

Tuesday, March 29, 2022, 7:00 P.M.

Tracy City Hall Chambers, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

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

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 IS RECOMMENDED FOR ALL PERSONS REGARDLESS OF VACCINATION STATUS.

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

As always, the public may view the 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: 2558 067 4352 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 25580674352#8722922# Press *3 to raise the hand icon to speak on an item.
- **Protocols for commenting via WebEx:**
 - **If you wish to comment on the "Consent Calendar", "Items from the Audience/Public Comment" or "Discussion Agenda Items" 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 "Discussion Agenda Items" portions of the agenda will be accepted until the public comment for that item is closed.**

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

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

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

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. Police Swearing In
2. Certificates of Appointment - Measure V Residents' Oversight Committee
3. Certificates of Appointment - Board of Appeals

1. CONSENT CALENDAR

- 1.A. ADOPTION OF FEBRUARY 22, 2022 SPECIAL MEETING MINUTES, FEBRUARY 26, 2022 AND FEBRUARY 27, 2022 CLOSED SESSION MINUTES AND MARCH 1, 2022 REGULAR SESSION MINUTES
- 1.B. RECEIVE AND AUTHORIZE STAFF TO SUBMIT THE ANNUAL PROGRESS REPORT FOR 2021 AND ANNUAL ELEMENT PROGRESS REPORT FOR 2021 TO THE OFFICE OF PLANNING AND RESEARCH AND STATE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT REGARDING THE IMPLEMENTATION OF THE GENERAL PLAN AND THE HOUSING ELEMENT
- 1.C. APPROVE PROPOSALS AND RATES FROM MULTIPLE VENDORS FOR THE SUPPLY OF CERTAIN CHEMICALS FOR THE TREATMENT OF WATER AND WASTEWATER FOR PERIODS OF SIX MONTHS AND ONE YEAR RESPECTIVELY; AND AUTHORIZE THE CITY MANAGER OR HIS/HER DESIGNEE TO NEGOTIATE ONE ADDITIONAL SIX-MONTH TERM EXTENSION FOR THE SUPPLY OF CHEMICALS PRIOR TO EXPIRATION OF THE CONTRACTS WITH SIX-MONTH TERMS
- 1.D. AWARD A CONSTRUCTION CONTRACT TO SUAREZ & MUÑOZ CONSTRUCTION, INC., OF HAYWARD, CALIFORNIA, IN THE AMOUNT OF \$15,257,200 FOR BASE BID AND BID ALTERNATES 1 & 2 FOR THE LEGACY FIELDS SPORTS COMPLEX, PHASE 1E PROJECT CIP 78185, WITH A NOT-TO-EXCEED BUDGET OF \$19,071,500, AND AUTHORIZE THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO THE CONTINGENCY AMOUNT OF \$2,288,580, IF NEEDED
- 1.E. APPROVE A FUNDING AGREEMENT WITH LENNAR HOMES OF CALIFORNIA, LLC TO FUND CONSTRUCTION OF TRACY HILLS ZONE 5 PUMP STATION AND ASSOCIATED IMPROVEMENTS (CIP 75163) AT THE JOHN JONES WATER TREATMENT PLANT (JJWTP)
- 1.F. APPROVE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN SAN JOAQUIN COUNTY AND THE CITY OF TRACY FOR A \$3.66 MILLION FUNDING ALLOCATION, APPROVE AN APPROPRIATION TO THE TEMPORARY EMERGENCY HOUSING FACILITY (CIP 71112) TO SUPPORT THE CONSTRUCTION AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT

2. ITEMS FROM THE AUDIENCE

3. PUBLIC HEARINGS AND REPORTS

3.A. PUBLIC HEARING TO CONSIDER APPROVING A VESTING TENTATIVE SUBDIVISION MAP FOR THE AVENUES NEIGHBORHOOD CONSISTING OF 480 RESIDENTIAL LOTS, A PARK, AND ASSOCIATED ROADS ON APPROXIMATELY 95.83 ACRES, LOCATED SOUTH OF VALPICO ROAD AND APPROXIMATELY 1,500 FEET WEST OF CORRAL HOLLOW ROAD, ASSESSOR'S PARCEL NUMBERS 240-140-49, 240-140-05, 240-700-13, & 240-700-14. THE APPLICANT IS THE SURLAND COMPANIES AND THE PROPERTY OWNER IS GREYSTONE LAND INVESTMENT PARTNERS, LLC. APPLICATION NUMBER TSM21-0001

3.B. PUBLIC HEARING TO CONSIDER CITY'S RECOMMENDATION FOR AWARD OF LOCAL PRIORITY FUNDING ALLOCATIONS FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS FOR FISCAL YEAR 2022-2023, APPROPRIATE FUNDS, AND AUTHORIZE THE DEVELOPMENT SERVICES DIRECTOR TO EXECUTE THE FUNDING AGREEMENTS FOR THE PROGRAM

3.C. RECEIVE AN UPDATE ON THE REQUEST FOR PROPOSAL AND DISPOSITION EFFORT FOR THE WESTSIDE MARKET, SELECT THE TOP CANDIDATE, AND AUTHORIZE STAFF TO ENGAGE INTO AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH THE TOP CANDIDATE

3.D. RECEIVE THE CITY OF TRACY POLICE DEPARTMENT'S ANNUAL REPORT FOR 2021

3.E. APPROVE A COMMUNITY BENEFITS AGREEMENT TEMPLATE FOR COMMERCIAL CANNABIS BUSINESSES

4. ITEMS FROM THE AUDIENCE

5. STAFF ITEMS

6. COUNCIL ITEMS

7. ADJOURNMENT

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

February 22, 2022, 6:00 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy

1. Mayor Young called the special meeting to order at 6:06 p.m.
2. Roll call found Council Members Arriola, Bedolla, Davis, Mayor Pro Tem Vargas and Mayor Young present.
3. ITEMS FROM THE AUDIENCE – Robert Tanner stated the City needs ten more Police Officers and another squad car and shared his concerns regarding Police response time. Mr. Tanner spoke about regular Council meetings starting later than the scheduled 7:00 p.m. start time and suggested adding the language used on special meetings to the agenda.

Mayor Pro Tem Vargas asked if that can be adjusted going forward.

Michael Rogers, City Manager responded when it comes to the agenda Council sets the language in the agenda. That would need to come from Council.

Greg Rubens, Interim City Attorney referred to Tracy Municipal Code Section 2.04.020 which states the regular meetings start at 7:00 p.m. There is not technically a violation arriving a little late, but as a courtesy in the future we could announce when we will come back.

Karen Moore spoke about a sustainability park she had visited in Las Vegas that showed how to be sustainable in their climate, how they process water and provide drinking water for their City. Ms. Moore sent an email to Council with the idea for Tracy along with grant money for California.

4. DISCUSS AND PROVIDE DIRECTION RELATED TO THE CURRENT CONDITION AND POTENTIAL RENOVATION OF RITTER FAMILY BALL PARK

Brian MacDonald, Parks and Recreation Director provided the staff report.

Council questions and comments followed.

Dotty Nygard spoke about two aspects to look at for grant writing, one being in underserved area and the other sustainability, solar, shade structures, trees, and compostable toilets. Ms. Nygard also spoke about showcasing part of Tracy off I-205, an opportunity to shine, hit key ideas for a sustainable park, making it multi-use and also for parking lots, make permeable services and not always having to use slurry seal.

Alice English stated the project is overdue, quality of life has been a priority along with amenities and infrastructure and all falls in public safety including lighting, parking. Gives an opportunity to redesign the ballpark to neighborhood park type and better to serve all the residents. Tracy does deserve better and for this park to be redesigned.

Robert Tanner hoped Council would put Ritter Ball Park at the top of the list, only park that kids can play football, has been run down and suggested putting it ahead of some of the other items, not necessarily the Aquatics Park, and spend the money on the park.

Dino Margaros, Tracy Friends Foundation stated it is a legacy facility, important for our youth, no other facility for football, it's infill and not sprawl. Without a plan or design the City can't apply for grants. There was talk about bonding but need funding from somewhere to get things operational. Great facility but is past its time and prime. Tracy Friends is willing to help Parks and Community Services with what they need to do.

Karen Moore stated grant money is out there and shared example sent to Council which had a link to the City of Fremont who received \$8.5 million through the grant system through public park, their website shows the community meetings and input and final drawings. Ms. Moore added there needs to be outreach and she would love to see this park revitalized for the community.

A caller stated she is a part of the youth sports in Tracy, has used Ritter for practices and agreed with previous speakers. It is a park infill that needs to be put to the top of list and shared concerns regarding homeless people, sewer and bathroom problems, parking lots where kids have to run across the street, fixing and maintaining the field and making it a priority.

Council comments and questions followed.

It was Council's consensus to do something with the park. Council supported renovating the Ritter Park facility and making it a priority and supported funding the design.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to add Ritter Family Ballpark as a Measure V amenity.

Karin Schnaider, Finance Director clarified it is an unfunded Measure V and tonight we are seeking funding for design and not construction. It was added in 2017. It was moved to the back of the line as unfunded.

Council Member Arriola tabled his motion until the next item.

Brian MacDonald, Parks and Recreation Director clarified Council's consensus was all support renovating Ritter Family Ballpark and also support making it a priority to fund the design and add sustainability.

Michael Rogers, City Manager clarified this is not the appropriate time for this particular action. This item is Council direction. Staff wanted to hear this is a priority and the funding piece will be discussed at another time whether it is Measure V or General Fund or any other types of funds, but it puts staff on notice it is a priority for us and we need to be ready to go once the funding is determined however the funding is determined.

Mayor Young responded we have given information, and input and said it is a priority but have not voted as to where that will come from.

Greg Rubens, Interim City Attorney responded that is correct Council is not making final decisions but is giving direction on how to proceed to make sure that it is included in future decisions regarding how the Measure V project and this

particular park improvement. Council has given direction that they want this to become a priority and staff will be working to bring that back for Council to make the funding decisions that they would make in the future.

ACTION: Motion was made by Council Member Bedolla and seconded by Mayor Pro Tem Vargas to direct staff to bring funding for this issue back to Council for the improvements at Ritter Park. Roll call vote found all in favor; passed and so ordered.

Mayor Young clarified bringing back the funding for Ritter Park at a later time but could still be discussed as part of the Measure V discussion.

Council Member Davis stated out of an abundance of caution because there is a lot of information about the Aquatic Center, she recused herself from Item 5 and also the remainder of the meeting. Time: 7:33 p.m.

5. RECEIVE AN UPDATE ON MEASURE V REVENUE PROJECTIONS AND CURRENT SPENDING PLAN AND PROVIDE DIRECTION TO STAFF REGARDING PROJECT PRIORITIES AND PROJECT DELIVERY OPTIONS

Karin Schnaider, Finance Director provided the staff report regarding projected cash flow and inflationary impacts.

Richard Joaquin, Parks Planning and Development Manager provided an update of each of the funded and unfunded projects.

Council questions and comments followed.

Mary Mitracos referred to the Comprehensive Financial Report and requested \$1 million for the Nature Park for construction documents and spoke about the need for the construction documents to get grants. Ms. Mitracos shared her surprise that Council is negotiating with Surland regarding the Aquatics Center. On the presentation it looks like negotiations are going on with developer for the Aquatics Center.

Todd Lieberg stated he did not hear staff address the ongoing litigation and lawsuit that has been filed regarding Surland, the acquisition of land or the \$10 million Surland promised, \$2 million has been paid but what is the status of outstanding \$8 million. Mr. Lieberg encouraged the City to retake the Aquatic Center project to have control, continue to ensure aquatics are a priority for the City. Everyone loves idea of renovating Ritter Family Ball Park – great project but there is not enough to fund everything and advocated for the Aquatics Park.

Robert Tanner shared his support for the Aquatic Center and putting the Multi-Gen Rec Center on hold and use the funds for Ritter Park.

Dotty Nygard advocated for a bike park adding it is an unfunded project but reiterated the high need and desire in this community for that park. There are partnerships that can bring this to fruition and transportation grant money as well as Measure K money.

Sandy Taylor thanked Council for moving the Aquatic Center project forward. Aquatics is still a priority and top amenity that is desired and felt they have a seat at the table.

Prabh spoke about schools overflowing and asked if schools and roads are planned. Corral Hollow Road is cramping in peak times.

Terri Goularte spoke about Ritter Sports Park needing much attention to the parking, restrooms, field and lighting. It's a perfect location, and there are no other football fields in Tracy where the kids can play.

Michel Bazinet spoke about projected Measure V funds in excess of \$200 million to build ball fields, Aquatic Center and Rec Center, the improvement of the City's financial situation due to increase in tax revenues and having funds to fully build in a single phase in the next few years as well as Nature Park and Ritter Park. High quality amenities lead to higher quality life which attract higher quality employers.

Karen Moore supported going out for funding and moving projects so that they would be completed faster, looks forward to utilizing the facilities and regarding the bike park suggested, much like Ritter Park, the City finds a park that needs updating and go out for grant money to get conceptual designs.

Denise Kanner spoke about Tracy Tomorrow committee back in the 1990's to build an Aquatic Center. Have been waiting for Aquatic Center for generations and think getting this complete would be a great thing and requested making the Aquatic Center a top priority.

Rebekah Martin stated her children swim for the Tracy Titans and the Aquatic Center has been talked about for the 17 years they have lived in Tracy and shared support for a steady and consistent place for them to practice and have meets and requested making the Aquatic Center a top priority.

Frank Morelos stated the City needs to build the Aquatic Center so kids can compete and be a viable part of the community by learning how to safely be around water. Older generations and Tracy Titans will use it, and bring in five different communities on event days. The costs continue to rise every year and this should not to be tabled any longer.

Marsha McCray stated it has been a long time getting the Aquatic Center designed by the community for the community and reiterated all projects before Council are worthy but the Aquatic Center has been put aside in favor of other projects and hoped Council would take advantage of the opportunity to allocate and approve funding to get it built in one phase and follow through with their commitment to get the project completed.

Tiffanie Heben spoke in support of moving forward with funding and construction of a Multi-Generation Center that will include Library space as part of its amenities. Ms. Heben provided a brief history regarding the Tracy Library Branch and stated it is time to add another Library to our community. Ceilani park is a great location for a library.

Edward Graham stated he has been a longtime proponent for completion of Legacy Fields and thanked Council for getting that done last year. Mr. Graham spoke in favor of getting the Aquatic Center and gymnasium done. Time to make Tracy the envy of surrounding communities.

Ram stated he wanted to stand corrected on his email he had sent Council and requested deleting the email. Ram stated it is a good thing to have an Aquatic Center and requested before starting the project to do plan of a self-sustaining water source.

Money was talked about, but no one talked about the fundamental requirement which is water. Ram shared Dublin's experience with their Aquatic Center and opening during a drought. Ram also requested having one bicycle loop in the City.

Council comments and questions followed.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to add Ritter Family Ball Park as a Measure V amenity, adopt three recommendations by staff and commit \$1 million of Measure V Funds for the design of phase 1 of the Nature Park. Use Measure V funds.

1. Allocating \$40 million (\$31 million from Measure V and \$9 million other sources) to the Multi-Generational Recreation Center project and proceed with one phase only of construction.
2. Expansion of debt financing to include the Rec Center for \$31 million and commit Measure V reserves to the Aquatic Center's \$55 million (City) budget and avoid phasing of the project.
3. Commit \$3 million in Measure V funds to begin the feasibility and design study of Ritter Family Ball Park.

Ms. Schnaider requested clarification of whether all of the recommendations remain Measure V or the \$1 million dollars recommending a different funding source.

Council Member Arriola responded he is asking to use Measure V funds. As long as it does not affect the timelines of the other projects, his intent was to use \$1 million of Measure V funds for the Nature Park. Mayor Pro Tem Vargas seconded the clarification.

Roll call found all in favor; passed and so ordered.

6. COUNCIL ITEMS AND COMMENTS – Mayor Pro Tem Vargas referred to the memo sent by staff regarding cannabis which triggered her memory about the state licenses closing in March. In order for applicants to be eligible to be registered, they need to have the process through CUP on the books already. Mayor Pro Tem Vargas did not believe the City is moving fast with the permitting and asked staff to look into allowing the applicants to move forward with the CUP permitting and have the permitting parallel and if they don't pass the LiveScan then they do not move forward. Council Member Arriola seconded the request.

Mayor Young said that was seconded at the last meeting.

Greg Rubens, Interim City Attorney responded that the recollection of the direction was to look into that.

Mayor Pro Tem Vargas said she did not want the applicants to be missing the deadline.

Mr. Rubens responded there is a policy that has been adopted that is referred to in the ordinance and he would look to see if there is some language staff can work with.

Michael Rogers, City Manager stated a briefing memo just came out today.

Mayor Pro Tem Vargas responded she had seen the memo but it does not speak about permitting and state license. Still missing information.

Mr. Rogers responded staff will have a follow up memo to answer specifically the questions that Mayor Pro Tem Vargas put forward.

Mayor Pro Tem Vargas proposed to instruct the editing of our process of meeting start time. It could be a 7:00 p.m. or soon after and would leave it to the Attorney or City Manager to draft that language. Mayor Pro Tem Vargas asked for support to change that language on our agenda so people understand when Council is in Closed Session it may be running late, as they are doing City business and sometimes cannot stop.

Mayor Young asked to alter her request stating there are a number of items that she has regarding the agenda and how it is to be written out, and maybe there are some things that can be done automatically and administratively by the City Manager for agenda layout.

Mayor Pro Tem Vargas responded to comments made by Council Member Davis at the last meeting stating she did not intend to accuse any Council Members of participating with Transparent Tracy. Her intention was to ask Council Member Davis if she knew who is managing a website. Council Member Davis denied any involvement with Transparent Tracy and explained she owns another website named Tracy Triangle News. At the February 15, 2022 meeting Council Member Davis said on three separate occasions that she filed a formal complaint with the City Manager's office. The complaint basis was violation of Section 3.3.1 and 3.3.2 of the Council Code of Conduct. Mayor Pro Tem Vargas stated she is in opposition of Council Member Davis's opinion and invited Ms. Davis to follow through with her unwarranted threats, and will not be bullied by a fellow Council Member or websites whose intent is to spread misinformation with the purpose of harming our employees or anyone in the community. However, Mayor Pro Tem Vargas acknowledged Council Member Davis's remarks concerning the adverse impact and erosion of the public's trust and welcomed Council Member Davis to join in uncovering who is behind this slandering website.

Council Member Arriola thanked staff for the efforts made today adding this is the brunt of our local government. Council Member Arriola announced he received notice from Assistant City Manager Midori Lichtwardt that there is a freeze warning in affect from 2:00 a.m. Wednesday, February 23 to Friday, February 25, 2022 at 9:00 a.m., and reiterated that we do have a warming center available at the Good Shepard Church on the corner of Parker and Eaton and is open from 7:00 p.m. to 7:00 a.m. For additional information for that or other area call 211.

Council Member Bedolla stated he was glad we are hearing conversation about cold weather, moving projects forward and doing everything we can for the community. Council Member Bedolla stated he had community members reach out with an interest in aluminum tiny homes and they are in a position where they have offered to donate approximately 50 aluminum framed tiny homes that are easily transportable, easily stored and can be set up almost everywhere. Communities throughout California have used them with great success. Council Member Bedolla was looking for support for the City to work with those interested in providing aluminum framed tiny homes at the shelter site in time for the Fall 2022 opening. Mayor Pro Tem Vargas seconded the request.

Council Member Bedolla clarified some community members told him that they are concerned that some type of housing that provides some type of privacy, a locking door is not going to be there at the time of the shelter opening and his intent is to make the shelter a success, so we stop hearing there is a shelter on the edge of town and people are not going to go there. Let's make this a success.

Mayor Pro Tem Vargas confirmed that she seconded the request for staff to work with the group to see if they can facilitate or donate those units.

Council Member Arriola stated that did come up during the last Homelessness Advisory Subcommittee meeting so Council Member Arriola's intent was to give an update at a regular meeting not a special meeting but essentially staff was directed and has been given information related to tiny homes and they are currently assessing it.

Mayor Young announced the next meeting is March 1, 2022, the March 15, 2022 meeting is being moved to March 29, 2022, and a special meeting on March 22, 2022 for CIP. Mayor Young thanked everyone for making the meeting successful and announced that she, along with Council Member Arriola will be attending the California Cities Board Meeting training in Walnut Creek.

7. ADJOURNMENT: Time: 9:21 p.m.

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

The agenda was posted at City Hall on February 17, 2022. The above are action minutes.

Mayor

ATTEST:

City Clerk

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

February 26, 2022, 8:00 a.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy

1. Mayor Young called the meeting to order at 8:11 a.m.
2. Roll call found Council Members Arriola, Bedolla, Davis, Mayor Pro Tem Vargas and Mayor Young present.
3. ITEMS FROM THE AUDIENCE – None
4. Request to Conduct Closed Session
 - A. Personnel Matter (Gov. Code § 54957)
Public Employee Appointment and Employment
Position Title: City Attorney

There was no public comment.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to recess to closed session. Time: 8:13 a.m.

5. Mayor Young reconvened the meeting to open session at 1:20 p.m.
6. REPORT OF FINAL ACTION – There was no reportable action.
7. COUNCIL ITEMS AND COMMENTS – None.
8. ADJOURNMENT- Time: 1:21 p.m.

ACTION: Motion was made by Mayor Pro Tem Vargas 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 February 24, 2022. The above are action minutes.

Mayor

ATTEST:

City Clerk

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

February 27, 2022, 4:00 p.m.

Tracy City Hall, 333 Civic Center Plaza, Tracy

1. Mayor Young called the meeting to order at 4:02 p.m.
2. Roll call found Council Member Davis, Mayor Pro Tem Vargas and Mayor Young present.
3. ITEMS FROM THE AUDIENCE – None
4. Request to Conduct Closed Session
 - A. Personnel Matter (Gov. Code § 54957)
Public Employee Appointment and Employment
Position Title: City Attorney

There was no public comment.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Davis to recess to closed session. Time: 4:04 p.m.

Council Members Arriola and Bedolla arrived at 4:09 p.m.

5. Mayor Young reconvened the meeting to open session at 6:00 p.m.
6. REPORT OF FINAL ACTION – There was no reportable action.
7. COUNCIL ITEMS AND COMMENTS – None.
8. ADJOURNMENT- Time: 6:00 p.m.

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

The agenda was posted at City Hall on February 26, 2022. The above are action minutes.

Mayor

ATTEST:

City Clerk

March 1, 2022, 7:00 p.m.

City Hall, 333 Civic Center Plaza, Tracy

Web Site: www.cityoftracy.org

Mayor Young called the meeting to order at 7:00 p.m.

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

Mayor Young led the Pledge of Allegiance.

Sheikh Abu Bakr, Islamic Youth Foundation offered the invocation.

Michael Rogers, City Manager presented the Employee of the Month Award for March to Octavio Lopez, Police Department.

Mayor Young proclaimed March as Women's History Month and March 8, 2022 as International Women's Day in the City of Tracy.

REGULAR MEETING – 7:00 P.M.

1. CONSENT CALENDAR – Following the removal of consent items 1.F by Robert Tanner and 1.D by Alice English motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt the consent calendar. Roll call found all in favor, passed and so ordered.
 - 1.A ADOPTION OF FEBRUARY 15, 2022 CLOSED SESSION, SPECIAL JOINT PLANNING COMMISSION AND CITY COUNCIL MEETING AND REGULAR COUNCIL MEETING MINUTES – Minutes were adopted.
 - 1.B APPROVE THE CITY OF TRACY 2022 REGIONAL TRANSPORTATION AND LOCAL PROJECT SUBMITTAL FOR CONGRESSIONAL APPROPRIATION REQUESTS DURING SAN JOAQUIN COUNCIL OF GOVERNMENTS' ONE VOICE TRIP TO WASHINGTON D.C. – Resolution 2022-024 approved the 2022 regional transportation and local project submittal for Congressional appropriation requests during SJCOG One Voice trip.
 - 1.C AUTHORIZE THE APPLICATION FOR AND ACCEPTANCE OF UP TO \$200,000 FROM THE 2022 CALIFORNIA HIGHWAY PATROL CANNABIS TAX FUND GRANT PROGRAM TO FUND THE PURCHASE OF A POLICE RESPONDER VEHICLE AND APPROVE THE APPROPRIATION TO THE POLICE DEPARTMENT BUDGET FOR FISCAL YEAR 22/23 – Resolution 2022-025 authorized the application for the acceptance of the 2022 California Highway Patrol Cannabis Tax Fund Grant Program.

1.E WAIVE SECOND READING AND ADOPT ORDINANCE 1326, AN ORDINANCE OF THE CITY OF TRACY AMENDING THE ZONING OF PROPERTY LOCATED NORTHWEST OF THE INTERSECTION OF THIRD STREET AND EVANS STREET, FROM LIGHT INDUSTRIAL TO MEDIUM DENSITY CLUSTER AND MEDIUM DENSITY RESIDENTIAL – **Ordinance 1326** was adopted.

1.G REJECT ALL BIDS FOR THE LINCOLN BOULEVARD SEWER MAIN AND LATERAL REPLACEMENT PROJECT, CIP 74163, AND AUTHORIZE STAFF TO READVERTISE THE PROJECT – **Resolution 2022-026** rejected all bids for the Lincoln Boulevard sewer main and lateral replacement project.

1.D ADOPT A RESOLUTION AMENDING THE CITY'S OPERATING AND CAPITAL IMPROVEMENT PROJECTS (CIP) BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2022, AS PROPOSED

Alice English pulled the item for clarification regarding proposed new projects: Tracy Hills for the 513-Water Capital, CIP 72095 -Traffic Signal at Corral Hollow and Valpico for \$300,000, Corral Hollow and Linne Road for almost \$1 million, Eleventh St and F Street for \$280,000.

Karin Schnaider, Finance Director provided the staff report.

Karen Moore stated Council had previously voted to put a bike park on the CIP list and at last week's meeting gave the Nature Park \$1 million and felt it was a shocking amount when a whole bike park could be built for \$250,000 or less. Ms. Moore asked if the bike park should be on this CIP list or a different one.

Mayor Young clarified on March 22, 2022 there will be an in-depth CIP discussion and that is the time Council will be looking at new items such as the bike park.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt **Resolution 2022-027** amending the City's Operating and Capital Improvement Projects (CIP) budget for the Fiscal Year ending June 30, 2022, as proposed. Roll call found all in favor; passed and so ordered.

1.F ADOPT A RESOLUTION TO OPPOSE INITIATIVE 21-0042A1: STATE BALLOT MEASURE RESTRICTING VOTERS' INPUT AND LOCAL TAXING AUTHORITY

Robert Tanner pulled the item to state on the surface it seems like a good thing to do, it is more transparent and people have a say about taxes but would like to know why we need to do this.

Karin Schnaider, Finance Director provided the staff report.

Council questions and comments followed.

ACTION: Motion was made by Mayor Pro Tem Vargas and seconded by Council Member Arriola to adopt Resolution **2022-028** to oppose Initiative 21-0042A1. Roll call found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE – Robert Tanner shared his concerns regarding potholes and road conditions between 11th St and Lowell Ave on Tracy Blvd and stated the City needs to repair that road and spoke about the Police Department taking 15 minutes to get from I-205 to Tracy Hills and needing more Police and another car.

Burnell Shull asked if the City does the potholes repairs or is it done by another company and shared her experience with a pothole repair on her street and her concerns regarding the pothole repairs that have been done.

3. REGULAR AGENDA

3.A RECEIVE THE PROPERTY OWNERS REVISED LAND USE PLAN FOR THE WESTSIDE SPECIFIC PLAN PROJECT (FORMERLY TRACY GATEWAY) AND PROVIDE DIRECTION TO CITY STAFF

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

Bill Wiseman, Kimley-Horn and Associates provided a presentation regarding the land use plan that is being considered and responded to Council questions.

Ali Harandi, Prologis Vice President Investment Officer and property owner representative provided a presentation describing the property proposal for the pan handle area of the Westside Specific Plan.

David Babcock, Architect and property owner representative continued with the presentation and responded to questions.

Council questions and comments followed.

Jason Lindsey, Iron Workers Local 378 advocated for the Westside Specific Plan stating it needs a balance industrial land use that produces R&D, manufacturing jobs and housing and spoke about job opportunities in the Westside Specific Plan.

Glenn Loveall, Iron Workers Local 378 spoke about consideration for workers and commitment for using apprentices, growth and local spending and tax revenue investing back in the community, reduction of vehicle miles travelled, urban sprawl and lack of environmental sustainability, and supported proceeding with the Westside Specific Plan.

Diego Hernandez, Labor International Union of North America spoke in favor of the Westside Specific Plan. There are a lot of members looking for these types of plans and requested Council move forward with the plan.

Justin DeNio, Iron Workers Local 378 stated by supporting good middle-class careers for local residents we are creating growth that works for everyone, shared the benefits of working locally and supported the Westside Specific Plan.

Ben Rivera, Sheetmetal Worker Local 104 spoke about Prologis committing to apprenticeships being a great career opportunity, opportunity to work in town, lot of time spent travelling and away from family. Mr. Rivera also spoke about the benefits and shared his support for the Westside Specific Plan.

Manny Chin stated the project allows a structure, good paying jobs and benefits which enables workers to stay local, a better work life balance, ability to pursue jobs in the trade and encouraged Council to approve the Westside Specific Plan.

Jose urged Council to move forward with the project and get residents employed, bring long term local jobs, and live and buy local. Each year gets harder with increasing traffic on I-580.

Sukhamrit Purewal spoke about public amenities that will be added with this project and asked if the public will be getting any trails or biking lanes along the corridor. Mr. Purewal also asked about the netting height and color that will be installed for the golf entertainment center, and wanted to see some highlights on what benefits we will get to promote an active community.

Zahra believed residents were clear that they do not want more industrial in the area and asked what it will take to get their voices heard. People want to see that entry point and first impression of our City as symbolic of our pride in Tracy. The City needs areas for youth and made suggestions of what to get in Tracy, asked what it takes to attract businesses to Tracy.

Burnell Shull asked the following: Why will it take 10 years to get a hospital, why are we stuck with Sutter, how many times do we have to say we don't want any more warehouses, why can't we put hospitals first and get traffic off the roads. Ms. Shull stated she is not for the Westside Specific Plan, trucks are tearing up roads and developers should be paying for school, water and amenities.

Victor Chao stated the Westside Specific Plan brings good paying middle-class jobs. Everything else will fall into place if we bring higher paying jobs. How do you enjoy any amenities if you don't have good paying jobs where you can work in town and requested Council approve the project.

Mayor Pro Tem Vargas asked Mr. Chao if this project brings good paying jobs.

Mr. Chao responded it depends on what kind of jobs they bring and he could never understand why Silicon Valley was not here. Bring robotics and factories like Heinz as they are good paying jobs.

Dan Evans stated he was concerned that what is being implied is community support for additional industrial. The City's own survey clarifies there was not an appetite for more industrial but there was support for bringing Silicon Valley companies like Facebook, Google etc. Mr. Evans added there is almost 10 million square feet of industrial in the Tracy permitting pipeline right now and suggested focusing on making it commercial like Trader Joe's, Sprouts, restaurants and not on what developers are pressuring us for.

Alice English spoke about 92 acres for industrial and 30 acres for mixed use commercial and wanting a hospital and amenities; golf entertainment is great. Economic Development has to do a better job reaching out and promoting the City, suggested putting something in writing to protect the rest of that development, and asked if we have to wait for Sutter to put in permits or bids.

Manual Zapata, resident and Sheet Metal Workers Local 104 stated it has been asked why the City has missed out on economic opportunities to other cities but every time a development is before Council people complain and ask for Trader Joe's, and Dave and Busters. Mr. Zapata shared that he worked at Costco in the ecommerce warehouse where there were head of household jobs which is what the City needs. Mr. Zapata stated he was loudly in support of the project.

Mike Souza, representative of the property owners spoke about the significant amount of inventory needed with a viable mix of uses that can support the infrastructure, so we have the areas for those people to be able to come to Tracy and build.

Dotty Nygard stated it is a well put together project. Ms. Nygard shared she has worked at Sutter for 27 years and spoke about Sutter promising a bigger hospital, have outgrown what we currently have in the City, stated Sutter can do better with hospital needs and broader capability on this end of the valley and the need to make sure they fulfill their obligation, and for a full-fledged acute care high quality healthcare system in this town, and wanted it to come sooner than 2030.

Council comments and questions followed.

Robert Armijo, City Engineer responded to Council questions.

Michael Nimon, Economic Development Manager responded to Council questions.

Greg Rubens, Interim City Attorney clarified what staff is looking for from Council is whether they are comfortable with categories of zoning and where they are laid out on the proposed land area or would Council like something different than what is proposed. The motion is what kind of mix of things Council would like as it has to come back to Council for final approval at a future date.

Alan Bell added Council is not formally approving anything tonight but looking for direction with respect to the land use plan focusing on the panhandle. Is this appropriate for staff to pursue.

Council comments continued.

ACTION: Motion was made by Council Member Arriola and seconded by Mayor Pro Tem Vargas to adopt the proposed land use plan.

Mr. Rubens clarified that Council is not adopting the plan but is giving direction to staff based upon the plan that is before Council. Adoption happens at a future date.

Roll call found all in favor; passed and so ordered.

3.B APPOINT TWO APPLICANTS TO SERVE ON THE BOARD OF APPEALS, TWO APPLICANTS TO SERVE ON THE MEASURE V RESIDENTS' OVERSIGHT COMMITTEE, AND THREE APPLICANTS TO SERVE ON THE PLANNING COMMISSION

Mayor Pro Tem Vargas stated because the Council subcommittee had 18 applicants including the meet and greet, requested Council to allow the subcommittee to reengage for a second interview so they can get more in-depth of things that have transpired that she learned after the interviews, things that are coming up that are very important to the City like the General Plan Amendment, Specific Plan and requested to allow herself and Council Member Bedolla to go back and reconvene and ask secondary questions to the applicants that we recommended.

Council Member Bedolla did not agree with Mayor Pro Tem Vargas's comments.

Mayor Young stated at the beginning of the meeting it was requested to pull item 3.B but she forgot so had to wait until item 3.A was finished and that is why she opened it up for Mayor Pro Tem Vargas to ask.

Greg Rubens, Interim City Attorney stated the item is whether or not the Council wants to appoint the applicants for the Board of Appeals, Planning Commission and the Measure V Residents' Oversight Committee. Those are decisions Council can make tonight. What Mayor Pro Tem Vargas is asking is whether we want to refer back to the committee to ask more questions or review it but that is not something you have to do but it is a request. To do that the whole Council has to make that decision.

Mayor Pro Tem Vargas left the meeting at 9:52 p.m.

Mr. Rubens clarified that three Council Members would have to decide whether to send any of the commissions back to the various subcommittees and it also takes a majority of the Council to approve the recommendations.

Council questions and comments ensued.

Mr. Rubens clarified procedurally there is not a motion before the Council, there is a suggestion because Mayor Pro Tem Vargas has left and does not have a motion that is pending that could be seconded. Council that is present could make a motion but there is no motion pending.

ACTION: Motion was made by Council Member Bedolla and seconded by Council Member Arriola to approve the following subcommittee recommendations:

- Reappoint Gerald Yerian and Hossein Ebrahimi to the Board of Appeals to serve a 4-year term beginning March 1, 2022 and ending on February 28, 2026.
- Appoint Dan Evans to the Measure V Residents' Oversight Committee to serve the remainder of a vacated term commencing on March 2,

2022 and ending on February 28, 2023, and Jayden Sangha to serve a term commencing on March 2, 2022 and ending on February 28, 2025.

- Appoint Julius Augustus, Nasir Boakye-Boateng and reappoint Joseph Orcutt to the Planning Commission to serve a 4-year term beginning on April 1, 2022 and ending on March 31, 2026. The following candidates were placed on the 12-month eligibility list for the Planning Commission: Cynthia Lopez, Sabah Shaikh and Chad Wood.

Maurice Francis stated he was an incumbent who interviewed for the Planning Commission. He has known Council Member Bedolla since 2020, called him to talk to him but he said he was not comfortable, and conversation ended. Mr. Francis asked about the qualifications and selection criteria required to be on the Planning Commission, shared his qualifications, background and knowledge, believed he was a strong candidate for reappointment and was surprised he did not even make it to the eligibility list. Mr. Francis requested Council do another review of his application, thanked Council for the opportunity to speak and for his term on the Planning Commission.

Sukhamrit Purewal echoed the previous applicant's comments and was also a candidate interviewed, shared some of his qualifications and knowledge and stated 15 minutes is not enough interview time and agreed that Item 3.B should be delayed until Mayor Pro Tem Vargas is available. Mr. Purewal shared his concerns regarding not being considered on the 12-month eligibility list as a qualified candidate with experience with General Plan and zoning ordinances and public meetings.

Alice English stated she has been at numerous commission meetings with both Commissioner Francis and Wood and was surprised to see Chad Wood on the eligibility list – what disqualifies him from being reappointed. Ms. English shared her support for Commissioners Francis and Wood and stated she was surprised Mr. Francis was not selected or on the eligibility list.

Council questions and comments followed.

ACTION: Motion was made by Mayor Young that Council pull the Planning Commission appointments and take back to the original subcommittee, reinterview them, give more time, do follow up questions and be sure and confident as a subcommittee as to the names that are submitted to us in light of, in thought of the complexities of what we are looking for this commission.

Council Member Bedolla reaffirmed that the subcommittee did agree on the paper that was turned in to the City Clerk. Something happened in the last six days that is leading to political gamesmanship. Council Member Bedolla explained the Planning Commission interview process that occurred on that day.

ACTION: Mayor Young restated her motion to move forward on Item 3.B with the Board of Appeals and Measure V Residents' Oversight Committee recommendations and pull the Planning Commission to reconvene back to the subcommittee to reinterview the same applicants if any and all who are willing to be reinterviewed and come back at either the March 22 or March 29, 2022 Council meetings to

bring back subcommittee recommendations that the Council subcommittee agree upon. There was no second to the motion.

Mayor Young stated there was a motion on the floor by Council Member Bedolla and seconded by Council Member Arriola to accept the recommendations as is and asked Council Member Arriola if he still stood by his second to the motion. Council Member Arriola confirmed he still stood by his second to the motion.

Council comments ensued.

Roll call found Council Members Arriola, Bedolla and Davis in favor of the appointments to the Measure V Residents' Oversight Committee, Board of Appeals and Planning Commission; passed and so ordered. Mayor Young was in favor of the appointments to the Board of Appeals and the Measure V Residents' Oversight Committee but not in favor of the appointments to the Planning Commission. Mayor Pro Tem Vargas absent.

3.C APPOINTMENT OF CITY COUNCIL SUBCOMMITTEE AND AN ALTERNATE TO INTERVIEW APPLICANTS TO FILL TWO TERM EXPIRATIONS ON THE TRANSPORTATION ADVISORY COMMISSION

Adrienne Richardson, City Clerk provided the staff report.

There was no public comment.

ACTION: Motion was made by Council Member Arriola and seconded by Council Member Davis to appoint Council Member Davis and Council Member Arriola to the subcommittee and Mayor Young to serve as alternate to interview applicants to fill two term expirations on the Transportation Advisory Commission. Roll call found Council Members Arriola, Bedolla, Davis and Mayor Young in favor; passed and so ordered. Mayor Pro Tem Vargas absent.

4. ITEMS FROM THE AUDIENCE – Adrienne Richardson, City Clerk stated an email was received from Dotty Nygard regarding the Tracy Earth Project and a number of emails thanking Council for the funding of the Aquatic Center.

Mayor Young announced the Tracy Earth Project event on Saturday, April 23, 2022 from 9:00 a.m. to 1:00 p.m. located at 9th Street adjacent to the Farmer's Market.

Alice English invited everyone to the South Side Community Organization new board member installation on Thursday, March 3, 2022 at 6:00 p.m. Ms. English recommended after what happened tonight that Mayor Pro Tem Vargas should not be making any committees for any commission as it is not the first time she has had to leave and leave a Council Member hanging which is a disservice. Thanked the two Council Members for supporting that decision. There is a reason why you selected the other two so respect that and appreciate supporting each other on this decision.

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

- Award of purchase to Weco Industries, LLC for CUEQ C550 Sewer main line camera.

6. COUNCIL ITEMS – Council Member Davis attended Bike Life and had a great time, met cool kids and parents and thanked all involved. It was great to see bikes donated through the Fire Department and the Stem program. Council Member Davis thanked the Police Department for addressing traffic complaints with speeding and red light runners.

Council Member Arriola stated the Bike Life event was incredible and a great opportunity for our young people. Council Member Arriola provided an update on the Homelessness Advisory Committee meeting and hoped the community has seen the biweekly update on social media. The ultimate summary is that the shelter itself because of several legal complications and financial reasons has been pushed back to Fall. Council Member Arriola added the two items he and Council Member Davis have moved forward will be a transition plan for moving people from El Pescadero Park to the shelter and also assessment of tiny homes project. Progress is being made but slower, but we are diligently working on this issue. Council Member Arriola also announced he and Mayor Young had attended the Statewide Cal Cities Board meeting and it was interesting to see tough conversations with a board of Mayors and Council Members throughout the state and the differences and challenges faced. The discussion included public safety and social equity and the City of Tracy is the most represented City on the board and are looking forward to continuing to be a strong voice.

Mayor Young submitted her Council reports for the month of February into the record. Next Tuesday 9:00 a.m. is the State of the City. The Tracy Chamber of Commerce is hosting.

7. ADJOURNMENT – Time: 10:44 p.m.

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

The above agenda was posted at the Tracy City Hall on February 24, 2022. The above are action minutes. A recording is available at the office of the City Clerk.

Mayor

ATTEST:

City Clerk

March 29, 2022

AGENDA ITEM 1.B

REQUEST

RECEIVE AND AUTHORIZE STAFF TO SUBMIT THE ANNUAL PROGRESS REPORT FOR 2021 AND ANNUAL ELEMENT PROGRESS REPORT FOR 2021 TO THE OFFICE OF PLANNING AND RESEARCH AND STATE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT REGARDING THE IMPLEMENTATION OF THE GENERAL PLAN AND THE HOUSING ELEMENT

EXECUTIVE SUMMARY

State law requires cities to submit an Annual Progress Report and an Annual Element Progress Report (APR) about the implementation of the General Plan and the Housing Element respectively during the previous calendar year to the Office of Planning and Research (OPR) and California Department of Housing and Community Development (HCD) by April 1st of each year. Legislation adopted in 2017 has expanded the scope of the APR and makes cities who fail to submit an APR for two consecutive years subject to streamlined approvals for certain infill affordable housing projects qualifying under the new legislation. State law further requires that the APRs be considered at a public meeting during which the public is given the opportunity to provide written and oral comments.

This item asks Council to receive the APR for 2021 and authorize staff to submit the report to OPR and HCD.

DISCUSSION

Background

State law requires each city to adopt a comprehensive, long-term general plan for its physical development and that of land outside its boundaries that bears a relationship to a city's planning activities. Government Code Section 65302 mandates that certain topics or "elements" be included in the General Plan depending on the jurisdiction such as land use, circulation, and housing.

The City of Tracy's General Plan, adopted in 2011, provides a vision for the future and establishes a framework for how Tracy should grow and change over time. The City's Housing Element was adopted in March 2016 for the time period of 2015-2023 in accordance with the housing element update cycle for jurisdictions in the San Joaquin Council of Governments region. The Housing Element contains an identification and analysis of projected housing needs and the City's goals, policies, and objectives regarding the preservation, improvement, and development of housing.

Government Code Section 65400(a) requires that a planning agency or planning department submit APRs to the legislative body of a local agency, OPR and HCD on or before April 1st each year, but no later than 60 days after April 1st, that contains the following information for the previous calendar year (January 1st – December 31st):

- The status of the General Plan and the progress of its implementation, and

- The degree to which the General Plan complies with the OPR's guidelines and the date the General Plan was last revised, and
- The local agency's progress in meeting its share of regional housing needs, which is referred to as the Annual Element Progress Report, including the agency's "efforts to remove governmental constraints to the maintenance, improvement, and development of housing" under the Housing Element.

The Planning Division of the Development Services Department compiled information provided by all City departments to prepare the City of Tracy Annual Progress Report for Reporting Year 2021 (Attachment A) in accordance with the APR Guidelines for General Plan progress reports issued by the OPR (Attachment B), of which jurisdictions have the ability to report the required information in any form of their choosing.

Progress Report on Implementation of General Plan

The City's General Plan APR is the first part of the City of Tracy Annual Progress Report following the introduction. It is presented in a table format organized by General Plan Element, the objectives and corresponding action items within each Element, and a description of the implementation status for each action item for the reporting year of 2021. A number of these action items have been completed or currently in process, whereas a majority are continuously ongoing. These and the City's response to the first two bullets above are addressed in this portion of the APR.

Progress Report on Implementation of the Housing Element

The Annual Element Progress Report described by the third bullet above comprises the second part of the City's APR. This report summarizes housing development activity that occurred during the reporting year and includes City's progress in meeting its regional housing needs allocation (RHNA) as identified in the City's Housing Element. Table B shows that during the current Housing Element cycle, the City has issued permits for all of its allocated share of the above-moderate category and 194 permits of the moderate income category, with 634 units remaining in the moderate-income category, 705 units in the low income category, and 980 in the very-low income category. This report also contains data on housing activity applied for, approved, issued, and constructed in the reporting year, in accordance with the reporting instructions prepared by HCD (Attachment C). In December 2021, HCD updated the Annual Element Progress Report form and instructions with the following additional information now required to be reported:

Table A now includes:

- sections that indicate if a project requested a density bonus and if it was approved
- a new field that indicates the status of the housing development application listed. This item will assist HCD in tracking projects from year to year.

Table A2 now includes:

- fields relating to incentives or concessions granted to density bonus projects, which must be completed for at least a sample of density bonus projects.

State regulations require that the Annual Element Progress Report be prepared using HCD's instructions, definitions, and form. The form is created by HCD and cannot be altered. Jurisdictions are instructed to enter data in certain required cells, with optional cells marked with an asterisk. Where no such entry exists, the cell is to remain blank. Due to the significant amount of data requested and the requirement that the APRs be heard at a public meeting prior to submission to the State, staff has limited time to compile and enter all the required and requested optional data before the due date of April 1. Due to these time constraints, staff has made every effort to provide all required data and only the optional data that was readily available. For example, prior Assessor's Parcel Number (APN) data is not readily available and therefore has not been reported. HCD has indicated to staff that there are not many jurisdictions who have been providing this optional data.

At the time this staff report was written, not all required data was available. Because the City does not require APNs and addresses to be issued prior to issuance of residential building permits, and to aid homebuilders with perfecting their RGAs in accordance with Measure A, a number of residential building permits were issued prior to addresses and APNs for those respective properties were issued. The other data that was unavailable were the tenure and income category for some residential units. To acquire this information, staff contacts each applicant but has not received replies from everyone by the time this staff report was due. Because these fields cannot be left blank, after seeking guidance from HCD, these fields have been filled out with the lot information for addresses, "n/a" for APNs, and assumptions for tenure and income level. At the request of HCD, the form will be updated when the information becomes available and resubmitted. Per HCD, the updated form does not need to be presented at another public meeting prior to resubmission. Staff believes that the remaining APN and address data will become available within the coming months (but not before the due date of this staff report), and staff will continue to follow-up with housing development applicants for the tenure/income category information.

STRATEGIC PLAN

This agenda item is a routine operational item and is not related to the Council's Strategic Priorities.

FISCAL IMPACT

Staff resources used to prepare these reports are included in the Development Services Department's operating budget for FY 2021-2022.

RECOMMENDATION

Staff recommends that City Council receive the Annual Progress Report for 2021 and Annual Element Progress Report for 2021, and, by resolution, authorize staff to submit the reports to OPR and HCD.

Prepared by: Kimberly Matlock, Associate Planner

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

Approved by: Michael Rogers, City Manager

ATTACHMENTS

Attachment A – City of Tracy Annual Progress Report for Reporting Year 2021 and Annual Element Progress Report for 2021

Attachment B – Excerpt from OPR’s 2017 General Plan Guidelines

Attachment C – Housing Element Annual Progress Report Instructions, December 2021

City of Tracy Annual Progress Report



Reporting Year 2021

Introduction

The purpose of this report is to give an update on the progress in implementing the City of Tracy General Plan for the reporting year of 2021.

The City of Tracy General Plan was adopted on February 1, 2011 and provides the City with direction through the year 2025. The General Plan contains the Land Use Element, the Community Character Element, the Economic Development Element, the Circulation Element, the Open Space and Conservation Element, the Public Facilities and Service Element, the Safety Element, the Noise Element, and the Air Quality Element. Each element contains goals, objectives, policies, and action items to guide development within city limits and growth within the sphere of influence as properties in the sphere annex into the City. These elements address all the required contents of a General Plan as mandated by Government Code section 65302(a) and OPR guidelines that were applicable at the time of its adoption.

Adopted at the same Council meeting as the General Plan and published in a separate document is the City's Sustainability Action Plan, a comprehensive strategy to achieve communitywide sustainability in the sectors of greenhouse gas emissions, energy, transportation and land use, solid waste, water, agriculture and open space, biological resources, air quality, public health, and economic development. The goals and measures in the Sustainability Action Plan further the environmental goals identified in the General Plan.

The City of Tracy Housing Element was published under separate cover and was adopted on March 15, 2016 for the beginning January 1, 2015 through December 31, 2023 and subsequently certified by the Department of Housing and Community Development. Tracy's 2021 Annual Element Progress Report detailing the City's implementation of the Housing Element is included in this report in the format required by California Department of Housing and Community Development (HCD).

This report is presented to the Tracy City Council for review and acceptance at a public meeting held on March 29, 2022. A copy of the City Council resolution that directs staff to submit the report to Office of Planning and Research (OPR) and HCD will be provided to OPR and HCD with the submission of the report.

General Plan Element	Objective	Action Item	2021 Status Notes
Land Use	LU-1.1 Establish a clearly defined urban form and city structure.	A1. Amend the zoning code and map for overall consistency with the General Plan.	Rezoning is occurring site-by-site for conformity with the land use designation established by the General Plan. In 2021, the former Avenues Specific Plan area was rezoned from Avenues Specific Plan to Ellis Specific Plan (Ordinance 1305). The Zoning Code was amended with an updated Sign Ordinance (Ordinance 1321).
		A.2 Initiate process to adjust Sphere of Influence proposed in this General Plan with the Local Agency Formation Commission (LAFCO) and with the community members in the affected areas.	On January 14, 2021, LAFCO completed the annexation of approximately 97 acres on the south side of Valpico Road and west of Corral Hollow Road, formerly referred to as the Avenues Specific Plan area and now known as the Avenues neighborhood in the Ellis Specific Plan area, including the full portion of Valpico Road fronting this property, into the City of Tracy (LAFCO Resolution 1429). Additionally, the City Council directed staff to submit an annexation application to LAFCO for 35 acres in Tracy Hills (Resolution 2021-083).
		A.3 Conduct a formal review the General Plan every five years, or more frequently if necessary. In particular, the Land Use Designation Map should be reviewed to ensure that the amount and location of land designated in various categories meets community goals.	The General Plan is amended as needed, with the most recent amendment occurring on October 19, 2021. In 2021, the General Plan was amended to address land use and boundary changes in the Tracy Hills Specific Plan area (Resolutions 2021-083 and 2021-153) and to add the Avenues neighborhood of Ellis to the description of Ellis and the Secondary Residential Growth Area (Resolution 2021-046).
		A.4 Take actions necessary to ensure that Specific Plans are in conformance with the General Plan.	In 2021, several Specific Plan amendments took place, including the merging of the Avenues Specific Plan into the Ellis Specific Plan (Ordinance 1305), updates to the I-205 Corridor Specific Plan with new signage regulations (Ordinance 1322), the inclusion of animal boarding and recreation land uses in the Industrial Areas Specific Plan (Resolution 2021-142), land use and FAR changes in the Cordes Ranch Specific Plan (Ordinance 1311), and updates to the Tracy Hills Specific Plan to revise the land use plan and boundary of the development area (Ordinance 1312).
	LU-1.4 Promote efficient residential development patterns and orderly expansion of residential areas to maximize the use of existing public services and infrastructure.	A1. Develop criteria or amended criteria for inclusion in the GMO Guidelines or other implementation tools, to guide the issuance of RGA's. Such criteria may include assigning new or modified priorities to development projects or areas based on location, mix of housing types, use of "green" building features and practices, and other factors.	On February 4, 2020, the City Council identified a 16-point action plan to address affordable/workforce housing, which will be funded by grants obtained by the City the (Local Early Action Planning grant (LEAP) and SB2 Planning grant). With the assistance of a land use consultant, work commenced in 2021, with the first of the action items to be brought before Council in early 2022.
	LU-5.1 Target new uses for the Downtown to reinforce its role as the heart of the City.	A1. Prepare a Downtown Urban Design and Specific Plan.	A draft completed and presented to the City Council, but it was not adopted due to community opposition. Work is now shifted to developing a transit-oriented development plan to support downtown revitalization and the Valley Link project.
		A2. Continue the Central Business District (CBD) Downtown in-lieu parking fee and the Downtown Incentive Area.	The CBD Zone Parking In-Lieu Fee Pilot Program is active through October 26, 2025 (Resolution 2019-160).
		A3. Develop short- and long-term parking strategies to address parking issues, including the evaluation of a parking garage to serve the Downtown.	The Tracy City Center Association (TCCA) conducted a survey to assess availability of parking during the summer months and school year in 2019. On July 16, 2019, TCCA presented short, medium, and long-term parking recommendations to the City Council. The Council directed staff to work with TCCA to explore these concepts further, and no changes to downtown parking policies occurred in 2021.
	LU-6.4 Ensure that development conforms to flood safety requirements.	A1. Conduct a review as necessary of areas that are subject to flooding, as identified in flood plain maps prepared by the Federal Emergency Management Agency (FEMA) (Figure 8-1 in the Safety Element) or the Department of Water Resources (DWR).	Will be done as necessary.
		A2. Amend the Land Use Element as necessary to reflect any new flood plain maps when provided by FEMA or DWR.	Will be done as necessary.
	LU-8.1 Participate proactively in land use decision making within Tracy's Planning Area in pursuit of the above-stated goal.	A1. Provide written comments to San Joaquin County on all proposed significant development projects in the Planning Area in accordance with the above-stated policies.	The City regularly communicates with the County.
		A2. Testify in opposition to development proposals that are not consistent with the policies stated herein at all San Joaquin County public hearings.	On-going as necessary.
		A3. Pursue an intergovernmental agreement with San Joaquin County to the extent legally permissible to implement the above-stated goals.	The City regularly communicates with the County.
	LU-9.1 Undertake measures to reduce greenhouse gas emissions and improve the sustainability of actions by City government, residents, and businesses in Tracy.	A1. Implement the Sustainability Action Plan and monitor its effectiveness as funding allows, ideally every five years, by conducting a greenhouse gas emissions inventory. Adjust the Sustainability Action Plan as needed every five years and as funding allows based on these calculations to ensure that the City is on track to meet its greenhouse gas emissions reduction target.	The City's first greenhouse gas (GHG) emission inventory was done for baseline year 2006 and updated for year 2010. In 2019, the City began working on updating the GHG inventory using year 2018, but it has not yet been completed due to lack of data and resources.
Community Character	CC-1.3 Enhance the unique quality of the city through the use of art and entryway treatments.	A1. Implement the entry monument recommendations of the City's Civic Art Plan.	Cultural Arts Division Staff and the Civic Art Subcommittee (Tracy Arts Commission) restarted work on the revision of the Civic Art Plan (CAP) in 2021. The CAP was adopted in 2003 as a roadmap to form and guide the Civic Art Program through early years of development. As much as changed over time, the CAP is in need of a contemporary revision in order to best meet goals and provide intended benefits to the community. It is anticipated that the updated CAP will be completed, reviewed and approved by the Tracy Arts Commission, and submitted for executive review in 2022.
	CC-1.5 Provide underground utilities throughout Tracy.	A1. Use of funding available through the Public Utilities Commission to underground utilities in parts of the City that have above-ground utilities shall be continued.	City Council approved an undergrounding district on Valpico Road between Corral Hollow and Cagney Road. Process to underground utilities in this area have been initiated.
	CC-3.1 Identify and preserve cultural and historic resources.	A1. Update, expand and maintain inventories of Tracy's historic resources, using criteria and methods that are consistent with State and federal guidelines.	On-going as feasible.
	CC-5.2 Size and design Neighborhoods to be walkable.	A1. Conduct a study to modify and narrow residential street standards from the current width requirements. The goal will be to reduce vehicle speeds, improve visual character and increase pedestrian safety in neighborhoods while also maintaining traffic flow.	Completed prior to the reporting year.
	CC-6.2 Design neighborhoods to foster interactions among residents and to be responsive to the human scale.	A1. Develop design guidelines or pattern book(s) that ensure that overall neighborhood and housing design promotes the urban design principles set forth in the Community Character Element and enhances Tracy's "hometown feel."	Completed prior to the reporting year. The Design Goals and Standards was revised in 2019 to include residential front yard landscape standards (Resolution 2019-137).

General Plan Element	Objective	Action Item	2021 Status Notes
Community Character		A1. Continue proactive code enforcement and nuisance abatement programs to ensure that Tracy's neighborhoods remain attractive and free of public nuisances.	On-going. The City's Code Enforcement Division merged with the Police Department in 2019 to provide Code Enforcement with additional resources and authority. During mid-2021, the Parking Enforcement unit, which was originally under the Traffic Division, merged with the Code Enforcement Division. The Parking Enforcement unit consist of two (2) part-time Parking Interns who are responsible for addressing parking violations and abandoned/junk vehicles located in the public streets within City jurisdiction. The Parking Enforcement Division opened/investigated 1,234 cases and closed 1,210 cases during 5/13/2021 through 12/31/21. The Code Enforcement Division opened/investigated 3,296 cases and closed 3,685 cases during 1/1/2021 through 12/31/2021. Of these total cases, 119 of these were associated with encampments.
	CC-6.3 Preserve and enhance the character of existing residential neighborhoods.	A2. Work collaboratively with homeowners associations and other community groups to address nuisances, eliminate blight and ensure that community aesthetic standards are maintained.	Homelessness remains a primary focus of the City in 2021. A total of 119 reported encampments were investigated in which one Code Enforcement Officer spends 85% of her work schedule dedicated to addressing encampments. Furthermore, encampments are posted and scheduled for cleanup twice per week (every Monday and Thursday). Operation Helping Hands (OHH) which is an outreach program consisting of various City, County, Veterans, and other resources that visit the unsheltered population twice a month to offer and provide services. No Orders to Vacate were issued for dangerous and substandard buildings; no unsafe buildings were demolished; 134 Notice and Orders were issued; 157 Orders to Abate or Show Cause were issued for nuisances on private property; and 396 Administrative Citations were issued for non-compliant properties with fees ranging from \$100 to \$500 each, totaling \$143,400. No hearings were held, and no appeals received involving building code violations, heard by the Building Board of Appeals. Conducted eight (8) inspections associated with marijuana grow operations; and six (6) inspections of substandard buildings related to structure fires.

General Plan Element	Objective	Action Item	2021 Status Notes
Community Character	CC-8.2 Preserve the historic character of the Downtown.	A1. Continue to implement streetscape improvements in the Downtown.	In 2021, the City Council adopted an ordinance adding Chapter 7.32, Parklets, to the Tracy Municipal Code to establish the manner by which on-street parking spaces in the Downtown may be repurposed as outdoor dining areas, known as parklets (Ordinance 1317). The City Council also approved the Downtown Parklet Grant Program and appropriated \$500,000 from the American Rescue Plan Act (ARPA) to fund the grant program. Additionally, staff completed the design for the ADA Accessibility Improvements Project (CIP 73177). Construction is anticipated to begin in summer 2022.
	CC-8.3 Revitalize the Downtown by strengthening its urban design character.	A1. Prepare a Downtown Urban Design and Specific Plan that incorporates the <i>Downtown Urban Design and Implementation Plan (August 2000)</i> . A2. Continue to implement the <i>Downtown Urban Design and Implementation Plan</i> , Grand Theater project, Civic Center project, Downtown Infrastructure and Streetscape project and the Multi-Modal Station project.	A draft completed and presented to the City Council, but it was not adopted due to community opposition. Aside from the Downtown Plan (as explained above), all were completed prior to the reporting year.
Economic Development	ED-1.1 Attract emerging growth industries in order to increase employment opportunities for a wide range of skill levels and salaries to meet the current and future employment needs of residents.	A1. Create a marketing and communications program to promote Tracy to the region, the Bay Area, and the nation, based upon the recommendations in the City's Economic Development Strategy. A2. Evaluate the Strategic Plan, including "targets" on the periodic basis.	On-going. The Economic Development Division regularly attends trade shows, meets with businesses, puts out articles and advertisement in industry publications, and works with landowners, developers, and brokers to market Tracy. Staff issued an RFP for an Economic Development Strategic Plan update and is looking to update targets. The Strategic Priorities for Fiscal Years FY21 - 23 are Economic Development, Governance, Quality of Life and Public Safety.
	ED-2.1 Assist and encourage existing businesses to expand within the City.	A3. The City shall explore ways to provide incentives to attract higher-wage jobs to the City. A1. Continue to provide business assistance services, including visitation to existing businesses. A2. Publicize local businesses success stories in the City Newsletter.	Completed prior to reporting year. City staff continues to monitor business attraction efforts, competitiveness, and effectiveness of incentives. On-going. The Economic Development Division frequently meets with existing businesses to provide business expansion, hiring, workforce training, market trends, and financing incentives to local businesses. During COVID, this effort prioritized small business retention, financial relief assistance, and regulatory education. The City publishes a newsletter that shares business success stories, business resources, community news, and trends. The newsletter has a section for Economic Development-related news.
	ED-3.1 Continue to foster a supportive business environment by providing clear and consistent development standards, procedures, and information on available City services for businesses.	A1. Publish and distribute a document that effectively outlines permitting and licensing procedures and fees. A2. Maintain a centralized economic development and land information system. A3. Monitor "cost of doing business" in Tracy relative to the Bay Area and the Central Valley to keep apprised of Tracy's competitive position. A4. Investigate the use of incentives to assist in attracting key higher-end office and industrial users.	Completed prior to reporting year. Completed prior to reporting year and launched a new improved prospect database in 1/2022. On-going. On-going. The Economic Development Division markets the City's advantages, including incentives, to businesses in target industries. Staff continues to track local incentive packages relative to those in comparable cities and states to make sure Tracy remains competitive.
	ED-4.1 Ensure an adequate, balanced supply of all land uses for future economic development.	A1. Monitor current and future land supply needs for industrial, office and retail growth.	On-going. The City executed a contracted with CoStar, a leading provider of commercial real estate information & analytics to monitor local property availability and lease activity. It also continues to utilize services from GIS.
	ED-6.1 Support and expand Tracy's Downtown for a wide range of uses.	A1. Expand the Downtown Revitalization Task Force. A2. Monitor and evaluate parking and pedestrian improvements. A3. Develop benchmark statistics on the Downtown to identify opportunities for expansion. Examples of benchmark statistics include vacancy rates, rental rates, merchant mix and sales tax revenues.	On-going in collaboration with the Tracy City Center Association. On-going as feasible. On-going. City staff attends all Tracy City Center Association board and committee meetings from which opportunity sites, vacancy and rental rates, and merchant mix topics are frequently discussed. Additionally, the City calculates and provides current and trending sales tax data for inclusion in the district's annual State of the District presentation.
	ED-6.7 Develop higher-end office and office-flex uses, particularly along entryways to the City along I-205 and I-580.	A1. Work with developers to identify and implement various State incentives that may be available to qualified employers.	On-going. The City partners with the San Joaquin County Economic Development Department and San Joaquin Partnership to conduct business visits to provide state, regional, and local incentive information that focuses on job creation, workforce training, and tax credit incentives available to employers.
	ED-7.1 Identify and improve workforce training to support business expansion and attraction.	A1. Survey businesses to identify additional workforce preparedness needs. A2. Consult with institutions of higher learning, regional partnerships, and state agencies dedicated to workforce issues (e.g., California Employment Development Department).	On-going. The City surveys businesses through business retention efforts as well as through our Chamber of Commerce's Business Visitation and Industrial Roundtable programs. City staff meets with businesses directly so that the City can provide specific resources and discuss their needs more directly. On-going. The City is currently working with Volt Institute, Prologis, San Joaquin County Economic Development Department, San Joaquin County WorkNet, and San Joaquin Partnership on various workforce development initiatives.
	ED-8.1 Create and implement an ongoing monitoring system to track economic vitality, identify changing conditions, and respond to rapidly new economic development opportunities.	A1. Create database of economic conditions and indicators such as job growth by sector (North American Industry Standard Classification), skill sets of employed residents (Labor Market Survey), employment by industry, lease rates, land costs, operating expenses and relevant legislation. A2. Publish annual reports of recent economic trend (e.g., "State of the City"). A3. Conduct surveys on the economic climate and conditions in Tracy. A4. Continue to expand network of research tools to assist with identifying industry trend to include site selectors, interviews with businesses in target industries, brokers, investors, developers, as well as industry associations.	On-going. Economic Development Division staff continues to track various citywide and regional data sources and publish key performance indices in various marketing, newsletter, and other communications. On-going. On-going. The City released its third retail survey on December 19, 2019 and collected data on types of retailers and restaurants most desired. A new survey is planned in 2022 to capture consumer changes and preferences induced by COVID. On-going.
	ED-9.1 Maintain and enhance the financial viability of the City.	A1. Maintain impact fees for new development to cover costs of providing public facilities and services.	On-going. Every new development is responsible for funding their impact fees for their projects.

General Plan Element	Objective	Action Item	2021 Status Notes
Circulation	CIR-1.1 Implement a hierarchical street system in which each street serves a specific, primary function and is sensitive to the context of the land uses served.	A1. Update the Roadway Master Plan upon adoption of the General Plan. The Roadway Master Plan should contain the following information: -Improvement needs and ultimate right-of-way for 50 years, based on development anticipated by the General Plan and foreseeable development based on proposed projects, current absorption rates for nonresidential properties and historical population growth rates. -Appropriate street classifications for arterial and collector roadways as well as innovative concepts such as boulevards and other roadway types not currently employed in the City of Tracy. These roadway designs should reflect context-based design principles. - Detailed connectivity standards for arterials, collectors, and local streets. These connectivity standards should further refine minimum and maximum spacing of facilities and traffic control devices identified in the Roadway Classification Standards in Section B of this Element.	The Roadway Master Plan was well underway throughout 2021 and a draft was completed in fall 2021. City staff expects to present the final plan to the City Council in summer 2022.
		A2. Prepare Precise Plan Lines studies for major new roads and widenings, and consult with Caltrans for new interchanges identified in the Roadway Master Plan in order to define the rights-of-way needed to construct further facilities.	These were completed pursuant to the current Roadway Master Plan, and it's expected these will be updated based on the updated Master Plan when it is complete.
		A3. Consult with San Joaquin and the City of Lathrop to ensure the adequate rights-of-way are preserved in the City's Sphere of Influence.	On-going.
	CIR-1.3 Adopt and enforce LOS standards that provide a high level of mobility and accessibility for all modes for residents and workers.	A1. Evaluate the performance of the roadway system or portion of the roadway system on an as-needed basis based on existing traffic volumes, LOS and other traffic operational issues, and accident locations.	On-going.
		A2. Maintain an up-to-date record of intersections exempted from the City's LOS standards.	None of the streets are exempted from City LOS.
	CIR-1.4 Protect residential areas from commercial truck traffic.	A1. Update the truck route designations periodically as needed.	On-going as needed.
		A2. Maintain a map of truck routes in the City.	Completed prior to reporting year.
	CIR-1.6 Maximize traffic safety for automobile, transit, bicycle users, and pedestrians.	A1. Monitor and record accident locations and prepare a regular summary of accident locations.	On-going. Reports are prepared for collision data by intersection on a quarterly basis.
		A2. Explore traffic calming techniques for existing areas of the city.	On-going as needed.
	CIR-2.1 Support regional planning and implementation efforts to improve interregional highways and interregional travel efficiency.	A1. Prepare a plan line study that identifies and preserves necessary right-of-way north of I-205 within the City of Tracy that allows the future construction of a route parallel to I-205.	This correlates with a previous regional effort that is no longer being pursued. The City anticipates that the future extension of Golden Valley Parkway in Lathrop to be a path connecting Arbor Ave, Larch Road and Pavilion Parkway and this will run approximately parallel to I-205 on the north side of the freeway. The City is not anticipating to preserve or identify any other alternative path.
		A1. Conduct a study to quantify the level of traffic diverting from I-205 onto Tracy roadways.	Completed as part of the traffic model being done for the Roadway Master Plan update. The final document will be presented to City Council in summer 2022.
	CIR-3.1 Achieve a comprehensive system of citywide bikeways and pedestrian facilities.	A1. Update the City of Tracy Bikeways Master Plan on an as-needed basis.	The Bikeways Master Plan update began in mid-2019. It will be under the umbrella of the Roadways Master Plan to be presented to City Council in summer 2022.
		A2. Update the City of Tracy Roadway Master Plan to include bicycle routes.	In process throughout 2021. The final Roadway Master Plan will be presented to City Council in summer 2022.
		A3. Maintain a map of existing bicycle facilities in the city.	Completed prior to reporting year.
		A4. Incorporate bicycle and pedestrian facilities into the roadway design standards of the Roadway Master Plan.	In process throughout 2021. The final Roadway Master Plan will be presented to City Council in summer 2022.
		A5. Seek local, State and federal funding for bicycle improvements identified in updates to the Bikeways Master Plan.	On-going as available.
		A6. Improve city-wide pedestrian access as funding becomes available.	On-going as feasible.
	CIR-4.1 Promote public transit as an alternative to the automobile.	A1. Maintain transit facility design guidelines that clearly specify expectations for all types of development.	On-going. When transit system improvements are needed in new development areas, they are communicated to project applicants and implemented as part of the project or as conditions of approval.
		A2. Maintain a map of existing transit facilities in this city.	Completed prior to reporting year.
	CIR-4.2 Work to achieve connectivity between all modes of transportation.	A1. Create a Multi-Modal Transportation Master Plan that addresses the movement of people, goods and services within the City and from the City to the surrounding region. Modes of travel that should be included in this Master Plan include: automobile, transit, freight, air, bicycle, and pedestrian transportation. The plan shall consider short-term and long-term actions to preserve rights-of-way for future transportation options, such as light-rail.	These concepts, including the Valley Link rail plan, are folded into the Roadway Master Plan, which was drafted in 2021 and expected to be presented to City Council in summer 2022.
Open Space and Conservation	OSC-4 Provision of parks, open space, and recreation facilities and services that maintain and improve the quality of life for Tracy residents.	A1. Update the Parks Master Plan on a regular basis.	The Parks Master Plan is typically updated every five years. The Plan began its update process in 2019 and was well underway throughout 2021, expected to be presented to the City Council in spring 2022.
		A2. Expand partnerships with the school districts that operate within the Planning Area to enhance and create new joint use facilities.	On-going. The City regularly coordinates its parks and open space near schools for joint use opportunities.
		A3. Explore the development and funding of a regional park, possibly 60 to 100 acres in size, that includes both passive and active recreational amenities.	The Nature Park Master Plan and associated environmental review was adopted by the City Council in February 2021. Staff is currently applying for state and federal grants for Phase 1 of the project.
	OSC-4.2 Ensure that new development is responsible for providing parks and recreation facilities throughout the City of Tracy.	A1. Conduct the required studies to implement the increased parks standard.	The Parks Master Plan (PMP) is the governing document that establishes goals related to level of service in our park system. The City is currently undergoing an update to the PMP which will include modernizing the standards for level of service based on existing conditions in our community. That would include setting standards and goals for things such as walking distances to neighborhood and community parks.
	OSC-4.3 Establish a regional linear parkway system that meets recreational, open space and transportation needs.	A1. Work with San Joaquin County to explore creating a large recreational area between the City and Mountain House which can serve as a community separator as well as provide valuable needed recreational facilities to both communities.	The City worked with San Joaquin County to explore this opportunity during a previous reporting year, but the County did not have the available capital funds. The proposed Nature Park will, once built, satisfy the need for open space.

General Plan Element	Objective	Action Item	2021 Status Notes
Open Space and Conservation	OSC-4.4 To the extent possible, prevent undeveloped lands within the Planning Area but outside of the Sphere of Influence from developing.	A1. Prepare a comprehensive plan for areas outside of the City that identifies important areas for non-urban uses, analyzes appropriate methods of preserving agricultural and non-urbanized land, develops funding mechanisms for the purchase of land or agricultural easements and identifies methods of administration. This study should include, but is not limited to, the following: -An analysis of the impact that open space programs would have on the cost of housing. -The feasibility and advisability of the Holly Sugar property forming the base for an open space program and/ or be part of such a program. -The identification of alternate funding tools for open space. -An evaluation of alternate methods of preserving open space, such as the purchase of property or development rights, buying the first rights of refusal in the event of a potential sale or developer dedication. -Development of specific policies guiding the purchase of undeveloped lands including only purchasing land from willing land owners, respecting the rights of property owners when seeking to purchase open spaces for the public good and paying fair market value based on third-party appraisals of land. -A survey to determine the public's interest in open space programs and preferred methods for paying for the purchase and maintenance of open space. Specific information on the public's desire to increase sales, property and parcel taxes or issue General Obligation bonds to pay for the acquisition and maintenance of open space lands should be included in the study. -An analysis of an open space dedication requirement for all new residential development projects.	This is being done as part of the Parks Master Plan update, which includes identifying the 1000-plus acres of open space near the Legacy Fields Sports Complex.
		A2. Partner with non-profit organizations, such as the Central Valley Farmland Trust, to identify and purchase land and easements within the Planning Area.	On-going. Project applicants are required to participate in the City's agricultural mitigation fee program by paying the established fees to the City on a per-acre basis for the loss of important farmland. Fees paid toward the City's program are collected and distributed to the Central Valley Farmland Trust, which are used to fund conservation easements on comparable or better agricultural lands to provide compensatory mitigation.
		A3. Pursue a cooperative effort with the City of Lathrop and San Joaquin County to implement an open space community separator program.	Not yet begun.
	OSC-5.2 Ensure that development is designed for maximum energy efficiency.	A1. Study programs that encourage "green" building, such as the LEED (Leadership in Energy & Environmental Design) program developed by the US Green Building Council, and consider code amendments that encourage "green" construction.	The California Building Standards Commission mandates that all jurisdictions within the state enforce the California Code of Regulations Title 24 part 6 and part 11 (specifically the California Energy Code and the California Green Building Standards Code). The City of Tracy locally adopts and enforces these codes.
		A2. Develop a program to educate the public about energy efficiency technologies and practices for homes and businesses, such as solar panels and low-energy appliances.	The City regularly educates property owners and developers through its typical development and plan check review processes for new construction and all remodel work.
		A3. Partner with public utilities to establish and promote a program for home weatherization and solar retrofit.	The City has partnered with various agencies in the past in relation to particular energy-saving/green programs.
		A4. Develop design guidelines for residential construction to address the placement of solar panels.	Title 24 does have some requirements that regulate the location of solar panels. Staff regularly works with design professionals on panel locations to ensure that the greatest efficiency can be gained by avoiding shadowing by structures/trees/objects as well as taking into consideration building orientation.
	OSC-5.3 Promote sustainability and energy efficiency and conservation through the City's direct actions.	A1. Develop emergency contingency energy plans, in cooperation with other local agencies and regional suppliers, to assure needed energy supplies and significant reduction in non-essential consumption during periods of abrupt energy shortage.	Completed prior to reporting year in coordination with PG&E.
		A2. Develop or otherwise make available information to developers and citizens on energy efficient and conserving building design and technologies, including enhanced wall and ceiling insulation, thermally efficient glazing, and efficient heating and cooling equipment and household appliances.	The City frequently has conversations with interested homeowners, contractors, building owners, business owners or designers at the front counter, during the plan check or inspection process. Primarily, however, the plans examiner is enforcing the state requirements as it relates to such energy saving during the plan review process with the project applicant or designer.
		A3. Review, and revise if necessary, the zoning ordinance and building codes, to allow for a variety of energy efficiency technologies so long as the revisions do not adversely impact human health or safety or conflict with other goals in this General Plan.	On-going. The building codes allow for a variety of energy efficient technology as long as such does not adversely affect the intent of the mandated codes.
		A4. The City shall consider requiring green building standards, such as obtaining LEED or similar certification, as a requirement for new or substantial renovations to public buildings.	The City explored this but ultimately did not implement requirements for specific certifications. Additionally, the new 2019 California Energy Code that went into effect January 1, 2020 requires that all new residential homes have photovoltaic panels to completely offset any electrical load in the use of the home.
Public Facilities and Services	PF-1.2 Promote coordination between land use planning and fire protection.	A1. Maintain an on-going fire and life safety inspection program for all commercial and industrial buildings.	On-going and maintained by the South San Joaquin County Fire Authority (SSJCFIA).
	PF-2.1 Plan for on-going management and development of law enforcement activities.	A1. Annually update the capital improvement plan to indicate the specific use of fee revenues for facilities to accommodate growth.	The FY 2020-21 capital improvement plan was adopted by the City Council on May 18th 2021.
	PF-2.3 Maintain and improve law enforcement services to keep up with Tracy's changing population.	A1. Provide neighborhood security and crime prevention information and training to neighborhood groups and homeowners' associations.	Due to COVID-19 pandemic, City staff was not able to present any presentations for the year on the current trends in Code Enforcement and neighborhood preservation to neighborhood groups and homeowners' associations.
		A2. Establish Neighborhood Watch programs that promote mutual assistance and crime prevention techniques among residents.	City staff was unable to attend any neighborhood watch meetings, and none were held in 2021 due to COVID-19 pandemic.
		A3. Monitor Tracy's crime rates and types of crime to determine the most appropriate methods to reduce crime in the city.	On-going.
		A4. Disseminate information on crime and crime prevention techniques to the community.	On-going.
	PF-4.2 Provide sufficient library service to meet the informational, cultural and educational needs of the City of Tracy.	A1. Work cooperatively with San Joaquin County to continue to fund the City of Tracy Library.	On-going.
		A2. Study the feasibility of a Library Impact Fee.	Not yet begun.
		A3. Identify locations for additional library branches in Tracy.	A Needs Assessment has identified a library/tech space as a desired program element within the Multi-Generational Recreation Center currently listed on the City's Capital Improvement Program project list. This project is in the planning phase and no site has been identified at this time.

General Plan Element	Objective	Action Item	2021 Status Notes
Public Facilities and Services	PF-5.1 Reduce volumes of solid waste generated in Tracy through recycling and resource conservation.	A1. Continue the bi-weekly, city-wide collection program to compost leaf and yard waste.	On-going by Tracy Delta Disposal.
		A2. Continue "grass-cycling" at City parks, public facilities and open spaces.	On-going.
		A3. Continue residential single-stream curbside recycling.	On-going by Tracy Delta Disposal.
		A4. Continue the recycling program for electronics waste and tires.	On-going.
		A5. Develop and maintain a recycling and diversion plan.	On-going. The City has a plan for both residential and commercial recycling.
		A6. Continue to develop new specialized recycling programs for residential, commercial, office, educational, and retail sectors.	On-going. The City continues to adjust its programs and requirements based on State mandates and customers' needs.
	PF-5.2 Ensure adequate solid waste collection and disposal.	A1. Continue weekly curbside trash collection service.	On-going by Tracy Delta Disposal.
		A2. Continue operation of the Tracy Material Recovery Facility and Transfer Station.	On-going.
		A3. Partner with San Joaquin County to ensure that there is adequate landfill space to meet projected growth.	On-going.
	PF-6.1 Ensure that reliable water supply can be provided within the City's service area, even during drought conditions, while protecting the natural environment.	A1. Update the Water Master Plan upon adoption of the General Plan and on a regular basis.	The Water Master Plan update was in process throughout 2021.
		A2. Revise the water use projections in the Urban Water Management Plan based on development projections contained in the General Plan and the Growth Management Ordinance (GMO).	This is being updated in the draft Water Master Plan currently in progress. The Urban Water Management Plan was updated in 2021.
		A3. Implement an Aquifer Storage and Recovery Program to improve water quality for customers.	On-going.
	PF-6.2 Provide adequate water infrastructure facilities to meet current and future populations.	A1. Review the current water system maintenance program and coordinate planned water main replacements with the Urban Water Management Plan.	On-going as needed.
		A2. Update the existing System Control and Data Acquisition (SCADA) system to optimize operational efficiency and ensure coordination of existing and proposed water system facilities.	The SCADA update was completed in a prior reporting year at the Water Treatment Plant, and optimizing operation efficiencies is an on-going effort.
	PF-6.5 Use recycled water to reduce non-potable water demands whenever practicable and feasible.	A1. Explore incentives for businesses and industries to use recycled water for irrigation.	On-going discussions with new developments are occurring on a regular basis. The City received approval from the State to irrigate Legacy Fields with Recycled water.
		A2. Develop a program to supply recycled water to all new parks and schools.	In progress throughout 2021. The final Water Master Plan update is expected to be presented to City Council in April 2022.
		A3. Update the Water Master Plan to include a recycled water plan.	The Water Master Plan update was in process throughout 2020.
		A4. Develop a plan to irrigate agricultural land with recycled water, both inside and outside of the City's service area, where feasible.	In progress throughout 2021. The final Water Master Plan update is expected to be presented to City Council in April 2022.
	PF-7.1 Collect, transmit, treat and dispose of wastewater in ways that are safe, sanitary, and environmentally acceptable.	A1. Prepare a comprehensive update to the Wastewater Master Plan upon adoption of the General Plan and update on a regular basis. The Wastewater Master Plan shall identify the expected number of additional wastewater facilities, potential locations for those facilities and locations for the land application of treated effluent.	The Wastewater Master Plan update was in process throughout 2021 and the final Plan is expected to be presented to City Council in summer 2022.
	PF-8.1 Collect, convey, store, and dispose of stormwater in ways that provide an appropriate level of protection against flooding, account for future development, and address applicable environmental concerns.	A1. Prepare a comprehensive update to the Storm Drainage Master Plan upon adoption of the General Plan.	Completed.
		A2. Update the Storm Drainage Master Plan on a periodic basis and at least every five years.	The Stormwater Master Plan update was in process throughout 2021 and the final Plan is expected to be presented to City Council in April 2022.
	PF-8.2 Provide effective storm drainage facilities for development projects.	A1. Revise the Tracy Municipal Code to limit the amount of impervious surfaces in private yards.	Completed prior to reporting year (Ordinance 1238).
Safety	SA-2.1 Minimize flood risks to development.	A1. Continue to participate in the National Flood Insurance Program.	On-going.
		A2. Continue to implement the City's existing Storm Drainage Master Plan which provides storm drainage conveyance capacity sufficient to contain 100-year flood flows in the rights-of-way of the major public streets and 10-year flood flows within the top of the street curbs.	On-going.
		A3. Continue to implement floodplain overlay zones provided by FEMA, control the types of structures and land uses permitted in areas deemed high risk and require these structures be built in a manner that minimizes flood losses.	On-going.
		A4. Maintain historical data on flooding.	On-going.
	SA-2.2 Maintain a high level of preparedness in the event of flooding.	A1. Update the General Plan within 24 months of the adoption of the Central Valley Flood Protection Plan (CVFPP) to appropriately reflect the CVFPP and to identify State and local flood management facilities and flood hazard zones.	On-going.
	SA-3.1 Evaluate the potential for wildland fire hazards when considering new development.	A1. Maintain a current map of areas subject to wildland fires.	The South San Joaquin County Fire Authority (SSJCF) references a map produced by San Joaquin County GIS.
	SA-4.1 Minimize exposure to harmful hazardous materials and waste by Tracy residents.	A1. Continue to implement processing procedures and local siting criteria in order to implement relevant and applicable provisions consistent with the hazardous materials and waste management plans for San Joaquin County.	On-going.
		A2. Consult with San Joaquin County Office of Emergency Services to maintain an inventory of businesses or facilities involved in the transportation, use and storage of hazardous materials.	On-going through the SSJCF Community Risk Reduction Division. This division is responsible for annual inspections of businesses to ensure that the use and storage of hazardous materials (HM) has not modified since its original approval. Fire personnel responding to emergencies will connect with the CUPA (SICO) to ensure they have knowledge of the HM risk at each particular site as it may relate/interfere/create caution/require different approaches to their emergency response.
		A3. Hold at least one hazardous materials collection event per year.	On-going. The event was held on May 8, 2021.
		A4. Continue public education programs on the safe disposal of household hazardous waste at designated locations in San Joaquin County.	On-going. The City mails out brochures each year and publishes information on www.RecycleInsideTheTriangle.com with recycling information on various programs. City staff also provides information at various events throughout the year.
	SA-5.1 Ensure that land uses within the vicinity of the Tracy Municipal Airport are compatible with airport restrictions and operations.	A1. Develop an emergency plan to respond to aviation incidents in the City.	The City follows an established emergency plan that is established by the National Transportation Safety Board for all aircraft incidents.

General Plan Element	Objective	Action Item	2021 Status Notes
Safety	SA-6.1 Prepare and update City emergency procedures in the event of natural or man-made disasters.	A1. Maintain, periodically update and test the effectiveness of an Emergency Preparedness Plan. As part of the update, the City shall review County and State emergency response plans and procedures to ensure coordination with the City's plan.	The City, in coordination with SSJCFCA, has been developing an Emergency Operations Plan, which is expected to be completed in late spring 2022. Once the Emergency Operations Plan is complete, staff will be trained to the plan and will conduct periodic drills and exercises to test the effectiveness of the plan.
		A2. Identify and regularly update emergency access routes.	The City of Tracy has identified major arterials to serve as evacuation routes to Interstate 580 in the event of flooding or dam failure. The following north/south arterials will serve as evacuation routes: MacArthur Drive, Tracy Boulevard, Corral Hollow Road, Lammers Road, and Chrisman Road. The following east/west arterials will serve as evacuation routes: 11th Street, Schulte Road and Linne Road.
		A3. Identify alternative water sources for firefighting purposes, as recommended by the City's Water Master Plan.	In a non-flood emergency The City of Tracy has identified major arterials to Highways 5, 205 and 580. The following north/south arterials will serve as evacuation routes: MacArthur Drive, Tracy Boulevard, Corral Hollow Road, Lammers Road, and Chrisman Road. The following east/west arterials will serve as evacuation routes: 11th Street, Schulte Road and Linne Road.
		A4. Conduct periodic drills using emergency response systems to test the effectiveness of City procedures.	The City, in coordination with SSJCFCA, has been developing an Emergency Operations Plan, which is expected to be completed in late spring 2022. Once the Emergency Operations Plan is complete, staff will be trained to the plan and will conduct periodic drills and exercises to test the effectiveness of the plan.
		A5. Provide community awareness and education programs for citizens that describe procedures and evacuation routes to be followed in the event of a disaster.	The City will educate the community on where to find specific emergency information and directions in the event of a disaster. During a disaster, the City will use mass notification systems available within the County such as Everbridge/Nixle, and available social media medium to communicate disaster specific information including evacuation routes for citizens to follow.
Noise	N-1.2 Control sources of excessive noise.	A1. Enforce Section 27007 of the California Motor Vehicle Code that prohibits amplified sound that can be heard 50 or more feet from a vehicle.	On-going.
		A2. Enforce Section 27150 of the California Motor Vehicle Code that addresses excessive exhaust noise.	On-going.
		A3. Develop noise abatement flight procedures for large aircraft accessing Tracy Municipal Airport.	During 2021, the Airport Master Plan Update effort completed the AGIS/Obstruction Survey and staff is currently working on the beginning of the Airport Narrative.
Air Quality	AQ-1.2 Promote development that minimizes air pollutant and greenhouse gas emissions and their impact on sensitive receptors as a result of indirect and stationary sources.	A1. Review standards for the design and use of new drive through businesses with the aim of reducing adverse impacts on air quality.	Not yet begun.
		A2. Research and include where feasible in the Roadway Master Plan update, requirements to use materials that minimize particulate emissions and that are appropriate to the scale and intensity of use.	Design details such as materials are not part of the Roadway Master Plan, but rather, are found in the City Standard Plans. The City has used rubberized asphalt in previous year projects, but no such project occurred in 2021.
		A3. Investigate the feasibility of new development fees to be used on coordination with local air pollution reduction efforts, such as clean air transit projects (e.g. ACE, Park & Ride, TRACER, BART and school buses).	The City does not collect impact fees specifically for local transit, but does collect the Regional Transportation Impact Fee which is sent to and managed by San Joaquin County. The City's development impact fee includes funding for Park and Ride. The master plans update is likely to expand on that funding. Funding and planning will be included for multi-modal transportation facilities.
		A4. Develop a green building standard for new development.	The City follows and enforces the California Green Building Code.
		A5. The City shall evaluate the installation of light emitting diodes (LEDs) or similar technology for traffic, street and other outdoor lighting where feasible.	On-going.
	AQ-1.3 Provide a diverse and efficient transportation system that minimizes air pollutant and greenhouse gas emissions.	A1. Pursue funding sources for the planning and development of local and regional transit services.	The City is actively working with Valley Link to establish a regional rail line that will extend from Lathrop to the Dublin BART station (Phase 1) with a possible future extension to Stockton (Phase 2). In support of the Valley Link effort, the City Council directed staff to prepare a Downtown Transit Oriented Development Specific Plan in July 2020. The City was awarded the LEAP and SB2 Planning Grants in 2020 and is planning on using approximately \$350,000 total from these grants toward this project.
		A2. Consider measures to increase the capacity of the existing road network prior to constructing additional capacity (e.g. additional lanes, etc.).	On-going.
	AQ-1.4 Support local and regional air quality improvement efforts.	A1. Notify local and regional jurisdictions of proposed projects that may affect regional air quality.	On-going. Every development application received is routed to SJCOG and APCD for review and comment. Their requirements are communicated to project applicants and implemented as conditions of approval.
		A2. Utilize the City's website, billboards, or newsletter to promote information regarding air quality, recycling, use of efficient energy devices and renewable energy.	The City regularly promotes information on the City's website and social media platforms. Events and programs are advertised in the printed press.
		A3. Develop a citywide sustainability strategy that would include a baseline inventory of greenhouse gas emissions from all sources within the City; greenhouse gas emissions reduction targets; and enforceable greenhouse gas emissions reduction measures.	Completed prior to the reporting year.

Jurisdiction	Tracy
Reporting Year	2021 (Jan. 1 - Dec. 31)
Planning Period	5th Cycle 12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

(CCR Title 25 §6202)

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

Table A
Housing Development Applications Submitted

Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes							Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Density Bonus Applications	Application Status	Notes		
1					2	3	4	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate Income	Total PROPOSED Units by Project	Total APPROVED Units by Project	Total DISAPPROVED Units by Project	Was APPLICATION SUBMITTED Pursuant to GC 65913.4(d)? (BB 35 Streamlining)	Was a Density Bonus requested for this housing development?	Was a Density Bonus approved for this housing development?	Please indicate the status of the application.	Notes*
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFAs, SFD, 2 to 4, 5+, ADU, MH)	Tenure R=Renter O=Owner	Date Application Submitted (see instructions)															
Start Data Entry	25106012	n/a	Tracy Hills Phase 2 VTSR	TSM20-0003	SFD	O	11/20/2020								1470	1470	1470	No	No	No	Approved	
	23807010	3030 BYRON RD	Byron Road Duplexes	D21-0035	2 to 4	R	11/8/2021								6	6	6	No	No	No	Pending	
24014005 & 24014049	12650 VALPICO RD	Avenues Tentative Subdivision Map - Tracy 8855		TSM21-0001	SFD	O	1/25/2021								480	480	480	No	No	No	Pending	
24014041	n/a	East Limited Use Area Tentative Map (Prior # TSM16-0002)		TSM21-0002 &	SFD	O	3/31/2021								9	9	9	No	No	No	Pending	
23516816	211 E 7TH STREET	1099 SQ FT SFD W/ ONE CAR GARAGE		RES21-0382	SFD	O	2/19/2021								1	1	1	No	No	No	Pending	
23311210	1221 W WALNUT ST	CONVERT GARAGE TO 1 BEDROOM/1 BATH ADU		RES21-0613	ADU	O	3/18/2021								1	1	1	No	No	No	Pending	
23508617	91 W FIRST ST	2,385SQFT TWO STORY SF2 CAR GARAGE W/PATIO & DECK		RES21-0761	SFD	O	4/2/2021								1	1	1	No	No	No	Pending	
24604002	545 W BUENA TIERRA DR	3614 SQ FT SINGLE FAMILY DWELLING AND DETACHED GARAGE W/ADU		RES21-1105	SFD	O	5/10/2021								1	1	1	No	No	No	Pending	
24604002	545 W BUENA TIERRA DR	3614 SQ FT SINGLE FAMILY DWELLING AND DETACHED GARAGE W/ADU		RES21-1105	ADU	O	5/10/2021								1	1	1	No	No	No	Pending	
23806029	1121 BERG ROAD	NEW 648 SQ FT MODULAR HOME WITH CITY SEWER AND WATER CONNECT		RES21-1445	SFD	O	6/21/2021								1	1	1	No	No	No	Pending	
23229031	1251 WILSON AV	ADDITION OF 676SQ' ADU		RES21-1581	ADU	R	6/29/2021								1	1	1	No	No	No	Pending	
24869003	426 DARLENE LN	NEW 4815SQ' SFD		RES21-1684	SFD	O	7/7/2021								1	1	1	No	No	No	Pending	
23431019	266 OUAL MEADOWS LN	GARAGE CONVERSION TO ADU		RES21-1937	ADU	O	8/6/2021								1	1	1	No	No	No	Pending	
21439020	2724 HOLLY DR	NEW 1100 SQFT ADU & 320 SQFT GARAGE		RES21-2197	ADU	O	8/19/2021								1	1	1	No	No	No	Pending	
23341037	311 ACACIA ST	494 SQ FT ADU AND 148 SQ FT PERGOLA		RES21-2253	ADU	O	8/24/2021								1	1	1	No	No	No	Pending	
23806024	1241 S BERG RD	GARAGE CONVERSION TO ADU		RES21-2375	ADU	O	8/30/2021								1	1	1	No	No	No	Pending	
21451083	41 W KAVANAGH AV	CODE CASE - GARAGE CONVERSION TO ADU, PATIO COVER AND SHED		RES21-2673	ADU	O	9/15/2021								1	1	1	No	No	No	Pending	
23323045	1999 KNOLLCREST LN	GARAGE CONVERSION TO 410SQ FT ACCESSORY DWELLING UNIT		RES21-2682	ADU	O	9/16/2021								1	1	1	No	No	No	Pending	
21440016	3074 HOLLY DR	(N) 573 SQ FT SFD AND 573 SQ FT ADU AND 288 SQ FT CAR GARAGE		RES21-2815	SFD	R	10/4/2021								1	1	1	No	No	No	Pending	
21440016	3074 HOLLY DR	(N) 573 SQ FT SFD AND 573 SQ FT ADU AND 288 SQ FT CAR GARAGE		RES21-2815	ADU	R	10/4/2021								1	1	1	No	No	No	Pending	
23508209	213 W SOUTH ST	1,000 SQ FT SINGLE FAMILY RESIDENCE		RES21-2818	SFD	O	10/4/2021								1	1	1	No	No	No	Pending	
23512008	209 E THIRD ST	1242 SQ FT SINGLE FAMILY DWELLING		RES21-2820	SFD	O	10/5/2021								1	1	1	No	No	No	Pending	
24017020	1152 MARIE ANTONETTE CT	GARAGE CONVERSION TO 410 SQ FT JADU		RES21-3003	ADU	O	10/26/2021								1	1	1	No	No	No	Pending	
23339002	1520 N MAE AV	REMODEL FIRE REPAIR TO MAIN HOUSE, ADD ATTACHED 830 SQFT ADU		RES21-3046	ADU	O	11/1/2021								1	1	1	No	No	No	Pending	
24829056	2891 PEBBLEBROOKE COURT	NEW 2-STORY 2482SQFT SFD W/ 2 CAR GARAGE		RES21-3051	SFD	O	11/1/2021								1	1	1	No	No	No	Pending	
24829055	2881 PEBBLEBROOKE COURT	3,734 SQ FT SINGLE FAMILY HOME		RES21-3073	SFD	O	11/2/2021								1	1	1	No	No	No	Pending	
23306502	455 W EMERSON AV	CONVERT (E) GARAGE TO 300SQ FT ADU		RES21-3381	ADU	O	12/6/2021								1	1	1	No	No	No	Pending	
24233024	1315 DOLORES LN	GARAGE CONVERSION TO 400SQ FT ACCESORY DWELLING UNIT		RES21-3622	ADU	O	12/28/2021								1	1	1	No	No	No	Pending	

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Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes								Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Density Bonus Applications		Application Status	Notes	
1					2	3	4	5								6	7	8	9		10	11	12
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA,SFD,2 to 4.5+,ADU,MH)	Tenure R=Renter O=Owner	Date Application Submitted- (see instructions)	Very Low- Income Deed Restricted	Very Low- Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate- Income Deed Restricted	Moderate- Income Non Deed Restricted	Above Moderate- Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project	Was APPLICATION SUBMITTED Pursuant to CC 55913.4(b)? SB 35 Streamlining)	Was a Density Bonus requested for this housing development?	Was a Density Bonus approved for this housing development?	Please indicate the status of the application.	Notes*	
21443006	282 W CLOVER RD	REBUILD TRIPLEX 'DEF DUE TO FIRE LOSS	COM21-0349	2 to 4	R	10/14/2021									3			No	No	No	No	Assumptions were made due to lack of response from the permit applicant	
24869006	418 COSE LN	3,248 SQ FT SINGLE FAMILY DWELLING	RES21-0080	SFD	O	01/14/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 153	KT HILLVIEW/PLAN 1C/17235Q	RES21-1961	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 154	KT HILLVIEW/PLAN 1C/17235Q'	RES21-1962	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 155	KT HILLVIEW/PLAN 3A/20755Q	RES21-1964	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 156	KT HILLVIEW/PLAN 2B- R INT/18785Q	RES21-1966	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 157	KT HILLVIEW/PLAN 3F/20755Q'	RES21-1967	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 158	KT HILLVIEW/PLAN 4A/2095Q'	RES21-1968	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 133	KT HILLVIEW/PLAN 2A- R INT/18785Q	RES21-1969	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 134	KT HILLVIEW/PLAN 1D/17235Q'	RES21-1970	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 135	KT HILLVIEW/PLAN 4A/2095Q'	RES21-1971	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 136	KT HILLVIEW/PLAN 1F- R INT/17235Q	RES21-1972	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 137	KT HILLVIEW/PLAN 3B/20755Q'	RES21-1973	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 138	KT HILLVIEW/PLAN 4B/2095Q'	RES21-1974	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 149	KT HILLVIEW/PLAN 2A- R INT/18785Q	RES21-1976	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 150	KT HILLVIEW/PLAN 1F/17235Q'	RES21-1977	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 151	KT HILLVIEW/PLAN 3E- R/20755Q'	RES21-1978	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 152	KT HILLVIEW/PLAN 4F/2095Q'	RES21-1979	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 159	KT HILLVIEW/PLAN 2C- R/18785Q	RES21-1980	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 160	KT HILLVIEW/PLAN 1B- R/17235Q	RES21-1982	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 161	KT HILLVIEW/PLAN 3A/20755Q'	RES21-1983	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 162	KT HILLVIEW/PLAN 2B/1895Q'	RES21-1984	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 146	KT HILLVIEW/PLAN 4B- R/22095Q	RES21-1985	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 147	KT HILLVIEW/PLAN 1B- R/17235Q	RES21-1987	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 148	KT HILLVIEW/PLAN 3F/20755Q'	RES21-1988	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 163	KT HILLVIEW/PLAN 4A- R/22095Q	RES21-1989	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 164	KT HILLVIEW/PLAN 3C- R/20755Q'	RES21-1990	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 165	KT HILLVIEW/PLAN 2B/1895Q'	RES21-1991	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 190	KT HILLVIEW/PLAN 1C- R/17235Q	RES21-1992	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 191	KT HILLVIEW/PLAN 3B/20755Q'	RES21-1994	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 129	KT HILLVIEW/PLAN 3C- R/20755Q'	RES21-1995	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 130	KT HILLVIEW/PLAN 1D/17235Q	RES21-1996	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 131	KT HILLVIEW/PLAN 2B- R INT/1895Q	RES21-1997	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 132	KT HILLVIEW/PLAN 4E/2095Q'	RES21-1998	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 139	KT HILLVIEW/PLAN 2F/18785Q	RES21-1999	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 140	KT HILLVIEW/PLAN 1E- R/17235Q	RES21-2000	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 141	KT HILLVIEW/PLAN 4B/2095Q'	RES21-2001	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 142	KT HILLVIEW/PLAN 4C- R/22095Q	RES21-2002	SFD	O	08/10/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 126	KT HILLVIEW/PLAN 4C- R/22095Q	RES21-2003	SFD	O	08/11/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 127	KT HILLVIEW/PLAN 2A- R INT/18785Q	RES21-2004	SFD	O	08/11/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 128	KT HILLVIEW/PLAN 4A/2095Q'	RES21-2005	SFD	O	08/11/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 143	KT HILLVIEW/PLAN 3D- R/20755Q	RES21-2006	SFD	O	08/11/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 144	KT HILLVIEW/PLAN 4B- R INT/22095Q	RES21-2007	SFD	O	08/11/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 145	KT HILLVIEW/PLAN 2D/18785Q	RES21-2008	SFD	O	08/11/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 120	KT HILLVIEW/PLAN 2A- R INT/18785Q	RES21-2010	SFD	O	08/11/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 121	KT HILLVIEW/PLAN 3C- R/20755Q	RES21-2011	SFD	O	08/11/2021									1			No	No	No	No	Withdrawn	
n/a	LOT 122	KT HILLVIEW/PLAN 4A/17235Q	RES21-2014	SFD	O	08/11/2021									1			No	No	No	No	Withdrawn	

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Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA,SFD,2 to 4.5+,ADU,MH)	Tenure R=Renter O=Owner	Date Application Submitted- (see instructions)	Very Low-Income Non Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project	Was APPLICATION SUBMITTED Pursuant to CC 55913.4(b)? (SB 35 Streamlining)	Was a Density Bonus requested for this housing development?	Was a Density Bonus approved for this housing development?	Please indicate the status of the application.	Notes*
n/a	LOT 123	KT HILLVIEW/PLAN 4B-R INT/209SQ'	RES21-2015	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 124	KT HILLVIEW/PLAN 3B/207SQ'	RES21-2017	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 125	KT HILLVIEW/PLAN 1D/172SQ'	RES21-2018	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 204	KT HILLVIEW/PLAN 2B-R INT/189SQ'	RES21-2019	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 205	KT HILLVIEW/PLAN 1C/172SQ'	RES21-2020	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 206	KT HILLVIEW/PLAN 4A EXP/229SQ'	RES21-2021	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 207	KT HILLVIEW/PLAN 2A-R EXP/187SQ'	RES21-2022	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 208	KT HILLVIEW/PLAN 3E/207SQ'	RES21-2023	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 209	KT HILLVIEW/PLAN AF/220SQ'	RES21-2024	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 6	KT HILLVIEW/PLAN 4A-R INT/209SQ'	RES21-2025	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 7	KT HILLVIEW/PLAN 2A-INT/187SQ'	RES21-2027	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 8	KT HILLVIEW/PLAN 3D-R/207SQ'	RES21-2028	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 9	KT HILLVIEW/PLAN 1B/172SQ'	RES21-2029	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 10	KT HILLVIEW/PLAN 3A-R/207SQ'	RES21-2030	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 198	KT HILLVIEW/PLAN 2F-R/187SQ'	RES21-2031	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 199	KT HILLVIEW/PLAN 1B/172SQ'	RES21-2033	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 200	KT HILLVIEW/PLAN 2A EXP/187SQ'	RES21-2034	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 201	KT HILLVIEW/PLAN 2C-R/187SQ'	RES21-2035	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 202	KT HILLVIEW/PLAN 3F/207SQ'	RES21-2036	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 203	KT HILLVIEW/PLAN 4A/207SQ'	RES21-2037	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 1	KT HILLVIEW/PLAN 1E/172SQ'	RES21-2038	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 2	KT HILLVIEW/PLAN 2B-R/189SQ'	RES21-2039	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 3	KT HILLVIEW/PLAN 4B/208SQ'	RES21-2040	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 4	KT HILLVIEW/PLAN 1F-R/172SQ'	RES21-2041	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	LOT 5	KT HILLVIEW/PLAN 3E/207SQ'	RES21-2042	SFD	O	08/11/2021									1	1		No	No	No	Withdrawn	
n/a	120 CAIRO COURT	LARKSPUR IV - 2441 SQ FT - ELEVATION H	RES21-2381	SFD	O	08/30/2021									1	1		No	No	No	Pending	
n/a	130 CAIRO COURT	LARKSPUR IV - 2441 SQ FT - ELEVATION A	RES21-2382	SFD	O	08/30/2021									1	1		No	No	No	Pending	
n/a	140 CAIRO COURT	LARKSPUR IV - 1883 SQ FT - ELEVATION D	RES21-2383	SFD	O	08/30/2021									1	1		No	No	No	Pending	
n/a	150 CAIRO COURT	LARKSPUR IV - 2441 SQ FT - ELEVATION H	RES21-2384	SFD	O	08/30/2021									1	1		No	No	No	Pending	
n/a	160 DEBORD	LARKSPUR IV - 2441 DRIVE LOT 5	RES21-2385	SFD	O	08/30/2021									1	1		No	No	No	Pending	
n/a	170 DEBORD	LARKSPUR IV - 1883 DRIVE LOT 6	RES21-2386	SFD	O	08/30/2021									1	1		No	No	No	Pending	
n/a	180 DEBORD	LARKSPUR IV - 2441 DRIVE LOT 7	RES21-2388	SFD	O	08/30/2021									1	1		No	No	No	Pending	
n/a	190 DEBORD	LARKSPUR IV - 1883 DRIVE LOT 8	RES21-2389	SFD	O	08/31/2021									1	1		No	No	No	Pending	
n/a	200 DEBORD	LARKSPUR IV - 2441 DRIVE LOT 9	RES21-2390	SFD	O	08/31/2021									1	1		No	No	No	Pending	
n/a	210 DEBORD	LARKSPUR IV - 1883 DRIVE LOT 10	RES21-2391	SFD	O	08/31/2021									1	1		No	No	No	Pending	
n/a	220 DEBORD	LARKSPUR IV - 2441 DRIVE LOT 11	RES21-2392	SFD	O	08/31/2021									1	1		No	No	No	Pending	
n/a	230 DEBORD	LARKSPUR IV - 1883 DRIVE LOT 12	RES21-2393	SFD	O	08/31/2021									1	1		No	No	No	Pending	
n/a	240 DEBORD	LARKSPUR IV - 2441 DRIVE LOT 13	RES21-2394	SFD	O	08/31/2021									1	1		No	No	No	Pending	
n/a	250 DEBORD	LARKSPUR IV - 1883 DRIVE LOT 14	RES21-2395	SFD	O	08/31/2021									1	1		No	No	No	Pending	
n/a	3171 RIO GRANDE LANE	DRIVE LOT 127	KINBRIDGE/PLAN 6-R/2,611 SQ FT	RES21-3492	SFD	O	12/11/2021								1	1		No	No	No	Pending	
n/a	3161 RIO GRANDE DR LOT 128	DRIVE LOT 128	KINBRIDGE/PLAN 5/2,382 SQ FT	RES21-3493	SFD	O	12/11/2021								1	1		No	No	No	Pending	
n/a	3151 RIO GRANDE DR LOT 129	DRIVE LOT 129	KINBRIDGE/PLAN 8-R/2,894 SQ FT	RES21-3494	SFD	O	12/11/2021								1	1		No	No	No	Pending	
n/a	3141 RIO GRANDE DR LOT 130	DRIVE LOT 130	KINBRIDGE/PLAN 7/2,717 SQ FT	RES21-3495	SFD	O	12/11/2021								1	1		No	No	No	Pending	
n/a	3131 RIO GRANDE DRIVE LOT 131	DRIVE LOT 131	KINBRIDGE/PLAN 6-R/2,611 SQ FT	RES21-3496	SFD	O	12/11/2021								1	1		No	No	No	Pending	
n/a	3134 ELLIS TOWN DR LOT 216	TOWNSEND/PLAN 4E-R/3,265 SQ FT	RES21-3497	SFD	O	12/11/2021									1	1		No	No	No	Pending	

Table A
Housing Development Applications Submitted

Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes								Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Density Bonus Applications		Application Status	Notes	
1					2	3	4	5								6	7	8	9		10	11	12
Prior APN*	Current APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SFA, SFD, 2 to 4.5+ ADU, MH)	Tenure (R=Renter, O=Owner)	Date Application Submitted- (see instructions)	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by Project	Total DISAPPROVED Units by Project	Was APPLICATION SUBMITTED Pursuant to CC 65913.4(b)?	Was a Density Bonus requested for this housing development?	Was a Density Bonus approved for this housing development?	Please indicate the status of the application.	Notes*	
	n/a	3144 ELLIS TOWN DR, LOT 217	TOWNSEND/PLAN 1/2,785SQ FT	RES21-3498	SFD	O	12/11/2021								1			No	No	No	Pending		
	n/a	3154 ELLIS TOWN DRIVE, LOT 218	TOWNSEND/PLAN 2-R/2,246 SQ FT	RES21-3499	SFD	O	12/11/2021								1			No	No	No	Pending		
	n/a	3164 ELLIS TOWN DRIVE, LOT 219	TOWNSEND/PLAN 3/3,084 SQ FT	RES21-3500	SFD	O	12/11/2021								1			No	No	No	Pending		
	n/a	3174 ELLIS TOWN DR, LOT 220	TOWNSEND/PLAN 4E-R/2,587SQ FT	RES21-3501	SFD	O	12/11/2021								1			No	No	No	Pending		
	n/a	3184 ELLIS TOWN DR, LOT 221	TOWNSEND/PLAN 1A/2107 SOFT W/ CA ROOM & 2/1 BAY GARAGE	RES21-3502	SFD	O	12/11/2021								1			No	No	No	Pending		
	n/a	3194 ELLIS TOWN DRIVE, LOT 222	TOWNSEND/PLAN 2C-R/2,587 SQFT W/ MULTIGEN & 2/1 BAY GARAGE	RES21-3503	SFD	O	12/11/2021								1			No	No	No	Pending		
	n/a	3204 ELLIS TOWN DRIVE, LOT 223	TOWNSEND/PLAN 3B/3,500 SOFT W/ MULTIGEN & 2/1 BAY GARAGE	RES21-3504	SFD	O	12/11/2021								1			No	No	No	Pending		
	n/a	3214 ELLIS TOWN DR, LOT 224	TOWNSEND/PLAN 4A-R/3,260 SOFT W/ MULTIGEN & 2/1 BAY GARAGE	RES21-3505	SFD	O	12/11/2021								1			No	No	No	Pending		
	n/a	3224 ELLIS TOWN DR, LOT 225	TOWNSEND/PLAN 1B/2,107 SQFT	RES21-3506	SFD	O	12/11/2021								1			No	No	No	Pending		
	n/a	3234 ELLIS TOWN DRIVE, LOT 226	TOWNSEND/PLAN 2A-R/2919 SOFT/MULTIGEN W/ 2/1 BAY GARAGE	RES21-3507	SFD	O	12/11/2021								1			No	No	No	Pending		
	n/a	3244 ELLIS TOWN DR, LOT 227	TOWNSEND/PLAN 4D/2,587SQ FT	RES21-3508	SFD	O	12/11/2021								1			No	No	No	Pending		
	n/a	3254 ELLIS TOWN DRIVE, LOT 228	TOWNSEND/PLAN 3B/3,500 SOFT/MULTIGEN W/ CA ROOM & 2 BAY GRGE	RES21-3509	SFD	O	12/11/2021								1			No	No	No	Pending		
	n/a	2947 GRANGER STREET, LOT 304	HARTWELL/PLAN 12B/3733 SOFT W/ CA ROOM	RES21-3544	SFD	O	12/11/2021								1			No	No	No	Pending		
	n/a	2941 GRANGER STREET, LOT 305	HARTWELL/PLAN 12B/3733 SOFT W/ EXTENDED CA ROOM, OPT 2ND FL	RES21-3545	SFD	O	12/11/2021								1			No	No	No	Pending		
	n/a	2937 GRANGER STREET, LOT 306	HARTWELL/PLAN 11A/3376 SOFT W/ CA ROOM	RES21-3546	SFD	O	12/11/2021								1			No	No	No	Pending		
															0								

Table A2

Jurisdiction	Tracy
Reporting Year	2021 (Jan. 1 - Dec. 31)
Planning Period	5th Cycle 12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
Please contact HCD if your data is different than the material supplied here

		1	Regional Housing Needs Allocation Progress									3	4
			Permitted Units Issued by Affordability										
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	980	-	-	-	-	-	-	-	-	-	-	980
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	-
Low	Deed Restricted	705	-	-	-	-	-	-	-	-	-	-	705
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	-
Moderate	Deed Restricted	828	-	-	-	-	-	22	-	48	-	-	634
	Non-Deed Restricted		-	2	3	7	18	10	84	-	-	194	-
Above Moderate		2,463	-	1,003	301	1,146	748	460	727	-	-	4,385	-
Total RHNA		4,976	-	1,005	304	1,153	788	470	859	-	-	4,579	2,319
Total Units		-	-	1,005	304	1,153	788	470	859	-	-	-	-

Note: units serving extremely low-income households are included in the very low-income permitted units totals and must be reported as very low-income units.

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will include units that were permitted since the start of the planning period.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

Jurisdiction	Tracy	
Reporting Year	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Note: "+" indicates an optional field

Table C
Sites Identified or Rezoned to Accommodate Shortfall Housing Need and No Net-Loss Law

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction	Tracy
Reporting Year	2021 (Jan. 1 - Dec. 31)

Table D

Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report

Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Housing Rehabilitation	<ul style="list-style-type: none"> - Annually consult the HCD and HUD websites to identify and pursue potential funding opportunities that may be available and appropriate to reinstate a housing rehabilitation program. - Refer property owners in need of rehabilitation assistance to the San Joaquin County Neighborhood Preservation Division who administers the County's HUD Grant - Assist 20 lower- and moderate-income households with the rehabilitation of their homes during the planning period. 	12/31/2023	<p>On-going. The County's HUD Grant provide housing rehabilitation assistance through the Home Improvement Partnership Grant Program (HOME). In FY 20-21, the County funded \$50,089 for four housing rehabilitation projects, as well as an additional project awarded whose costs have not yet been identified. In 2021, the City allocated \$163,461 in Home Investment Partnership Program funds to the San Joaquin County Housing Authority to support the demolition and reconstruction of a 60-unit low-income apartment project.</p>
Code Enforcement	<ul style="list-style-type: none"> - Continue to investigate possible code violations. - Continue to disseminate information on available housing rehabilitation assistance to address code violations and other housing issues. 	12/31/2023	<p>On-going.</p>

Table D
Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Graffiti Removal Program	Continue to operate the Graffiti Hot Line.	12/31/2023	Graffiti complaints and concerns can be reported by phoning the Code Enforcement Division at (209) 831-6410.
Down Payment Assistance (DAP) Loan Program	<ul style="list-style-type: none"> - Continue to provide down payment assistance to qualified lower income households (up to 80 percent AMI). - Disseminate information to prospective first-time homebuyers on the DAP Loan Program. - Assist three households (an estimated one very low income and two low income households) annually. 	12/31/2023	This program is still available, but due to high home prices in Tracy, qualifying for a home purchase and meeting low-income requirements is challenging . As a result, the City has not processed a Downpayment Assistant Loan since 2011.
Homebuyer and Financial Literacy Training	<ul style="list-style-type: none"> - Continue to require a Certificate of Completion from a HUD-approved homebuyer class in order to participate in the City's DAP Loan Program. - Partner with qualified local non-profit agencies to offer homebuyer education classes and publicize the availability of these classes to residents. 	12/31/2023	This program is overseen by the San Joaquin County Neighborhood Preservation Division, Visionary Home Builders, Neighbor Works, and NID-HCA (Housing Counsel Agency), and is dependent on funding from HUD.

<p style="text-align: center;">Table D</p> <p style="text-align: center;">Program Implementation Status pursuant to GC Section 65583</p>			
<p style="text-align: center;">Housing Programs Progress Report</p>			
<p>Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.</p>			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Affordable Housing Development	<ul style="list-style-type: none"> - Continue to prioritize the allocation of RGAs to affordable housing projects (particularly for those projects that set aside units for extremely low income households and persons with special needs, including those with developmental disabilities, and farmworkers). - Proactively encourage and facilitate, on an ongoing basis, the development of affordable housing by non-profit organizations for lower income households, particularly those with special needs including large households, seniors, extremely low-income (ELI) households, and households with persons who have disabilities or developmental disabilities, and farmworkers. - Continue to provide density bonuses and other incentives on an ongoing basis to developers who provide affordable units, such as technical assistance related to City policies and regulations, and pre-application consultation with staff. 	12/31/2023	<p>The Growth Management Ordinance establishes exceptions to annual residential permit limits for affordable housing projects, and the Density Bonus Ordinance establishes the incentives for affordable housing projects.</p> <p>On February 4, 2020, the City Council identified a 16-point action plan to address affordable/workforce housing, one of which would allow more RGAs to be allocated to affordable housing projects but requires a change to Measure A with voter approval to implement: Provide additional market-rate Residential Growth Allocations (RGAs) for projects that include a specified percentage of affordable units. Other action items are related to increased density allowances, the exploration of lower fees and various financial assistance efforts, create a housing staff position, and other direct developer support efforts for affordable housing projects. The City secured grant funding in 2020 to begin work on these efforts. The City is working through each item in the action plan toward implementation.</p>

Table D
Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Housing Choice Voucher Program	<ul style="list-style-type: none"> - Disseminate information to the public regarding the HCV program and promote participation by rental property owners. - Annually contact the HACSJ to obtain information on the status of the HCV program and other available resources. - Continue to support HACSJ's petition for increased funding from HUD. - Continue to work with HACSJ to provide HCVs to Tracy residents. - Continue to work with the HACSJ to assist households through the Family Self- Sufficiency Program. 	12/31/2023	This program is overseen by the Housing Authority of the County of San Joaquin and is funded by HUD. Information on these programs is available on hacsj.org .
Sustainability Program	Continue to implement the Sustainability Action Plan.	12/31/2023	This document is frequently used in development project review and CEQA review.
Affordable Housing Monitoring	<ul style="list-style-type: none"> - Monitor status of affordable units annually by maintaining contact with property owners and HUD Multi-Family Housing division. - Solicit interest and participation of nonprofit housing developers to acquire and preserve housing to be maintained as affordable units. 	12/31/2023	On-going. In 2020, City Council allocated \$4 million to the Housing Authority of San Joaquin County for the rehabilitation of existing low-income housing units.

Table D
Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Affordability by Design	<ul style="list-style-type: none"> - Continue to implement the recently adopted Zoning Amendments that incorporate affordability by design concepts described in the General Plan. - Encourage the development of a variety of housing types that provide affordable housing options for persons with special needs, such as micro-units, senior units, second units, and small-lot developments. - Promote Affordability by Design principles by placing information on City website and at public counters by 2016. 	Dec 31, 2023; Dec 31, 2016	<p>Completed and on-going.</p> <p>Revised development regulations influenced by Affordability by Design principles were incorporated into the Zoning Ordinance over the last number of years. For example, any use, including multi-family residential, may request up to a 20% reduction in required parking based on a study or survey that illustrates that required number of parking spaces pursuant the City's Off-Street Parking Ordinance is not needed for the use (Ordinance 1181). The City of Tracy has also relaxed setbacks in the High Density Residential Zoning District (Ordinance 1179), permitted a broader degree of housing types in the Central Business District Zone consistent with General Plan densities (Ordinance 1282), and is implementing the State's allowances for ADUs (Government Code Section 65852.150) which were updated effective January 1, 2020. This has provided for greater flexibility for the allowance and maximum usage of residential sites. These available on the City's website and at the front counter. On February 4, 2020, the City Council identified an action plan to address affordable/workforce housing, among which include changes to density and development regulations. Work began on developing these action items in 2020.</p>

Table D
Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Property Acquisition and Improvement	<ul style="list-style-type: none"> - Continue to identify and seek partnerships with organizations and the County in order to acquire, improve, and develop affordable housing - Continue to assist in site acquisition for affordable housing. As funding permits, prioritize funding assistance to affordable housing projects that set aside units for seniors, persons with disabilities, and extremely low income households. 	12/31/2023	<p>On-going as CDBG funds and other funding sources are available.</p> <p>Responsible Agencies: Tracy Development Services (DS) Department; Economic Development Division; San Joaquin County Neighborhood Preservation Division; and local nonprofits</p>
Inclusionary Housing	<ul style="list-style-type: none"> - Explore the potential and set the stage for a voluntary inclusionary housing program that includes an extremely low income housing component by 2017. - Monitor the City's affordability conditions on an annual basis and identify an inclusionary housing trigger, if necessary. 	Dec 31, 2017; on-going	<p>Completed. Projects that voluntarily provide inclusionary housing is granted priority for Residential Growth Allotments that are necessary to obtain a building permit for residential development as established in the Growth Management Ordinance Guidelines (Resolution 2014-145).</p> <p>The City Council conducted a workshop on workforce and affordable housing on June 4, 2019, during which inclusionary housing was discussed. On February 4, 2020, the City Council identified an action plan that would encourage more affordable/workforce housing, for which the City subsequently received grant funding. The City is working through each item in the action plan toward implementation.</p>

Table D
Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report

Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Resale of Foreclosed Properties	Continue to collaborate with the County, on an ongoing basis, to identify and pursue available resources for the acquisition/rehabilitation of foreclosed and/or substandard housing as affordable housing.	12/31/2023	This is on-going in collaboration with the San Joaquin County Neighborhood Preservation Division.

Table D
Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report

Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Zoning Ordinance	<p>- Complete Zoning Ordinance amendments to address the provision of density bonuses, residential care facilities, farmworker housing, and employee housing by the end of 2016. Specifically:</p> <ul style="list-style-type: none"> - Density Bonus: Update Density Bonus Ordinance to reflect the requirements of AB 2222 (effective January 2015), including extending the affordability control for the affordable units to 55 years, and requiring the replacement of existing affordable units demolished or removed in order to qualify for a density bonus, incentive, or concession. - Residential Care Facilities: to In accordance with the Lanterman Act, amend the Zoning Ordinance to permit residential care facilities serving six or fewer persons as a single-family residential use. In addition, consistent with City practice, amend the Zoning Ordinance to allow residential care facilities of seven or more persons in all residential zones with a Conditional Use Permit. - Farmworker Housing: The California Employee Housing Act further defines housing for agricultural workers consisting of 36 beds or 12 units be treated as an agricultural use and 	12/31/2023	<p>On February 4, 2020, the City Council identified an action plan to address affordable/workforce housing, among which include changes to density and development regulations. Work began on developing these action items in 2020. The City is working through each item in the action plan toward implementation.</p> <p>There are no constraints to development of housing in the Zoning Ordinance.</p>

<p style="text-align: center;">Table D</p> <p style="text-align: center;">Program Implementation Status pursuant to GC Section 65583</p>			
Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Growth Management Ordinance (GMO)	<ul style="list-style-type: none"> - Annually monitor and evaluate the Growth Management Ordinance for the impacts on the cost, supply and timing of housing including seeking input from residential developers and affordable housing stakeholders in reviewing the effects of the GMO. <p>The review will reflect the RHNA as a minimum and consider impacts on overall housing supply in addition to accommodating the RHNA. Information will be included and evaluated as part of the annual Growth Management Status report, published in the fourth quarter of each calendar year.</p>	12/31/2023	<p>On-going. The Growth Management Ordinance was amended in November 2015 to permit building permits to be issued beyond the maximum number of Residential Growth Allotments issued in accordance with the Ordinance in an effort to allow housing to be built in accordance with the City's assigned RHNA (Ordinance 1201). The growth management status and pipeline report are on the City's website.</p>

Table D
Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Fair Housing	<ul style="list-style-type: none"> - Continue to support the San Joaquin Fair Housing Association, or other qualified fair housing agencies, annually with CDBG funds and refer residents seeking fair housing assistance on an ongoing basis. - Advertise the services provided by the San Joaquin Fair Housing Association (or other qualified fair housing agencies) on an ongoing basis in City buildings and other public buildings (such as public libraries, community centers, County Housing Authority offices, and post offices, etc.) 	12/31/2023	<p>On-going. The City participates in providing an annual direct allocation to the San Joaquin Fair Housing Association through the CDBG program. For Fiscal Year 21/22, \$5,500 was allocated.</p> <p>Information on the Fair Housing services are available at City Hall and on the City's website under the Economic Development Division homepage.</p>

Table D
Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report

Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Provision of Adequate Sites	<ul style="list-style-type: none"> - Complete rezoning of the four parcels on Valpico Road within two years of the adoption of the 2015-2023 Housing Element. - Monitor and update the sites inventory annually to assess its adequacy for meeting the RHNA, particularly for sites capable of facilitating the development of lower income housing. - Make the inventory of vacant sites available to interested developers after adoption of the Housing Element. - Should properties identified in the residential sites inventory become unavailable during the planning period, resulting in a shortfall in sites for meeting the RHNA, the City will identify additional sites per Government Code § 65863. 	March 15, 2018; on-going	<p>The parcels on Valpico Road have not yet been rezoned. The City has had numerous meetings with developers about the appropriate zoning of this site, and these conversations are still going.</p> <p>The available sites inventory is still accurate and is publically available on the City's website on page 81 of the Housing Element. Tracy's RHNA obligations are being assessed annually. There is currently no shortage on vacant sites.</p>

Jurisdiction	Tracy
Reporting Period	2021 (Jan. 1 - Dec. 31)
Planning Period	5th Cycle 12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

Table E

Commercial Development Bonus Approved pursuant to GC Section 65915.7

Project Identifier				Units Constructed as Part of Agreement				Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
1				2				3	4
APN	Street Address	Project Name ⁺	Local Jurisdiction Tracking ID ⁺	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
Summary Row: Start Data Entry Below									

Jurisdiction	Tracy	
Reporting Period	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table F

Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)

Please note this table is optional: The jurisdiction can use this table to report units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved, including mobilehome park preservation, consistent with the standards set forth in Government Code section 65583.1, subdivision (c). Please note, motel, hotel, hostel rooms or other structures that are converted from non-residential to residential units pursuant to Government Code section 65583.1(c)(1)(D) are considered net-new housing units and must be reported in Table A2 and not reported in Table F.

Activity Type	Units that Do Not Count Towards RHNA ⁺ Listed for Informational Purposes Only				Units that Count Towards RHNA ⁺ Note - Because the statutory requirements severely limit what can be counted, please contact HCD to receive the password that will enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c) of Government Code Section 65583.1 ⁺
	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Residential Units									
Mobilehome Park Preservation									
Total Units by Income									

Jurisdiction	Tracy	
Reporting Period	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

NOTE: This table must only be filled out if the housing element sites inventory contains a site which is or was owned by the reporting jurisdiction, and has been sold, leased, or otherwise disposed of during the reporting year.

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Table G						
Locally Owned Lands Included in the Housing Element Sites Inventory that have been sold, leased, or otherwise disposed of						
Project Identifier				2	3	4
APN	Street Address	Project Name ⁺	Local Jurisdiction Tracking ID ⁺	Realistic Capacity Identified in the Housing Element	Entity to whom the site transferred	Intended Use for Site
Summary Row: Start Data Entry Below						

Jurisdiction	Tracy			Note: "+" indicates an optional field
Reporting Period	2021	(Jan. 1 - Dec. 31)		Cells in grey contain auto-calculation formulas

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCRR Title 25 §6202)

Table H

Locally Owned Surplus Sites

Parcel Identifier				Designation	Size	Notes
1	2	3	4	5	6	7
APN	Street Address/Intersection	Existing Use	Number of Units	Surplus Designation	Parcel Size (in acres)	Notes
Summary Row: Start Data Entry Below						

Jurisdiction	Tracy	
Reporting Year	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	12/31/2015 - 12/31/2023

Building Permits Issued by Affordability Summary		
Income Level	Current Year	
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	48
	Non-Deed Restricted	84
Above Moderate		727
Total Units		859

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

Units by Structure Type	Entitled	Permitted	Completed
SFA	0	0	0
SFD	1470	649	466
2 to 4	0	4	8
5+	0	96	48
ADU	0	54	7
MH	0	0	0
Total	1470	803	529

Housing Applications Summary	
Total Housing Applications Submitted:	0
Number of Proposed Units in All Applications Received:	0
Total Housing Units Approved:	0
Total Housing Units Disapproved:	0

Use of SB 35 Streamlining Provisions	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

Units Constructed - SB 35 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Cells in grey contain auto-calculation formulas

Jurisdiction	Tracy
Reporting Year	2021 (Jan. 1 - Dec. 31)

**ANNUAL ELEMENT PROGRESS REPORT
Local Early Action Planning (LEAP) Reporting
(CCR Title 25 §6202)**

Please update the status of the proposed uses listed in the entity's application for funding and the corresponding impact on housing within the region or jurisdiction, as applicable, categorized based on the eligible uses specified in Section 50515.02 or 50515.03, as applicable.

Summary of entitlements, building permits, and certificates of occupancy (auto-populated from Table A2).

Completed Entitlement Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		1470
Total Units		1470

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	48
	Non-Deed Restricted	84
Above Moderate		727
Total Units		859

Certificate of Occupancy Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	15
Above Moderate		526
Total Units		541

The matrix approach has its limitations. By itself, a matrix cannot answer questions about the zoning's compatibility with the objectives, policies, and programs of the general plan, nor can it answer questions about timing. A number of local governments use a checklist to evaluate the consistency of individual zoning proposals. The checklist repeats the major goals and policies of the general plan and rates the degree to which the proposed zoning conforms to each of them (e.g., "furthers," "deters," "no effect"). A point system that rates development projects by their level of consistency with the goals, objectives, and policies of the general plan is a similar approach.

Subdivision Consistency

Before a city or county may approve a subdivision map (including parcel maps) and its provisions for design and improvement, the city or county must find that the proposed subdivision map is consistent with the general plan and any applicable specific plans ([Gov. Code § 66473.5](#)). These findings can only be made when the local agency has officially adopted a general plan and the proposed subdivision is "compatible with the objectives, policies, general land uses and programs specified in such a plan" (*Ibid.*).

[Government Code sections 66474](#) and [66474.61](#) require a city or county to deny approval of a tentative map if it makes either of the following findings: the proposed map is not consistent with applicable general and specific plans or the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

Enforcement and Remedies

Any resident or property owner may sue to enforce the requirements for the adoption of an adequate general plan (58 Ops.Cal. Atty.Gen. 21 (1975)). The same is true for enforcing the requirements that zoning and subdivisions must be consistent with the general plan ([Gov. Code §§ 65860\(b\), 66499.33](#)). As the state's chief law enforcement officer, the Attorney General may do the same (58 Ops.Cal. Atty.Gen. 21; *Cal. Const.*, art. V, § 13). Additionally, persons living outside a city have standing to sue if the city's zoning practices exclude them from residing in the city or raise their housing costs by adversely affecting the regional housing market ([Stocks v. City of Irvine \(1981\) 114 Cal.App.3d 520](#)).

The courts may impose various remedies for failure to have a complete and adequate general plan ([Gov. Code §§ 65750, et seq.](#)). One is a writ of mandate to compel a local government to adopt a legally adequate general plan. The courts also have general authority to issue an injunction to limit approvals of additional subdivision maps, parcel maps, rezonings, and public works projects or (under limited circumstances) the issuance of building permits pending adoption of a complete and adequate general plan (Id., 58 Ops.Cal. Atty.Gen. 21 (1975), *Friends of "B" Street v. City of Hayward (1980) 106 Cal.App.3d 988*, *Camp v. Mendocino (1981) 123 Cal.App.3d 334*). Where a court finds that specific zoning or subdivision actions or public works projects are inconsistent with the general plan, it may set aside such actions or projects. Under certain circumstances, the court may impose any of these forms of relief prior to a final judicial determination of a general plan's inadequacy ([Gov. Code § 65757](#)).

Annual Progress Reports

After the general plan has been adopted, [Government Code section 65400\(a\)\(2\)\(A\)](#) requires the planning agency to provide an annual report to their legislative body, OPR, and HCD on the status of the plan and progress in its implementation. The report

must detail progress in meeting the jurisdiction's share of regional housing needs determined pursuant to [Government Code section 65584](#) and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to [Government Code section 65583\(c\)\(3\)](#) (Id. at [§ 65400\(a\)\(2\)\(B\)](#)).

The annual progress report must be provided to the legislative body, OPR, and HCD on or before April 1 of each year. Jurisdictions must report on a calendar-year basis (January 1 through December 31). Jurisdictions are able to complete the [housing element](#) portion of the annual progress report online through the Department of Housing and Community Development's online portal. While there is a standard format for the housing element portion of the annual report, there is no standardized format for the preparation of the annual progress report for the rest of the general plan. The form and content of the report may vary based on the circumstances, resources, and constraints of each jurisdiction. This section is meant to provide general guidance to cities and counties in the preparation of their annual progress reports.

Purpose of the Report

- To provide enough information to allow local legislative bodies to assess how the general plan is being implemented in accordance with adopted goals, policies, and implementation measures.
- To provide enough information to identify necessary course adjustments or modifications to the general plan as a means to improve local implementation.
- To provide a clear correlation between land use decisions that have been made during the 12-month reporting period and the goals, policies, and implementation measures contained in the general plan.
- To provide information regarding local agency progress in meeting its share of regional housing needs and removing governmental constraints to the development of housing pursuant to [Government Code section 65583\(c\)\(3\)](#).

Format of the Report (General)

The following describes ways in which various cities and counties have organized and formatted their annual progress reports:

- **Focus on individual policies and implementation measures:** Provide a comprehensive listing of all general plan policies, including those which have been incorporated by reference, categorized by element, with a commentary on how each policy was implemented during the reporting period (i.e., a description of the activities underway or completed for implementation of each policy). This listing can most easily be accomplished by using a table format.
- **Focus on development activities and projects approved:** Provide comprehensive listing of all development applications that the planning agency received and processed with commentary on how the agency's actions on these development applications further the goals, policies, and/or implementation measures of the general plan. Link the major projects, including public projects, to the general plan using policy numbers or by element.
- **Focus on general plan elements:** Provide a general summary of each of the mandatory and optional elements of the general plan with a brief description of various actions taken by the agency (e.g., development application approvals, adoption of ordinances or plans, agency-initiated planning studies, etc.) that advanced specific goals and policies of each element.
- **Broad annual report format:** Incorporate the annual progress report into a broadly focused annual report on all of

the activities and programs of the jurisdiction, drawing upon data and sources such as an annual performance report on budgeting, processing of land use entitlements, redevelopment activities, housing construction, or other programs or “state of the city/county” reports.

CONSISTENCY PROVISIONS IN STATE LAW AND LEGAL PRECEDENTS

All statutory references are to the California Government Code unless otherwise noted.

Agricultural Preserves

- § 51234 requires that agricultural preserves established under the Williamson Act be consistent with the general plan.
- § 51282 requires a city or county, when approving a Williamson Act contract cancellation, to make a finding that the proposed alternate use is consistent with the general plan.

Capital Improvements

- §§ 65401 and 65402 require planning agencies to review and report on the consistency with the applicable general plan of proposed city, county, and special district capital projects, including land acquisition and disposal.
- § 65103(c) requires planning agencies to review annually their city or county capital improvement programs and other local agencies' public works projects for consistency with the general plan.
- Friends of B Street v. City of Hayward (1980) 106 Cal.App.3d 988 held that a city's capital facilities projects must be consistent with the city's general plan.
- § 53090, et seq., require that most public works projects undertaken by special districts, including school districts, must be consistent with local zoning, which in turn must be consistent with the general plan. A school district board may render a zoning ordinance inapplicable with respect to school classroom facilities (§ 53094). A special district governing board may render the zoning ordinance inapplicable if it makes a finding after a public hearing that there is no feasible alternative to the project (§ 53096). State entities are an exception to this consistency requirement (Rapid Transit Advocates, Inc. v. Southern California Rapid Transit District (1986) 185 Cal.App.3d 996).

Condominium Conversion

- § 66427.2 requires that when the general plan contains objectives and policies addressing the conversion of rental units to condominiums, any conversion must be consistent with those objectives and policies.

Development Agreements

- § 65867.5 requires development agreements to be consistent with the general plan.

Consistency Provisions in State Law and Legal Precedents, Continued

Housing Authority Projects

- Health and Safety Code § 34326 declares that all housing projects undertaken by housing authorities are subject to local planning and zoning laws.

Integrated Waste Management

- Public Resources Code section 41701 states that if a county determines that the existing capacity of a solid waste facility will be exhausted within 15 years or if the county desires additional capacity, then the countywide siting element of the county's hazardous waste management plan must identify an area or areas, consistent with the applicable general plan, for the location of new solid waste transformation or disposal facilities or for the expansion of existing facilities.
- Public Resources Code section 41702 states that an area is consistent with the city or county general plan if:
 1. The city or county has adopted a general plan.
 2. The area reserved for the new or expanded facility is located in, or coextensive with, a land use area designated or authorized by the applicable general plan for solid waste facilities.
 3. The adjacent or nearby land use authorized by the applicable general plan is compatible with the establishment or expansion of the solid waste facility.

On-Site Wastewater Disposal Zones

- Health and Safety Code section 6965 requires a finding that the operation of an on-site wastewater disposal zone created under Health and Safety Code section 6950, et seq., will not result in land uses that are inconsistent with the applicable general plan.

Park Dedications

- § 66477 enables local governments to require as a condition of subdivision and parcel map approval the dedication of land or the payment of in lieu fees for parks and recreational purposes if the parks and recreational facilities are consistent with adopted general or specific plan policies and standards.

Parking Authority Projects

- Streets and Highway Code section 32503 specifies that parking authorities, in planning and locating any parking facility, are subject to the relationship of the facility to any officially adopted master plan or sections of such master plan for the development of the area in which the authority functions to the same extent as if it were a private entity.

Planning Commission Recommendations

- § 65855 requires that the planning commission's written recommendation to the legislative body on the adoption or amendment of a zoning ordinance include a report on the relationship of the proposed adoption or amendment to the general plan.

Consistency Provisions in State Law and Legal Precedents, Continued

Reservations of Land Within Subdivisions

- § 66479 specifies that reservations of land for parks, recreational facilities, fire stations, libraries, and other public uses within a subdivision must conform to the general plan.

Special Housing Programs

- Health and Safety Code section 50689.5 specifies that housing and housing programs developed under Health and Safety Code section 50680, et seq., for the developmentally disabled, mentally disordered, and physically disabled must be consistent with the housing element of the general plan.

Specific Plans

- § 65359 requires that a specific plan covering an area affected by a general plan amendment shall be reviewed and amended as necessary to make it consistent with the applicable general plan.
- § 65454 specifies that a specific plan may not be adopted or amended unless the proposed plan is consistent with the general plan.

Format of the Report (Housing Element)

In 2010, the State Department of Housing and Community Development adopted regulations on the preparation of the annual [housing element](#) progress report ([Cal. Code Regs., tit. 25, §§ 6200](#), et seq.). All housing element progress reports must conform to these regulations. Forms, instructions, and a copy of the regulations can be found at the HCD's website at <http://www.hcd.ca.gov/community-development/housing-element/index.shtml>. In general, the following information is required for housing element reporting:

- Listing of building permits issued for the calendar year by income category.
- Demonstration of the progress towards meeting the regional housing need.
- A description of the progress in implementation of the policies and programs in the housing element.
- A city or county that is the successor to a former redevelopment agency shall include financial and housing information specified at [Health and Safety Code section 34176.1\(f\)](#) in its annual report.

The report must be considered at an annual public meeting before the legislative body where members of the public may provide oral testimony and written comments.

Contents of the Report

Each jurisdiction should determine which locally relevant issues are important to include in the annual report. The following items may be useful in the annual progress report:

- Introduction.
- Table of contents.
- Date of presentation to and acceptance by the local legislative body.
- List of major agency-initiated planning activities that were initiated, in progress, or completed during the reporting period (i.e., master plans, specific plans, master environmental assessments, annexation studies, and other studies or plans carried out in support of specific general plan implementation measures). Include a brief comment on how each of these activities advances the goals, policies, and/or implementation measures contained in the general plan. Provide specific reference to individual elements where applicable.
- List each of the general plan amendments that have been processed, along with a brief description and the action taken (e.g., approval, denial, etc.). This listing should include agency-initiated as well as applicant-driven amendments.
- List each of the development applications that have been processed, along with a brief description, the action taken (e.g., approval, denial, etc.), and a brief comment on how each action furthers the goals, policies, and/or implementation measures of the general plan. Provide specific reference to individual elements where applicable.
- Identify significant projects built within jurisdiction but not approved by jurisdiction, such as large school facilities not approved by city or county, but affecting general plan.
- Identify priorities for land use decision-making that have been established by the local legislative body (e.g., passage of moratoria, emergency ordinances, development of community or specific plans, etc.).
- The annual progress report should identify goals, policies, objectives, standards, or other plan proposals that need to be added, deleted, amended, or otherwise adjusted.

Submitting the Report to OPR and HCD

Annual progress reports can be submitted to OPR in either electronic or paper format. Preference is for electronic reporting. If you wish to submit your annual report to OPR electronically, e-mail it to state.clearinghouse@opr.ca.gov. Word, Excel, PowerPoint or PDF are the only acceptable file formats. Printed copies of the annual report should be sent to Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, P.O. Box 3044, Sacramento, CA 95812-3044.

A copy of the report must also be sent to the Department of Housing and Community Development via their [online system](#), or printed copies to Division of Housing Policy Development, P.O. Box 952053, Sacramento, CA 94252-2053

Coastal Act Compliance for those Jurisdictions Located in the Coastal Zone

CALIFORNIA COASTAL ACT

The California Coastal Act of 1976 ([Public Resources Code section 30000 et seq.](#)) was enacted to “[p]rotect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources” (Id. at § 30001.5). The Coastal Act applies to the coastal zone, defined in [section 30103\(a\)](#) as a strip along the California coast



COMMUNITY DEVELOPMENT

HOUSING ELEMENT ANNUAL PROGRESS REPORT (APR) INSTRUCTIONS

INTRODUCTION

Government Code section 65400 requires that each city, county, or city and county, including charter cities, prepare an annual progress report (APR) on the status of the housing element of its general plan and progress in its implementation, using forms and definitions adopted by the California Department of Housing and Community Development (HCD). The following form is to be used for satisfying the reporting requirements of Government Code section 65400, subdivision (a)(2).

These forms and instructions, originally adopted March 27, 2010, have been updated to incorporate new housing element APR requirements pursuant to Chapter 374, Statutes of 2017 (Assembly Bill 879); Chapter 366, Statutes of 2017 (Senate Bill 35); Chapter 664, Statutes of 2019 (Assembly Bill 1486); Chapter 159, Statutes of 2019 (Assembly Bill 101); Chapter 661, Statutes of 2020 (Assembly Bill 1255); Chapter 15, and Statutes of 2020 (Assembly Bill 83).

How to submit the Housing Element Annual Progress Report (APR)

The APR must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1 of each year using the forms and tables specified by HCD. The APR provides information for the previous calendar year and must be submitted separately to both HCD and OPR (Gov. Code, § 65400.). There are two methods available for submitting APRs:

1. Online Annual Progress Reporting System - This allows jurisdictions to upload directly into HCD's database, limiting the risk of errors. To use the online system, email APR@hcd.ca.gov, and request login information for your jurisdiction. *Please note: Using the online system only provides the information to HCD. The APR must still be submitted to OPR. Their email address is opr.apr@opr.ca.gov.*
2. Email - Jurisdictions complete the Excel APR forms and submit to HCD at APR@hcd.ca.gov and to OPR at opr.apr@opr.ca.gov. When using the email method, send the electronic version as an Excel workbook attachment. Do not send a scanned copy of the tables. In addition to submitting housing element APRs, jurisdictions must also submit general plan APRs to both HCD and OPR. Please email these documents to APR@hcd.ca.gov and opr.apr@opr.ca.gov.

NOTE: When submitting successor entity reporting data as required pursuant to California Health and Safety Code 34176.1, the data must be identified as an addendum to the APR and emailed to APR@hcd.ca.gov concurrently with the APR submittal. When using the online system, this report should be sent separately to the APR email box to satisfy the Government Code section 65400 reporting requirement.

TABLE OF CONTENTS

HOUSING ELEMENT ANNUAL PROGRESS	1
REPORT (APR) INSTRUCTIONS.....	1
INTRODUCTION	1
DEFINITIONS	3
FORM INSTRUCTIONS.....	6
GENERAL INFORMATION	6
START HERE	6
TABLE A - Housing Development Applications Submitted	6
TABLE A2 - Annual Building Activity Report Summary – New Construction, Entitled, Permits and Completed Units.....	8
TABLE B - Regional Housing Needs Allocation Progress – Permitted Units Issued By Affordability	15
TABLE C - Sites Identified or Rezoned to Accommodate Shortfall Housing Need	16
TABLE D - Program Implementation Status pursuant to Government Code section 65583	17
TABLE E - Commercial Development Bonus Approved pursuant to Government Code section 65915.7	18
TABLE F - Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1, subdivision (c).....	18
TABLE G - Locally Owned Lands Included in the Housing Element Sites Inventory that have been sold, leased, or otherwise disposed of, pursuant to Government Code section 65400.1.....	19
TABLE H - Inventory of Locally Owned or Controlled Lands Declared Surplus Pursuant to Government Code section 54221, or Identified as Excess Pursuant to Government Code section 50569.....	19
LEAP Reporting – Annual report on any Local Early Action Planning Grants funds received by the jurisdiction.....	20

DEFINITIONS

- 1.** “Above moderate income” means households earning more than 120 percent of area median income.
- 2.** “Annual Progress Report (APR)” means the housing element annual progress report required by Government Code section 65400 and due to HCD by April 1 of each year reporting on the prior calendar year’s activities.
- 3.** “Application submitted” means an application submittal that has been determined complete by the jurisdiction.
- 4.** “Area Median Income (AMI)” means the median household income based on household size of a geographic area of the state, as annually updated by HCD, pursuant to Health and Safety Code, section 50093.
- 5.** “Certificate of occupancy date” is the date(s) the certificate(s) of occupancy, or other evidence of readiness for occupancy (e.g., final inspection, notice of completion), was/were issued.
- 6.** “Committed Assistance” is when a local government has entered into a legally enforceable agreement within a specific timeframe spanning from the beginning of the RHNA projection and may be executed throughout the planning period. Committed Assistance includes obligating funds or other in-kind services for affordable units available for occupancy within two years of the agreement.
- 7.** “Completed Entitlement” means a housing development or project which has received all the required land use approvals or entitlements necessary for the issuance of a building permit. This means that there is no additional action required to be eligible to apply for and obtain a building permit.
- 8.** “Density Bonus” is as defined in Government Code section 65915.
- 9.** “Extremely low-income” means a household earning less than 30 percent of area median income pursuant to Health and Safety Code, section 50105.
- 10.** “Infill housing unit” is defined as being a unit located within an urbanized area or within an urban cluster on a site that has been previously developed for urban uses, or a vacant site where the properties adjoining at least two sides of the project site are, or previously have been, developed for urban uses. For the purposes of this definition, an urbanized area or an urban cluster is as defined by the United States Census Bureau.
- 11.** “Locality” or “local government” means a city, including a charter city, a county, including a charter county, or a city and county, including a charter city and county.

12. “Lower-income or Low-Income” means a household earning less than 80 percent of AMI pursuant to Health and Safety Code, section 50079.5.

13. “Moderate income” means households whose income does not exceed 120 percent of AMI pursuant to Health and Safety Code, section 50093.

14. “Permitted units” mean units for which building permits for new housing construction have been issued by the local government during the reporting calendar year. For this purpose, “new housing unit” means housing units as defined by the Department of Finance for inclusion in the Department of Finance’s annual “E-5 City/County Population and Housing Estimates” report, which is the same as the Census definition of a housing unit.

Note: Accessory dwelling units (ADU) and junior accessory dwelling units (JADU) pursuant to Government Code sections 65852.2 and 65852.22 meet the definition above.

15. “Production report” or “Annual Progress Report (APR)” means the information reported pursuant to subparagraph (D) of paragraph (2) of subdivision (a) of Section 65400 of the Government Code.

16. “Project” or “Development” refers to a housing related activity where new construction of a unit(s) is proposed or has had a building permit and/or certificate of occupancy issued during the reporting calendar year. This may include single family, mixed use, multifamily, accessory dwelling unit, or any other developments where housing units, as defined by the U.S. Census Bureau and the Department of Finance, are a component of the project.

17. “Realistic Capacity” means an estimate of the number of units that can be accommodated on each site in the inventory. The estimate must include adjustments to reflect land use controls and site improvement requirements but may rely on established minimum density standards.

18. “Reporting period” means the prior calendar year’s activities for the housing element annual progress report required by Government Code section 65400 and due to HCD by April 1 of each year and utilized to create the determination for which locality is subject to the Streamlined Ministerial Approval (SB 35 Streamlining) Provisions.

19. “RHNA” means the local government’s share of the regional housing need allocation pursuant to Government Code section 65584 et seq.

20. Unit Category: type of units that are classified under the following categories:

- **Single Family-Detached Unit (SFD)**- a one-unit structure with open space on all four sides. The unit often possesses an attached garage.
- **Single Family-Attached Unit (SFA)**- a one-unit structure attached to another unit by a common wall, commonly referred to as a townhouse, half-plex, or row house. The shared wall or walls extend from the foundation to the roof with adjoining units to form a property line. Each unit has individual heating and plumbing systems.
- **2-, 3-, and 4-Plex Units per Structure (2-4)**- a structure containing two, three, or four units and not classified as single-unit attached structure.
- **5 or More Units per Structure (5+)**- a structure containing five or more housing units.

- **Accessory Dwelling Unit (ADU)** - means a unit that is attached, detached or located within the living area of the existing dwelling or residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel on which the single-family dwelling is situated pursuant to Government Code section 65852.2. An ADU also includes the following: an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code or a manufactured home, as defined in Section 18007 of the Health and Safety Code.
- **Mobilehome Unit/Manufactured Home** – a one-unit structure that was originally constructed to be towed on its own chassis. *Please note: Spaces in a mobilehome park can be counted towards RHNA, if the spaces counted are new hook-ups/spaces rather than new mobilehome park residents moving onto existing lots.*

21. “Very low-income” means households earning less than 50 percent of AMI pursuant to Health and Safety Code, section 50105.

AUTHORITY CITED: Government Code section 65400.

FORM INSTRUCTIONS

GENERAL INFORMATION

Fields in gray auto-populate. No data entry is needed.

Some of the cells are locked to ensure data can be automatically uploaded to the online system.

Tables A and A2 of the worksheet are currently configured to accept up to 1,000 lines of data. Insert rows if needed.

Projects are now tracked at all stages of development, from initial application to final certificate of occupancy.

All dates must be entered as month/date/year (e.g., 6/1/2018).

The form works best with macros enabled in Excel.

Begin with the “Start Here” tab, as previous years’ information will pre-populate in Table B after the jurisdiction’s name is entered.

START HERE

Enter general contact and report information in the “Start Here” tab.

It is important to start with this worksheet because the answers entered will affect how information is displayed (e.g., permit numbers from prior years are pre-populated when the jurisdiction’s name is entered).

Information to enter includes:

- City or county name
- Reporting calendar year (e.g., 2019). *Please note: The reporting year will always be from January 1 – December 31 of the previous year.*
- Contact person
- Title
- Email
- Phone
- Mailing address

This sheet includes instructions regarding submitting the housing element APR to HCD and OPR.

TABLE A

Housing Development Applications Submitted

Only include data on housing units and developments for which an application was deemed complete between January 1 and December 31 of the reporting year identified on the “Start Here” tab. In table A,

an “application” is a formal submittal of a project for approval. This application is either an application for a discretionary entitlement, or where only a ministerial process is required (e.g., zoned by right).

Project Identifier: Include the Current Assessor Parcel Number (APN) and street address. The Prior APN, Project Name and Local Jurisdiction Tracking ID are optional.

- Prior APN – Enter an APN previously associated with the parcel, if applicable (optional field).
- Current APN – Enter the current available APN. If necessary, enter additional APNs in the notes section field number 10.
- Street Address – Enter the number and name of the street.
- Project Name – Enter the project name, if available (optional field).
- Local Jurisdiction Tracking ID – This may be the permit number or other identifier (optional field).

2. Unit Types: Each development should be categorized by one of the following codes. Refer to “Unit Category” in the Definitions section for additional descriptions. Use the drop-down menu to select one of the following options:

- SFA (single-family attached unit)
- SFD (single-family detached unit)
- 2-4 (two-to four-unit structures)
- 5+ (five or more unit structure, multifamily)
- ADU (accessory dwelling unit)
- MH (mobilehome/manufactured home)

3. Tenure: Identify whether the units within the development project are either proposed or planned at initial occupancy for either renters or owners. Use the drop-down menu to select one of the following options:

- Renter occupant (R) or
- Owner occupant (O)

4. Date Application Submitted: Enter the date the housing development application was submitted. If the application was incomplete at the time of submittal, enter the date the application was determined complete by the local government (refer to “application submitted” under Definitions). Enter date as month/day/year (e.g., 6/1/2020).

5. Proposed Units Affordability by Household Incomes: For each development, list the number of units proposed in the application by affordability level and whether the units are deed restricted or non-deed restricted. Refer to the Definitions section for additional descriptions:

- Very low-income households: 0-50 percent AMI
- Low-income households: 50-80 percent AMI
- Moderate-income households: 80-120 percent AMI
- Above-moderate households: above 120 percent

- To verify income levels, refer to the income limit charts on HCD's website at <http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml> (see section for Official State Income Limits).

6. Total Proposed Units by Project: This field auto-populates with the total number of units proposed, as entered in #5 (total of deed restricted & non-deed restricted units for Very Low-, Low-, Moderate- and Above Moderate- income households).

7. Total Approved Units by Project: Enter the number of units that the jurisdiction approved for this project application.

8. Total Disapproved Units by Project. If the project is denied or total number of units is reduced, please enter the number of units denied or reduced. This value should equal Total Proposed Units by Project minus Total Approved Units by Project.

9. Was “Application Submitted” pursuant to Government Code section 65913.4, subdivision (b) (Streamlined Ministerial Approval Process (SB 35 Streamlining))? Use the drop-down menu to select one of the following options:

- No
- Yes – But no action taken
- Yes – Approved
- Yes – Denied

10. Was a Density Bonus requested for this housing development? Answer yes or no.

11. Was a Density Bonus approved for this housing development? Answer yes or no.

12. Please indicate the status of the application. Use the drop drop-down menu to select one of the following options:

- Approved
- Pending
- Disapproved
- Withdrawn

13. Notes: Use this field to enter any applicable notes about the project or development. Completion of this field is optional.

TABLE A2
Annual Building Activity Report Summary – New Construction, Entitled, Permits and Completed Units

Fields 1 through 15 - Housing Development Information

This table requires information for very low, low, moderate and above moderate income housing affordability categories and for mixed-income projects. Include data on all net new housing units and developments that have received any one of the following:

- An entitlement
- A building permit.
- A certificate of occupancy or other form of readiness that was issued during the reporting year.

Please note: Only building permits are used for the purposes of determining progress towards RHNA (fields 7, 8 and 9 of this table, described below).

New housing units: For the APR, “new housing unit” means housing units as defined by the Department of Finance for inclusion in the Department of Finance’s annual “E-5 City/County Population and Housing Estimates” report, which is the same as the census definition of a housing unit.

Development activity spanning multiple years: It is highly likely that the same project will be reported in multiple years of APRs. For example, a project should be listed in three separate APRs if it is entitled in one year, receives the building permit the next year, and the certificate of occupancy in the year following.

In scenarios where development activity spans multiple years, the jurisdiction should only report activity that occurred within the reporting year. For example, if a project received building permits in 2018, but received entitlements in 2017, the 2018 APR should only report the building permit information (fields 7, 8 and 9), and not include entitlement information (fields 4, 5 and 6).

Separate living quarters: A house, an apartment, a mobilehome, a group of rooms, or a single room occupied as separate living quarters, or if vacant, intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other individuals in the building and which have direct access from outside the building or through a common hall. For vacant units, the criteria of separateness and direct access are applied to the intended occupants whenever possible.

Please note: Group quarters facilities, such as dormitories, student housing, bunkhouses, and barracks, cannot be counted as housing units.

Net new units: If a building is being demolished to build the new units, the APR should report net new units. For example, if 10 units are being demolished on a site to build a 100-unit building, the APR should report 100 new units and 10 units in the demolished/destroyed column. In the case of new construction where fewer units are being built than were there previously, do not report negative permits.

To assist in reporting demolished/destroyed units, refer to section number 20 below (Table A2, column 20).

All new unit information is to be listed in the following fields:

Fields 1 through 3 – Project Identifier and Unit Types

1. Project Identifier: Include the Current Assessor Parcel Number (APN) and street address. The prior APN, project name or local jurisdiction tracking ID are optional.

- Prior APN – Enter an APN previously associated with the parcel, if applicable (optional field).
- Current APN – Enter the current available APN. This field allows a maximum of 40 characters. If necessary, enter additional APNs in the notes section field number 21.

- Street Address – Enter the number and name of the street.
- Project Name – Enter the project name, if available (optional field).
- Local Jurisdiction Tracking ID – This may be the permit number or other identifier (optional field).

2. Unit Category Codes: Each development should be categorized by one of the following codes: Refer to “Unit Category” in the Definitions section for additional descriptions. Use the drop-down menu to select one of the following options:

- SFA (single-family attached unit)
- SFD (single-family detached unit)
- 2-4 (two- to four-unit structures)
- 5+ (five or more unit structure, multifamily)
- ADU (accessory dwelling unit)
- MH (mobilehome/manufactured home)

3. Tenure: Identify whether the units within the development project are either proposed or planned at initial occupancy for either renters or owners. Use the drop-down menu to select one of the following options:

- Renter occupant (R) or
- Owner occupant (O)

Fields 4 through 6 – Completed Entitlement

4. Affordability by Household Income – Completed Entitlement: For each development, list the number of units that have been issued a completed entitlement during the reporting year by affordability level and whether the units are deed restricted or non-deed restricted. Refer to the Definitions section for additional descriptions:

- Very low-income households: 0-50 percent AMI
- Low-income households: 50-80 percent AMI
- Moderate-income households: 80-120 percent AMI
- Above-moderate households: above 120 percent

To verify income levels, refer to the income limit charts on HCD’s website at <http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml> (see section for Official State Income Limits).

5. Entitlement Date Approved: Enter the date within the reporting year that all required land use approvals or entitlements were issued by the jurisdiction; leave blank if entitlement was approved outside the reporting year. Enter date as month/day/year (e.g., 6/1/2020). Refer to definition of “Completed Entitlement.”

6. # of Units Issued Entitlements: This is an auto-populated field. This field reflects the total number of units that were entitled for very-low, low, moderate, and above moderate income, as entered in field 4 on this table.

Fields 7 through 9 – Building Permit

7. Affordability by Household Income – Building Permits: For each development, list the number of units that have been issued a building permit during the reporting year by affordability level and whether the units are deed restricted or non-deed restricted. Refer to the Definitions section for additional descriptions:

- Very low-income households: 0-50 percent AMI
- Low-income households: 50-80 percent AMI
- Moderate-income households: 80-120 percent AMI
- Above-moderate households: above 120 percent

To verify income levels, refer to the income limit charts on HCD's website at <http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml> (see section for Official State Income Limits).

8. Building Permits Date Issued: Enter the date within the reporting year that the building permit was issued by the jurisdiction; leave blank if the building permit was issued outside the reporting year. Enter the date as month/day/year (e.g., 6/1/2020). Refer to definition of "Permitted Units."

9. # of Units Issued Building Permits: This is an auto-populated field. This field will sum units that were permitted for very-low, low, moderate, and above moderate income, as entered in field 7 on this table.

Fields 10 through 12 – Certificates of Occupancy

10. Affordability by Household Income – Certificates of Occupancy: For each development, list the number of units that issued certificates of occupancy or other form of readiness (e.g., final inspection, notice of completion) during the reporting year by affordability level and whether the units are deed restricted or non-deed restricted. Refer to the Definitions section for additional descriptions:

- Very low-income households: 0-50 percent AMI
- Low-income households: 50-80 percent AMI
- Moderate-income households: 80-120 percent AMI
- Above-moderate households: above 120 percent

To verify income levels, refer to the income limit charts on HCD's website at <http://www.hcd.ca.gov/grants-funding/income-limits/state-and-federal-income-limits.shtml> (see section for Official State Income Limits).

11. Certificates of Occupancy (or other forms of Readiness) Date Issued: Enter the date the certificate of occupancy or other form of readiness (e.g., final inspection, notice of completion) was issued for the project. For most jurisdictions, this is the final step before residents can occupy the unit. Leave blank if the certificate of occupancy was not issued in the reporting year. Enter the date as month/day/year (e.g., 6/1/2020).

12. # of Units Issued Certificates of Occupancy or other forms of Readiness: This is an auto-populated field. This field will sum units that were issued a certificate of occupancy for very-low, low, moderate, and above moderate income, as entered in field 10 on this table.

13. How many of the Units were Extremely-Low Income Units (Optional): To gain a greater understanding of the level of building activity to meet the needs of extremely low-income households in

the state, HCD asks that you estimate, to the extent possible, the number of units affordable to extremely-low income households. This number will be a subset of the number of units affordable to very low-income households, as indicated in fields 4, 7 and 10 above. *Please note: The number entered in the very low section will not be reduced by the number entered here. Although completion of this field is optional, your input would be greatly appreciated.*

14. Was the project approved using Government Code section 65913.4, subdivision (b) (Streamlined Ministerial Approval Process (SB 35 Streamlining))? Use the drop-down menu to select one of the following options:

- “Y” if the jurisdiction approved the project application pursuant to the streamlined ministerial approval process (SB 35 Streamlining).
- “N” for all other situations.

15. Are these infill units? To gain a greater understanding of the level of infill housing activity in the state, HCD asks that you clarify if the housing units reported are infill by selecting “Yes” or “No.” Although completion of this field is optional, your input would be greatly appreciated. See the Definitions section for “infill housing units” definition.

Fields 16 through 18: Please note, if any units are reported as very-low, low, or moderate income in fields 4, 7 or 10, then the information in fields 16, 17 and/or 18 must be completed to demonstrate affordability. In the absence of justification that the unit is affordable to a very- low, low, and moderate income household, the unit must be counted as above-moderate income.

Fields 16 and 17 Housing with Financial Assistance and/or Deed Restrictions

For all housing units developed or approved with public financial assistance and/or have recorded affordability deed restrictions or covenants, identify funding sources and/or mechanisms that enable units to be affordable.

16. Assistance Programs Used for Each Development: Enter information here if units received financial assistance from the city or county and/or other subsidy sources, have affordability restrictions or covenants, and/or recapture of public funds upon resale.

Use the drop-down menu to select the acronym of the applicable funding program(s), as listed below. To select more than one funding source click once, then select the cell again, and click another source.

- Acq/Rehab: CalHFA Acquisition/Rehab Loan Program
- AHP: Affordable Housing Program - Fed Home Loan
- AHSC: Affordable Housing and Sustainable Communities
- CalHOME: CalHOME
- CDBG: Community Development Block Grant
- CDLAC: CDLAC Bonds (CA Debt Limit Allocation Committee)
- CESH: CA Emergency Solutions & Housing
- ESG: Emergency Solutions Grant
- GSAF: Golden State Acquisition Fund
- HEAP: Homeless Emergency Aid Program
- HHAP: Homeless Housing, Assistance and Prevention Program

- HKEY: Homekey
- HOME: Housing Investment Partnership Program
- HOPWA: Housing Opportunities for Persons with AIDS
- IIG: Infill Infrastructure Grant
- LHTF: Local Housing Trust Funds
- LIHTC: CTCAC/Low Income Housing Tax Credits
- MHP: Multifamily Housing Program - HCD
- MHSA: Mental Health Services Act Funding
- MPRROP: Mobilehome Park Rehabilitation & Resident Ownership Program
- MRB: Mortgage Revenue Bonds
- MyHOME: MyHome Down Payment Assistance
- NHTF: National Housing Trust Fund
- NPLH: No Place Like Home
- PBS8: Section 8 Project-Based Rental Assistance
- PDLP: Predevelopment Loan Program
- RAD: Rental Assistance Demonstration Program
- RDA: Redevelopment Agency or Successor Agency Funds
- Sec 202: HUD Section 202 Housing for the Elderly
- Sec 811: Section 811 Project Rental Assistance
- SERNA: Joe Serna, Jr. Farmworker Housing Program
- SHMHP: Supportive Housing MHP
- SNHP: Special Needs Housing Program - CalHFA
- TOD: Transit Oriented Development Program
- USDA: USDA Rural Development Housing Programs
- VHHP: Veterans Housing and Homeless Prevention Program
- Other: Describe in Notes

17. Deed Restriction Type: Enter information here if units in the project are considered affordable to very-low, low, and/or moderate income households due to a local program or policy, such as an inclusionary housing ordinance, regulatory agreement, or a density bonus. This field should not be used to enter the number of deed restricted units. Identify the mechanism used to restrict occupancy based on affordability to produce “deed restricted” units. Use the drop-down menu to select one of the following options:

- “INC” if the units were approved pursuant to a local inclusionary housing ordinance.
- “DB” if the units were approved using a density bonus.
- “Other” for any other mechanism. Describe the source in notes section number 21.

18. Housing without Financial Assistance or Deed Restrictions: Enter information here if the units are affordable to very-low, low and moderate income households without financial assistance and/or deed restrictions. In these cases, affordability must be demonstrated by proposed sales price or rents.

- Sales prices and rents must meet the definition of affordable as defined in Health and Safety Code Section 50052.5 for owner-occupied units or Health and Safety Code section 50053 for renter-occupied units.

- Describe how the newly constructed rental or ownership housing units were determined to be affordable to very- low, low, and moderate income households without either public subsidies or restrictive covenants. This may be based on various methods considering sales prices or rents relative to the income levels of households, such as through a survey of comparable units in the area that show the unit would be affordable to very-low, low, or moderate income households.
 - The jurisdiction can consider comparable rental prices or new sales prices (actual or anticipated). The jurisdiction should consider costs for renters (i.e., 30 percent of household income for rent and utilities) or owners (e.g., 30 percent of household income for principal, interest, taxes, insurance and utilities, pursuant to Title 25 CCR Section 6920).
- In the absence of justification that the unit is affordable to a very- low, low, and moderate income household, the unit must be counted as above-moderate income.

19. Term of Affordability or Deed Restriction: If the units have committed financial assistance and/or are deed restricted, enter the duration of the affordability or deed restriction. If the units are affordable in perpetuity, enter 1,000. If multiple funding sources or deed restrictions on the development have different terms of affordability, please enter the longest term of affordability. Although completion of this field is optional, your input would be greatly appreciated.

20. Demolished/Destroyed Units: This section is to report if the project and associated APN has a permit, entitlement or certificate of occupancy in the reporting year, and the APN previously had demolished or destroyed units.

- Enter the “Number of Demolished or Destroyed Units” in the reporting calendar year.
- From the drop-down menu select “demolished” if the units were torn down. Select “Destroyed” if the units were lost due to fire or other natural disaster.
- From the drop-down menu “Demolished/Destroyed Units Owner or Renter” select “R” for renter or “O” for owner.

Fields 21 through 24 Density Bonus Detail: The following fields must be completed for at least a sample of density bonus projects reported by the jurisdiction and should only be completed if “DB” is one of the selections in section 17.

21. Total Density Bonus Applied to the Project: Please indicate the percentage of density bonus that was applied to the project.

- If the planning area's maximum allowable density is calculated based on the allowable number of units, express your response as a percentage (New total number of units - Old total number of units)/(Old total number of units).
- Alternatively, if the planning area's maximum allowable density is form- or volume-based, express your response as a percentage (New maximum allowable residential gross floor area - Old maximum allowable residential gross floor area)/(Old maximum allowable residential gross floor area)

22. Number of incentives and other modifications: Enter the total number of other incentives, concessions, waivers, or other modifications given to the project (exclude parking waivers or parking reductions).

23. List the specific incentives, concessions, waivers, or other modifications given to the project using the drop-down menu. You may choose more than one.

- On-Site Improvements
- Off-site Improvements
- Development Standards
- Other

24. **Parking Reduction:** Did the project receive a reduction or waiver of parking standards? Answer Yes or No.

25. **Notes:** Use this field to enter any applicable notes about the project or development. Completion of this field is optional.

TABLE B
Regional Housing Needs Allocation Progress – Permitted Units Issued By Affordability

Table B is a summary of prior permitting activity in the current planning cycle, including permitting activity for the calendar year being reported. Please note, the last year of the 5th cycle will only contain units with permit dates that occurred before the end of the cycle. The first year of the 6th cycle will only contain units with permits that occurred on or after the beginning of the cycle. To assist jurisdictions in completing this form, HCD has pre-filled permit data as reported to HCD on prior APRs. Past unit information will auto-populate when the jurisdiction's name in the general information section of the "Start Here" tab is entered. Current year permitted units will auto-populate from data reported in Table A2. If permit activity for the current year is inaccurate, jurisdictions should make adjustments on field number 7, Affordability by Household Income – Building Permits in table A2.

Please contact HCD at APR@hcd.ca.gov if data from previous years does not populate or if different than the information supplied in Table B. Any changes made by localities to previous years' data in Table B will not update prior APR records maintained by HCD.

Table B reports the number of units for which permits were issued to demonstrate progress in meeting the jurisdiction's share of the RHNA for the planning period.

- 1. Regional Housing Needs Allocation by Income Level:** Lists the jurisdiction's assigned RHNA for the planning cycle by income group. This field will auto-populate once the jurisdiction's name is entered in the "Start Here" tab.
- 2. Year:** Lists the building permit data for each year of the RHNA planning cycle beginning in the first year and ending with the data from the current reporting year, which can be found in Table A2.
- 3. Total Units to Date (all years):** Totals the number of units permitted in each income category.

4. Total Remaining RHNA by Income Level: This field uses the information from the “Total Units to Date” category and deducts the units by income category from the jurisdiction’s assigned RHNA number. Note: The total units remaining to meet the RHNA allocation is in the bottom right hand corner.

TABLE C
Sites Identified or Rezoned to Accommodate Shortfall Housing Need

Please note: This table should only be filled out when a city or county identified an unaccommodated need of sites from the previous planning period pursuant to Government Code section 65584.09, has a shortfall of sites as identified in the housing element pursuant to Government Code section 65583, subdivision (c)(1); or is identifying additional sites required by No Net Loss law pursuant to Government Code section 65863. The data in this inventory serves as an addendum to the housing element sites inventory. This table should not include rezoning for a specific project.

1. Project Identifier: Include the Assessor Parcel Number (APN) and street address. The project name and local jurisdiction tracking ID are optional.

2. Date of Rezone: If a rezone was required, identify the date the rezone occurred. Enter the date as month/day/year (e.g., 6/1/2020).

3. RHNA Shortfall by Household Income Category: For each development or site, list the number of units that are affordable to the following income levels (refer to the Definitions section for more detail):

- Very low-income households: 0-50 percent AMI
- Low-income households: 50-80 percent AMI

Note: rezoning is not required to accommodate moderate or above moderate RHNA shortfall.

4. Rezone Type: From the dropdown list, select one of the following for each project:

- **No Net Loss** (Government Code section 65863): When a jurisdiction permits or causes its housing element sites inventory site capacity to be insufficient to meet its remaining unmet RHNA for lower and moderate-income households. In general, a jurisdiction must demonstrate sufficient capacity on existing sites or make available adequate sites within 180 days of there being insufficient sites to meet the remaining RHNA.
- **Unaccommodated Need** (Government Code section 65584.09): When a jurisdiction failed to identify or make adequate sites available in the prior planning period to accommodate its RHNA by income category. Note: When this condition occurred, the housing element in the current planning period in most cases will have a program to make available adequate sites to address the unmet RHNA by income category in the first year of the planning period.
- **Shortfall of Sites** (Government Code section 65583, subdivision (c)(1)): When a jurisdiction does not identify adequate sites to accommodate its RHNA by income category in the current planning period. Note: When this condition occurred, the housing element for the current planning period must have included a program to make available adequate sites to address the unmet RHNA by income category. For jurisdictions on an eight-year planning period, the rezones must be complete within the first three years of the planning period.

5. Parcel Size (Acres): Enter the size of the parcel in acres.

6. General Plan Designation: Enter the new General Plan Land Use designation. If no change was made, enter the current designation.

7. Zoning: Enter the new zoning designation for the parcel. If no change was made, enter the current zoning designation.

8. Density Allowed: Enter the minimum and maximum density allowed on each parcel. This is the density allowed after any zoning amendments are made. If no maximum density, enter N/A.

9. Realistic Capacity: Enter the estimated realistic unit capacity for each parcel. Refer to the Definitions for more information about “Realistic Capacity.”

10. Vacant/Non-vacant: From the drop-down list, select if the parcel is vacant or non-vacant. If the parcel is non-vacant, then enter the description of existing uses in Field 11.

11. Description of Existing Uses: Include a description of existing uses. Description must be specific (i.e., SFR, MF, surplus school site, operating business, vacant commercial building, parking lot). Classifications of uses (i.e., “commercial”, “retail”, “office”, or “residential”) are not sufficient.

TABLE D
Program Implementation Status Pursuant to Government Code Section 65583

Report the status/progress of housing element program and policy implementation for **all** programs described in the housing element:

- 1. Name of Program:** List the name of the program as described in the housing element.
- 2. Objective:** List the program objective (for example, “Update the accessory dwelling unit ordinance”).
- 3. Timeframe in Housing Element:** Enter the date the objective is scheduled to be accomplished.
- 4. Status of Program Implementation:** List the action or status of program implementation.

For your information, the following list includes the statutory requirements for housing element programs:

- Adequate sites (Gov. Code, § 65583, subd. (c)(1)). *Please note: Where a jurisdiction has included a rezone program pursuant to Government Code section 65583.2, subdivision (h) to address a shortfall of capacity to accommodate its RHNA, Table C must include specific information demonstrating progress in implementation including total acres, brief description of sites, date of rezone, and compliance with by-right approval and density requirements.*
- Assist in the development of low- and moderate-income housing (Gov. Code, § 65583, subd. (c)(2)).
- Remove or mitigate constraints (Gov. Code, § 65583, subd. (c)(3)).
- Conserve and improve existing affordable housing (Gov. Code, § 65583, subd. (c)(4)).
- Promote and affirmatively further fair housing opportunities (Gov. Code, § 65583, subd. (c)(5)).
- Preserve units at-risk of conversion from low-income use (Gov. Code, § 65583, subd. (c)(6)).

Please note: Jurisdictions may add additional rows in Table D to include all housing element programs, or to provide clarification or information relevant to demonstrating progress towards meeting RHNA objectives.

TABLE E
Commercial Development Bonus Approved Pursuant to Government Code
Section 65915.7

Government Code section 65915.7 states:

“(a) When an applicant for approval of a commercial development has entered into an agreement for partnered housing described in subdivision (c) to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the city, county, or city and county shall grant to the commercial developer a development bonus as prescribed in subdivision (b). Housing shall be constructed on the site of the commercial development or on a site that...” meets several criteria.

If the jurisdiction has approved any commercial development bonuses during the reporting year, enter the following information:

- 1. Project Identifier:** Include the parcel’s APN number and street address. The project name and local jurisdiction tracking ID are optional.
- 2. Units Constructed as Part of the Agreement:** For each development, list the number of units that are affordable to the following income levels (refer to the Definitions section for more detail):
 - Very low-income households: 0-50 percent AMI
 - Low-income households: 50-80 percent AMI
 - Moderate-income households: 80-120 percent AMI
 - Above-moderate households: above 120 percent
- 3. Description of Commercial Development Bonus:** Include a description of the commercial development bonus approved by the jurisdiction.
- 4. Commercial Development Bonus Date Approved:** Enter the date that the jurisdiction approved the commercial development bonus. Enter the date as month/day/year (e.g., 6/1/2018).

TABLE F
Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites
Pursuant to Government Code Section 65583.1, subdivision (c)

Please note this table is optional: The jurisdiction can use this table to report units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved, including mobilehome park preservation, consistent with the standards set forth in Government Code section 65583.1, subdivision (c). Please note, motel, hotel, hostel rooms or other structures that are converted from non-residential to residential units pursuant to Government Code section

65583.1(c)(1)(D) are considered net new housing units and must be reported in Table A2 and not reported in Table F.

Units that Do Not Count Toward RHNA: The jurisdiction may list, for informational purposes only, units that do not count toward RHNA but were substantially rehabilitated, acquired or preserved.

Units that Count Toward RHNA: To enter units in this table as progress toward RHNA, please contact HCD at APR@hcd.ca.gov. HCD will provide a password to unlock the grey fields.

In order to count units reported in this table as progress towards RHNA, the jurisdiction will need to provide information that demonstrates the units meet the standards set forth in Government Code section 65583.1, subdivision (c). These program requirements are summarized on the [Alternative Adequate Sites Checklist](#).

If HCD finds that the units meet the standards set forth in Government Code section 65583.1, subdivision (c), these units may credit up to 25 percent of the jurisdiction's adequate sites requirement per income category.

TABLE G
Locally Owned Lands Included in the Housing Element Sites Inventory, that have been sold, leased, or otherwise disposed of, Pursuant to Government Code Section 65400.1

Chapter 664, Statutes of 2019 (AB 1486) added to the Government Code section 65400.1, which requires jurisdictions to include in this APR a listing of sites owned by the locality that were included in the housing element sites inventory and were sold, leased, or otherwise disposed of during the reporting year.

The listing of sites must include the entity to whom the site was transferred, and the intended use of the site.

TABLE H
Locally Owned or Controlled Lands Declared Surplus Pursuant to Government Code Section 54221, or Identified as Excess Pursuant to Government Code Section 50569

Chapter 661, Statutes of 2019 (AB 1255) amended Government Code section 54230 to require cities and counties to create an inventory of surplus lands defined in subdivision (b) of Section 54221, and all lands in excess of its foreseeable needs, if any, identified pursuant to Section 50569, located in all urbanized areas and urban clusters, as designated by the United States Census Bureau, within the jurisdiction of the county or city that the county or city or any of its departments, agencies, or authorities owns or controls. Please note: Jurisdictions are only required to report on property located in an urban area or urbanized cluster. For a map of urban areas and urban clusters, please see the HCD website here:

<https://cahcd.maps.arcgis.com/apps/webappviewer/index.html?id=5a63b04d7c494a6ebb2aa38a2c3576f5>

Cities and counties must make a description of each parcel described in paragraph (1) of Government Code section 54230 and the present use of the parcel a matter of public record and shall report this information to HCD no later than April 1 of each year, beginning April 1, 2021, in a form prescribed by HCD, as part of its APR submitted pursuant to paragraph (2) of subdivision (a) of Section 65400.

“Surplus land” means land owned in fee simple by any local agency for which the local agency’s governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency’s use. Land shall be declared either “surplus land” or “exempt surplus land,” as supported by written findings, before a local agency may take any action to dispose of it consistent with an agency’s policies or procedures. A local agency, on an annual basis, may declare multiple parcels as “surplus land” or “exempt surplus land.”

“Surplus land” includes land held in the Community Redevelopment Property Trust Fund pursuant to Section 34191.4 of the Health and Safety Code and land that has been designated in the long-range property management plan approved by the Department of Finance pursuant to Section 34191.5 of the Health and Safety Code, either for sale or for future development, but does not include any specific disposal of land to an identified entity described in the plan.

Parcel description must include the following:

- 1. APN:** Enter the parcel number of the identified property.
- 2. Street Address/Intersection:** Enter the street address of the property. If no street address is available, enter the closest known intersection.
- 3. Existing Use:** Select the existing use of the property. Use the drop-down menu to select one of the following options:
 - Residential
 - Commercial
 - Industrial
 - Public Facilities
 - Vacant
 - Air Rights
 - Other
- 4. Number of Units:** If the existing use is residential, please enter the number of units on the property.
- 5. Designated Surplus Land, Exempt Surplus Land or Excess:** Please identify if the property has been designated surplus or exempt surplus pursuant to Government Code section 54221, or excess pursuant to Government Code section 50569.
- 6. Parcel Size (in acres):** Enter the parcel size in acres.
- 7. Notes (Optional):** Please include any applicable notes providing additional property description. This could include a description of any characteristics of the property.

Local Early Action Planning (LEAP) Grant Reporting

Pursuant to Health and Safety Code section 50515.04, recipients of Local Early Action Planning (LEAP) grants shall annually report by April 1 of the year following receipt of those funds on the status of proposed uses in the application. The report shall address the housing impact within the jurisdiction, including a summary of building permits, certificates of occupancy or other completed entitlements. Data sources may include the LEAP application (e.g., Attachment 1: Project Timeline and Budget), reimbursement requests, other portions of the APRs, and other summary records of program activities.

- 1. Total Award Amount:** Utilizing the LEAP application and award letter, fill in the total award amount for all proposed LEAP activities.
- 2. Task:** Utilizing Attachment 1: Project Timeline and Budget from the LEAP application, fill in all project level tasks. Do not fill in sub-tasks. For example, an application might include a project level task to prepare and adopt a downtown specific plan. In this case, simply fill in the downtown specific plan and do not fill in sub-tasks such as outreach, traffic studies, drafting and adoption.
- 3. \$ Amount Awarded:** Utilizing Attachment 1: Project Timeline and Budget from the LEAP application, fill in the total amount awarded for each project level task.
- 4. \$ Cumulative Reimbursement Requested:** Utilizing reimbursement requests sent to HCD, add up all requested amounts for each project level task. Note, this is reimbursement “requested” and not reimbursement “received”. At the time of reporting, some reimbursement requests may be in process. The table does not need to address reimbursements in process.
- 5. Task Status:** Select either completed, in progress or other for project level tasks. Include additional description in the notes column as appropriate for information such as upcoming milestones, anticipated completion dates, any schedule slippage or progress as a percentage of completion (e.g., 50 percent complete).
- 6. Other Funding:** Note any other funding sources by amount being utilized to complete each project level task. If no other funding sources are being utilized, enter N/A. Examples of other funding include the SB 2 planning grants program, the SB 1 sustainability planning grants program and local general funds.
- 7. Notes:** Enter any other relevant information related to progress and impacts such as reasons for delays, anticipated numerical outcomes, etc.
- 8. Summary of Entitlements, Building Permits and Certificates of Occupancy:** These tables will auto-populate from Table A2.

RESOLUTION 2022-_____

AUTHORIZING STAFF TO SUBMIT THE ANNUAL PROGRESS REPORT AND THE ANNUAL ELEMENT PROGRESS REPORT FOR CALENDAR YEAR 2021 TO THE OFFICE OF PLANNING AND RESEARCH AND STATE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT REGARDING THE IMPLEMENTATION OF THE GENERAL PLAN AND HOUSING ELEMENT

WHEREAS, State law requires each city to adopt a comprehensive, long-term general plan for its physical development and that of land outside its boundaries that bears a relationship to a city's planning activities, and

WHEREAS, Government Code Section 65400(a) requires that a planning agency or planning department submit an APR to the legislative body of a local agency, OPR and HCD on or before April 1st each year that contains the information prescribed in the statute for the previous calendar year, and

WHEREAS, The City of Tracy's General Plan, adopted in 2011, provides a vision for the future and establishes a framework for how Tracy should grow and change over time, and

WHEREAS, The City's Housing Element was adopted in March 2016 for the time period of 2015-2023 in accordance with the housing element update cycle for jurisdictions in the San Joaquin Council of Governments region, and

WHEREAS, The Annual Progress Report for 2021 and Annual Housing Element Progress Report for 2021 were presented to Council at their March 29, 2022 meeting;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby authorizes staff to submit the Annual Progress Report for calendar year 2021 and Annual Element Progress Report for calendar year 2021 to the Office of Planning and Research and State Housing and Community Development Department regarding the implementation of the General Plan and Housing Element.

The foregoing Resolution 2022-_____ was passed and adopted by the Tracy City Council on the 29th day of March 2022, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

March 29, 2022

AGENDA ITEM 1.C

REQUEST

APPROVE PROPOSALS AND RATES FROM MULTIPLE VENDORS FOR THE SUPPLY OF CERTAIN CHEMICALS FOR THE TREATMENT OF WATER AND WASTEWATER FOR PERIODS OF SIX MONTHS AND ONE YEAR RESPECTIVELY; AND AUTHORIZE THE CITY MANAGER OR HIS/HER DESIGNEE TO NEGOTIATE ONE ADDITIONAL SIX-MONTH TERM EXTENSION FOR THE SUPPLY OF CHEMICALS PRIOR TO EXPIRATION OF THE CONTRACTS WITH SIX-MONTH TERMS

EXECUTIVE SUMMARY

As an integral part of operations, the City of Tracy water and wastewater treatment plants, water production wells, and water reservoirs, require the use of various chemicals to disinfect and treat its water and wastewater in compliance with state and federal standards. Annually, the City requests proposals from vendors to provide competitive rates to supply the required chemicals for a period of one year. The City received proposals for the supply of certain chemicals for a period of one year, however, due to limited supplies and fluctuation of rates and freight charges, two chemicals are listed for a six-month term only. Staff seeks approval of proposals and rates and request authorizing the City Manager and his/her designee to negotiate one additional six-month term (up to a total of one year) for the supply of two chemicals which are proposed for six-month terms only.

DISCUSSION

As stated above, in order to treat and disinfect water and wastewater at the City's water and wastewater treatment plants, the City must use a variety of chemicals. Most of the chemical supply firms are specialized and deliver only certain types of chemicals, therefore, the City must buy these chemicals from multiple vendors. Many of these supplied chemicals require special handling during delivery. The City complies with industry appropriate standard operating procedures for the highly reactive chemicals to ensure safety and continued compliance with the state and federal regulations.

In November 2021, a request for proposals to supply chemicals was posted on the City's website and notices were sent to chemical vendors who have supplied chemicals to the City in the past. The City received nine (9) responses.

The proposals received included a one-year rate for all but two of the chemicals, Aqua Ammonia and Bulk Sodium Hypochlorite. These two chemicals are widely used in the industry and are currently in short supply. Due to an increase in demand and unpredictable transportation costs, the vendors proposed only a six-month term for these two chemicals. Staff is requesting that Council authorize the City Manager or his/her designee to negotiate with the vendors of these two chemicals for a second six-month term later this year.

Based on the expertise and responses from the vendors, the following six vendors and corresponding rates are recommended for approval. Staff's recommendations are

based on cost, response time, specialty and past performance with the City or other agencies.

CHEMICAL	COMPANY	BID PRICE	CONTRACT LENGTH
Blended Liquified Phosphate (WTP) Potassium Permanganate (WTP)	Carus Chemical	\$.80/lb \$1.667/lb	1 year
Sodium Bisulfate	Univar USA	\$.195/lb	1 year
Liquid Alum (WTP) Sodium Bisulfate 25%	Thatcher	\$3.27/ton \$.155/lb	1 year
Liquid Cationic Polymer (WTP) 30% Non-Ionic Liquid Polyacrylamide WE 114 WE 907	SNF	\$.77/lb \$1.35/lb \$1.721/lb \$1.732/lb	1 year
Bulk Sodium Hypochlorite	Olin Chlor Alkali	\$1.324/gal WW \$1.199/gal WTP	6 months
Aqua Ammonia	Hill Brothers	\$.204/lb	6 months

Staff is recommending Council approve the chemical supply proposals and rates as listed in the table above. Additionally, in order to ensure uninterrupted supply of the Aqua Ammonia and Bulk Sodium Hypochlorite beyond the proposed six-months term, staff is recommending Council authorize the City Manager or his/her designee to negotiate rates for one additional six-month term prior to their expiration date.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's Strategic Plans.

FISCAL IMPACT

Funding for chemical supplies is appropriated for these costs and will be absorbed within the operating budgets of both the Water and Wastewater funds for an approximate annual cost of \$450,000 per fund.

RECOMMENDATION

The City Council of the City of Tracy hereby approves proposals and rates from multiple vendors for the supply of certain chemicals for the treatment of water and wastewater for periods of six months and one year respectively and authorize the City Manager or his/her designee to negotiate one additional six-month term extension for the supply of chemicals prior to expiration of the contracts with six-month terms.

Prepared by: Lea Emmons, Water Operations Superintendent

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

Approved by: Michael Rogers, City Manager

RESOLUTION 2022-_____

APPROVE PROPOSALS AND RATES FROM MULTIPLE VENDORS FOR THE SUPPLY OF CERTAIN CHEMICALS FOR THE TREATMENT OF WATER AND WASTEWATER FOR PERIODS OF SIX MONTHS AND ONE YEAR RESPECTIVELY; AND AUTHORIZE THE CITY MANAGER OR HIS/HER DESIGNEE TO NEGOTIATE ONE ADDITIONAL SIX-MONTH TERM EXTENSION FOR THE SUPPLY OF CHEMICALS PRIOR TO EXPIRATION OF THE CONTRACTS WITH SIX-MONTH TERMS

WHEREAS, the City of Tracy requires various chemicals for the treatment of water and wastewater at the Treatment Plants, and the Water Production Wells and Water Reservoirs, and

WHEREAS, these chemicals are an integral part of the operation of the plants, wells, and storage reservoirs to ensure disinfection and treatment of water and wastewater in compliance with state and federal standards, and

WHEREAS, in November 2021, a request for proposals to supply chemicals was posted on the website and notices were sent to chemical vendors who have supplied chemicals to the City in the past, and

WHEREAS, the City received nine (9) responses, and

WHEREAS, the proposals provided rates for supplying a majority of the chemicals for a period of one year, and

WHEREAS, two chemicals used widely in the industry included a supply term for only six months due to fluctuation of supply and demand including freight costs, and

WHEREAS, based on the expertise and responses from the submittals, the following six vendors are recommended for approval based on cost, response time, specialty and past performance with the City or other agencies, and

CHEMICAL	COMPANY	BID PRICE	CONTRACT LENGTH
Blended Liquified Phosphate (WTP) Potassium Permanganate (WTP)	Carus Chemical	\$.80/lb \$ 1.667/lb	1 year
Sodium Bisulfate	Univar USA	\$.195/lb	1 year
Liquid Alum (WTP) Sodium Bisulfate 25%	Thatcher	\$ 3.27/ton \$.155/lb	1 year
Liquid Cationic Polymer (WTP) 30% Non-Ionic Liquid Polyacrylamide WE 114 WE 907	SNF	\$.77/lb \$ 1.35/lb \$ 1.721/lb \$ 1.732/lb	1 year
Bulk Sodium Hypochlorite	Olin Chlor Alkali	\$ 1.324/gal WW \$ 1.199/gal WTP	6 months
Aqua Ammonia	Hill Brothers	\$.204/lb	6 months

WHEREAS, funding for chemical supplies is appropriated for these costs and will be absorbed within the operating budgets of both Water and Wastewater funds for an approximate annual cost of \$450,000 per fund, and

WHEREAS, in order to ensure uninterrupted supplies of the two chemicals with six-month terms and avoid time delays for proposal process, authorize the City Manager or his/her designee to negotiate supply of these chemicals for an additional six months in the open market prior to the expiration of the proposed six-month term.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tracy hereby approves proposals and rates from multiple vendors for the supply of certain chemicals for the treatment of water and wastewater for periods of six months and one year respectively; and authorize the City Manager or his/her designee to negotiate rates from open market for additional six months for supply of chemicals prior to expiration of its six-month term.

* * * * *

The foregoing Resolution 2022-_____ was adopted by Tracy City Council on the 29th day of March 2022, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

March 29, 2022

AGENDA ITEM 1.D

REQUEST

AWARD A CONSTRUCTION CONTRACT TO SUAREZ & MUNOZ CONSTRUCTION, INC., OF HAYWARD, CALIFORNIA, IN THE AMOUNT OF \$15,257,200 FOR BASE BID AND BID ALTERNATES 1 & 2 FOR THE LEGACY FIELDS SPORTS COMPLEX, PHASE 1E PROJECT CIP 78185, WITH A NOT-TO-EXCEED BUDGET OF \$19,071,500, AND AUTHORIZE THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO THE CONTINGENCY AMOUNT OF \$2,288,580, IF NEEDED

EXECUTIVE SUMMARY

City Council is requested to award a construction contract to Suarez & Munoz Construction, Inc., of Hayward, California, for the Base Bid, Bid Alternative #1 and Bid Alternate #2 for Legacy Fields Sports Complex, Phase 1E Project CIP 78185. The base bid includes renovation of the eastern ballfields, signage installation of wayfinding signage, eastern ballfield lighting, parking lot paving and entry drive slurry seal, maintenance yard improvements, demolition, Stormwater Pollution Prevention Plan (SWPPP), earthwork, drainage, irrigation and landscaping. Bid Alternative #1 includes replacement of existing electrical feeder conductors to the eastern ballfields. Bid Alternative #2 includes new vertical drains for eastern ballfields 1, 3, 4 and 5.

DISCUSSION

On March 6, 2018, the City Council authorized a Professional Services Agreement (PSA) with Verde Design, Inc. (Verde) to provide design services including construction documents (Resolution No. 2018-044) for Legacy Fields Phases 1C and 1D. On June 23, 2021, the City Council then authorized an amendment to that PSA to proceed with design services for Phase 1E of Legacy Fields Sports Complex, CIP 78185.

The project improvement plans, and specifications were completed by Verde. The bid documents were divided into a base bid and two (2) additive bid alternate items to allow flexibility to award the construction contract based on the base bid with or without the additive bid alternate items, depending upon the bid amounts and availability of the funds. The base bid and two additive bid alternates include construction of the following items:

Base Bid: Scope of work includes renovation of the eastern ballfields, signage installation of wayfinding signage, eastern ballfield lighting, parking lot paving and entry drive slurry seal, maintenance yard improvements, demolition, SWPPP, earthwork, drainage, irrigation, and landscaping.

Additive Bid Alternate 1: Scope of work includes replacement of existing electrical feeder conductors to the eastern ballfields.

Additive Bid Alternate 2: Scope of work includes new vertical drains for eastern ballfields 1, 3, 4 and 5.

This Project was advertised for competitive bids on January 14, and January 21, 2022. A total of three (3) bids were received and publicly opened. Bids were received and publicly opened at 11:30 a.m. on Thursday, February 17, 2022, with the following results:

	<u>Contractor</u>	<u>Total Base Bid</u>	<u>Bid Alternate 1</u>	<u>Bid Alternate 2</u>	<u>Total of Alternates 1&2</u>	<u>Grand Total Base Bid + Bid Alternates</u>
1	Suarez & Munoz Construction, Inc.	\$14,907,200	\$250,000	\$100,000	\$350,000	\$15,257,200
2	Goodland Landscape Construction, Inc.	\$15,255,200	\$201,712	\$415,911	\$617,623	\$15,872,823
3	Bobo Construction, Inc.	\$18,805,000	\$200,000	\$150,000	\$350,000	\$19,155,000

Bid analysis indicates that the lowest monetary bid is responsive and the bidder, Suarez & Munoz Construction, Inc., of Hayward, California, is responsible. The bidder has the appropriate contractor's license in active standing with the State of California and has completed similar projects for other agencies.

The contract documents require that the contract be awarded on the basis of the lowest base bid amount without regard to the amounts of the additive bid items to Suarez & Munoz Construction, Inc., of Hayward, California, who is the lowest monetary bidder with a total base bid amount of \$14,907,200.

The total estimated construction cost of this Project, if awarded to the lowest bidder, is as follows:

Construction Bid	\$15,257,200
Construction Management (10%)	\$1,525,720
Contingency (15%)	\$2,288,580
Total Construction Project Cost	\$19,071,500

Tracy Municipal Code Section 2.20.090(b) authorizes the City Manager to approve change orders up to the contingency amount approved by Council. City staff recommends the contingency amount for this project to be \$2,288,580, which is 15% of the construction contract cost.

Staff recommends that the award of Base bid and additive Bid Alternates "1" and "2" will provide reasonable improvements and meet the user's expectations. The comparison of the bid amounts indicates that the low bid is under the engineer's estimate and it is in the best interest of the City to award the additive bid alternate items with the base bid to take advantage of the bid prices.

Construction of this project will start immediately after execution of the contract documents. Target substantial completion date for this project is Spring 2023, weather permitting. In case of inclement weather, and unforeseen conditions the contractor will be entitled time extension in accordance with the contract documents.

With completion of Phase 1E construction, Legacy Fields will consist of 72 acres of baseball, softball, and soccer fields. The first phase of Legacy Fields broke ground in April of 2012 and since that time three additional phases have been completed as funding has been available. Staff is recommending award of this construction contract for Phase 1E through this agenda item, as noted earlier, in order to finish Phase 1 of Legacy Fields and attract the regional, state and national events that Council envisions for the complex.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Quality of Life Strategic Priority, and specifically implements the following goals:

Goal 2: Facilitate the Completion of Measure V Amenities; Objective 3: Implement design of Measure V amenity and Objective 4: Break ground on Measure V amenity

FISCAL IMPACT

Legacy Fields Phase 1E has a project budget of \$20,000,000 with \$19,111,547 available. The total estimated construction cost is \$19,071,500. The project will be funded through Measure V (F307) as the City pursues bond financing to fund the Project.

RECOMMENDATION

That City Council, by resolution, award the construction contract for the Legacy Fields Sports Complex Phase 1E – CIP 78185, to Suarez & Munoz Construction, Inc., of Hayward, California, in the total amount of \$15,257,200 for the base bid and additive Bid Alternates 1 & 2, with a not-to-exceed budget of \$19,071,500, and authorize the City Manager to approve change orders up to the specified project contingency amount of \$2,288,580, if needed.

Prepared by: Leisser P. Mazariegos, PE, Associate Civil Engineer
Richard Joaquin, Parks Planning & Development Manager

Reviewed by: Robert Armijo, PE, City Engineer/Assistant Development Services Director
Paul Verma, PE, Senior Civil Engineer
Karin Schnaider, Director of Finance
Brian MacDonald, Director of Parks and Recreation
William Dean, Interim Director of Development Services
Midori Lichtwardt, Assistant City Manager

Approved by: Michael Rogers, City Manager

RESOLUTION 2022-_____

AWARDING A CONSTRUCTION CONTRACT TO SUAREZ & MUÑOZ CONSTRUCTION, INC., OF HAYWARD, CALIFORNIA, IN THE AMOUNT OF \$15,257,200 FOR BASE BID AND BID ALTERNATES 1 & 2 FOR THE LEGACY FIELDS SPORTS COMPLEX, PHASE 1E PROJECT CIP 78185, WITH A NOT-TO-EXCEED BUDGET OF \$19,071,500, AND AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS UP TO THE CONTINGENCY AMOUNT OF \$2,288,580, IF NEEDED

WHEREAS, Legacy Fields Sports Complex Phase 1E – CIP 78185 project base bid includes renovation of the eastern ballfields, wayfinding signage, eastern ballfields lighting, parking lot paving and entry drive slurry seal, maintenance yard expansion, demolition, Stormwater Pollution Prevention Plan (SWPPP), earthwork, drainage, irrigation and landscaping. Bid Alternate “A” includes replacement of existing electrical feeder conductors and Bid Alternate “B” includes new vertical drains in Fields 1, 3, 4 and 5, and

WHEREAS, The Project was advertised for competitive bids on January 14, 2022, and January 21, 2022. A total of three (3) bids were received and publicly opened. Bids were received and publicly opened at 11:30 a.m. on Thursday, February 17, 2022, with the following results:

	<u>Contractor</u>	<u>Total Base Bid</u>	<u>Bid Alternate 1</u>	<u>Bid Alternate 2</u>	<u>Total of Alternates 1 & 2</u>	<u>Grand Total Base Bid + Bid Alternates 1 & 2</u>
1	Suarez & Munoz Construction, Inc.	\$14,907,200	\$250,000	\$100,000	\$350,000	\$15,257,200
2	Goodland Landscape Construction, Inc.	\$15,255,200	\$201,712	\$415,911	\$617,623	\$15,872,823
3	Bobo Construction, Inc.	\$18,805,000	\$200,000	\$150,000	\$350,000	\$19,155,000

and;

WHEREAS, Suarez & Munoz Construction, Inc. of Hayward, California is the lowest responsive monetary bidder and the bidder is responsible, and the anticipated cost of construction of this project is estimated as follows:

Option 1 – Base Bid and Bid Alternates 1 and 2

Contractor's Bid for Construction	\$ 15,257,200
Construction Management (estimated at 10%)	\$ 1,525,720
Contingency (estimated at 15%)	\$ 2,288,580
Total Cost	\$ 19,071,500

WHEREAS, Legacy Fields Phase 1E has a project budget of \$20,000,000 with \$19,111,547 available. The total estimated construction cost is \$19,071,500. The project will be funded through Measure V (F307) as the City pursues bond financing to fund the Project;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby awards the construction contract for the Legacy Fields Sports Complex Phase 1E – CIP 78185, to Suarez & Munoz Construction, Inc., of Hayward, California, in the total amount of \$15,257,200 for the base bid and additive Bid Alternates 1 & 2, with a not-to-exceed budget of \$19,071,500 and authorize the City Manager to approve change orders up to the specified project contingency amount of \$2,288,580, if needed.

* * * * *

The foregoing Resolution 2022-_____ was adopted by the Tracy City Council on the 29th day of March 2022, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

March 29, 2022

AGENDA ITEM 1.E

REQUEST

APPROVE A FUNDING AGREEMENT WITH LENNAR HOMES OF CALIFORNIA, LLC TO FUND CONSTRUCTION OF TRACY HILLS ZONE 5 PUMP STATION AND ASSOCIATED IMPROVEMENTS (CIP 75163) AT THE JOHN JONES WATER TREATMENT PLANT (JJWTP)

EXECUTIVE SUMMARY

Construction of a Zone 5 Water Pump Station in the City's JJWTP is needed to serve Tracy Hills Phase 2 developments. The project is an approved CIP 75163 and the project design and construction documents have already been completed. Lennar Homes of California, LLC (Lennar Homes) have signed the attached agreement to fund construction of this project. Approval of the funding agreement will expedite the bidding and award of construction contract of this project.

DISCUSSION

Tracy Hills Water Zone 5 Pump Station needs to be constructed at the City's JJWTP to serve Tracy Hills Phase 2 developments. The project is an approved CIP and the project design, improvement plans, and construction documents have been completed.

Lennar Homes will fund the construction of this project, CIP 75163, and have executed the funding agreement. City Council is requested to approve the attached funding agreement.

STRATEGIC PLAN

This item is a routine development item and is not related to the Council's Strategic Plan.

FISCAL IMPACT

The cost of construction of CIP 75163, associated improvements, and soft costs including inspection and construction management services will be paid to the City through the attached funding agreement.

RECOMMENDATION

The City Council of the City of Tracy hereby approve the Tracy Hills Zone 5 Pump Station Funding Agreement with Lennar Homes of California, LLC.

Prepared by: Kuldeep Sharma, Utilities Director

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

Approved by: Michael Rogers, City Manager

ATTACHMENTS

Attachment A – Tracy Hills Zone 5 Pump Station Funding Agreement

**City of Tracy
Tracy Hills Zone 5 Water Booster Station
Funding Agreement**

This Funding Agreement ("Agreement") is entered into and effective on the date of the last signature, between the City of Tracy ("City") and Lennar Homes of California, LLC a California limited liability company ("Owner"). City and Owner may each be referred to as a "Party" and may together be referred to as the "Parties."

Recitals

A. The City has approved a Vesting Tentative Subdivision Map, Application Number TSM 20-0003 ("VTSM"), submitted by Owner relating to the project known as Tracy Hills Phase 2 (the "Project").

B. In order to serve the development of VTSM, completion of the Tracy Hills Zone 5 Booster Pump Station at John Jones Water Treatment Plant ("JJWTP") is required. This pump station and associated work (collectively "JJWTP Improvements") are depicted in the Improvement Plans titled "Tracy Hills Zone 5 Pump Station" prepared by West Yost Associates and approved by the City on October 2021 ("JJWTP Improvement Plans").

C. This Agreement provides for the timing and procedures for funding the JJWTP Improvements.

NOW, THEREFORE, the Parties agree as follows:

1. Purpose.

The purpose of this Agreement is to provide for deposits by Owner to City of certain costs incurred by the City related to construction of the JJWTP Improvements.

2. Allocation of Costs.

Attached as Exhibit A is the Engineer's Opinion of Probable Cost relating to the construction of the JJWTP Improvements. The parties recognize that the costs listed in Exhibit A are estimates. The actual construction costs shall be determined through a bidding process conducted by the City pursuant to the Public Contract Code and other applicable provisions of law. Responsibility for funding the actual costs of constructing the JJWTP Improvements as identified in Exhibit A are allocated between the Owner and City as follows:

a. Owner is responsible for 100% of the actual costs of constructing the improvements identified in line items 1,2, and 3 in Exhibit A, Table 1 – Engineer's Opinion of Probable Cost by Bid Item.

b. Owner is responsible for 100% of the costs of constructing, installing, and/or modifying the relevant appurtenances, electrical and instrumentation improvements, by PG&E to serve the Tracy Hills Zone 5 Water Booster Station. The actual scope of work and cost estimate for this work will be prepared by PG&E after City files an application with PG&E.

c. The line item entitled "Additive Bid Item 1", which involves the installation of the fourth pump in the existing Zone 4 pump station including all associated appurtenances, equipment, and electrical wiring, shall be put out to bid along with the two above-noted work items

as an additive bid item. Owner has the right, in its sole discretion, to determine whether or not the improvements identified as Additive Bid Item 1 shall actually be constructed, unless the costs of said improvements are to be funded by parties other than Owner. If these improvements are funded exclusively by parties other than Owner, then City has the sole discretion to determine whether or not the improvements will be constructed.

d. If Owner decides and requests the City to construct the additive bid item, the Owner will be responsible for 100% of the actual costs of constructing the improvements as identified in the Engineer's Opinion of Probable Cost for the additive bid item. Depending upon the Owners request and the City's decision to award the additive bid item for construction, the payment schedule listed in Item 3 of this agreement will include the additive bid amount accordingly and the same requirements shall apply for the hard and soft costs for the additive bid item. Owner may opt to pursue, separately, the recovery of the cost of the additive bid item from other developments benefitting from the additive bid item improvements through benefit district or other mechanisms.

The City shall advertise for bids not later than ten (10) days after the effective date of this Agreement. Construction shall commence within fourteen (14) days after execution of construction agreement by City and the successful bidder.

3. Payment Schedule.

Construction costs associated with the JJWTP Improvements are designated as either "Hard Costs" or "Soft Costs." "Hard Costs" are the construction costs paid to the construction contractor by the City pursuant to the construction contract entered into as a result of the public bidding process. "Soft Costs" are the construction management and inspection costs of the City and a contingency amount. The amount of estimated Soft Costs to be deposited by Owner shall equal 25% of the amount of the Hard Costs, which includes a 15% contingency amount and a 10% construction management amount (including inspection, staff time, and design support). Unused Soft or Hard Costs shall be returned to Owner as provided herein below.

a. Owner shall deposit with City 100% of the Hard Costs that it is responsible for funding within ten (10) business days prior to City's award of construction contract, by resolution of the City Council, of the construction bid from the lowest responsible and responsive bidder for the JJWTP Improvements. City's execution of the construction contract shall be contingent upon City's receipt of such funds from Owner.

b. Soft Costs shall be deposited by Owner to City as follows:

i) Within ten (10) business days after City awards the bid for construction of the JJWTP Improvements, Owner shall deposit with City an amount equal to 25% of the Soft Costs that Owner is responsible for funding.

ii) Within five (5) business days after City informs Owner, in writing, that the construction work is 25% complete, Owner shall deposit with City an additional amount equal to 25% of the Soft Costs which Owner is responsible for funding.

iii) Within five (5) business days after City informs Owner, in writing, that the construction work is 50% complete, Owner shall deposit with City an additional amount equal to 25% of the Soft Costs which Owner is responsible for funding.

iv) Within five (5) business days after City informs Owner, in writing, that the construction work is 75% complete, Owner shall deposit with City an additional amount equal to 25% of the Soft Costs which Owner is responsible for funding.

c. Within five (5) days after the construction contractor for the JJWTP Improvements acknowledges full and complete payment, City will return to Owner any unused funds that have been deposited by Owner.

4. Project Management.

a. Representatives of the City and Owner shall meet in person or by telephone on as needed basis but at least once a month during the course of construction to discuss any relevant issues regarding work progress. Subject to Owner's compliance with the deposit provisions of Section 3 above, City shall use diligent and good faith efforts to complete the JJWTP Improvements not later than December 31, 2022, and in the event, City reasonably believes there will be a delay of completion of the JJWTP Improvements of more than 30 days, it will immediately advise Owner of the delay and the cause thereof and will use its best efforts to reduce any such delay to the maximum extent practicable.

b. Any change orders relating to construction of the JJWTP Improvements that would increase the Hard Costs of the JJWTP Improvements by more than five percent (5%) must be approved in writing by Owner. The Parties intend that change orders should be funded by contingency funds that have already been deposited with the City at the time of the change order pursuant to Section 3 above, provided that sufficient contingency funds are available as reasonably determined by the City.

c. If, at any time prior to completion of the JJWTP Improvements, the City reasonably determines that the actual costs to the City of constructing those JJWTP Improvements which Owner is responsible for funding will exceed the total of Owner's deposits of Hard Costs and Soft Costs required under Section 3 above, City may notify Owner of the amount of the anticipated exceedance. Upon such notice from the City, Owner shall, within five (5) business days, make an additional deposit with the City in an amount equal to one hundred twenty-five percent (125%) of the anticipated exceedance in estimated Hard Costs, to satisfy Owner's Hard Cost and Soft Cost deposit obligations under Section 3 above.

5. Miscellaneous.

a. No Agency, Partnership or Joint Venture. No agency, partnership or joint venture relationship is intended to be created by this Agreement. Owner solely is funding a portion of the City's project and has no control over the work or how the work is to be performed.

b. Attorneys' Fees. If legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorneys' fees, costs and expenses incurred.

a. Counterparts. This Agreement may be signed in counterparts and when signed by all parties constitutes a binding agreement. Counterparts which are transmitted electronically shall be as effective as originals.

b. Modifications. This Agreement may be modified only in writing signed by both parties.

c. Waivers. Waiver of a breach or default under this Agreement does not constitute a continuing waiver, or the waiver of a subsequent breach.

d. Jurisdiction. This Agreement shall be governed by the laws of the State of California. Any legal proceeding related to the Agreement shall be filed and heard in a court in San Joaquin County.

e. Entire agreement. This Agreement comprises the entire, integrated understanding of the parties and supersedes prior negotiations, representations or agreements.

f. Notices. Notices required to be given under this Agreement shall be in writing and may be served either personally or by first class mail to:

City of Tracy

Director of Utilities
3900 Holly Drive
Tracy, CA 95304

with a copy to:

City Attorney
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Owner

Lennar Homes of California, LLC,
a California limited liability
company
2603 Camino Ramon, Suite 525
San Ramon, CA 94583
Attn: Bridgit Koller

with a copy to:

Hans Van Ligten, Esq.
Rutan & Tucker, LLP
611 Anton Blvd., Suite 1400 Costa
Mesa, CA 92626

[SIGNATURE PAGE FOLLOWS]

2. Signatures.

City of Tracy

By: _____
Nancy D. Young, Mayor

Attest:

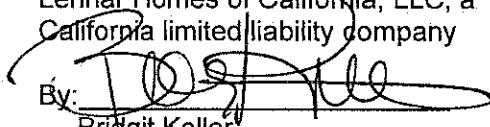
Adrienne Richardson, City Clerk

Approved as to form:

Gregory J. Rubens, Interim City Attorney

Owner

Lennar Homes of California, LLC, a
California limited liability company

By: 
Bridgit Koller

Its: VP

Date: 2/7/22

Exhibit: A – Engineer's Estimate

Table 1. Engineer's Opinion of Probable Cost for Base Bid

Item	Estimated Cost, dollars
Item 1: Tracy Hills Zone 5 Pump Station ^(b)	2,540,400
Item 2: Over-excavation of Unsuitable Materials ^{(a)(b)}	6,000
Item 3: Sheetings, Shoring, and Bracing ^(b)	256,800
Total Base Bid	\$2,803,200
Construction Contingency, 15 percent	420,480
Construction Subtotal	\$3,223,680
Construction Management, Program Administration, and Other Costs, 10 percent	280,320
Total Estimated Cost	\$3,504,000

(a) Assumes 100 cubic yards of unsuitable material.
 (b) Costs include a 20% bid contingency.

Table 2. Engineer's Opinion of Probable Cost for Additive Bid Item

Item	Estimated Cost, dollars
Additive Bid Item 1: Tracy Hills Zone 4 Pump ^(a)	258,000
Total Additive Bid	\$258,000
Construction Contingency, 15 percent	38,700
Construction Subtotal	\$296,700
Construction Management, Program Administration, and Other Costs, 10 percent	25,800
Total Estimated Cost	\$322,500

(a) Cost includes a 20% bid contingency.

RESOLUTION 2022-_____

**APPROVE A FUNDING AGREEMENT WITH LENNAR HOMES OF CALIFORNIA,
LLC TO FUND CONSTRUCTION OF TRACY HILLS ZONE 5 PUMP STATION AND
ASSOCIATED IMPROVEMENTS (CIP 75163) AT THE JOHN JONES WATER
TREATMENT PLANT (JJWTP)**

WHEREAS, construction of a Zone 5 Water Pump Station in the City's JJWTP is needed to serve Tracy Hills Phase 2 developments, and

WHEREAS, the project is an approved CIP 75163 and the project design and construction documents have already been completed, and

WHEREAS, Lennar Homes of California, LLC have signed the agreement to fund construction of this project, and

WHEREAS, approval of funding agreement will expedite the bidding and award of construction contract of this project, and

WHEREAS, the cost of construction of CIP 75163, associated improvements, and soft costs including inspection and construction management services will be paid to the City through the attached funding agreement, and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Tracy, by resolution, approve the Tracy Hills Zone 5 Pump Station Funding Agreement with Lennar Homes of California, LLC.

The foregoing Resolution 2022-_____ was adopted by the City of Tracy City Council on the 29th day of March 2022, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

MAYOR

ATTEST

CITY CLERK

March 29, 2022

AGENDA ITEM 1.F

REQUEST

APPROVE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN SAN JOAQUIN COUNTY AND THE CITY OF TRACY FOR A \$3.66 MILLION FUNDING ALLOCATION, APPROVE AN APPROPRIATION TO THE TEMPORARY EMERGENCY HOUSING FACILITY (CIP 71112) TO SUPPORT THE CONSTRUCTION AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT

EXECUTIVE SUMMARY

On July 13, 2021, the San Joaquin County Board of Supervisors approved a \$3.66 million funding allocation to support the construction of Tracy's Temporary Emergency Housing Facility (TEHF). Staff recommends that the City Council approve an MOU between the County of San Joaquin and the City of Tracy to formally accept the funding allocation and authorize the City Manager to execute the agreement.

DISCUSSION

On July 13, 2021, the San Joaquin County Board of Supervisors approved a \$3.66 million funding allocation to support the construction of Tracy's Temporary Emergency Housing Facility (TEHF). The County's contribution will support construction costs associated with Phase I of the project. During the meeting, Tracy City Council Member and Homelessness Advisory Committee Chair, Dan Arriola, presented the City's plan for a temporary emergency housing facility and requested funding support from the Board of Supervisors to begin construction on the project. The Board of Supervisors approved this request, along with requests from the cities of Manteca and Lodi to support similar homelessness and housing initiatives, highlighting the ongoing collaborative regional efforts to address homelessness in the county.

In order to formally accept the funding allocation from the San Joaquin County Board of Supervisors, the City must enter into an MOU with the County as contained in Attachment "A." The agreement term shall begin on the date of execution through December 30, 2023.

The TEHF is located at 370 W. Arbor Avenue in Tracy. The first phase of the project includes the construction of a 60' x 105' structure on the property that will accommodate approximately 68 guests. It includes a day room, and offices for operations, administration, and client services in an accessible climate-controlled space with fire alarm and sprinkler systems. The 6,300 square foot low barrier shelter will accommodate people, pets, and possessions. Auxiliary structures will be prefabricated and will include a kitchen, restrooms, showers, laundry, and storage. The TEHF will also

include selection of a service provider(s) to operate the facility and provide case management services to connect clients experiencing homelessness with health, employment, and housing resources.

The City has secured approximately \$7.3 million for the project including \$3.66 million in County funding. Weather permitting, construction is anticipated to take place this spring with an estimated project completion of fall 2022.

FISCAL IMPACT

The City of Tracy will receive and appropriate \$3,661,113 from the County of San Joaquin for construction related expenses associated with Phase I of the Temporary Emergency Housing Facility project (CIP 71112). No City match is required as part of this MOU.

STRATEGIC PLAN

This agenda item supports the City Council's FY 2021-2023 Public Safety Strategic Priority, and specifically implements the following goal:

Goal 2: Implement the Adopted Homelessness Strategic Plan.

Objective 2: Secure capital funding to construct a Temporary Emergency Housing Facility (Arbor Road Project).

RECOMMENDATION

That the City Council approve a Memorandum of Understanding between San Joaquin County and the City of Tracy for a \$3.66 million funding allocation and approve an appropriation to the Temporary Emergency Housing Facility (CIP 71112) to support construction and authorize the City Manager to execute the agreement.

Prepared by: Vanessa Carrera, Assistant to the City Manager

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

Approved by: Michael Rogers, City Manager

ATTACHMENTS

Attachment "A": Memorandum of Understanding Between San Joaquin County and Tracy's Temporary Emergency Housing Facility in the amount of \$3,661,113, MOU ID: B-8425.

ATTACHMENT A



**MEMORANDUM OF UNDERSTANDING
BETWEEN
SAN JOAQUIN COUNTY
AND
TRACY'S TEMPORARY EMERGENCY HOUSING FACILITY**

MOU ID: B-8425

Funding Amount Approved - \$3,661,113

PARTIES:

COUNTY:

County of San Joaquin
General Services Director
44 N. San Joaquin Street, Suite 590
Stockton, CA 95202

Contact: Marcia Cunningham
Phone: (209) 468-3664
Email: mcunningham@sjgov.org

CITY:

City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Contact: Michael Rogers
City Manager
Phone: (209) 831-6115
Email: cm@cityoftracy.org

Contact: Vanessa Carrera
Assistant to City Manager
Phone: (209) 831-6112
Email: vanessa.carrera@cityoftracy.org

This Memorandum of Understanding ("MOU") is made and entered into this ____ day of _____, by and between the City of Tracy, a political subdivision of the State of California, through its City Manager's Office ("CITY"), and San Joaquin County, a political subdivision of the State of California, through its General Services Department ("COUNTY").

RECITALS

On July 13, 2021, the San Joaquin County Board of Supervisors approved a \$3.66 million funding allocation to support the construction of Tracy's Temporary Emergency Housing Facility (TEHF). (See Exhibit A). The County's contribution filled a previous funding gap and made it possible for the City to move forward with the first phase of the project. During the meeting, Tracy City Council Member and Homelessness Advisory Committee Chair, Dan Arriola, presented the City's plan for a temporary emergency housing facility and requested funding support from the Board of Supervisors to begin construction on the project. (See Exhibit B). The Board of Supervisors approved this request, along with requests from the cities of Manteca and Lodi to support similar homelessness and housing initiatives, highlighting the ongoing collaborative regional efforts to address homelessness in our county.

On September 21, 2021, the City Council moved in favor of the project. On October 8, 2021, COUNTY received notification from the CITY that they are in favor to move forward on the TEHF project. (See Exhibit C).

COUNTY and CITY mutually desire to enter this MOU to memorialize the rights, duties, and obligations of each toward the other in connection with the services that the CITY will provide to and for the benefit of the COUNTY in connection with the award of the above-referenced funds.

Tracy's Temporary Emergency Housing Facility

Project Location
370 W. Arbor Avenue
Tracy, CA 95304

APN # 212-230-05

Property Description:
o Vacant Lots
o Zoned: M-1, Light Industrial

TOTAL FUNDING: \$3,661,113

- The CITY owns 370 W. Arbor Avenue, Tracy California, APN # 212-230-05 (See Exhibit D) and will design and construct the project TEHF on these parcels, (hereinafter "Property"), for approximately \$7,368,878, of which \$3,661,113 of County funding will be used. The CITY has committed \$10 million to design and construct the project, and \$1.8 million for approximately two years of ongoing operations and maintenance expenses via the CITY General Fund.
- The TEHF project includes the construction of a 60' x 105' structure on the property that will accommodate 68 guests. It includes a day room, and offices for operations, administration, and client services in an accessible climate-controlled space with fire alarm and sprinkler systems.

- The 6,300 square foot low-barrier shelter will accommodate people, pets, and possessions.
- Auxiliary structures will be prefabricated and will include a kitchen, restrooms, showers, laundry, and storage.
- The TEHF project will also include a selection of a service provider(s) to operate the facility and provide case management to connect clients experiencing homelessness with health, employment, and housing resources.

Site Improvements

- The site improvements include security fencing, fire access lanes, parking, landscaping, and space for future expansion based on funding availability.
- CITY must submit appropriate supporting documentation for COUNTY approval and the total cost of the TEHF projects shall not exceed the awarded amount of \$3,661,113.

NOW, THEREFORE, COUNTY and CITY do hereby mutually agree as follows:

I. PURPOSE OF THE MOU

On July 13, 2021, the COUNTY Board of Supervisors approved an award of \$3,661,113 as requested by the CITY. San Joaquin County Fiscal Year 2021-2022 Public Improvement Budget (#1040148000), Account (#6301000000) appropriations were increased by \$3,661,113 to cover the award cost from the Capital Outlay Fund #37004.

The purpose of this MOU is to memorialize the use of funding to be provided to the CITY pursuant to COUNTY Board Letter B-8425 (Exhibit E), approved on July 13, 2021, for the Projects described in the Recitals, above.

II. ORDER OF PRECEDENCE

Each of the items listed below is incorporated into this MOU by reference. In the event of any inconsistency in this MOU, the inconsistency shall be resolved by giving precedence in the following order:

1. Applicable Federal and State of California statutes and regulations.
2. This MOU and its Exhibits:

Exhibit A: Motion_BOS San Joaquin Cities of Lodi_Manteca_Tracy 07 13 2021
Exhibit B: Board Presentation City of Tracy Lodi and Manteca 07 13 2021
Exhibit C: Project Proposal – SJC BOS \$3.66 M Allocation for TEHF
Exhibit D: City of Tracy PROPERTY LOCATION
Exhibit E: Board Letter 8425_Lodi_Manteca_Tracy
Exhibit F: W-9/Employer ID #: 94-6000442
Exhibit G: REQUEST FOR FUNDS_HOMELESS_FINAL

III. SCOPE OF SERVICES

CITY agrees to provide Temporary Emergency Shelter and other services to homeless in Tracy California - San Joaquin County, and shall utilize the COUNTY funding described herein for the Projects described in the Recitals, above.

CITY shall perform its services and work in accordance with currently approved methods and standards of practice in the CITY'S professional specialty.

IV. GENERAL PROVISIONS**A. Term of Agreement:**

This Agreement shall commence on the date of execution through the 30th day of December 2023, unless said work is completed on a date prior thereto or unless terminated earlier as provided herein or extended upon mutual agreement.

B. Interpretation

This MOU shall not be interpreted in favor of any Party by virtue of said Party not having prepared this MOU.

If any time period provided for in this MOU ends on the day other than a Business Day, the time period shall be extended to the next Business Day.

C. Compensation:

1. COUNTY agrees to pay the CITY the sum of THREE MILLION SIX HUNDRED SIXTY-ONE THOUSAND ONE HUNDRED THIRTEEN DOLLARS (\$3,661,113) for providing services as described in Sections I-III, above. Payments may be made in multiple installments dependent on supporting documents. The payments cover \$3,661,113 of the TEHF Project.

a) Payments shall be paid within 15 business days of the signed "Request for Funds" form (Exhibit G). All documents showing cost estimates and quotes will need to be supplied to initiate the payments.

b) Copies of all supporting documents for the TEHF Project shall be submitted by CITY to COUNTY (including, but not limited to, contractor/concessionaire quotes, agreements, invoices, purchase receipts, payments, and any documents which show City Council approval) shall be submitted by CITY to COUNTY no later than December 30, 2023, via email to CIPREQFUND@sjgov.org.

c) Any funds paid to CITY pursuant to this MOU that are not used for the approved TEHF Projects by December 30, 2023, shall be returned to COUNTY no later than February 28, 2024.

2. COUNTY shall monitor the CITY performance periodically throughout the term of this MOU, including reconciliation of payments to the actual cost, to ensure that the program is achieving satisfactory performance in relation to the objectives as stated in the Request for Funds.

3. Quarterly Project Status Reports are to be supplied by the CITY to the County. The first Quarterly Project Status Report will be due three months from the date the first payment is and received by the CITY. CITY shall submit Project Status Report(s) to the County of San Joaquin, County General Services Department, via email to CIPREQFUND@sigov.org. All reports must reference MOU ID # B-8425.
4. CITY agrees to maintain all program, fiscal, statistical, and management records and make such records available for inspection by COUNTY representatives upon request as described below. The records to be kept and maintained in connection with this MOU shall include, but are not limited to, Property documents, any and all costs associated with the Projects, the opening of the TEHF, invoices, records of services rendered, and recipient/contractor service-related correspondence. Failure to promptly comply with any COUNTY request for records and/or inspection pursuant to this Section IV shall constitute a breach of this MOU.
5. CITY agrees to maintain all records pertaining to service delivery and fiscal and administrative controls for a minimum of seven (7) years after final payment has been made, or until all pending County, State, and Federal audits are completed, whichever is later.

Upon request, the CITY shall make these records available in the COUNTY to all authorized County personnel within three (3) working days of the request for such records.

6. CITY shall account for all of the expenditures paid by the COUNTY under this MOU, and agrees their financial records shall contain itemized records of all costs related to this MOU. The CITY agrees to follow Generally Accepted Accounting Principles (GAAP) to support COUNTY paid expenditures.
7. Total payments under this MOU shall not exceed THREE MILLION SIX HUNDRED SIXTY-ONE THOUSAND THREE HUNDRED ELEVEN DOLLARS (\$3,661,113) for the term of this MOU, as set forth in Section IV(A), above.

D. Invoicing:

CITY shall submit invoice(s) to the County of San Joaquin, County General Services Department, via email to CIPREQFUND@sigov.org. All invoices must reference MOU ID # B-8425 and the service(s) performed.

E. Indemnification:

CITY shall, at its expense, defend, indemnify and hold harmless the COUNTY and its employees, officers, directors, contractors, and agents from and against any losses, liabilities, damages, penalties, costs, fees, including without limitation reasonable attorneys' fees, and expenses from any claim or action, including, without limitation for bodily injury or death, arising from or pertaining to the subject matter of this MOU.

CITY shall hold the COUNTY, its officers, and employees, harmless from liability, of any nature or kind on account of the use of any copyrighted or un-copyrighted composition, secret process, patented, or un-patented invention articles or appliance furnished or used under this order.

F. Special Terms and Conditions

- 1) Grantee shall utilize the local Homeless Management Information System (HMIS) to track services, and clients served.
- 2) Grantee shall utilize Activate Care to manage and track clients served, capture contact information for care team members, track referrals, and manage and track relevant activities associated with a client's care.
- 3) Grantee shall participate in and provide relevant data elements, including, but not limited to, the client's provider information, housing supports, and referrals in a manner consistent with federal law, into Activate Care, and HMIS. Any health information provided to, or maintained within, the statewide Homeless Management Information System shall not be subject to public inspection or disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code). For purposes of this paragraph, "health information" means "protected health information," as defined in Part 160.103 of Title 45 of the Code of Federal Regulations, and "medical information," as defined in subdivision (j) of Section 56.05 of the Civil Code.

G. Insurance:

CITY shall obtain and maintain continuously in effect at all times during the term of this License, at CITY'S sole expense, general liability insurance protecting COUNTY, its officers, employees, and agents against liability which may accrue against COUNTY by reason of CITY'S use of funds pursuant to this MOU. Such insurance must be in the amount of not less than Two Million Dollars (\$2,000,000) combined single limits coverage for personal injury, death, or property damage, and shall name the COUNTY and its agents as coinsured thereunder. In addition, the policy shall provide for a thirty (30) day notice to the COUNTY prior to cancellation or material change of the policy. CITY shall promptly supply the COUNTY with a certificate of insurance evidencing compliance with the above requirements.

CITY'S employees, contractors, and concessionaires shall be fully and adequately covered by Worker's Compensation Insurance, as required by law, and shall submit to the COUNTY a certificate of insurance evidencing compliance with such insurance requirements upon execution of this agreement. CITY shall not commence or continue operations on the Premises without the required Worker's Compensation Insurance being in force.

H. Notices:

Any notice required to be given pursuant to the terms and conditions hereof shall be in writing, and shall be effected by one of the following methods: personal delivery, prepaid Certified First-Class Mail, or prepaid Priority Mail with delivery confirmation. Unless otherwise designated in writing by either party, such notice shall be mailed to the addresses shown on page one (1) of this MOU.

I. Termination:

1. **Termination for Cause:** If the CITY breaches or habitually neglects its duties under this MOU without curing such breach or neglect upon fifteen (15) working days written notice, the COUNTY may, by written notice, immediately terminate this MOU without prejudice to any other remedy to which the COUNTY may be entitled, either at law, in equity, or under this MOU.
2. **Termination for Convenience:** In addition, the COUNTY may terminate this MOU upon forty-five (45) days' written notice to the other party.

J. Conflict of Interest Statement:

CITY covenants that the CITY, its officers, employees, or their immediate family, presently has no interest, including, but not limited to, other projects or independent contracts, and shall not acquire any such interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this MOU. CITY further covenants that in the performance of this MOU no person having any such interest shall be employed or retained by the CITY under this MOU. CITY shall not hire COUNTY'S employees to perform any portion of the work or services provided for herein including secretarial, clerical, and similar incidental services, except upon the written approval of the COUNTY. Performance of services under this MOU by associates or employees of the CITY shall not relieve the CITY from any responsibility under this MOU.

K. Force Majeure:

It is agreed that neither party shall be responsible for delays in delivery, acceptance of delivery, or failure to perform when such delay or failure is attributable to Acts of God, war, strikes, riots, lockouts, accidents, rules, or regulations of any governmental agencies or other matters or conditions beyond the control of either the CITY or the COUNTY.

L. Compliance:

CITY shall comply with all Federal, State, and local laws, regulations, and requirements necessary for the provision of work and services. Furthermore, the CITY shall comply with all laws applicable to wages and hours of employment, occupational safety, fire safety, health, and sanitation, including, but not limited to, payment of prevailing wage pursuant to California law. CITY shall maintain the current throughout the life of this MOU, all permits, licenses, certificates, and insurances that are necessary for the provision of contracted services.

M. Disputes and Remedies:

1. At the COUNTY's sole discretion, COUNTY may elect to raise a dispute, claim, or breach by submitting it, in writing, to CITY. Such dispute, claim, or breach would include conditions and time constraints required of CITY to remedy.
2. Neither the pendency of a dispute, claim, or breach nor its consideration will excuse the parties from full and timely performance in accordance with terms of this MOU.
3. Any legal action or proceeding with respect to this MOU shall be brought in the courts of the State of California for the County of San Joaquin, or the courts of the

United States of America for the Eastern District of California, and in no other courts. CITY hereby accepts such jurisdiction and venue and generally and unconditionally waives any objection, including, without limitation, any objection to the laying of venue or based on the grounds of forum non-conveniens. The provision of this paragraph shall survive the expiration or other termination of this MOU regardless of the cause of such termination.

4. In any action brought by a party to enforce the terms of this MOU, the prevailing party shall be entitled to reasonable attorney's fees and costs, including the reasonable value of any services provided by in-house counsel. The reasonable value of services provided by either party's counsel shall be capped at the hourly rate charged by Deputy County Counsel IV attorneys in the office of the County Counsel of San Joaquin County, California.

N. Documents:

All drawings, specifications, documents, and other memoranda or writings relating to the work and services hereunder shall remain or become the property of the COUNTY whether executed by or for the CITY for the COUNTY, or otherwise by or for the CITY, or by or for a subcontractor operating under the CITY supervision, or direction, and all such documents and copies thereof shall be returned or transmitted to the COUNTY forthwith upon the COUNTY written demand, termination or completion of the work under this MOU.

O. Entire MOU and Modification:

This MOU and all documents incorporated by reference herein supersede all previous agreements between the Parties hereto, either oral or written, and constitute the entire understanding of the Parties with respect to the subject matter described herein. No changes, amendments, or alterations shall be effective unless in writing and signed by both Parties.

P. If any term of the MOU is found to be illegal, invalid, or unenforceable under applicable law, such term shall be excluded to the extent of such illegality, invalidity, or unenforceability; all other terms of this MOU shall remain in full force and effect; and, to the extent permitted and possible, the illegal, invalid or unenforceable term shall be replaced by a term that is legal, valid and enforceable and that comes closest to expressing the intention of such illegal, invalid or unenforceable term.

IN WITNESS WHEREOF, COUNTY and CITY have executed this MOU effective on the day and year first written above.

City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

COUNTY OF SAN JOAQUIN, a
political subdivision of
the State of California

By: _____

Michael Rogers
City Manager
City Manager's Office

By: _____

Marcia Cunningham
Director
General Services Department

EXHIBIT A

San Joaquin County

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CA**

*Adopted
Jul 13, 2021 9:00 AM*

Board Letter 8425

Presentation by San Joaquin Cities of Lodi, Manteca and Tracy to Request Funding for Emergency Homeless Shelters Within Their Cities and Approval of Related Budget Adjustments in the Amount of \$6 Million Dollars. (4/5ths Vote Required)

Information

Department:

BOS - District 5

Sponsors:**Category:**

Presentation

Attachments

[Printout](#)
[Presentation](#)

Meeting History

Jul 13, 2021 9:00 AM Video**Board of
Supervisors****Regular Meeting** **Draft**

Supervisor Rickman introduced this item. City of Lodi Council member Doug Kuehne presented to the Board a funding request of \$2.8 million and increase of mental health services. Vice Mayor Gary Singh presented to the Board a funding request of \$2 million, up to an additional \$8 million if available. City of Tracy Council Member Dan Arriola presented a funding request of \$3.6 million

Messrs. Kuehne, Singh, Arriola, City of Lodi City Manager Steve Schwabauer, City of Lodi Community Development Director John Della Monica, County Administrator Jay Wilverding, City of Lodi Neighborhood Services Manager Jennifer Rhyne responded to questions and

Motion to approve funding to City of Tracy for \$3,666,113, City of Manteca \$2,000,000, City of Lodi \$2,800,000. Approved.

RESULT: **ADOPTED [UNANIMOUS]**

MOVER: Robert Rickman, District 5

SECONDER: Miguel Villapudua, District 1

AYES: Katherine M. Miller, Chuck Winn, Tom Patti, Miguel Villapudua, Robert Rickman

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Board of Supervisors Meeting

July 13, 2021

*City of Tracy, City of Manteca,
and City of Lodi
Emergency Homeless Shelter(s)
Funding Requests*

*Presented by:
Vice Mayor Gary Singh (Manteca),
Council Member Doug Kuehne /
City Manager Steve Schwabauer (Lodi), and
Council Member Dan Arriola (Tracy)*

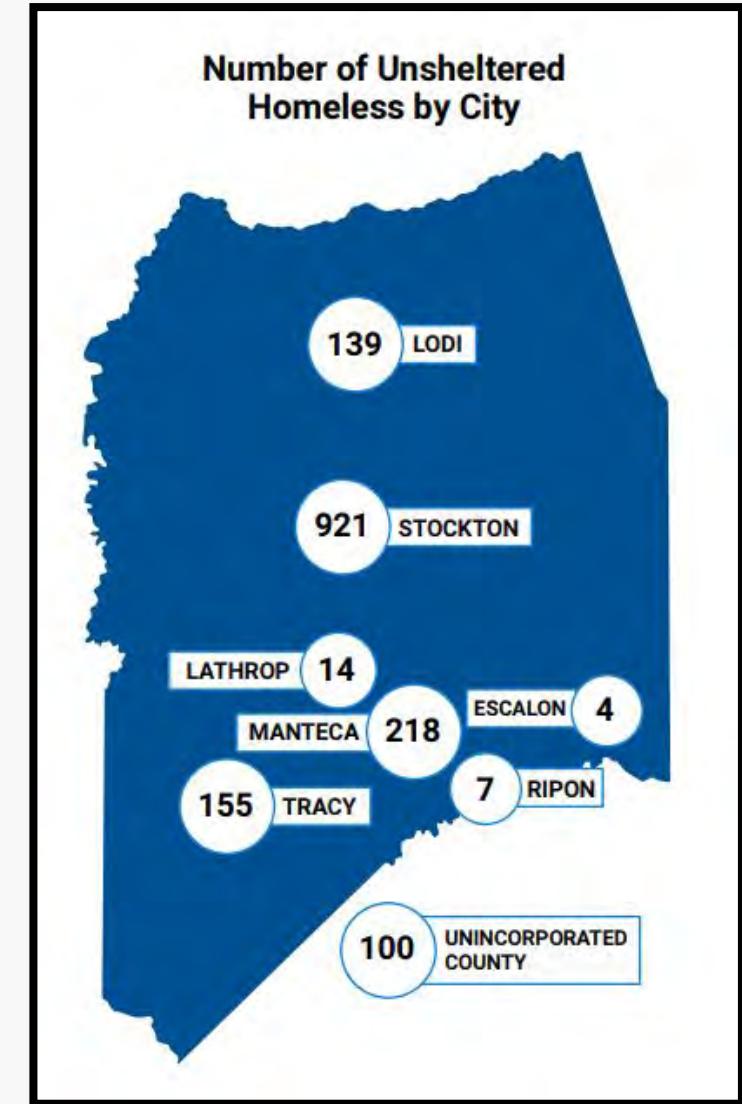


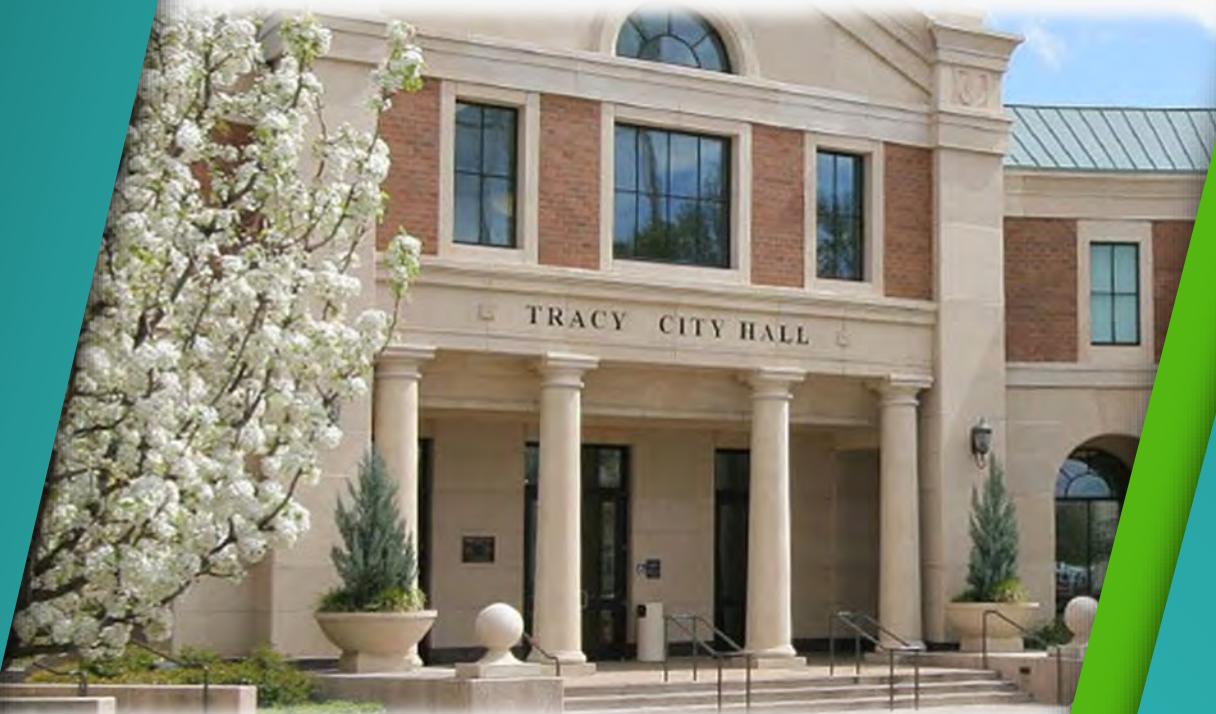
Introduction

- **Why are we here?**
 - To collectively present our current plans to assist the unsheltered persons in our communities
 - Each City adopted the SJC Community Response to Homelessness (Strategic Plan) and is adhering to the guidelines.
- **How are we supporting the County Board of Supervisors Strategic Priorities?**
 - Encourage collaboration county-wide
 - Address quality of life, health, public safety, and homelessness issues
 - Increase access to health care-related infrastructure and service delivery
 - Reducing recidivism through case management

Point In Time Count

- The last Point in Time Count was completed in 2019, due to the COVID-19 pandemic.
- At that time, the three cities had the below number of individuals unhoused in their communities
 - Lodi - 139
 - Manteca – 218
 - Tracy – 155
- The 3 Cities equate to approx. 33% of the total unsheltered in San Joaquin County





City of Tracy

*Temporary Emergency Housing
Facility*

*Presented by:
Council Member Dan Arriola*

A COMMITTED CITY COUNCIL: Tracy City Council ACTIONS



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HOMELESSNESS STRATEGIC PLAN – SUMMARY

GOAL 1

Increase Housing Options in the City of Tracy

1. SHORT-TERM: Identify immediate temporary “Emergency Housing” options & integrate crisis support services.
2. MID-TERM: Identify “Transitional Housing” options & integrate wrap-around support services with Navigation Center.
3. LONG-TERM: Increase affordable housing stock & assist in securing “Permanent Housing” with continued support services from Case Managers.
4. CONTINUOUS: Proactively pursue local, state, and federal funding to support housing options and support services.
5. Create property-owner economic initiative to increase the number of private housing options to support housing for people transitioning out of homelessness.

GOAL 2

Increase Access to Coordinated Support Services for People Experiencing Homelessness

1. Create a centralized location a “Navigation Center” where people experiencing homelessness can access appropriate services and resources on their immediate needs.
2. Secure funding for family reunification, job training, and appropriate support services at Navigation Center.
3. Enhance coordination between local service providers and county agencies.
4. Evaluate effectiveness of current spending and consider reallocating resources, while continuing to pursue other funding options.

GOAL 3

Develop Action Plans for Engaging with People Experiencing Homelessness

1. Establish a City Enforcement Protocol
2. Identify and engage people experiencing or at-risk of homelessness in Tracy — including, but not limited to, youth, the LGBT community, people of color, people of crime, and people with disabilities.
3. Partner with county agencies (including the D.A.’s Office & County Jail) to evaluate opportunities for diversion programs or other alternatives to incarceration for people experiencing homelessness — including a warm “hand off” to service providers to render immediate crisis support services or emergency housing.
4. Develop a targeted initiative program to prevent “new” at-risk individuals from becoming homeless.

GOAL 4

Enact Specific Strategies for Vulnerable Subpopulations Experiencing Homelessness

OBJECTIVES

SHORT-TERM: Identify immediate temporary “Emergency Housing” options and integrate crisis support services.



1. Establish a City Enforcement Protocol
2. Identify and engage people experiencing or at-risk of homelessness in Tracy — including, but not limited to, youth, the LGBT community, people of color, people of crime, and people with disabilities.

to “Case Managers” for the populations who will educate and provide connections to appropriate support services and housing options.

3. Partner with county agencies (including the D.A.’s Office & County Jail) to evaluate opportunities for diversion programs or other alternatives to incarceration for people experiencing homelessness — including a warm “hand off” to service providers to render immediate crisis support services or emergency housing.
4. Develop a targeted initiative program to prevent “new” at-risk individuals from becoming homeless.



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PROJECT LOCATION MAP



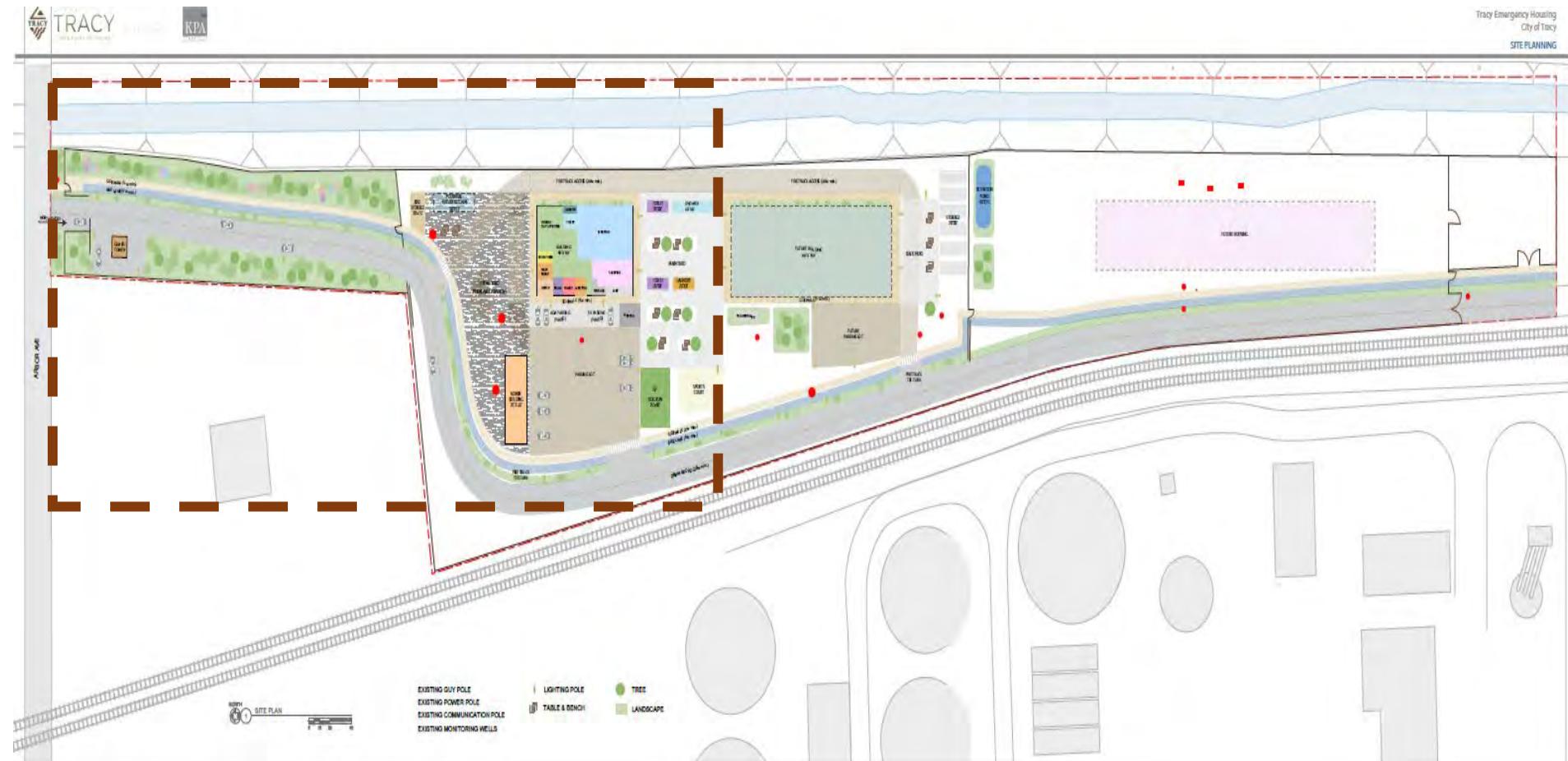
PROJECT DESCRIPTION

- ✓ 4 acre project – unimproved **City-owned** property
- ✓ 5,600sf structure with ADA compliant walkways, ventilation, and parking facility
- ✓ Will house approximately 68 guests/clients, with room for expansion based on funding availability
- ✓ Intended to be a low-barrier shelter accommodating people, pets, and possessions
- ✓ Request for Proposal to identify an operator/service providers for case management and referral

SAMPLE STRUCTURES

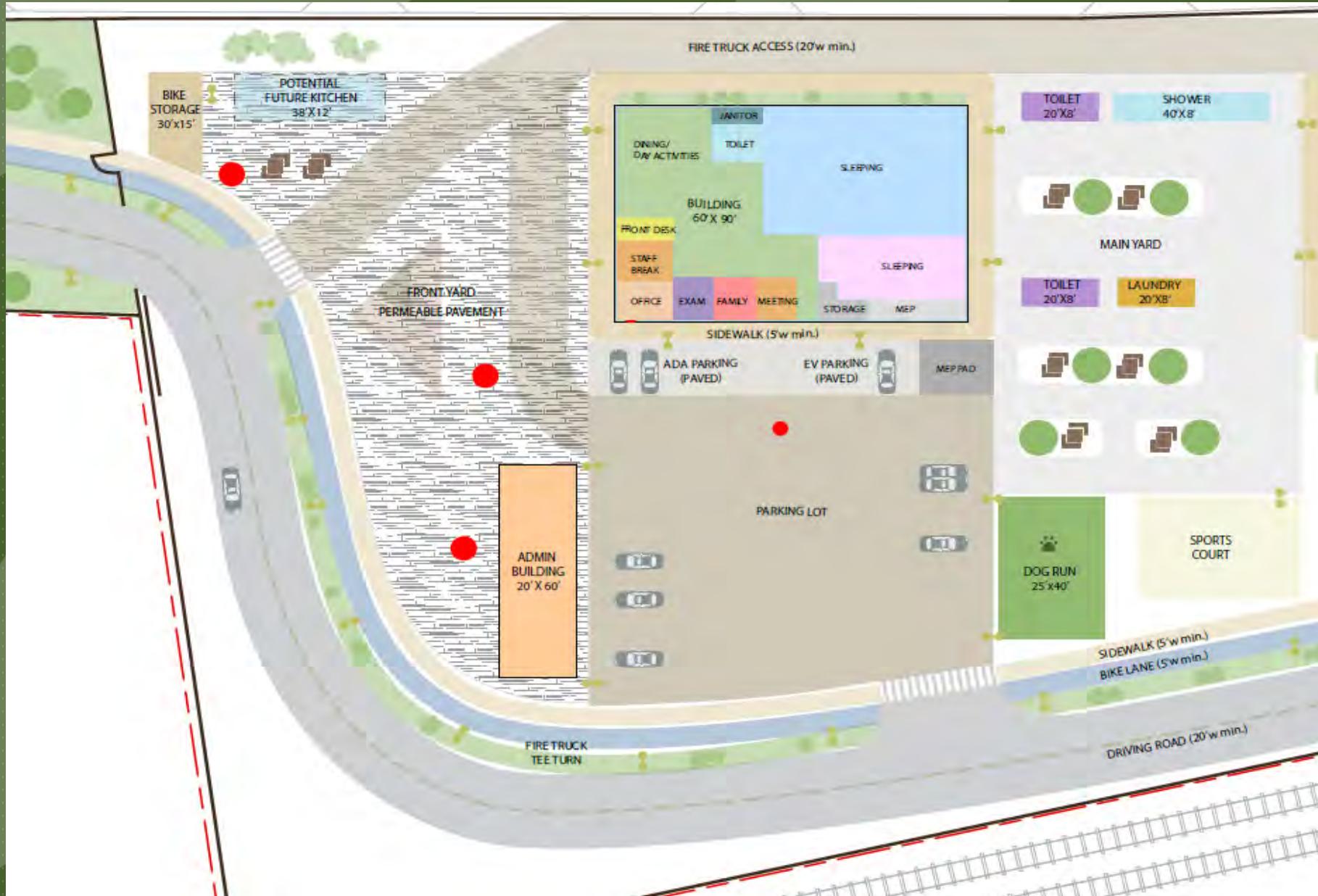


SITE LAYOUT AND CONCEPTUAL PLAN COMPLETE



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SITE LAYOUT AND CONCEPTUAL PLAN



PROJECT TIMELINE

- **August/September 2021**

Phase 1 Construction: Rough grading, demolition and underground utility construction

- **October/November 2021**

Phase 2 Construction: Foundations and pavements

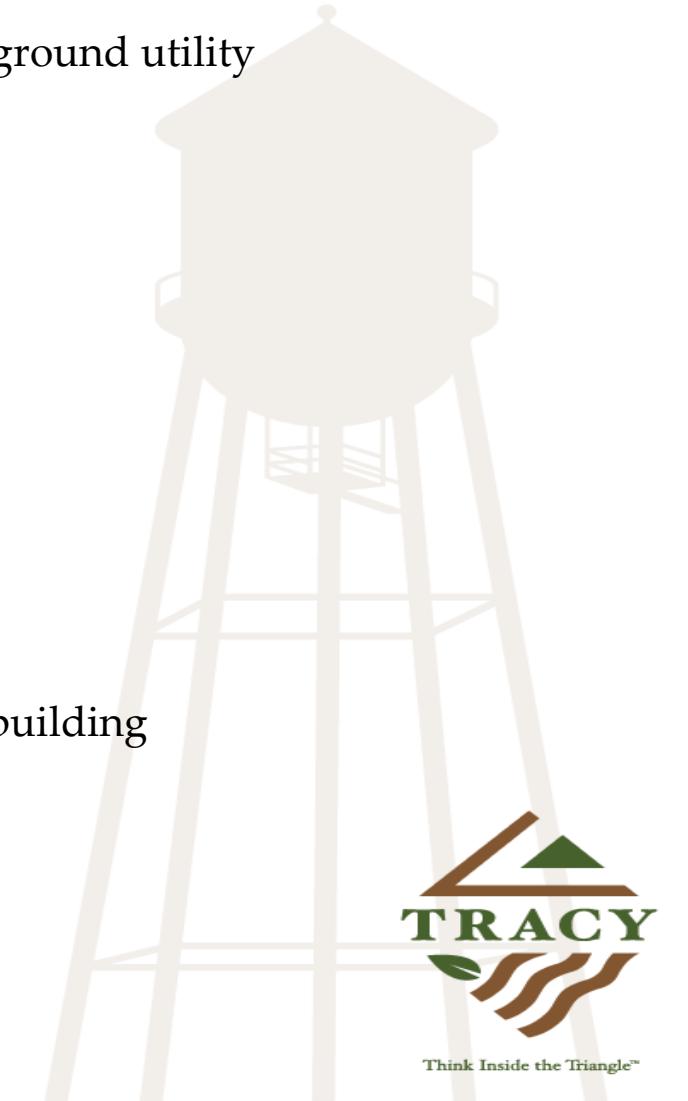
- **December 2021**

Phase 3 Construction: Structure installation

- **January-March 2022**

Phase 4 Construction: Build out completion - Completion of building interior, HVAC

- **Spring 2022- Building Occupancy**



ARBOR ROAD CONSTRUCTION PROJECT FUNDING

FUNDING SHORTFALL

Secured Funding Total	\$2,563,877
Project Expense Total	\$6,230,000
Project Funding Shortfall	\$3,666,113



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COUNTY SUPPORT NEEDED FOR CITY PROJECTS

Current funding from City of Tracy - \$2.56 million
(construction only)

City has also committed approximately 2 years of
ongoing operations and maintenance expenses -
\$1.8 million

Requesting one-time construction funding
support from County – \$3.6 million to meet
building occupancy timeline March/April 2022

Conclusion

- Closing Statements from:
 - Tracy
 - Manteca
 - Lodi
- Q & A
- Thank You for your time and consideration.



PROJECT PROPOSAL

City of Tracy
333 Civic Center Plaza
Tracy, CA 95376
MAIN 209.831.6000
www.cityoftracy.org

To: Adam Cheshire, Program Administrator for Homeless Initiatives
From: Vanessa Carrera, Assistant to the City Manager
CC: Bob Adams, Interim City Manager
Midori Lichtwardt, Assistant City Manager
Date: October 8, 2021
RE: Project Proposal for City of Tracy – Temporary Emergency Housing Facility
San Joaquin County Board of Supervisors \$3.66 Million Funding Allocation

BACKGROUND

On July 13, 2021, the San Joaquin County Board of Supervisors approved a \$3.66 million funding allocation to support the construction of Tracy's Temporary Emergency Housing Facility. The County's contribution filled a previous funding gap and made it possible for the City to move forward with the first phase of the project. During the meeting, Tracy City Council Member and Homelessness Advisory Committee Chair, Dan Arriola, presented the City's plan for a temporary emergency housing facility and requested funding support from the Board of Supervisors to begin construction on the project. The Board of Supervisors approved this request, along with requests from the cities of Manteca and Lodi to support similar homelessness and housing initiatives, highlighting the ongoing collaborative regional efforts to address homelessness in our county.

In order to allocate the \$3.66 million, the County has requested that the City submit a proposal outlining the project scope and objectives for Tracy's Temporary Emergency Housing Facility.

PROJECT OVERVIEW

On September 1, 2020, the Council gave direction to move forward with the development of plans for the design and construction a temporary emergency housing facility. Subsequently, on March 2, 2021, the Council received an update on the project and allocated funding for design and construction. The project is located at 370 W. Arbor Avenue and the first phase of construction will include a 60' x 105' structure that will accommodate up to 68 guests, a day room, and offices for operations, administration and client services in an accessible climate controlled space with fire alarm and sprinkler systems. The 6,300 square foot low-barrier shelter will accommodate people, pets, and possessions. Auxiliary structures will be prefabricated and will include a kitchen, restrooms, showers, laundry, and storage. The site improvements include security fencing, fire access lanes, parking, landscaping and space for future expansion based on funding availability. The first phase of the project will also include selection of a service provider(s) to operate the facility and provide case management to connect clients experiencing homelessness with health, employment and housing resources. See schematic below:

October 8, 2021

Page 2 of 3

ATTACHMENT C

CITY OF TRACY
SAN JOAQUIN COUNTY, CALIFORNIA

TEMPORARY EMERGENCY HOUSING PROJECT ON ARBOR AVENUE
370 W. ARBOR AVE

C.I.P. No. 71112



PACKAGE 1- ROUGH GRADING AND UTILITIES

FIRST INFORMATION REVIEW - PLEASE PROVIDE COMMENTS BY 9/30/2021

PROJECT DESCRIPTION:
PACKAGE 1-10 HOUSES CONSTRUCTION WILL FOCUS ON THE PREPARATION FOR AN EXISTING STRUCTURE AND ACCESS ROAD, "LEAVING & GOING", DRAINAGE, AND INSTALLATION OF UNDERGROUND INFRASTRUCTURE IN PREPARATION FOR PACKAGE 2 CONSTRUCTION DOCUMENT FOR SITE IMPROVEMENTS, WORK TO BE DONE UNDER SEPARATE CONTRACT.
UTILITY IMPROVEMENTS INCLUDE INSTALLATION OF A TRAMMABLE PORTABLE WATER SURVEY AND A SEWER/SSEWAGE MAIN.

TEMPORARY EMERGENCY HOUSING
370 W. ARBOR AVE
C.I.P. No. 71112
PACKAGE 1

G000
SHEET 1 OF 30

The City has committed nearly \$10 million to construct the project, and \$1.8 million for approximately two years of ongoing operations and maintenance expenses via the City's General Fund. Staff is also putting forward a request to create two full-time positions to manage the City's homeless and housing projects and services, including the oversight of the Temporary Emergency Housing Facility and affiliated service provider contracts. The total project costs and funding sources associated with the design and construction the Temporary Emergency Housing Facility is as follows:

SECURED PROJECT FUNDING (CAPITAL FUNDING)	AMOUNT
City of Tracy – Project Location/ Land (est. \$5/ sq.ft)	\$180,000
Housing Asset Funds (Reso 2020-163)	\$690,000
Community Development Block Grant – San Joaquin County allocation via COVID-19 relief funds (Reso 2020-163)	\$100,000
Community Development Block Grant – City of Tracy FY 21-22 allocation (2021-032)	\$403,365
Homeless Housing, Assistance and Prevention Funds (HHAP) – San Joaquin County (2021-062)	\$329,400
American Rescue Plan Act (ARPA) (Pending Appropriation)	\$2,000,000
Allocation for Regional Homeless Shelter Projects and Services - San Joaquin County Board of Supervisor's (Pending Appropriation)	\$3,666,113
SECURED PROJECT FUNDING TOTAL	\$7,368,878
PROJECT EXPENSES (CAPITAL EXPENSES)	AMOUNT

Site preparation - utilities, earthworks, pavements, and existing building	\$537,907
New construction – utilities, pavement, fencing, building, and accessories	\$5,207,584
Additive alternatives – administration building, emergency generators, etc.	\$996,300
Project design – staff time, consultant services	\$575,000
GRAND TOTAL – SPRUNG STRUCTURE AND OUTFIT	\$6,320,492
GRAND TOTAL – SPRUNG STRUCTURE & OUTFIT WITH ALTERNATIVES	\$7,316,792

On September 21, 2021, staff delivered an update to Council on the City's homelessness initiatives, including the construction of the Emergency Temporary Housing Facility. The Council moved in favor to include the administration building in Phase 1 of the project, proceed with design of Phase 2 once the first phase is at or near completion, issue an RFP for a winter warming center and return to allocate funding, and perform a viability study on permanent housing funding opportunities (e.g. Project Homekey Round 2 Grant Program).

TIMELINE

The federal funding, in the form of CDBG grants secured for the project, requires the City to follow the federal environmental review process, the National Environmental Policy Act (NEPA). The NEPA environmental review process takes between 75 – 120 days to complete and cannot be shortened significantly due to the periods of public noticing and comment that are required at various steps. Although the NEPA environmental review was not anticipated and will impact the construction schedule, a consultant specializing in this work was immediately secured and the review was initiated in early August.

The project is currently in the construction design phase and the plans and specifications for preliminary site work, including the demolition of an existing structure, removal of debris, rough grading, installation of underground utilities are 90% complete. This package of plans will be completed, permitted and ready to advertise for construction bids prior to the completion of the environmental review process. Construction will begin as soon as the NEPA is completed.

The site improvement plans, including the structures, sidewalks, paving, security fencing, etc., are currently 40% complete. The improvement plan package will be complete by the end of the environmental review process, submitted for permit review, and will be advertised for bids as soon as permits are approved.

Weather permitting, construction is anticipated to take place this fall with an estimated project completion of spring 2022. Staff will begin its outreach process in advance of any construction to ensure adequate responses to the City's Request for Proposals to operate and manage the Temporary Emergency Housing Facility.



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EXHIBIT D

PROJECT LOCATION MAP



EXHIBIT E



Board of Supervisors

Robert Rickman, *Fifth District*
Scott Tyrrell, *Chief of Staff*

September 21, 2021

Board of Supervisors
44 N. San Joaquin Street, Suite 627
Stockton, CA 95202

Fellow Board Members:

Presentation by San Joaquin Cities of Lodi, Manteca and Tracy to Request Funding for Emergency Homeless Shelters Within Their Cities and Approval of Related Budget Adjustments in the Amount of \$6 Million Dollars. (4/5ths Vote Required)

RECOMMENDATION:

It is Recommended that the Board of Supervisors:

- 1) Accept the presentation from the cities of Lodi, Manteca and Tracy to request funding to establish emergency low barrier homeless shelters as identified in the presentation; and
- 2) Transfer appropriations in the amount of \$6.0 million dollars from Capital Outlay Fund #37004 (unprogrammed) to the Operation Transfer Budget #1010804000. **(4/5 Vote Required)**

REASON FOR RECOMMENDATION

Homelessness is one of the most important issues that San Joaquin County cities currently face. The above cities are requesting financial assistance in establishing homeless shelters which will allow support services – on-sight navigation/wrap-around services including but not limited to, mental health services and substance-abuse counseling and/or treatment – to be more readily available for those living unsheltered. Each of these three cities is requesting up to \$2.0 million for the planned permanent homeless shelter and anticipated buildout, and will demonstrate a dedicated use of funds for facility acquisition and/or construction. Sufficient detail will be provided by each city in order to substantiate an appropriation related to this request. As a part of this request, the cities will demonstrate a dedicated source of funds for operational expenses, separate from County funds, sustainable for a minimum of three to four years.

Prior to disbursing any funds resulting from this appropriation, project information will be provided to the County General Services Division for review and approval.

FISCAL IMPACT

The estimated costs to fund all three cities will not exceed \$6.0 million dollars. Funds will be transferred from the unprogrammed Capital Outlay funds #37004 to the Operating Transfers Budget #1010804000 to provide a contribution of up to \$2.0 million to each of the three cities.

Action Following Board Approval

Following the presentation and approval by the Board, direct the CAO to appropriate any approved amounts.

Sincerely,


Robert Rickman, Supervisor
District Five

Cc: County Administrator
County Counsel
General Services
Auditor-Controller
Steve Schwabauer, City Manager, City of Lodi
Mike Harden, Interim City Manager, City of Manteca
Jenny Haruyama, City Manager, City of Tracy
Clerk of the Board

Form **W-9**
 (Rev. October 2018)
 Department of the Treasury
 Internal Revenue Service

Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the requester. Do not send to the IRS.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

City of Tracy

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

Individual/sole proprietor or single-member LLC C Corporation S Corporation Partnership Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ► _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

Other (see instructions) ► _____

Municipal Government

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

Requester's name and address (optional)

333 Civic Center Plaza

6 City, state, and ZIP code

Tracy CA 95376

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

or

Employer identification number

9	4			6	0	0	0	4	4	2			
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Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here

Signature of U.S. person ►

Sara Cowell

Date ►

01/18/2022

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding, later.**

RESOLUTION _____

APPROVING MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN SAN JOAQUIN COUNTY AND THE CITY OF TRACY FOR A \$3.66 MILLION FUNDING ALLOCATION, APPROVING AN APPROPRIATION TO THE TEMPORARY EMERGENCY HOUSING FACILITY (CIP 71112) TO SUPPORT THE CONSTRUCTION, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, On July 13, 2021, the San Joaquin County Board of Supervisors approved a \$3.66 million funding allocation to support the construction of Tracy's Temporary Emergency Housing Facility (TEHF), and

WHEREAS, The County's contribution will support construction costs associated with Phase I of the project, and

WHEREAS, In order to formally accept the funding allocation from the San Joaquin County Board of Supervisors, the City must enter into an MOU with the County, and

WHEREAS, Staff recommends that City Council approve a Memorandum of Understanding between San Joaquin County and the City of Tracy for a \$3.66 million funding allocation and approve an appropriation to the Temporary Emergency Housing Facility (CIP 71112) to support the construction and authorize the City Manager to execute the agreement;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves the Memorandum of Understanding between San Joaquin County and the City of Tracy as contained in Attachment "A", approves an appropriation to the Temporary Emergency Housing Facility (CIP 71112), and authorizes the City Manager to execute the agreement.

* * * * *

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the 29th day of March, 2022, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

March 29, 2022

AGENDA ITEM 3.A

REQUEST

PUBLIC HEARING TO CONSIDER APPROVING A VESTING TENTATIVE SUBDIVISION MAP FOR THE AVENUES NEIGHBORHOOD CONSISTING OF 480 RESIDENTIAL LOTS, A PARK, AND ASSOCIATED ROADS ON APPROXIMATELY 95.83 ACRES, LOCATED SOUTH OF VALPICO ROAD AND APPROXIMATELY 1,500 FEET WEST OF CORRAL HOLLOW ROAD, ASSESSOR'S PARCEL NUMBERS 240-140-49, 240-140-05, 240-700-13, & 240-700-14. THE APPLICANT IS THE SURLAND COMPANIES AND THE PROPERTY OWNER IS GREYSTONE LAND INVESTMENT PARTNERS, LLC. APPLICATION NUMBER TSM21-0001

EXECUTIVE SUMMARY

The Avenues project area is an approximately 95.83-acre site located on the south side of Valpico Road and approximately 1,500 feet west of Corral Hollow Road. On September 4, 2018, the City Council adopted the Avenues Specific Plan Mitigated Negative Declaration (ASP MND) and approved annexation of the Avenues project area, and on September 18, 2018, the City Council adopted the Avenues Specific Plan. Annexation of the Avenues project area to the City of Tracy was completed by LAFCo on January 14, 2021, and on May 4, 2021, at request of The Surland Companies, the Tracy City Council adopted Ordinance 1305 to merge the Avenues Specific Plan area into the Ellis Specific Plan. The Ellis Specific Plan area now includes the original Ellis Specific Plan area, referred to as the "Ellis Neighborhood", and the original Avenues Specific Plan area, referred to as the "Avenues Neighborhood." This agenda item is a proposal to subdivide the Avenues Neighborhood area into 480 lots for single-family homes, an approximately 4.39-acre park, and associated common landscape parcels, roads, and alleys by way of a vesting tentative subdivision map.

DISCUSSION

Vesting Tentative Subdivision Map

The subject property is designated Residential by the Ellis Specific Plan, which permits a density range of 4 to 5 units per gross acre and a minimum of 380 and a maximum of 480 residential units, not including accessory dwelling units. The proposed number of residential lots in the Vesting Tentative Subdivision Map is 480, which is consistent with the Ellis Specific Plan, for an overall density of 5 units per gross acre, which is consistent with the Ellis Specific Plan and the General Plan land use designation of Residential Low that permits a density range of 2 to 5.8 dwelling units per gross acre.

The design of the proposed Vesting Tentative Subdivision Map is consistent with the Ellis Specific Plan. Lot sizes are at least 50 feet wide by 100 feet deep on front-loaded lots and at least 40 feet wide by 100 feet deep on alley-loaded lots, which are larger than the minimum lot sizes required in the Ellis Specific Plan. The proposed street configuration is a generally rectangular pattern with breaks every several hundred feet, where the longest internal block is less than 900 feet long, resulting in a walkable, pedestrian-friendly environment. Alley-loaded lots line both sides of Summit Drive so

that garages will be located behind the fronts of houses and create an attractive streetscape that emphasizes the architectural details of the houses, as envisioned in the Ellis Specific Plan. In anticipation of future development of the properties to the east and west of the Avenues Neighborhood area, the map proposes several streets that stub to the east and west, which provide opportunities for connectivity when those properties are ready to develop.

In addition to the 480 residential lots, the Vesting Tentative Subdivision Map also includes a park parcel and eight other parcels. Parcels A, B, C, D, G, H, and I are proposed landscape parcels located at Valpico Road and Summit Drive. Parcel E is also a proposed landscaped parcel with a sidewalk, turf block EVA, and collapsible bollards that will allow emergency vehicle access, similar to a design recently approved in the KT subdivision at Tracy Hills. Parcel E closes Street 5 from vehicular connection to Summit Drive, which is necessary due to its close proximity to Street 11. This design is a result of discussions between the applicant, City staff and its traffic consultant to achieve better through circulation. Parcel F is a 4.39-acre park located generally in the center of the subdivision, similar to the conceptual park shown in the Ellis Specific Plan.

The City conducted traffic analyses and other technical infrastructure studies for the proposed project, and the results of these analyses are reflected in the recommended conditions of approval. 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.

No architecture is currently proposed for the residential lots in the Avenues Neighborhood. Conceptual architecture and design guidelines were originally approved in the Avenues Specific Plan and have now been incorporated into the Ellis Specific Plan, specifically in the Avenues Pattern Book. The Ellis Specific Plan requires that proposed development, including architecture and site details, be submitted to the City for Development Review approval and Pattern Book Certification. The Development Services Director has the authority for approving Development Review and Pattern Book Certification.

Planning Commission Discussion

The Planning Commission held a public hearing to consider the application on March 9, 2022, and after discussion and receiving public comments relating to traffic analysis and the park name, voted 3:0 to recommend that the City Council approve the proposed Vesting Tentative Subdivision Map as conditioned.

Environmental Document

The project is consistent with the development evaluated in the Avenues Specific Plan Mitigated Negative Declaration (titled "Final Initial Study/Mitigated Negative Declaration Environmental Checklist"), bearing the State Clearing House Number 20180702045, adopted by the City Council on September 4, 2018 by Resolution 2018-180. Therefore, under Government Code Section 65457 and Section 15182 of the CEQA Guidelines, the project is exempt from further environmental review unless an event described in

Section 15162 of the CEQA Guidelines occurs. Staff has determined that none of the events described in Section 15162 have occurred with respect to the project. Therefore, the instant vesting tentative map project is exempt from CEQA environmental review under Government Code Section 65457 and CEQA Guidelines Section 15182.

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 Vesting Tentative Subdivision Map for Avenues Neighborhood, consisting of 480 residential lots, an approximately 4.39-acre park, and common landscape parcels, roads, and alleys on approximately 95.83 acres, located south of Valpico Road and approximately 1,500 feet west of Corral Hollow Road, Assessor's Parcel Numbers 240-140-49, 240-140-05, 240-700-13, & 240-700-14, Application Number TSM21-0001, based on the findings and subject to the conditions contained in the City Council Resolution dated March 29, 2022.

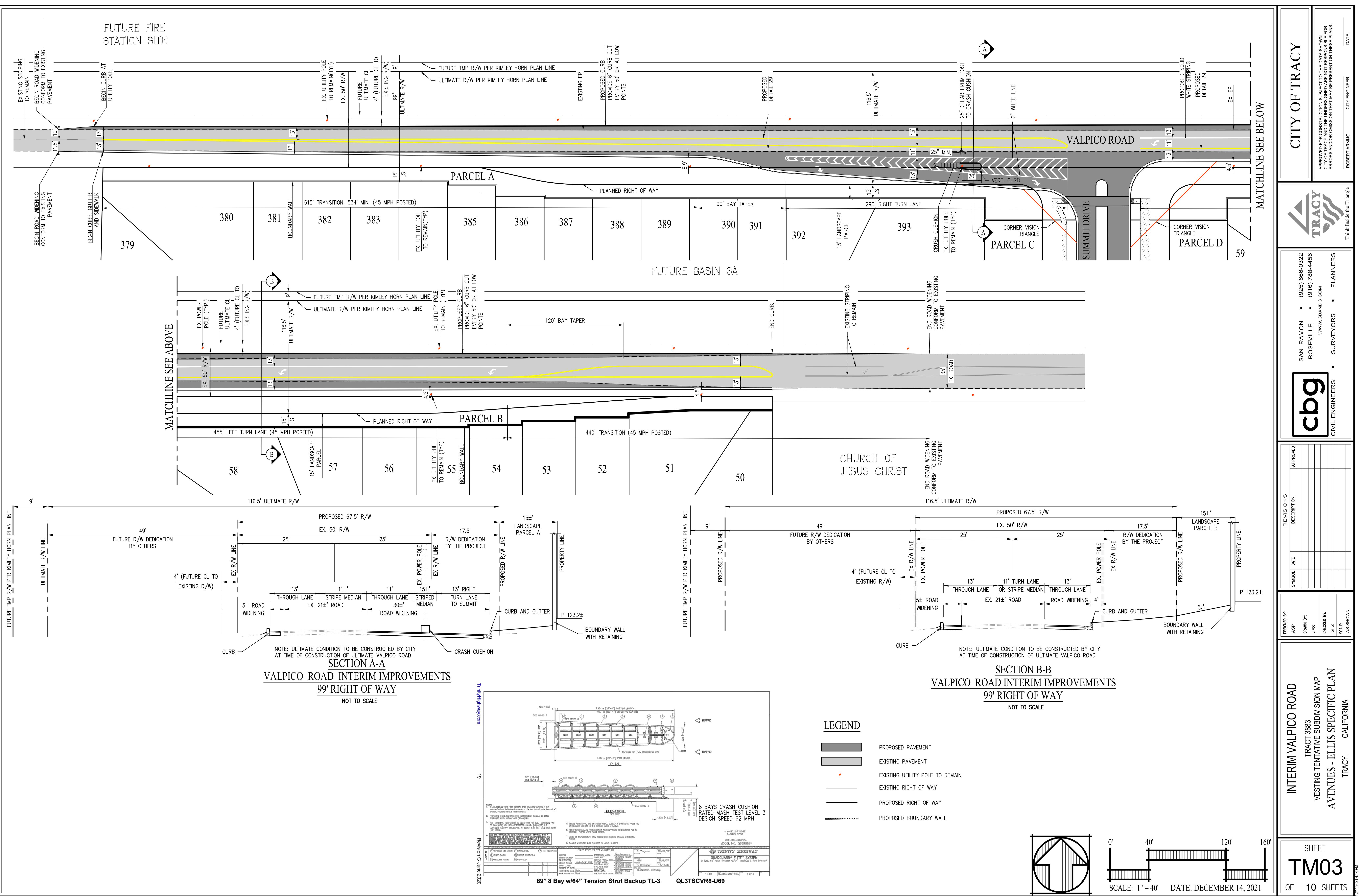
Prepared by: Kimberly Matlock, Associate Planner

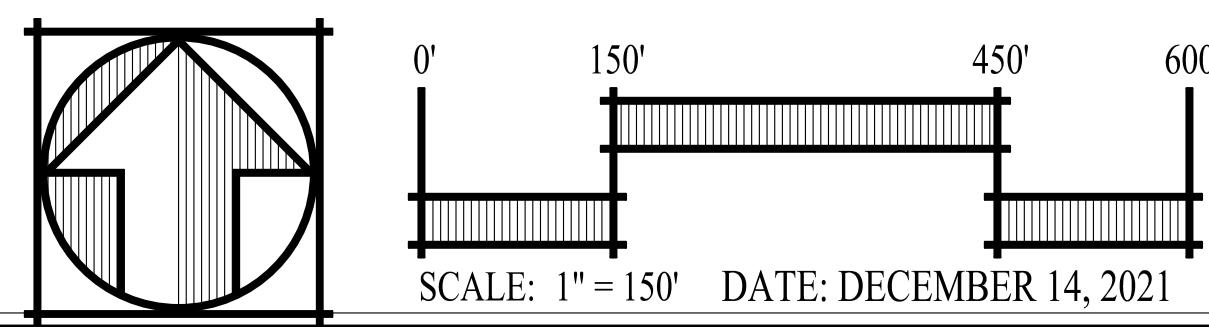
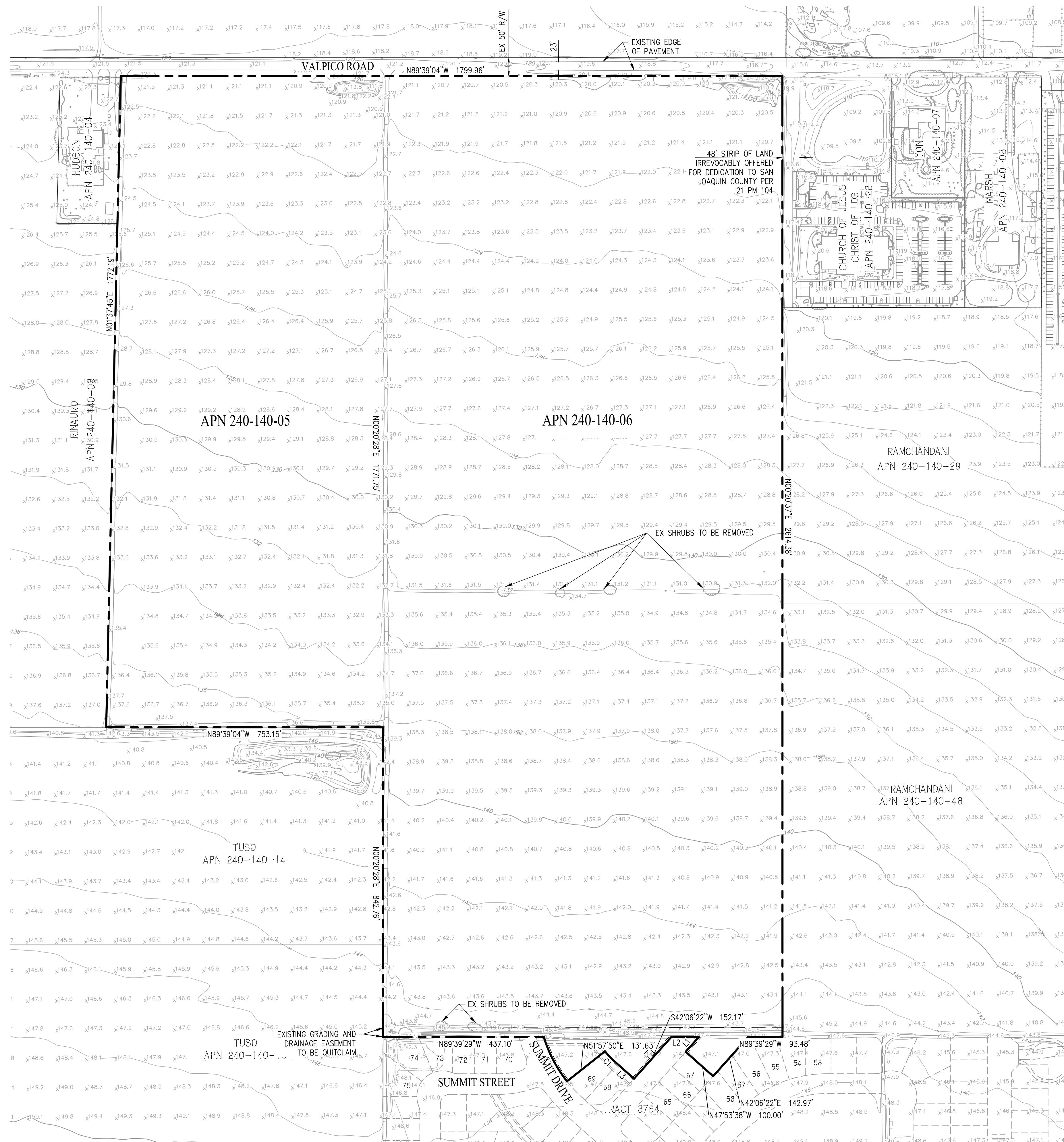
Reviewed by: Scott Claar, Senior Planner
Bill Dean, Interim Development Services Director
Karin Schnaider, Finance Director
Midori Lichtwardt, Assistant City Manager

Approved by: Michael Rogers, City Manager

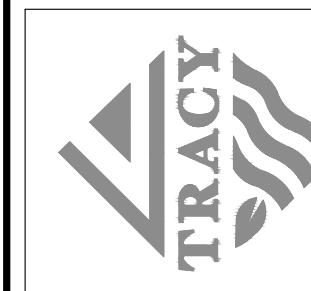
ATTACHMENTS

Attachment A – Vesting Tentative Subdivision Map



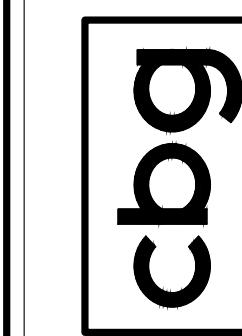


EXISTING CONDITIONS
TRACT 3883
VESTING TENTATIVE SUBDIVISION MAP
AVENUES - ELLIS SPECIFIC PLAN
TRACY, CALIFORNIA



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

SAN RAMON (925) 868-0322
ROSEVILLE (916) 768-4456
www.cbangc.com
PLANNERS SURVEYORS CIVIL ENGINEERS



DATE: DECEMBER 14, 2021

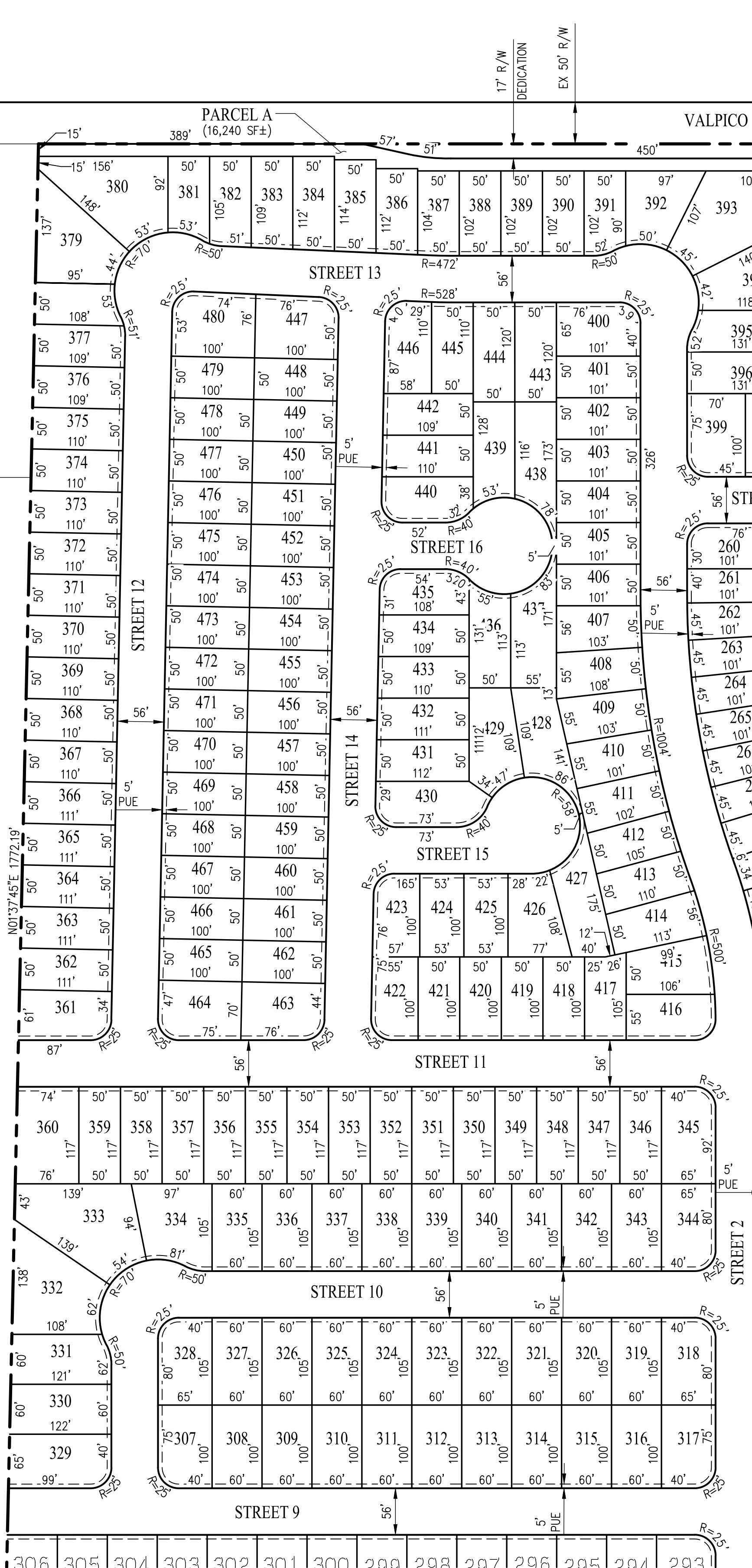
LOT NO.	LOT AREA (SF)
1	7,932
2	6,021
3	10,955
4	11,331
5	6,580
6	6,053
7	6,000
8	6,000
9	6,000
10	6,000
11	6,000
12	6,366
13	6,677
14	6,000
15	6,000
16	6,000
17	6,000
18	6,000
19	6,000
20	6,000
21	6,000
22	6,000
23	6,000
24	6,000
25	6,000
26	6,000
27	6,000
28	6,000
29	6,000
30	6,000
31	5,993
32	7,069
33	14,080
34	7,494
35	5,497
36	5,500
37	5,534
38	7,775
39	5,905
40	5,500
41	5,500
42	5,500
43	5,151
44	8,702
45	12,338
46	6,115
47	6,087
48	6,092
49	6,536
50	12,260
51	9,804
52	5,064
53	5,604
54	5,571
55	5,577
56	5,542
57	6,646
58	10,822
59	10,739
60	6,754

LOT NO.	LOT AREA (SF)
61	7,177
62	7,366
63	5,044
64	6,372
65	6,480
66	6,029
67	6,124
68	6,267
69	6,843
70	5,866
71	5,500
72	5,500
73	5,500
74	5,904
75	5,618
76	4,289
77	4,407
78	4,407
79	4,407
80	4,474
81	4,282
82	4,282
83	4,282
84	4,282
85	4,282
86	4,282
87	4,282
88	4,127
89	4,040
90	4,040
91	5,555
92	5,836
93	4,342
94	4,342
95	4,333
96	4,628
97	4,503
98	4,473
99	4,447
100	4,427
101	4,411
102	4,401
103	4,395
104	4,554
105	4,602
106	4,552
107	4,478
108	6,464
109	6,488
110	5,500
111	4,259
112	5,866
113	5,500
114	5,500
115	5,500
116	5,500
117	5,500
118	5,500
119	5,866
120	5,866

LOT NO.	LOT AREA (SF)
121	5,500
122	5,506
123	5,593
124	5,581
125	5,819
126	6,186
127	4,000
128	7,000
129	4,000
130	6,000
131	4,000
132	4,000
133	5,645
134	6,866
135	4,000
136	5,000
137	4,000
138	5,754
139	6,000
140	4,000
141	6,000
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143	6,986
144	6,572
145	6,362
146	6,572
147	6,572
148	6,572
149	6,509
150	10,064
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152	4,000
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154	4,000
155	4,000
156	4,000
157	4,000
158	4,000
159	6,366
160	4,366
161	4,000
162	6,001
163	6,001
164	6,001
165	6,001
166	6,001
167	4,000
168	6,366
169	4,000
170	4,016
171	4,000
172	4,000
173	4,000
174	6,803
175	6,685
176	8,524
177	5,264
178	5,296
179	5,278
180	5,253

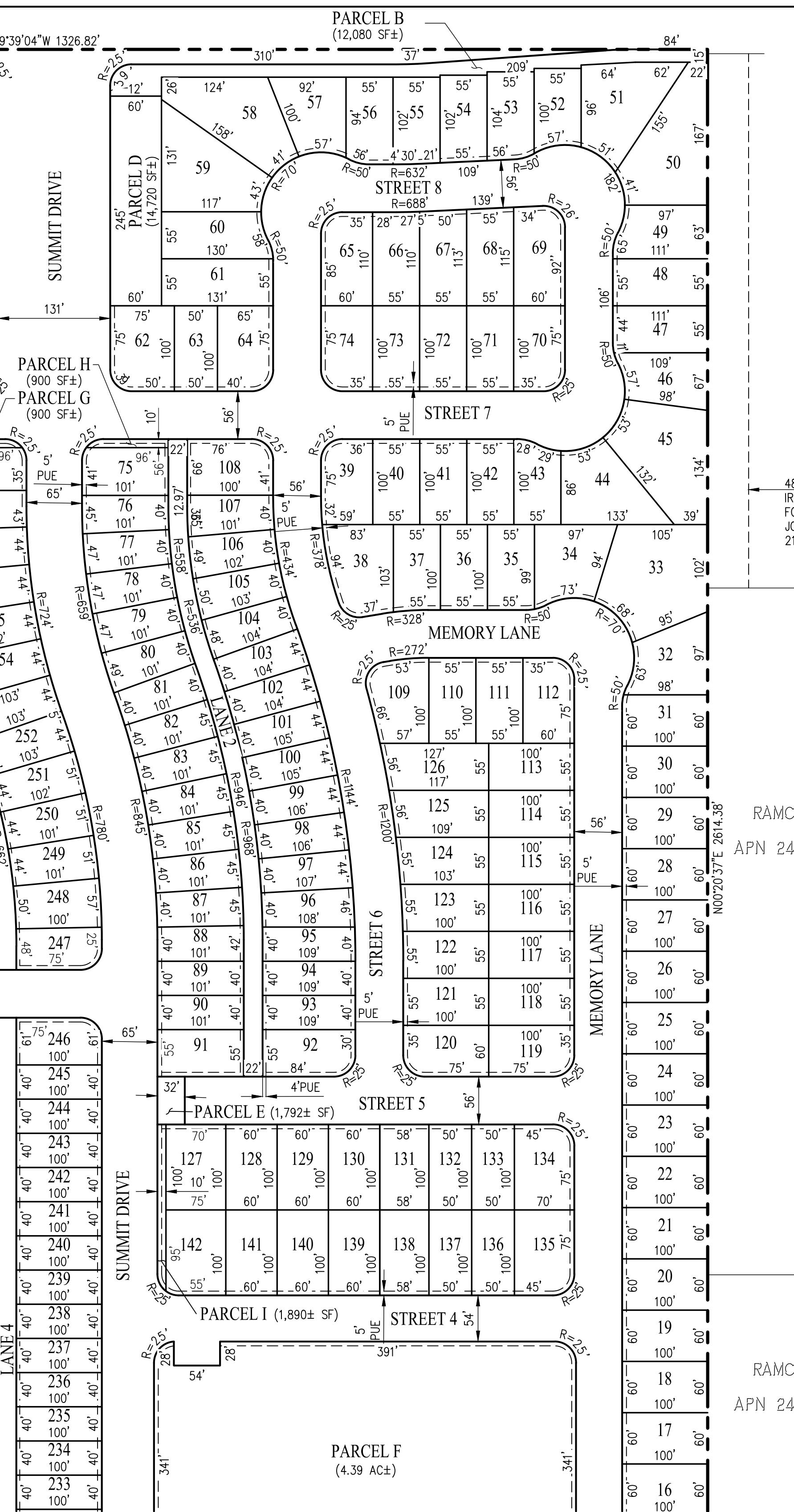


HUDSON
APN 240-140-04



VALPICO ROAD
N89°39'04"W 1326.82'

DEDICATION
EX 50' R/W



18' STRIP OF LAND
IRREVOCABLY OFFERED
FOR DEDICATION TO SAN
JOAQUIN COUNTY PER
21 PM 104

APN 240-140-29

RAMCHANDANI

APN 240-140-48

RAMCHANDANI

APN 240-140-48

SEE SHEET TM06

292

N89°39'04"W 753.15'

SITE PLAN
TRACT 3833
VESTING TENTATIVE SUBDIVISION MAP
AVENUES - ELLIS SPECIFIC PLAN
TRACY, CALIFORNIA

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

THINK INSIDE THE TRIANGLE

TRACY
cbg

CIVIL ENGINEERS

SURVEYORS

PLANNERS

APN 240-140-28

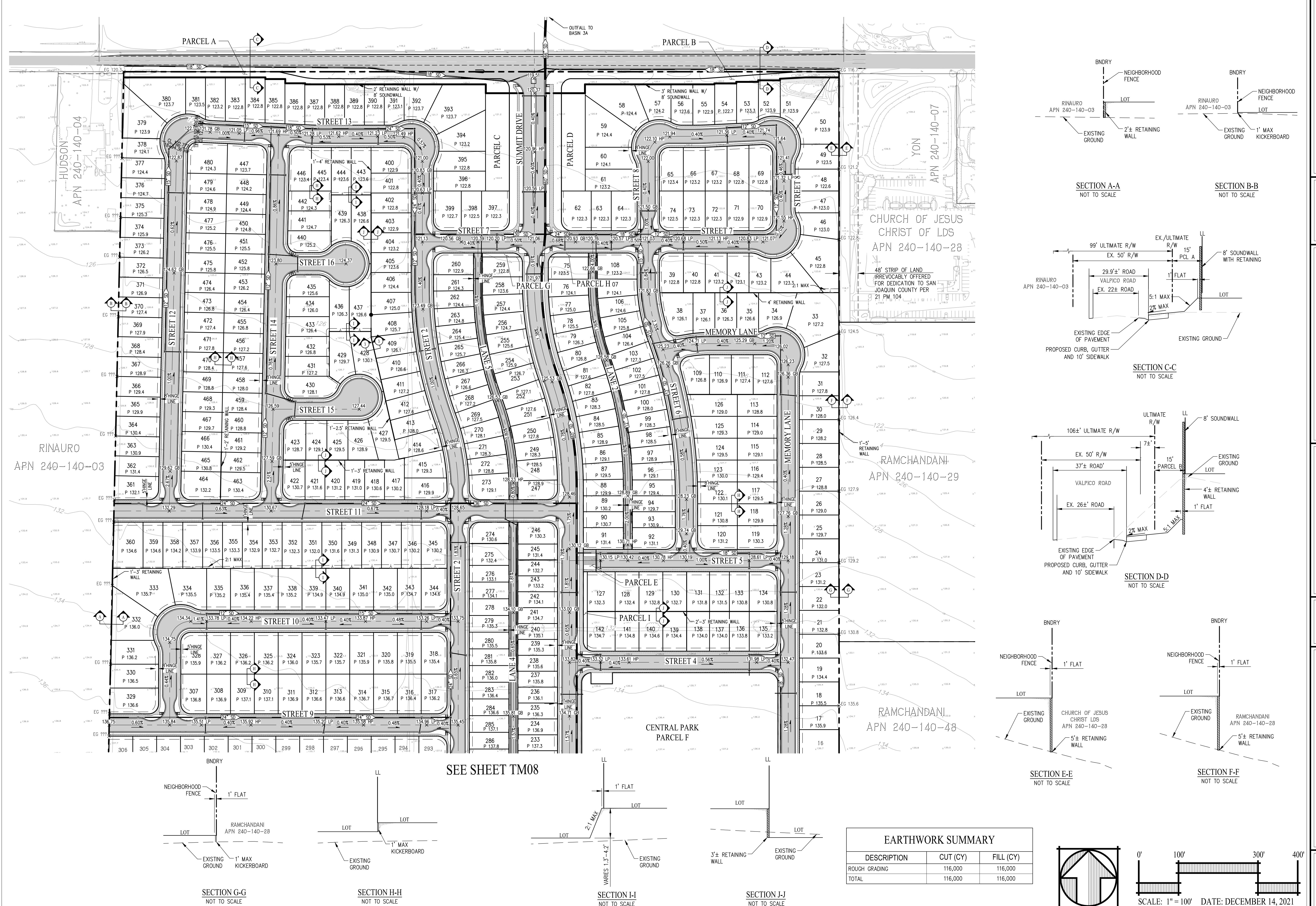
CHURCH OF JESUS CHRIST OF
LDS

APN 240-140-29

RAMCHANDANI

APN 240-140-48

RAMCHANDANI



<p style="text-align: center;">CITY OF TRACY</p>	
<p style="text-align: center;">APPROVED FOR CONSTRUCTION SUBJECT TO THE DATA SHOWN. CITY OF TRACY AND THE UNDERSIGNED ARE NOT RESPONSIBLE FOR ERRORS AND/OR OMISSION THAT MAY BE PRESENT ON THESE PLANS.</p>	
<hr/> ROBERT ARMUO	<hr/> CITY ENGINEER
<hr/> DATE: _____	

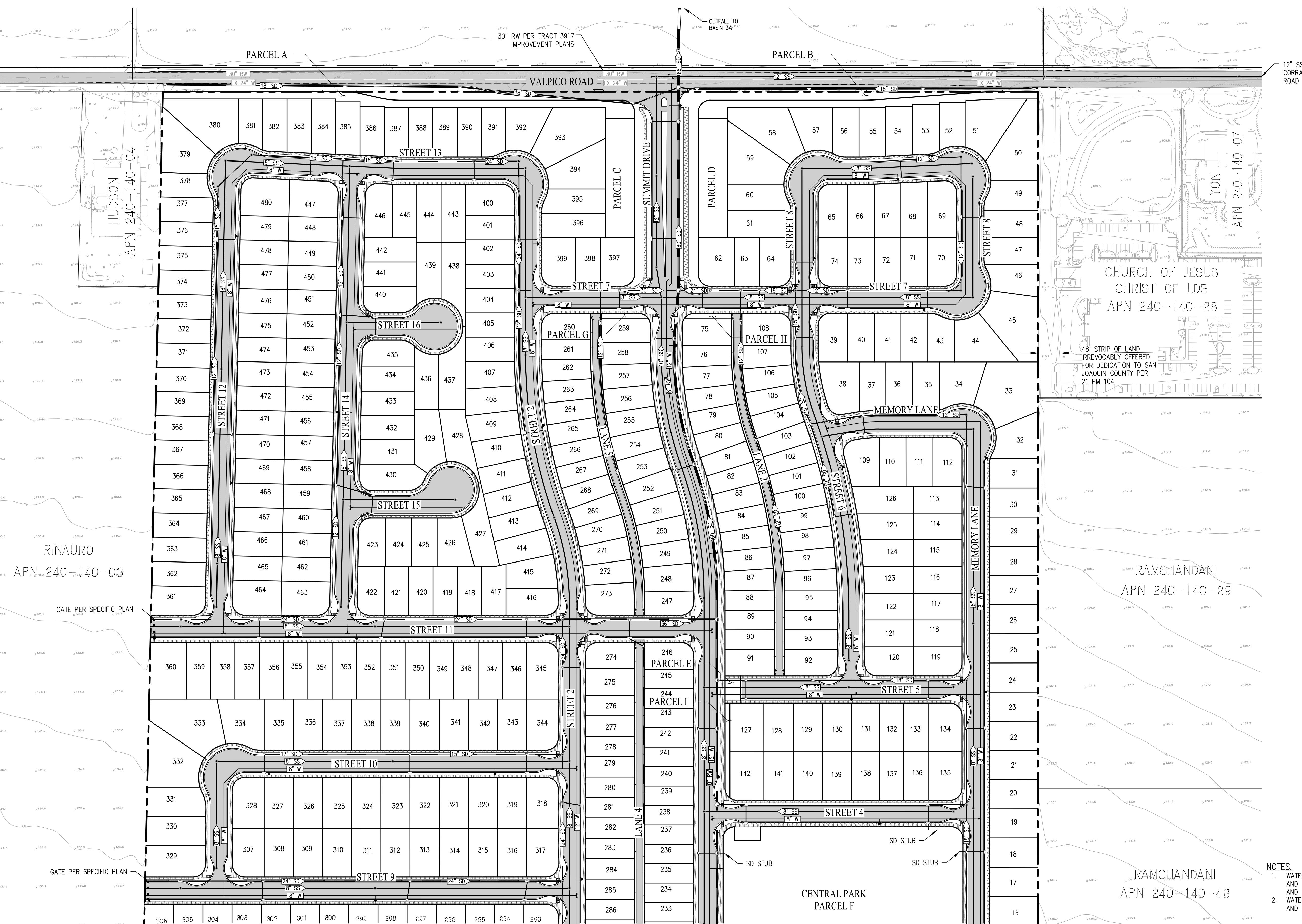
cbg

CIVIL ENGINEERS ■ SURVEYORS ■ PLANNERS

SAN RAMON ■ (925) 866-0322
ROSEVILLE ■ (916) 788-4456
WWW.CBANDG.COM

ASP	DRAWN BY: JFS	CHECKED BY: GTZ	SCALE: AS SHOWN
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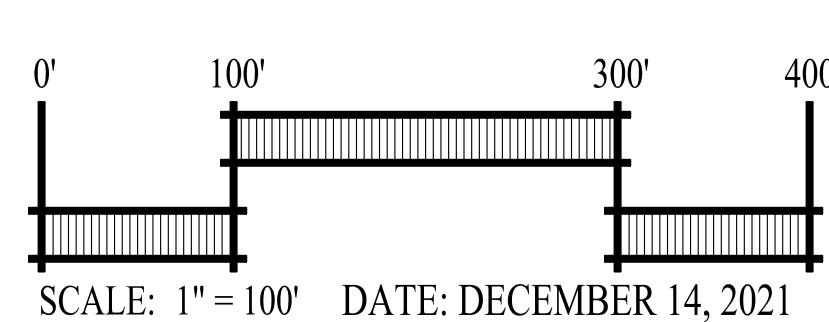
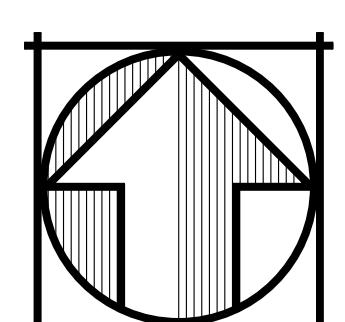
NG AND DRAINAGE PLAN
TRACT 3883
NG TENTATIVE SUBDIVISION MAP
JES - ELLIS SPECIFIC PLAN
TRACY, CALIFORNIA



SEE SHEET TM10

NOTES:

1. WATERMAIN SHALL BE INSTALLED AT LEAST 4 FEET HORIZONTALLY FROM AND 1 FOOT VERTICALLY ABOVE DISINFECTED TERTIARY RECYCLED WATER AND STORM DRAIN PIPES.
2. WATERMAIN SHALL BE INSTALLED AT LEAST 10 FEET HORIZONTALLY FROM AND 1 FOOT VERTICALLY ABOVE SANITARY SEWER PIPE



SCALE: 1" = 100' DATE: DECEMBER 14, 2021

UTILITY PLAN

TRACT 3883

VESTING TENTATIVE SUBDIVISION MAP

VENUES - ELLIS SPECIFIC PLAN

TPACY CNAIEOPNVA

CITY OF TRACY

AN RAMON ■ (925) 866-0322
ROSEVILLE ■ (916) 788-4456
WWW.CBANDG.COM

SURVEYORS ■ PLANNERS

cbg
CIVIL ENGINEERS

6

DESIGNED BY:	ASP	DRAWN BY:	JFS	CHECKED BY:	GTZ
			SCALE:		
					

UTILITY PLAN

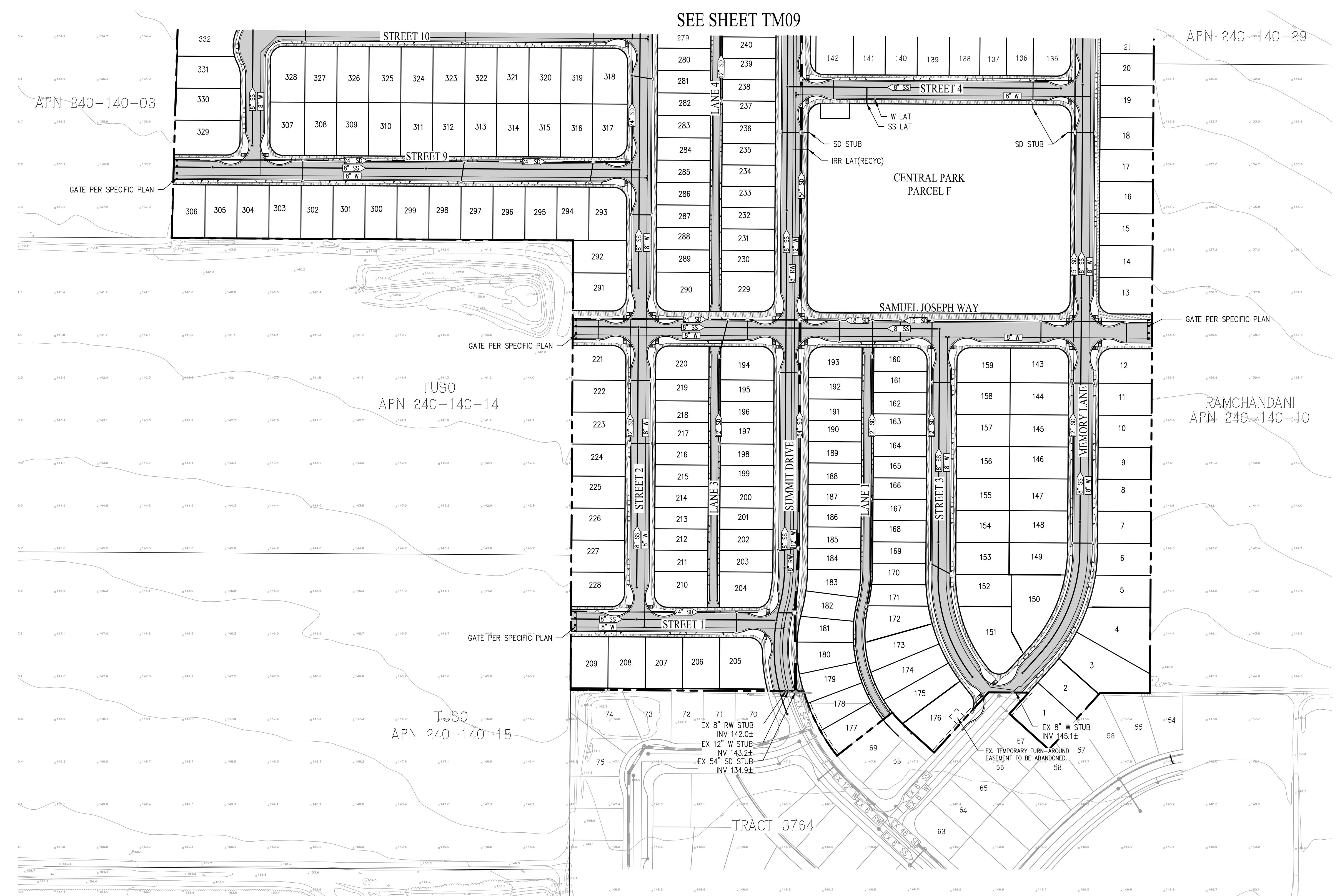
TRACT 3883

VESTING TENTATIVE SUBDIVISION MAP

AVENUES - ELLIS SPECIFIC PLAN

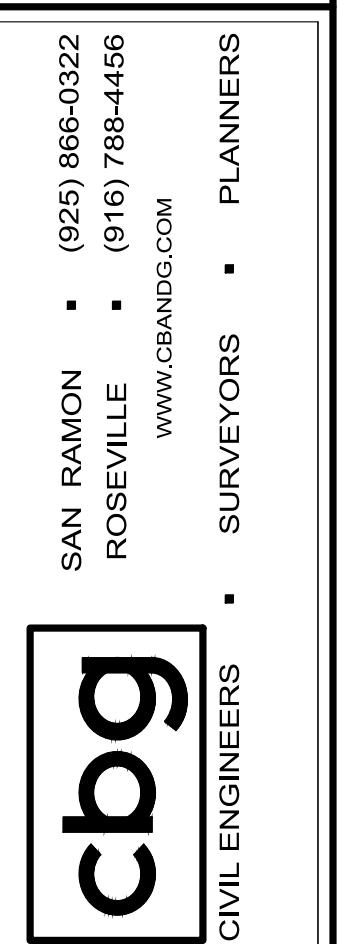
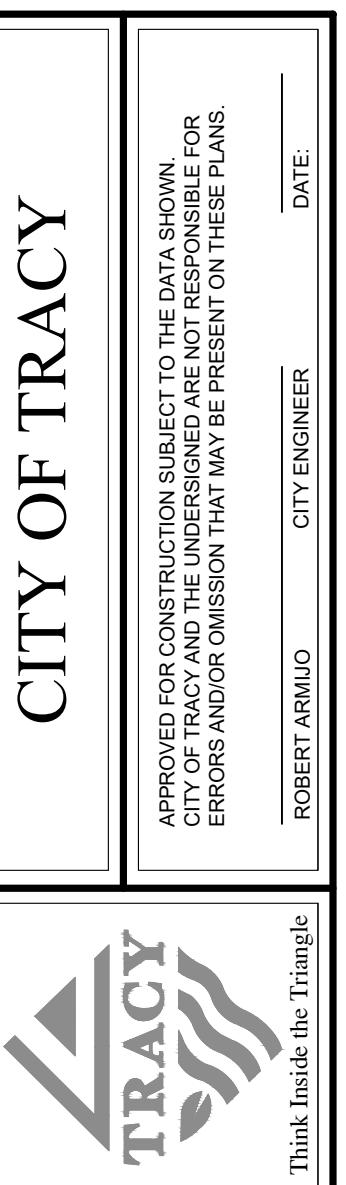
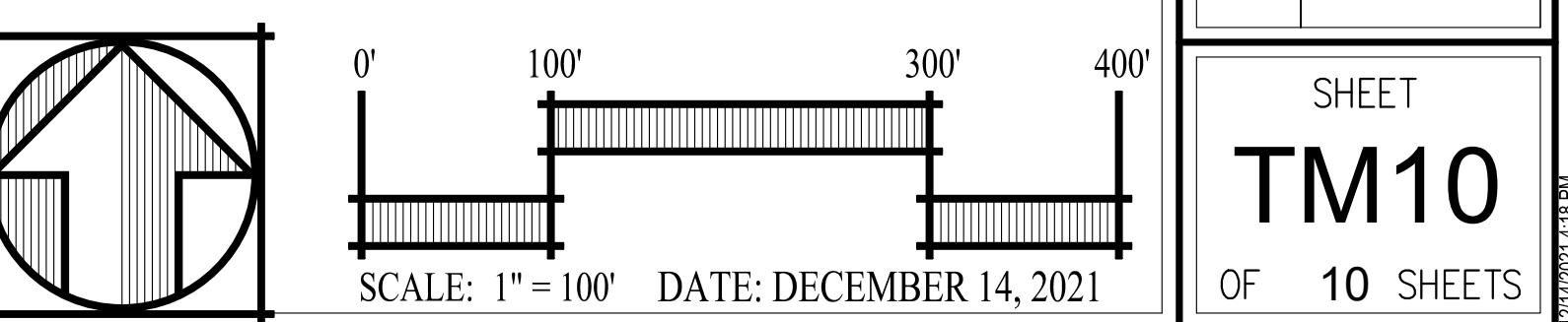
TRACY CALIFORNIA

SHEET
TM09
OF 10 SHEETS



NOTES:

1. WATERMAIN SHALL BE INSTALLED AT LEAST 4 FEET HORIZONTALLY FROM AND 1 FOOT VERTICALLY ABOVE DISINFECTED TERTIARY RECYCLED WATER AND STORM DRAIN PIPES.
2. WATERMAIN SHALL BE INSTALLED AT LEAST 10 FEET HORIZONTALLY FROM AND 1 FOOT VERTICALLY ABOVE SANITARY SEWER PIPE.



REVISIONS	DESCRIPTION	APPROVED

DESIGNED BY:	ASP	DRAWN BY:	JFS	CHECKED BY:	GIZ	SCALE:	AS SHOWN

UTILITY PLAN	
TRACT 3833	VESTING TENTATIVE SUBDIVISION MAP

RESOLUTION 2022-_____

APPROVING A VESTING TENTATIVE SUBDIVISION MAP FOR THE AVENUES NEIGHBORHOOD CONSISTING OF 480 RESIDENTIAL LOTS, A PARK, AND ASSOCIATED ROADS ON APPROXIMATELY 95.83 ACRES, LOCATED SOUTH OF VALPICO ROAD AND APPROXIMATELY 1,500 FEET WEST OF CORRAL HOLLOW ROAD, ASSESSOR'S PARCEL NUMBERS 240-140-49, 240-140-05, 240-700-13, & 240-700-14. THE APPLICANT IS THE SURLAND COMPANIES AND THE PROPERTY OWNER IS GREYSTONE LAND INVESTMENT PARTNERS, LLC. APPLICATION NUMBER TSM21-0001

WHEREAS, In September 2018, the Tracy City Council adopted the Avenues Specific Plan (Ordinance 1262) and approved annexation of the Avenues project (Resolution No. 2018-180) located on an approximately 95-acre site south of Valpico Road and north of the Ellis Specific Plan area, and adopted the Avenues Specific Plan Mitigated Negative Declaration (ASP MND) for the project (Resolution No. 2018-180), and

WHEREAS, In January 2021, LAFCo approved annexation of the Avenues project area into the City of Tracy (LAFCo Resolution No. 1439), and

WHEREAS, In May 2021, at request of The Surland Companies, the Tracy City Council adopted Ordinance 1305 to merge the Avenues Specific Plan and the Ellis Specific Plan into a single specific plan (Ellis Specific Plan), referring to the Avenues project area as the Avenues Neighborhood, and

WHEREAS, The Surland Companies has proposed a Vesting Tentative Subdivision Map for the Avenues Neighborhood to create 480 single-family-home lots, an approximately 4.39-acre park parcel, and associated streets, alleys, and common landscape parcels, and

WHEREAS, The subject property is designated Residential Low by the Tracy General Plan and designated Residential by the Ellis Specific Plan, Avenues Neighborhood Plan, which permits a minimum of 380 and a maximum of 480 residential units, not including accessory dwelling units, and

WHEREAS, The proposed Vesting Tentative Subdivision Map is consistent with the Residential Low General Plan Designation and with the Ellis Specific Plan, and

WHEREAS, The proposed Vesting Tentative Subdivision Map is consistent with the General Plan and Title 12, the Subdivision Ordinance, of the Tracy Municipal Code, and

WHEREAS, Subject to the satisfaction of the attached conditions of approval, the site is physically suitable for the type of development, as the site, once graded, will be virtually flat and the characteristically high clay content of Tracy's soils may require amendments and treatment for proposed landscaping, foundations, and other surface and utility work. The physical qualities of the property make it suitable for residential development in accordance with City standards, and

WHEREAS, Subject to the satisfaction of the attached conditions of approval, the site is physically suitable for the proposed density of development, and

WHEREAS, Subject to the satisfaction of the attached conditions of approval, traffic circulation will comply with City standards for the proposed density to ensure adequate traffic service levels are met, and

WHEREAS, Subject to the satisfaction of the attached conditions of approval, the design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, and

WHEREAS, Subject to the satisfaction of the attached conditions of approval, the design and type of the proposed subdivision and associated improvements will promote the public health, safety and welfare, and

WHEREAS, Subject to the satisfaction of the attached conditions of approval, the design of the subdivision and 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, Subject to the satisfaction of the attached conditions of approval, the project will comply 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, subject to the satisfaction of the attached conditions of approval, will meet all applicable City design and improvement standards, and

WHEREAS, Subject to the satisfaction of the conditions of approval, all the public facilities necessary to serve the subdivision will be in place prior to the issuance of building permits. All the public facilities necessary to serve the subdivision or mitigate the impacts created by the subdivision that are not in place prior to approval of a final map will be assured through a subdivision improvement agreement executed prior to the approval of a final map, and

WHEREAS, The subdivision is consistent with the development described in the Avenues Neighborhood chapter of the Ellis Specific Plan, and with the project evaluated in the Avenues Specific Plan Mitigated Negative Declaration (titled "Final Initial Study/Mitigated Negative Declaration Environmental Checklist"), bearing the State Clearing House Number 20180702045, adopted by the City Council on September 4, 2018 by Resolution 2018-180, and under Government Code Section 65457 and Section 15182 of Title 14 of the California Code of Regulations, the subdivision is exempt from further environmental review under the California Environmental Quality Act, and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on March 9, 2022 and recommended by a 3:0 vote that the City Council approve the proposed Vesting Tentative Subdivision Map, and

WHEREAS, The City Council considered this matter at a duly noticed public hearing held on March 29, 2022;

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 Avenues Neighborhood, consisting of 480 residential lots, an approximately 4.39-acre park, and common landscape parcels, roads, and alleys on approximately 95.83 acres, located south of Valpico Road and approximately 1,500 feet west of Corral Hollow Road, Assessor's Parcel Numbers 240-140-49, 240-140-05, 240-700-13, & 240-700-14, Application Number TSM21-0001, subject to the conditions of approval stated in Exhibit 1 attached and made part hereof.

The foregoing Resolution 2022-_____ was passed and adopted by the City Council of the City of Tracy on the 29th day of March 2022, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

City of Tracy
Conditions of Approval
Avenues Neighborhood
Application Number TSM21-0001

A. General Provisions and Definitions.

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

The Project: Vesting Tentative Subdivision Map for the Avenues neighborhood of the Ellis Specific Plan area to create 480 single-family-home lots, five landscaped parcels, an approximately 4.39-acre park parcel, and associated streets, alleys, and common landscape parcels

The Property: An approximately 95.83-acre site south of Valpico Road and approximately 1,500 feet west of Corral Hollow Road, Assessor's Parcel Numbers 240-140-49, 240-140-05, 240-700-13, & 240-700-14

A.2. Definitions.

- a. "Applicable Law" means all State and federal laws applicable to development of the Project, including without limitation the relevant provisions of the California Planning And Zoning Laws, the California Subdivision Map Act, and the California Environmental Quality Act, all City Regulations.
- b. "Applicant" means any person, or other legal entity, defined as a "Subdivider."
- c. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- d. "City Regulations" means all written laws, rules and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, the Ellis Specific Plan, ordinances, resolutions, policies, procedures, and the City's Design documents (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and Relevant Public Facilities Master Plans).
- e. "Development Services Director" means the Development Services Department Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- f. "Conditions of Approval" shall mean the conditions of approval applicable to the Project. The Conditions of Approval shall specifically include all Development Services Department conditions set forth herein.
- g. "Subdivider" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within

the Project boundaries.

- h. "ESP" means the specific plan (titled "Ellis Specific Plan") approved by the City Council on January 22, 2013 by Resolution 2013-012, and most recently amended on May 4, 2021 by Ordinance 1305.
- i. "Avenues MND" means the Mitigated Negative Declaration (titled "Final Initial Study/Mitigated Negative Declaration Environmental Checklist"), bearing the State Clearing House Number 20180702045, adopted by the City Council on September 4, 2018 by Resolution 2018-180, as adequate and in compliance with the California Environmental Quality Act (CEQA).

A.3. Compliance with submitted plans. Except as otherwise modified herein, all Final Maps shall be in substantial conformance with the vesting tentative subdivision map received by the Development Services Department on December 22, 2021.

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

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

- the Planning and Zoning Law (Government Code sections 65000, et seq.)
- the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
- the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
- the 2019 CBC, 2019 CRC, 2019 CPC, 2019 CMC, 2019 CEC, 2019 CFC, 2019 CEEnC, and 2019 CA Green Building Standards Code.

A.6. Compliance with City Regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations, including, but not limited to, the Ellis Specific Plan (ESP), Tracy Municipal Code (TMC), Standard Plans, and the City's Design Goals and Standards.

A.7. 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 commence on the date of the conditional approval of this Project. If the Subdivider fails to file a protest of the Exactions within this 90-day period, which protest complies with all of the requirements of Government Code Section 66020, 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 Developer.

B. Planning Division Conditions

Contact: Kimberly Matlock (209) 831-6430 kimberly.matlock@cityoftracy.org

B.1. Mitigation Measures. The Subdivider shall comply with all mitigation measures applicable to the Project in the Avenues MND, which was adopted by the City Council on September 4, 2018 (SCH# 20180702045).

C. Engineering Division Conditions

Contact: Nanda Gottiparty (925) 251-0100 nanda.gottiparty@sngassociates.com

C.1. General Conditions

Subdivider shall comply with the applicable requirements of the approved documents, technical analyses/ reports prepared for the Project listed as follows, and Applicable Law:

- a. Specific Plan, titled "*Ellis Specific Plan*" ("ESP") approved by the City Council on April 20, 2021, by Resolution 2021-046 and Ordinance 1305, and any subsequent amendments.
- b. Mitigated Negative Declaration "*Initial Study/Environmental Checklist Avenues Specific Plan*", certified by the City Council on September 4, 2018, by Resolution 2018-180, as adequate and in compliance with California Environmental Quality Act (CEQA) and Addendum to the Ellis Modified Project Environmental Impact Report and Avenues Specific Plan Mitigated Negative Declaration, dated February 2021, approved by the City Council on April 20, 2021, by Resolution No. 2021-045.
- c. *Ellis Program Sub-Basin – Final Storm Drainage Technical Report* dated September 2012, and *Reevaluation of program Storm Drainage Infrastructure* dated August 4, 2015, prepared by Storm Water Consulting, Inc., ("Storm Drainage Technical Report")
- d. *Stormwater Quality Review for Avenues Tentative Map* Technical Memorandum dated June 11, 2021, prepared by Wood Rodgers, Inc., ("Storm Drainage Technical Report - Wood Rodgers")
- e. *City of Tracy Wastewater System Analysis for Corral Hollow Road and Lammers Road* Technical Report dated September 2017 (Updated January 2018), Ch2M Hill. ("Wastewater Technical Report")
- f. *Avenues Tentative Map Review* Technical Memorandum, prepared by Kimley-Horn & Associates, dated April 26, 2021. ("Traffic Memorandum").
- g. *Valpico Road Precise Plan*, approved by City Council on December 7, 2021 by Resolution No. 2021-184.

h. *Tracy Village Fair Share Traffic Study*, prepared by Kimley-Horn & Associates, dated December 7, 2020.

C.2. Final Map

No Final Map within the Project boundaries will be approved by the City until the Subdivider demonstrates, to the reasonable 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.2.1 Subdivider has submitted one (1) reproducible copy of the approved tentative subdivision map for the Project within ten (10) days 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 means consent to the preparation of the Tentative Subdivision Map and the proposed subdivision of the Property.

C.2.2 Each Final Map is prepared in accordance with the applicable requirements of the Tracy Municipal Code, Applicable Law, these Conditions of Approval, the Ellis Specific Plan ("ESP, and in substantial conformance with the Tentative Subdivision Map.

C.2.3 Each Final Map includes and shows offer(s) of dedication of all right(s)-of-way and/or temporary or permanent easement(s) required to construct and serve the Project described by the Improvement Plans and Final Map, in accordance with these Conditions of Approval. If construction easement(s) is/are shown, it/they shall indicate the termination of the construction easement(s).

- a. The Subdivider shall dedicate a 5-foot wide Public Utility Easement (PUE) along the lot frontages within the Property, the installation, repair, use, operation, and maintenance of other public utilities such as electric, gas, telephone, cable TV, and others. Larger private utility structures may require additional PUE "bump outs" to accommodate the structures.
- b. The Subdivider shall coordinate with the respective owner(s) of the utilities including but not limited to PG&E, AT&T, and Comcast, for the design and installation of these utilities within the Property. Engineering design and construction details of these utilities must be prepared as part of the joint utility trench plans to be submitted for City's review.
- c. The Subdivider shall obtain the approval of all applicable public agencies with jurisdiction over the required public facilities.
- d. Subdivider shall submit documentation for vacation or abandonment of existing easements that to be abandoned.

C.2.4 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.2.5 Subdivider has submitted a signed and stamped Engineer's Estimate that shows construction cost of subdivision improvements to be dedicated to the City.
- C.2.6 Subdivider has submitted a signed and notarized Subdivision Improvement Agreement (SIA) and Improvement Security, for the completion of improvements that are required to serve the Project as shown on the Improvement Plans. The form and amount of Improvement Security shall be in accordance with the SIA.
- C.2.7 If required, Subdivider shall submit a signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, for the completion of offsite improvements that are required to serve the Project as shown on the Improvement Plans. The form and amount of Improvement Security shall be in accordance with the OIA.
- C.2.8 Subdivider has paid engineering review fees or deposits including improvement plan checking, final map review, agreement processing, and all other deposits, or fees required by these Conditions of Approval and in accordance with Applicable Law.
- C.2.9 Subdivider has submitted technical or materials specifications, cost estimates, and technical reports related to the design of improvements that are shown on the Improvement Plans and as required by these Conditions of Approval.
- C.2.10 Subdivider has submitted hydrologic and storm drainage calculations for the design and sizing of in-tract storm drainage pipes.
- C.2.11 Subdivider, in accordance with the terms of the ESP including Section 3.3.2, shall be required to submit a signed and notarized Park Improvement Agreement (PIA) and Improvement Security, for the construction of the neighborhood park improvements. The form and amount of Improvement Security shall be in accordance with ESP, and the PIA. Neighborhood Park will be eligible for fee credits in accordance with Title 13 of the Tracy Municipal Code.
- C.2.12 Subdivider has submitted signed and stamped Improvement Plans.

C.3. Grading Permit

The City will accept a grading permit application for the Project prior to the Final Map being approved by the City Council, if the Subdivider has provided all relevant documents related to said grading permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, and in accordance with the ESP, including, but not limited to, the following:

- C.3.1 Prior to the issuance of Grading Permit for the Project, Subdivider shall submit improvement plans and secure at least two plan reviews (for the design of on-

site sewer improvements.)

C.3.2 All existing on-site water well(s), septic system(s), and leech field(s), if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s), septic system(s), and leech field(s) including the cost of permit(s) and inspection. Subdivider shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.

C.3.3 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 and Geotechnical Engineer.

- a. Subdivider shall obtain all applicable signatures by City departments and Subdivider for outside agencies (where applicable) on the mylars including signatures by Building Official and Fire Marshal prior to Subdivider submitting the mylars to Engineering Division for City Engineer's approval.
- b. Subdivider shall obtain all applicable Permit(s), agreement(s) and approval of other public agencies that has jurisdiction over the required public facilities, if applicable.

C.3.4 Payment of applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.

C.3.5 Prior to the issuance of the Grading Permit, Subdivider shall submit to the Utilities Department (stephanie.hiestand@cityoftracy.org) one (1) electronic copy and one (1) hard copy of the Storm Water Pollution Prevention Plan (SWPPP) as submitted in Stormwater Multiple Applications and Reporting Tracker System (SMARTS) along with either a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID) or a copy of the receipt for the NOI.

- a. 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.
- b. 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.
- c. Subdivider shall comply with all the requirements of the SWPPP, applicable Best Management Practices (BMPs), applicable provisions of the ESP, and the Stormwater Post-Construction Standards adopted by the City in 2015 and any subsequent applicable amendment(s).

- C.3.6 Subdivider shall submit a PDF copy of the Project's Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, pavement design recommendations, percolation rate, and elevation of the highest observed groundwater level. The Geotech Report shall be peer reviewed by the City's consultant. Subdivider shall pay for the cost of the review.
- C.3.7 Subdivider shall provide a copy of the approved Incidental Take Minimization Measures (ITMM) habitat survey [San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)] from San Joaquin Council of Governments (SJCOPG).
- C.3.8 Subdivider shall provide a copy of the approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) from San Joaquin Valley Air Pollution Control District (SJVAPCD) as required in Mitigation Measure AQ-1 of the IS Mitigation Monitoring and Reporting Program.
- C.3.9 Prior to the issuance of the Grading Permit, Subdivider shall submit 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 Measure AQ-3 of the IS Mitigation Monitoring and Reporting Program.
- C.3.10 Subdivider shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, are required to remain to serve existing adjacent agricultural uses, the Subdivider will design, coordinate and construct required modifications to the facilities to the reasonable satisfaction of the affected agency and the City. If applicable, written permission from irrigation district or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.
- C.3.11 If at any point during grading that the Subdivider, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Subdivider shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR, and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

C.4. Encroachment Permit

Applications for encroachment permit may be accepted by the City as complete prior to the Final Map being approved by the City Council if the Subdivider provides all relevant documents related to said encroachment permit required by the applicable City Regulations and these Conditions of Approval, to the reasonable satisfaction of the City Engineer, including, but not limited to, the following:

- C.4.1 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, and the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Subdivider shall use the latest title block and, if necessary, contain a signature block for the Fire Marshal. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer, Traffic Engineer, Electrical Engineer, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
 - a. Subdivider shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the mylars including signatures by Fire Marshal prior to submitting the mylars to Engineering Division for City Engineer's signature.
- C.4.2 Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.
- C.4.3 Traffic Control Plan, if necessary, shall be prepared under the supervision of and signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.
- C.4.4 South San Joaquin County Fire Authority (SSJCFA) Fire Marshal's signature on the Improvement Plans indicating their approval for the fire service connection and fire and emergency vehicle access for the Project.
- C.4.5 If necessary, signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of off-site 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), the ESP, and the OIA. The Subdivider's obligations in the OIA shall be deemed to be satisfied upon City Council's acceptance of the public improvements and release of the Improvement Security.
- C.4.6 Check or wire payment for the applicable of engineering review deposits or fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable costs as required by these Conditions of Approval. The engineering review deposit or fees will be calculated based on the fee rate adopted by the City Council on June 16, 2020, per Resolution 2020-110, or in accordance with the fees in effect at the time that fees are due

C.5. Improvement Plans

Improvement Plans shall contain the design, construction details and specifications of public improvements and all subdivision 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 Engineer, Traffic Engineer if applicable, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

The Improvement Plans, including the Grading and Drainage Plans, shall be prepared in accordance with the ESP and the City's Subdivision Ordinance and Design Standards. The improvement plans for all improvements (onsite and off-site) required to serve the Project in accordance with the ESP and the City Design Documents, and these Conditions of Approval.

The Improvement Plans shall be prepared in mylar with the City of Tracy standard title and signature block.

The Subdivider shall obtain all applicable signatures by City departments and the Subdivider from outside agencies (where applicable) on the mylar including signatures by the Fire Marshal, prior to the Subdivider submitting the mylars to Engineering Division for City Engineer's approval.

C.5.1 The improvement plans shall be prepared to specifically include, but not be limited to, the following items:

- a. All existing and proposed utilities such as domestic water line, irrigation service, storm drain, and sanitary sewer, including the size and location of the pipes.
- b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports.
- c. 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 such as benchmarks.
- d. A PDF copy of the Project's approved Geotechnical/Soils Report that was prepared for the grading permit submittal.

C.5.2 Grading and Storm Drainage Plans

Site Grading

- a. Include all proposed erosion control methods and construction details to be employed and specify materials to be used.
- b. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.
- c. Site grading shall be designed such that the Project's storm water can gravity drain directly to an existing storm drain system with adequate capacity to drain storm water from the Project Site in the event that the on-site storm drainage system fails or is clogged. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be improved to the satisfaction of the City Engineer.

- d. Minor Retaining – Subdivider shall use reinforced or engineered masonry blocks for retaining soil at property lines when the grade differential among the in-tract lots exceeds twelve (12) inches. Subdivider will include construction details of these minor retaining walls with the on-site Grading and Drainage Plan. Subdivider may use slopes among the lots to address the grade differential but said slope shall not exceed a slope gradient of 3 (horizontal) to 1 (vertical) unless a California licensed geotechnical engineer signs and stamps a geotechnical report letter that supports a steeper slope gradient. Slope easements may be required and will be subject to approval by the City Engineer.
- e. Minor Retaining along Project Perimeter – Subdivider shall use reinforced or engineered masonry blocks for retaining soil along the Project boundary and adjacent property(s) when the grade differential exceeds 12-inches. Subdivider will include construction details for these minor retaining walls with the on-site Grading and Drainage Plan. Subdivider may use slopes to address the grade differential but said slope shall not exceed a slope gradient of 3 (horizontal) to 1 (vertical). Slope easements may be subject to approval by the City Engineer and if adjacent and affected property(s) owner(s) grants said easements.
- f. Slopes are an acceptable option as a substitute to engineered retaining walls, where cuts or fills do not match existing ground or final grade with the adjacent property or public right of way, up to a maximum grade differential of two (2) feet, subject to approval by the City Engineer.
- g. Slope easements will be recorded, prior to the issuance of the Grading Permit. The Subdivider shall be responsible to obtain and record slope easement(s) on private properties, where it is needed to protect private improvements constructed within and outside the Project, and a copy of the recorded easement document must be provided to the City, prior to the issuance of the Grading Permit.
- h. Walls - Subdivider shall show proposed retaining walls and masonry walls on the on-site Grading and Drainage Plan. The Subdivider is required to submit improvement plans, construction details, and structural calculations for retaining walls and masonry walls to Building and Safety. Retaining wall and masonry wall design parameters will be included in the geotechnical report.
- i. If applicable, show all existing irrigation structure(s), channel(s) and pipe(s) that are to remain or to be 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 improvements, if required, to the reasonable satisfaction of the City.

C.5.3 Storm Drainage

- a. As shown in the SDMP, onsite storm drainage runoff from the Avenues subdivision will discharge into the future Detention Basin 3A located north of Valpico Road.
 - (i) Prior to issuance of grading permit, Subdivider shall demonstrate to the satisfaction of the City Engineer that retention of 200% of the 10-year 48-hour storm is available onsite with no excess runoff crossing any property lines of adjacent parcels or Valpico Road right-of-way.
 - (ii) Prior to issuance of first building permit, design and construction of the Detention Basin 3A basin shall be completed.
 - (iii) The Project shall provide onsite Low Impact Development and Storm Water Quality bioretention treatment (or equivalent treatment) per the current requirements of the Phase II NPDES Permit. Hydromodification requirements will be satisfied in Detention Basin 3A. Treatment requirements may be satisfied in Detention Basin 3A, if calculations are provided demonstrating to the satisfaction of the City Engineer that alternative stormwater treatment will comply with all of the requirements of the *Multi-agency Post-construction Stormwater Treatment Manual*,
 - (iv) If it is determined that stormwater treatment can be provided in Detention Basin 3A, Subdivider shall be obligated to pay its fair share of estimated cost of the stormwater quality treatment in the basin as determined by a study to be funded by Subdivider and completed by the City.
- b. Improvement Plans to be submitted with the hydrology and storm drainage calculations for the sizing of the on-site storm drainage piping system.
- c. Prior to the approval of the Final Map for the Project, the Subdivider shall provide a Stormwater Quality Control Plan (SWQCP) detailing the methods in which the development will address compliance with the applicable City's *Multi-Agency Post-Construction Stormwater Standards Manual* (Manual). Prior to the issuance of the grading permit for the project, the SWQCP shall be reasonably approved by the City Engineer.
- d. If it is determined that treatment cannot occur within Basin 3A, prior to approval of the Final Map, onsite storm water treatment details and supporting calculations for the private lots and street rights-of-way in compliance with the *Manual* shall be submitted for review and approval by the City.

C.5.4 Sanitary Sewer

- a. Sanitary Sewer Facilities: In order to serve the Avenues Project, a gravity sewer will need to be installed in Valpico Road from Summit Drive to Corral Hollow Road. This sewer line shall be installed in accordance with Section

3.3.5 Fire Station Funding and Infrastructure Construction of the ESP. This sewer line is not a program improvement; hence Subdivider is currently not eligible to receive fee credits or reimbursements for this improvement. If it becomes a program improvement, Subdivider may be eligible for either fee credits or reimbursements, in accordance with Title 13 of the Tracy Municipal Code. Subdivider has requested formation of a Benefit District per the provisions of Chapter 12.60 of the Tracy Municipal Code. Eligible users of the line shall include the ESP (as may be amended) property and property otherwise identified by the City and included in the benefit district.

- b. 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. To facilitate and ensure timely construction of the Phase 2 Choke Points Improvements, Subdivider will pre-pay all Sanitary Sewer Conveyance Impact Fees for all of the residential units in the Project not later than the issuance of the first building permit for a residential unit in the Project (excluding up to 20 model homes).
- c. The Subdivider shall design and install sanitary sewer facilities including the Project's sewer connection in accordance with City Regulations, and utility improvement plans approved by the City Engineer.

C.5.5 Water System.

a. Water Distribution System.

City's Consultant, West Yost Associates will review the water distribution system proposed in the Final Map for conformance with Applicable Law and shall prepare memorandum with recommendations ("Water Memorandum").

Potable water line sizing, looping requirements and layout shall comply with recommendations of the Water Memorandum in accordance with Applicable Law.

- b. Recycled Water Line: On-site Recycled Water mains are required to serve The Avenues. As part of the on-site improvements for the Project, the Subdivider shall extend an 8-inch Recycled Water main along Summit Drive from the south subdivision boundary with Ellis Phase 1 to the proposed 30" Master Plan Recycled Water Main at Valpico Road.
- c. Fire Service Line: The Subdivider shall design and install fire hydrants in accordance with Applicable Law at locations approved by the SSJCFA Fire Marshal. Before the approval of the plans, the Subdivider shall obtain written approval from the Fire Marshal.
 - (i) During the construction phases 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 ESP, Applicable Law, and Fire Marshal.

d. Water Shutdown Plan and Traffic Control Plan:

If water main shut down is necessary, the City will allow a maximum of four hours water supply shutdown. The Subdivider shall be responsible for notifying residents or business owner(s), regarding the water main shutdown. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before the water main shutdown. Prior to starting the work described in this section, the Subdivider shall submit a Water Shutdown Plan and Traffic Control Plan to be used during the installation of any offsite water mains.

e. Domestic and Irrigation Water Services

Domestic water service shall be installed in accordance with City Regulations, Applicable Law, and the utility improvement plans approved by the City Engineer. City's responsibility to maintain water lines shall be from the water main on the street to the back of the water meter (inclusive) only.

C.5.6 Valpico Road Frontage Street Improvements

Currently, Valpico Road is a two-lane rural arterial. The TMP identifies Valpico Road as a four-lane arterial road during the horizon year. The ultimate improvements for Valpico Road shall comply with the City of Tracy Transportation Master Plan and the City of Tracy Design Standards.

Subdivider shall design and construct improvements on Valpico Road in accordance with the timelines identified in the Traffic Memorandum.

Subdivider shall widen existing Valpico Road to the south to accommodate new eastbound right turn lane and westbound left turn lane.

a. **Option 1 – Valpico Road Interim Improvements:** Valpico Road Improvements shall be designed and constructed by the Subdivider to meet the requirements of the latest edition of the California Department of Transportation Highway Design Manual, the California Manual of Uniform Traffic Control Devices (MUTCD), applicable City Design Standards, and these Conditions of Approval. The Subdivider shall design and construct interim improvements for Valpico Road, in accordance with the ESP, and Tentative Map, which may include widening of Valpico Road at the Summit Drive intersection to provide one travel lane in each direction plus a left turn median lane and a right turn deceleration lane with transitions to provide safe transitions to the two lane Valpico road west and east of the project limits as shown on the Tentative Map. Other frontage improvements may include but not limited to asphalt concrete pavement, landscape planter, a multi-use path, landscape setback planting area, fire hydrants, landscaping with automatic irrigation system (Motorola Controller), pavement marking and striping, street lights, asphalt concrete overlay (where required), pavement transitions and other street and utility improvements that are required to serve the Project in

conformance with the Tentative Map and based on the applicable phasing plans as reasonably approved by the City Engineer.

- (i) Per Figure 5.1 of Tracy Transportation Master Plan, the outside lane, right turn lane, Class 1 Bikeway, and all landscape improvements behind the curb on Valpico Road are fronting property owner's obligation.
- (ii) Construction of interim roadway improvements on Valpico Road may not be eligible for fee credit or reimbursement if the improvements are required to be removed or reconstructed as part of program improvements for Valpico Road per the TMP. A Deferred Improvement Agreement will be required for removal of interim improvements and construction of ultimate Valpico Road improvements. Alternatively, the Subdivider may pay to the City the estimated cost of removal of interim improvements and cost of future improvements, (including escalation for inflationary adjustment per ENR Construction Cost Index) as determined by the City.
- (iii) Right-of Way Dedication. The Subdivider shall dedicate 17.5' of ROW along the property frontage of Valpico Road, in accordance with the Tentative Map.
- (iv) The landscape improvements within the Landscape Setback area shall be constructed at the time of the adjacent interim improvements on Valpico Road. The Ellis Property Owners Association (EPOA) shall be responsible for maintenance of the landscape and associated irrigation improvements within the Landscape Setback area in accordance with the Ellis Specific Plan and Ellis Maintenance Agreement between the City of Tracy and EPOA.

b. **Option 2 – Valpico Road Partial Ultimate Improvements:** Subdivider shall construct partial ultimate Valpico Road improvements. Partial ultimate improvements will include roadway improvements on Valpico Road to accommodate one eastbound right turn lane, one eastbound through lane, one westbound left turn lane and one westbound through lane, median, frontage curb and gutter, landscape strip, Class I multi-use trail and relocation / undergrounding of existing overhead lines on the north side of Valpico Road, and transitions.

- (i) Per Figure 5.1 of Tracy TMP, the traffic impact fee program covers costs of improvements for the median and inside travel lanes on Valpico Road; frontage (outside) lane, right turn lane, Class I bikeway, and all landscape improvements behind the curb on Valpico Road are Subdivider's obligation. If Subdivider elects to construct Valpico Road partial ultimate program improvements, Subdivider will be eligible for fee credits and reimbursements for program improvements and for right-of-way acquisition and dedication of right-of-way on the north side of Valpico Road.

- (ii) **Right-of Way Dedication.** The Subdivider shall dedicate 17.5' of ROW along the property frontage of Valpico Road, in accordance with the Tentative Map. Acquisition of right-of-way on the north side of Valpico Road is required to construct improvements to serve the project when Summit Drive is extended to connect to Valpico Road. Subdivider shall acquire and dedicate 17' of right-of-way on north side of Valpico Road. If the Subdivider is unable to acquire the required right-of-way on the north side of Valpico Road, the Subdivider may request City's assistance to acquire the right-of-way.
- (iii) Subdivider shall relocate or underground existing overhead utilities on the north side of Valpico Road as required to construct the Partial Ultimate Improvements.
- (iv) Valpico Road improvements shall be designed and constructed by the Subdivider to meet the requirements of the latest edition of the California Department of Transportation Highway Design Manual (HDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), applicable City Design Standards and these Conditions of Approval, prior to the final inspection of the first building to be constructed on the Property.

c. **Traffic Signal at Valpico Road/Summit Drive.** The Summit Drive/Valpico Road intersection shall be Side Street Stop Controlled until an interim traffic signal is warranted due to traffic volumes or safety considerations as set forth herein.

- (i) Subdivider shall fund a Signal Warrant Analysis not later than thirty (30) days following a written demand from City to determine whether an interim traffic signal is warranted due to traffic volumes and/or safety considerations. If an interim traffic signal is warranted, Subdivider shall complete the installation of the interim Traffic Signal equipment, at Subdivider's sole expense, prior to the issuance of the fiftieth (50th) building permit for a single-family residential unit (not including model homes) following the completion of the Signal Warrant Analysis. Subdivider may request formation of a Benefit District per the provisions of Chapter 12.60 of the Tracy Municipal Code for reimbursement of interim traffic signal costs in excess of Developer's fair share, in accordance with City's procedures.
- (ii) Per Mitigation Measure TR-3, when Valpico Road is widened to four lanes, the Subdivider shall design and install a traffic signal to the satisfaction of the City Engineer. At the time of approval of the first final map, if Valpico Road is not widened to four lanes, Subdivider shall pay Capital Improvement in-lieu fees in accordance with TMC 12.36.020h for the cost of the Summit Drive/Valpico Road Traffic Signal per Mitigation Measure TR-3. Subdivider may request formation of a Benefit District per the provisions of Chapter 12.60 of the Tracy Municipal Code for reimbursement of costs in excess of Developer's fair share, in accordance with City's procedures.

d. **Valpico Road/Summit Drive Ultimate Intersection Improvements.**

Subdivider shall deposit with City the full amount, as reasonably estimated by the City Engineer, of the costs to design, acquire all required right-of-way, and construct the ultimate intersection improvements. Upon such deposit, Subdivider shall have no further responsibility for the ultimate Valpico Road/Summit Drive intersection improvements as described in the City's TMP.

(i) As an alternative to Conditions C.5.6.c and d above, Subdivider may submit a written election to City for Subdivider to design, acquire all required right-of-way, and construct the ultimate intersection improvements for the Valpico Road/Summit Drive intersection, according to designs and on a schedule approved by the City. Such written election will be subject to approval of the City Engineer based on the City Engineer's reasonable determination that Subdivider can complete the ultimate intersection improvements in accordance with the City's schedule and standards and that such completion will remove the need for the interim traffic signal required by Condition C.5.6.c. Subdivider's written election under this Condition C.5.6.d.(i) shall be provided to City not later than January 1, 2023.

C.5.7 Subdivision Roadway Improvements

The Subdivider shall dedicate all rights-of-way that are necessary to construct Summit Drive, Street 1, Street 2, Street 3, Street 4, Street 5, Street 6, Street 7, Street 8, Street 9, Street 10, Street 11, Street 12, Street 13, Street 14, Street 15, Street 16, Lane 1, Lane 2, Lane 3, Lane 4, Lane 5, Memory Lane, Samuel Joseph Way, and all the in-tract streets based on their respective cross sections as shown on the Tentative Map.

- a. 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 (Motorola), 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 be consistent with City Standards, unless specifically modified in the ESP, Tentative Map, and Applicable Law, and shall be shown on the Improvement Plans.
- b. Street 5 intersection at Summit Drive will be cut off with sidewalk, turf block planting, collapsible bollards, and other details per Kimley-Horn's recommendations.
- c. Design and construction details for the lanes and alley approaches shall be as shown on the Tentative Map. The landscape planters within the lanes and alley shall be irrigated from public water meter.

- d. The raised median island curb for the Summit Drive entry section shall be designed in accordance with the Tentative Map.
- e. As recommended in *Traffic Analysis*, Alleys shall be signed for One-Way Traffic: Lane 1 should allow northbound traffic only, and Lane 2, Lane 3, Lane 4, and Lane 5 should allow southbound traffic.

C.5.8 Offsite Improvements

The Subdivider shall comply with the following offsite traffic mitigations:

- a. Lammers Road/Old Schulte Road intersection: Prior to issuance of first building permit, Subdivider shall install eastbound right turn overlap phase and re-time the intersection to optimize cycle lengths and splits.
- b. Lammers Road/Valpico Road intersection:
 - (i) Per recommendation of *Tracy Village Fair Share Traffic Study*, prior to first building permit, Subdivider shall add a separate westbound right-turn lane and shared westbound left turn/through lane. Westbound right turn phase to be overlapped with southbound left turn phase. Subdivider shall install the Valpico Road/Lammers Road interim improvements if the Subdivider is the first benefitting property to pull its permit and request reimbursement from the fair share payments. If one of the other benefitting properties is first to construct these interim improvements, Subdivider shall satisfy its obligation towards the interim intersection improvements by payment of its fair share of the improvements as identified in the *Tracy Village Fair Share Traffic Study*.
 - (ii) Per Mitigation Measure TR-2, prior to first building permit occupancy (not including model homes), Subdivider shall install a channelized westbound right-turn pocket, a second southbound left-turn pocket, and eastbound right-turn overlap phase signal timing modification. If at the time of first occupancy, the ultimate Transportation Master Plan improvements for Valpico Road and/or Lammers Road have not been constructed, Subdivider shall pay Capital Improvement in-lieu fees in accordance with TMC 12.36.020h for the cost of the ultimate improvements.
- c. Valpico Road/Tracy Blvd intersection: Per Mitigation Measure TR-4, prior to issuance of final building permit within Avenues Specific Plan, Subdivider shall provide overlap signal phasing for exclusive right turns at the intersection to the satisfaction of the City Engineer.
- d. Corral Hollow Road/Linne Road: Per Mitigation Measure TR-1, At first building permit, Subdivider shall pay impact fees to contribute to City CIP project to add southbound through lane, northbound through lane, and separate westbound right turn lane.

C.5.9 Neighborhood Park

- a. The Subdivider shall offer for dedication Parcel "F" for park purposes as required by sub-section 3.2.6.1 of the ESP.
- b. The Subdivider shall design and construct the neighborhood park improvements consistent with the City Standards, ESP Park Plans, and Applicable Law.
- c. The Subdivider shall submit park improvement plans, signed and notarized improvement agreement ("Park Improvement Agreement or PIA"), and Improvement Security in the amount and type specified in the ESP. The timing of commencement of the neighborhood park improvements, payment of fees and fee credits shall be in accordance with the ESP, Applicable Law, and Tracy Municipal Code.

C.5.10 Undergrounding of Overhead Utilities

a. Public Utility Easement

All private utility services to serve Project such as electric, telephone and cable TV must be installed underground, and to be installed within dedicated Public Utility Easement (PUE) and at the location as reasonably approved by the respective owner(s) of the utilities.

- b. Overhead utilities along the frontage of the project on Valpico Road (with the exception of the high-voltage transmission lines with voltages greater than 34.5 KV) shall be placed in an underground facility in accordance with Tracy Municipal Code.
 - (i) The project shall comply with all applicable requirements of TMC 7.04.120.
- c. 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 Public Utility Easement (PUE). The Subdivider shall complete the necessary coordination work with the respective owner(s) of the utilities for the design of these underground utilities and to ensure it can be constructed under the sidewalk or within the PUE.
- d. Underground utility conduits may be installed under the sidewalks, and all boxes, structures and related facilities shall be located in the within the PUE.
- e. Pavement cuts or utility trench(s) on existing street(s) for the installation of electric, gas, cable TV, and telephone will require the application of 2" asphalt concrete overlay and replacement of pavement striping and marking that are disturbed during construction. The limits of asphalt concrete overlay shall be 25 feet from both sides of the trench and shall extend over the entire width of the adjacent travel lane(s) if pavement excavation encroaches to the adjacent travel lane or up to the street

centerline or the median curb. If the utility trench extends beyond the street centerline, the asphalt concrete overlay shall be applied over the entire width of the street (to the lip of gutter or edge of pavement).

Construction details and limits of asphalt concrete overlay shall be shown on the Improvement Plans.

- C.5.11 Building Permit - No building permit will be approved by the City until the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:
- C.5.12 Payment of the Current Master Plan Fees in accordance with Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park adopted by the City Council, and in accordance with Applicable Law.
- C.5.13 Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC, Applicable Law, and these Conditions of Approval.
- C.5.14 Payment of the Agricultural Conversion or Mitigation Fee as required in Chapter 13.28 of the TMC.
- C.5.15 Payment of the Regional Transportation Impact Fees (RTIF) as required in Chapter 13.32 of the TMC.

C.6. Acceptance of Public Improvements

Public improvements will not be accepted by the City Council until after the Subdivider completes construction of the relevant public improvements, and also demonstrates to the City Engineer satisfactory completion of the following:

- C.6.1 Correction of all items listed in the deficiency report prepared by the assigned Engineering Inspector relating to public improvements subject to City Council's acceptance.
- C.6.2 Subdivider has completed the 90-day public landscaping maintenance period.
- C.6.3 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.6.4 Subdivider shall be responsible for any repairs or reconstruction of street pavement, curb, gutter and sidewalk and other public improvements along the frontage of the Project, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.

C.7. Temporary or Final Building Certificate of Occupancy

No Temporary or Final Building Certificate of Occupancy will be issued 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 Condition C.7, above, or the City has agreed to street-by-street acceptance for final building certificate and/or occupancy.
- C.7.2 The Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, or Applicable Laws, 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 advance 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), which shall be subject to the PICRA.

C.8. Agreements and Improvement Security

- C.8.1 Subdivision Improvement Agreement: - Before the City's approval of the 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), post all required improvement security in accordance with improvements shall be subject to the PICRA.
- C.8.2 Deferred Improvement Agreement: - Before the City's approval of the First Final Map, the Subdivider shall execute a Deferred Improvement Agreement, if applicable, which shall be 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 shall be subject to the PICRA.

C.9. Improvement Security

The Subdivider shall provide improvement security for all public facilities, as required by the Subdivision Improvement Agreement and the Deferred Improvement Agreement (if necessary) and these Conditions of Approval. The form of the improvement security may be a surety bond, letter of credit or other form section 12.36.080 of the TMC. The amount of improvement security shall be as follows:

- C.9.1 Faithful Performance (100% of the estimated cost of constructing the public facilities),
- C.9.2 Labor & Materials (100% of the estimated cost of constructing the public facilities),

- C.9.3 Warranty (10% of the estimated cost of constructing the public facilities), and
- C.9.4 Monumentation (\$500 multiplied by the total number of street centerline monuments that are shown on the Final Map).

C.10. Release of Improvement Security

Improvement Security(s) described herein shall be released to the Subdivider after City Council's acceptance of public improvements, and after the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance of these Conditions of Approval, and completion of the following:

- C.10.1 Improvement Security for Faithful Performance, Labor & Materials, and Warranty shall be released to the Subdivider in accordance with Section 12.36.080 of the TMC.
- C.10.2 Written request from the Subdivider and a copy of the recorded Notice of Completion.
- C.10.3 Monumentation Bond will be released to the Subdivider after City Council's acceptance of the public improvements and all monumentation shown on the Final Map is installed and tagged by a Land Surveyor licensed to practice in the State of California.

C.11. Benefit District

The Subdivider may make a written request to the City for the formation of a Benefit District for which the public facilities are required in accordance with Applicable Law and these Conditions of Approval.

C.12. Special Conditions

- C.12.1 All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with the tentative map, ESP, City Regulations, and City's applicable Design documents if not included in the ESP, or tentative map, including the City's Facilities Master Plan for storm drainage, roadway, wastewater, and water adopted by the City, or as otherwise specifically approved by the City.
- C.12.2 Fire turnaround located on Lot 176 as shown on the Tentative Map shall remain until the connections of Summit Drive, Samuel Joseph Way, and either Memory Lane or Street 3 to the reasonable satisfaction of the City Engineer.
- C.12.3 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or another public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the Grading Permit, Encroachment Permit, Building Permit, Improvement Plans, and OIA, if the City Council finds it necessary due to public health and safety reasons, and it is not in conflict with rights under the ESP or Applicable Law. The

Subdivider shall bear all the advance costs for the inclusion, design, and implementations of such additions and requirements, without any payment from the City. Costs may be applicable to the PICRA as reimbursement or credit. Health and Safety findings shall be made by the City Council under the terms of a review of the Health and Safety related issue, and PICRA reimbursement or credit approval shall be made at the same time by City Council.

C.12.4 Nothing in these Conditions of Approval is intended or may be interpreted to conflict with any of the vested elements and rights granted by the Ellis Development Agreement. In the event of any such conflict, the vested elements and rights granted by the Ellis Development Agreement shall control.

D. Utilities Department Conditions

Contact: Kul Sharma (209) 831-6320 kuldeep.sharma@cityoftracy.org

- D.1. Wastewater Treatment. The Developer shall pay Wastewater Master Plan development impact fees for wastewater treatment in effect at that time for all proposed residential units in Avenues Developments not later than the issuance of the first building permit for a single-family residential unit (not counting model homes), or thirty (30) days prior to award of construction contract by the City Council for construction of the next phase of expansion of the City's wastewater Treatment Plant, whichever comes first. A written request for payment of wastewater treatment fees will be made by the City Engineer at least sixty days prior to scheduling the award of construction contract of the next phase of expansion of the Wastewater Treatment plant by the City Council.
- D.2. Stormwater Compliance. Prior to the approval of the Final Map for the Project, the Subdivider shall provide a Project Stormwater Plan (PSP) detailing the methods in which the development will address compliance with the applicable City's Multi-Agency Post-Construction Stormwater Standards Manual (Manual). Prior to the issuance of the grading permit for the project, the PSP shall be reasonably approved by the Utilities Director or his/her designee.
- D.3. Stormwater Treatment. Prior to approval of the first Final Map, in compliance with the Manual, either 1) onsite storm water pre-treatment details and supporting calculations for the private lots and street rights-of-way, or 2) design details and supporting calculations for treatment and hydromodification in Detention Basin 3A, shall be submitted for review and approval by the City.

E. Citywide Standard Conditions for Residential five (5) units or more

The following conditions are intended to provide for the funding of City services to the Property.

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

E.1. Streetlights and Street Sweeping

Before approval of the first Final Map or issuance of any building permit for the Property (except for up to twenty (20) model homes), Subdivider shall provide for perpetual funding of the on-going costs of operation, maintenance, repair, and replacement for the 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. Prior to approval of the first final map in the Project, 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 form a new Community Facilities District named ECFD 2022 - ___, that includes the Property and shall be substantially similar to City of Tracy Community Facilities District No. 2016-2 (ECFD) ("CFD No. 2016-2") except as otherwise expressly provided for herein. Formation shall be 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, and 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, repair, 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 twenty (20) model homes), setting forth, among other things, the required maintenance, operations, repair, and replacement obligations, the standards of maintenance, operations, repair, and replacement, and all other associated obligation(s) to ensure the long-term operation, maintenance, repair, and replacement by the HOA for the streetlights, and street sweeping on the Property;
- (3) Before final inspection or occupancy of the first dwelling (except for up to twenty (20) model homes), annex into a CFD described in Condition E.1.a above 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, repair, and replacement for the 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. Prior to approval of the first final map in the Project, 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, repair, and replacement for the streetlights, and street sweeping on the Property (including all costs required by PG&E).

If the provisions for adequate funding of the on-going costs of operation, maintenance, repair, and replacement for the 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.

E.2. Police & Public Works Services

Before approval of the first Final Map or issuance of any building permit for the Property (except for up to twenty (20) model homes), Subdivider shall provide for perpetual funding of a portion of on-going costs of providing Police 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. Prior to approval of the first final map in the Project, 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 form a new CFD named ECFD 2022 - ____ that includes the Property and shall be substantially similar to City of Tracy Community Facilities District No. 2016-2 (ECFD) ("CFD No. 2016-2") except as otherwise expressly provided for herein. Formation shall be 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. Prior to approval of the first final map in the Project, 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 a portion of 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.

E.3. Landscaping Maintenance

Before approval of the first Final Map or issuance of any building permit for the Property (except for up to twenty (20) model homes), Subdivider shall provide for perpetual funding of the on-going costs of operations, maintenance, repair, and replacement for public landscaping for the Property by doing one or more of the following, subject to the approval of the City's Finance Director:

a. CFD or other funding mechanism. Prior to approval of the first final map in the Project, 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 new Community Facilities District (CFD named ECFD 2022 - ____, that includes the Property and shall be substantially similar to City of Tracy Community Facilities District No. 2016-2 (ECFD) ("CFD No. 2016-2") except as otherwise expressly provided for herein. for funding the on-going costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance, operations, repair, and replacement costs associated with the adjacent landscape frontage on Valpico Road; (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, operations, repair, and replacement 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 twenty (20) model homes), setting forth, among other things, the required maintenance, operations, repair and replacement obligations, the standards of maintenance, operations, repair, and replacement, and all other associated obligation(s) to ensure the long-term maintenance, operations, repair, and replacement 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 twenty (20) model homes), annex into a CFD or form a new Improvement Area within the ECFD as described in Condition E.3.a above 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, operations, repair, and replacement. 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. Prior to approval of the first final map in the Project, 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 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, replacement, repair, and replacement costs associated for the adjacent landscape frontage on Valpico Road. 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.

E.4. Before approval of the first Final Map or issuance of any building permit for the Property (except for up to twenty (20) model homes), Subdivider shall provide for perpetual fair share funding of the on-going costs of operation, maintenance, repair, and replacement for storm drain basin or any other system designed to meet the City's Multi-Agency Post-Construction Stormwater Standards Manual (Manual) for the Property, by doing one of the following, subject to the approval of the City's Finance Director:

a. CFD or other funding mechanism. Prior to approval of the first final map in the Project, 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 new Community Facilities District

(CFD) named ECFD 2022 - _____ that includes the Property and shall be substantially similar to City of Tracy Community Facilities District No. 2016-2 (ECFD) ("CFD No. 2016-2") except as otherwise expressly provided for herein. for funding on-going costs of operation, maintenance, repair, and replacement for its fair share of storm drain basin or any other system designed to meet the Manual (2) formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien; (3) upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment; (4) prior to issuance of a building permit, the Subdivider shall deposit an amount equal to the first year's taxes; and (5) the Subdivider shall be responsible for all costs associated with formation of the CFD.

Or

- b. Direct funding. Prior to approval of the first final map in the Project, 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 its fair share in perpetuity the full on-going costs of operation, maintenance, repair, and replacement for storm drain basin or any other system designed to meet the Manual.

March 29, 2022

AGENDA ITEM 3.B

REQUEST

PUBLIC HEARING TO CONSIDER CITY'S RECOMMENDATION FOR AWARD OF LOCAL PRIORITY FUNDING ALLOCATIONS FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS FOR FISCAL YEAR 2022-2023, APPROPRIATE FUNDS, AND AUTHORIZE THE DEVELOPMENT SERVICES DIRECTOR TO EXECUTE THE FUNDING AGREEMENTS FOR THE PROGRAM

EXECUTIVE SUMMARY

Consider and approve the recommendation to award Community Development Block Grant funding in the estimated amount of \$498,077 and Home Investment Partnerships Program funding in the estimated amount of \$163,461 for Fiscal Year (FY) 2022-23 program year. The list of priority-ranked funding allocations and award recommendations are due to the County of San Joaquin by March 18, 2022 for final funding determinations as part of the annual entitlement program process, though the City has been given an extension to March 30, 2022. This item also seeks Council's authorization for the Development Services Director to execute the funding agreements for the program, consistent with prior practice.

BACKGROUND

Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds are allocated to cities and counties by the United States Department of Housing and Urban Development (HUD) for use in projects that make for a viable community, with local programs and services that provide decent housing, a suitable living environment, and expand economic opportunities for low- and moderate-income individuals and families. The City of Tracy receives an annual pass-through allocation from the County of San Joaquin ("County"), which serves as the entitlement agency.

On November 15, 2016, the City Council adopted local funding priorities to be considered in the annual allocation process and to be used as a guide for the Parks and Community Services Commission (Commission) in formulating proposed award recommendations through Fiscal Year 2022-2023. These priorities are listed below by category and in priority order:

CDBG

Public Services Category:

- (1) Food Distribution Services
- (2) Homelessness Prevention, Intervention and Transitional Housing Services
- (3) Senior and Special Needs Services
- (4) Domestic Violence Services
- (5) Youth Education and Enrichment Services

Public Facilities/Improvements Category:

- (1) Public Parks and Facilities
- (2) Removal of Architectural Barriers (ADA)

HOME

- (1) Address issues of public safety, health and welfare
- (2) Rehabilitate residential properties occupied by low income persons
- (3) Partner to construct income restricted family and senior housing facilities

Funding Availability

The County has provided the following estimated amounts of CDBG and HOME funds to be allocated to the City of Tracy in the FY 2022-2023 program year:

CDBG

Public Services Allocation (15%)	\$ 74,712
Public Improvements/Public Facilities	\$ 423,365
	Total \$ 498,077

HOME

Home Eligible Activities	Total \$ 163,461
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The actual amounts available for allocation will be based on a final funding determination by HUD. HUD regulations, codified in the Code of Federal Regulations (CFR) Title 24, Part 570, require CDBG Public Services allocations to be limited to 15% of the total annual CDBG allocation. Up to 20% of the funding may be allocated for grant administration, and the remaining CDBG funding is dedicated to Public Improvements/Public Facilities projects.

Parks and Community Services Commission Recommendation:

In order to encourage meaningful citizen involvement, public examination, and appraisal of the process, as well as enhance program accountability, a subcommittee of the Parks and Community Services Commission evaluates, scores and makes funding allocation recommendations on the CDBG and HOME fund applications. The subcommittee is comprised of two members of the Commission, appointed annually by the Commission Chair, and a City staff member. The role of the subcommittee is to review applications for consistency with adopted local funding priorities, score and prioritize the funding of applications, and make a funding allocation recommendation to the full Commission. The Parks and Community Services Commission then makes a formal recommendation to the City Council. The Tracy City Council is then asked to review and accept the CDBG funding recommendations from the Commission, which will later go before the San Joaquin Board of Supervisors for final approval.

CDBG/HOME grant applications for FY 2022-2023 were available beginning December 6, 2021 with a submittal deadline of January 20, 2022. An informational meeting on the CDBG/HOME grant program was held at City Hall on January 6, 2022.

The CDBG subcommittee individually scored each application, applied the funding allocation formula adopted by the Parks and Community Services Commission on Dec. 6, 2018 (Attachment A) to the public service applications, and made a funding allocation recommendation to the full Parks and Community Services Commission at the February 3, 2022 Parks Commission meeting. The scoring process took into consideration City Council's local funding priorities, as well as HUD's national requirements for each grantee application. Individual scores for each application were averaged to determine a final score.

In addition to the nine (9) eligible applications received by local non-profit agencies in the public services category, the City received one (1) direct allocation request for the San Joaquin Fair Housing Association to support affordable housing and one (1) direct allocation request for the San Joaquin County Food Services Pool. The San Joaquin County Food Services Pool is managed by the County on a competitive application basis. This year, the County received two (2) applications that are proposed to receive an equitable share of the City's contribution to the countywide CDBG pooled funding for food distribution services. These San Joaquin County Food Services Pool applicants are also eligible to receive funding from other cities and the County as part of the entitlement consortium since they serve multiple communities in addition to Tracy.

The City also requested one (1) direct allocation for grant administration and received three (3) eligible applications for the CDBG Public Improvements/Public Facilities category. One (1) eligible application was received for the HOME program.

The County requires CDBG Public Service awards be allocated at a minimum of \$5,000 with no maximum funding amount per applicant, and a minimum award of \$150,000 and a maximum of \$2 million for CDBG Public Improvements/Public Facilities awards. There are no established funding award limits for HOME projects or programs. All contracts between the City and its grantees are for two (2) year terms allowing increased flexibility in the delivery of services and projects to the community.

On February 3, 2022, the Parks and Community Services Commission conducted a public meeting to consider the CDBG/HOME funding recommendations of the Parks subcommittee. During the discussion regarding the funding allocation and sub-committee recommendation, the Parks Commission recommended a change to the funding allocation recommendation related to the Public Facilities/Improvements category. The Parks Commission discussed and agreed that the Coalition to Assist the Homeless' (Coalition) project, which the review committees ranked #2, should be prioritized for funding. The Coalition's application was requesting funding to acquire the Emerson House Shelter. Therefore, the Parks Commissions' final recommendation was to use all available public facilities funding, excluding the direct allocation to the City of Tracy of \$84,000, for this project (Attachment B). Although

“Acquisition” was not one of City Council’s approved local priorities, the Parks Commissioners felt that by supporting the Coalition on this project, the intent of the top local priority of funding, “Public Parks and Facilities” was still supported. The risk in potentially losing a valuable, operating homeless shelter in our community was considered too great.

Additionally, the Parks Commissioners indicated that should the Coalition not be able to fulfill their acquisition, they recommend the funds be reallocated to the remaining two public facilities applicants in ranking order.

Public Services Allocation:

- Direct Allocation to San Joaquin County Fair Housing to be \$5,500
- Direct Allocation to the County food services pool (Mobile Farmer’s Market and Meals on Wheels) to be \$10,000
- Applications ranked 1 and 2 will be funded the requested amount up to a max of \$12,000 each
- Applications ranked 3 and 4 will be funded the requested amount up to a maximum allocation of \$8,000 each
- Application ranked 5 will be funded at \$5,150 (full request)
- Application ranked 6 will be funded at \$8,000
- Application ranked 7 will be funded at \$6,027

Public Facilities/Improvements Allocation:

- Direct Allocation to City of Tracy for Grant Administration \$84,000
- Application ranked 2 will be funded at \$339,365

HOME Investment Partnership Allocation:

- Application ranked 1 will be funded in full at \$163,461

The County is expected to review and consider final approval of all locally recommended projects by May 3, 2022. Staff further requests that Council authorize the Development Services Director to execute the funding agreements with the recipients, on behalf of the City (Attachment C).

STRATEGIC PLAN

This agenda item supports the City of Tracy’s 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.

FISCAL IMPACT

The City of Tracy, as a subrecipient of the County, will be allocated an estimated \$498,077 in CDBG funds for FY 2022-2023 for use by its selected grantees. The City will also be allocated an estimated \$163,461 in FY 2022-2023 in HOME funds.

RECOMMENDATION

That City Council, by resolution, recommend the award, appropriation, and

allocation of \$498,077 in CDBG funds and \$163,461 in HOME funds for FY 2022-2023 pursuant to the recommendations listed in the attached resolution, and authorize the Development Services Director to execute the Funding Agreements on behalf of the City.

Prepared by: Barbara Harb, Economic Development Management Analyst

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

Approved by: Michael Rogers, City Manager

ATTACHMENTS

Attachment A – City Council approved funding formula

Attachment B – Parks and Community Services Commission Priority Ranking & Funding List

Attachment C – City of Tracy, CDBG Subrecipient Agreement

Attachment D - Powerpoint Presentation

FUNDING ALLOCATION FORMULA – PUBLIC SERVICE

Adopted by PCSC on Dec 6, 2018

1) The top 2 scoring applications will be funded the requested amount up to \$12,000

2) Applications ranked 3 & 4 will be funded the requested amount up to \$8,000

3) Applications ranked 5 and below will receive \$5,000 in order of ranking until funds are exhausted

4) Any remaining funds less than \$5,000 will be distributed to applicants 5 and below until exhausted (cannot exceed Tier 2 amounts)

Should the City receive more funding than estimated, additional programs may be funded in ranking order.

Attachment B

2022-2023 CDBG/HOME Funds

Adj. (+/-)

<u>Estimated</u> Total CDBG allocation	\$498,077	\$0
Total Public Services Allocation (15% cap)	\$74,712	\$0
Total PF / ED Allocation (85%)	\$423,365	\$0
Total HOME Fund Allocation	\$163,461	\$0

Final/Actual CDBG Allocation	\$498,077
Final PS Allocation (15% cap)	\$74,712
Final PF & Impr. Allocation	\$423,365
Final/Actual HOME Allocation	\$163,461

Estimated Public Services	Estimated Public Facilities & Impr.
Funding Available: \$74,712	Funding Available: \$423,365
PS Funded \$74,712	Public Fac. & Impr, \$423,365
Amt. +/- Avail. Funds (\$0)	Amt. +/- Avail. Funds \$0

FINAL Public Services	FINAL Public Facilities & Impr.
PS Funding Available: \$74,712 PS Allocated \$0	PF Funding Available: \$423,365 PF Allocated \$0
Amt. +/- Available \$74,712	Amt. +/- Available \$423,365

CDBG/Public Service Projects				Estimated Funding		Final Funding	
Applicant	Project Title	Funding Requests	Local Priority	Subcommittee Recommended Funding	Commission Recommended Funding	Recomm. to City Council	City Council Appvd. Funding Alloc.
San Joaquin Fair Housing	Affordable Housing and Counseling Services	\$ 5,500.00	Direct Allocation	\$5,500	\$5,500	\$0	\$0
SJ County Food Services Pool	Food Distribution Services (Mobile Farmer's Market & Meels on Wheels)	\$ 10,000.00	Direct Allocation	\$10,000	\$10,000	\$0	\$0
Tracy Interfaith Ministries	Hunger Relief and Food Distribution	\$ 12,000.00	(1) Food Distribution	\$12,000	\$12,000	\$0	\$0
Tracy Seniors Association	Safety At Home for Seniors	\$ 42,156.00	(3) Senior and Special Needs Services	\$12,000	\$12,000	\$0	\$0
Boys & Girls Clubs of Tracy	Summer Enrichment Program	\$ 12,000.00	(2) Homelessness Prev., Interv. & Trans. Housing Svc.	\$8,000	\$8,000	\$0	\$0
McHenry House Tracy Family Shelter	Night Supervisor / Family Crisis Intervention Program	\$ 12,000.00	(2) Homelessness Prev., Interv. & Trans. Housing Svc.	\$8,000	\$8,000	\$0	\$0
Tracy Earth Project, Inc.	Tracy Bike Life Youth Program	\$ 5,185.00	(5) Youth Education and Enrichment Services	\$5,185	\$5,185	\$0	\$0
Women's Center	Homeless Youth Outreach & Engagement	\$ 16,000.00	(2) Homelessness Prev., Interv. & Trans. Housing Svc.	\$8,000	\$8,000	\$0	\$0
Coalition of Tracy Citizens to Assist the Homeless (CTCAH)	Emerson/Rochester House Operations - Resident Mgr. Salary	\$ 12,000.00	(2) Homelessness Prev., Interv. & Trans. Housing Svc.	\$6,027	\$6,027	\$0	\$0
Tracy D.A.R.E. Program, Inc.	Elementary Schools in Tracy	\$ 10,000.00	(5) Youth Education and Enrichment Services	\$0	\$0	\$0	\$0
ROYA Foundation	Youth Center - Laptop & Online Tutoring Program	\$ 40,000.00	(5) Youth Education and Enrichment Services	\$0	\$0	\$0	\$0
Total Public Service Requests				Total PS Funded	\$74,712	\$74,712	0 \$0

CDBG/Public Facilities & Improvement Projects				Estimated Funding		Final Funding	
Applicant	Project Title	Funding Request	Eligible Activity	Subcommittee Recommended Funding	Commission Recommended Funding	Recomm. to City Council	City Council Appvd. Funding Alloc.
City of Tracy	Grant Administration	\$ 84,000.00	Direct Allocation (19.8% of PF/Impr.)	\$84,000	\$84,000	\$0	\$0
City of Tracy	Temp. Emergency Housing Shelter (Arbor Rd) Proj.	\$ 272,025.00	(1) Public Parks and Facilities	\$189,365	\$0	\$0	\$0
Coalition of Tracy Citizens to Assist the Homeless	Emerson House Property Acquisition	\$ 600,000.00	N/A	\$150,000	\$339,365	\$0	\$0
Mc Henry House Tracy Family Shelter	Painting of Shelter Exterior	\$ 250,000.00	(1) Public Parks and Facilities	\$0	\$0	\$0	\$0
Total Public Facilities & Improvements Requests		\$ 1,206,025.00	Total PF Funded	\$423,365	\$423,365	\$0	\$0
			Total CDBG Funding Allocation	\$498,077	\$498,077	\$0	\$0
HOME Investment Partnership Projects				Estimated Funding		Final Funding	
Applicant	Project Title	Funding Request	Eligible Activity	Subcommittee Recommended Funding	Commission Recommended Funding	Recomm. to City Council	City Council Appvd. Funding Alloc.
			Direct Allocation	0	0	0	0
Housing Authority County of San Joaquin	Tracy Homes Phase I	\$164,461.00	(2) Rehab resid. properties occupied by L-I persons	\$163,461	\$163,461	\$0	\$0
Total HOME Application Requests		\$164,461.00	Total HOME Funded	\$163,461	\$163,461	\$0	\$0
			Total HOME Funding Allocation	\$163,461	\$163,461	\$0	\$0

ATTACHMENT C

AGREEMENT BETWEEN THE CITY OF TRACY
AND _____
FOR COMMUNITY DEVELOPMENT BLOCK GRANT
FUNDING FOR FISCAL YEAR 2022-2023

THIS AGREEMENT entered into this _____ day of _____ 2022 by and between the City of Tracy (herein called the "Grantee") and _____ (herein called the "Subrecipient").

WHEREAS, the Grantee has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383; and,

WHEREAS, the Grantee wishes to engage the Subrecipient to assist the Grantee in utilizing such funds to the benefit of low-income residents;

NOW, THEREFORE, it is agreed between the parties hereto that:

I. SCOPE OF SERVICE

A. Activities

The Subrecipient will be responsible for administering a CDBG fiscal year 2022 - 2023 program in a manner satisfactory to the Grantee and consistent with any standards required as a condition of providing these funds. Such program will include the following activities eligible under the Community Development Block Grant Program:

(Project description)

B. National Objectives

The Subrecipient certifies that the activities carried out with funds provided under this Agreement will meet one or more of the CDBG program's National Objectives: 1) benefit low/moderate income persons, 2) aid in the prevention or elimination of slums of blight, 3) meet community development needs having a particular urgency, as defined in 24 CFR Part 570.208.

C. Levels of Accomplishment

In addition to the normal administrative services required as part of this Agreement, the Subrecipient agrees to provide the following levels of program services:

(Description of services)

D. Staffing

Staffing is the responsibility of the Subrecipient. The Subrecipient will provide staff assistance in preparing and submitting invoices to the Grantee for payment of CDBG funds.

E. Performance Monitoring

The Grantee will monitor the performance of the Subrecipient against goals and performance standards required herein. Substandard performance as determined by the Grantee will constitute non-compliance with this Agreement. If action to correct such substandard performance is not taken by the Subrecipient within a reasonable period of time after being notified by the Grantee, contract suspension or termination procedures will be initiated.

ATTACHMENT C

II. TIME OF PERFORMANCE

Services of the Subrecipient shall start on the _____ day of _____ 2022 and end on the _____ day of _____ 20_____. The term of this Agreement and the provisions herein shall be extended to cover any additional time period during which the Subrecipient remains in control of CDBG funds or other assets, including program income.

III. BUDGET

Line Item:	Amount:
Salaries	
Fringe	
Office Space (Program Only)	
Utilities	
Communications	
Reproduction/Printing	
Supplies and Materials	
Mileage	
Audit	
Other (Construction Activities)	\$
Indirect costs (specify)	
TOTAL	\$

Any indirect costs charged must be consistent with the conditions of Paragraph VIII (C)(2) of this Agreement. In addition, the Grantee may require a more detailed budget breakdown than the one contained herein, and the Subrecipient shall provide such supplementary budget information in a timely fashion in the form and content prescribed by the Grantee. The Grantee and the Subrecipient must approve any amendments to this budget in writing.

IV. PAYMENT

It is expressly agreed and understood that the total amount to be paid by the Grantee under this contract shall not exceed \$ **AMOUNT** for **Public Improvements/Pubic Services**. Draw-downs for the payment of eligible expenses shall be made against the line item budgets specified in Paragraph III herein and in accordance with performance. Expenses for general administration shall also be paid against the line item budgets specified in Paragraph III and in accordance with performance.

Payments may be contingent upon certification of the Subrecipient's financial management system in accordance with the standards specified in OMB Circular A-87, Section 85.20

V. NOTICES

Communication and details concerning this contract shall be directed to the following contract representatives:

	<u>Grantee</u>	<u>Subrecipient</u>
Name & Title:	William Dean Interim Dev. Services Director City of Tracy	Name Title Organization

ATTACHMENT C

Address:	333 Civic Center Drive	Address
City, State, Zip:	Tracy, CA 95376	City, State, Zip code
Telephone:	209-831-6490	XXX-XXX-XXXX
Fax Number:	209-830-6837	XXX-XXX-XXXX

VI. SPECIAL CONDITIONS

Not Applicable.

VII. GENERAL CONDITIONS

A. General Compliance

The Subrecipient agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (the Housing and Urban Development regulations concerning Community Development Block Grants (CDBG)). The Subrecipient also agrees to comply with all other applicable federal, state and local laws, regulations, and policies governing the funds provided under this contract. The Subrecipient further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.

B. "Independent Contractor"

Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Subrecipient shall at all times remain an "independent contractor" with respect to the services to be performed under this Agreement. The Grantee shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers' Compensation Insurance as the Subrecipient is an independent subrecipient.

C. Hold Harmless

The Subrecipient shall hold harmless, defend and indemnify the Grantee from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the Subrecipient's performance or nonperformance of the services or subject matter called for in this Agreement.

D. Workers' Compensation

The Subrecipient shall provide Workers' Compensation Insurance coverage for all of its employees involved in the performance of this contract.

E. Insurance & Bonding

The Subrecipient shall carry sufficient insurance coverage to protect contract assets from loss due to theft, fraud and/or undue physical damage, and as a minimum shall purchase a blanket fidelity bond covering all employees in an amount equal to cash advances from the Grantee.

The Subrecipient shall comply with the insurance and bonding requirements of 24 CFR Part 84.

F. Grantor Recognition

The Subrecipient shall insure recognition of the role of the grantor agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, the Subrecipient will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

ATTACHMENT C

G. Amendments

The Grantee or Subrecipient may amend this Agreement at any time provided that such amendments make specific reference to this Agreement, and are executed in writing, signed by a duly authorized representative of both organizations, and approved by the Grantee's governing body. Such amendments shall not invalidate this Agreement, nor relieve or release the Grantee or Subrecipient from its obligations under this Agreement.

The Grantee may, in its discretion, amend this Agreement to conform with federal, state or local governmental guidelines, policies and available funding amounts, or for other reasons. If such amendments result in a change in the funding, the scope of services, or schedule of the activities to be undertaken as part of this Agreement, such modifications will be incorporated only by written amendment signed by both Grantee and Subrecipient.

H. Suspension or Termination

Either party may terminate this contract at any time by giving written notice to the other party of such termination and specifying the effective date thereof at least 30 days before the effective date of such termination. Partial terminations of the Scope of Service in Paragraph I.A above may only be undertaken with the prior approval of the Grantee. In the event of any termination for convenience, all finished or unfinished documents, data, studies, surveys, maps, models, photographs, reports or other materials prepared by the Subrecipient under this Agreement shall, at the option of the Grantee, become the property of the Grantee, and the Subrecipient shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents or materials prior to the termination.

The Grantee may also suspend or terminate this Agreement, in whole or in part, if the Subrecipient materially fails to comply with any term of this Agreement, or with any of the rules, regulations or provisions referred to herein; and the Grantee may declare the Subrecipient ineligible for any further participation in the Grantee's contracts, in addition to other remedies as provided by law. In the event there is probable cause to believe the Subrecipient is in noncompliance with any applicable rules or regulations, the Grantee may withhold up to fifteen (15) percent of said contract funds until such time as the Subrecipient is found to be in compliance by the Grantee, or is otherwise adjudicated to be in compliance.

VIII. ADMINISTRATIVE REQUIREMENTS

A. Financial Management

1. Accounting Standards

The Subrecipient agrees to comply with 24 CFR Part 84 and agrees to adhere to the accounting principles required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.

2. Cost Principles

The Subrecipient shall administer its program in conformance with OMB Circulars A-122, "Cost Principles for Non-Profit Organizations," or A-21, "Cost Principles for Educational Institutions," as applicable. These principles shall be applied for all costs incurred whether charged on a direct or indirect basis.

B. Documentation and Record-Keeping

1. Records to be Maintained

ATTACHMENT C

The Subrecipient shall maintain all records required by the federal regulations specified in 24 CFR Part 570.506, that are pertinent to the activities to be funded under this Agreement. Such records shall include but not be limited to:

- a. Records providing a full description of each activity undertaken;
- b. Records demonstrating that each activity undertaken meet one of the National Objectives of the CDBG program;
- c. Records required determining the eligibility of activities;
- d. Records required to document the acquisition, improvement, use or disposition of real property acquired or improved with CDBG assistance;
- e. Records documenting compliance with the fair housing and equal opportunity components of the CDBG program;
- f. Financial records as required by 24 CFR Part 570.502, and 24 CFR Part 84; and
- g. Other records necessary to document compliance with Subpart K of 24 CFR 570.

2. Retention

The Subrecipient shall retain all records pertinent to expenditures incurred under this contract for a period of four (4) years after the termination of all activities funded under this Agreement. The retention period starts from the date of submission of the consolidated annual performance and evaluation report (CAPER), in which the specific activity is reported on for the final time. Records for non-expendable property acquired with funds under this contract shall be retained for four (4) years after final disposition of such property. Records for any displaced person must be kept for four (4) years after he/she has received final payment. Notwithstanding the above, if there is litigation, claims, audits, negotiations or other actions that involve any of the records cited and that have started before the expiration of the four-year period, then such records must be retained until completion of the actions and resolution of all issues, or the expiration of the four-year period, whichever occurs later.

3. Client Data

The Subrecipient shall maintain client data demonstrating client eligibility for services provided. Such data shall include, but not be limited to, client name, address, income level or other basis for determining eligibility, and description of service provided. Such information shall be made available to Grantee monitors or their designees for review upon request.

4. Disclosure

The Subrecipient understands that client information collected under this contract is private and the use or disclosure of such information, when not directly connected with the administration of the Grantee's or Subrecipient's responsibilities with respect to services provided under this contract, is prohibited unless written consent is obtained from such person receiving service and, in the case of minor, that of a responsible parent/guardian.

5. Property Records\Reversion of Assets

The Subrecipient shall maintain real property inventory records that clearly identify properties purchased, improved or sold. Properties retained shall continue to meet

ATTACHMENT C

eligibility criteria and shall conform to the "changes in use" restrictions specified in 24 CFR Parts 570.503(b)(8), as applicable.

- a. Reversion of assets. Any real property acquired or improved in whole or in part using CDBG funds in excess of \$25,000 shall be used as indicated in this agreement (including the beneficiaries of such use) for a period of at least five years after the closeout of the County's grant from which the assistance was provided.

Any changes in the use or planned use of assisted real property shall be bound by the requirements of 24 CFR 570.505.

6. Close-Outs

The Subrecipient's obligation to the Grantee shall not end until all closeout requirements are completed. Activities during this closeout period shall include, but are not limited to: making final payments, disposing of program assets (including the return of all unused materials, equipment, unspent cash advances, program income balances, and accounts receivable to the Grantee), and determining the custodianship of records.

7. Audits and Inspections

All Subrecipient records with respect to any matters covered by this Agreement shall be made available to the Grantee, grantor agency, their designees or the federal government, at any time during normal business hours, as often as the Grantee or grantor agency deems necessary, to audit, examine, and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by the Subrecipient within 30 days after receipt by the Subrecipient. Failure of the Subrecipient to comply with the above audit requirements will constitute a violation of this contract and may result in the withholding of future payments. The Subrecipient hereby agrees to have an annual agency audit conducted in accordance with current Grantee policy concerning subrecipient audits and, as applicable, OMB Circular A-133.

C. Reporting and Payment Procedures

1. Program Income

The Subrecipient shall report monthly, on a monthly basis, all program income as defined at 24 CFR 570.500(a) generate by activities carried out with CDBG funds made available under this contract. The use of program income by the Subrecipient shall comply with the requirements set forth at 24 CFR 570.504. By way of further limitations, the Subrecipient may use such income during the contract period for activities permitted under this contract and shall reduce requests for additional funds by the amount of any such program income balance on hand. All unused program income shall be returned to the Grantee at the end of the contract period. Any interest earned on cash advances from the U.S. Treasury is not program income and shall be remitted promptly to the Grantee.

2. Indirect Costs

If indirect costs are charged, the Subrecipient will develop an indirect cost allocation plan for determining the appropriate Subrecipient's share of administrative costs and shall submit such plan to the Grantee for approval, in a form specified by the Grantee.

3. Payment Procedures

ATTACHMENT C

The Grantee will pay to the Subrecipient funds available under this contract based upon information submitted by the Subrecipient and consistent with any approved budget and Grantee policy concerning payments. With the exception of certain advances, payments will be made for eligible expenses actually incurred by the Subrecipient, and not to exceed actual cash requirements. Payments will be adjusted by the Grantee in accordance with advance fund and program income balances available in Subrecipient accounts. In addition, the Grantee reserves the right to liquidate funds available under this contract for costs incurred by the Grantee on behalf of the Subrecipient.

4. Progress Reports

The Subrecipient shall submit regular Progress Reports to the Grantee in a form, similar to Appendix "A" on a calendar quarterly basis.

D. Procurement

1. Compliance

The Subrecipient shall comply with current Grantee policy concerning the purchase of equipment and shall maintain inventory records of all non-expendable personal property as defined by such policy as may be procured with funds provided herein. All program assets (unexpended program income, property, equipment, etc.) shall revert to the Grantee upon termination of this contract.

2. Procurement Standards

The Subrecipient shall procure all materials, property, or services in accordance with the requirements of 24 CFR Part 84, Procurement Standards, and shall subsequently follow, Property Management Standards as modified by 24 CFR 570.502(b)(6), covering utilization and disposal of property.

3. Travel

The Subrecipient shall obtain written approval from the Grantee for any travel outside the metropolitan area with funds provided under this contract.

IX. RELOCATION, REAL PROPERTY ACQUISITION AND ONE-FOR-ONE HOUSING REPLACEMENT

The Subrecipient agrees to comply with (a) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and implementing regulations at 49 CFR Part 24 and 24 CFR 570.606(b); (b) the requirements of 24 CFR 570.606(c) governing the Residential Antidisplacement and Relocation Assistance Plan under section 104(d) of the HCD Act; and (c) the requirements in § 570.606(d) governing optional relocation policies. The Subrecipient shall provide relocation assistance to persons (families, individuals, businesses, nonprofit organizations and farms) that are displaced as a direct result of acquisition demolition or conversion for a CDBG-assisted project. The Subrecipient also agrees to comply with applicable Grantee ordinances, resolutions and policies concerning the displacement of persons from their residences.

X. PERSONNEL & PARTICIPANT CONDITIONS

A. Civil Rights

1. Compliance

The Subrecipient agrees to comply with local and state civil right ordinances and with Title VI of the Civil Rights Act of 1964 as amended, Title VIII of the Civil Rights Act of 1968 as amended, Section 104(b) and Section 109 of Title I of the Housing and Community Development Act of 1974 as amended, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age

ATTACHMENT C

Discrimination Act of 1975, Executive Order 11063, and with Executive Order 11246 as amended by Executive Orders 11375 and 12086.

2. Nondiscrimination

The Subrecipient will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital/familial status, or status with regard to public assistance. The Subrecipient will take affirmative action to insure that all employment practices are free from such discrimination. Such employment practices include but are not limited to the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Subrecipient agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting agency setting forth the provisions of this nondiscrimination clause.

3. Land Covenants

This contract is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and 24 CFR 570.601 and 602. In regard to the sale, lease, or other transfer of land acquired, cleared or improved with assistance provided under this contract, the Subrecipient shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or rental, or in the use or occupancy of such land, or in any improvements erected or to be erected thereon, providing that the Grantee and the United States are beneficiaries of and entitled to enforce such covenants. The Subrecipient, in undertaking its obligation to carry out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant, and will not itself so discriminate.

4. Section 504

The Subrecipient agrees to comply with any federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 706), which prohibits discrimination against the handicapped in any Federally assisted program. The Grantee shall provide the Subrecipient with any guidelines necessary for compliance with that portion of the regulations in force during the term of this contract.

B. Affirmative Action

1. Approved Plan

The Subrecipient agrees that it shall be committed to carry out pursuant to the Grantee's specifications an Affirmative Action Program in keeping with the principles as provided in President's Executive Order 11246 of September 24, 1965. The Grantee shall provide Affirmative Action guidelines to the Subrecipient to assist in the formulation of such program. The Subrecipient shall submit a plan for an Affirmative Action Program for approval prior to the award of funds.

2. W/MBE

The Subrecipient will use its best efforts to afford minority- and women-owned business enterprises the maximum practicable opportunity to participate in the performance of this contract. As used in this contract, the term "minority and female business enterprise" mean a business at least fifty-one (51) percent owned and controlled by minority group members or women. For the purpose of this

ATTACHMENT C

definition, "minority group members" are Afro-Americans, Spanish-speaking, Spanish surnamed or Spanish-heritage Americans, Asian Americans, and American Indians. The Subrecipient may rely on written representations by businesses regarding their status as minority and female business enterprises in lieu of an independent investigation.

3. Access to Records

The Subrecipient shall furnish and cause each of its own subrecipients or subcontractors to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the Grantee, HUD or its agent, or other authorized federal officials for purposes of investigation to ascertain compliance with the rules, regulations and provisions stated herein.

4. Notifications

The Subrecipient will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or worker's representative of the Subrecipient's commitments hereunder, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

5. EEO/AA Statement

The Subrecipient will, in all solicitations or advertisements for employees placed by or on behalf of the Subrecipient, state that it is an Equal Opportunity or Affirmative Action employer.

6. Subcontract Provisions

The Subrecipient will include the provisions of Paragraphs X A, Civil Rights, and B, Affirmative Action, in every subcontract or purchase order, specifically or by reference, so that such provisions will be binding upon each of its own subrecipients or subcontractors.

C. Employment Restrictions

1. Prohibited Activity

The Subrecipient is prohibited from using funds provided herein or personnel employed in the administration of the program for: political activities; sectarian or religious activities; lobbying, political patronage, and nepotism activities.

2. Labor Standards

The Subrecipient agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, the provisions of Contract Work Hours and Safety Standards Act, the Copeland "Anti-Kickback" Act (40 U.S.C. 276a-276a-5; 40 USC 327 and 40 USC 276c) and all other applicable Federal, State and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this contract. The Subrecipient shall maintain documentation that demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the Grantee for review upon request.

The Subrecipient agrees that, except with respect to the rehabilitation or construction of residential property containing less than eight (8) units, all contractors engaged under contracts in excess of \$2,000.00 for construction, renovation or repair work financed in whole or in part with assistance provided

ATTACHMENT C

under this contract, shall comply with federal requirements adopted by the Grantee pertaining to such 29 CFR Parts 1, 3, 5 and 7 governing the payment of wages and ratio of apprentices and trainees to journeyworkers; provided, that if wage rates higher than those required under the regulations are imposed by state or local law, nothing hereunder is intended to relieve the Subrecipient of its obligation, if any, to require payment of the higher wage. The Subrecipient shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirements of this paragraph.

In accordance with Article 2 (commencing at section 1770), Chapter 1, Part 7, Division 2 of the Labor Code of California, the Director of the Department of Industrial Relations has determined the general prevailing rate of wages applicable to the work to be done. These rates are set forth in a schedule located at the State Department of Industrial Relations, Director of Industrial Relations. This schedule is on file with the District and available to any interested party on request. Attention is further directed to the provisions Section 1773.8 of the Labor Code of the State of California concerning payment of travel and subsistence payments as defined in the applicable collective bargaining agreements on file with the Department of Industrial Relations affecting each worker needed to execute the work. Attention is further directed to the provisions of Sections 1777.5 and 1777.6 of the Labor Code of the State of California concerning employment of apprentices by the Contractor or a subcontractor. Each prime contractor and all subcontractors are responsible for compliance with all requirements of the California Labor Code, including, but not limited to, sections 1777.5 and 1777.6.

3. "Section 3" Clause
a. Compliance

Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders issued hereunder prior to the execution of this contract, shall be a condition of the federal financial assistance provided under this contract and binding upon the Grantee, the Subrecipient and any of the Subrecipient's subrecipients and subcontractors. Failure to fulfill these requirements shall subject the Grantee, the Subrecipient and any of the Subrecipient's subrecipients and subcontractors, their successors and assigns, to those sanctions specified by the Agreement through which federal assistance is provided. The Subrecipient certifies and agrees that no contractual or other disability exists which would prevent compliance with these requirements.

The Subrecipient further agrees to comply with these "Section 3" requirements and to include the following language in all subcontracts executed under this Agreement:

"The work to be performed under this contract is a project assisted under a program providing direct federal financial assistance from HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701.

Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given to low- and very low-income residents of the project area and contracts for work in connection with the project awarded to business concerns that provide economic opportunities for low- and very low-income

ATTACHMENT C

persons residing in the metropolitan area in which the project is located."

The Subrecipient further agrees to ensure that opportunities for training and employment arising in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to low- and very low-income persons within the service area of the project or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs; and award contracts for work undertaken in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to business concerns that provide economic opportunities for low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to business concerns that provide economic opportunities to low- and very low-income residents within the service area or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs.

This project will be monitored by the Department of Industrial Relations, Compliance Monitoring Unit (CMU) pursuant to the California Labor Code Section 1771.3 and the California Code of Regulations Sections 16450-16464. No contractor or subcontractor may be listed on a bid proposal for a public works project (submitted on or after March 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1[a]. No contractor or subcontractor may be awarded a contract for public work on a public works project (awarded on or after April 1, 2015) unless registered with the Department of Industrial Relations pursuant to the Labor Code section 1725.5. All contractors and subcontractor must furnish electronic certified payroll records directly to Labor Commissioner once monthly. In addition, the contractor and subcontractors must submit the certified payroll records to the District's Labor Compliance Consultant for review.

The Subrecipient certifies and agrees that no contractual or other legal incapacity exists that would prevent compliance with these requirements.

b. Notifications

The Subrecipient agrees to send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or understanding, if any, a notice advising said labor organization or worker's representative of its commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

c. Subcontracts

The Subrecipient will include this Section 3 clause in every subcontract and will take appropriate action pursuant to the subcontract upon a finding that

ATTACHMENT C

the subcontractor is in violation of regulations issued by the grantor agency.

The Subrecipient will not subcontract with any entity where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135 and will not let any subcontract unless the entity has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

D. Conduct

1. Assignability

The Subrecipient shall not assign or transfer any interest in this contract without the prior written consent of the Grantee thereto; provided, however, that claims for money due or to become due to the Subrecipient from the Grantee under this contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the Grantee.

2. Subcontracts

a. Approvals

The Subrecipient shall not enter into any subcontracts with any agency or individual in the performance of this contract without the written consent of the Grantee prior to the execution of such agreement.

b. Monitoring

The Subrecipient will monitor all subcontracted services on a regular basis to assure contract compliance. Results of monitoring efforts shall be summarized in written reports and supported with documented evidence of follow-up actions taken to correct areas of noncompliance.

c. Content

The Subrecipient shall cause all of the provisions of this contract in its entirety to be included in and made a part of any subcontract executed in the performance of this Agreement.

d. Selection Process

The Subrecipient shall undertake to insure that all subcontracts let in the performance of this Agreement shall be awarded on a fair and open competition basis. Executed copies of all subcontracts shall be forwarded to the Grantee along with documentation concerning the selection process.

3. Hatch Act

The Subrecipient agrees that no funds provided, nor personnel employed under this contract, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V United States Code.

4. Conflict of Interest

The Subrecipient agrees to abide by the provisions of 24 CFR 570.611 with respect to conflicts of interest, and covenants that it presently has no financial interest and shall not acquire any financial interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement. The Subrecipient further covenants that in the performance of this Agreement no person having such a financial interest shall be employed or retained by the Subrecipient hereunder. These conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official or

ATTACHMENT C

appointed official of the Grantee, or of any designated public agencies or subrecipients that are receiving funds under the CDBG Entitlement program.

5. Lobbying

The Subrecipient hereby certifies that:

- a. No federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;
- b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
- c. It will require that the language of paragraph (d) of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly; and

d. Lobbying Certification - Paragraph d

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

6. Copyright

If this contract results in any copyrightable material or inventions, the Grantee and/or grantor agency reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use and to authorize others to use, the work or materials for government purposes.

7. Religious Organization

The Subrecipient agrees that funds provided under this contract will not be utilized for religious activities, to promote religious interests, or for the benefit of a religious organization in accordance with the federal regulations specified in 24 CFR 570.200(j).

XI. ENVIRONMENTAL CONDITIONS

A. Air and Water

ATTACHMENT C

The Subrecipient agrees to comply with the following requirements insofar as they apply to the performance of this contract:

- Clean Air Act, 42 U.S.C., 7401, et seq.
- Federal Water Pollution control Act, as amended, 33 U.S.C. 1251, et seq., as amended, 1318 relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder.
- Environmental Protection Agency (EPA) regulations pursuant to 40 C.F.R., Part 50, as amended.

B. Flood Disaster Protection

In accordance with the requirements of the Flood Disaster Protection Act of 1973 (42 USC 4001), the Subrecipient shall assure that for activities located in an area identified by FEMA as having special flood hazards, flood insurance under the National Flood Insurance Program is obtained and maintained as a condition of financial assistance for acquisition or construction purposes (including rehabilitation).

C. Lead-Based Paint

The Subrecipient agrees that any construction or rehabilitation of residential structures with assistance provided under this contract shall be subject to HUD Lead-Based Paint Regulations at 24 CFR 570.608, and 24 CFR Part 35. Such regulations pertain to all HUD-assisted housing and require that all owners, prospective owners, and tenants of properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain the symptoms, treatment and precautions that should be taken when dealing with lead-based paint poisoning and the advisability and availability of blood lead level screening for children under seven. The notice should also point out that if lead-based paint is found on the property, abatement measures might be undertaken.

D. Historic Preservation

The Subrecipient agrees to comply with the Historic Preservation requirements set forth in the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) and the procedures set forth in 36 CFR, Part 800, Advisory Council on Historic Preservation Procedures for Protection of Historic Properties, insofar as they apply to the performance of this contract.

In general, this requires concurrence from the State Historic Preservation Officer for all rehabilitation and demolition of historic properties that are fifty years old or older or that are included on a federal, state, or local historic property list.

XII. DRUG FREE WORKPLACE

Subrecipient will provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the subrecipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an on-going drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The subrecipient's policy of maintaining a drug-free workplace;

ATTACHMENT C

- c. Any available drug counseling, rehabilitation, and employee assistance programs; and
- d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3. Making it a requirement that each employee engaged in the performance of the grant is given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that as a condition of employment under the grant the employee will:
 - a. Abide by the terms of the statement; and
 - b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the Grantee in writing, within ten calendar days after receiving notice under subparagraph 4. b. from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking on the following actions, within 30 calendar days of receiving notice under subparagraph 4. b., with respect to any employee who is so convicted:
 - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - b. Requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

XIII. **SEVERABILITY**

If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby and all other parts of this Agreement shall nevertheless be in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this contract as of the date first written above.

GRANTEE

William Dean

SUBRECIPIENT

Name

ATTACHMENT C

Interim Development Services Director

Title (CEO)
Organization

APPROVED AS TO FORM

SUBRECIPIENT

Gregory J. Rubens
Interim City Attorney

Name
Title (CFO)
Organization



**ITEM 3.B – PUBLIC HEARING TO CONSIDER CITY'S RECOMMENDATION
FOR AWARD OF LOCAL PRIORITY FUNDING ALLOCATIONS FOR
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME
INVESTMENT PARTNERSHIPS PROGRAM FUNDS FOR FISCAL YEAR
2022-2023 AND AUTHORIZE THE DEVELOPMENT SERVICES DIRECTOR TO
EXECUTE THE FUNDING AGREEMENTS FOR THE PROGRAM**

March 29, 2022

Background

- CDBG and HOME Investment Partnerships Program funds are allocated to cities and counties by the United States Department of Housing and Urban Development
- Objective is to fund a viable community, local programs and services that provide decent housing, a suitable living environment, and expand economic opportunities for low- and moderate-income individuals and families
- Tracy receives an annual pass-through allocation from the County of San Joaquin



Think Inside the Triangle™

Adopted Local Funding Priorities

CDBG Public Services	CDBG Public Facilities	HOME
1. Food distribution	1. Public parks and facilities	1. Address issues of public safety, health and welfare
2. Homelessness prevention, intervention and transitional housing	2. Removal of architectural barriers (ADA)	2. Rehabilitate residential properties occupied by low-income persons
3. Senior and special needs		3. Partner to construct income restricted family and senior housing facilities
4. Domestic violence		
5. Youth education and enrichment		



Think Inside the Triangle™

Funding Availability

CDBG

Public Services Allocation (15%)	\$74,712
Public Improvements/Public Facilities	\$423,365

HOME

Home Eligible Activities	\$163,461
--------------------------	-----------



Think Inside the Triangle™

Funding Allocation Formula for Public Service

Adopted by PCSC on Dec 6, 2018

1) The top 2 scoring applications will be funded the requested amount up to \$12,000

2) Applications ranked 3 & 4 will be funded the requested amount up to \$8,000

3) Applications ranked 5 and below will receive \$5,000 in order of ranking until funds are exhausted

4) Any remaining funds less than \$5,000 will be distributed to applicants 5 and below until exhausted (cannot exceed Tier 2 amounts)

Should the City receive more funding than estimated, additional programs may be funded in ranking order.

Eligible Applications

- 9 non-profit applications for public services
- 1 direct allocation request for the San Joaquin Fair Housing Association
- 1 direct allocation request for the San Joaquin County Food Services Pool
- 1 application for the HOME program
- 3 applicants for public improvements/public facilities
- 1 direct allocation for grant administration



Parks and Community Services Commission

- Met on February 3, 2022
- Recommended a change to the funding allocation of public facilities/improvements
 - The Coalition to Assist the Homeless' project, which was ranked #2, to be prioritized for funding to acquire the Emerson Housing Shelter
 - While acquisition is not a City Council approved local priority, Commissioners felt that supporting the Coalition meets the intent and reduces the risk of losing a homeless shelter
 - Conditional on Coalition's ability to complete acquisition. Otherwise, the funds be reallocated to the remaining two public facilities applicants



Allocation Recommendation

CDBG Public Services	CDBG Public Facilities	HOME
\$5,500 direct allocation to San Joaquin County Fair Housing	\$84,000 Direct allocation to COT for grant administration	\$163,461 to application ranked #1
\$10,000 direct allocation to San Joaquin County Food Services	\$339,365 to application ranked #2	
\$12,000 each to the top 2 applications		
\$8,000 each to applications ranked 3 and 4		
5,150 each to application ranked 5		
8,000 each to application ranked 6		
6,027 each to application ranked 7		



Think Inside the Triangle™

RESOLUTION 2022-_____

AWARDING, APPROPRIATING, AND ALLOCATING OF LOCAL PRIORITY FUNDING FOR
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT
PARTNERSHIPS PROGRAM (HOME) FUNDS FOR FISCAL YEAR 2022-2023

WHEREAS, Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds are allocated to cities and counties by the United States Department of Housing and Urban Development (HUD) for use in projects, programs, and services that demonstrate a benefit to low and moderate income persons, and

WHEREAS, The City of Tracy, as a subrecipient of the County of San Joaquin, will receive an estimated \$498,077 in CDBG funds and \$163,461 in HOME funds for Fiscal Year (FY) 2022-2023, and

WHEREAS, On February 3, 2022, the Parks and Community Services Commission conducted a public meeting to consider the received applications and make priority ranking and funding allocation recommendations for consideration by City Council based on adopted local priority funding criteria, and

WHEREAS, The City Council conducted a public hearing on March 29, 2022, to consider the applications for allocation of CDBG and HOME funds for FY 2022-2023, and

WHEREAS, The entities (the "Awardees") receiving CDBG and HOME funding are required to enter into an agreement with the City and/or the County of San Joaquin to ensure funds are spent in accordance with the applications that were evaluated to determine funding eligibility and amounts. A standard funding agreement (the "Funding Agreement") is attached to the staff report accompanying this resolution;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy does hereby recommend the priority ranking and award of CDBG and HOME funds to the following Awardees:

CDBG Public Services

<u>Rank</u>	<u>Applicant/Awardee</u>	<u>Funding Amount</u>
Direct	San Joaquin Fair Housing Agency	\$ 5,500
Direct	San Joaquin County Food Services Pool <i>Mobile Farmers Market</i> <i>Meals on Wheels</i>	<u>\$ 10,000</u>

<u>Rank</u>	<u>Applicant/Awardee</u>	<u>Funding Amount</u>
1	Hunger Relief and Food Distribution	\$12,000
2	Safety at Home for Seniors	\$12,000
3	Summer Enrichment Program	\$8,000
4	Night Supervisor / Family Crisis	\$8,000
5	Homeless Youth Outreach & Engagement	\$8,000
6	Emerson / Rochester House Operations – Resident Manager	\$6,027
7	Tracy Bike Life Youth Program	\$5,185

Total \$74,712

CDBG Public Facilities/Public Improvements

<u>Rank</u>	<u>Applicant/Awardee</u>	<u>Funding Amount</u>
Direct	Grant Administration <i>City of Tracy</i>	\$84,000
2	Emerson House Property Acquisition	\$339,365
		Total \$423,365

HOME INVESTMENT PARTNERSHIP

<u>Rank</u>	<u>Applicant/Awardee</u>	<u>Funding Amount</u>
1	Tracy Homes Phase 1	\$163,461
		Total \$163,461

BE IT FURTHER RESOLVED, That the Interim Development Services Director is authorized to sign funding agreements on behalf of the City.

* * * * *

The foregoing Resolution 2022-_____ was adopted by the Tracy City Council on the 29th day of March 2022, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

March 29, 2022

AGENDA ITEM 3.C

REQUEST

RECEIVE AN UPDATE ON THE REQUEST FOR PROPOSAL AND DISPOSITION EFFORT FOR THE WESTSIDE MARKET, SELECT THE TOP CANDIDATE, AND AUTHORIZE STAFF TO ENGAGE INTO AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH THE TOP CANDIDATE

EXECUTIVE SUMMARY

The City of Tracy is the owner of the downtown property known as the Westside Market located at 729/741 Central Avenue, APN 235-068-06. The City purchased the Westside Market Property with redevelopment funds prior to the program being eliminated by the State. On September 7, 2021, Council directed staff to proceed with issuing a Request for Proposals (RFP) for disposition to developers and/or operators that would create economic activity and attract more visitors to downtown Tracy. This is an update on the status of the Westside Market disposition effort and a request to enter into negotiations with Gill Hospitality/Souza Realty and Development Inc. via an Exclusive Negotiating Rights Agreement with the City.

DISCUSSION

Westside Market Background

The City of Tracy is the owner of the downtown property known as the Westside Market located at 729/741 Central Avenue, APN 235-068-06. The City purchased the Westside Market Property with redevelopment funds prior to the program being eliminated by the State. The total existing building is approximately 7,000 square feet, which includes a large basement area on a 10,500 square foot lot. The building is located in the downtown's Central Business District zoning, which has no height limits or parking requirements. The City acquired the Westside Market liquor store business and property in 2011 with redevelopment funding. Acquisition objective was to eliminate blight caused by the liquor store operation. Since then, the City has gone through the process to dispose of the site several times. The following represents a timeline for the property since 2014:

- 2014: entered into an exclusive negotiating rights agreement (ENRA) with Andy Zarakan after a great deal of outreach. The ENRA expired on June 2017.
- 2017: entered into an ENRA with Don A. Cose, Inc., approved by City Council on October 17, 2017.
- 2018-2019: the City finalized demolition and construction of a safety and building improvement project to secure the existing building.
- 2019: the Cose family withdrew from the transaction because of the adaptive reuse process, permitting, and subsidy needed.
- The City has continued to receive interest in the site since 2019 with economic development staff showing the building to multiple prospective buyers.

Westside Market Objectives:

Tracy's General Plan calls for targeting new "anchor" uses in downtown, like restaurants, office, and specialty retail that generate new visitation and activity in a mixed-use environment. As the only city-owned redevelopment site in downtown, the project provides an opportunity to:

1. Activate the block along Central and generate new economic development activity.
2. Provide activities complementary to the Grand Theatre Center for the Arts.
3. Create a catalyst project in downtown that could be used as a "momentum starter" for activating other underutilized sites in downtown.

The following development objectives were identified by the City in the 2017 RFQ based on prior Council direction:

- A. Redevelop the property to enhance and increase visibility for the city block and provide a developed product that complements the neighboring Grand Theatre Center for the Arts.
- B. Provide a commercial sit-down full-service restaurant as a prime tenant.
- C. Provide new adjoining retail and commercial space.
- D. Explore the potential development of a second or third story project, which may include a mixed-use residential component subject to market conditions.
- E. Project design that provides continuity between the old and the new in the built environment and retains the scale and the unique character of the downtown.
- F. Project design that encourages indoor-outdoor commercial activity including eating and drinking establishments.

Development Proposals

Staff listed the property for sale on November 9, 2021, conducted direct outreach, promoted the offering via the City's social media channels, targeted newsletters, and via Tracy Press, hosted site tours, and held an informational workshop. With the RFP period closing on January 13, 2022, staff received four proposals. Staff reviewed these proposals, checked references, hired Berkson Associates to evaluate technical details of each proposal, and presented proposals for recommendation to the Board of Directors for the Tracy City Center Association (TCCA).

City staff received four proposals, with each entity and vision summarized below.

1. **Mt. Carmel Community Church of Tracy.** The church was founded by Dr. Dwayne and Capricia White in 2013 and had a relationship with the City via a long-term lease at the Transit Station for four years. Mt. Carmel Community Church envisions retaining the existing building structure and renovating it to meet the City's building code standards and congregation needs. Projected activity is expected from weekly worship, bible study, prayer meetings, weddings, workshops, social services, counseling, conferences, and an afterschool program.
2. **WorkVine 209 Co-op Kitchen.** WorkVine 209 is a co-working space-sharing business located in Tracy established in 2019. It also has a non-profit arm, called UNeed2, responsible for computer donations, community education, and other philanthropic functions. The WorkVine 209 Co-op Kitchen is the extension of the existing co-working

space concept to the food and beverage business. Their proposal envisions a commercial kitchen, an inside dining area, and outside dining on two sides of the property, including a private outdoor event area behind the building. The concept is designed to complement adjacency to the Grand Theatre and to create entrepreneurial opportunities for local chefs and expand a range of dining options and experiences for downtown visitors.

3. **Gill Hospitality / Sousa Realty & Development, Inc.** The vision of the partnership established between two local developers includes development of a modern building of up to two stories that would retain the existing façade. The ground floor would be for retail with at least one full-service restaurant and bar that will feature indoor and outdoor seating. The developers indicated that two to four retail tenants would be housed on the ground floor. The developers have existing relationships with retail tenants like Peet's Restaurant and Brew House, Brass Tap, Sourdough and Co., TOGO's Eatery, and the Pho. The second story could include either residential or office uses, subject to further analysis by the development team.
4. **Amland Group.** A full service commercial real estate builder headquartered in San Jose. Amland Group envisions development of a mixed-use 5-story project with underground parking, ground floor retail and up to four floors of apartment units above. Retail tenants are envisioned to include a steak and seafood brewery, a sandwich shop, and a nail spa.

The matrix below summarizes and compares project visions and key deal parameters in the four proposals.

Item	1. Mt. Carmel Community Church	2. WorkVine 209 Co-Op Kitchen	3. Gill Hospitality/ Sousa Realty & Dev't, Inc.	4. Amland Group
Demolition of existing space	No	No	Yes	Yes
Building use	Religious, after school program, and gift shop	Commercial kitchen/inside dining/outside dining	Ground floor restaurant and retail with potential for either apartments or office above	Ground floor restaurant and retail with apartments above
Building height	1 story	1 story	Up to 2 stories	Up to 5 stories (with 1+ levels of underground parking)
Disposition type	Sale	Sale or lease	Unspecified	Unspecified
Adequate experience / references	Yes	Yes	Yes	Yes

Based on proposal review by staff with support from Berkson Associates, staff conducted follow up interviews and put together the following matrix ranking the four proposals relative to the criteria identified in the RFP.

RFP Objective	1. Mt. Carmel Community Church	2. WorkVine 209 Co-Op Kitchen	3. Gill Hospitality/ Sousa Realty & Dev't, Inc.	4. Amland Group
Complements the Grand	No relationship	Dining activity complements the Grand	Ground floor retail/food & beverage complement the Grand	Ground floor retail/food & beverage complement the Grand
Provides a full-service restaurant	No full-service restaurant	No full-service restaurant	Full-service restaurant and bar	Full-service restaurant and bar
Encourages indoor-outdoor commercial activity	No dining	Indoor-outdoor dining	Indoor-outdoor dining	Eligible but not mentioned
Fiscal consideration	Tax exempt; no direct fiscal benefits	Property and sales tax from commercial activities and sales	Property and sales tax from commercial activities and sales. Additional 2 nd floor activity will increase local sales	Property and sales tax from commercial activities and sales. Additional resident activity will increase local sales
Conformance to zoning	Requires conditional use permit	Yes, conforms to zoning	Yes, conforms to zoning	Yes, conforms to zoning
Disposition amount / subsidy payment	No subsidy required	Revenue share with the City	Subject to further due diligence	Subsidy with no specified amount

Berkson Associates Review

Berkson Associates independently evaluated the four proposals relative to the criteria identified in the City's RFP. In addition to factors identified above, feasibility, activation of downtown from each use, and retention of scale and character of the downtown were also considered; parking was identified as an issue but not considered in detail. Based on these criteria, Berkson Associates identified Gill Hospitality Group / Sousa Realty & Development Inc. as the proposal best meeting the City's economic objectives and fiscal goals. The Amland Group was the second most responsive proposal, subject to concerns about scale, financial feasibility and parking. The other two proposals met less of the City's objectives. The memorandum produced by Berkson Associates is included in Attachment A.

TCCA Board Recommendation

City staff and Berkson Associates presented proposals to the TCCA subcommittee on February 3, 2022 and to the full board for recommendation on February 10, 2022. In both cases, the board unanimously supported the Gill Hospitality Group / Sousa Realty & Development, Inc. for recommendation to City Council. Key considerations included appropriate building scale, vibrant mix of uses, parking impacts, and complement of activity relative to the Grand Theatre and other surrounding businesses.

STRATEGIC PLAN

This agenda item supports the City of Tracy's Economic Development Strategic Priority, Goal 3 - continue to advance Transit Oriented Development opportunities and Goal 6 – pursue smart growth strategies for balanced growth in the City.

FISCAL IMPACT

The fiscal impact will depend on the Council direction as well as transaction parameters negotiated by City staff.

RECOMMENDATION

Staff recommends Council receive an update on the request for proposal and disposition effort for the Westside Market, select Gill Hospitality/Sousa Realty & Development, Inc. as the top candidate, and authorize staff to negotiate an Exclusive Negotiating Rights Agreement with the top candidate.

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: Michael Rogers, City Manager

ATTACHMENTS

Attachment A – February 10, 2022 Memorandum from Berkson Associates, re: Review of Redevelopment Proposals for Westside Market Property

Attachment B – Powerpoint Presentation



**Berkson
Associates**

Urban Economics
Policy Forensics & Forecasting
Planning & Policy Analysis

MEMORANDUM

To: Mike Nimon February 10, 2022
Economic Development Manager
City of Tracy

From: Richard Berkson
Principal, Berkson Associates

re: Review of Redevelopment Proposals for Westside Market Property

As you requested, Berkson Associates has reviewed the four redevelopment proposals received by the City of Tracy in response to the City's Request for Proposals for the purchase of the Westside Market Property issued November 9, 2021. This memorandum summarizes our review and conclusions regarding the responsiveness of each proposal to the City's objectives and other economic development goals.

SUMMARY OF FINDINGS

The proposal submitted by Gill Hospitality Group/Sousa Realty & Development Inc. ("Gill/Sousa") best meets the City's objectives and other fiscal and economic goals. As summarized in **Table 1**, Gill/Sousa propose a potential multi-story mixed use project with ground floor retail that will complement the Grand Theatre, provide a full-service restaurant, help activate the area and encourage indoor-outdoor activity, and retain the scale and character of the Downtown. The proposal conforms to existing zoning and will generate tax revenues to the City. The proposal is of a scale that fits the Downtown and is likely to be feasible, however, financial considerations and City contributions remain to be determined if the City proceeds with negotiations.

The Amland Group proposal also meets most City objectives and other goals, but its five-story design appears out of scale with the Downtown, and its feasibility is questionable given the high cost of its proposed underground parking which is likely to require City contributions. The other two proposals fail to meet most of the City's objectives and/or other goals as described below.



Table 1 Review of Proposals for Westside Market Property

PROPOSAL				
	Mt. Carmel Community Church	WorkVine 209 Co-op Kitchen	Gill/Sousa Mixed-Use 2-Story	Amland Group Mixed-Use 5-Story
SUMMARY	Renovate existing building & use space for weekly worship, Bible Study, & prayer meetings, weddings, workshops, social services, counseling, conferences, afterschool program. Possible future gift shop/pop-up.	Shared commercial kitchen, an inside dining area, and outside dining on two sides of the property, including a private outdoor event area behind the building.	2-story project with ground floor retail/food & beverage, 2nd floor residential or office uses.	Mixed-use 5-story project with underground parking, ground floor retail/food & beverage, and 4 floors of apartment units above.
RFP OBJECTIVE				
Complements Grand Theatre Center for the Arts	No relationship to Grand Theatre.	Dining areas complement Grand Theatre activities.	Ground floor retail/food & beverage complement Grand Theatre activities.	Ground floor retail/food & beverage complement Grand Theatre activities.
Provides a Full-Service Restaurant	No full-service restaurant	No full-service restaurant	Full-service restaurant and bar	Full-service restaurant and bar
Provides New Retail and Commercial Space	No new retail/commercial. No other commercial space.	Shared kitchen and dining areas. No other retail/commercial.	Ground floor retail/food & beverage	Ground floor retail/food & beverage
Retains the Scale and Character of the Downtown	Renovation of existing bldg.	Renovation of existing bldg.	Demolition of existing building and new construction (two stories).	Demolition of existing building and new construction (five stories).
Potential Multi-Story Mixed Use Development	No multi-story mixed use	No multi-story mixed use	2nd floor office or residential	4 floors of residential
Encourages indoor-outdoor commercial activity including eating	No dining.	Indoor-outdoor dining.	Indoor-outdoor dining.	Indoor-outdoor dining.



Table 1 Review of Proposals for Westside Market Property (*cont'd*)

PROPOSAL				
	Mt. Carmel Community Church	WorkVine 209 Co-op Kitchen	Gill/Sousa Mixed-Use 2-Story	Amland Group Mixed-Use 5-Story
SUMMARY	Renovate existing building & use space for weekly worship, Bible Study, & prayer meetings, weddings, workshops, social services, counseling, conferences, afterschool program. Possible future gift shop/pop-up.	Shared commercial kitchen, an inside dining area, and outside dining on two sides of the property, including a private outdoor event area behind the building.	2-story project with ground floor retail/food & beverage, 2nd floor residential or office uses.	Mixed-use 5-story project with underground parking, ground floor retail/food & beverage, and 4 floors of apartment units above.
RFP OBJECTIVE				
Activation of Downtown	Generates increased visitation to the area by members and attendees at events ("up to 300").	Increased activity from shared kitchen facilities and dining/special event patrons.	Increased visibility and activity from retail/F&B, and new 2nd floor office employees or residents.	Increased visibility and activity from retail/F&B and new residents of 2nd--5th floors.
Fiscal Considerations	Non-profit religious organization is tax exempt; no direct fiscal benefits unless gift shop/popup creates taxable sales.	Property tax and sales tax from commercial activities and sales.	Property tax and sales tax from commercial activities and sales.	Property tax and sales tax from commercial activities and sales. Additional residents will increase local sales.
Conforms to Existing Zoning	No, requires Conditional Use Permit.	Yes, conforms to zoning.	Yes, conforms to zoning.	Yes, conforms to zoning.
Parking	<i>to be determined</i>	<i>to be determined</i>	<i>to be determined</i>	<i>to be determined</i>
Development Feasibility and Potential City Funding Requested	"No subsidies requested for property acquisition" by applicant.	No City funding requested; proposes potential revenue sharing with City.	"Partnering with City of Tracy" contingent on further analysis of 2nd floor residential/office uses.	Yes, proposal requests "co-development cost with the City of Tracy" but does not specify.



MT. CARMEL COMMUNITY CHURCH OF TRACY

The proposal from the Mt. Carmel Community Church of Tracy does not meet most of the City's objectives and other economic development goals. The proposal to renovate the existing building for religious activities and special events will increase activity in the Downtown but it is not likely to directly complement the Grand Theatre or increase the retail and commercial attractiveness of the area. No full-service restaurant or other retail or commercial uses and activity are proposed (other than a potential gift shop/pop-up), and the project generates no tax revenues to the City. The use does not conform to existing zoning and would require a conditional use permit.

WORKVINE 209 CO-OP KITCHEN

The WorkVine 209 Co-op Kitchen proposal provides space for commercial kitchen businesses and some dining opportunities but it does not meet most of the City's objectives and other economic development goals. With the limited exception of potential dining opportunities related to the commercial kitchen, the proposal does not complement the Grand Theatre or increase retail activity. No potential multi-story mixed use development is included. The proposal does not request City funding and proposes a possible revenue sharing arrangement; the likelihood of revenue sharing has not been evaluated and would be subject to negotiation.

GILL HOSPITALITY GROUP/SOUSA REALTY & DEVELOPMENT INC.

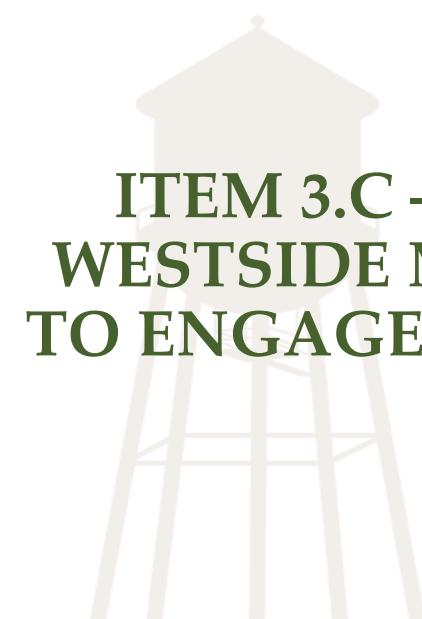
The Gill/Sousa proposal meets the City's objectives and other economic development goals. The potential multi-story mixed use project with ground floor retail will complement the Grand Theatre, provide a full-service restaurant, help activate the area and encourage indoor-outdoor activity, and retain the scale and character of the Downtown. The proposal conforms to existing zoning and will generate tax revenues to the City. The nature of the second floor uses, and potential City contributions, depends on the outcome of further financial analysis and negotiation.

AMLAND GROUP

The Amland Group proposal meets most City objectives and other goals, but its five-story design appears out of scale with the Downtown, and its feasibility is questionable given the high cost of its proposed underground parking which is likely to require City contributions as indicated in the proposal.



ATTACHMENT B



**ITEM 3.C – RECEIVE AN UPDATE ON THE DISPOSITION EFFORT FOR THE
WESTSIDE MARKET, SELECT THE TOP CANDIDATE, AND AUTHROIZE STAFF
TO ENGAGE INTO AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH
THE TOP CANDIDATE**

March 29, 2022

Background

- 2011: – City acquired the property
- 2014 – 2017: negotiated disposition with Andy Zarakani
- 2017 – 2019: negotiated disposition with Don A. Cose Inc.
- 2018 – 2019: City made safety improvements
- Since 2019: City continued to receive interest with staff showing the building to prospective buyers
- September 7, 2021: Council directed staff to proceed with disposition

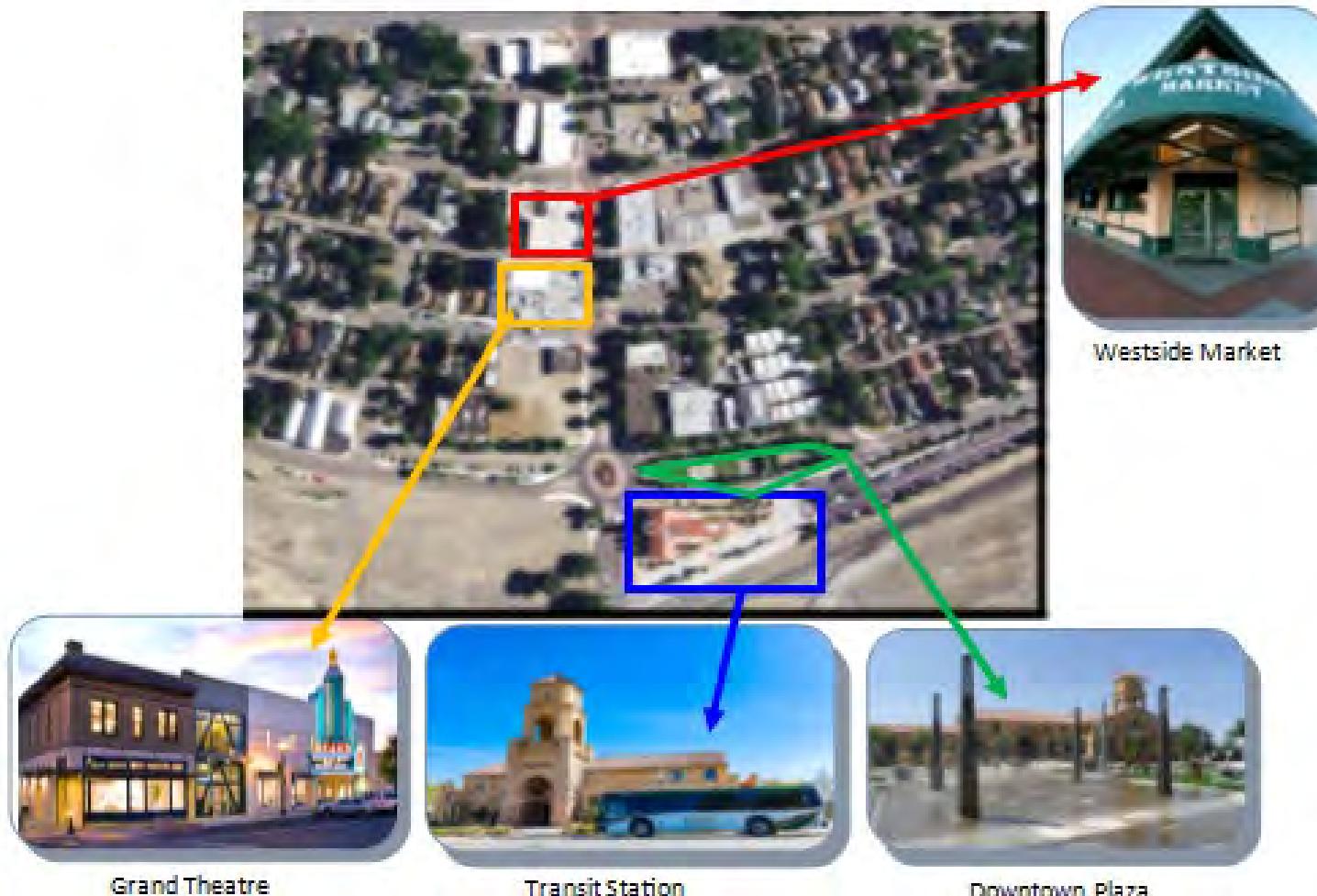


Economic Development Opportunity

1. Provide activities complementary to the Grand Theater
2. Provide a full-service sit-down restaurant
3. Encourage indoor-outdoor activity
4. Create a catalyst project to use as a “momentum starter” for activating other underutilized sites in downtown



Strategic Location



Think Inside the Triangle™

RFP Process

- November 9, 2021: property listed for sale
- November-December 2021: direct outreach, social media promotions, targeted newsletters, public notice via Tracy Press, hosted site tours, and held an informational workshop
- January 13, 2022: – RFP period closed. City received four proposals
- January-February 2022: staff conducted review and follow up interviews, hired and worked with Berkson Consulting, and presented proposals to TCCA board



Think Inside the Triangle™

Proposal Overview

Item	1. Mt. Carmel Community Church	2. WorkVine 209 Co-Op Kitchen	3. Gill Hospitality/ Sousa Realty & Development Inc	4. Amland Group
Demolition of existing space	No	No	Yes	Yes
Building use	Religious, after school program, and gift shop	Commercial kitchen/inside dining/outside dining	Ground floor restaurant and retail with potential for either apartments or office above	Ground floor restaurant and retail with apartments above
Building height	1 story	1 story	Up to 2 stories	Up to 5 stories (1+ levels of underground parking)
Disposition type	Sale	Sale or lease	Unspecified	Unspecified
Adequate experience / references	Yes	Yes	Yes	Yes

Proposal Summary

RFP Objective	1. Mt. Carmel Community Church	2. WorkVine 209 Co-Op Kitchen	3. Gill Hospitality/ Sousa Realty & Dev't Inc	4. Amland Group
Complements the Grand	No relationship	Dining activity complements the Grand	Ground floor retail/food & beverage complement the Grand	Ground floor retail/food & beverage complement the Grand
Provides a full-service restaurant	No full-service restaurant	No full-service restaurant	Full-service restaurant and bar	Full-service restaurant and bar
Encourages indoor-outdoor commercial activity	No dining	Indoor-outdoor dining	Indoor-outdoor dining	Eligible but not mentioned
Fiscal consideration	Tax exempt; no direct fiscal benefits	Property and sales tax from commercial activities and sales	Property and sales tax from commercial activities and sales. Additional 2 nd floor activity will increase local sales	Property and sales tax from commercial activities and sales. Additional resident activity will increase local sales
Conformance to zoning	Requires conditional use permit	Yes, conforms to zoning	Yes, conforms to zoning	Yes, conforms to zoning
Disposition amount / subsidy payment	No subsidy required	Revenue share with the City	Subject to further due diligence	Subsidy with no specified amount



Berkson Associates Assessment

- Provided independent review based on criteria above, as well as assessed feasibility, activation of downtown, parking, and retention of scale and character of the downtown
- Identified Gill Hospitality Group / Sousa Realty & Development Inc. as the proposal best meeting the City's economic and fiscal objectives



Think Inside the Triangle™

TCCA Recommendation

- February 3, 2022: presented proposals to TCCA design subcommittee
- February 10, 2022: presented proposals to TCCA full Board of Directors
- Unanimous support for the Gill Hospitality Group / Sousa Realty & Development Inc. for recommendation to City Council



Staff Recommendation

1. Council receive an update on the disposition effort for the Westside Market
2. Council select Gill Hospitality/Sousa Realty & Development Inc. as the top candidate
3. Council authorize staff to negotiate an Exclusive Negotiating Rights Agreement with the top candidate



RESOLUTION 2022-_____

RECEIVE AN UPDATE ON THE REQUEST FOR PROPOSAL AND DISPOSITION EFFORT FOR THE WESTSIDE MARKET, SELECT THE TOP CANDIDATE, AND AUTHORIZE STAFF TO ENGAGE INTO AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH THE TOP CANDIDATE

WHEREAS, The City of Tracy purchased the subject property at 729/741 Central Avenue (formerly Westside Market) in August of 2011, for the purpose of revitalizing Downtown and creating an opportunity for a catalyst project and restaurant, and

WHEREAS, The City of Tracy issued a request for proposals (RFP) for disposition to developers and/or operators on November 9, 2021, and

WHEREAS, Response packages were due to the City by 5:00 p.m. on January 13, 2022 and following closure of the RFP period, four response packages were received, and

WHEREAS, Staff reviewed and technical consultants from Berkson Associates reviewed the proposals, and

WHEREAS, Staff presented the proposals for recommendation to the Board of Directors for the Tracy City Center Associations (TCCA), and

WHEREAS, The proposal submitted by Gill Hospitality/Sousa Realty & Development Inc was identified as most closely meeting the City's economic objectives.

NOW, THEREFORE BE IT RESOLVED, That City Council of City of Tracy hereby receive an update on the disposition effort for the Westside Market; selects Gill Hospitality/Sousa Realty & Development Inc. as the top candidate and authorizes staff to negotiate an Exclusive Negotiating Rights Agreement.

The foregoing Resolution 2022-_____ was passed and adopted by the Tracy City Council on the 29th day of March, 2022, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

March 29, 2022

AGENDA ITEM 3.D

REQUEST

**RECEIVE THE CITY OF TRACY POLICE DEPARTMENT'S ANNUAL REPORT
FOR 2021**

EXECUTIVE SUMMARY

The Tracy Police Department has prepared the City of Tracy Police Department's 2021 Annual Report. The report provides the residents of Tracy with a statistical review of the Department's performance, efforts, and accomplishments.

DISCUSSION

This report is intended to provide statistical information related to crime trends, events, and law enforcement activities for the past year. The statistics serve the role of informing the public about the Department's decisions, but the statistics alone do not give a complete image of the role and activities of the Department's personnel. The Department recognizes the importance of a strong partnership with the community and it constantly seeks areas of improvement in its delivery of services.

During 2021, the Department received 36,257 emergency calls through the 911 system, an increase from the prior year. Department personnel handled 70,565 calls for service which is also an increase from the prior year, which resulted in 1,399 arrests of adults and 58 juvenile arrests. Other than 911 calls, the most frequent calls coming into the Police Department's dispatch center are related to disturbances, alarms, Municipal Code violations and suspicious vehicles and persons.

Statistically speaking, data for 2021 will look different than past years given how COVID-19 restrictions affected how the Department provided service and the way in which the police department is now required to report violent crimes per the National Incident-Based Reporting System (NIBRS). NIBRS is a required national crime data collection program that took effect in March 2021.

Response times for 2021 increased slightly, but for good cause. The result of Assembly Bill 392, coupled with the general climate of policing, the Department changed its response strategy. Rather than a rush to the scene, the Department developed the P.A.T.R.O.L. (Plan, Assess, Time [slow down], React Team, Other resources needed, Lines of communication) response guideline. This system was put in place to allow officers to formulate a plan and have adequate personnel to address volatile situations in the community. This process takes time, but has proven successful.

2021 was a technological tipping point for officers and professional staff in law enforcement. Although the Department was already well on the path of engaging the community via social media, the Department really transformed and ramped up its

engagement. The department initiated a department wide Unmanned Aerial System (UAS) program for both search and rescue and officer safety. Due to restrictions created by COVID-19 the Department wanted to keep an open line of communication with the community. As a result, the Department continued to invest a lot of time creating engaging social content and growing the Department's social media audience. Tracy Police Department will always prefer the face-to-face interaction, but this has allowed the Department to develop a larger online following. This is a huge benefit in a community where many commute out of town and the Department will continue to use these platforms as a means to stay connected and keep the community informed.

In 2021, the Department introduced a comprehensive recruitment and retention strategy to fill vacant positions, embarked on a citizen engagement quality assurance initiative (Dispatch QA), rolled out a full radio encryption system, began an alarm permit and reduction program (PM AM), focused heavily on Law Enforcement Mental Health and Wellness initiatives, created a Mental Health Evaluation Team (MET) partnering with County Behavioral Health and the Department achieved a \$13,977 Health and Wellness Grant in 2021 - Edward Byrne Justice Memorial Grant (JAG). Also received was a \$255,000 grant through the office of Congressman Harder to support our effort to add license plate reader (LPR) cameras to the community.

FISCAL IMPACT

There is no fiscal impact associated with this action. This report provides statistical data only.

STRATEGIC PLAN

This agenda item is a routine operational item and does not relate to the Council's Strategic Plans.

RECOMMENDATION

That the City Council receive the City of Tracy Police Department's Annual Report for 2021.

Prepared by: Mario Ysit, Chief of Staff

Reviewed by: Sekou Millington, Chief of Police
Midori Lichtwardt, Assistant City Manager

Approved by: Michael Rogers, City Manager

ATTACHMENTS

Attachment A: City of Tracy Police Department's Annual Report for 2021

Attachment B: Powerpoint Presentation

Tracy Police

DEPARTMENT



2021 ANNUAL REPORT

Table of Contents



3. Message from the Chief
4. Organizational Values
5. Department Executive Staff
6. City Manager and Honorable Council
7. Department Personnel
8. Uniform Crime Reporting
9. Professional Standards and Training
10. Personnel Investigations and Use of Force
11. Types of Force Used
12. Bureau of Field Operations
13. Patrol Operations
14. Special enforcement Team
15. Community Service Officers
16. Community Service Division
17. Traffic Safety Unit
18. Traffic Safety Unit- Data
19. Neighborhood Resource Officers
20. School Resource Officers
21. Code Enforcement
22. Crime Prevention Specialist
23. Volunteers in Police Services
24. Bureau of Investigations
25. General Investigations Unit
26. Special Investigations Unit
27. Crime Scene Investigations and Property
28. Bureau of Support Services
29. Bureau of Support Services- hiring/grants/projects
30. Communications Unit
31. Records Unit
32. Animal Services
33. Ancillary assignments
34. Ancillary assignments
35. Ancillary assignments
36. Ancillary assignments
37. Ancillary assignments
38. Promotions
39. New Team Members
40. New Team Members
41. New Team Members
42. Department Recognition Award- Michelle Jimmerson
43. Department Recognition Award- Christine Fitzpatrick
44. Department Recognition Award- Cherise Acosta
45. Award of Excellence
46. Medal of Meritorious Service- Marcio Reis
47. Volunteer of the Year- Chris Martinez
48. Employee of the year- April Uribe
49. Officer of the Year- Scott Criswell

Message from the Chief



Welcome to the Tracy Police Department's 2021 Annual Report. As I reflect on the past year and all the obstacles we've overcome as a community, all of the accomplishments we've achieved, I can't help but believe that we will continue to thrive. It's time again to look ahead, challenge ourselves, and continue to advance in the area of community-police relationships and to elevate our noble profession. We're in a new time, a new era of policing which requires new, forward-thinking, and needless to say, adaptability. Our caring and dedicated staff have once again prepared this robust report to provide our community with easy access to information about our department. Information in this report includes statistics, organizational operations, accomplishments, goals, as well as information about our programs and community outreach. The Tracy Police Department has established the values of an organization steeped in service, integrity, and excellence for over one hundred years.

This report lays out the framework for our continued vision of Advanced Training and Education, Innovation, and Officer/Staff Health and Wellness to better serve our community, address quality of life issues, reduce crime, and deepen our engagement with community stakeholders.

The Tracy Police Department has a long history of judicious, lawful, and minimal uses of force supported by strong policy, training, supervision, progressive thinking, community engagement, and community expectations.

We are proud to be a learning organization, continuously seeking to improve, grow, and enhance our commitment to protect and preserve life under an umbrella of accountability. Despite the varied and unprecedented challenge of providing public safety in a COVID pandemic, which we are still facing, the men and women of the Tracy Police Department are resilient in their efforts to provide outstanding service on a day-to-day basis. I'm incredibly proud of the adaptability and steadfast work our Officers and Professional Staff have accomplished this year.

As your Chief of Police, I'm committed to leading the men and women in this organization to provide respectful, responsible, and conscientious public safety services. I've shared with every member of the Tracy Police Department my values that would be our north star to guide us forward, the foundation of which is that the sanctity of life is the most precious of all our duties. By being committed to the values of fairness, integrity, respect, service, and teamwork, we can create an environment where every citizen, business, and visitor to the City of Tracy can live, work, and play free from crime or fear of crime. We have a great deal of work to do, and I am relentlessly committed to working with our entire community to strengthen our trustworthiness and legitimacy with all those we serve. I look forward with high hopes and humility to all of the amazing accomplishments that will take place this coming year.

Sekou Millington
SEKOU MILLINGTON
Chief of police

Organizational Values



SERVICE

Always seek long term resolutions to problems.
Provide honest, open and timely (HOT) feedback.
Support organizational goals and strive to achieve them.
Stand against gossip and rumors.
Provide prompt response to requests and communicators.
Promote proactive attitudes.

INTEGRITY

Honesty in thought and actions. Address behaviors, not reputations. Practice organizational loyalty over personal loyalties. Place organizational priorities over personal agendas.

EXCELLENCE

Challenge status quo by promoting new creative and innovative ideas. Always be proud of your profession and Department.
Ascribe to being a lifelong learner. Always perform at Department's highest level or organizational standards. Lead by example. Always go the extra step to meet the community's needs.

VISION STATEMENT

Advancing the standard by which courageous, ethical, and innovative policing is measured.

MISSION STATEMENT

A professional organization entrusted by our community to ensure a safe and prosperous environment while enhancing the quality of life.

Tracy Police Executive Staff



Sekou Millington

CHIEF OF POLICE

Trevin Freitas
Lieutenant

**PROFESSIONAL STANDARDS
AND TRAINING DIVISION**



Beth Lyons-McCarthy
Manager

**BUREAU OF
SUPPORT SERVICES**

- Fiscal Management
- Animal Services
- Communications
- Records

Alex Neicu
Captain

**BUREAU OF
FIELD OPERATIONS**

- Patrol Division
- Special Enforcement Team
- Community Services Division
- SWAT
- Traffic Safety Unit

Luis Mejia
Captain

**BUREAU OF
INVESTIGATIONS**

- General Investigations
- Special Investigations
- Hi-Tech Crimes
- Crime Scene Unit

City Manager and Honorable City Council



MAYOR

Nancy Young



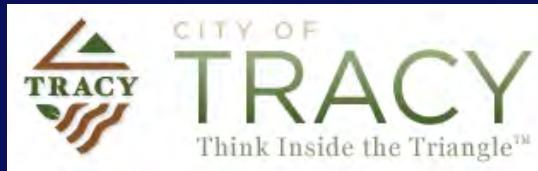
MAYOR PRO TEM

Veronica Vargas



COUNCIL MEMBER

Dan Arriola



COUNCIL MEMBER

Mateo Bedolla



COUNCIL MEMBER

Elassia Davis

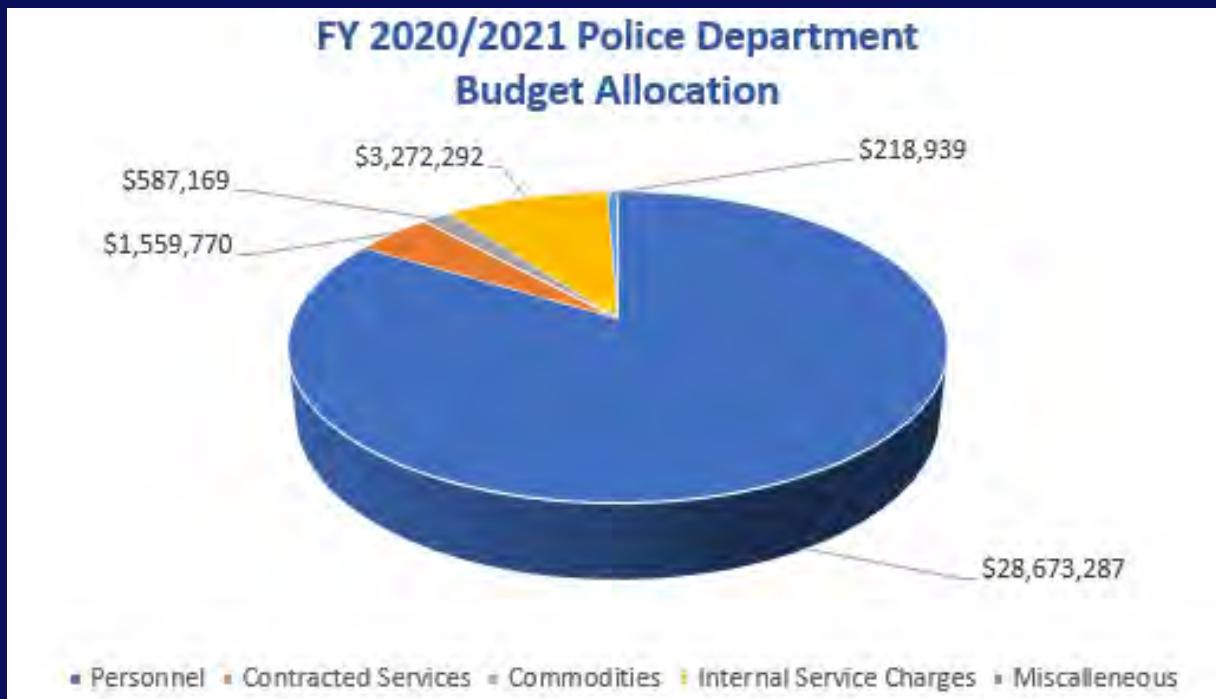


CITY MANAGER

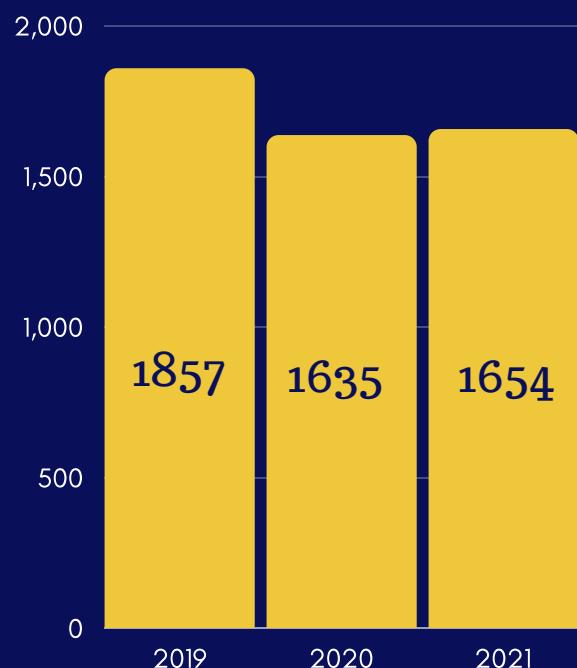
Jenny Haruyama

Department Personnel

The Tracy Police Department budget (\$34,311,457) was allocated 100 full-time sworn officers, 58 full-time professional staff, 1 part-time reserve officers, and 3 part-time professional employees. The following chart shows the distribution and cost of personnel.



Uniform Crime Reporting



PROPERTY CRIMES

BURGLARY, LARCENY, AUTO THEFT AND ARSON.

UNIFORM CRIME REPORTING

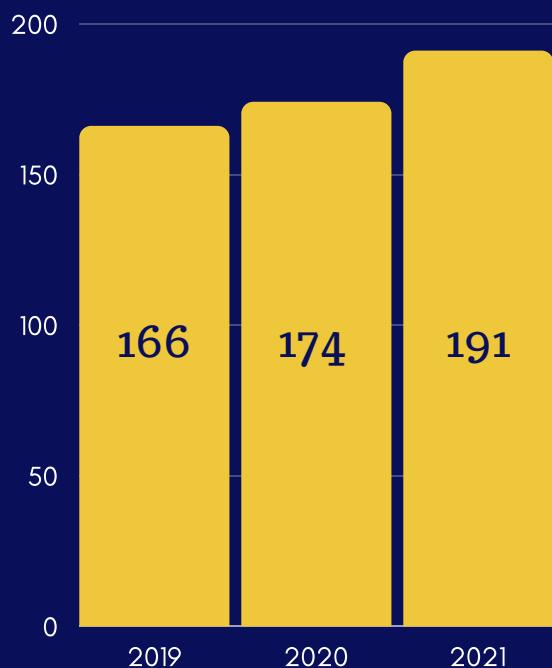
Tracy Police Department reports its monthly crime statistics to the Federal Bureau of Investigations (FBI) through the Uniform Crime Reporting Program (UCR). Part 1 crimes are the most serious crimes and are divided into two categories:

Violent Crimes: homicide, rape, robbery and aggravated assault.

Property Crimes: burglary, larceny, auto theft and arson.

VIOLENT CRIMES

HOMICIDE, RAPE, ROBBERY AND AGGRAVATED ASSAULT.



Professional Standards and Training Division



Trevin Freitas Lieutenant

The Professional Standards and Training Division is staffed by a full-time lieutenant and sergeant. The division oversees development and maintenance of department policies, department training, and administrative investigations. In addition, this division is responsible for audits, compliance processes, and coordinating outside entities who inspect the Tracy Police Department such as Public Health, California Peace Officers' Standards and Training (POST), and the California Department of Corrections and Rehabilitation helping ensure the highest professional standards are achieved throughout the organization.

The division oversees all department training to include the Field Training Program, firearms instruction, defensive tactics, de-escalation, and professional development. This includes ensuring compliance with POST and legislative mandates such as CPR, emergency vehicle operations, perishable skills, etc.

Personnel Investigations

Total: 6

Personnel investigations are conducted by the Professional Standards and Training Division and submitted to the Chief of Police for review.

The Chief of Police believes both use of force incident and personnel investigations are of the utmost importance to critically review to ensure compliance with policy and law. This process helps the Tracy Police Department improve, and ensure accountability to the Community who places their trust in the Tracy Police Department.

PERSONNEL INVESTIGATIONS

Category	Exonerated	Not Sustained	Sustained	Unfounded	Admin. Closure	Pending	Total
Administrative Complaints	0	0	3	0	0	0	3
Citizen Complaints	0	0	0	3	0	0	3

Total: 14

The following show a statistical review of use of force by members of the Tracy Police Department and personnel complaints from the community or generated internally.

Each use of force incident is critically reviewed to ensure compliance with policy, law, training, and best practices. This review is completed by member of the departments command staff and everyone is reviewed and approved by the Chief of Police.

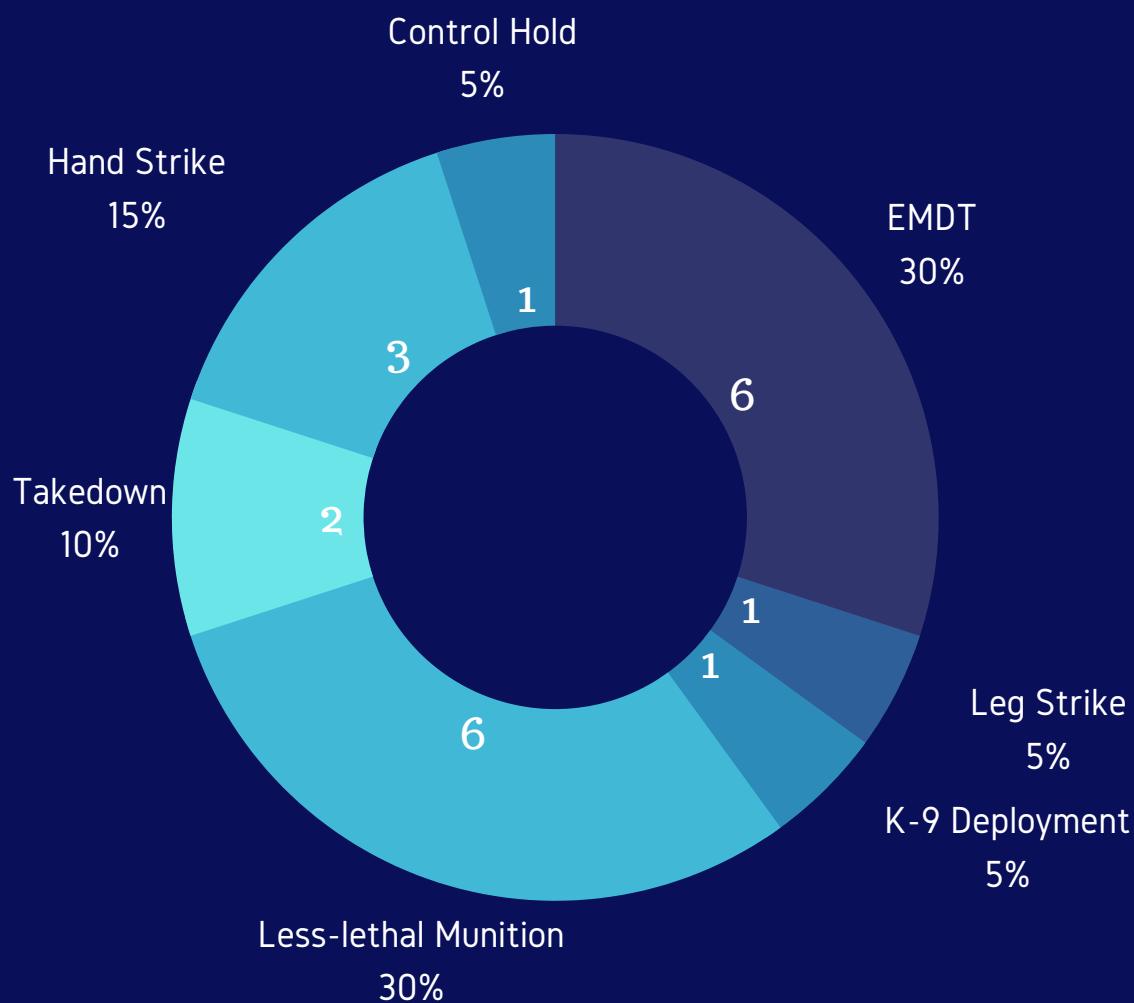
USE OF FORCE

Suspect Characteristics		Reason for Contact		Race/Ethnicity	
Suspect Age	Incidents	Reason	Incidents	Race/Ethnicity	Incidents
0-20	1	Calls for Service	13	African-American	4
21-30	7	Self-Initiated Activity	1	Hispanic	7
31-40	4			White	1
41+	2			Other	2

Types of Force Used

Total uses of force: 14*
Total applications of force: 20
Total percent of force used: .0198%

Force was used on 14 times by Tracy Police in 2021 to arrest or detain a community member. In some incidents of force, more than one force option was applied to gain compliance.



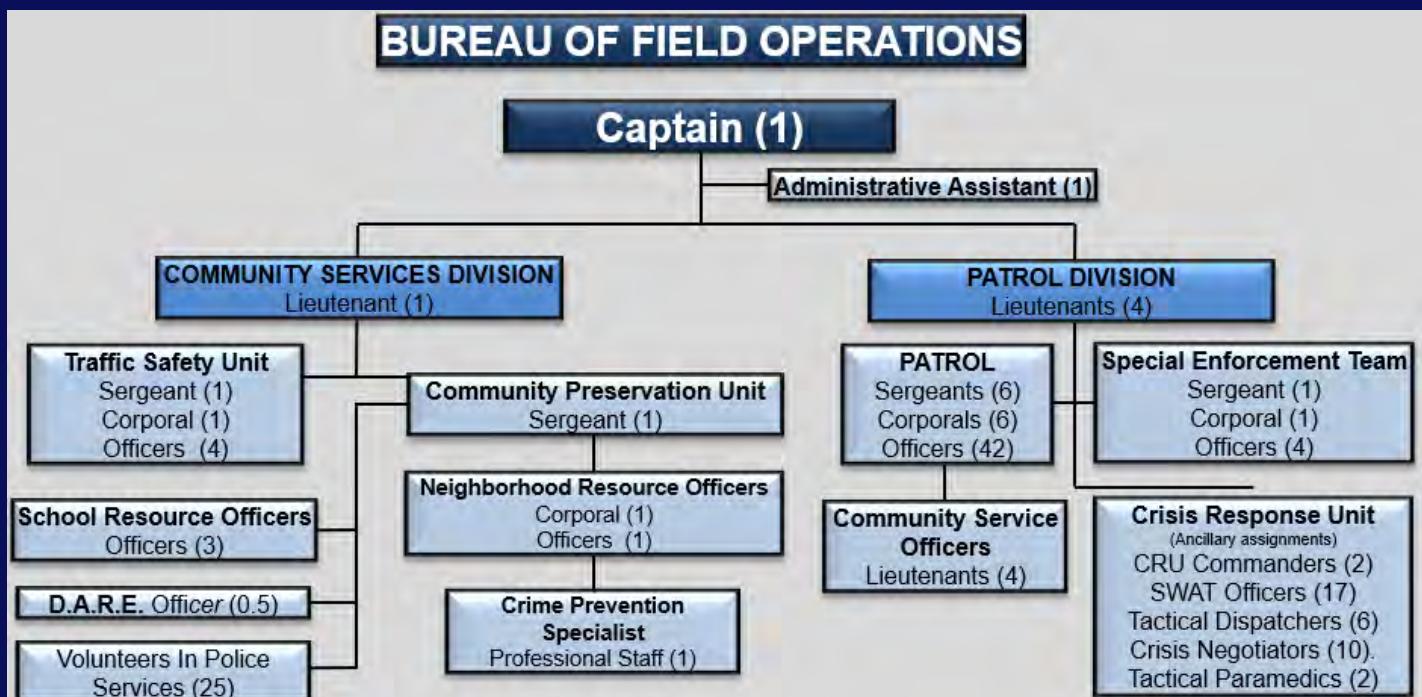
*Of the 14 uses of force, two of them were allegations that were determined no force had been used.

BUREAU OF FIELD OPERATIONS



Alex Neicu
Captain

The Bureau of Field Operations (BFO) is the largest of the three bureaus of the Police Department and is the only one that also contains two divisions: the Patrol Division and the Community Services Division. Commanders in the Bureau of Field Operations also oversee several ancillary responsibilities, including SWAT, the Crisis Negotiation Team, K9 program and the Explorer program. Individuals assigned to BFO are the most visible members of the Tracy Police Department and are typically the first point of contact for most community members. Whether in the Patrol or Community Services divisions, BFO personnel provide frontline services by responding to calls for service or participating in programs that work directly with members of the community. When not answering calls for service, officers are responsible for engaging in self-initiated, proactive citizens interactions.



Patrol Operations



The Patrol Division is considered the backbone of the police department and it is staffed by uniformed personnel. Organized into six patrol teams and one Special Enforcement Team, each supervised by a sergeant, the division provides 24/7 service and is typically managed by one Captain and four Lieutenants. In addition to the sworn police officers, the Patrol Division also has civilian Community Service Officers who are trained to respond to calls for service that do not require suspect contact. The primary role of the patrol officer is to respond to calls for service and engage the community during available time.

The primary role of the patrol officer is to respond to calls for service and engage the community during available time. During 2021, in spite of COVID related restrictions, members of the Patrol Division adapted to the new environment and continued to handle calls for service both in person, and online and through phone communication. Minimum patrol staffing remained the same, ensuring that officers can respond to emergencies in a safe and timely manner.

CALLS FOR SERVICE
RESPONSE TIMES
PRIORITY 1- 9:58
PRIORITY 2- 20:22
PRIORITY 3- 27:46

Special Enforcement Team

The Special Enforcement (SET) Team consists of one sergeant, one corporal and four officers. The SET team works closely with both the Patrol Division and the investigative units. SET's primary mission is street-level enforcement, including gang enforcement, narcotic enforcement, and fugitive apprehension. The SET team is frequently utilized to reduce criminal activity by focusing on trending crimes, and they can operate in either an overt or covert capacity. The SET team has the flexibility to adjust their work schedules as necessary to successfully accomplish a mission.



Community Service Officers

Community Service Officers perform a variety of routine to complex field and administrative activities in support of police services and programs for the City's Police Department; provides comprehensive professional staff support to Police Department supervisory and management personnel on a wide variety of law enforcement programs, projects, and services; responds to public requests; and performs related duties, as assigned.



Cathy Taylor



Stefanie Rodriguez



Bryan Desousa

Community Service Division



The Community Services Division is comprised of the Traffic Safety Unit, the Community Preservation Unit (Neighborhood Resource Officers, Community Preservation Specialist, Code Enforcement and D.A.R.E), and our Volunteers in Police Services. In addition to these units, the Community Services Division is responsible for the coordination of the Police Departments community outreach efforts. This division not only enforces laws for the safety of our community, but also deals with several quality-of-life issues by working with the Tracy Unified School District, faith-based organizations, and other local service providers and business groups.



Traffic Safety Unit

The Traffic Safety Unit is tasked with investigating all major injury collisions and collisions involving fatalities. Our unit's primary goal is to reduce collisions within the City of Tracy, through daily vehicle code enforcement, high police vehicle visibility, citizen tips through our Gov-Outreach website and social media posts. Our aim is to also educate the public on the California vehicle code and vehicle safety operations. There are five traffic safety officers and one sergeant, who make up this six-person unit.

Some of our unit's continuous goals and safety operations involve pedestrian safe crosswalks, child restraint/safety belt events, commercial truck route enforcement, STEP (multi-agency enforcement), which involves other agencies of San Joaquin working together to enforce unsafe vehicle code violations together in Tracy and other neighboring cities, operation school bus, and distracted driver enforcement.

During 2021, the Tracy PD Traffic Safety Unit responded to and investigated six major injury collisions, in which four of them resulted in four fatalities. Two of those four fatal collisions were due to subjects driving under the influence of alcohol and/or drugs in their systems. One of the two was an intoxicated motorcycle rider versus a vehicle. Those four fatal collisions were a decrease from 2020, where there were seven fatal collisions. Additionally, our unit alone issued and enforced 2,667 unsafe moving violations in Tracy. The most common unsafe moving violations were speeding, red light violations, stop sign violations, and unsafe passing violations.

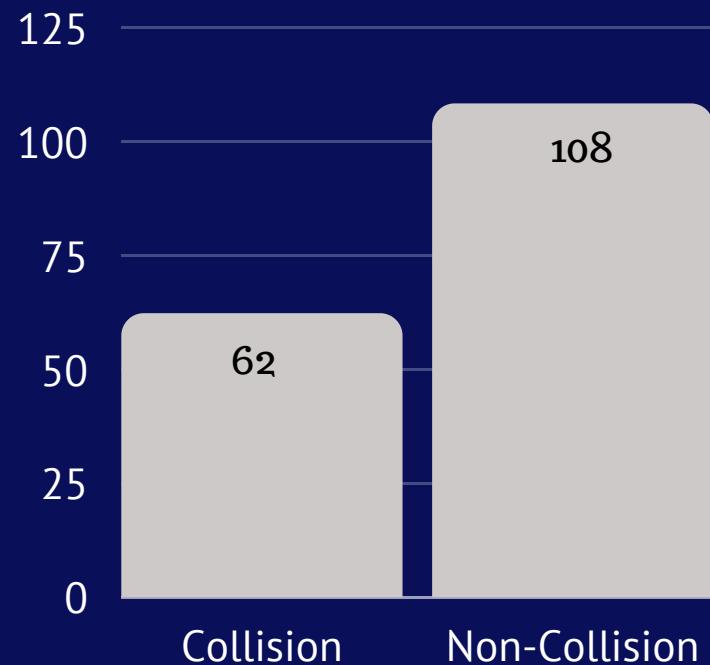
The goals for 2022 include continuous daily vehicle code enforcement, public education of the vehicle code's rules of the road through citizen contacts, social media and our city's websites, and more unit safety vehicle code enforcement operations. The Traffic Safety Unit will continue to work diligently to provide the citizens and motorists of Tracy, every opportunity to be aware and reminded of speed limits, stop signs, crosswalks, and school zones, in an effort to reduce and eliminate collisions of any kind. Additionally, the Tracy Safety Unit will continue to use the Office of Traffic Safety grants, which will allow us to purchase more safety equipment, and attend specialized training, and fund patrol units to conduct DUI enforcement through various months of the year.



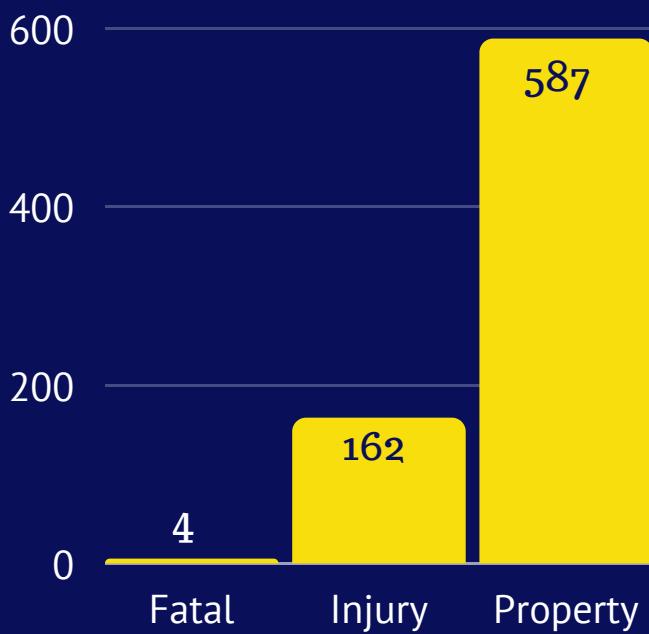
Traffic Safety Unit- Data



DUI ARRESTS



COLLISIONS



CITATIONS



Neighborhood Resource Officers

The Neighborhood Resource Officer (NRO) positions exemplify community oriented policing in its truest and purest form. The NRO is a law enforcement officer that acts as a liaison between the Tracy Police Department, the community, non-profits, and a variety of city and other government agencies.

NROs work with citizens, civic groups, schools, and property owners, in organizing and evaluating effective crime prevention programs and problem solving. The NROs are responsible for issues and concerns in a neighborhood or business district, that are ongoing or simply demand more attention, investigative work or time than can be reasonably allotted during the course of a routine patrol call.

The NROs have proactive interactions with the citizens of Tracy in a wide variety of public relation efforts such as Neighborhood Watch Programs, homeless outreach, residential safety, personal/business crime prevention, crime information bulletins/alerts, bank and business security presentations, recruitment for Citizens Academy and internet safety programs.

Throughout 2021, in response to COVID-19 restrictions and guidelines, the NROs continued Operation Helping Hands (OHH). In this effort, NRO's collaborated with county agencies, other local government agencies, and non-profits to reach out to our local unsheltered population to provide assistance. The services offered are voluntary for those who are seeking assistance in areas such as drug and alcohol use disorders, behavioral health, job training, medical needs and shelter.

In 2021, the NROs in a partnership with clinicians from San Joaquin County Office of Behavioral Health Services, piloted the department's Mental Health Evaluation Team (MET). MET pairs clinicians with officers for the purpose of responding to some of the 911 calls for service involving those in a behavioral health-related crisis. MET's ultimate goal is to help those in crisis by getting them real-time assistance, and clinician access, and to relieve patrol resources from behavioral related calls so those patrol resources can be utilized for other public safety needs.



School Resource Officers



The Tracy Police Department continues its partnership with the Tracy Unified School District (TUSD) to provide three School Resource Officers (SRO) to ensure a safe learning environment for TUSD students and staff. Each SRO is a sworn, full-time officer and each is assigned to one of the three major high schools: Tracy High, West High and Kimball High. The SRO's also have responsibility for servicing the remaining elementary and middle school sites within TUSD.

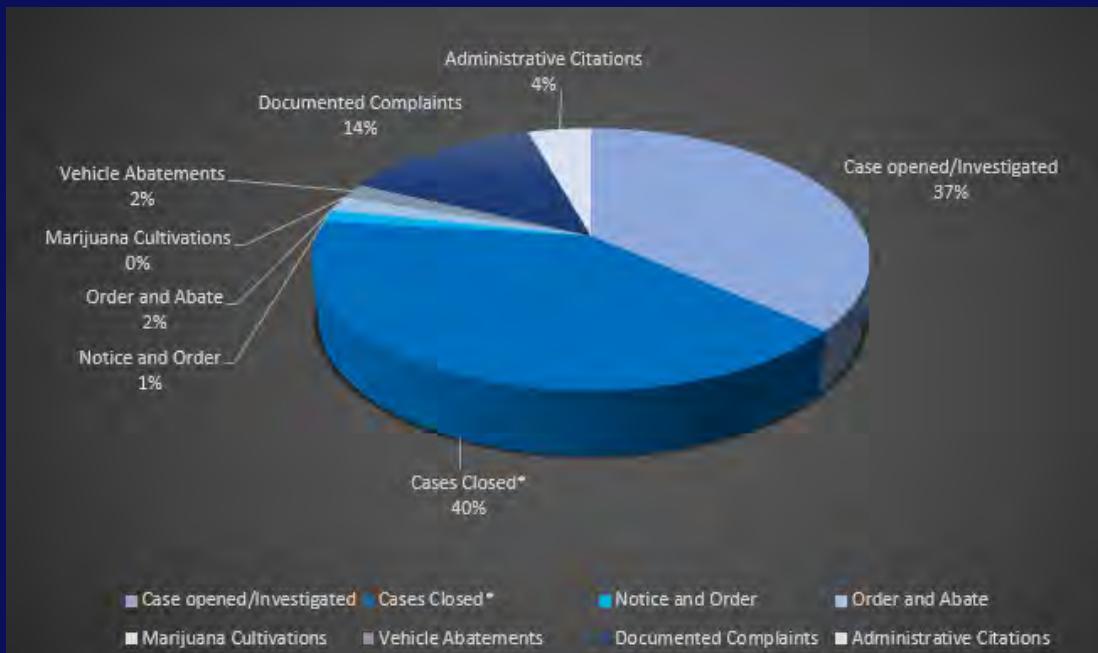
2021 saw the reopening of campuses and the return of all three SROs to their high school sites. In addition to investigating all crimes within TUSD, the SROs assisted in training of TUSD staff and engaged in outreach activities such as Recess with a Cop and a 3-on-3 basketball tournament at West High.

The SROs also led a city-wide compliance check with our Code Enforcement Team, of all tobacco vendors, approximately 60 vendors city-wide, to educate vendors and ensure they were complying with underage tobacco laws as an effort to reduce underage tobacco consumption (e-cigarettes/Vape pens included).



Code Enforcement

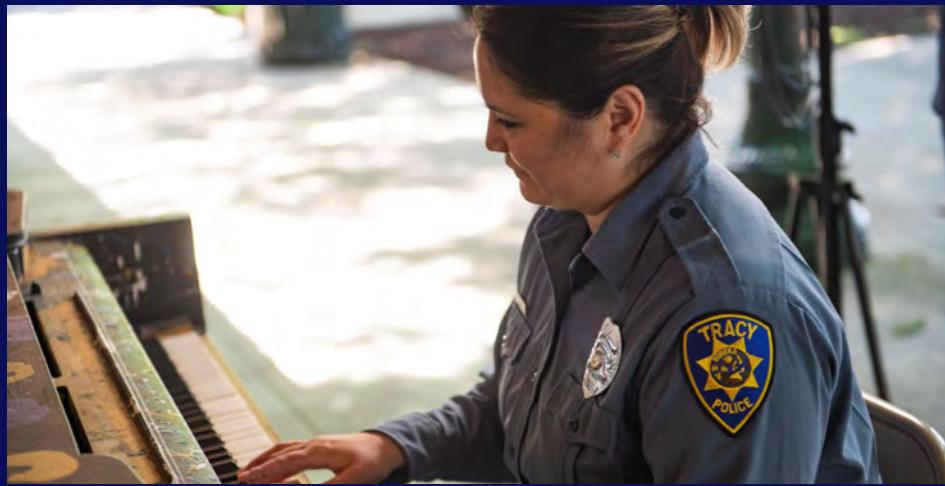
The Code Enforcement Unit consists of four Code Enforcement Officers, one Code Case Analyst, one Administrative Assistant, two part-time traffic interns and one Code Enforcement Manager. The Division provides regulatory enforcement services for a broad range of adopted local, state, and federal codes. These codes include, but are not limited to, the City of Tracy Municipal Code, the 2019 California Building, Plumbing, Electrical, Mechanical, Residential and Energy Codes California Vehicle Code, California Health and Safety Code and the Code for the Abatement of Dangerous Buildings. Through education and responsive enforcement, it is Code Enforcement's goal to work with private property stakeholders, residents, and business community, to educate, preserve and promote safe and healthy communities through enforcement of these adopted standards.



- Performed 137 outreach efforts to the unsheltered community via Operation Helping Hands. Each outreach consisted of contacting approximately 45 people per visit.
- Investigated approximately 160 reported encampments, not including multiple compliance checks.
- Two code enforcement officers spent approximately 50 percent of their workday on addressing homeless issues on both public and private property (i.e., El Pescadero Park, drain channels, former animal shelter, Caltrans property/county property, Long John Silvers, etc.). These officers helped coordinate over 100 cleanup efforts in our parks, detention basins, and other public land and perform daily mitigation monitoring of these areas.
- Former Long John Silver Building – After years of being vacant, the building is slated for demolition to make way for a gas station/convenience store concept. Demolition is set for early 2022. Until construction begins, code staff continues to monitor this property to ensure compliance with municipal code requirements and the boarding of vacant buildings ordinance.
- The Great Plate - The San Joaquin County Superior Court executed a final stipulated judgment in the City of Tracy v. BBS Adventures case. The judgement provides BBS 90 days from the filing of the judgment to complete all of the repairs identified in Council Resolution No. 2018-098. The judgement was filed on May 20, 2021 which means BBS must complete the repairs by August 18, 2021. Code staff will continue monitoring the condition of the building in an effort to mitigate hazards in the public right-of-way associated with deterioration of the structure.



Crime Prevention Specialist



Our Crime Prevention Specialist focuses on proactive crime prevention. The Crime Prevention Specialist also develops and implements a variety of crime prevention programs, presentations and materials for businesses and the community, and perform services such as security inspections, Neighborhood Watch, and community outreach events as well as engaging and monitoring our social media platforms. The Crime Prevention Specialist also helps manage our volunteer program and large-scale events for the Police Department, including Citizens Academy, and National Night Out.

In 2021, our partnerships with community organizations and members were strengthened and enthusiastically renewed this year during the reopening. We transitioned from virtual gatherings to in-person gatherings for several events including National Night Out, Stuff the Cruiser (school supply donation drive), Coffee with a Cop, Chat with the Chief, Etch and Catch, Shop with a Cop and Tony's letters to Santa.



Volunteers in Police Services



Volunteers in Police Service (VIPS) is a citizen volunteer organization within the Police Department. VIPS members have volunteered over 7,000 hours each year since 2004, when the organization was founded as part of the department's Community Oriented Policing philosophy.

The Volunteers in Police Services are led by our Neighborhood Resource Officers. Their assistance to the Police Department and City is far-reaching. They routinely participate in programs which include: patrol duties, special events, tours of police facilities, traffic control, citizens academy, crime prevention and awareness, community partnerships, home and business security checks, Neighborhood Watch,

prescription drug take back events, shredding events, community relations events, stranger danger training and safety fairs.

Due to COVID-19 restrictions, the amount of hours volunteered were greatly impacted and reduced. In 2021, the volunteers logged approximately 1590 hours compared to the average of 7000 hours in prior years. With a hopeful outlook for 2022, our VIPS program is looking forward to re-engaging and supporting the many in-person community events and police functions they've traditionally supported.

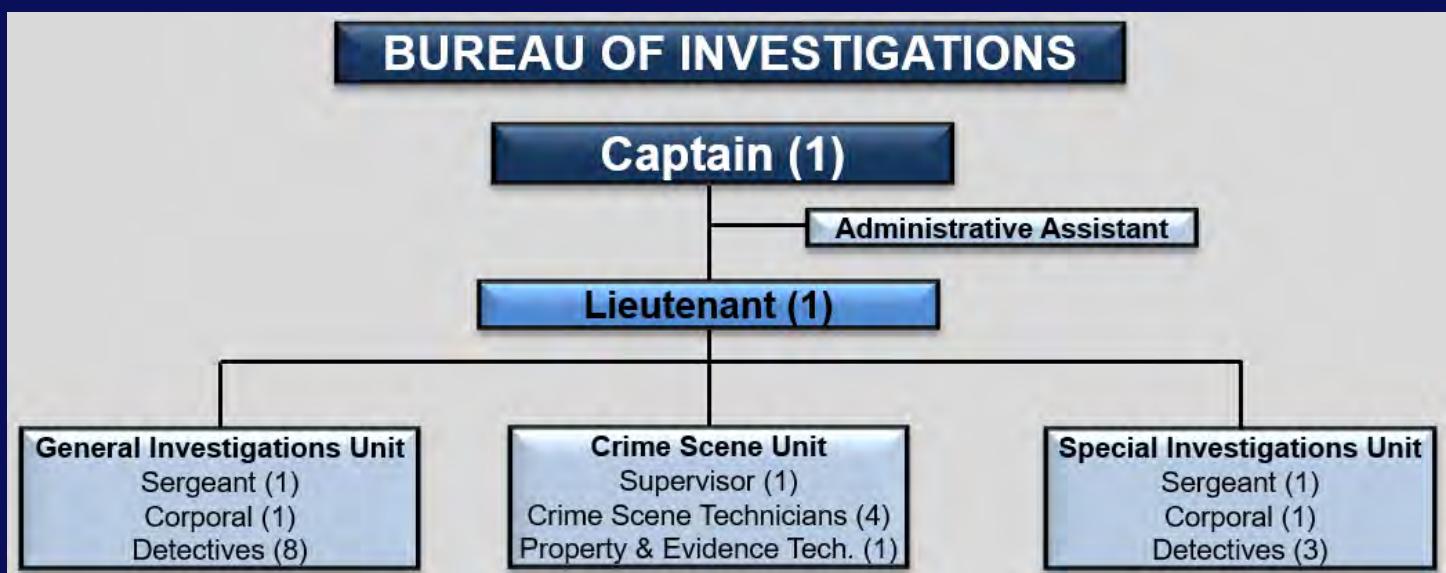
"HEART AND SOUL OF OUR DEPARTMENT"

BUREAU OF INVESTIGATIONS



Luis Mejia Captain

The Bureau of Investigations is comprised of three units—the General Investigations Unit, the Special Investigations Unit, and the Crime Scene Unit—as well as a Crime Analyst and Administrative Assistant. The operations of this bureau are managed by a Captain and Lieutenant.



General Investigations Unit

The General Investigations Unit is responsible to investigate cases that are more time consuming and consist of more in-depth investigations for the department. During 2021 there were eight detectives, one crime analyst and one sergeant that were assigned to conduct 247 investigations involving homicides, robberies, crimes against children, sexual assaults, property, financial and gang related crimes. In addition, the General Investigations Unit has one detective that is assigned to the county wide auto theft taskforce that is investigating auto theft related crimes and catalytic converter thefts. These detectives also provided investigative training to patrol officers on how to document, interview victims/witnesses and process crime scenes. This training helped officers with providing a better level of service to the community, and it too increased the solvability when the detectives continued with those investigations.

In 2021 there were 4 victims of homicide within our community and through hard work, dedication, and long hours by all the members in the General Investigations Unit they were solved quickly. In addition to the homicide cases and property cases, Detectives were assigned to investigate 41 child abuse cases, 41 death investigation cases, 32 missing person cases and 32 violent crime cases. For those cases the detectives also wrote approximately 140 search warrants/Ramey warrants.

The goals for the General Investigative Unit in 2022 are to continue training on new investigative techniques that is available in the Hi-Tech, violent crime and catalytic converter theft area. Secondly, we will be devising a plan on expanding the Hi-tech Unit to include computer forensic investigations into ICAC Internet Crimes Against Children. It is one of the utmost responsibilities and goals of the General Investigations Unit to not only solve the crime, but to help victims of crimes navigate through the investigative and court process.



Cases Assigned: 391
Cases Closed: 250

Special Investigations Unit

The Special Investigations Unit (SIU) is tasked with investigating cases involving illegal drugs, prostitution and human trafficking. The four investigators and one sergeant who make up the unit, rely on tips from the community, leads from other units within the department or outside agencies, as well as self-developed intelligence.

Some of the internal goals for the unit involve safety presentations for community groups, developing specialized training sessions for TPD personnel, and collaborating with other local, state and federal agencies on large scale investigations.

During 2021, SIU detectives executed 34 narcotics related search warrants resulting in the arrest of 20 suspects. An area of special interest was the identification of residential marijuana grows, which pose a special danger to neighboring homes. During the dismantling of the identified grow operations, investigators also found and destroyed 4,300 marijuana plants and 60 pounds of processed marijuana. SIU Investigators worked with PG&E in reducing fire hazards related to illegal indoor marijuana grow operations. As well, the unit investigated local massage parlors for prostitution and arrested workers who solicited undercover detectives for prostitution. As part of the unit's involvement in regional cases, SIU has partnered in investigations with FBI, DEA, ATF, Department of Homeland Security, CA Department of Justice, several regional narcotics task forces and local departments all around the United States.

During 2020, SIU detectives seized 6 lbs. of methamphetamine, 12 lbs of cocaine, 7 lbs. of heroin, 2000 Xanax/M30 pills, and 350 pounds of illegal fireworks. During 2021, 28 guns were seized by the unit in the execution of warrants. SIU detectives investigated several Human Trafficking cases resulting in several arrests of male for pimping and pandering young females in and around Tracy.

The goals for 2022 include educating the public of the hazards of illegal marijuana grows through social media and other platforms. SIU will continue to strive to respond to quality of life issues we receive from the citizens of Tracy. SIU is also working at combating human trafficking within our jurisdiction, and we seek to help the victims of this crime. It is SIU's mission to apprehend and arrest suspects that enslave young victims into the



CSI & Property Unit

The CSI and Property Unit serves multiple functions within the Police Department. The unit is under the Investigations Division, and is staffed with one crime scene technician supervisor, four crime scene technicians (CST), and one Property and Evidence Technician. The CST's/CST Supervisor respond to all types of crime scenes and critical incidents, to perform various methods of evidence documentation, collection, and processing. In addition, the Unit is responsible for intake on all evidence/property booked in by police department personnel. They coordinate the submission of evidence to the State of California Criminalistics laboratories, SERI Laboratory, and IBIS/ATF, for analysis. They also work closely with the San Joaquin County District Attorney's Office for prosecution of our cases. This includes providing all the discovery materials for trials, and testimony in court.

The Unit is tasked with the heavy responsibility of maintaining the integrity of evidence and property, by properly documenting, packaging, preserving, securing, and tracking all items booked by members of the Police Department. The Evidence and Property Technician coordinates the subsequent release, auction, and destruction of this evidence/property, making sure proper notifications and clearances are completed. This involves extensive research by all members of the Unit, through the court system to see which cases are adjudicated and eligible for destruction/release. All items are disposed of in accordance with local, state, and federal laws.

In 2021, Unit members booked over 2200 items of evidence and wrote over 5,500 reports. They worked diligently to prepare for transitioning from the previous property system to Mark43, and are still working hard to update records as they migrate over. They've also facilitated moving and condensing locations of evidence storage, to free up needed space at the Police Department and to accommodate the Traffic Unit relocation to the North Annex. A gun cage and cameras were installed at the evidence facility, and audits (both before and after relocations) were performed.



BUREAU OF SUPPORT SERVICES



Beth Lyons-McCarthy Support Services Manager

The Bureau of Support Services is comprised of three units—the Animal Services Unit, the Communications Unit, and the Records Unit—as well as Fiscal Management.

The Bureau of Support Services employs 35 full-time personnel lead by the Bureau Support Manager, and is comprised of the following units: 9-1-1 Communications Unit, Records, Animal Services, Facilities Management, and Fiscal Management. Our dedicated professional staff play an important role in providing support services to officers, detectives, command staff, and community members.



BUREAU OF SUPPORT SERVICES

Animal Services
Supervisor (1)

Administrative Assistant (2)
Animal Services Officer (3)
Kennel Aids (2)

Communications
Supervisor (1)

Sr. Public Safety Dispatcher (4)
Public Safety Dispatchers (12)

Records
Supervisor (1)

Police Records Assistant II (1)
Police Records Assistant (6)

BUREAU OF SUPPORT SERVICES

Despite the challenges posed by the COVID-19 Pandemic, each of the Bureau's core units had many key accomplishments. Please read about these accomplishments throughout the Annual Report. In addition, the Bureau of Support Services worked diligently in the areas of hiring, grants, and contracts.

Hiring:

- Animal Services Officer (promotion)
- Animal Services Kennel Aide
- Senior Public Safety Dispatcher (promotion)
- Public Safety Dispatcher
- (2) Administrative Assistants

Grants Awarded:

- Edward Byrne Justice Assistance Grant: \$13,977 for the upgrade of the Tracy Police Department's GIS Mapping Services. GIS Services are necessary for the geographical tracking of officers, provides accurate location information for dispatching services, and assists the department with progress towards Next Generation 9-1-1 compliance.
- COPS Office – Law Enforcement Mental Health Wellness Act (LEMHWA) \$124,297 for the training of the department's internal Peer Support Team including suicide prevention, crisis intervention, health, wellness, and counseling, professional services to assist with training and crisis intervention, educational material, enhanced employee assistance mobile application, and fitness challenges.
- California Department of Alcoholic Beverage Control Grant \$20,000 - 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.

Projects Completed:

- Mark 43 CAD/RMS upgrade
- PMAM Alarm Permitting and False Alarm Encryption
- Department of Justice mandated Radio Encryption
- Department of Justice Sex Registrant Tiering and Petition Process

2022 goals:

In 2022, the Bureau of Support Services will continue to support technology advancements, seek out additional grant opportunities, and continue progress on several pending projects including In-Car Cameras and License Plate Reader Program.

Communications Unit



The Communications Unit is staffed with a total of 16 Public Safety Dispatchers and a Communications Supervisor. Tracy Police Public Safety Dispatchers provides emergency and non-emergency police communications 24 hours a day, 365 days a year. In 2021, the Tracy Police Department's Public Safety Dispatchers handled a total of 138,797 telephone calls including 36,257 911 calls.

The Communications Unit fully implemented the department's new computer aided dispatch system, Mark43 on March 1st. The Communications Unit spent a majority of the year working with several agencies and vendors to become complaint with the Department of Justice's mandate for radio encryption. On November 17, 2021, the Tracy Police Department was able to "flip the switch" to full radio encryption and became one of the first agencies in the state to make the transition. Radio encryption was a Department of Justice mandate to protect personal information being heard over the police radios, however the encryption will also help ensure officer safety during critical incidents.

2022 Goals

The Communication Unit's 2022 goals include the full implementation of a Quality Assurance Program in corporation with the Denise Amber Lee Foundation and partner with the City of Tracy's GIS department to update the city's Geographic Information System mapping files for Mark43 in accordance with NextGen 9-1-1 standards and Department of Justice's mandate for Radio Encryption.

2021 TOTAL CALLS TO DISPATCH



138,797

2021 CALLS FOR SERVICE



70,565

9-1-1 CALLS



911

36,257

Records Unit

The Records Unit is staffed with seven (7) full-time Police Records Assistants and a Supervisor. Staff is responsible for all aspects of report processing and document control within the Police Department, providing support to police officers, and providing service and assistance to the public who need to obtain copies of police reports, vehicle releases, Live Scan fingerprinting, and other similar requests.

The past year was busy and productive for the Records Unit. Several projects were designed and implemented to bring efficiency, modernized data collection, and legal compliance for the organization.

In March, the Records Unit's deployed the Tracy Police Department's new Records Management System, Mark 43. This new system allows real-time data and statistics immediately available to officers, detectives, dispatch, and other department personnel. Mark 43's Property and Evidence module improved efficiency in tracking the intake, storage, and outcome of property and evidence. The Case Management module efficiently tracks and manages case assignments, and integration with various systems used by the department. In addition, Mark 43 ensures Tracy Police Department has met compliance with the FBI and Department of Justice's mandate to change our statistical reporting system from Uniform Crime Reporting (UCR) to National Incident Based Reporting System (NIBRS). The Records Unit's will continue its role in the Mark43 implementation into 2022.

In October, the Records Unit launched an Alarm Permit and False Alarm Reduction program with PMAM to streamline these processes for staff and residents by providing residents access to a secure 24/7 online portal to view their account, sign up for a new permit, renew their permit, make a payment, update their information and track any false alarms, and automating most of the internal processes required for processing alarm permits.

Lastly, the Records Unit worked with the Department of Justice to institute a process of collecting and reporting data in accordance with AB953 - Racial and Identity Profiling Act (RIPA) starting January 1, 2022.



Animal Services



The Animal Services Unit is comprised of nine (9) employees consisting of a Supervisor, four (4) Animal Services Officers, two (2) Kennel Aides, and two (2) Administrative Assistants. Staff is responsible for the operation and maintenance of the Tracy Animal Shelter, care and welfare of animals housed in the shelter, responding to animal related calls and complaints, and enforcing animal related laws.

In 2021, Animal Services accomplished several goals. We were the award recipient of several grants totaling \$26,000, which provided the ability for the *shelter to create a pilot program of shelter, neuter, and return to community*, with regard to feral/community cats in their neighborhood.

As well, we rewrote the entire Tracy Municipal Code related to Animal Services and received City Council approval to make necessary changes to better serve the community members, their animals, and the lost animals that come into the shelter.

Dogs	Cats
230 Adoptions	176 Adoptions
21 Euthanasia	45 Euthanasia
1 Died	10 Died
44 rescue/Transfer	103 rescue/Transfer
174 Returned to owner	7 Returned to owner
Total: 470	Total: 341

Additionally, Animal Services actively engage in Operation Helping Hands program and successfully worked with 12 shelter impaired animal owners with veterinary services. The live release accumulatively for dog and cat intakes was 86%.

In the upcoming year, Animal Services will be seeking further grant opportunities, continue to grow our volunteer base and continue to seek ways to improve or add resources to the community.





Honor Guard



Field Training



Tactical Dispatch



PAL Program



Bicycle Patrol



Motor Cadre



Reserve Program



D.A.R.E



Police Chaplaincy



Peer Support



Police Explorers



Care Under Fire
Tactical Field Care
Tactical Evacuation Care

Tactical Medics



Special Weapons and Tactics



Crisis Negotiations



Defensive Tactics



Canine Unit



Range Cadre



Recruitment



Drone Cadre

Promotions



Tim Bauer
Lieutenant



Scott Muir
Lieutenant



Abbey Potkonjak
Animal Services Officer I



Brian Wilmhurst
Sergeant



Jose Silva
Sergeant



Dan Pasquale
Sergeant



Ken Steele
Corporal



Jake Comber
Corporal



Chris Evola
Corporal

New Team Members



Sheryl Tapia
Admin Assistant



Manuel Fong
Police Officer



Estefania Rodriguez
Community Services Officer



Julian Alejo
Police Officer



Badr Fayyaz
Police Officer



Ana Olmos
Parking Enforcement Officer



Guillermo Zuniga
Police Officer



Matthew Hohn
Police Officer



Andrew Glover
Police Officer

New Team Members



Balbindar Singh
Police Officer



Brian Cockey
Police Officer



Justin Jamora
Police Officer



Rodolfo Figueroa
Police Officer



Alexis Ochoa
Police Officer



Manjit Singh
Police Officer



Jasper Juan
Police Officer



Matthew Sieperda
Public Safety Dispatcher II

New Team Members



Joel Chavez
Police Officer



Jill Sullivan
Admin Assistant



Department Recognition Award

The Department Recognition Award may be awarded to an individual or group of employees for outstanding performance of duties under unusual or complicated conditions over a period of time, or in recognition of a proactive philosophy as demonstrated by projects or community involvement.



Michelle Jimmerson
Senior Records Assistant

anything related to Team Tracy PD. Her sincere dedication to the entire Department is impressive, as Michelle also actively engages and participates in these events.

Michelle meets the Department's three pillars of Service, Integrity, and Excellence. Congratulations on your Department Recognition Award!

Michelle has been with the Tracy Police Department since 2013. She can be counted on to come to work early to prepare for the day. She is naturally sought out by other staff members, as she is always willing to provide a helping hand.

She is a part of the Peer Support Team and regularly checks in with multiple departments, as she truly cares about connecting with people.

If there is ever a time that the Department needs something specialized, Michelle is an easy go to, as she is a crafter and eagerly wants to help show support for



Department Recognition Award

The Department Recognition Award may be awarded to an individual or group of employees for outstanding performance of duties under unusual or complicated conditions over a period of time, or in recognition of a proactive philosophy as demonstrated by projects or community involvement.



Christine Fitzpatrick
Volunteer in Police Service

Christine is an asset to the Crime Prevention Unit. She donates countless hours to help the Department run smoothly. She answers the call, whenever there is a need for a volunteer presence at an event, critical incident, or for networking and data tracking.

Not only does Christine possess all of the above talents, she also runs the Friends of Tracy 501c3 non-profit. This is an extremely necessary function for the Department, as she applies for grants and handles donations.

You can see the joy and happiness she feels for being apart of our organization, as it is contagious. Even with COVID shutting down the volunteer program and it only recently becoming active again as of July, Christine had managed to provide 124 volunteer hours to the Tracy Police Department.

Congratulations on your Department Recognition Award!



Department Recognition Award



Cherise Acosta Crime Prevention Specialist

The Department Recognition Award may be awarded to an individual or group of employees for outstanding performance of duties under unusual or complicated conditions over a period of time, or in recognition of a proactive philosophy as demonstrated by projects or community involvement.

Cherise was promoted to Crime Prevention Specialist as of April of 2021. When she took over this position, there was a lot of learning on the job. Cherise not only jumped in head first, she excelled at the position. She easily connected with the many different departments throughout the City in order to better network and engage her new career path.

This last years National Night Out was the biggest that has ever been seen. This was all thanks to Cherise and her tenacity in connecting to individuals. Cherise was able to coordinate with Tracy PD, CHP, Tracy Fire, Tracy City Council, The San Joaquin Board of Supervisors, and Congressman Harder's Officer in order to bring about a true community connection.

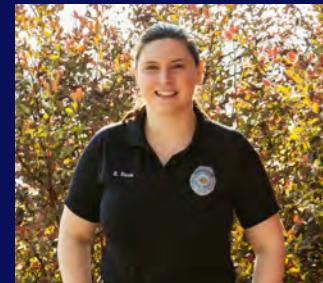
Cherise is an extremely genuine person with a heart to serve. This is evident in her work.

Congratulations on your Department Recognition Award!



Award of Excellence

Supervisor Brittany Pasquale | Animal Services Officer Lisa McDonald | Animal Services Officer Amanda Sena |
Animal Services Officer Abbey Potkonjak | Animal Services Aide Rebecca Russo
Animal Services Administrative Assistant Sheryl Tapia



The Award of Excellence is an achievement award that may be presented to an employee or work group, based upon their outstanding accomplishments during the past 12 months, and who practices the concepts in the Tracy Police Department's Mission Statement.

Tracy Animal Services saw much success in the year 2021. Their social media content created such engagement that they were able to successfully place many animals in homes. While also finding new homes, they also were able to keep their intakes low, as different policy and practices were put into place. Through these efforts, a transfer program was created where Tracy Animal Services was able to help other local shelters (namely Stockton, Stanislaus, and Turlock) by taking in their dogs and cats from their shelters. In 2021, 70 dogs and cats were brought to the Tracy Animal Shelter and successfully found homes or rescues..

This same year, they sought out and were awarded a \$25,000 grant in order to continue those networking partnerships, as well as to create a Shelter, Neuter, Return pilot program for feral cats.

Animal Service Officers also began networking with the Helping Hands program. A relationship was established with a Non-Profit, which allowed Animal Services to provide spay/neuter services, vaccinations, and microchipping to those who were shelter impaired but also had a furry companion.

Due to the listed accomplishments, along with many other achievements, this team received the Award of Excellence.

Congratulations to the Tracy Animal Services Team!



Medal of Meritorious Service

Marcio Reis



Tracy Police Officer

The Medal of Meritorious Service is given to an employee who, while serving in an official capacity, distinguishes themselves by meeting contributing significantly towards the Department in attaining goals and objectives, service that significantly impacts the Department in a positive manner, and lastly is involved in a great deal of responsibility and personal initiative.

Officer Reis is an exemplary teammate for the Motor Unit. When a new team member came into the unit, Officer Reis willingly helped and dedicated time and energy in ensuring that those new in the unit would pass all the testing in order for them to then stay in the unit.

Not only was he a true teammate, he also cared about furthering the departments Motor Unit. Through multiple memorandum writing, he was able to improve the units equipment such as Lidar Speed Devices, a Faro 3D Scanner, Black Box Data, and many other safety items that further allowed the Motors Unit to have the most up to date abilities for fatal investigations, enforcement, and person safety for each Motors officer.

Officer Reis created a S.T.E.P program as well as put together other joint operations, all to further the cause of safe driving in our Tracy community.



Congratulations on your Meritorious Service Medal!

Volunteer of the Year

The Police Volunteer of the Year Award serves to recognize an outstanding volunteer within our Department who contributes to the efficiency and effectiveness of the Department, and who demonstrates the qualities set forth by the Tracy Police Department's Mission Statement.



Chris Martinez, Chaplain
Police Volunteer of the Year

Each year, the Tracy Police Department requires a certain amount of training hours for each sworn officer. Due to COVID and the restrictions that were placed, training officers had become a concern, as the normal locations where no longer being made available to the Police Department. Chaplain Chris, without hesitancy, offered UNLIMITED and FREE access of facilities at his church.

Due to Chris' generosity, Tracy's Police Officers could continue in their regularly required amount of training.

Not only did Chaplain Chris help bring a necessary solution to a dire need for the Department, he also is a truly genuine person. He brings snacks to the officers, regularly engages with them and creates relationships with each person that he encounters. He is a true asset to the Department and we are lucky to have him.

Congratulations to our Volunteer of the Year!



Police Employee of the Year



April Uribe
Senior Public Safety
Dispatcher

The Employee of the Year may be awarded to professional staff of any rank who looks for ways to improve the Department's efficiency and effectiveness, and who demonstrates the qualities set forth by the Tracy Police Department's Mission Statement.

April is a counted on member in the Dispatch Unit. This last year, the Police Department switched over to a new program called Mark43. April dove into the program to begin learning it in order to better help her peers or anyone else that would be in need of extra help.

Once April understood Mark43, she created a cheat sheet, after consulting with several of her peers to understand what they felt would benefit them most.

Even once Mark43 went live, April made herself available to her teammates to better help them understand the new operating system in order to make the transition that much easier.

Not only did April learn the new CAD system early on, she also took it upon herself to update the Dispatch Manual. The manual is extremely important as it is a go to resource for any new hire or when policy or practice changes. April regularly updates it whenever there is a change or addition that needs to be addressed.

April is a valued member of the Tracy Police Department and the Dispatch Team.

Congratulations on your Employee of the Year Award!



Police Officer of the Year



Scott Criswell
Officer

The Police Officer of the Year Award is granted for outstanding achievement by an officer that brings credit to the Department, and which involves performance well above and beyond that which is required by an officer's basic assignment.

Officer Criswell was awarded a Chief's Commendation in late 2020 which highlighted his coordination, analysis, and deployment in his role as a police officer with Tracy PD.

Officer Criswell, through many hurdles, was able to provide the ability for officers to use less-lethal shotguns. Once the shotguns were delivered, Officer Criswell ensure that he was available to train every officer, even though it took a year to complete. Due to his dedication to the department, the city, and his teammates, Officer Criswell has made Tracy that much safer.

Training is a passion for Officer Criswell. Due to this, he also became the primary instructor on the red dot pistol optics. He can be counted on to bring new and improved ways for officers to receive training, as he constantly seeks out different tactics and training options.

Lastly, Officer Criswell is a respected team member at the Tracy Police Department. He is a calm and natural leader and the Tracy community is lucky to have him as a member of our Police Department.

Congratulations on your Police Officer of the Year Award!





2021 ANNUAL REVIEW

- SERVICE
- INTEGRITY
- EXCELLENCE



VALUE STATEMENTS

SERVICE

Always seek long term resolutions to problems.
Provide honest, open and timely (HOT) feedback.
Support organizational goals and strive to achieve them.
Stand against gossip and rumors.
Provide prompt response to requests and communicators.
Promote proactive attitudes.

EXCELLENCE

Challenge status quo by promoting new creative and innovative ideas. Always be proud of your profession and Department. Ascribe to being a lifelong learner. Always perform at Department's highest level or organizational standards. Lead by example. Always go the extra step to meet the community's needs.

INTEGRITY

Honesty in thought and actions. Address behaviors, reputations.
Practice organizational loyalty over personal loyalties.
Place organizational priorities over personal agendas.

VISION STATEMENT

PRESERVE THE SAFETY AND HIGH QUALITY OF LIFE IN TRACY, THROUGH VALUES-BASED POLICING

MISSION STATEMENT

TO KEEP TRACY A SAFE PLACE IN WHICH TO LIVE, WORK AND INVEST.



F.I.R.S.T.

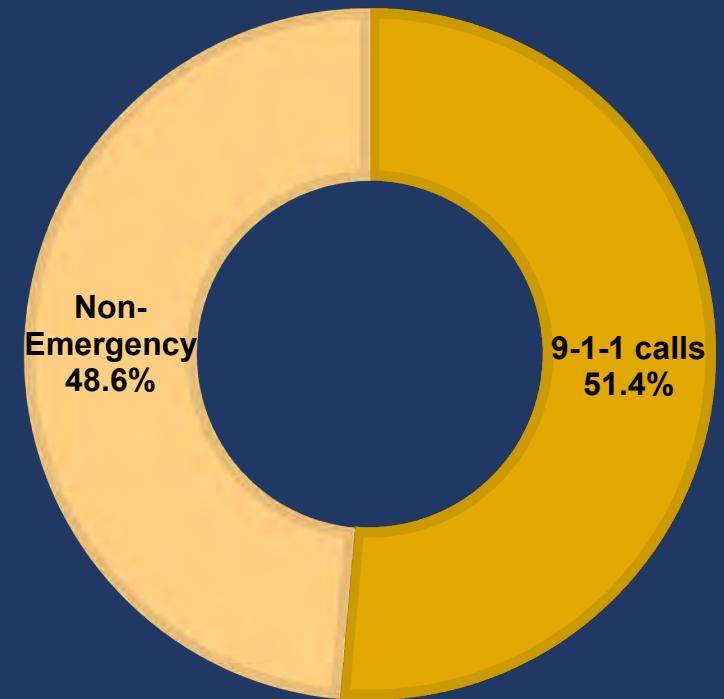
- FAIRNESS
- INTEGRITY
- RESPECT
- SERVICE
- TEAMWORK



2021 CALLS FOR SERVICE

Type	2020	2021
Calls for service	60,385	70,565
9-1-1 calls	34,500	36,257
Non-Emergency	30,885	34,308

■ 9-1-1 calls ■ Non-Emergency





CALL RESPONSE TIME

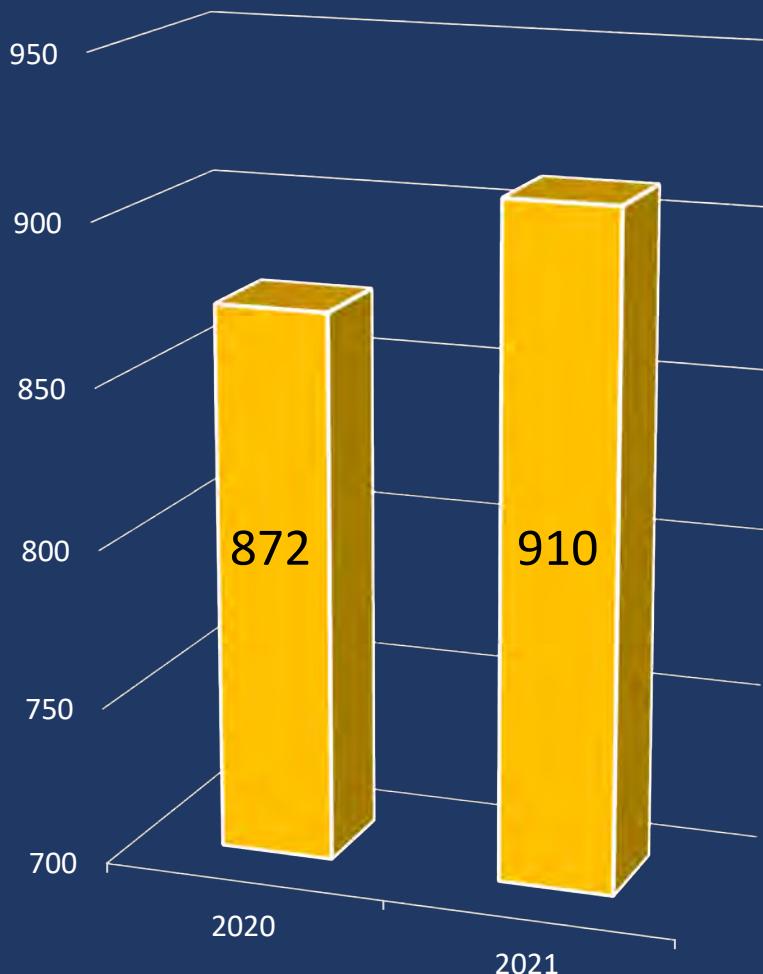
In an effort to reduce the use of force and community concerns, officers use the *P.A.T.R.O.L.* response to calls.

- P.** Plan (when time permits). Stage and formulate a clear plan.
- A.** Assess; is there a crime? Type of crime, immediate danger to public, need for Crisis Response Unit.
- T.** Time- Distance and cover; slow things down.
- R.** React team. Contingency Plan/Flight/Surrender
- O.** Other resources needed? Mobile crisis, Drone, Bearcat, other agencies.
- L.** Lines of communication- Establish incident commander, public address, phone, text. Notify chain of command.

PRIORITY	2019	2020	2021
1	6:36	6:50	9:58
2	15:01	12:42	20:22
3	29:37	22:11	27:46



MENTAL HEALTH CALLS FOR SERVICE



Highlights:

- ✓ Calls for service increased 17%
- ✓ Mental health calls increased 4%
- ✓ Collaboration with mental health services, more referrals to provide long-term solution.
- ✓ MET created to combat repeat offenders and support Patrol Operations by jumping calls for service.



PROPERTY AND VIOLENT CRIMES

PART 1 CRIMES

YEAR	PART 1 CRIME TOTALS	CHANGE FROM PREVIOUS YEAR
2020	1809	2% increase
2021	1845	

VIOLENT CRIMES

YEAR	Homicide	Rape	Robbery	Aggravated Assault	Totals
2020	5	23	57	89	174
2021	4	20	52	115	191

PROPERTY CRIMES

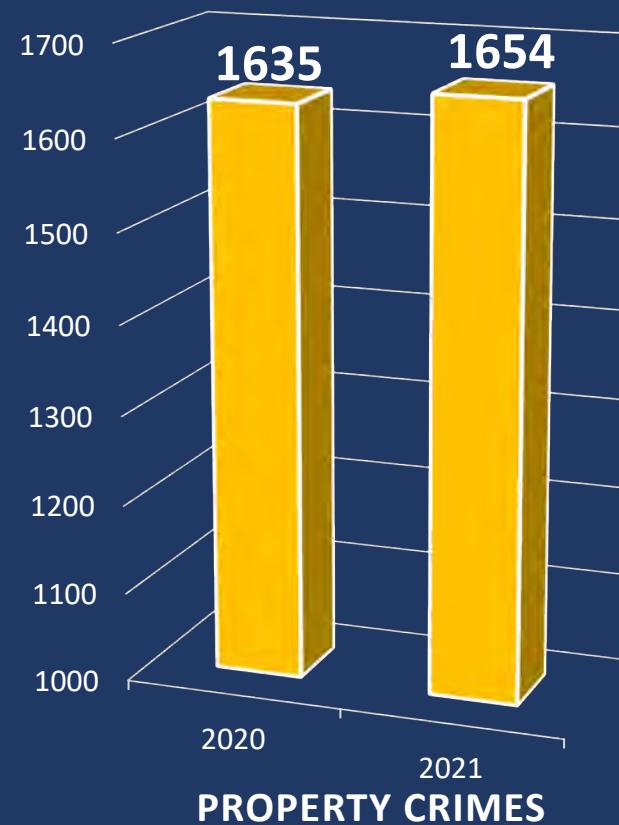
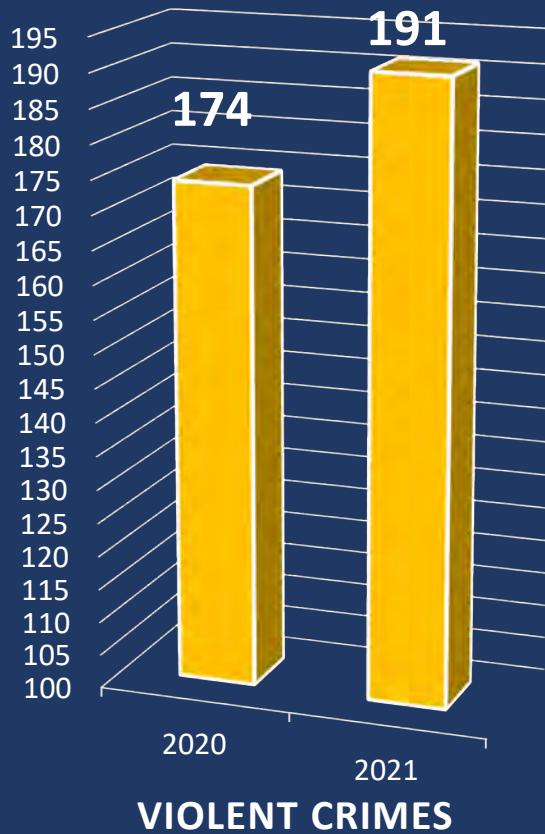
YEAR	Burglary	Larceny	Auto Theft	Arson	Totals
2020	205	1179	245	6	1635
2021	142	1217	283	12	1654

Analysis:

- ✓ Violent Crimes increased by 10%
- ✓ Burglaries reduced 31%
- ✓ NIBRIS change in reporting March of 2021
- ✓ Some Aggravated Assaults previously coded as Simple Assaults are now captured as Aggravated Assaults increasing Violent Crimes overall
- ✓ All homicides have been cleared and closed.



PROPERTY AND VIOLENT CRIMES



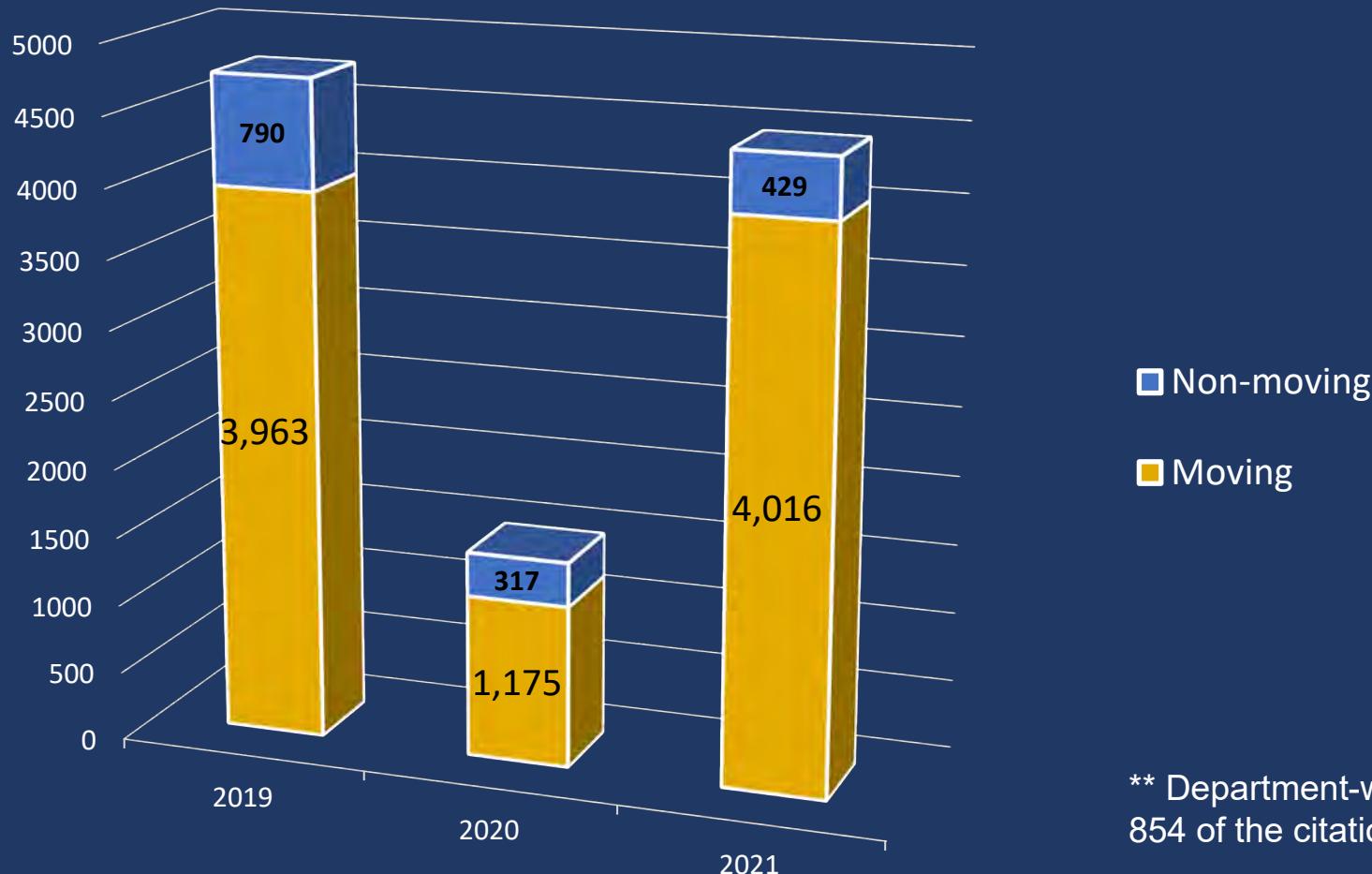
Highlights:

- ✓ Violent Crime- 10% increase
- ✓ Property Crime increased by 1%
- ✓ Overall 2021 Part 1 crimes increased by 2



CITATIONS

2020 Total Citations = 4,445



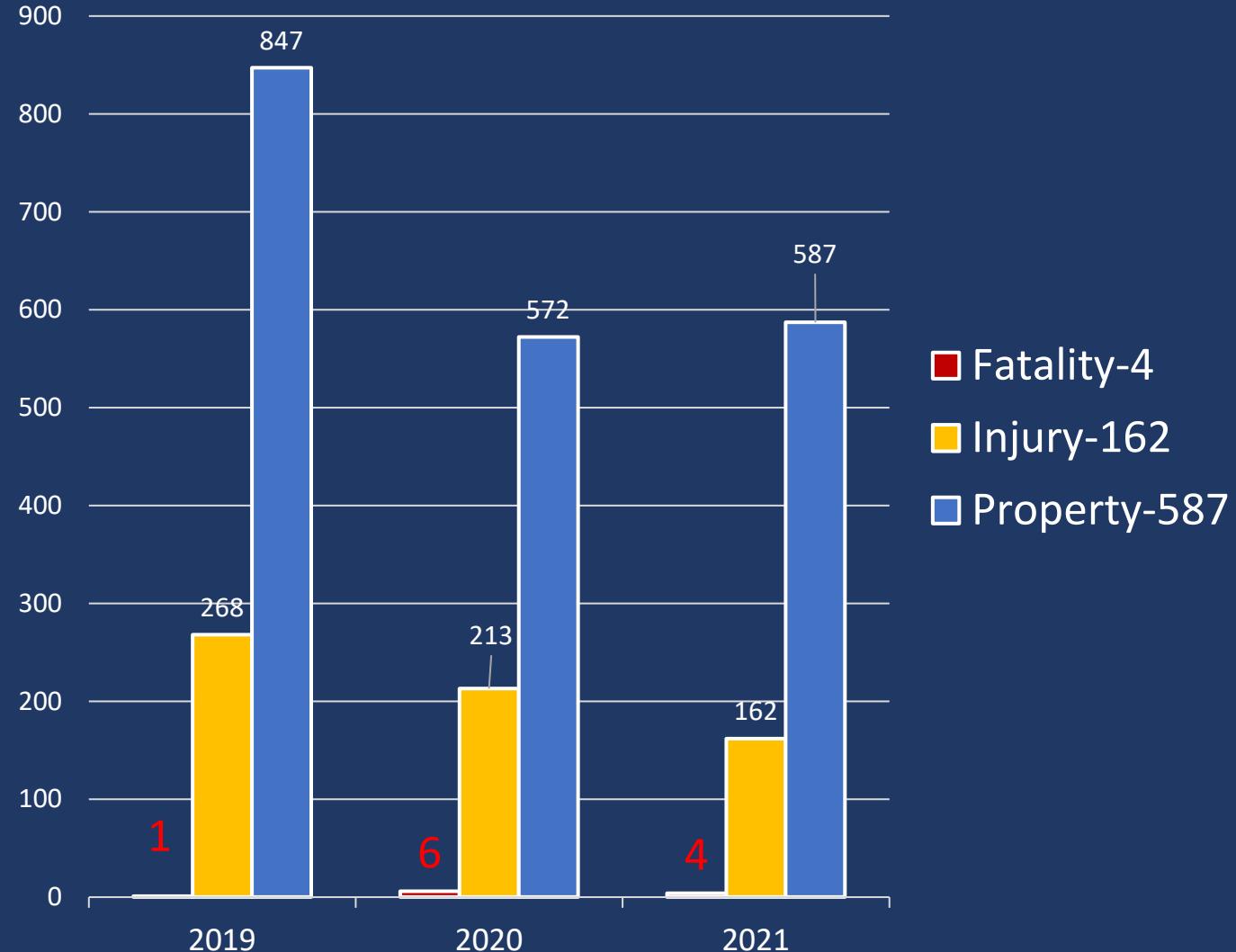
** Department-wide totals.
854 of the citations were warnings.



COLLISIONS

2021 Total Collisions = 749

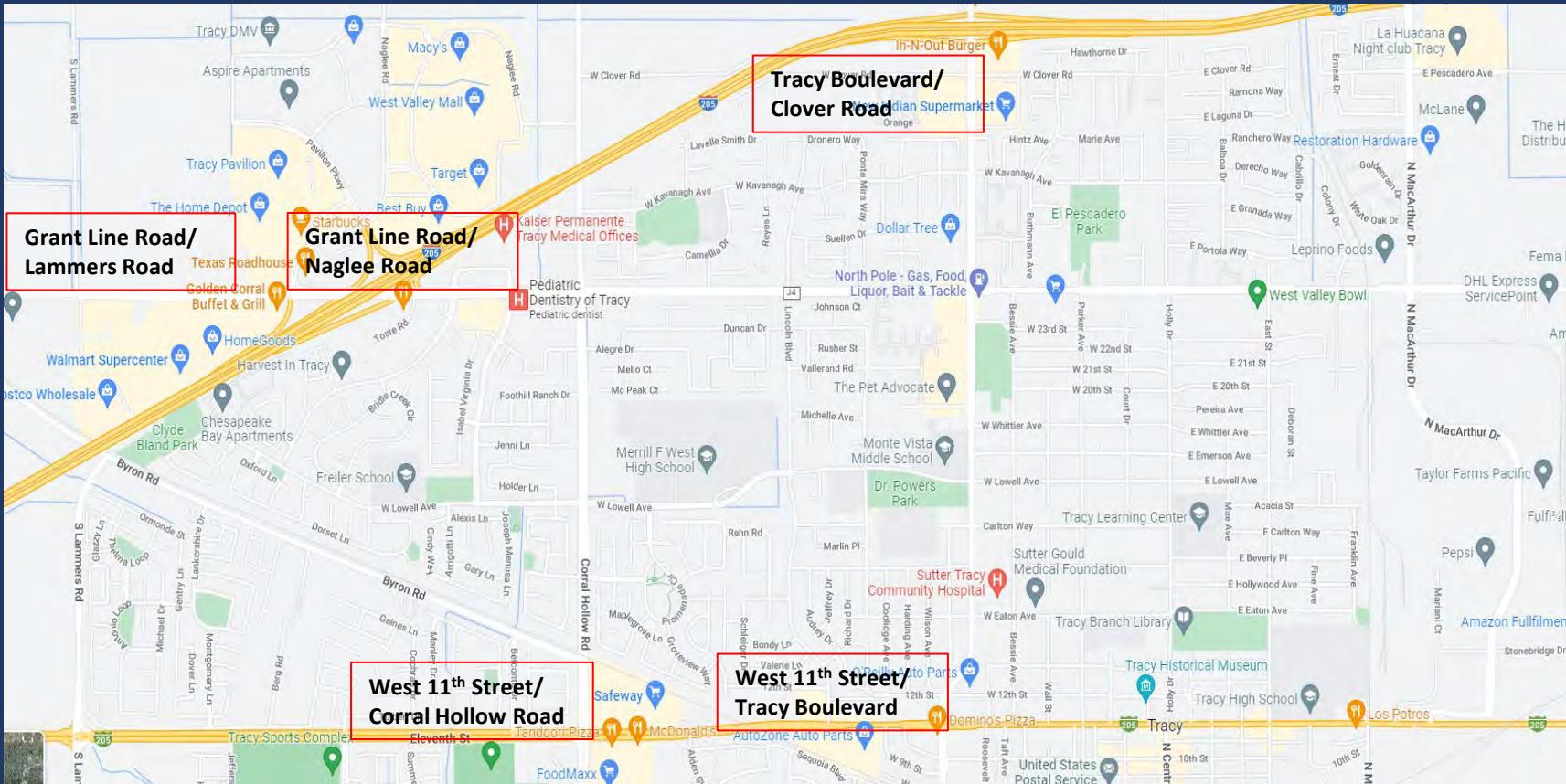
We were able to keep traffic collisions essentially neutral (5% decrease), by increasing traffic enforcement to compete with post-COVID traffic volume.





TOP 5 COLLISION INTERSECTIONS

Total Fatalities For 2021 = 4

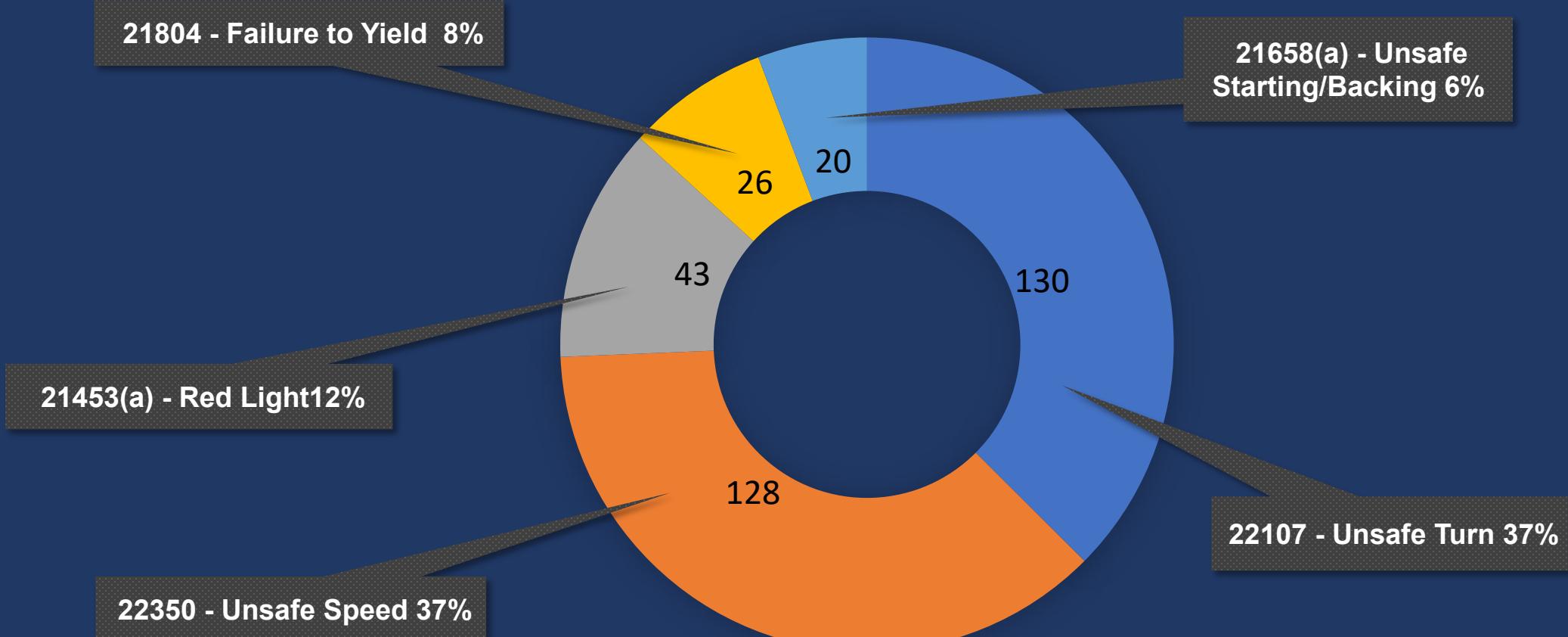


TOP COLLISION INTERSECTIONS	2021 TOTALS
GRANT LINE RD/LAMMERS RD	12
11 TH ST/CORRAL HOLLOW RD	10
GRANT LINE RD/NAGLEE RD	9
11 TH ST/TRACY BLVD	8
TRACY BLVD/CLOVER RD	8



PRIMARY COLLISION FACTORS

Top 5 Causes of Accidents



■ 22107 - Unsafe Turn
■ 21804 - Failure to Yield

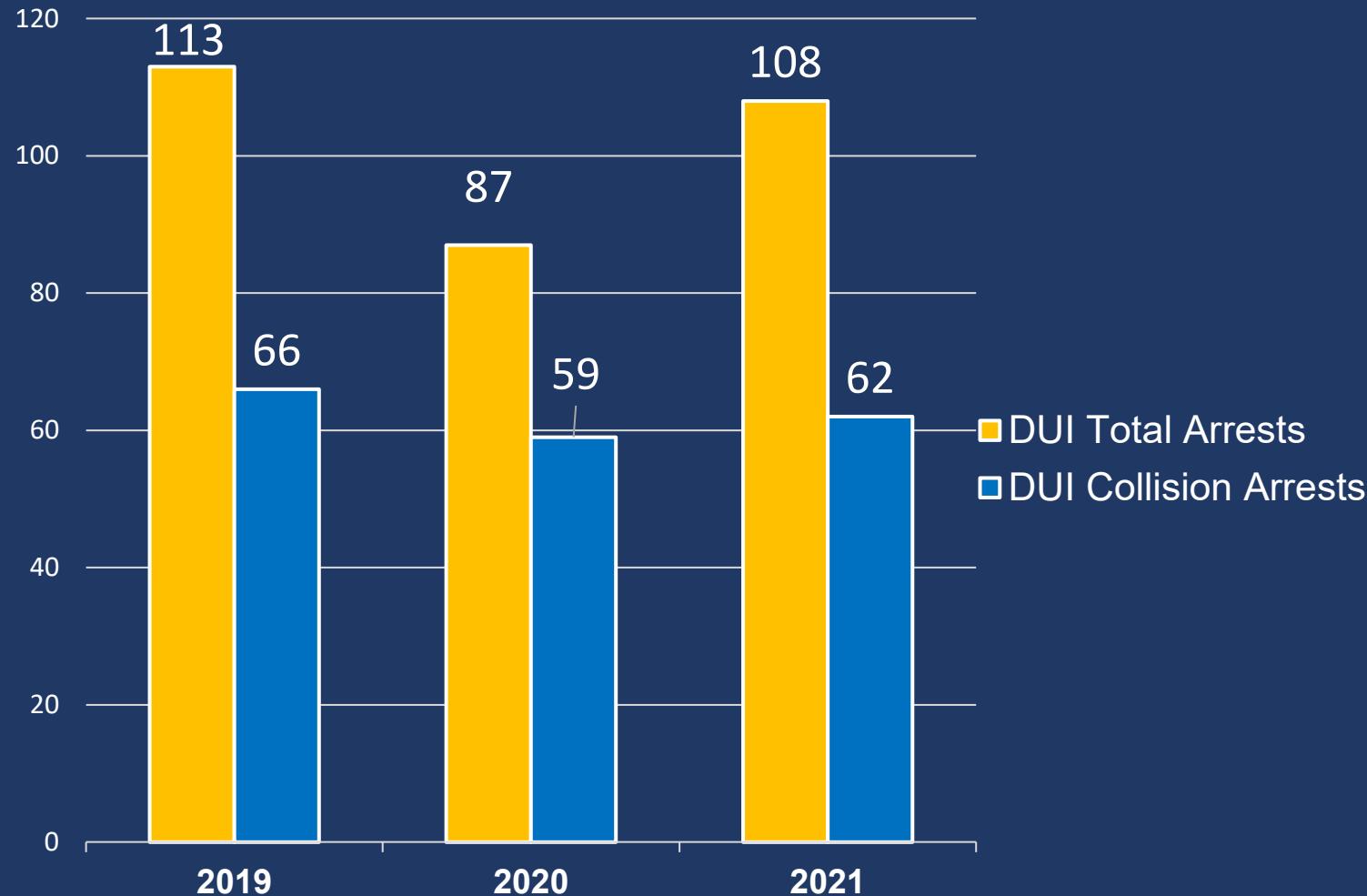
■ 22350 - Unsafe Speed
■ 21658(a) - Unsafe Starting/Backing

■ 21453(a) - Red Light



DUI ARRESTS

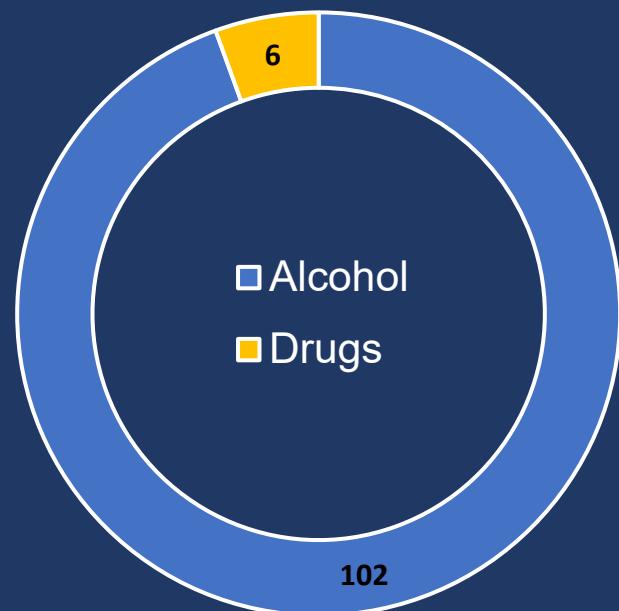
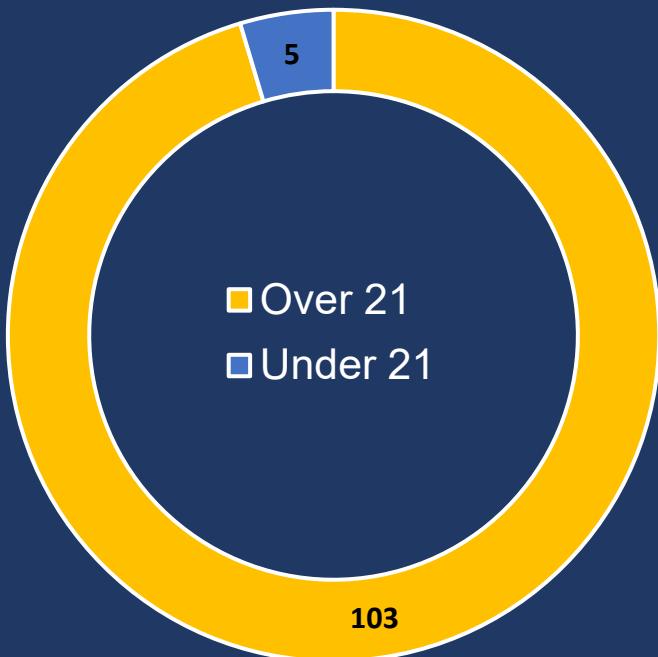
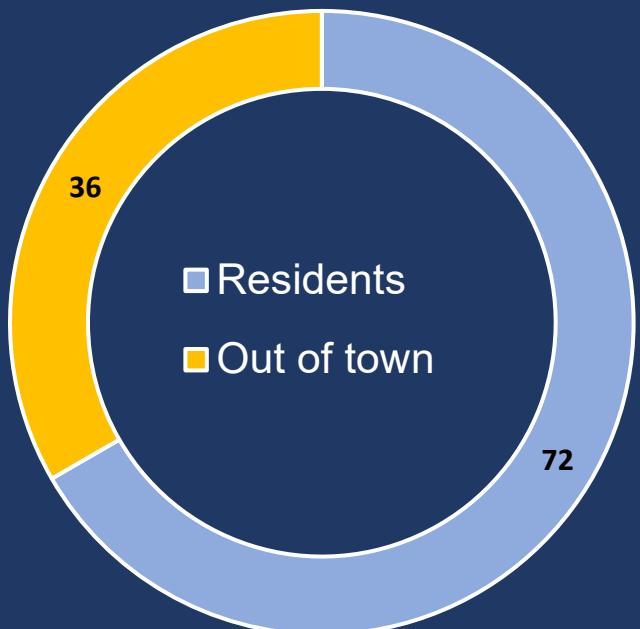
Total DUI Arrests = 108





DUI ARRESTS

Total DUI Arrests= 108

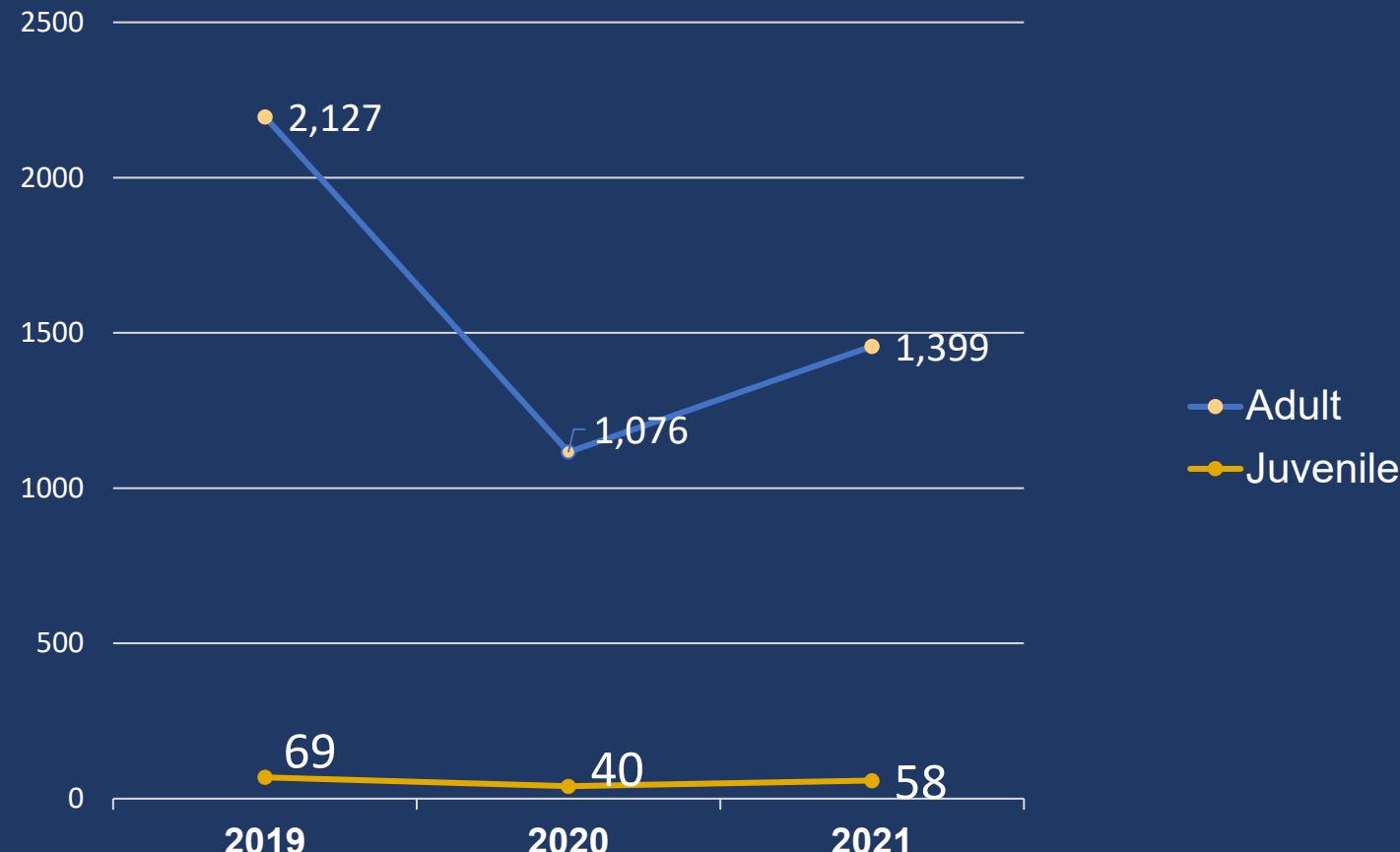




ADULT/JUVENILE ARRESTS

Total Juvenile Arrests = 58

Total Adult Arrests = 1,399

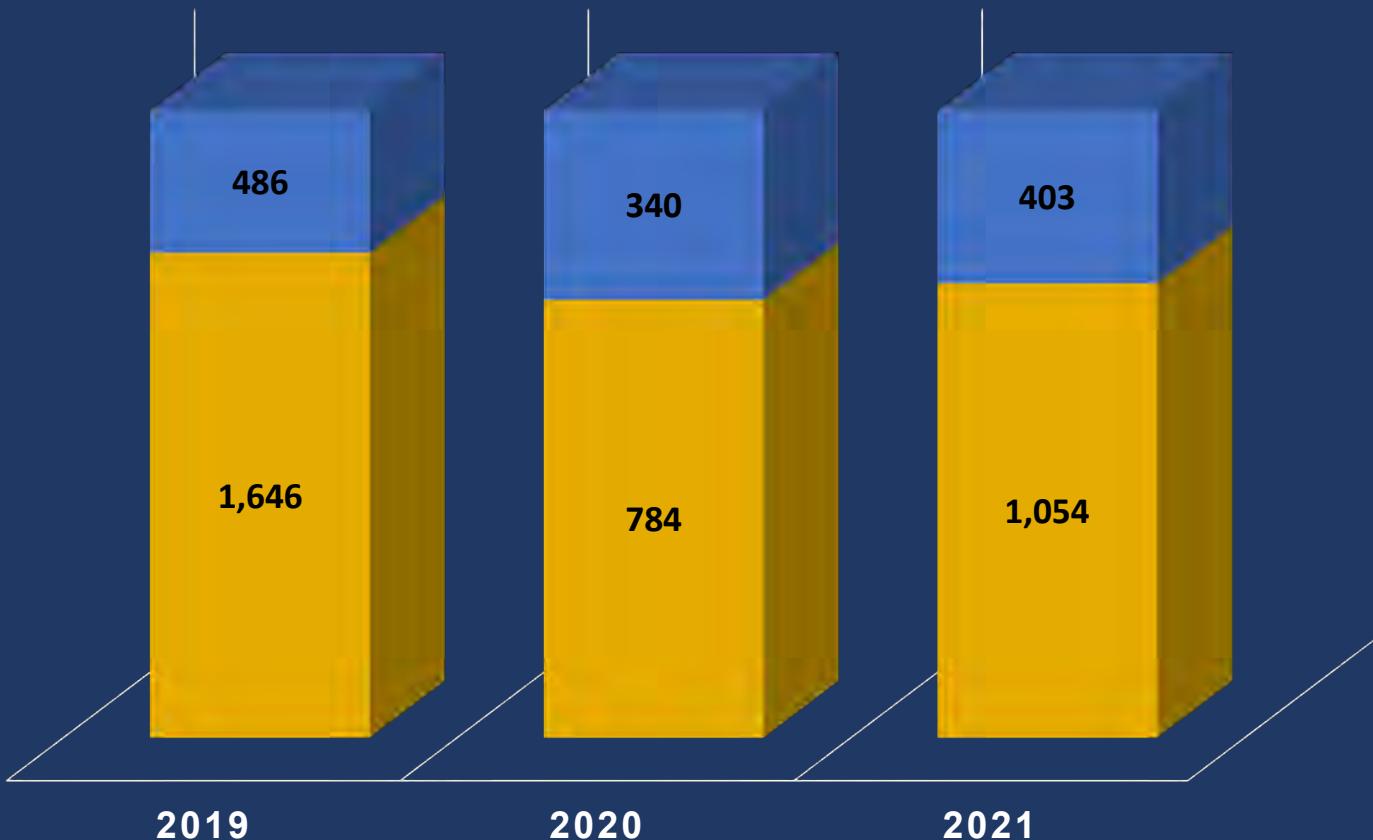




ADULT/JUVENILE ARRESTS

Total Arrests: 1,457

■ Misdemeanor ■ Felony





ANIMAL SERVICES

Totals for Cats/Dogs

Save Rates:

- National Average- 83%
- Tracy Animals Shelter- 91.9%
- 734 of 811 animals taken in were released.
- Of the animals euthanized, 16 dogs and all cats were either owner-surrender or had untreatable medical conditions.

DOGS

TYPE	ADOPTIONS	EUTHANASIA	DIED	RESCUE/TRANSFER	RETURNED TO OWNER	TOTAL
2020	152	20	2	79	227	480
2021	230	21	1	44	174	470

CATS

TYPE	ADOPTIONS	EUTHANASIA	DIED	RESCUE/TRANSFER	RETURNED TO OWNER	TOTAL
2020	127	71	2	155	7	362
2021	176	45	10	103	7	341



CODE ENFORCEMENT

2021 Accomplishments

- Performed 137 outreach efforts to the unsheltered community via Operation Helping Hands.
- Investigated approximately 160 reported encampments, not including multiple compliance checks.
- Two code enforcement officers spend approximately 50% of their workday on addressing homeless issues.
- Former Long John Silver Building.
- The Great Plate.



CODE ENFORCEMENT

Outreach and Enforcement of Homeless Locations

BEFORE



AFTER



Cases opened in 2021

3,279

Cases closed in 2021

3,631



HOMELESS CALLS FOR SERVICE

The goal of the Tracy Police Department is to reduce the negative impacts of homelessness on the community and to make homelessness brief, rare and non-reoccurring. Addressing Homelessness requires a multi-faceted approach to include community-oriented strategies which includes the following.





PERSONNEL INVESTIGATIONS

Professional Standards and Training Division

Category	Exonerated	Not Sustained	Sustained	Unfounded	Admin Closure	Pending	Total
Administrative Complaints	0	0	3	0	0	0	3
Public Complaints	0	0	0	3	0	0	3

- Total personnel Investigations: 6
- Percentage of complaints to Calls for Service: .0085%



USE OF FORCE

Professional Standards and Training Division

USE OF FORCE

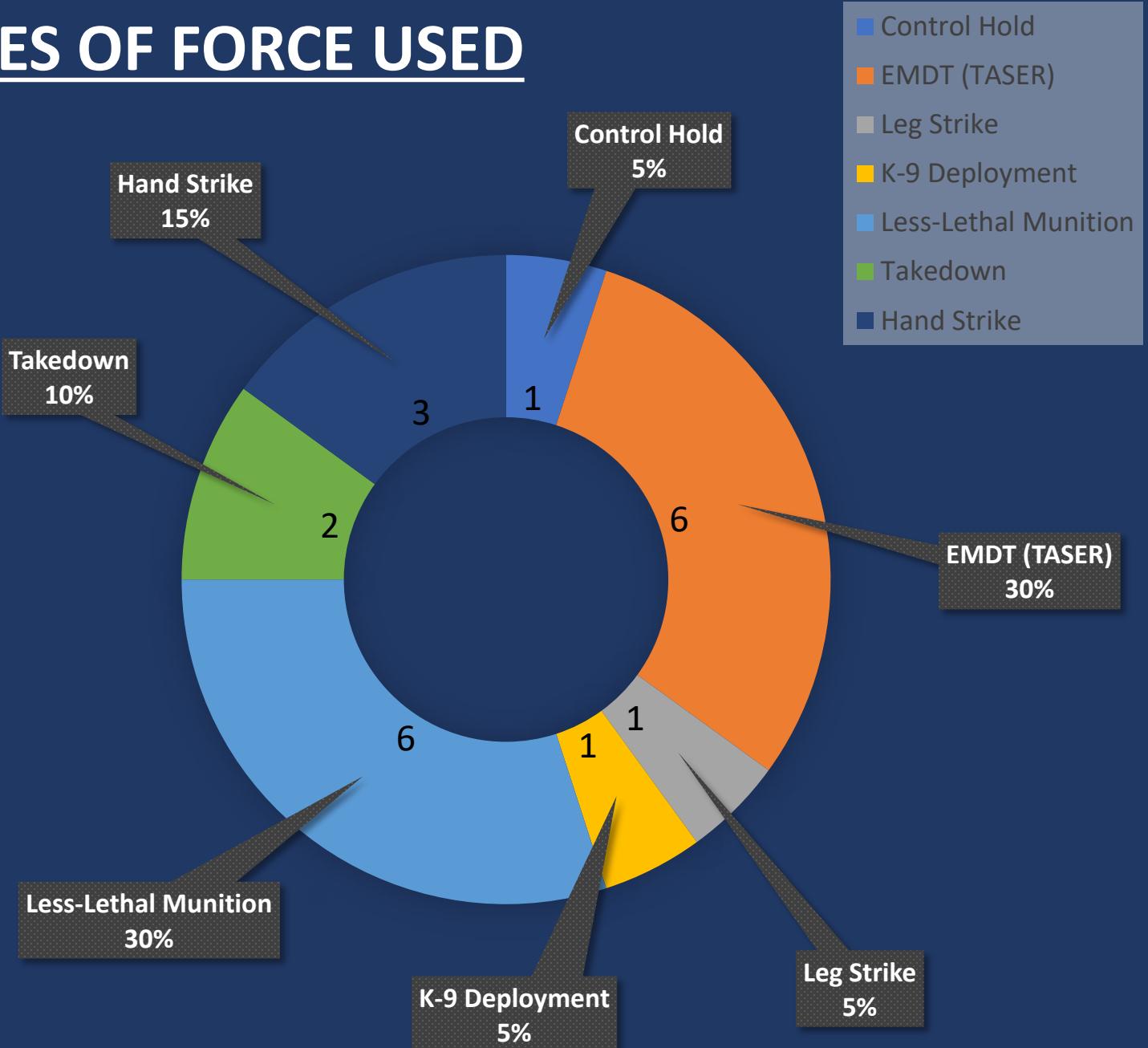
<i>Suspect Characteristics</i>		<i>Reason for Contact</i>		<i>Race/Ethnicity</i>	
Suspect Age	Incidents	Reason	Incidents	Race/Ethnicity	Incidents
0-20	1	Calls for Service	13	African-American	4
21-30	7	Self-Initiated Activity	1	Hispanic	7
31-40	4			White	1
41+	2			Other	2

- Total uses of force: 14
- Total applications of force: 24
- Total percent of force used: .0198%



TYPES OF FORCE USED

- Total uses of force: 14
- Total applications of force: 20
- Total percent of force used: .0198%





2021 TPD ACCOMPLISHMENTS

Bureau of Field Operation

- Mental Health Evaluation Team (MET)
- Unmanned Aerial System (UAS)
- Axon Fleet 3 implementation
- Less-Lethal Munition Deployment



2021 TPD ACCOMPLISHMENTS

Bureau of Investigations

- There were 247 investigations.
- Recruitment process was streamlined and improved.
- Participation in auto theft task force.
- Investigative training performed and completed.
- In 2021 there were homicides within the community quickly solved.
- Detectives were assigned to investigate 41 child abuse cases, 41 death investigation cases, 32 missing person cases and 32 violent crime cases.
- Detectives also wrote approximately 140 search/arrest warrants.
- September 2021 two home-invasions occurred and our investigations unit located the suspects in coordination with San Jose Police for surveillance and apprehension.
- Goals for the General Investigative Unit in 2022 are to continue training on new investigative techniques that is available in the Hi-Tech, violent crime and catalytic converter theft area.



2021 TPD ACCOMPLISHMENTS

Bureau of Support Services

Grants Awarded:

- Edward Byrne Justice Assistance Grant for \$13,977
- COPS Office for \$124,297
- California Department of Alcoholic Beverage Control Grant for \$20,000
- We received a \$255,000 grant through the office of Congressman Harder to support our effort to add license plate reader (LPR) cameras to the community.

Staffing Achievements:

- Hiring: Animal Services Officer (promotion)
- Animal Services Kennel Aide
- Senior Public Safety Dispatcher (promotion)
- Public Safety Dispatcher (2)
- Administrative Assistants

Projects Completed:

- Mark 43 CAD/RMS upgrade
- PMAM Alarm Permitting and False Alarm
- Encryption Department of Justice mandated Radio Encryption
- Department of Justice Sex Registrant Tiering and Petition Process.



2022 STRATEGIC INITIATIVES

- Implement Strategic and Succession Plans.
- Full implementation of Axon Fleet 3.
- Development of a sub-station in South Tracy.
- Increase patrol staffing to meet city initiatives and continued growth.
- Increase Professional Staff.
- Transition to the District Command deployment model for patrol.
- Fully integrate PAL as an official Unit of the PD.
- Have all Executive Staff and Professional Staff Supervisors complete ICS 300 & 400.
- Multipurpose Training Facility upgrade with reality-based training technology.
- Consider implementation of the Starfish GPS tracking device in Pursuits.
- Fixed LPR technology initiative at all ingress/egress points of city.
- Main PD building remodel.
- Establish second Communication Supervisor position and one additional Dispatcher position.
- Animal Shelter Phase 2

March 29, 2022

AGENDA ITEM 3.E

REQUEST

APPROVE A COMMUNITY BENEFITS AGREEMENT TEMPLATE FOR COMMERCIAL CANNABIS BUSINESSES

EXECUTIVE SUMMARY

This agenda item, with City Council approval would create a template Community Benefit Agreement for commercial cannabis businesses, and authorize the City Manager to execute said agreements.

DISCUSSION

Council adopted regulations for the establishment of cannabis businesses in 2020, including ordinances as well as application guidelines. The regulations established by Council require that community benefits be a part of a qualifying application, with various options provided for applicants for providing said benefits. These guidelines state that prior to commencing any cannabis operation, a Community Benefit Agreement or a Development Agreement must be executed between the permit holder and the City to ensure the completion of the community benefit.

A template Community Benefit Agreement has been drafted (Exhibit 1 to Attachment A) for Council approval. Approval of such a template, with the authority for the City Manager to execute the agreements will allow for the processing of these agreements to occur quickly so as not to delay any potential cannabis applicants from commencing business in a timely manner once all their other permits are in place.

STRATEGIC PLAN

This agenda item is a routine operational item and is not related to the City Council's Strategic Plans.

FISCAL IMPACT

The approval of the template agreement itself will have no fiscal impact on the City. The cannabis businesses themselves are expected to produce revenue for the City as previously discussed during the establishment of cannabis regulations.

RECOMMENDATION

Staff recommends that the City Council approve the template Community Benefit Agreement, and authorize the City Manager to execute the agreements.

Agenda Item 3.E
March 29, 2022
Page 2

Prepared by: Victoria Lombardo, Senior Planner

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

Approved by: Michael Rogers, City Manager

ATTACHMENTS

Attachment A - Template for Community Benefits Agreement for commercial cannabis businesses

**CITY OF TRACY COMMERCIAL CANNABIS
COMMUNITY BENEFITS AGREEMENT**

This Community Benefits Agreement (“Agreement”) is made and entered into as of _____ (the “Effective Date”) between the **CITY OF TRACY**, a California municipal corporation (“City”), and **[Applicant]**, a California **[Insert business type]** (“Permittee”). City and Permittee are hereinafter collectively referred to as the “Parties,” and singularly as “Party.”

RECITALS

WHEREAS, Tracy Municipal Code (“TMC”) Chapter 6.36, Commercial Cannabis Activity, establishes regulations for commercial cannabis activity in the City of Tracy; and

WHEREAS, the City Council has previously adopted Cannabis Business Permit Application Procedures and Guidelines (the “Regulations”), which were most recently amended by Resolution _____; and

WHEREAS, pursuant to the Regulations, the City accepted applications from entities interested in obtaining a cannabis businesses permits; and

WHEREAS, as part of the application process, Permittee submitted a community benefits proposal that described and quantified the community benefits that would be offered by the Permittee and how such benefits facilitated or better furthered one or more of the City Council’s adopted strategic priorities (the “Community Benefits Proposal”); and

WHEREAS, the Permittee had the sole authority and discretion to determine what to include in its Community Benefits Proposal, and the City made no changes or adjustments to the Permittee’s submitted Community Benefits Proposal; and

WHEREAS, pursuant to TMC Section 6.36.060, on **[Insert date]**, the City’s Chief of Police awarded a Commercial Cannabis Permit (“Permit”) to Permittee, to operate a **[Insert cannabis business type/description]** (“Business”) which will be located at **[Insert business address]**; and

WHEREAS, prior to commencing operations of the Business, the Regulations require the Permittee to enter into a community benefits agreement ensuring completion of the Business’ community benefits; and

WHEREAS, at Permittee’s sole election, the Permittee is required to provide either: 1) the community benefits originally identified in the Community Benefits Proposal, 2) the community benefits contained in a new community benefit proposal prepared by the Permittee, or 3) a financial contribution based on an established formula in the Regulations (the “Alternative Financial Contribution”); and

WHEREAS, Permittee is not required to provide the Alternative Financial Contribution, and Permittee has the absolute right to instead provide the community benefits voluntarily identified in its original Community Benefits Proposal; and

WHEREAS, Permittee has elected to provide the [the Alternative Financial Contribution/the community benefits identified in its Community Benefits Proposal]; and

WHEREAS, the Permittee and City desire to enter into this Agreement in order to memorialize the terms of the Permittee's community benefit obligations; and

WHEREAS, the Parties acknowledge that this Agreement is not a statutory development agreement authorized by Government Code section 65864 and that this Agreement confers no entitlement or vested rights of any kind to Permittee to operate a cannabis business.

AGREEMENT

NOW, THEREFORE, in consideration of the covenants and obligations set forth herein, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Incorporation of Recitals.

The recitals and defined terms set forth above are hereby incorporated into this Agreement.

2. Description of Business.

Permittee has been awarded a Commercial Cannabis Permit dated [] to operate the Business at [Insert business address]. The Business consists of a [insert a description of the Business].

3. Effective Date and Term.

This Agreement shall commence on the Effective Date and remain in effect until the expiration, termination, or revocation of Permittee's Commercial Cannabis Permit, unless sooner terminated as provided for herein.

4. Fees and Community Benefit.

[choose the appropriate Section 4.1]

4.1 Community Benefits. Permittee agrees to provide all of the community benefits contained in its Community Benefits Proposal, a copy of which is attached hereto as Exhibit A and incorporated herein by reference. Permittee shall not change any term or proposal contained in the Community Benefits Proposal without the prior written consent of the City, which the City may withhold or grant at its sole discretion.

4.1 Community Benefits. Permittee agrees to provide a financial contribution to the City equal to one and one-half percent (1.5%) of the gross receipts of the Business to be used to further the Council's strategic priorities (the "Alternative Financial Contribution"). The amount of the Alternative Financial Contribution shall be decreased by one-quarter of one percent (0.25%) for every additional cannabis business of similar type over four (4) that commences regular legal operations in the City of Tracy. However, in no case shall the Alternative Financial Contribution be less than three-quarters of one percent (0.75%) of the Permittee's gross receipts.

For the purposes of this Section, the number of permits shall be established on the first day of every fiscal quarter. Permittee shall submit this Alternative Financial Contribution to the City's Finance Director by the last business day of each subsequent quarter during the Term of this Agreement.

4.2 Reporting of Gross Receipts. No later than the last business day of each subsequent quarter during the Term of this Agreement, Permittee shall deliver to City a report showing the Business's gross receipts from operations for the immediate prior quarter, and a cumulative total of all amounts of gross receipts received by the Business for the calendar year ("Quarterly Report"). [The Quarterly Report shall include any other information necessary for the City to confirm Permittee's compliance with its Community Benefits Proposal. For example, if the Community Benefits Proposal states the Business will provide a minimum number of annual volunteer hours, each Quarterly Report should contain a description of the number of volunteer hours provided and location of volunteer activities.]

4.3 Statements of Receipts. Permittee shall keep complete, accurate, and appropriate books and records of all receipts from the Business's operations in accordance with generally accepted accounting principles ("Books and Records"). Books and Records shall include any other documents, records, or reports necessary to establish the Permittee's compliance with Section 4.1. Books and Records, as well as all other relevant documents as City reasonably requires, shall, upon reasonable written notice, be open for inspection by City, its auditors, or other authorized representatives. If at any time during the Agreement, such Books and Records are deemed inadequate in the reasonable judgment of City, Permittee shall, upon the written notice of City, be given a one quarter period (three months) to cure such inadequacies. If, in the reasonable judgment of the City, Permittee has not cured the Books and Records inadequacies, City shall consider Permittee to be in default of this Agreement, and may choose to terminate this Agreement.

4.4 Audit of Receipts. City shall have the right to audit and examine Permittee's Books and Records, and other relevant documents and items in Permittee's possession, but only to the extent necessary for a proper determination of gross receipts from operations. Upon written request by City, Permittee shall make all such records available to the City within thirty (30) days of City's request.

4.5 Retention of Receipts. Permittee shall preserve Audit Items in the City for a period of at least five (5) years.

4.6 Additional Payments Revenue Mechanisms. The Parties agree and acknowledge that the provision of community benefits by Permittee pursuant to Section 4.1 of this Agreement shall be in addition to any payments, taxes, charges, or fees the Permittee is legally required to make as a resulting of operating the Business, whether imposed by the City or other governmental agency.

5. **No Vested Rights.**

The Parties acknowledge and agree that this Agreement is not a statutory development agreement authorized by Government Code section 65864. This this Agreement confers no entitlement or vested rights of any kind to Permittee to operate the Business, or engage in any commercial cannabis activity.

6. **Voluntary Agreement.**

[Choose applicable section]

The Permittee acknowledges and agrees that it freely and voluntarily elected to provide the Alternative Financial Contribution rather than provide the community benefits contained in its Community Benefit Proposal. Each of the Parties has had an equal opportunity to participate in the negotiating and drafting of this Agreement, and to review the Agreement with legal counsel; therefore, any construction as against the drafting party shall not apply to this Agreement.

or

The Permittee acknowledges and agrees that it has the sole authority and discretion to determine what to include in its Community Benefits Proposal, and the City made no changes or adjustments to the Permittee's submitted Community Benefits Proposal. Each of the Parties has had an equal opportunity to participate in the negotiating and drafting of this Agreement, and to review the Agreement with legal counsel; therefore, any construction as against the drafting party shall not apply to this Agreement.

7. **Defaults.**

Notwithstanding other provisions of this Agreement, any failure by either Party to perform any term or provision of this Agreement, which failure continues uncured for a period of thirty (30) days following written notice of such failure from the other Party ("the Complaining Party") (unless such period is extended by mutual written consent), shall constitute a default under this Agreement. The Complaining Party's notice ("Default Notice") shall specify the nature of the alleged failure, and may specify the manner in which the failure satisfactorily may be cured by the other Party ("the Defaulting Party"). If the nature of the alleged failure is such, that it cannot reasonably be cured within such thirty (30) day period, then no default shall be deemed to have occurred if: (a) the cure shall be commenced at the earliest practicable date following receipt of the Default Notice; (b) the cure is diligently prosecuted to completion at all times thereafter; (c) at the earliest practicable date (if no event later than thirty (30) days after the Defaulting Party's receipt of the Default Notice), the Defaulting Party provides written notice to the Complaining Party that the cure cannot practicably be completed within such thirty (30) day period; and (d) the cure is completed at the earliest practicable date.

Upon the occurrence of a default under this Agreement, the Complaining Party may, in addition to any and all other rights or remedies of the Complaining Party hereunder and/or provided by law, shall have the right to: i) terminate this Agreement, or ii) commence an action against the Defaulting Party for damages, injunction and/or specific performance.

No remedy specified in this Section shall be considered exclusive of any other remedy, but the same shall be cumulative and shall be in addition to every other remedy provided hereunder or now or hereafter existing at law or in equity or by statute, and every power and remedy provided by this Agreement may be exercised from time to time and as often as occasion may arise or as may be deemed expedient, subject to any limitations set forth herein.

8. **Indemnity.**

Permittee shall indemnify, defend, and hold harmless to the fullest extent permitted by law, City and its officers, officials, employees, consultants, attorneys, and volunteers (“Indemnitees”) from and against any and all claims, liability, loss, damage, expense, costs (including without limitation costs and fees of litigation) of every nature arising out of or in connection with the Business, this Agreement, or the Business’s property (including any challenge to the validity of any provision of this Agreement or the Permit approvals, or Permittee’s failure to comply with any of its obligations under this Agreement, or Permittee’s failure to comply with any current or prospective law); provided; however, that Permittee shall have no obligations under this Section for such loss or damage which was caused by the sole negligence or willful misconduct of the Indemnitees. This indemnification obligation shall survive this Agreement and shall not be limited by any insurance policy, whether required by this Agreement or otherwise.

9. **Waiver & Hold Harmless**

Permittee waives, releases, and holds harmless the City and its officers, officials, employees, and agents from any and all actual and alleged claims, losses, damages, injuries, liabilities, costs (including attorneys’ fees), suits, or other expenses which arise out of, or which are in any way relate to this Agreement, including the enforcement of any term or condition stated herein, the issuance of the Permit, or the operation of the Business. Permittee hereby voluntarily and unconditionally waives any rights it may have to challenge this Agreement or any term contained herein.

10. **Termination.**

10.1 By Mutual Consent. This Agreement may be terminated in whole or in part by the mutual written consent of all the Parties.

10.2 Failure to Obtain or Maintain Required State or Local Licenses. If Permittee fails to obtain or maintain in effect all State and City licenses required for the Business, City may immediately terminate this Agreement.

10.3 State or Federal Action. In the event that State law permitting the use for which the Commercial Cannabis Permit was issued is amended or repealed resulting in the prohibition of such use, either Party may terminate this Agreement.

10.4 Surrender or Revocation of Commercial Cannabis Permit. If Permittee voluntarily surrenders their Permit, or if Permittee’s Permit is revoked by City, Permittee shall

immediately cease all operations at the Business, and this Agreement shall terminate automatically, without further action required by either Party.

10.5 Effect of Termination of Agreement on Commercial Cannabis Permit.

Permittee agrees that termination of this Agreement in accordance with this Section, shall also result in the automatic termination of the Permittee's Commercial Cannabis Permit. Upon termination of this Agreement, Permittee shall remit all payments or community benefits due as of the effective date of the termination.

11. Miscellaneous

11.1 Applicable Laws. Permittee shall at all times comply fully with all current and future laws applicable to the operation of the Business, including but not limited to the Regulations and TMC Chapter 6.36, as well as all State and City licenses and permits required for the Business's operations.

11.2 Assignment. Permittee may not transfer or assign its interests under this Agreement, in whole or in part, without the prior written consent of the City, which may be withheld for any reason.

11.3 Notices. All notices required by this Agreement shall be in writing and personally delivered or sent by certified mail, postage prepaid, return receipt requested to the following addresses:

Notice to City shall be addressed as follows:

City of Tracy
Attn: [Address]
333 Civic Center Drive
Tracy, CA 95376

Notice to Permittee shall be addressed as follows:
[Insert Permittee's address]

11.4 Severability. If any term, condition, or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this Agreement shall not be affected, and the remaining provisions of the Agreement shall be read and construed without the invalid, void, or unenforceable provision(s).

11.5 No Implied Waiver of Breach. The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.

11.6 No Third Party Beneficiaries. The Parties do not intend to create, and nothing in this Agreement shall be construed to create any benefit or right in any third party.

11.7 Governing Law and Forum. This Agreement shall be construed in accordance with the laws and judicial decisions of the State of California, and venue or any legal or equitable action shall be in the state or federal courts of County of San Joaquin.

11.8 No Agency, Joint Venture, or Partnership. City and Permittee hereby renounce the existence of any form of agency relationship, joint venture, or partnership between City and Permittee, and agree that nothing contained herein or in any document executed in connection herewith shall be construed as creating any such relationship between City and Permittee.

11.9 Entire Agreement. The provisions of this Agreement comprise all of the terms, conditions, agreements and representations of the Parties. This Agreement may not be altered or amended, and no provision hereof may be waived, except by written agreement executed by the authorized representatives of the Parties. The Parties hereby agree that terms of this Agreement have not been changed, modified, or expanded by any oral agreements or representations entered into or made prior to or at the execution of this Agreement.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the dates set forth below.

**CITY OF TRACY,
a municipal corporation**

[Insert Business Name], a [Insert business type (LLC, Corp. etc.)]

By: _____

By: _____

Dated: _____

Name: _____

Its: _____

Dated: _____

Attest:

City Clerk

Approved as to form:

City Attorney

EXHIBIT A
COMMUNITY BENEFITS PROPOSAL
[If Applicable]

5052221.2

RESOLUTION 2022-_____

APPROVING TEMPLATE FOR COMMUNITY BENEFITS AGREEMENT FOR
CANNABIS BUSINESSES

WHEREAS, In 2019, Council adopted Tracy Municipal Code regulations and application guidelines, since amended in 2020 and 2021, for the establishment of commercial cannabis businesses, and

WHEREAS, For all cannabis businesses, options were established for the required provision of community benefits, with the applicants to decide how to provide their community benefits, and

WHEREAS, A requirement of all Cannabis Business Permits is that cannabis business owners enter into either a Development Agreement or Community Benefits Agreement to establish the requisite community benefits prior to commencing their cannabis business operations, and

WHEREAS, On March 29, 2022, City Council reviewed a template agreement (Exhibit 1) for the provision of community benefits related to Cannabis Business Permits;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Tracy hereby approves the template for Community Benefits Agreements for Cannabis Businesses, as indicated in Exhibit 1 to this Resolution, and authorizes the City Manager to execute the agreements.

The foregoing Resolution 2022-_____ was adopted by the Tracy City Council on the 29th day of March 2022, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK