance citywide urban forest goals and objectives.	State departments/agencies and City agencies act independently of urban forestry efforts. No coordination exists.	State department/agencies and City agencies have engaged in dialogues about urban forestry efforts with respect to capital improvement and infrastructure projects.	State departments/agencies, City agencies, and other stakeholders integrate and collaborate on all urban forestry efforts, including planning, site work, and outreach/education.
Public Awareness	The general public understands the benefits of trees and advocates for the role and importance of the urban forest.	Trees are generally seen as a nuisance, and thus, a drain on city budgets and personal paychecks.	Trees are generally recognized as important and beneficial.	Trees are seen as valuable infrastructure and vital to the community's well-being. The urban forest is recognized for the unique environmental, economic, and social services its provides to the community.
Regional Collaboration	Neighboring communities and regional groups are actively cooperating and interacting to advance the region's stake in the city's urban forest.	Little or no interaction between neighboring communities and regional groups.	Neighboring communities and regional groups share similar goals and policy vehicles related to trees and the urban forest.	Regional urban forestry planning, coordination, and management is widespread.

A Sustainable Urban Forest Indicators: The Management Approach

Indicators of a Sustainable Urban Forest	Overall Objective or Industry Standard	Performance Levels		
		Low	Medium	High
Tree Inventory	Comprehensive, GIS-based, current inventory of all intensively-managed public trees to guide management, with mechanisms in place to keep data current and available for use. Data allows for analysis of age distribution, condition, risk, diversity, and suitability.	No inventory or out-of-date inventory of publicly-owned trees.	Partial or sample-based inventory of publicly-owned trees, inconsistently updated.	Complete, GIS-based inventory of publicly-owned trees, updated on a regular, systematic basis.
Canopy Assessment	Accurate, high-resolution, and recent assessment of existing and potential city-wide tree canopy cover that is regularly updated and available for use across various departments, agencies, and/or disciplines.	No tree canopy assessment.	Sample-based canopy cover assessment, or dated (over 10 years old) high resolution canopy assessment.	High-resolution tree canopy assessment using aerial photographs or satellite imagery.
Management Plan	Existence and buy-in of a comprehensive urban forest management plan to achieve city-wide goals. Re-evaluation is conducted every 5 to 10 years.	No urban forest management plan exists.	A plan for the publicly-owned forest resource exists but is limited in scope, acceptance, and implementation.	A comprehensive plan for the publicly owned forest resource exists and is accepted and implemented.
Risk Management Program	All publicly-owned trees are managed for maximum public safety by way of maintaining a city-wide inventory, conducting proactive annual inspections, and eliminating hazards within a set timeframe based on risk level. Risk management program is outlined in the management plan.	Request-based, reactive system. The condition of publicly-owned trees is unknown.	There is some degree of risk abatement thanks to knowledge of condition of publicly-owned trees, though generally still managed as a request-based reactive system.	There is a complete tree inventory with risk assesment data and a risk abatement program in effect. Hazards are eliminated within a set time period depending on the level of risk.
Maintenance Program of Publicly-Owned Trees (trees managed intensively)	All intensively-managed, publicly-owned trees are well maintained for optimal health and condition in order to extend longevity and maximize benefits. A reasonable cyclical pruning program is in place, generally targeting 5 to 7 year cycles. The maintenance program is outlined in the management plan.	Request-based, reactive system. No systematic pruning program is in place for publicly-owned trees.	All publicly-owned trees are systematically maintained, but pruning cycle is inadequate.	All publicly-owned trees are proactively and systematically maintained and adequately pruned on a cyclical basis.
Maintenance Program of Publicly-Owned Natural Areas (trees managed extensively)	The ecological structure and function of all publicly-owned natural areas are protected and enhanced while accommodating public use where appropriate.	No natural areas management plans are in effect.	Only reactive management efforts to facilitate public use (risk abatement).	Management plans are in place for each publicly-owned natural area focused on managing ecological structure and function and facilitating public use.
Planting Program	Comprehensive and regular y updated tree protection ordinance with enforcement ability is based on community goals. The benefits derived from trees on public and private property are ensured by the enforcement of existing policies.	Tree establishment is ad hoc.	Tree establishment is consistently funded and occurs on an annual basis.	Tree establishment is directed by needs derived from a tree inventory and other community plans and is sufficient in meeting canopy cover objectives.
Tree Protection Policy	Establish a tree population suited to the urban environment and adapted to the overall region. Suitable species are gauged by exposure to imminent threats, considering the "Right Tree for the Right Place" concept and invasive species.	No tree protection policy.	Policies are in place to protect trees, but the policies are not well-enforced or ineffective.	Protections policies ensure the safety of trees on public and private land. The policies are enforced and supported by significant deterrents and shared ownership of city goals.
City Staffing and Equipment	Adequate staff and access to the equipment and vehicles to implement the management plan. A high level urban forester or planning professional, strong operations staff, and solid certified arborist technicians.	Insufficient staffing levels, insufficiently-trained staff, and/or inadequate equipment and vehicle availability.	Certified arborists and professional urban foresters on staff have some professional development, but are lacking adequate staff levels or adequate equipment.	Multi-disciplinary team within the urban forestry unit, including an urban forestry professional, operations manager, and arborist technicians. Vehicles and equipment are sufficient to complete required work.
Funding	Appropriate funding in place to fully implement both proactive and reactive needs based on a comprehensive urban forest management plan.	Funding comes from the public sector only, and covers only reactive work.	Funding levels (public and private) generally cover mostly reactive work. Low levels of risk management and planting in place.	Dynamic, active funding from engaged private partners and adequate public funding are used to proactively manage and expand the urban forest.
Disaster Preparedness & Response	A disaster management plan is in place related to the city's urban forest. The plan includes staff roles, contracts, response priorities, debris management and a crisis communication plan. Staff are regularly trained and/or updated.	No disaster response plan is in place.	A disaster plan is in place, but pieces are missing and/or staff are not regularly trained or updated.	A robust disaster management plan is in place, regularly updated and staff is fully trained on roles and processes.
Communication	Effective avenues of two-way communication exist between the city departments and between city and its citizens. Messaging is consistent and coordinated, when feasible.	No avenues are in place. City departments and public determine on an ad-hoc basis the best messages and avenues to communicate.	Avenues are in place, but used sporadically and without coordination or only on a one-way basis.	Avenues are in place for two way communication, are well-used with targeted, coordinated messages.

Appendix H: Recommended Tree List *

BOTANIC NAME	COMMON NAME	Street	Lawn	Utility	HARDSCAPE DAMAGE	AVG MATURE SIZE (H X W)	DROUGHT TOLERANT?	NOTES
Acacia aneura	Mulga Tree		X	X	LOW	15' x 15'		Can be used for screening. Susceptible to Invasive Shot Hole Borer, Root Rot.
Acacia stenophylla	Shoestring acacia		X	X	LOW	25' x 15'	Y	Ornamental value. Susceptible to Invasive Shot Hole Borer.
Acer griseum	Paperbark Maple	X	X		LOW	20' x 20'		Can be used for screening. Great fall color. Susceptible to Aphids, Armillaria, Root Rot and Verticillium.
Acer grandidentatum 'Schmidt'	Rocky Mountain Glow Maple	X	X		LOW	25' x 15'		Great fall color. Similar to sugar maple. Susceptible to Aphids, Armillaria, Root Rot and Verticillium.
Acer palmatum	Japanese Maple		X	X	LOW	20' x 20'		Multiple varieties and hybrids for multiple uses. Green-leaf varieties can tolerate more sun. Susceptible to Invasive Shot Hole Borer and Aphids, Armillaria, Root Rot and Verticillium.
Arbutus 'Marina'	Arbutus 'Marina'	X	X		LOW	45' x 40'		Low water needs. Resistant to Armillaria. Susceptible to Scales and Thrip, Anthracnose, Phytophthora, Root Rot and Rust.
Arbutus unedo	Strawberry tree		X		LOW	30' x 30'		Resistant to Oak Root Fungus. Susceptible to Scales and Thrip, Anthracnose, Phytophthora, Root Rot and Rust.
Caesalpinia cacalaco	Casalote (thornless)		X	X		20' x 25'		Look for thornless cultivars such as 'Smoothie'. Popular for water-conserving landscapes. May need structural pruning when young.
Cedrus deodara	Deodar cedar		X		MODERATE	55' x 25'	Y	Resistant to Verticillium. Susceptible to Phytophthora, Root Rot and Sooty Mold.
Celtis sinensis	Chinese Hackberry	X			MODERATE	55' x 35'	Y	Deciduous tree growing to 65 feet in height. Often used in ornamental gardens. Fruit attracts birds. Similar to C. occidentalis but smaller.
Cercis canadensis var. texensis 'Oklahoma'	Oklahoma redbud	X	X	X	LOW	15' x 15'		It tolerates dry conditions, but exhibits more vigorous, lush growth with regular deep watering. It blooms best in full sun. Reliable once established, except for occasional tent caterpillar attacks, which can be controlled with spraying. It is resistant to oak root fungus. Utility friendly.
Chilopsis linearis	Dessert Willow	X	X		LOW	25' x 15'	Y	Resistant to Texas Root Rot. Susceptible to Root Rot. Some varieties may be utility friendly.
Chionanthus retusus	Chinese Fringe		X	X	LOW	15' x 10'		Can be used for screening. Great for wildlife. Generally used in lawn and garden settings.

BOTANIC NAME	COMMON NAME	Street	Lawn	Utility	HARDSCAPE DAMAGE	AVG MATURE SIZE (H X W)	DROUGHT TOLERANT?	NOTES
Chitalpa tashkentensis "Morning Cloud"	Chitalpa		X	X	LOW	30' x 15'		Can be used for screening. Great for wildlife. Susceptible to Aphids, Root Rot and Verticillium.
Chitalpa tashkentensis "Pink Dawn"	Chitalpa		X	X	LOW	30' x 15'		Can be used for screening. Great for wildlife. Susceptible to Aphids, Root Rot and Verticillium.
Cinnamomum camphora	Camphor		X		HIGH	55' X 55'		Susceptible to Anthracnose, Armillaria, Phytophthora, Root Rot and Verticillium. Needs ample growing space.
Cornus capitata	Evergreen Dogwood	X	X		LOW	30' x 30'		Fire Resistance is Favorable. Desirable Wildlife Plant. Attracts Birds. Resistant to Verticillium. Susceptible to Beetle Borers and Scales, Anthracnose, Phytophthora and Root Rot.
Cornus florida	Eastern Dogwood	X	X	X	LOW	20' x 15'		Needs ample water. Fragrant flower. Resistant to Verticillium. Susceptible to Beetle Borers and Scales, Anthracnose, Phytophthora and Root Rot.
Cornus kousa	Japanese Dogwood		X	X	LOW	20' x 15'		Partial shade. Resistant to Verticillium.
Cornus kousa chinensis	Chinese Dogwood		X	X	LOW	20' x 15'		Desirable Wildlife Plant. Attracts Birds. Resistant to Verticillium. Susceptible to Scales, Anthracnose, Phytophthora and Root Rot.
Cornus nuttalli	Pacific dogwood	X	X		LOW	45' x 25'		Needs moist soil. Multiple varieties. Resistant to Verticillium. Susceptible to Beetle Borers and Scales, Armillaria, Anthracnose, Phytophthora and Root Rot.
Cotinus coggygria 'Royal Purple'	Royal Purple' smoke tree		X	X	LOW	15' x 10'	Y	Susceptible to Leaf Rollers, Leaf Spot, Canker, Scab and Verticillium. Utility friendly. Purple to red leaf color. Showy pink flowers followed by pink to purple plume-like seed clusters. Fall color is scarlet.
Dalbergia sissoo	Indian rosewood	X	X		MODERATE	55' x 35'		Thrives in lawn settings, as well as hot, reflected heat, granite areas.
Geijera parviflora	Australian willow	X	X		LOW	30' x 20'	Y	Makes for a great street tree. Resistant to Armillaria. Moderate growth rate.
Ginkgo biloba 'Autumn Gold'	Ginkgo	X	X		MODERATE	45'x 30'		Resistant to Oak Root Fungus. Susceptible to Anthracnose. Autumn Gold' is a male-only cultivar. Fruitless. Brilliant yellow fall color.
Ginkgo biloba 'Princeton Century'	Ginkgo	X	X		LOW	55' x 20'		Resistant to Oak Root Fungus. Susceptible to Anthracnose. Fruitless. Brilliant yellow fall color.

BOTANIC NAME	COMMON NAME	Street	Lawn	Utility	HARDSCAPE DAMAGE	AVG MATURE SIZE (H X W)	DROUGHT TOLERANT?	NOTES
Largerstroemia hybrids	Crape Myrtle	X	X	X		25' x 25'	Y	Resistant to Texas Root Rot. Susceptible to Aphids, Powdery Mildew and Sooty Mold. Utility friendly. Susceptible and sensitive to powdery mildew. Select more resistant varieties ('Muskogee' and 'Tuskarora' are a few). 'Natchez' cultivar is aphid-resistant. Fall color is orange to red.
Laurus nobilis 'Saratoga'	Saratoga bay laurel	X		X	MODERATE	25' x 20'		Resistant to Psyllid. Susceptible to Scales. Usually does not grow above 20 ft. Utility friendly, but may need minor maintenance. Evergreen. Green, white, or yellow flowers in spring. Fragrant leaf can be used in cooking.
Lyonothamnus floribundus	Catalina Ironwood		X		MODERATE	55' x 40'	Y	Native to CA. Susceptible to Aphids. Attractive in groves of three or more.
Melaleuca linarifolia	Flaxleaf Paperbark	X	X	X	LOW	25' x 25'	Y	Fragrant flowers. Susceptible to Chlorosis, Phytophthora and Root Rot.
Magnolia grandiflora 'Little Gem'	Little Gem Magnolia	X	X	X	LOW	15' x 10'		Fragrant flowers. Susceptible to Invasive Shot Hole Borer, Aphids, Scales and Spider Mites, Armillaria, Root Rot and Verticillium.
Magnolia grandiflora 'St. Mary'	St. Mary Magnolia	X	X	X	LOW	20' x 15'		Fragrant flowers. Susceptible to Invasive Shot Hole Borer, Aphids, Scales and Spider Mites, Armillaria, Root Rot and Verticillium.
Magnolia soulangeana	Saucer Magnolia		X	X	LOW	25' x 25'		Usually as a multi-trunk or low-branching specimen for gardens or lawns. Susceptible to Aphids, Scales and Spider Mites, Armillaria.
Nyssa sylvatica 'Wildfire'	Sour Gum	X	X		LOW	40' x 20'	Y	Tolerates poor drainage and low oxygen soils found in urban areas. Susceptible to Fusarium, Phytophthora, Root Rot, Rust and Verticillium.
Olea europaea 'Swan Hill'	Swan Hill Olive		X	X	MODERATE	25' x 25'	Y	Fruitless. Resistant to Texas Root Rot. Susceptible to Scales and Psyllid, Anthracnose, Armillaria, Phytophthora, Root Rot, Sooty Mold and Verticillium. Other fruitless varieties are available.
Parkinsonia florida (Cercidium florida)	blue palo verde		X	X	LOW	25' x 15'	Y	Native to CA. Good for dry garden or landscape areas. Has thorns, can remain leafless for most of the year.
Parkinsonia microphylla	little leaf palo verde		X	X	LOW	20' x 20'	Y	Native to CA. Good for dry garden or landscape areas. Has thorns, can remain leafless for most of the year.
Pistachia chinensis	Chinese Pistache	X	X		LOW	35' x 30'	Y	Resistant to Armillaria. Susceptible to Verticillium and Root Rot.

BOTANIC NAME	COMMON NAME	Street	Lawn	Utility	HARDSCAPE DAMAGE	AVG MATURE SIZE (H X W)	DROUGHT TOLERANT?	NOTES
Pinus attenuata	knobcone pine		X		MODERATE	70' x 25'	Y	Native to CA. Resistant to Verticillium. Susceptible to Aphids and Beetle Borers, Armillaria and Pitch Canker.
Pinus eldarica	Mondel pine		X		MODERATE	55' x 20'	Y	Resistant to Texas Root Rot and Verticillium. Susceptible to Aphids. Thrives in hot, dry climates and poor soils. Dark green, 2 to 3 needles per fascicle. Evergreen. Oblong cones 3-4 inches long.
Pinus edulis	pinyon pine		X		LOW	35' x 25'	Y	Edible pine nuts. Resistant to Verticillium. Susceptible to Aphids and Scales, Armillaria and Root Rot.
Pinus halepensis	Aleppo pine		X		MODERATE	50' x 35'	Y	Requires ample growing space. Resistant to Verticillium. Susceptible to Aphids and Spider Mites, Armillaria, Phytophthora, Root Rot and Pitch Canker.
Platanus × hispanica 'Bloodgood'	Bloodgood London Plane	X	X		MODERATE	75' x 60'		Requires ample growing space. Resistant to Anthracnose and Verticillium. Susceptible to Invasive Shot Hole Borer, Scales and Spider Mites, Powdery Mildew.
Platanus × hispanica 'Yarwood'	London Plane 'Yarwood'	X	X		HIGH	85' x 65'		Requires ample growing space. Resistant to Anthracnose and Verticillium. Susceptible to Invasive Shot Hole Borer, Scales and Spider Mites, Powdery Mildew.
Platanus racemosa	California Sycamore				MODERATE	70' x 40'	Y	A California native riparian tree; tolerates extreme heat and wind. Resistant to Verticillium. Susceptible to Invasive Shot Hole Borer, Leaf Miner, Scales and Spider Mites, Anthracnose, Armillaria, Phytophthora, Mistletoe, Apignomonia venata and Root Rot.
Podocarpus macrophyllus	Yew Pine	X	X		LOW	45' x 20'	Y	Susceptible to Mites and Scales, Sooty Mold.
Quercus canbyi	Chisos Oak	X	X		LOW	45' x 40'	Y	Very drought tolerant red oak species. Produces graceful branches with slender, glossy leaves. Resistant to Verticillium. Susceptible to Scales and Spider Mites, Armillaria, Anthracnose and Root Rot.
Quercus coccinea	Scarlet Oak	X	X		MODERATE	65' x 50'		Resistant to Verticillium. Susceptible to Caterpillars and Scales. Vibrant red fall color. Tolerates poor soils. High wind resistance.

BOTANIC NAME	COMMON NAME	Street	Lawn	Utility	HARDSCAPE DAMAGE	AVG MATURE SIZE (H X W)	DROUGHT TOLERANT?	NOTES
Quercus douglasii	Blue oak		X		LOW	60' x 45'		Native to CA. Resistant to Verticillium. Susceptible to Caterpillars, Insect Galls, California Oak Moth, Gall Wasp and Scales, Crown Rot, Mistletoe, Armillaria, Brown Rot, Powdery Mildew and Root Rot.
Quercus ilex	Holly Oak	X	X		LOW	45' x 45'		Often has a prominent umbrella form. Resistant to Verticillium. Susceptible to Scales and Spider Mites, Armillaria, Anthracnose and Root Rot.
Quercus palustris	Pin Oak	X	X		LOW	65' x 35'		May become chlorotic in alkaline soil. Brown leaves tend to hang on the tree in fall. Resistant to Verticillium. Susceptible to Scales, Armillaria.
Quercus rubra	Red Oak	X	X		MODERATE	70' x 60'		Best in deep, fertile soil. Outstanding fall color. Resistant to Verticillium. Susceptible to Aphids, Caterpillars and Insect Galls, Armillaria, Anthracnose, Phytophthora, Root Rot and Rust.
Quercus suber	Cork oak		X		MODERATE	70' x 70'		Leaf drop in spring may seem abnormal, but is typical pattern for the tree. Bark is the source of commercial cork. Resistant to Verticillium. Susceptible to Invasive Shot Hole Borer, Armillaria, Phytophthora and Root Rot.
Quercus virginiana	southern live oak	X	X		MODERATE	60' x 75'		Requires ample growing space. Resistant to Verticillium. Susceptible to Insect Galls, Armillaria, Phytophthora and Root Rot.
Quillaja saponaria	Soapbark tree	X	X		LOW	40' x 20'	Y	Evergreen foliage. Famous for the medicinal and commercial use of its inner bark.
Sapium sebiferum	Chinese Tallow Tree	X	X		MODERATE	35' x 25'		Spectacular fall color and it thrives in warm climates, with adequate moisture. Resistant to Armillaria.
Stytrax obassia	Stytrax obassia	X	X		LOW	25' x 20'		Produces attractive fragrant flowers. Needs moist soils.
Tristaniopsis laurina 'elegant'	elegant' Tristania	X	X		LOW	30' x 20'		Slow growing tree, so planting a larger specimen is desirable. Susceptible to Scales.

BOTANIC NAME	COMMON NAME	Street	Lawn	Utility	HARDSCAPE DAMAGE	AVG MATURE SIZE (H X W)	DROUGHT TOLERANT?	NOTES
Ulmus sp.	Hybrid Elm	X	X		MODERATE	50' x 35'	Y	Many cultivars and varieties of elm. Choose varieties that are resistant to Elm Leaf Beetle and Dutch Elm Disease and Phloem Necrosis (Elm Yellows). Susceptible to Aphids, Borers, Beetles, Scale, Leaf Miner, Mealy Bugs, and Caterpillars, Armillaria, Phytophthora, Root Rot, Sooty Mold, Verticillium, Phloem Necrosis, Wetwood.
Vitex agnus-castus	Vitex or Chaste		X	X	LOW	15' x 15'	Y	Large shrub, or small tree if the trunks are trained and pruned. Its summer flowering is especially attractive, and it is quite useful in a water conserving or dry garden setting. It tolerates dry ordinary soils without much care other than occasional deep watering. It is resistant to oak root fungus and durable
Zelkova serrata 'Village Green'	Sawleaf Zelkova	X	X		LOW	55' x 45'		Susceptible to Canker. Grows in a variety of soil conditions.

*List approved July 2021. List to subject to change based on City review.

City of Tracy

2020 – Urban Forest Management Plan



Urban Forest Management Plan

TRACY

City Council Meeting
October 19, 2021

CALIFORNIA DEPARTMENT OF FORESTRY & FIRE PROTECTION
CAL FIRE
SINCE 1885

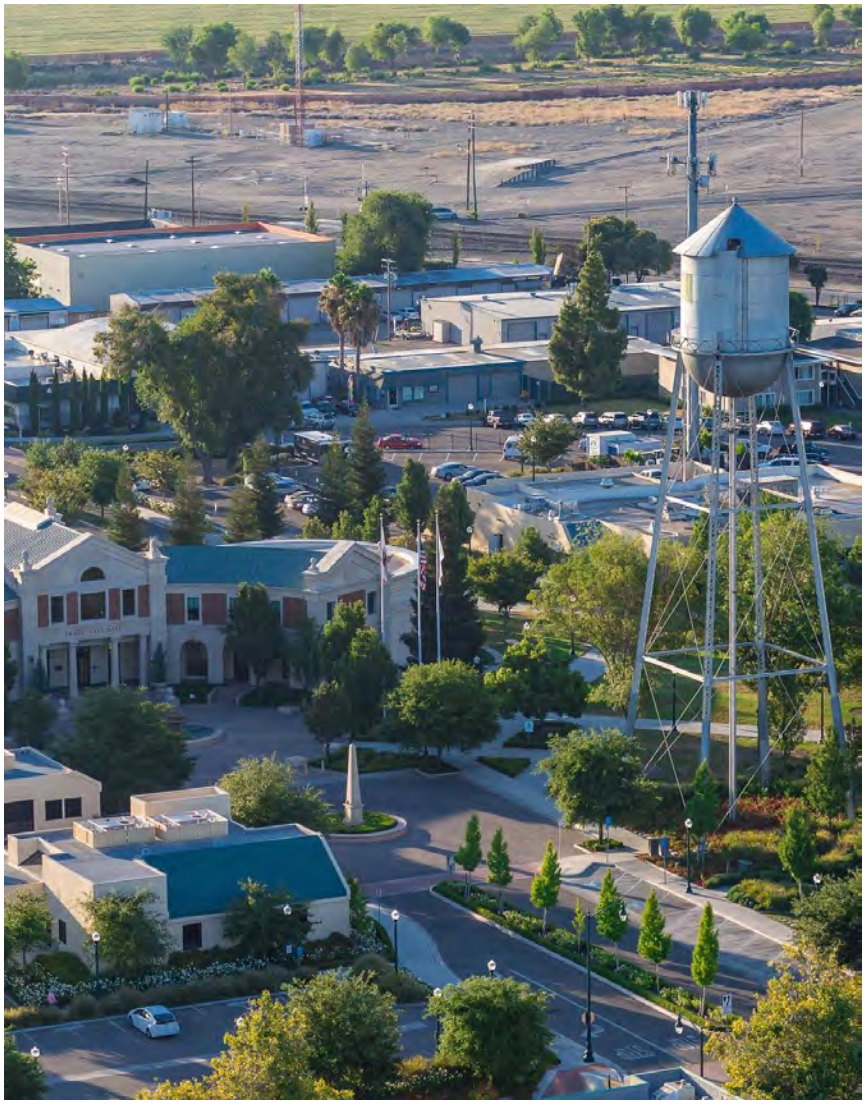
TREE CITY USA
5 Years

"Tracy Trees for Tomorrow"

CALIFORNIA CLIMATE INVESTMENTS
Cap and Trade Dollars at Work

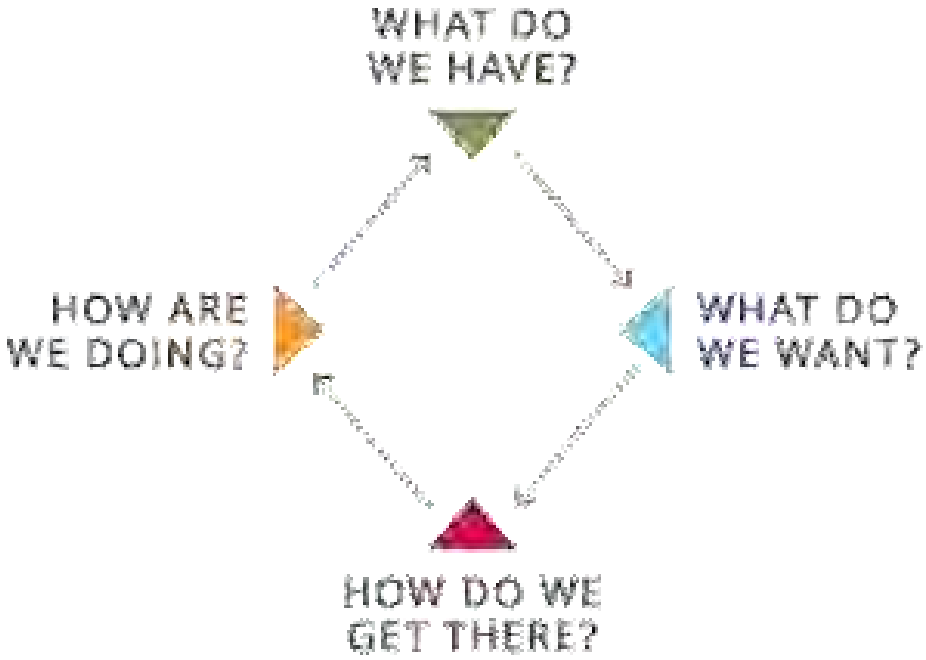
The Urban Forest

- Public trees
  - City Parks, Public Landscaping, & Natural Areas
  - Public rights-of-way
  - Trees at City facilities
- Private trees
  - Residential
  - Commercial
  - Industrial

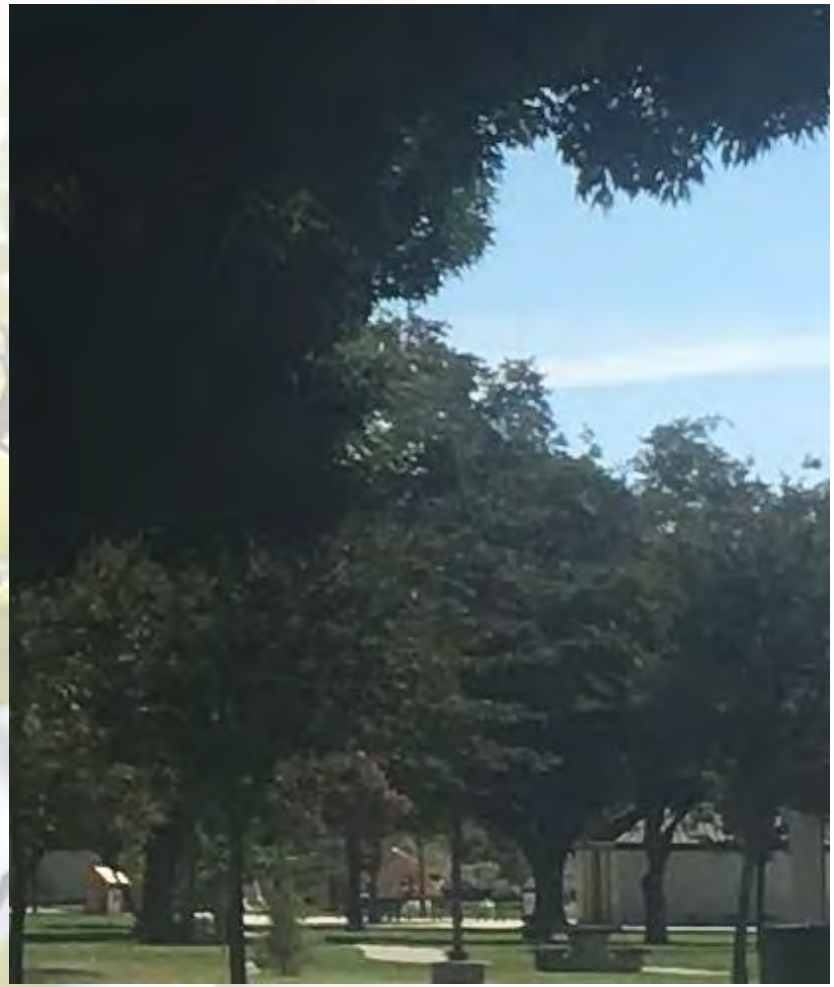


Developing the
Urban Forest Management Plan

- Scope and Purpose
  - Guidance for City property, public rights-of-way & critical habitat areas
  - Long- and short-term goals
  - Adaptive Master principles



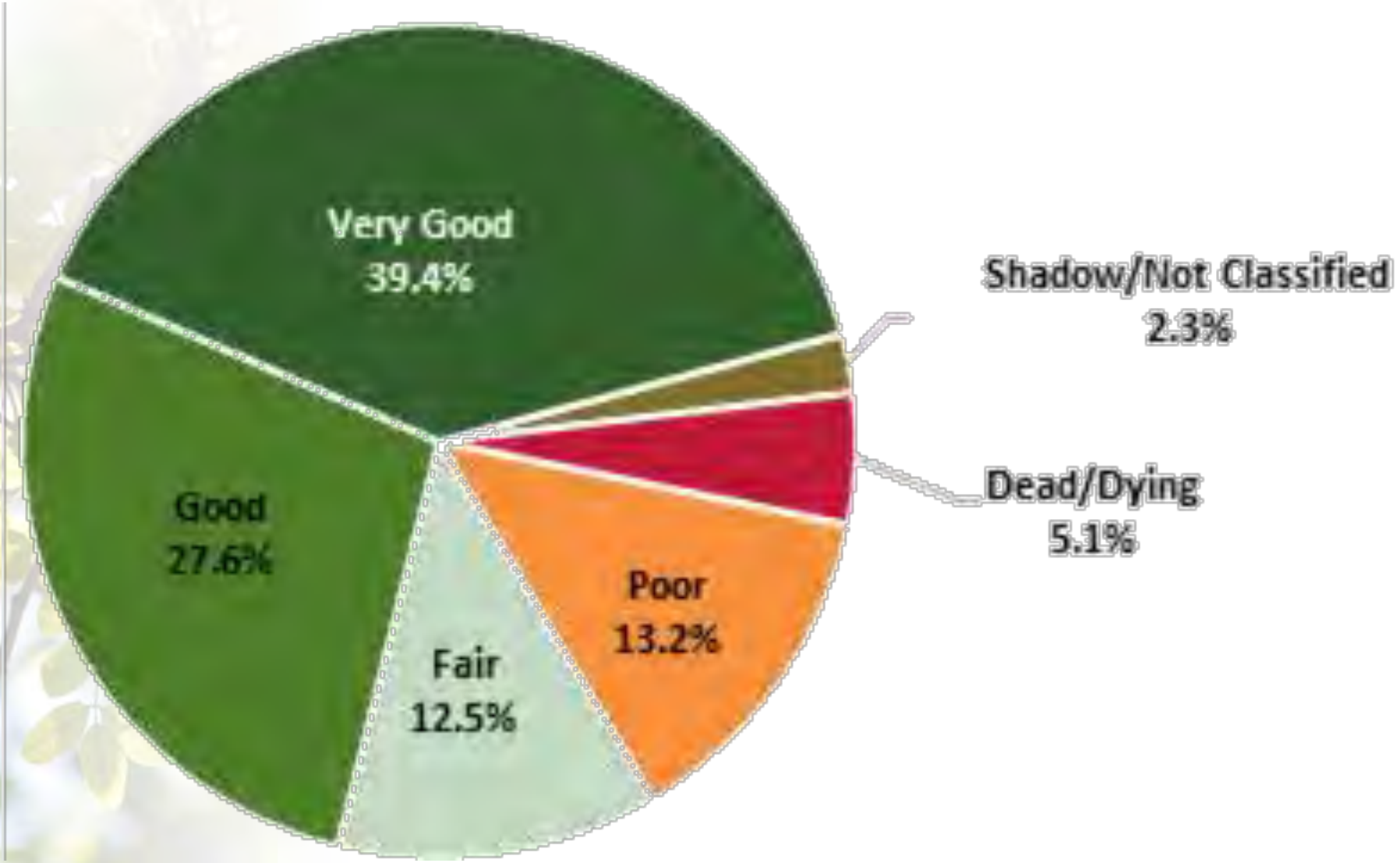
Developing the
Urban Forest Management Plan



- Why is a Management Plan important?
  - Illustrates the value and benefits of community trees
  - Communicates challenges and opportunities
  - Promotes a shared vision
  - Identifies resources in order to support community goals

What do we have?

Tree Canopy Health



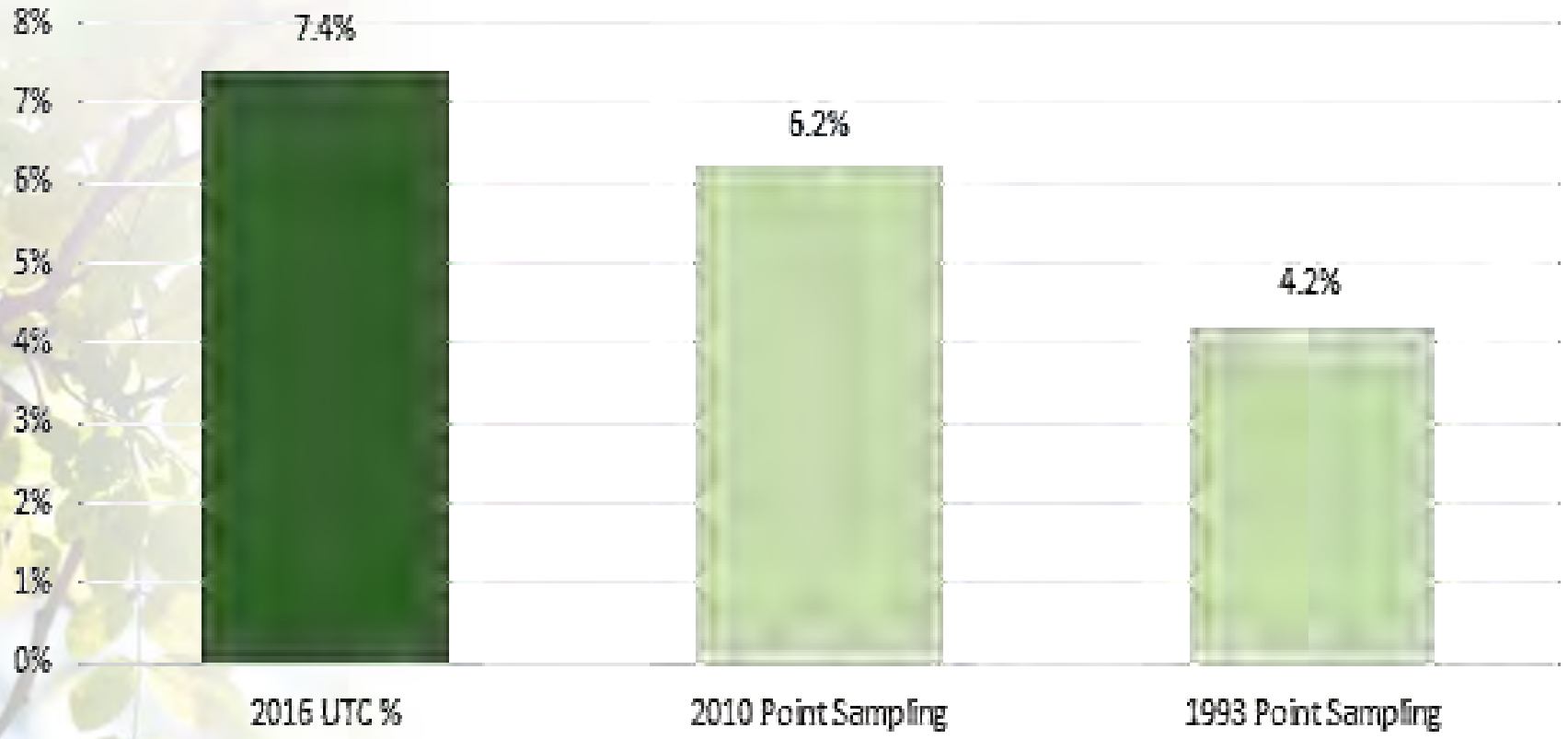
What do we have?

Canopy By Parks



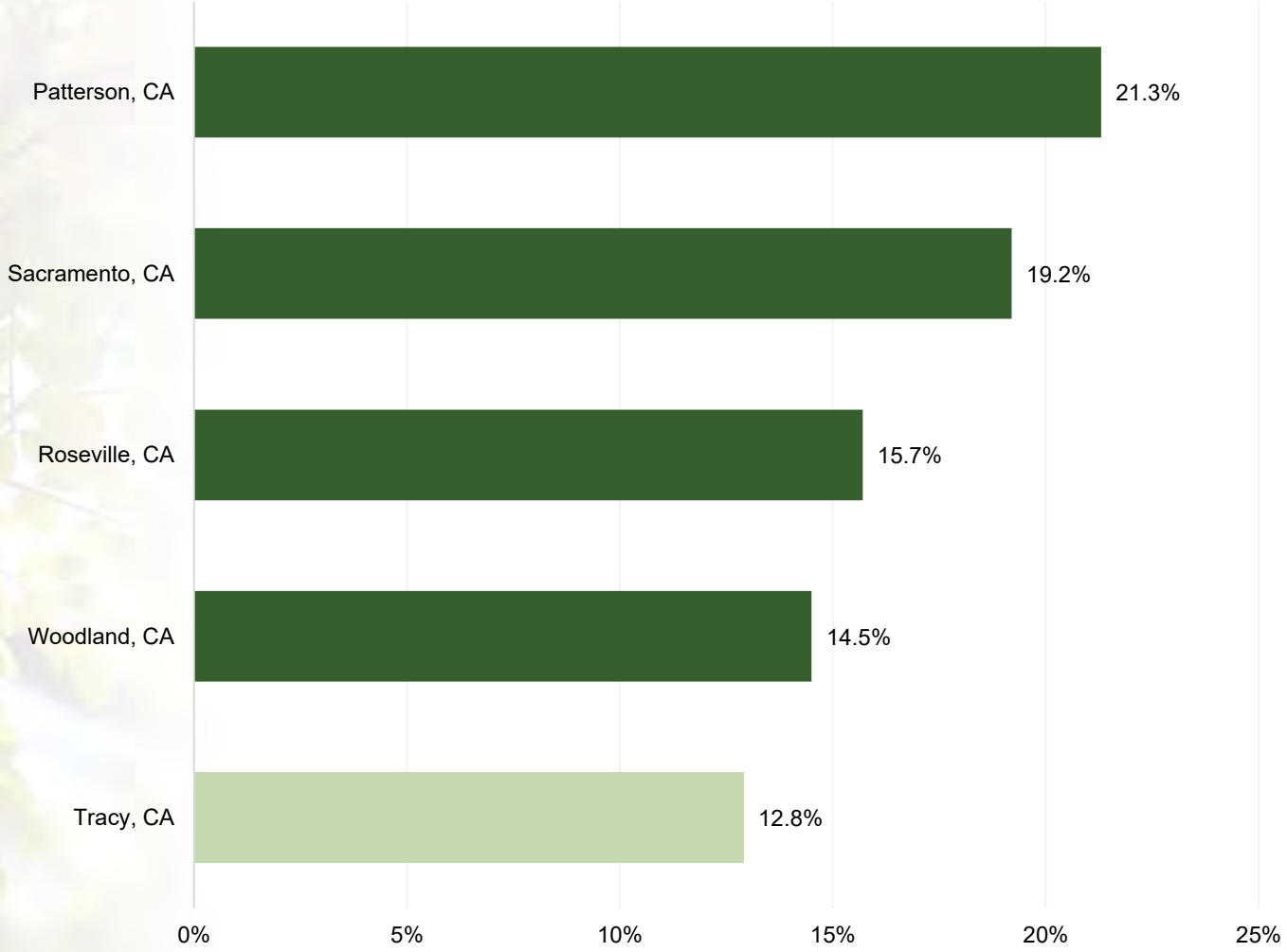
What do we have?

Citywide Historic Changes in Canopy Cover



What do we have?

Regional Comparison of Canopy Cover



What do we have?

Public Tree Resource

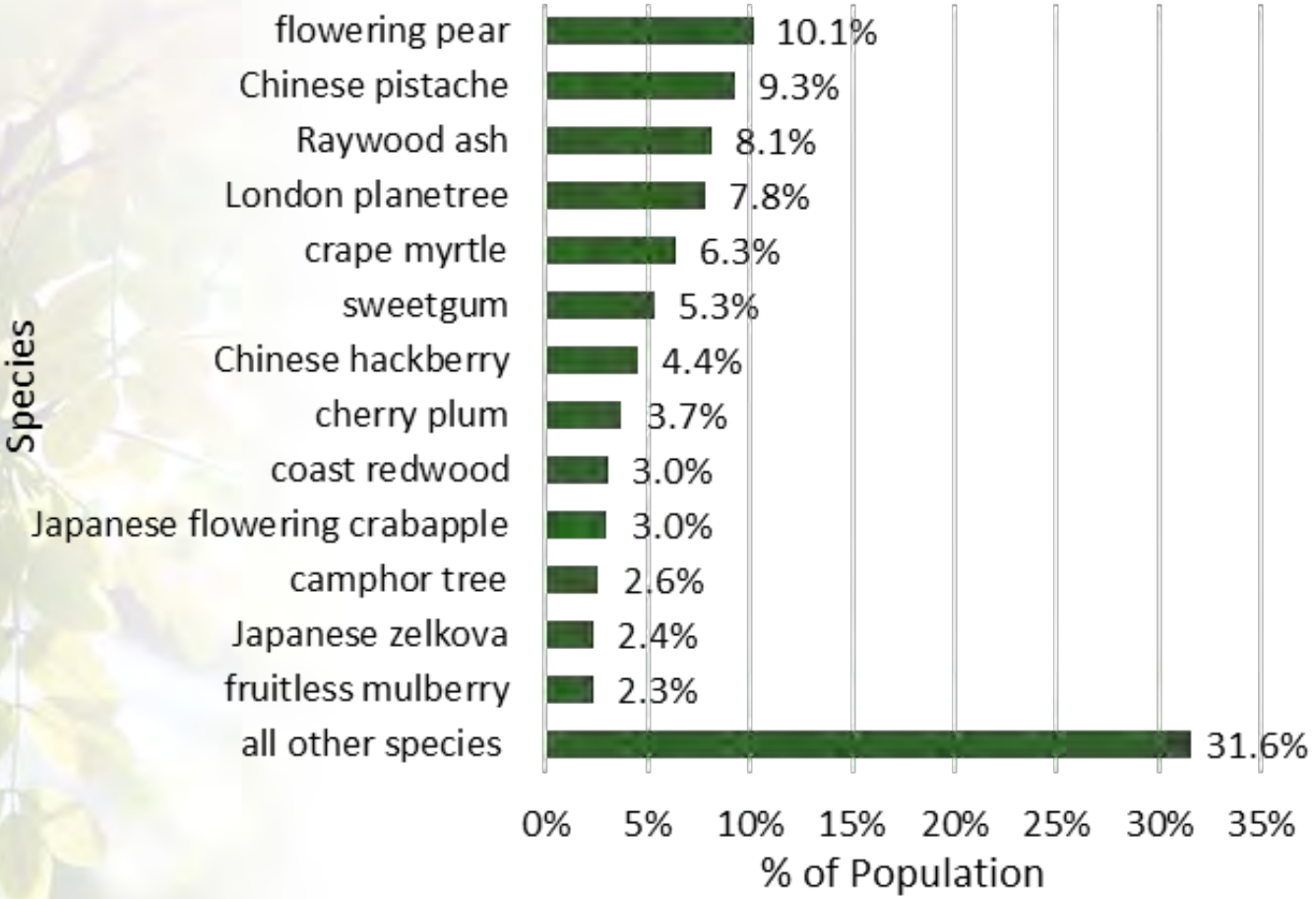
- 35,561 trees in the City inventory
  - 6554 in parks



What do we have?

Composition

- 191 unique species



What do we have?

Benefits of Public Trees

- $5.4 million overall benefits:
  - $727,347 in energy use savings
  - $16,171 trees in sequestered atmospheric CO_2
  - $368,567 in air quality improvements
  - $140,123 in intercepted stormwater
  - $4.1 million aesthetic and socio-economic benefits

What do we have?

Current Operations



- Tree Maintenance
- Tree Removals
- Tree Planting
- Pest Management
- Tree Protection
- Emergency response

What do we have?

Opportunities and Challenges

- Education
- Right tree, right place
- Preserve and enhance existing canopy
- Pest Management
- Drought and the prolonged impact on trees
- Development
- Collaboration with volunteer groups



What do we want?

- Canopy Increase
- Tree Planting
- Tree Protection
- Drought Impacts
- Level of Care
- Education/Outreach
  - Topics
  - Methods



October 19, 2021

AGENDA ITEM 3.D

REQUEST

RECEIVE AN UPDATE ON DOWNTOWN PARKLET DESIGN STANDARDS

EXECUTIVE SUMMARY

This item provides the City Council with an update regarding revised Downtown parklet design standards as part of the follow up to the September 21, 2021 meeting in which Council adopted an outside dining ordinance for Downtown restaurants, approved the Downtown Parklet Grant program, and allocated $500,000 in American Rescue Program Act (ARPA) funding to the project. The design standards for the program were yet to be finalized and Council directed staff to add lighting and work with the Tracy City Center Association (TCCA) to revise design standards and ensure merchant concerns were adequately addressed. Staff incorporated this input and attended a special meeting held by TCCA on September 28, 2021. At that time, TCCA board took action to affirmatively approve of the City's revised design standards, which are included in Attachment A.

DISCUSSION

In July of 2020, the City, in collaboration with TCCA took steps to temporarily expand outdoor business activities in Downtown Tracy. First, the Development Services Department issued encroachment permits to businesses located within the TCCA district boundaries to expand their operations into the City's public right-of-way on Central Avenue, 10th Street, and 6th Street. Second, the Parks and Recreation Services Department issued a special event permit to TCCA on July 15, 2020 for the partial street closure of 10th Street between Central Avenue and "B" Street to allow for outdoor dining, known as the "Streatery." Both actions were part of the City's efforts to stabilize the economy in response to the COVID-19 pandemic's effects on local small businesses.

The outside dining concept was well-received by the public, with some restaurants reporting record sales compared to pre-COVID-19 operations. TCCA's Board voted on June 10, 2021 to work with City staff to explore and implement parklet concepts as an outdoor dining enhancement strategy. During the past few months, the TCCA Board explored pathways towards balancing strong public demand for outdoor dining with reopening direct access and parking in front of businesses negatively affected by the Streatery with regard to visibility and parking limitations. Working closely with TCCA, City staff prepared a draft ordinance related to parklets, which would provide long-term outdoor dining opportunities in the Downtown, focusing on 10th Street, Central Avenue and 6th Street. City staff developed an outside dining ordinance and design standards and developed a Downtown Parklet Grant program, which consists of streamlined permitting process and cost reimbursement for parklet construction.

On September 21, 2021, staff presented the parklet staff report to Council. Council adopted the Downtown outside dining ordinance, approved the Downtown Parklet Grant program, and allocated $500,000 of ARPA funding to the project. Council also directed staff to continue exploring design standards, including lighting options, and ensure that

merchant concerns were adequately addressed. Staff incorporated this input and attended a special meeting held by TCCA on September 28, 2021. At that time, consensus around the revisions was built and TCCA's board took action to affirmatively approve of the City's revised design standards. These standards will go into effect on November 5, 2021 subject to approval by the Development Services Director. Going forward, design standards can be modified by the Development Services Director to allow continued flexibility and efficiency.

Draft design standards are shown in Attachment A. To ensure consistency, these standards specify parklet requirements and design criteria and include two options. Option A can be implemented whenever outside dining is established on the sidewalk and meets the accessibility requirements of the Americans with Disabilities Act (ADA). If it's feasible for the restaurant to have a sidewalk dining area, Option A is preferred because it will be more cost effective. Option B would be needed if it is not feasible for a restaurant to have a sidewalk dining area, due to width of sidewalk or other constraints. It includes a platform at grade with the sidewalk to comply with ADA requirements.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Economic Development Strategic Priority, Goal 1, which is to support local businesses impacted by COVID-19.

FISCAL IMPACT

This item has no fiscal impact to the City's General Fund.

RECOMMENDATION

Staff recommends that the Council receive an update on Downtown parklet design standards.

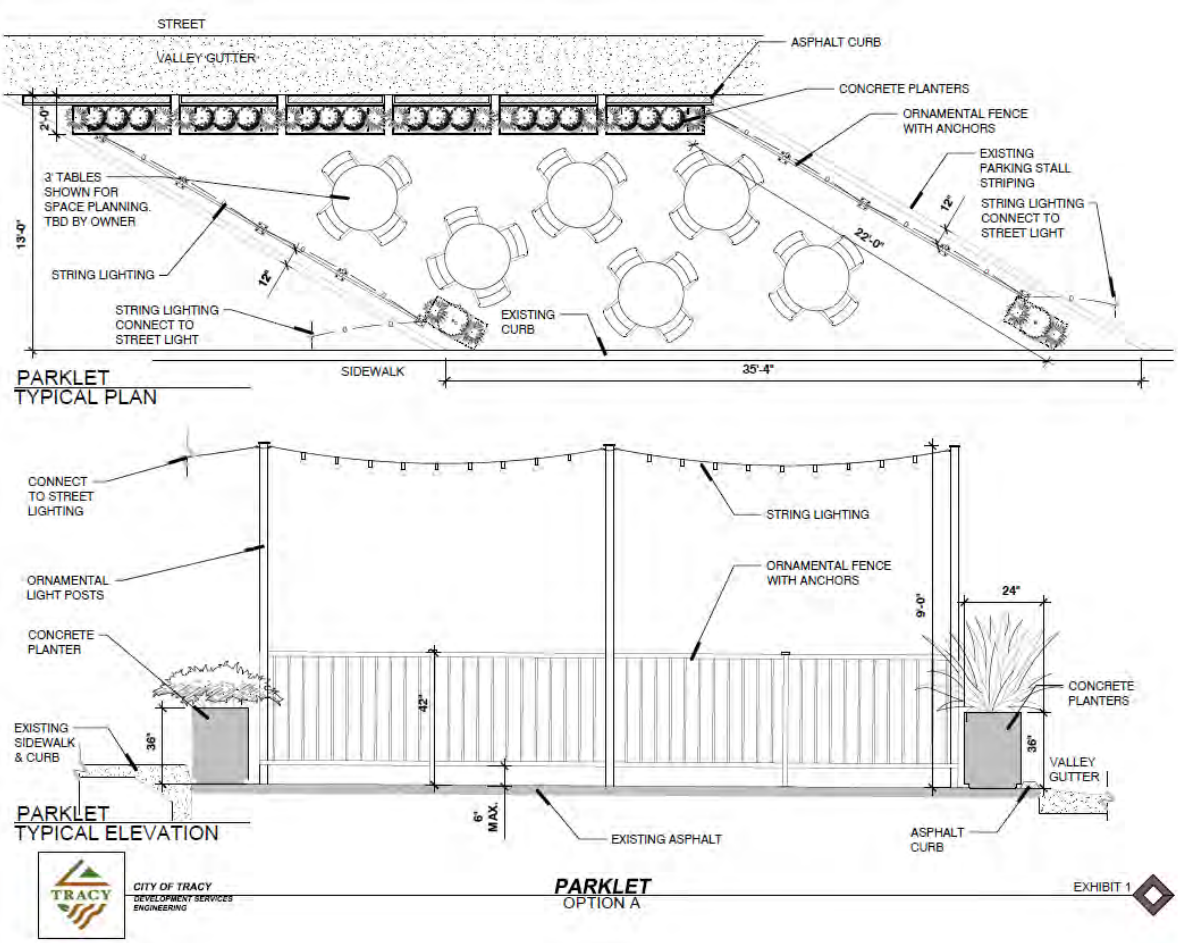
Prepared by: Michael Nimon, Economic Development Manager

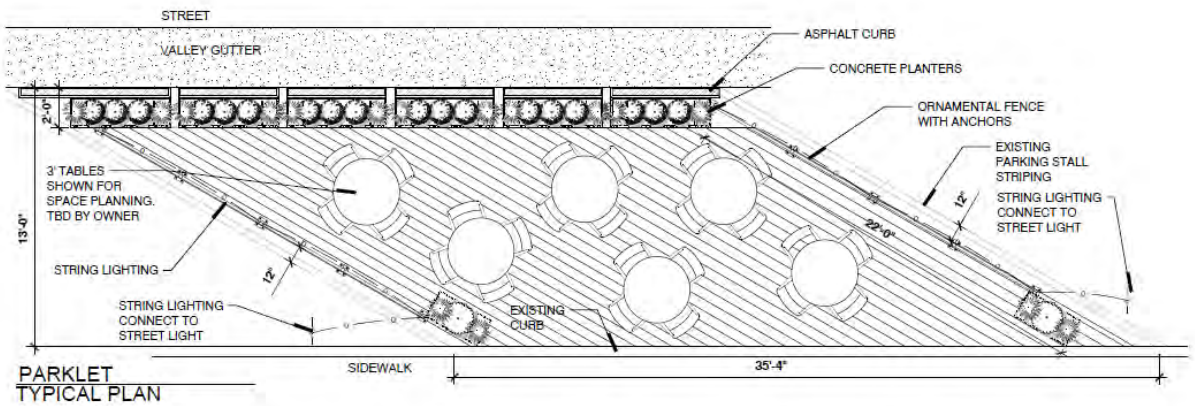
Reviewed by: Bill Dean, Interim Development Services Director
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Bob Adams, Interim City Manager

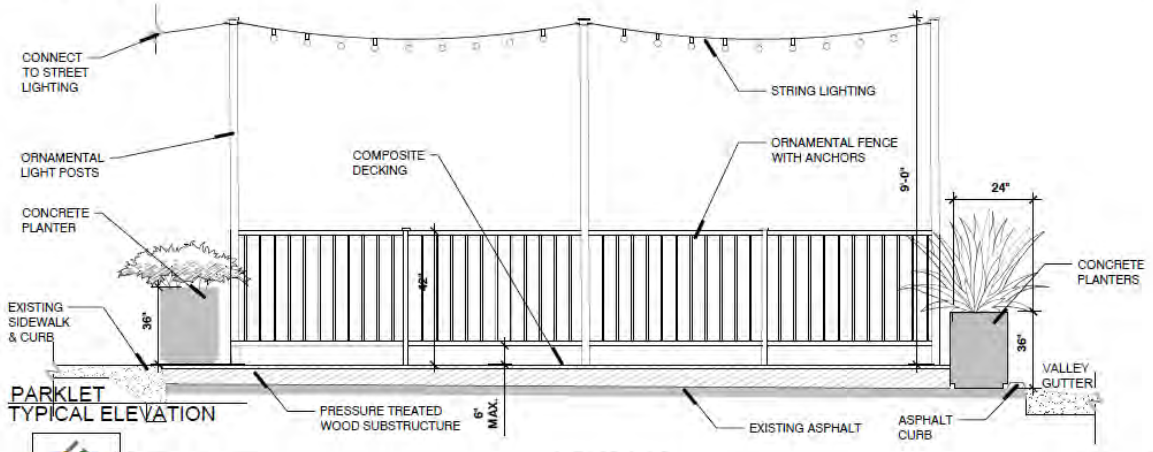
ATTACHMENTS

Attachment A – Parklet Elevation


STREET
VALLEY GUTTER
ASPHALT CURB
CONCRETE PLANTERS
ORNAMENTAL FENCE WITH ANCHORS
EXISTING PARKING STALL STRIPING
STRING LIGHTING CONNECT TO STREET LIGHT
2'-0"
3' TABLES SHOWN FOR SPACE PLANNING. TBD BY OWNER
13'-0"
STRING LIGHTING
12"
12"
22'-0"
STRING LIGHTING CONNECT TO STREET LIGHT
EXISTING CURB
SIDEWALK
35'-4"
PARKLET
TYPICAL PLAN
CONNECT TO STREET LIGHTING
STRING LIGHTING
ORNAMENTAL LIGHT POSTS
ORNAMENTAL FENCE WITH ANCHORS
9'-0"
24"
CONCRETE PLANTER
CONCRETE PLANTERS
42"
EXISTING SIDEWALK & CURB
36"
36"
VALLEY GUTTER
6" MAX.
EXISTING ASPHALT
ASPHALT CURB
PARKLET
TYPICAL ELEVATION
TRACY
CITY OF TRACY
DEVELOPMENT SERVICES
ENGINEERING
PARKLET
OPTION A
EXHIBIT 1



PARKLET
TYPICAL PLAN



PARKLET
TYPICAL ELEVATION

CITY OF TRACY
DEVELOPMENT SERVICES
ENGINEERING

PARKLET
OPTION B

EXHIBIT 1